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**CITY OF SACRAMENTO
CALIFORNIA**

NEIGHBORHOOD SERVICES DEPARTMENT

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SACRAMENTO, CA 95814-2997
808-5948
FAX: 808-7722

Code Enforcement Section

September 20, 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, 808-5947**

FOR COUNCIL MEETING OF: October 26, 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.

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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:

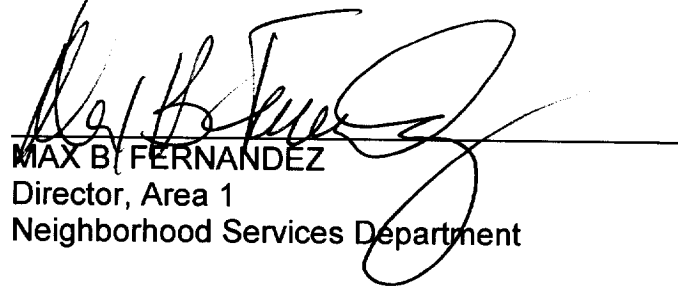
Conducting the lien hearing is in accordance with Sacramento City Code Title 8. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner for the stated violation. Each owner was afforded the additional opportunity to protest the imposition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

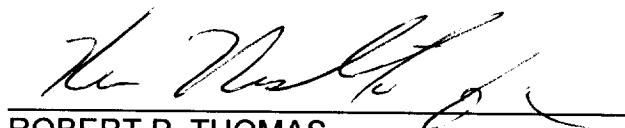
Not applicable.

Respectfully submitted,



MAX B. FERNANDEZ
Director, Area 1
Neighborhood Services Department

Recommendation approved:



ROBERT P. THOMAS
City Manager

Attachments

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1. Resolution: pgs 4 & 5
2. Attachment to Resolution: pgs 6 & 7

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.

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 \$17,828.10 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 & Penalties -- Attachment

October 26, 2004

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	003-0184-015-0000	G040011177	2221 H St	Michael B. Carroll	\$295.00	GA040010	3	0206
2	007-0154-014-0000	G040008054	2217 N St	David & Kathy Hicks	\$295.00	GA040008	3	0206
3	013-0251-020-0000	C030035615	3048 37th St	Pythenia Hurt	\$810.00	NS040245	5	0206
4	013-0391-018-0000	C040001613	3509 10th Av	Ardell Harrison	\$810.00	NS040234	5	0206
5	014-0114-004-0000	C040008469	4173 4th Av	Earlean Golston	\$1,525.00	NS040242	5	0206
6	014-0122-043-0000	C030028133	2791 42nd St	Domingo Rodrick	\$185.00	NS040231	5	0206
7	014-0142-015-0000	C030039647	3975 Broadway	Eddie & Patricia Hill	\$810.00	NS040228	5	0206
8	019-0043-012-0000	C030036839	3932 Franklin Blvd	Guadalupe Samudio	\$2,810.00	NS040243	5	0206
9	019-0181-059-0000	C030027828	2580 26th Av	Thomas & Loretta Barnes 2003	\$1,810.00	NS040241	5	0206
10	021-0335-037-0000	V030040442	6921 21st Ave	Transito Watkins	\$660.00	NSV040008	7	0206
11	027-0071-032-0000	G040007050	5661 Wilkinson St	Divend & Sanju K Prasad	\$295.00	GA040009	6	0206
12	035-0213-008-0000	C030008741	6760 Hogan Dr	Victor & Gloria Carreon	\$4,860.00	NS040236	5	0206
13	049-0131-008-0000	C040000790	7485 24th St	Ashok Kumar	\$185.00	NS040239	8	0206
14	050-0020-015-0000	C030039078	7575 Franklin Blvd	Sams Residential Comm Dev LLC	\$185.00	NS040235	8	0206
15	118-0280-029-0000	C030029665	118 Audia Cr	Sanjay & Asha D Singh	\$810.00	NS040230	8	0206
16	225-0308-007-0000	C030033491	1191 Syracuse Wy	Johnie L. Eurick	\$185.00	NS040240	1	0206

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Code Enforcement Case Fees & Penalties -- Attachment

17	237-0365-005-0000	C020024423	124 Estes Way	John Brock & David Ruitter	\$1,213.10	NS040244	2	0206
18	251-0254-016-0000	C030034056	3320 Sendero St	Dylan Kincade	\$85.00	NS040120	2	0206

October 26, 2004

TOTAL TO BE LIENED:

\$17,828.10

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