



11.3

DEPARTMENT OF
FINANCE

REVENUE DIVISION

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 114
730 I STREET
SACRAMENTO, CA
95814-2696

July 13, 2004
RA04042:BW:ljc

REVENUE
ADMINISTRATION
916-808-5724

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: DELINQUENT CHARGES - SPECIAL ASSESSMENT LIENS UPON THE PROPERTIES TO WHICH THE COSTS ARE RELATED

LOCATION AND COUNCIL DISTRICT: City-wide

STAFF RECOMMENDATION

It is recommended the City Council:

1. Open a public hearing to confirm, reject or modify the delinquency lien hearing reports.
2. Close the public hearing, confirm the unpaid costs and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties as follows:
 - a. Adopt the attached resolution placing liens on the properties for unpaid **Utility Services** charges; and,
 - b. Adopt the attached resolution placing liens on the properties for unpaid costs of **Sidewalk Repairs** performed; and,
 - c. Adopt the attached resolution placing liens on the properties for unpaid **Weed Abatement**.

CONTACT PERSONS: Brad Wasson, Revenue Manager, 808-5724
Bill Spencer, Operations & Program Analyst, 808-7827
Dolores Arts, Sr. Customer Service Rep, 808-2662
Vernita Bradley, Revenue Supervisor, 808-5833

/

City Council
**DELINQUENT CHARGES - SPECIAL ASSESSMENT LIENS UPON THE
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FOR COUNCIL MEETING OF

July 27, 2004

SUMMARY

This report provides the City Council with staff recommendations for protests received regarding property liens for unpaid costs related to properties. For the three types of unpaid costs listed above, an individual notice describing the protest hearing process was provided to each affected property owner. This public hearing is for City Council to confirm special assessment liens against the properties.

COMMITTEE/COMMISSION ACTION

None required.

BACKGROUND INFORMATION

On May 7, 1996 City Council enacted changes to City Code related to special assessments for unpaid utility services charges and unpaid sidewalk repair fees. Ordinance No. 96-020, amending City Code Title 13, Title 12, Chapter 8.04 and Chapter 8.96 enacted an administrative appeal process for all property owner protests to special assessment liens against the properties for unpaid costs.

All property owners were noticed of the unpaid and/or delinquent costs, provided an opportunity to resolve the issue with City staff, and were provided an opportunity for a hearing before a Delinquency Lien Hearing Officer if they so requested. Attachment 1 is a summary listing, by type, of the number and total amount of unpaid costs, the number of protests received, and the number of hearings held before the Delinquency Lien Hearing Officer.

Attachments 2, 3 and 4 are listings, by type, of each protest received and the final disposition of each protest. The findings of the Delinquency Lien Hearing Officer for each hearing held are included.

FINANCIAL CONSIDERATIONS

The Delinquency Lien Hearing Officer was paid \$50 an hour. There were 9 hearings held that required 9 hours for a total cost of \$450.00.

City staff time was required for scheduling the hearings, the notices to property owners, and the final noticing for hearings held. All the costs are included in the Revenue Division budget and no additional funding is requested or required.

ENVIRONMENTAL CONSIDERATIONS

Pursuant to Section 15378 (b) (3), this is not a project under the California Environmental Quality Act (CEQA).

POLICY CONSIDERATIONS

The adoption of Ordinance No. 96-020 met City Council's request for a less time consuming or more efficient method for hearing protests to delinquent charges special assessment liens. The changes to City Code have established an administrative appeal process that provides an opportunity for a hearing before an independent hearing officer. That administrative appeal process has been utilized for the special assessments resolutions submitted. The results of the administrative appeal process and the findings of the hearing officer are presented to City Council as part of the process for confirmation of the special assessments.

State law requires the City Council to confirm the special assessments after a public hearing, so there is still opportunity for the property owner to address City Council. Should any property owner object to the special assessment, the public hearing shall be limited to the issue of whether the hearing before the delinquency lien hearing officer was conducted in accordance with applicable City ordinances. City Council does not have any legal obligation to hear the objections of any property owner who did not request a hearing and thus waived his/her right to a hearing.

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ESBD CONSIDERATIONS


There is no requirement for purchase of goods or services associated this item.

Respectfully submitted,



Brad Wasson
Revenue Manager

RECOMMENDATION APPROVED:



Robert P. Thomas, City Manager

Attachments

City Council

**DELINQUENT CHARGES - SPECIAL ASSESSMENT LIENS UPON THE
PROPERTIES TO WHICH THE COSTS ARE RELATED**

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CITY OF SACRAMENTO
 FY2003/2004 ANNUAL SPECIAL ASSESSMENT AND LIENS

Unpaid costs for:	No. of Lien Notices Mailed	Total Amt Due All Notices	No. of Protests Received	No. of Protests to Pymnt Plans	No. of Protests Waived	No. of Protests Amounts Decreased	No. of Hearings Held	Total Liens
Utility Services Charges	6,359	\$5,561,599.91	27	-0-	9	-0-	2	\$4,956,920.36
Weed Abatement	489	\$86,113.25	54	-0-	15	2	3	\$68,890.80
Sidewalk Repairs	71	\$98,935.88	7	-0-	-0-	1	4	60,448.33

DELINQUENT UTILITY SERVICES PROTESTS

Name	Address	Parcel Number	Amount	Council District	Findings	Hearing Status
Cook, Robert	1100 2nd St.	006-0072-034-0000	\$1,372.65	1	Fees found due	Hearing requested; fees found due
Cook, Robert	122 I St.	006-0012-036-0000	\$1,037.53	1	Fees found due	Hearing requested; fees found due
Cook, Robert	900 2nd St.	006-0012-037-0000	\$4,602.29	1	Fees found due	Hearing requested; fees found due
Cook, Robert	900 2nd St.	006-0012-037-0000	\$3,593.00	1	Fees found due	Hearing requested; fees found due
Bello, Iyabo	890 Edgewood Ave.	265-0201-053-0000	\$430.79	2	Fees found due	No hearing requested
Collins, Robert	51 Fairbanks Ave.	250-0305-007-0000		2	Removed from lien list	No hearing requested
Cook, Emma	60 Ford Rd.	250-0174-004-0000		2	Removed from lien list	No hearing requested
Ellington, Cynthia	166 Estes Wy	237-0365-012-0000	\$447.27	2	Fees found due	No hearing requested
Heidelberg, Addie	5081 Emerald Brock Wy	226-0180-035-0000	\$1,046.30	2	Fees found due	No hearing requested
Littlefield, Leslie	3493 Taylor St.	250-0200-015-0000	\$1,046.20	2	Fees found due	No hearing requested
McMillon, Anita	702 Tailwind Dr.	237-0500-049-0000	\$1,170.89	2	Fees found due	No hearing requested
Moore, Pauline	249 Arcade Blvd	263-0061-015-0000	\$856.38	2	Fees found due	No hearing requested
Rodriguez, Susana	3940 Fig St.	251-0043-024-0000		2	Removed from lien list	No hearing requested
Glazer, Gerald	2600 H St.	007-0035-003-0000		3	Removed from lien list	No hearing requested
Horan Investment Co	1812 Iris Ave.	266-0242-007-0000		3	Removed from lien list	No hearing requested
Martinez, Kathleen	3962 Downey Wy	014-0023-003-0000	\$693.11	5	Fees found due	No hearing requested
Martinez, Kathleen	3964 HF Downey Wy	014-0023-002-0000		5	Removed from lien list	No hearing requested
Stanley, Bobbie	2845 43rd St.	014-0124-034-0000	\$491.34	5	Fees found due	No hearing requested
Wheeler, Lucy	3968 3rd Ave.	014-0102-013-0000		5	Removed from lien list	No hearing requested
Wheeler, Lucy	2964 39th St	014-0132-012-0000		5	Removed from lien list	No hearing requested
Short Sr., James	5021 Ortega St.	023-0147-006-0000	\$360.96	6	Fees found due	No hearing requested
Wilson, Bob	6582 37th Ave.	027-0222-010-0000	\$826.35	6	Fees found due	Hearing requested; fees found due
Avondale II Apartments L P	501 Rivergate Way	031-0400-006-0000	\$21,004.64	7	Fees found due	No hearing requested
Bradford, LaVilla	4268 Chiquapin Wy	119-0400-031-0000	\$182.59	7	Fees found due	No hearing requested
Horan Investment Co	5595 Yvette Way	117-0420-053-0000	\$777.51	7	Fees found due	No hearing requested
Sumblin, Sophia	5510 Kevinberg Dr.	117-0492-013-0000		7	Removed from lien list	No hearing requested
Wheeler, Terry	6737 Bodine Ct.	117-0062-014-0000	\$609.58	8	Fees found due	No hearing requested

