REPORT TO COUNCIL
City of Sacramento

15

915 I Street, Sacramento, CA 95814-2671
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CONSENT
January 31, 2006

Honorable Mayor and
Members of the City Council

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

Location/Council District: Citywide

Recommendation:

Adopt a Resolution placing liens on the properties for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

Contact: Ron O'Connor, Code Enforcement Manager
Presenter: Ron O'Connor
Department: Code Enforcement
Organization No: 4651

Summary:

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 Titles 8.96 and 8.100 of the Sacramento City Code.

Committee/Commission Action: None

Background Information:

Prior to the assessment of fees and penalties, each property owner was issued the appropriate legal notices, as set forth in Titles 8.96 and 8.100, and was afforded an opportunity to appear before the Housing Code Advisory and Appeals Board (HCAAB) and/or an appointed third-party examiner. Subsequent to the hearing, a "Decision of HCAAB or 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 HCAAB or 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, Chapter 8.100 Article XVI 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 Titles 8.96 and 8.100, 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.

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.

Environmental Considerations:

The proposed resolution will not have any adverse environmental impact.

Policy Considerations:

Conducting the lien hearing is in accordance with Sacramento City Code Titles 8.96 and 8.100. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner or hearing board 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.

Emerging Small Business Development (ESBD):

Not Applicable

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

Recommendation Approved:

_____
Ray Kerridge
Interim City Manager

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January 31, 2006

Subject: Code Enforcement Case Fees and Penalties -- Findings of Fact for Special Assessment Liens

RESOLUTION NO.

Adopted by the Sacramento City Council

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, Chapter 8.96.320 and 8.04.110 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, Chapter 8.96.320 and 8.04.110; 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:

1. The reasonable penalties in the aggregate amount not to exceed $20,618.38 unpaid fees and penalties is the sum set forth on Exhibit A incorporated into this Resolution. This amount may be reduced as staff determines necessary.

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.

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.

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

5. The City Clerk shall transmit a certified copy of this Resolution to the Sacramento County Auditor/Controller.

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Exhibit A: Case Fees & Penalties (1 page)

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	007-0023-018-0000	C040004810	2215 I St	Paul F. Minor	$1,050.00	NS050334	3	0206
2	008-0141-017-0000	C040012025	1045 40th St	Barbara L. Campbell	$1,502.02	NS060025	3	0206
3	009-0235-007-0000	C050013928	511 Broadway	Jayantibhai K & Nutan Patel	$875.00	NS060034	4	0206
4	019-0161-048-0000	C050017063	3121 26th Ave	3 Star Props LLC	$875.00	NS060030	5	0206
5	020-0131-018-0000	C050017275	4132 37th St	Jalal Mahammed A Trust/Jalal Razia N Trust	$875.00	NS060031	5	0206
6	021-0334-014-0000	C050011587	4601 69th St	Nicholas William Pontliana III	$950.00	NS050338	6	0206
7	025-0092-005-0000	C050010358	3020 32nd Av	Chue & Vang Koua Xiong	$950.00	NS060013	5	0206
8	027-0051-009-0000	E040040696	5720 71st St	Maria Spangenburg	$950.00	NS060001	6	0206
9	038-0202-003-0000	C050004888	6333 Elder Creek Rd	Aurelia G. Valle	$400.00	NS050315	6	0206
10	047-0191-011-0000	C050019454	7356 Willowwick Wy	Lang V. Tran	$260.00	NS050335	8	0206
11	049-0163-006-0000	C050017142	7335 Springman	Borowski Family	$266.36	NS050314	8	0206
12	049-0480-063-0000	C050017772	3795 G Parkway	Moses & Anna Burton	$875.00	NS060036	8	0206
13	053-0122-004-0000	C050019426	2578 Cheryl Way	Jagendar & Premila Singh	$260.00	NS060007	8	0206
14	053-0153-012-0000	C050014563	7868 Deerhaven Wy	Daniel Jr & Deborah I Gibson	$260.00	NS050325	7	0206
15	118-0203-002-0000	C050009629	7723 Canova Wy	Raul Espinoza	$950.00	NS060015	8	0206
16	118-0270-032-0000	V050010072	5990 Saddleback Wy	Asuncion, Sacramento, and Dora Silva	$950.00	NS050300	8	0206
17	237-0152-005-0000	C040019726	4371 Marysville Bl	Patrick D. O'Leary	$2,125.00	NS050307	2	0206
18	237-0312-005-0000	C050011399	1409 North Av	Jyles D Walker	$185.00	NS060038	2	0206
19	251-0031-001-0000	C040012872	3944 Dry Creek Rd	Gewon Richards	$3,950.00	NS060019	2	0206
20	263-0021-006-0000	C050006110	471 Arcade Bl	James G & Yolanda A Villalobos	$875.00	NS060032	2	0206
21	263-0103-008-0000	C050022220	662 Alamos Av	Gary A & Carol A Magee	$185.00	NS060033	2	0206
22	007-0023-018-0000	C040004810	2215 I St	Paul F. Minor	$1,050.00	NS050334	3	0206

TOTAL TO BE LIENED: $20,618.38