

**CITY OF SACRAMENTO
CALIFORNIA**

NEIGHBORHOOD SERVICES
DEPARTMENT

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

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

September 19, 2001

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: September 25, 2001

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:

Per Section 15061(b)(3) of the CEQA guidelines, a Notice of Exemption will be filed. The proposed resolution will not have any adverse environmental impact.

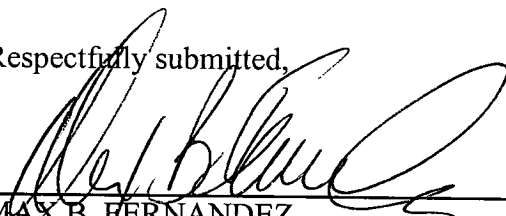
POLICY CONSIDERATIONS:

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 hearing.

E/SBD ISSUES:

Not applicable.

Respectfully submitted,




MAX B. FERNANDEZ
Director, Area 1
Neighborhood Services Department.

Recommendation approved:

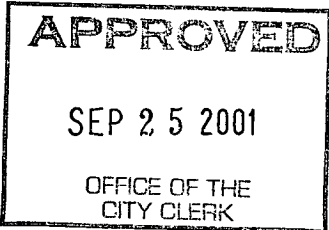


ROBERT P. THOMAS
City Manager



RICHARD RAMIREZ
Deputy City Manager

Attachment



RESOLUTION NO. 2001-650

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

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

WHEREAS, heretofore 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, the Neighborhood Services Department, Code Enforcement Division, established by competent evidence before the Hearing Examiner that the unpaid fees and penalties are due; and

WHEREAS, the City Council has found the unpaid fees and penalties to be a reasonable cost.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

f

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That, the reasonable penalties in the aggregate amount of \$18,735.00 for unpaid fees and penalties is the sum set forth on the attachment incorporated into this resolution.
2. That, 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. 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, such lien also constitutes a personal obligation against the owner of the property.
5. That, the City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

MAYOR

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

Code Enforcement Case Fees & Penalties -- Attachment

September 25, 2001

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	003-0144-018-0000	V000019799	2517 F St	Anna Yeung Mayo	725.00	NSV010018A	3	0206
2	007-0252-020-0000	V000021663	1529 21st St	Donna M. Colucci 1999 Revocable Trust	400.00	NSV010034	3	0206
3	016-0093-021-0000	V000016052	4340 Constance Ln	Eleanor R. Reynolds	400.00	NSV010036	4	0206
4	035-0265-004-0000	V000015267	6930 Demaret Dr	Tommie L & Dorothy M Jackson	400.00	NSV010019	8	0206
5	035-0324-032-0000	C00002143	2109 Florin Rd	James J. Culcasi	150.00	NS010030	8	0206
6	038-0280-022-0000	V000009602	6106 Power Inn	Roger & Susan L. Orton	400.00	NSV60023	6	0206
7	040-0215-005-0000	V000022623	7115 53rd Av	Michael R/Rosann Mitchell; Lester Holmes Et Al	400.00	NSV010032	6	0206
8	047-0061-013-0000	V000005871	2272 Florin Rd	Jewel D Bowens	690.00	NSV010020	8	0206
9	047-0093-014-0000	C000003699	1479 64th Av	Isaac Gonzalez	2,690.00	NS010065	8	0206
10	052-0071-001-0000	C000007183	7600 Manorside Dr	Robert K & Katerine A McLaughlin	690.00	NS010034	8	0206
11	052-0142-004-0000	C00006431	1477 Janrick Av	Opal W. Pounds	840.00	NS010032	8	0206
12	118-0143-012-0000	C000012919	7700 Allott Wy	Santiago & Arami Reyes & Aura M. Blance	690.00	NS010044	8	0206
13	238-0112-017-0000	C/V9902666	315 Anderson Ct	Kent E. Hannaford	690.00	NS010059	2	0206
14	250-0093-001-0000	V000022068	700 Linsay Av	Gary Perez	400.00	NSV010033	2	0206

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

2

Code Enforcement Case Fees & Penalties -- Attachment

September 25, 2001

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
15	251-0104-014-0000	1141ROANK0	1141 Roanoke Av	Rosa Lee Austin Broadus	150.00	NS60506	2	0206
16	251-0124-002-0000	C/V9907186	1612 Roanoke Av	Red Sky Inc.	150.00	NS010063	2	0206
17	251-0230-038-0000	C/V9904848	3300 Marysville Bl	Mohammad Ahmad Javey Et Al	150.00	NS010061	2	0206
18	252-0022-006-0000	C/V9902873	3913 Natoma Wy	Richard W. Steuben	150.00	NS010064	2	0206
19	252-0022-007-0000	C/V9902874	3909 Natoma Wy	Larry A. Christ	690.00	NS010060	2	0206
20	252-0022-009-0000	C/V9904849	3900 Mahogany	William M. Nicolas & Margaret E. Dillard	690.00	NS010046	2	0206
21	252-0063-011-0000	C/V9901902	1797 Grand Av	Florin I. Ciuriuc	690.00	NS010050	2	0206
22	252-0113-019-0000	C/V9909807	3720 Jasmine St	Josephine R. Mitchell	2,190.00	NS010049	2	0206
23	252-0122-006-0000	C/V9808212	3729 Mahogany St	Ronald Starr	1,690.00	NS010055	2	0206
24	252-0241-015-0000	C/V9905503	3601 Del Paso Bl	Dennis & May Mackelburg	690.00	NS010053	2	0206
25	265-0161-003-0000	C/V9913466	2829 Rio Linda	Jerry E & Jessie M Lewis	150.00	NS010038	2	0206
26	265-0292-040-0000	C990000382	2534 Rio Linda Bl	Feliciano & Consuelo Corrales	690.00	NS010057	2	0206
27	275-0014-011-0000	C000016602	180 El Camino Av	Bahram Badie	150.00	NS010075	2	0206
28	275-0112-001-0000	C000003861	30 Arden Wy	Atlas Aluminum	940.00	NS010076	2	0206

TOTAL TO BE LIENED:

\$18,735.00

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____