DELINQUENT WEED ABATEMENT PROTESTS

Name	Property Address	Parcel Number	Amount Due	Council District	Staff Findings	Hearing Status
Camino Station Investors	Garden Hwy	274-0030-031-0000	\$239.50	1	Fees Waived	
Camino Station Investors	Orchard Ln	274-0030-078-0000	\$391.00	1	Fees Waived	
Church of Jesus Christ	751 Rio Tierra Ln	250-0010-080-0000	\$681.75	1	Paid	
Fabian, Mario	520 Columbus Ave	274-0173-026-0000	\$120.00	1	Fees Waived	
Gateway West LLC	Arena Bl	225-0140-035-0000	\$1,147.00	1	Paid	
Gateway West LLC	Arena Bl	225-0140-037-0000	\$650.00	1	Fees Found Due	No hearing requested
Gateway West LLC	Duckhorn Dr	225-0140-039-0000	\$986.00	1	Fees Found Due	No hearing requested
Gateway West LLC	Arena Bl	225-0140-052-0000	\$120.00	1	Fees Found Due	No hearing requested
Gateway West LLC	El Centro Rd	225-0310-020-0000	\$2,876.00	1	Fees Found Due	No hearing requested
Moreno, Augustine	41 Caina Ct	040-0260-078-0000	\$103.00	1	Fees Waived	
Sablan, Antonio	525 Wisconsin Av	262-0101-002-0000	\$120.00	1	Fees Waived	
Sacramento Properties Holdings	Arco Arena Bl	225-0070-088-0000	\$205.00	1	Paid	
Vigil, Tami	Gateway Park Bl	225-0160-076-0000	\$161.00	1	Paid	
Vigil, Tami	Gateway Park Bl	225-0160-077-0000	\$183.25	1	Paid	
Browning, Jeanne	1045 Sonoma Ave	265-0021-025-0000	\$115.00	2	Fees Found Due	No hearing requested
Dawari, Rick	4325 Balsalm St	237-0161-018-0000	\$105.00	2	Fees Found Due	No hearing requested
Dawari, Rick	Balsalm St	237-0161-038-0000	\$105.00	2	Fees Found Due	No hearing requested
Dawari, Rick	Balsalm St	237-0161-039-0000	\$105.00	2	Fees Found Due	No hearing requested
Ehmke, Trudy	Vinci Ave	226-0290-028-0000	\$50.00	2	Paid	
EvergreenProperties	52 Morrison Av	250-0352-001-0000	\$416.50	2	Fees Found Due	Hearing requested; fees found due
Fitzpatrick, Ian	450 Jessie Ave	237-0180-002-0000	\$220.00	2	Fees Waived	
Hlyler, Sabrina	3821 Balsalm St	251-0083-008-0000	\$339.00	2	Fees Found Due	No hearing requested
Kelly, Keith & Alice	1138 North Av	251-0023-001-0000	\$115.00	2	Fees Found Due	No hearing requested
Kelly, Keith & Alice	1138 North Av	251-0023-022-0000	\$115.00	2	Fees Found Due	No hearing requested
Kelly, Keith & Alice	3940 Haywood St	251-0023-023-0000	\$115.00	2	Fees Found Due	No hearing requested
Lial, Margaret & Ed	Display Wy	250-0040-055-0000	\$137.40	2	Fees Found Due	No hearing requested
Lial, Margaret & Ed	Display Wy	250-0450-003-0000	\$133.00	2	Fees Found Due	No hearing requested
Lial, Margaret & Ed	4013 Rio Linda Bl	250-0450-004-0000	\$145.75	2	Fees Found Due	No hearing requested
Lial, Margaret & Ed	Harris Av	250-0450-008-0000	\$899.50	2	Amount Adjusted to \$442.80	No hearing requested
Moore, Eva	3900 Fell St	251-0033-015-0000	\$115.00	2	Fees Found Due	Hearing requested; fees found due
Moore, Eva	3712 Haywood St	251-0104-018-0000	\$136.00	2	Fees Found Due	Hearing requested; fees found due
Northland Village, LLC	Norwood Av	250-0331-018-0000	\$145.00	2	Fees Found Due	No hearing requested
Redevelopment Agency of Sacram	564 Grand Av	250-0082-009-0000	\$135.00	2	Fees Waived	
Scott, Lynn (Michele)	3925 Branch St	251-0014-005-0000	\$140.00	2	Fees Found Due	No hearing requested
Scott, Lynn (Michele)	3921 Branch St	251-0014-006-0000	\$140.00	2	Fees Found Due	No hearing requested
Trust, Jamal	4414 Raley Bl	238-0220-004-0000	\$169.00	2	Fees Found Due	No hearing requested
Walters, Sharon	3322 Rio Linda Bl	251-0282-012-0000	\$120.00	2	Fees Found Due	No hearing requested
Walters, Sharon	3326 Rio Linda Bl	251-0282-013-0000	\$115.00	2	Fees Found Due	No hearing requested
Walters, Sharon	3328 Rio Linda Bl	251-0282-014-0000	\$115.00	2	Fees Found Due	No hearing requested
Washington, Eugene	671 Ford Rd	250-0210-033-0000	\$136.00	2	Fees Waived	
White Owl Company	1110 O'Donnell Av	237-0213-002-0000	\$105.00	2	Fees Waived	

