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**CITY OF SACRAMENTO  
CALIFORNIA**

NEIGHBORHOOD SERVICES  
DEPARTMENT

1231 I STREET, SUITE 200  
SACRAMENTO, CA  
95814-2997

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

April 9, 2004

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

**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:** May 4, 2004

**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:**

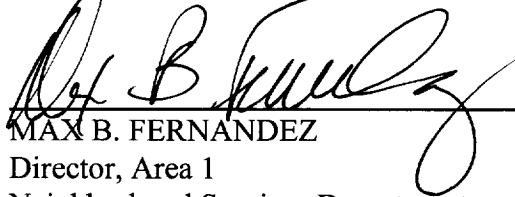
Conducting the lien hearing is in accordance with Sacramento City Code Title 8. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner for the stated violation. Each owner was afforded the additional opportunity to protest the imposition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



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MAX B. FERNANDEZ  
Director, Area 1  
Neighborhood Services Department

Recommendation approved:



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ROBERT P. THOMAS  
City Manager

Attachments

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2. Attachment to Resolution pg 6

# RESOLUTION NO.

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.

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**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 not to exceed \$8,860.00 for unpaid fees and penalties is the sum set forth on the attachment 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.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

Attachment

\_\_\_\_\_  
FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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## Code Enforcement Case Fees &amp; Penalties -- Attachment

May 4, 2004

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	009-0343-032-0000	C030011661	2753 San Luis Ct	William & Frances M. Ong	175.00	NS040012	4	0206
2	019-0092-004-0000	V030014015	2643 21st St	Sergio C Jr. & Mary L. Maldonado	810.00	NS040095	8	0206
3	020-0121-001-0000	C030009745	3300 16th Av	Vilji Trust	715.00	NS040010	5	0206
4	035-0052-004-0000	C030019679	1541 Zelda Wy	Carol J.M. Roston	810.00	NS040085	4	0206
5	036-0155-024-0000	C030019215	2800 52nd Av	Penny L. Vega-Alaei	185.00	NS040083	5	0206
6	040-0093-001-0000	C030018090	6700 Sun River Dr	Raymond & Warah J. Hunter	185.00	NS040079	6	0206
7	048-0105-006-0000	C030021161	7490 21st St	Mina Prasad	810.00	NS040093	8	0206
8	052-0052-002-0000	C030003294	7616 18th St	Andrew R & Goetta S. Arguello	2,810.00	NS040098	8	0206
9	053-0033-002-0000	V030033648	7648 Lisa Wy	Raymond Kelley Sr. & Leora K. Wallace	460.00	NSV040001	8	0206
10	237-0282-018-0000	C030027026	4134 Englewood St	Danial S & Marilyn K. Burke	810.00	NS040091	2	0206
11	263-0075-001-0000	C030013111	200 Lindley Dr	Paula A. Rios	720.00	NS040097	2	0206
12	265-0030-039-0000	C030024133	3132 Clay St	Davis Burchell	185.00	NS040061	2	0206
13	265-0201-041-0000	C030025704	2729 Rio Linda Bl	Lillie L. Wilson	185.00	NS040078	2	0206

**TOTAL TO BE LIENED:****\$8,860.00****FOR CITY CLERK USE ONLY**

RESOLUTION NO.:

DATE ADOPTED: