



# REPORT TO COUNCIL

## City of Sacramento

17

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

PUBLIC HEARING  
**September 11, 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 **\$26,713.10** 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.

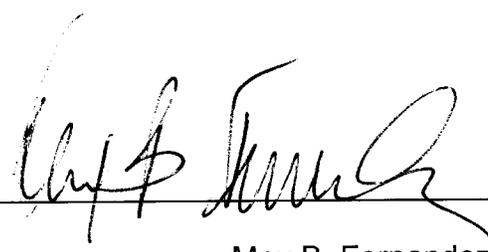
**Commission/Committee Action:** None

**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:



Max B. Fernandez  
Director, Code Enforcement Department

Recommendation Approved:



Cassander H.B. Jones  
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

September 11, 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 **\$26,713.10** for unpaid fees and penalties is the sum set forth by the appointed third-party Hearing Examiner's findings of fact of hearing held July 25, 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	CD	CTY CD	PYMT \$	PAID
1.	002-0115-013-0000	06-002393	424 12th St	Gurpreet S Khera/Gursewak S Sidhu/Nachhater Singh	\$1,500.00	CEAP070069	3	0206	0	
2.	002-0115-013-0000	06-002393	424 12th St	Gurpreet S Khera/Gursewak S Sidhu/Nachhater Singh	\$875.00	NS070324	3	0206	0	
3.	007-0244-016-0000	06-002438	1911 P St	Bernard W. Cody	\$875.00	NS070249	3	0206	0	
4.	010-0204-014-0000	06-014781	2174 34th St	IB Properties Holdings LLC	\$875.00	NS070353	5	0206	0	
5.	014-0073-072-0000	06-007774	2637 37th St	Martin L/Lorees/Matthew Rohe	\$875.00	NS070323	5	0206	0	
6.	014-0132-009-0000	06-024235	2940 39th St	Craig Swinney	\$85.00	NS070341	5	0206	0	
7.	015-0152-007-0000	C060007335	3371 62nd St	Katarina Mirjanovic	\$875.00	NS070131	6	0206	0	
8.	018-0044-012-0000	C050042280	4310 23rd St	Odessa Mathis	\$185.00	NS070350	5	0206	0	
9.	020-0052-001-0000	06-019938	3905 34th St	Joshua Barkouki	\$1,218.10	NS070314	5	0206	0	
10	021-0201-023-0000	06-023762	4515 Stockton Bl	Milton & Betty Zedolion	\$875.00	NS070318	5	0206	0	
11	022-0021-005-0000	06-005562	4710 36th St	Ashley Mack	\$1,679.00	NS070348	5	0206	0	
12	030-0690-058-0000	07-033651	430 Ashore Drive aka 6705 Riverside Blvd	Leon & Maria Tam Living Trust	\$831.00	NS070451	7	0206	0	
13	030-0723-035-0000	06-011941	15 Gondola Ct	Jane C. Clapp	\$1,000.00	CEAP070044	7	0206	0	
14	030-0723-035-0000	06-011941	15 Gondola Ct	Jane C. Clapp	\$950.00	NS070259	7	0206	0	
15	030-0723-035-0000	06-011941	15 Gondola Ct	Jane C. Clapp	\$390.00	NSV070002	7	0206	0	
16	036-0192-024-0000	Z050024879	125 Otto Cr	Gordon Chin	\$1,075.00	NS070328	5	0206	0	

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

September 11, 2007

17	036-0192-025-0000	Z050024882	121 Otto Cr	Gordon Chin	\$1,075.00	NS070327	5	0206	0	
18	038-0071-035-0000	06-006430	7725 Lemon Hill Av	Setsubo Hashigami Revocable Trust	\$2,500.00	CEAP070049	6	0206	0	
19	041-0023-018-0000	06-017700	2729 Toy Av	Lamaine D & Inga Hall	\$185.00	NS070242	5	0206	0	
20	052-0121-002-0000	06-013189	1524 Anoka Ave	Carlos E. & Gloria D. Vega	\$185.00	NS070255	8	0206	0	
21	052-0180-105-0000	06-020213	7769 Amherst St	Doug McClure	\$185.00	NS070326	8	0206	0	
22	225-0910-001-0000	C060002676	2025 El Camino Av	SI VIII LLC (Sobrato Investments III)	\$185.00	NS070319	1	0206	0	
23	250-0410-126-0000	06-020876	860 Elmridge Wy	Blanca O Luna	\$875.00	NS070338	1	0206	0	
24	251-0159-004-0000	C060002273	804 Almora Av	William & Cathleen Cramer	\$185.00	NS070210	2	0206	0	
25	262-0233-012-0000	C050038154	809 W El Camino Av	Mabel E. Washington	\$1,075.00	NS070247		0206	0	
26	263-0043-019-0000	06-018326	701 Lee Dr	David Hurley	\$875.00	NS070333	2	0206	0	
27	263-0141-046-0000	06-017412	2755 Oakmont St	Renato Hernandez	\$2,400.00	CEAP070070	2	0206	0	
28	263-0141-046-0000	06-017412	2755 Oakmont St	Renato Hernandez	\$875.00	NS070347	2	0206	0	
29	265-0021-005-0000	C050004977	1026 Arcade Bl	Laurence Walter Rideout Jr/Dorothy Corinne/Tr	\$1,075.00	NS070144	2	0206	0	
30	277-0011-008-0000	06-022024	2485 Boxwood St	Jorge Vasquez	\$875.00	NS070346	2	0206	0	

Total to be Liened

\$26,713.10