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DELINQUENT WEED ABATEMENT PROTESTS

Name	Property Address	Parcel Number	Amount Due	Council District	Staff Findings	Hearing Status
Wright, Rhonda	1204 Lambertton Cr	237-0550-019-0000	\$115.00	2	Paid	
Wright, Rhonda	1215 Lambertton Cr	237-0550-030-0000	\$115.00	2	Paid	
Wright, Rhonda	4373 Fell St	237-0550-043-0000	\$120.00	2	Amount Adjusted to \$43.00	No hearing requested
4 Sylvan	Del Paso Blvd	252-0251-026-0000	\$120.00	3	Fees Found Due	No hearing requested
Foley, Eloy	2755 Albatross Wy	266-0281-008-0000	\$103.00	3	Fees Waived	
Redevelopment Agency of Sacram	3151 36th Av	025-0201-024-0000	\$138.00	5	Fees Waived	
Roberts, Julita	3832 40th St	014-0264-017-0000	\$127.00	5	Fees Found Due	No hearing requested
Richer Trust	Power Inn Rd	040-0010-056-0000	\$169.00	6	Fees Waived	
Proe Ventures LLC	Park River Oak Dr	031-1470-037-0000	\$43.00	7	Fees Waived	
Johnston, Pearl, Estate of	8163 Shelton Rd	117-0220-022-0000	\$205.00	8	Fees Waived	
Mehrasaz, Robert	Beth St	052-0085-020-0000	\$180.25	8	Fees Found Due	Hearing requested; fees found due
Mehrasaz, Robert	Beth St	052-0085-021-0000	\$337.75	8	Fees Found Due	Hearing requested; fees found due
Noonis, Anthony	24th St	053-0010-052-0000	\$187.00	8	Fees Waived	

DELINQUENT SIDEWALK REPAIR COSTS PROTESTS

Name	Repair Location/Address	Parcel Number	Amount Due	Council District	Staff Findings	Hearing status
Ross, Terry D.; Allan Koljonen	1830 G Street	003-0172-010-0000	2,422.36	3	Fees found due	Hearing requested; fees found due
Osmundson, Anthony D. & Stacy	900 G Street	002-0152-004-0000	2,663.74	1	Fees found due	Hearing requested; fees found due
Hutchinson, Leon J.; Magdalena	495 Redwood Avenue	275-0031-009-0000	1,866.86	2	Fees found due	Hearing requested; fees found due
Haag, Janis L.	920 Santa Ynez Way	007-0072-004-0000	1,460.45	3	Fees found due	No hearing requested
Healy, Kevin	1405 G Street	002-0165-020-0000	2,172.52	3	Fees found due	No hearing requested
Nibbelink, Gary & Linda	3331 Folsom Boulevard	007-0223-008-0000	3,457.16	3	Fees found due	Hearing requested; staff reovved fr

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF: _____

RESOLUTION DECLARING DELINQUENT WATER, SEWER, REGIONAL SEWER, GARBAGE, GARDEN REFUSE, AND STORM DRAINAGE SERVICE FEES LIENS ON PROPERTIES TO WHICH SUCH SERVICES WERE FURNISHED.

