



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

PUBLIC HEARING
June 9, 2009

**Honorable Mayor and
Members of the City Council**

Title: Housing Case Fees and Penalties – Findings of Fact for Special Assessment Liens

Location/Council District: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt a **Resolution** placing special assessment liens on the properties in the amount of \$124, 950.00 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, 808-8183

Presenters: Ron O'Connor, Code Enforcement Manager

Department: Code Enforcement

Division: Housing & Dangerous Building

Organization No: 20001311

Description/Analysis

Issue: Collection of delinquent fees and penalties are brought before the City Council to secure the debt by placing special assessment 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.

Policy Considerations: Conducting the special assessment 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 special assessment lien process, are consistent with policies associated with the City's goal to enhance and preserve the neighborhoods

Sustainability Considerations: There are no applicable sustainability considerations.

Environmental Considerations: The proposed resolution will not have any adverse environmental impact.

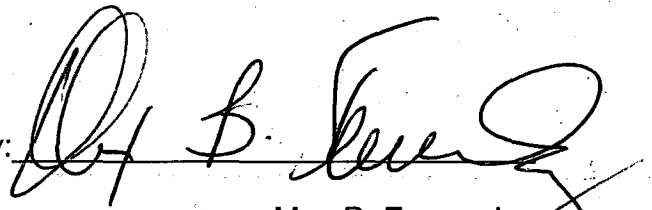
Commission/Committee Action: None

Rationale for Recommendation: Adopting this Resolution will enable the City to collect unpaid fees and penalties by placing special assessments upon properties, allowing the fees and penalties to be collected through County property tax collections.

Financial Considerations: Special Assessment 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 special assessment liens would be included in the approved budget.

Emerging Small Business Development (ESBD): Not Applicable

Respectfully Submitted by:



Max B. Fernandez
Director, Code Enforcement Department

Recommendation Approved:



Ray Kerridge
City Manager

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Attachment 1

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.

RESOLUTION NO. 2009-

Adopted by the Sacramento City Council

June 9, 2009

**ACCEPTING THE FINDINGS OF FACT OVERRULING PROTESTS AND
PLACING LIENS ON PROPERTIES FOR UNPAID ASSESSMENTS
FOR HOUSING AND DANGEROUS BUILDINGS CASE FEES AND PENALTIES**

BACKGROUND

- A. The Code Enforcement Department, Housing & Dangerous Buildings Inspections, in accordance with Sacramento City Code, Chapter 8.96 Article IX provided a hearing before the Housing Code Advisory and Appeals Board (HCAAB) and/or 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 Article IX.
- C. The Code Enforcement Department, Housing & Dangerous Buildings Inspections, established by competent evidence before the HCAAB and/or appointed third-party 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:**

- Section 1: The reasonable penalties in the aggregate amount not to exceed \$124,950.00 for unpaid fees and penalties is the sum set forth by the HCAAB and/or appointed third-party Hearing Examiners' findings of fact hearings held March 11, 2009 and April 8, 2009. This amount may be reduced as staff determines necessary.
- Section 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.

Section 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.

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

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Exhibit A – List of Properties to be Liened

LINE	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE	CD	CTY ID
1	006-0293-009-0000	08-010427	1624 P St	RODNEY B ROSE AS TRUSTEE	\$100.00	CEDCHC01126	3	0656
2	007-0165-011-0000	H010031193	2627 Capitol Av	DAVID L COTTLE/MICHAEL B CARRO	\$1,173.04	CEDCVB00525	3	0629
3	007-0165-011-0000	H010031193	2627 Capitol Av	DAVID L COTTLE/MICHAEL B CARRO	\$1,500.04	CEDCHC01326	3	0656
4	007-0165-011-0000	H010031193	2627 Capitol Av	DAVID L COTTLE/MICHAEL B CARRO	\$898.80	CEDCHC01327	3	0678
5	010-0045-001-0000	06-020410	1815 26th St	MARTINEZ CARMEN S/EST OF	\$1,000.00	CEDCHA00200	4	0656
6	010-0045-001-0000	06-020410	1815 26th St	MARTINEZ CARMENS S/EST OF	\$1,624.70	CEDCHC01342	4	0656
7	010-0331-009-0000	06-019840	1832 Beverly Wy	ESTATE OF CHRISTINE A VAUGHN	\$25,773.04	CEDCVB00523	4	0629
8	010-0331-009-0000	06-019840	1832 Beverly Wy	ESTATE OF CHRISTINE A VAUGHN	\$375.54	CEDCHC01323	4	0656
9	012-0171-011-0000	07-054749	956 4th Av	ELIZABETH A BULFINCH	\$1,133.00	CEDCHC01208	4	0656
10	013-0284-030-0000	06-019478	3333 32nd St	WILLIAM H/ANNIE L LAWS	\$173.04	CEDCVB00531	5	0629
11	013-0284-030-0000	06-019478	3333 32nd St	WILLIAM H/ANNIE L LAWS	\$123.04	CEDCHC01334	5	0656
12	013-0341-052-0000	08-013964	3301 35th St	ION/LUCIA DINU	\$173.04	CEDCVB00510	5	0629
13	013-0341-052-0000	08-013964	3301 35th St	ION/LUCIA DINU	\$323.04	CEDCHC01294	5	0678
14	013-0341-052-0000	08-013964	3301 35th St	ION/LUCIA DINU	\$1,233.00	CEDCHC01296	5	0656
15	013-0402-023-0000	06-019566	3501 37th St	RONALD LEE STARR	\$411.00	CEDCVB00422	5	0629
16	013-0402-023-0000	06-019566	3501 37th St	RONALD LEE STAR	\$100.00	CEDCHC01150	5	0656
17	014-0183-011-0000	08-002146	3120 40th St	BOB ODOM	\$2,300.00	CEDCVB00513	5	0629
18	014-0186-009-0000	08-012976	3128 San Rafael Ct	NITHA A NANDAN	\$1,156.05	CEDCNU01173	5	0206
19	014-0222-003-0000	07-055738	4416 8th Av	CAL SAFE LLC	\$2,150.00	CEDCVB00508	5	0629

Housing Case Fees and Penalties – Liens

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20	014-0222-003-0000	07-055738	4416 8th Av	CAL SAFE LLC	\$641.40	CEDCHC01288	5	0678
21	014-0222-003-0000	07-055738	4416 8th Av	CAL SAFE LLC	\$185.00	CEDCHC01289	5	0656
22	015-0083-026-0000	08-007714	3021 64th St	DIONISIO S/ROSITA G RODRIGUEZ	\$199.18	CEDCHC00885	3	0656
23	019-0072-005-0000	06-003531	2561 19th Av	REHMAN AZIZ U/KHALID ZAMAN	\$150.00	CEDCVB00519	5	0629
24	019-0072-005-0000	06-003531	2561 19th Av	REHMAN AZIZ U/KHALID ZAMAN	\$100.00	CEDCHC01317	5	0656
25	020-0273-038-0000	07-048214	4601 36th St	GREGORY A POWE	\$150.00	CEDCVB00421	5	0629
26	020-0273-038-0000	07-048214	4601 36th St	GREGORY A POWE	\$100.00	CEDCHC01148	5	0656
27	021-0342-003-0000	H050016865	7404 Marin	NICHOLAS W PONTLIANA III	\$10,165.85	CEDCVB00502	6	0629
28	021-0342-003-0000	H050016865	7404 Marin	NICHOLAS W PONTILIANA III	\$1,621.94	CEDCHC01278	6	0656
29	022-0014-008-0000	06-006432	3501 24th Av	HELEN LAC	\$776.00	CEDCHC01305	5	0678
30	023-0031-015-0000	08-016026	5521 22nd Av	ALEX F/TAMRA L TEJADA	\$709.00	CEDCHC01147	5	0656
31	035-0304-002-0000	08-003727	1720 60th Av	RICHARD CHEA/CHINLEI SHEN	\$100.00	CEDCHC01312	5	0656
32	053-0053-023-0000	08-088044	7647 Laurie Wy	LYLE INNOCENT	\$150.00	CEDCVB00501	8	0629
33	053-0053-023-0000	08-088044	7647 Laurie Wy	LYLE INNOCENT	\$185.00	CEDCHC01274	8	0656
34	079-0392-004-0000	07-040253	56 Lido Cr	JOHN D LEWALLEN REVOCABLE TRUST	\$1,017.85	CEDCHA00172	6	0656
35	079-0392-004-0000	07-040253	56 Lido Cr	JOHN D LEWALLEN REVOCABLE TRUST	\$1,250.85	CEDCHC01123	6	0656
36	117-0064-018-0000	07-031015	8023 Grandstaff Dr	ELISEO ALVAREZ	\$1,333.00	CEDCHC01257	7	0656
37	117-0096-017-0000	07-029304	5861 Valley Glen Wy	TAM NGUYEN	\$1,416.26	CEDCHC01165	7	0656
38	117-0096-017-0000	07-029304	5861 Valley Glen Wy	TAM NGUYEN	\$560.00	CEDCHC01168	7	0678
39	118-0162-004-0000	08-007933	5315 Scarborough	CALIFORTECH INC	\$752.40	CEDCHC01159	8	0678
40	118-0280-030-0000	08-013949	5980 Tangerine Av	DEUTSCHE BANK	\$450.00	CEDCVB00429	8	0629

Housing Case Fees and Penalties – Liens

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41	118-0280-030-0000	08-013949	5980 Tangerine Av	DEUTSCHE BANK	\$185.00	CEDCHC01162	8	0656
42	215-0280-071-0000	07-038696	4924 Dry Creek Rd	FRANK R RAMANO	\$185.00	CEDCHC01231	2	0656
43	215-0280-071-0000	07-038696	4924 Dry Creek Rd	FRANK R ROMANO	\$800.00	CEDCVB00480	2	0629
44	237-0365-005-0000	H050018772	124 Estes Wy	RICHARD REESE	\$14,598.00	CEDCVB00516	2	0629
45	237-0365-005-0000	H050018772	124 Estes Wy	RICHARD REESE	\$200.00	CEDCHC01314	2	0656
46	237-0365-005-0000	H050018772	124 Estes Wy	RICHARD REESE	\$3,100.92	CEDCHC01315	2	0657
47	238-0072-015-0000	07-052064	319 Kelley Ct	LINDA HAN	\$5,719.45	CEDCHC01121	2	0678
48	250-0440-035-0000	07-046316	201 McDaniel Cr	PAULA LAINEZ	\$1,000.00	CEDCVB00227	2	0629
49	251-0211-001-0000	06-001735	1191 Los Robles Bl	BERT F CHURCH	\$1,000.00	CEDCHA00199	2	0656
50	251-0211-001-0000	06-001735	1191 Los Robles Bl	BERT F CHURCH	\$411.00	CEDCVB00540	2	0629
51	251-0211-001-0000	06-001735	1191 Los Robles Bl	BERT F CHURCH	\$970.00	CEDCHC01341	2	0656
52	262-0251-016-0000	06-025593	543 Peralta Av	SACRAMENTO COUNTY HOUSING REHABILITATION REV TRUST	\$185.00	CEDCHC01281	1	0656
53	263-0323-034-0000	07-054961	3210 Western Av	LOUIS J BINION	\$235.00	CEDCHC01202	2	0656
54	263-0323-040-0000	07-054958	3194 Western Av	FRANCISCO/LUCILA GONZALEZ	\$5,317.85	CEDCVB00454	2	0629
55	263-0323-040-0000	07-054958	3194 Western Av	FRANCISCO/LUCILA GONZALEZ	\$1,350.85	CEDCHC01200	2	0656
56	263-0323-040-0000	07-054958	3194 Western Av	FRANCISCO/LUCILA GONZALEZ	\$1,903.20	CEDCHC01201	2	0678
57	265-0051-017-0000	08-013252	1411 Sonoma Av	NICOLAY MENCHUK/ALLA MENCHUK	\$108.04	CEDCHC01304	2	0656
58	265-0383-001-0000	H020034200	1726 Kenwood AKA 3143 Academy Wy	US BANK	\$9,998.00	CEDCHA00202	3	0656
59	265-0383-001-0000	H020034200	1726 Kenwood AKA 3143 Academy Wy	US BANK	\$3,400.10	CEDCVB00545	3	0629

Housing Case Fees and Penalties – Liens

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60	275-0028-006-0000	08-013268	2296 Grove Av	ROBERTO CARRILLO HERNANDEZ	\$167.85	CEDCVB00412	2	0629
61	275-0028-006-0000	08-013268	2296 Grove Av	ROBERTO CARRILLO HERNANDEZ	\$202.85	CEDCHC01118	2	0656
62	275-0152-011-0000	06-017976	2156 Oakmont	BANK OF NEW YORK	\$1,000.00	CEDCHA00185	2	0656
63	275-0152-011-0000	06-017976	2156 Oakmont	BANK OF NEW YORK	\$2,450.00	CEDCHA00186	2	0656
64	275-0152-011-0000	06-017976	2156 Oakmont	BANK OF NEW YORK	\$2,499.00	CEDCHA00187	2	0656
65	275-0152-011-0000	06-017976	2156 Oakmont	BANK OF NEW YORK	\$2,499.00	CEDCHA00188	2	0656
66	275-0152-011-0000	06-017976	2156 Oakmont	BANK OF NEW YORK	\$150.00	CEDCVB00520	2	0629
67	275-0152-011-0000	06-017976	2156 Oakmont	BANK OF NEW YORK	\$1,580.00	CEDCHC01318	2	0656
PROPOSED AMOUNT TO BE LIENED					\$124,950.21			