

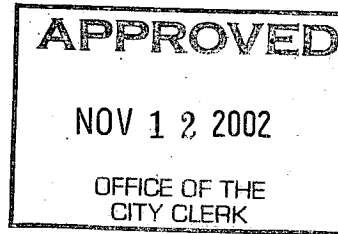


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**CITY OF SACRAMENTO
CALIFORNIA**

NEIGHBORHOOD SERVICES
DEPARTMENT

1231 I STREET, SUITE 301
SACRAMENTO, CA
95814-2997



Code Enforcement
916-264-5948
FAX: 264-7722

October 22, 2002

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: CODE ENFORCEMENT CASE FEES AND PENALTIES -- FINDINGS OF FACT
FOR SPECIAL ASSESSMENT LIENS**

LOCATION AND COUNCIL DISTRICT: Citywide

STAFF RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution placing a lien on the property for unpaid fees and penalties and transmit the unpaid cost to the Sacramento County Auditor/Controller as a special assessment against the properties.

CONTACT PERSON: Robert L. Rose, Chief of Code Enforcement, Neighborhood Services
Department, 264-5947

FOR COUNCIL MEETING OF: November 12, 2002

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 Title 8 of the Sacramento City Code.

BACKGROUND INFORMATION:

Prior to the assessment of fees and penalties, each property owner was issued the appropriate legal notices, as set forth in Title 8, and was afforded an opportunity to appear before the Hearing Examiner, an appointed third-party 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, Titles 8.96.320 and 8.04.110 allow 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 Title 8, 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 have 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:

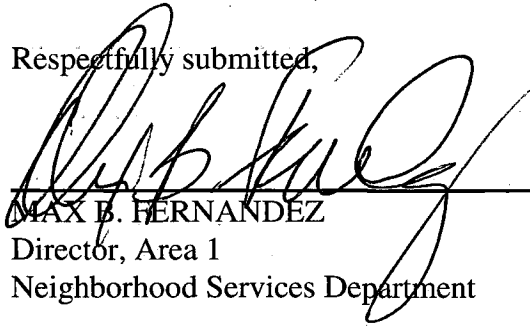
Conducting the lien hearing is in accordance with Sacramento City Code Title 8. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner for the stated violation. Each owner was afforded the additional opportunity to protest the imposition 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.

E/SBD ISSUES:

Not applicable.

Respectfully submitted,

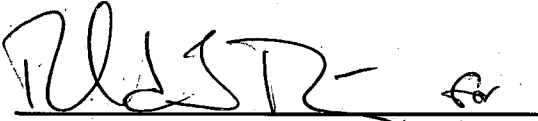


MAX B. HERNANDEZ

Director, Area 1

Neighborhood Services Department

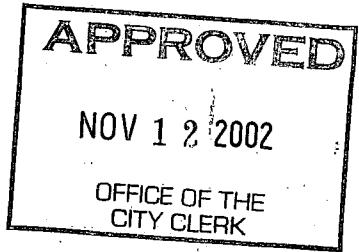
Recommendation approved:



ROBERT P. THOMAS

City Manager

Attachment



RESOLUTION NO. 2002-744

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION ACCEPTING THE FINDINGS OF FACT OVERRULING PROTESTS AND PLACING LIENS ON PROPERTIES FOR UNPAID ASSESSMENTS AS SHOWN ON ATTACHMENT FOR CODE ENFORCEMENT CASE FEES AND PENALTIES

WHEREAS:

- A. The Neighborhood Services Department, Code Enforcement Division, in accordance with Sacramento City Code, Chapters 8.96.320 and 8.04.110 did provide a hearing before the appointed third-party Hearing Examiner to consider the protest for unpaid fees and penalties, if any; and
- B. Notice of the time and place of hearing was given in accordance with Sacramento City Code, Chapters 8.96.320 and 8.04.110; and
- C. The Neighborhood Services Department, Code Enforcement Division, established by competent evidence before the Hearing Examiner that the unpaid fees and penalties had been imposed in accordance with City Code; and
- D. The Neighborhood Services Department, Code Enforcement Division, established by competent evidence before the Hearing Examiner that the unpaid fees and penalties are due; and
- E. The City Council has found the unpaid fees and penalties to be a reasonable cost.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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

1. The reasonable penalties in the aggregate amount of \$23,135.80 for unpaid fees and penalties is the sum set forth on the attachment incorporated into this resolution.
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.

