



# REPORT TO COUNCIL

## City of Sacramento

# 15

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

PUBLIC HEARING  
August 14, 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 \$32,263.95 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



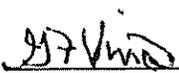
**Rationale for Recommendation:** Adopting this Resolution will enable the City to collect unpaid fees and penalties by placing special assessments upon properties, allowing the fees and penalties to be collected through County property tax collections.

**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

August 14, 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 \$32,263.95 for unpaid fees and penalties is the sum set forth by the appointed third-party Hearing Examiner's findings of fact of hearing held June 27, 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

## Exhibit A

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	004-0201-020-0000	06-019693	5040 C St	Libby Barnhardt	\$185.00	NS070301	3	0206
2	010-0314-006-0000	07-027894	3448 Y St	Yevgeny Pravdin & Galina Galant	\$775.00	NS070402	5	0206
3	014-0111-006-0000	C040023230	2750 42 <sup>nd</sup> St	John Porter/Natasha C A Leffingwell	\$475.00	NS050287	5	0206
4	020-0042-013-0000	06-013055	4040 32nd St	Eugene E & Jamie M Walls	\$875.00	NS070309	5	0206
5	020-0061-026-0000	C060005068	4009 36 <sup>th</sup> St	Lucile Blanchard 1992 Trust	\$825.00	NS060304	5	0206
6	021-0021-017-0000	06-003542	4925 15th Av	Wells Fargo Bank	\$2,000.00	CEAP070061	5	0206
7	021-0021-017-0000	06-003542	4925 15th Av	Wells Fargo Bank	\$875.00	NS070292	5	0206
8	021-0321-021-0000	06-025616	4791 63rd St	Jocelyn Nadra	\$875.00	NS070303	6	0206
9	021-0341-009-0000	06-012822	7241 20th Av	Roy F. Ridley Jr.	\$2,017.09	CEAP070025	6	0206
10	022-0021-005-0000	06-005562	4710 36th St	Ashley Mack	\$2,017.09	CEAP070028	5	0206
11	029-0331-004-0000	06-002970	6481 Lake Park Dr	David & Lucille R Maes	\$875.00	NS070295	4	0206
12	035-0141-019-0000	06-017974	2129 47th Av	Simon Jr. & Vivien W Castro	\$775.00	NS070304	5	0206
13	036-0112-020-0000	06-015097	2601 51st Av	Stefs Rucka Chucky Trust	\$1,000.00	CEAP070063	5	0206
14	040-0052-008-0000	06-001698	6407 75th St	Mario Alberto Rodriguez	\$335.00	NS070025	6	0206
15	041-0053-005-0000	G040027645	7004 Woodbine Ave	Jaid Enterprises Inc	\$55.00	GA050006	5	0206
16	048-0104-004-0000	C050047545	1990 Matson Dr	Abra A. Joyner	\$2,000.00	CEAP070052	8	0206
17	052-0094-008-0000	V040042723	7633 23 <sup>rd</sup> St	Arlyce C. Connor	\$377.00	NSV050008	8	0206
18	052-0220-090-0000	06-010758	1968 Bonavista Wy	Julio A. Gonzales	\$892.09	NS070185	8	0206
19	053-0053-013-0000	06-008903	3437 Jola Cr	Maria Guadalupe Tejada	\$285.00	NS070148	8	0206
20	118-0043-005-0000	06-015227	4751 Scarborough	Jeffrey W. Kenny	\$2,873.33	NS070296	8	0206

## Code Enforcement Case Fees &amp; Penalties-Liens

August 14, 2007

21	119-0280-071-0000	06-009148	7834 Deer Creek Dr	Renato A Mata	\$700.00	NSV070001	7	0206
22	225-0430-006-0000	06-012593	2921 Stonecreek Dr	James W. Pettit	\$185.00	NS070279	1	0206
23	226-0122-009-0000	06-016366	719 Pinedale Av	Uma C & Devi B. Ram	\$875.00	NS070315	2	0206
24	252-0310-037-0000	C050010791	1828 Los Robles Bl	Jane F S G Buchanan Revocable Trust	\$750.00	NS060086	3	0206
25	263-0142-021-0000	C050045904	2748 Oakmont St	William R Davis Jr. & Victor Delo Santos	\$1,112.16	NS070173	2	0206
26	263-0184-013-0000	06-013484	2596 Grove Av	Thomas Despanie	\$1,545.19	NS070302	2	0206
27	263-0224-006-0000	C050020810	340 Santiago Av	Jayne Brannan	\$1,000.00	CEAP070048	2	0206
28	263-0224-006-0000	C050020810	340 Santiago Av	Jayne Brannan	\$875.00	NS070263	2	0206
29	265-0081-018-0000	06-005363	1069 Acacia Av	Ray Nolan & James Donald Beaver II	\$2,400.00	CEAP070056	2	0206
30	265-0081-018-0000	06-005363	1069 Acacia Av	Ray Nolan & James Donald Beaver II	\$875.00	NS070285	2	0206
31	265-0371-004-0000	06-020504	1708 Kenwood St	Daniel & Judith Freitas	\$185.00	NS070305	3	0206
32	266-0381-019-0000	06-003362	2564 Albatross Wy	Albatross Way Trust 2564	\$500.00	CEAP070062	3	0206
33	266-0381-019-0000	06-003362	2564 Albatross Wy	Albatross Way Trust 2564	\$875.00	NS070297	3	0206
<b>TOTAL TO BE LIENED</b>					<u>\$32,263.95</u>			