

City of Sacramento

Legislation Text

File #: 2019-00479, **Version:** 1

Title:

Delinquent Charges - Special Assessment for Sidewalk Repair on Private Property and Related Costs (Noticed 03/11/2019)

File ID: 2019-00479

Location: Citywide

Recommendation:

Conduct a public hearing and upon conclusion, adopt a Resolution confirming the Director of Finance's delinquency report on unpaid sidewalk repair costs; thereby, placing a special assessment against the properties fronting the repaired sidewalks.

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Presenter: Laterre Walsh, Program Manager (916) 808-7800, Department of Finance

Attachments:

- 1 - Special Assessment Summary
- 2 - Special Assessment Protest & Hearing
- 3 - Resolution
- 4 - Exhibit A

Description/Analysis

Issue Detail: Sacramento City Code (SCC) section 12.32.130 authorizes the Director of Finance to initiate proceedings to recover the cost of sidewalk repairs or reconstruction performed by the City, by imposing a special assessment against the properties fronting the repaired or reconstructed sidewalks. This public hearing is for the City Council to confirm, reject, or modify the Director of Finance's delinquency report on unpaid sidewalk repair costs. Upon confirmation, the sidewalk repair or reconstruction costs identified in the delinquency report shall constitute a special assessment against the properties fronting the repaired sidewalks (SCC section 12.32.170). This is the final step the City takes before the special assessment can be collected by the Sacramento County Auditor/Controller.

Policy Considerations: City property owners have received notice and the opportunity to protest these charges, including a hearing with a special assessment hearing officer. The SCC requires a public hearing before the City Council may confirm the Director's report and imposition of special assessments, thus providing property owners with an opportunity to object or protest the matter before the City Council. Should any property owner object to the special assessment, the public hearing shall be limited to the issue of whether the hearing before the special assessment hearing officer was conducted in accordance with the City Code. The City Council is not required to hear the objections of any property owner who did not previously appear before the special assessment hearing officer. (SCC section 12.32.170)

Economic Impacts: None.

Environmental Considerations:

California Environmental Quality Act (CEQA): This report concerns administrative activities and government fiscal activities that do not constitute a "project" as defined by the CEQA Guidelines Sections 15378(b)(2) and 15378(b)(4) and are not subject to the provisions of CEQA (CEQA Guidelines 15060(c)(3)).

Sustainability: Not applicable.

Commission/Committee Action: None.

Rationale for Recommendation: As required under applicable provisions of the SCC and/or state law, all property owners were notified of the unpaid and/or delinquent charges, were given an opportunity to resolve the issue with City staff, and an opportunity for a hearing before a special assessment hearing officer. The City has been utilizing a special assessment hearing officer to hear protests of delinquent charges since 1996. The delinquent costs due and the properties to which such costs apply, are set forth in Exhibit A to the Resolution attached to the report. Attachment 1 summarizes the unpaid costs, the number of protests received, and the number of hearings held before the special assessment hearing officer. Attachment 2 lists each protest received and the final disposition of each protest. The findings of the special assessment hearing officer for each hearing are also included.

These special assessments are for services the City has already provided to the property owners. The property owners were given ample opportunity to repair or reconstruct sidewalk damages themselves but did not do so. Consequently, the City has paid for these services and must recover the costs incurred.

Financial Considerations: The unpaid costs incurred by the City for sidewalk repair or reconstruction services are \$161,115.07 (Attachment 1). City staff time was required for noticing property owners and handling customer disputes and is included in the total amount due by property

owners. The administrative fee includes \$250.00 for the cost of two (2) sidewalk-repair/reconstruction hearings that required a total of five (5) hours of special assessment hearing officer time.

Local Business Enterprise (LBE): Not applicable.