



REPORT TO COUNCIL

City of Sacramento

12

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

PUBLIC HEARING
November 20, 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 **\$54,860.16** 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: Dennis Kubo, Program Manager

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.

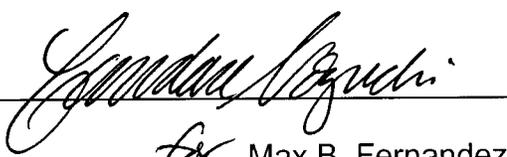
Environmental Considerations: The proposed resolution will not have any adverse environmental impact.

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:


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

November 20, 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 **\$54,860.16** for unpaid fees and penalties is the sum set forth by the appointed third-party Hearing Examiner's findings of fact of hearing held September 26, 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 and Penalties – Liens

LINE NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	CITY CD
1.	009-0131-030-0000	06-023128	2030 10th St	Ying C Jue	\$ 430.00	GA070014	4	0206
2.	011-0153-009-0000	07-026521	2117 55th St	Benjamin Ebenezer	\$ 3,541.04	NS070456	6	0206
3.	013-0301-002-0000	07-029440	3073 37th St	Imee Magarity	\$ 775.00	NS070415	5	0206
4.	013-0355-004-0000	06-021848	3830 9th Ave	Sterling Revocable Trust	\$ 85.00	NS070426	5	0206
5.	014-0132-014-0000	06-005522	2978 39th St	Enrique Salazar Jr.	\$ 9,755.70	NS070400	5	0206
6.	014-0174-001-0000	06-025494	3225 Martin Luther King Blvd	Lewis Rodrick	\$ 775.00	NS070422	5	0206
7.	014-0184-016-0000	07-027598	3224 Santa Cruz Way	Morgan Stanley Mortgage Capital Inc.	\$ 775.00	NS070443	5	0206
8.	014-0186-006-0000	C050043062	3024 San Jose Way	Bob M. Odom	\$ 2,499.00	CEAP070036	5	0206
9.	014-0186-006-0000	C050043062	3024 San Jose Way	Bob M. Odom	\$ 1,159.85	NS070209	5	0206
10.	014-0242-002-0000	06-017271	3500 San Jose Way	Argent Mortgage Co., LLC	\$ 875.00	NS070266	5	0206
11.	020-0042-014-0000	06-013057	4048 32nd St	Henry & Latoya Bradford	\$ 875.00	NS070450	5	0206
12.	020-0043-023-0000	C050028972	4017 32nd St	Lily Oseguera	\$ 780.00	NSV070008	5	0206
13.	020-0043-023-0000	C050028972	4017 32nd St	Lily Oseguera	\$ 6,050.47	NS070465	5	0206
14.	021-0132-019-0000	07-026979	4118 57th St	Timothy Sherfey	\$ 775.00	NS070379	5	0206
15.	021-0313-019-0000	06-022208	4501 61st St	Bank of New York	\$ 875.00	NS070475	6	0206
16.	021-0343-017-0000	07-029808	7221 21st Ave	Jose Luis & Ofelia N Perez	\$ 775.00	NS070468	6	0206
17.	022-0212-009-0000	07-029750	5344 48th St	Rebecca K & Dan E Linger	\$ 775.00	NS070445	5	0206
18.	023-0171-010-0000	06-017378	5230 Alcott Dr	Liela M. Fazil	\$ 875.00	NS070231	6	0206
19.	023-0251-010-0000	06-009472	6345 Fruitridge Rd	Jorge Ruiz	\$ 875.00	NS070121	6	0206
20.	025-0071-016-0000	06-009562	5610 25th St	Karen C. Devries	\$ 950.00	NS070078	5	0206
21.	025-0113-014-0000	06-003344	5733 Rickey Dr	Michael F Lee	\$ 2,000.00	CEAP070071	4	0206
22.	025-0161-008-0000	07-027081	5706 28th St	Fremont Investment/Loan	\$ 775.00	NS070438	5	0206
23.	035-0374-005-0000	07-028354	2155 Monifieth Way	Maria Olvera	\$ 775.00	NS070433	5	0206
24.	036-0123-005-0000	06-024389	2607 52nd Ave	Satprit Singh	\$ 875.00	NS070352	5	0206
25.	038-0011-072-0000	06-017468	0 Lemon Park Way	Lemon Hill Estates Homeowners Assoc.	\$ 1,553.33	NS070440	6	0206
26.	040-0052-008-0000	06-014932	6407 75th St	Mario Alberto Rodriguez	\$ 2,000.00	CEAP070084	6	0206
27.	048-0164-003-0000	06-013675	1548 69th Ave	Tony Bracy	\$ 430.00	GA070006	8	0206
28.	048-0164-003-0000	06-015926	1548 69th Ave	Tony Bracy	\$ 1,500.00	CEAP070035	8	0206
29.	049-0440-013-0000	06-010287	42 De Fer Cr	Sherman Asberry Jr.	\$ 1,014.50	NS070425	8	0206
30.	118-0033-038-0000	06-021234	7748 Quinby Way	John V/Juan R/Maria Garcia	\$ 2,000.00	CEAP070083	8	0206
31.	225-0971-001-0000	06-018001	107 River Run Cr	Joshua Gelineau/Vincent Griffin	\$ 875.00	NS070401	1	0206
32.	250-0130-006-0000	07-028600	240 South Ave	Natalya Moiseyenko	\$ 475.00	NSV070006	2	0206
33.	263-0051-033-0000	06-022960	83 Arcade Blvd	Roland Wright	\$ 875.00	NS070424	2	0206
34.	263-0142-021-0000	06-017411	2748 Oakmont Ave	William R Davis Jr & Victor Delo Santos	\$ 2,635.00	NS070455	2	0206
35.	265-0071-001-0000	06-025512	3049 Rio Linda Blvd	3049 Rio Linda Blvd Trust	\$ 2,801.27	NS070457	2	0206
				Total	\$54,860.16			