WHEREAS, pursuant to the provisions of the Sacramento City Code, the owners of the real properties described in Exhibit A, on file in the Finance Department's Revenue Division Office, have been notified that water, sewer, regional sewer, garbage, garden refuse, and storm drainage services furnished to said properties were unpaid for a period of 60 days and that subsequent proceedings would be taken by the Council to make the charges liens on the real properties if said charges were not paid; and

WHEREAS, pursuant to the Sacramento City Code, notices were mailed to the owners of said properties informing them of the opportunity to protest the placing of unpaid utility service fees provided to the real property as liens; and

WHEREAS, each property owner noticed has been afforded an administrative appeal process, including a hearing before a Delinquency Lien Hearing Officer; and

WHEREAS, City Council held a hearing upon those findings.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

- 1 That all of the protests have been considered and have been rejected, revised, or confirmed.
- 2 That the charges set forth in Exhibit A for the furnishing of water, sewer, regional sewer, garbage, garden refuse and storm drainage service, to the real properties described in said Exhibit A are owing and delinquent.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

3. That the City Council, in accordance with the provisions of the Sacramento City Code, is entitled to and hereby attaches a lien upon the real properties described in said Exhibit A in the amount set forth opposite each parcel of property.
4. That 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.
5. That the City Clerk shall file a certified copy of the confirmed report with the Sacramento County Auditor/Controller for collection of said liens as herein above provided.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

**LIEN LIST:
ON FILE IN THE FINANCE DEPARTMENT REVENUE DIVISION'S OFFICE**

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF: _____

RESOLUTION DECLARING THE DELINQUENT COSTS FOR WEED ABATEMENT WORK FOR 2003 AS LIENS ON THE PROPERTIES UPON WHICH THE ABATEMENT WERE PERFORMED

WHEREAS, in accordance with the Sacramento City Code, Title 8, the owners of the real properties described in Exhibit A, on file in the City Clerk's office, have been noticed and informed of the opportunity to protest the placing of unpaid weed abatement fees upon the described real properties as liens; and

WHEREAS, each property owner noticed has been afforded an administrative appeal process, including a hearing before a Delinquency Lien Hearing Officer, and

WHEREAS, the City Council held a hearing upon those findings and it was established by competent evidence that in each case the work had been performed by private contractor; and

WHEREAS, the City Council has found the total cost for each such work to be a reasonable cost.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That all of the protests have been considered and have been rejected, revised, or confirmed.
2. That the charges set forth in Exhibit A for the abatement of weeds to the real properties described in said Exhibit A are owing and delinquent.
3. That, as provided in Section 39577 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.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

4. That 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.
5. That the City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

EXHIBIT A

**LIEN LIST:
ON FILE IN THE FINANCE DEPARTMENT REVENUE DIVISION'S OFFICE**

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF: _____

RESOLUTION DETERMINING THE REASONABLE COSTS FOR SIDEWALK REPAIR WORK PERFORMED AS SHOWN ON EXHIBIT A AND PLACING LIENS ON THE PROPERTIES FOR THE COSTS THEREOF

WHEREAS, in accordance with Sacramento City Code, Title 12, the owners of the real properties in Exhibit A have been noticed and informed of the opportunity to protest the placing of unpaid costs of sidewalk repair work performed upon the described real properties as liens; and

WHEREAS, each property owner noticed has been afforded an administrative appeal process, including a hearing before a Delinquency Lien Hearing Officer; and

WHEREAS, the City Council held a hearing upon those findings and it was established by competent evidence that in each case the work had been performed; and

WHEREAS, the City Council has found the total cost for each such work to be a reasonable cost and the hearing closed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That the reasonable costs in the aggregate not to exceed \$60,448.33 for unpaid sidewalk repair work performed is the sum set forth on Exhibit A hereby incorporated into this resolution. This amount may be reduced as staff determines necessary.
2. That the City Council, in accordance with the provisions of the Sacramento City Code, is entitled to and hereby attaches a lien upon the real properties described in said Exhibit A in the amount set forth opposite each parcel of property.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

3. That 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. That the City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

EXHIBIT A

**LIEN LIST:
ON FILE IN THE FINANCE DEPARTMENT REVENUE DIVISION'S OFFICE**