ATTEST:

MAYOR

CITY CLERK

Attachment

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	002-0132-022-0000	C000002851	1501 F St.	Matthew M. & Ruth E. Fitch	150.00	NS020112	1	0206
2	009-0116-003-0000	C010017769	506 U St	Caroline Eccel, Chiara Moore, Jeremy Moore	690.00	NS020078	4	0206
3	010-0276-001-0000	C010020735	2024 Burnett Way	Sacramento Dental Group, Ivan Yee, Jean Yee, Locke Helen Yee, Nancy Yee, Steven Yee	1,217.00	NS020105	4	0206
4	014-0122-043-0000	V000002786	2791 42nd St.	Domingo Rodrick	2,000.00	NS020111	5	0206
5	014-0185-026-0000	C010023542	3229 Santa Cruz Way	Gertrude Freeman	150.00	NS020098	5	0206
6	014-0251-047-0000	C010009997	4409 11th Av	Stephanie Nicole Crump	690.00	NS020071	5	0206
7	014-0285-002-0000	C010011255	4508 13th Av	Conrexx, Inc.	150.00	NS020076	5	0206
8	019-0181-060-0000	C010000470	2580 26th Av	Thomas G. & Loretta Barnes	690.00	NS020100	5	0206
9	019-0221-037-0000	C000026486	3150 St. Josephs Dr.	Vincent E. Lera	2,690.00	NS020095A	5	0206
10	020-0121-017-0000	C000021656	4308 34th St	Alvin Smallwood	915.00	NS020083	5	0206
11	022-0023-001-0000	C010005469	4709 36th St	Chandra Naresh	4,603.80	NS020077	5	0206
12	023-0273-016-0000	V000017273	5231 Priscilla Lane	Sterling W. & Jeanne Dodson & Joseph T. Woods	400.00	NSV020033	6	0206
13	035-0054-013-0000	C010018268	5925 McLaren Av	Al Ramos	2,190.00	NS020066	8	0206
14	048-0143-011-0000	C010010812	2062 O'Neil Way	Cedar West Ltd.	690.00	NS020082	8	0206

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
15	049-0163-015-0000	C010022723	7358 Loma Verde Wy	Sunny Birendra Singh & Kamlesh L. Singh	150.00	NS020087	8	0206
16	049-0330-005-0000	C010031081	4177 Brookfield Dr.	Neal Singh & Sunil D. Maharaj-Singh	175.00	NS020086	8	0206
17	237-0275-010-0000	C010013984	301 Yampa Circle	Mark A. & Lupe Shelton and Alex Reveles	175.00	NS020117	2	0206
18	237-0312-010-0000	C010015935	1323 North Av	Tia M. McDaniels	200.00	NS020068	2	0206
19	251-0015-018-0000	C010025990	3920 Branch St.	Henry & Dorothy Mayeda Family 1985 Revocable Trust	150.00	NS020106	2	0206
20	251-0124-006-0000	C010020499	3629 Willow St.	Stanley W. & Priscilla A. Wilson	690.00	NS020118	2	0206
21	251-0155-010-0000	C000013321	1016 Nogales St	Bobby J. Mask	1,190.00	NS020069	2	0206
22	251-0171-005-0000	C010004280	1224 South Av	Guadalupe Naranjo	790.00	NS020103	2	0206
23	251-0221-019-0000	C010017125	1429 Los Robles Bl	Candelaria C. & Jesus Flores	2,390.00	NS020102	5	0206

TOTAL TO BE LIENED:**\$23,135.80****FOR CITY CLERK USE ONLY****RESOLUTION NO.:** _____**DATE ADOPTED:** _____

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