



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C-7

For the meeting of: August 15, 2017

Date: July 18, 2017

To: Board of Supervisors

From: County Counsel's Office, Code Enforcement Unit *Sm*
Scott Miles, Senior Deputy County Counsel

Subject: Additional Administrative Abatement Funding Transfer
John McDowell, 1680 Anderson Road, McKinleyville, California; AP# 508-291-007

RECOMMENDATION(S):

1. Authorize the additional costs of abatement to be advanced by the County of Humboldt, pursuant to Humboldt County Code section 351-31, and if unpaid by the property owner, that a lien be placed against the parcel in the amount of the costs of abatement pursuant to Humboldt County Code sections 351-33 to 351-44; and
2. Authorize an additional transfer from the Code Enforcement Trust Fund, account #3440000, in the amount of \$3,745.70 to the County Counsel's revenue account #1100-121-631-130 to cover the additional costs of abatement; and to pay the expenses associated with the abatement out of account #1100-121-2-403.

SOURCE OF FUNDING:

General funds were used to prepare this agenda item. The additional costs of the abatement will be funded by the Code Enforcement Trust Fund. The current balance is approximately \$55,600.

DISCUSSION:

On March 7, 2017, your Board held a public hearing regarding the conditions on the property located at 1680 Anderson Road, McKinleyville, California, AP# 508-291-007, owned by John McDowell. The conditions on the property included junk vehicles, maintaining a junkyard, construction without permits

Prepared by Jeff Conner CAO Approval *E. Shuer-Hes*
REVIEW: Auditor *MBM* County Counsel *Sm* Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor *Sundberg* conduced by Supervisor *Fennell*
Ayes *Wilson, Sundberg, Bass, Bohn, Fennell*
Nays _____
Abstain _____
Absent _____

PREVIOUS ACTION/REFERRAL:

Board Order No. C6, 2-1

Meeting of: 05/02/2017, 3/7/17

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: August 15, 2017
By: *Kathy Hayes*
Kathy Hayes, Clerk of the Board

and the improper storage and removal of solid waste. At the hearing, evidence was presented by the Code Enforcement Unit. The property owner was present and testified on his own behalf. Your Board found that the conditions constituted a public nuisance and ordered that the nuisance be abated within thirty (30) days of the service of the Findings of Nuisance and Order of Abatement. Service of the Findings of Nuisance and Order of Abatement was completed on March 9, 2017.

The owner of the property was either unwilling or unable to abate the violations on his property. On May 2, 2017, your Board approved an Administrative Abatement Funding Transfer and Supplemental Budget as part of the consent calendar. There was no discussion on the item. This resulted in the transfer of \$9,000 from the Code Enforcement Trust Fund to the Code Enforcement Unit's revenue account to pay for the cost of the abatement.

The abatement was conducted between May 10, 2017 and June 6, 2017. It resulted in the removal of two junk vehicles, a junk travel trailer and a junk boat as well as the removal of five, forty cubic yard bins filled with solid waste and trash. The total cost for the abatement was \$12,745.70, \$3,745.70 more than allotted. This was due in part to an underestimation of the large amount of solid waste on the property.

FINANCIAL IMPACT:

The **additional** costs for the abatement totaled **\$3,745.70**. This was for the removal and disposal of an additional forty cubic yard bin filled with trash and the use of two laborers to move solid waste from areas that were not accessible by heavy equipment. The total costs are broken down as follows:

Removal of solid waste – five, forty cubic yard bins	\$7,892.65
Cost of contractor to load bins and remove junk vehicles	\$4,853.05
Total costs	\$12,745.70
Previous abatement cost approved on May 2, 2017	\$9,000
Additional costs not budgeted	\$3,745.70

The current balance of the Code Enforcement Trust Fund is approximately \$55,600.

The abatement of this property supports the Board of Supervisors' Core Role of enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

None at this time.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Do not authorize the additional costs of the abatement of the violations on the property by the Code Enforcement Unit. This alternative is not recommended as the contractors have already completed the abatement and submitted invoices for payment.

