

City of Sacramento

Legislation Text

File #: 2019-00480, **Version:** 1

Title:

Delinquent Charges - Special Assessments for Weed Abatement on Private Property and Related Costs (Noticed 03/12/2019 & 05/16/2019)

File ID: 2019-00480

Location: Citywide

Recommendation:

Conduct a public hearing and upon conclusion, adopt a Resolution confirming the costs of weed abatement services and ordering a special assessment against the properties listed in Exhibit A for such costs.

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

Attachments:

- 1 - Special Assessment Summary
- 2 - Resolution
- 3 - Exhibit A

Description/Analysis

Issue Detail: Section 8.28.030 of the Sacramento City Code (SCC) states that costs for weed and rubbish abatement in front of or on each separate parcel where the work was done shall be submitted to the City Council (Council) for confirmation in an itemized written report showing such cost (Attachment 1). This public hearing is being held so that the Council may confirm the costs of abatement for the properties identified on Exhibit A. Upon confirmation, the Council may order that such costs be made a personal obligation of the owner or imposing a lien or special assessment against the property. (SCC sections 8.04.430 and 8.28.040.) Staff recommends Council order that such costs be imposed as a special assessment against the listed parcels because this process of collecting has proven to be efficient and expeditious as they are collected through the Sacramento County Auditor/Controller's collection of taxes. In contrast, the placement of liens employs a more cumbersome and delayed process.

Additionally, the SCC requires that the City include in its order an administrative charge to cover incidental expenses, costs incurred in the preparation of notices, specifications and contracts, inspecting the work, as well as the costs of printing and mailing of notices (SCC section 8.28.030). Staff recommends that Council confirm the abatement costs and impose a special assessment against the parcels identified (Exhibit A) to recover costs. This is the final step the City takes before placing a special assessment against the property with the Sacramento County Auditor/Controller.

Policy Considerations: Property owners have received notice and the opportunity to protest these charges, including a hearing with a delinquency lien hearing officer. No such protests were received; therefore, no hearings were held.

The SCC requires the Council to conduct a public hearing at which it shall confirm, reject or modify the delinquency lien hearing officer's report, thus providing property owners with an opportunity to address the 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 delinquency lien hearing officer was conducted in accordance with applicable City ordinances. The Council is not required to hear the objections of any property owner who did not previously appear before the delinquency lien hearing officer. (SCC section 8.04.430.)

Economic Impacts: None.

Environmental Considerations:

This report concerns administrative activities and governmental 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 Section 15060(c)(3)).

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: These special assessments are for services the City has already provided to the property owners. The property owners were given ample opportunity to abate the

weeds themselves but did not do so. Consequently, the City has paid for these services and must recover the costs incurred.

Financial Considerations: 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 unpaid costs incurred by the City for weed abatement services provided are \$47,012.94 (Attachment 1). The City did not receive any written objections or protests from the listed property owners. As a result, the City did not hold any weed abatement hearings for this matter.

Local Business Enterprise (LBE): Not applicable.