REPORT TO COUNCIL
City of Sacramento

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915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

PUBLIC HEARING
July 17, 2007

Honorable Mayor and
Members of the City Council

Title: Code Enforcement Case Fees and Penalties – Findings of Fact for Special Assessment Liens

Location/Council District: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt a **Resolution** placing liens on the properties in the amount of $16,958.65 for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

Contact: Dennis Kubo, Program Manager, 808-8577

Presenters: n/a

Department: Code Enforcement

Organization No: 4651

Description/Analysis

Issue: Collection of delinquent fees and penalties are brought before the City Council to secure the debt by placing liens on the properties for which the fees and penalties were imposed pursuant to Chapter 8.04 of the Sacramento City Code.

Policy Considerations: Conducting the lien hearing is in accordance with Sacramento City Code Chapter 8.04. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner for the stated violation. Each owner was afforded the additional opportunity to protest the imposition of the fees and penalties at a special assessment delinquency lien hearing.

Code Enforcement activities, including the related lien process, are consistent with policies associated with the City's goal to enhance and preserve the neighborhoods

Environmental Considerations: The proposed resolution will not have any adverse environmental impact.

Commission/Committee Action: None

Rationale for Recommendation: Adopting this Resolution will enable the City to collect unpaid fees and penalties by placing special assessments upon properties, allowing the fees and penalties to be collected through County property tax collections.

Financial Considerations: Lien accruals will be made through County tax collections. The City will also receive partial reimbursement from monies collected by the County based on the "Teeter" legislation agreement with the County. Any money generated from these liens would be included in the approved budget.

Emerging Small Business Development (ESBD): Not Applicable

Respectfully Submitted by: _____
for Max B. Fernandez
Director, Code Enforcement Department

Recommendation Approved:

_____
for Ray Kerridge
City Manager

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Attachment 1

Background Information:

Prior to the assessment of fees and penalties, each property owner was issued the appropriate legal notices, as set forth in Chapter 8.04, and was afforded an opportunity to appear before an appointed third-party Hearing Examiner. Subsequent to the hearing, a "Decision of Hearing Examiner" notice was issued and mailed to the property owner. Included in this notice were findings and the specific fees and penalties. The decision of the Hearing Examiner is final, and judicial review must be conducted in the manner and time frame set forth in California Code of Civil Procedure §1094.6. Sacramento City Code, Section 8.04.430 allows the City Council to order the penalty be made both as a personal obligation and a special assessment against the property.

Each property owner listed on the attachment has received all required notices under Chapter 8.04, and has been afforded both an opportunity to appear for an administrative hearing and a special assessment hearing. Each has received a final decision notice. None of the listed owners has paid the fees and penalties.

We submit this Resolution to the City Council for declaration of a special assessment.

RESOLUTION NO. 2007-

Adopted by the Sacramento City Council

July 17, 2007

ACCEPTING THE FINDINGS OF FACT OVERRULING PROTESTS AND PLACING LIENS ON PROPERTIES FOR UNPAID ASSESSMENTS FOR CODE ENFORCEMENT CASE FEES AND PENALTIES

BACKGROUND

A. The Code Enforcement Department, in accordance with Sacramento City Code, Sections 8.04.370 through 8.04.420, did provide a hearing before the appointed third-party Hearing Examiner to consider all protests for unpaid fees and penalties, if any.

B. Notice of the time and place of hearing was given in accordance with Sacramento City Code Section 8.04.390,; and

C. The Code Enforcement Department, established by competent evidence before the Hearing Examiner that the unpaid fees and penalties had been imposed in accordance with City Code.

D. The Code Enforcement Department, established by competent evidence before the Hearing Examiner that in each case the unpaid fees and penalties are due.

E. The City Council has found the unpaid fees and penalties to be a reasonable cost.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1: The reasonable penalties in the aggregate amount not to exceed $16,958.65 for unpaid fees and penalties is the sum set forth by the appointed third-party Hearing Examiner's findings of fact of hearing held May 23, 2007. This amount may be reduced as staff determines necessary.

Section 2: As provided in Section 38773.5 of the California Government Code, the City of Sacramento is entitled to and hereby attaches special assessment liens upon the described properties upon recordation in the office of the County Recorder of the County of Sacramento.

Section 3: Such liens shall constitute a special assessment against the properties at which the services were rendered, and shall be collectible at the same time and in the same manner as secured property taxes are collected, and

shall be subject to the same penalties, priorities, and procedures in the case of delinquency.

Section 4: Such lien also constitutes a personal obligation against the owner of the property.

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Exhibit A – List of Properties to be Liened

Code Enforcement Case Fees & Penalties-Liens July 17, 2007

Exhibit A

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	007-0343-020-0000	06-004983	2809 Q St	Richard Arthur O'Neill	$925.00	NS070293	3	0206
2	014-0202-012-0000	06-025242	3412 San Carlos Wy	Refugio Diaz	$630.00	GA070011	5	0206
3	022-0065-010-0000	06-012566	4981 48th St	Downey Savings & Loan Association	$185.00	NS070267	5	0206
4	023-0184-008-0000	06-018315	7511 25th Ave	Jessie Jaramillo Sr.	$875.00	NS070233	6	0206
5	035-0162-007-0000	06-020325	6550 23rd St	Aracely & Jose C Villanueva	$3,219.65	NS070299	5	0206
6	040-0052-013-0000	06-010517	6408 Somis Wy	Dorthy Ruth Davis Etal	$185.00	NS070246	6	0206
7	225-1260-054-0000	06-017285	3906 Ginko Wy	Washington Mutual Bank	$875.00	NS070239	1	0206
8	250-0191-011-0000	C050035811	390 Silver Eagle	James & Mirella Beaver	$2,499.00	CEAP070045	2	0206
9	250-0191-011-0000	C050035811	390 Silver Eagle	James & Mirella Beaver	$4,000.00	CEAP070046	2	0206
10	250-0191-011-0000	C050035811	390 Silver Eagle	James & Mirella Beaver	$875.00	NS070261	2	0206
11	252-0023-036-0000	06-023011	3917 Presidio St	Scott Moore	$505.00	GA070010	2	0206
12	252-0112-002-0000	06-008974	3737 Jasmine St	Paul Hamilton	$2,000.00	CEAP070050	2	0206
13	262-0233-013-0000	06-010702	2506 Norbert Wy	Long Beach Mtg Trust 2006	$185.00	NS070241	1	0206
				TOTAL TO BE LIENED	$16,958.65			