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ATTACHMENTS:

Attachment A - Findings of Nuisance and Order of Abatement from the Abatement Hearing before the Board of Supervisors on March 7, 2017.

Attachment B – Photographs taken on June 6, 2017

Additional Abatement Funding Transfer

In Re: John McDowell
1680 Anderson Road, McKinleyville, California; AP# 508-291-007

ATTACHMENT "A"

Findings of Nuisance and Order of Abatement

**BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT
825 FIFTH STREET
EUREKA, CALIFORNIA 95501 PHONE (707) 445-7471**

FINDINGS OF NUISANCE & ORDER OF ABATEMENT

In Re: Abatement Hearing

John McDowell
1680 Anderson Road, McKinleyville, California; AP# 508-291-007

March 7, 2017

WHEREAS, Humboldt County Board of Supervisors ("Board") considered the evidence concerning the condition of the subject property, including relevant documents, writings, codes, ordinances and oral testimony; and

WHEREAS, the Board declares that the conditions on the property are public nuisances in that the conditions are detrimental to the health, safety, comfort and general welfare of the public and persons residing in the neighborhood

Now therefore the Board Finds:

1. The property located at 1680 Anderson Road, McKinleyville, California is located in a Residential: Suburban zone, in the unincorporated area of McKinleyville, Humboldt County, California, referred to as Assessor's Parcel Number 508-291-007; and

2. The staff of the Code Enforcement Unit for the County of Humboldt confirmed the existence of violations on the property; and

3. The property owner was served with an Amended Notice of Nuisance pursuant to Humboldt County Code Sections 351-12 and 351-13, describing the conditions constituting the violations and ordering abatement of those conditions and that the Amended Notice of Nuisance was posted on the property pursuant to said County Code; and

4. The property owner has had significant and reasonable time to correct all violations, but has refused and/or failed to meet the deadlines prescribed by the Notice; and

5. The property owner was served with a Notice to Abate Nuisance pursuant to Humboldt County Code Section 351-15; to wit, the Notice to Abate Nuisance was posted on the property pursuant to said County Code and the property owner was sent a certified letter containing the Notice to Abate Nuisance with the date and time of the hearing; and

6. The property owner has the legal responsibility for maintenance of the property, including abatement of all violations and compliance with all orders of the County; and

7. The violations still exist at the property and the property remains in violation of Humboldt County Code Sections 331-28, construction without permits; 352-26, junk vehicles; 371-2, maintaining a junkyard; and 521-4, the improper storage and removal of solid waste; and

8. The conditions on the property are public nuisances in that the conditions are detrimental to the health, safety, comfort and general welfare of the public and persons residing in the neighborhood.

NOW, THEREFORE, IT IS HEREBY:

ORDERED:

1. The forgoing findings, including the findings of conditions constituting a public nuisance on the subject property, are incorporated herein by reference and made a part hereof;

2. That the property owner abate all violations of the Humboldt County Code as described above. The property owner shall take the following actions:

§331-28 Construction without permits

Corrective Action:

- a) Apply for and obtain a building permit from the Building Division,
- or
- b) Remove the unpermitted storage shed

§352-26 Junk vehicles

Corrective Action:

- a) Repair vehicles to operable condition, and/or
- b) Store vehicles inside of a permitted structure, and/or
- c) Remove inoperable vehicles

§371-2 Maintaining a junkyard

Corrective Action:

- a) Reduce the amount of salvageable materials to less than 200 square feet, and/or
- b) Store the salvageable materials inside of a permitted structure, and/or
- c) Remove all salvageable materials from the property

§521-4 Improper storage and removal of solid waste

Corrective Action:

Store all solid waste in containers with tight fitting lids and dispose of all waste in a timely manner;

3. That the abatement of all violations be completed within 30 days of the service of these Findings of Nuisance and Order of Abatement, including a final inspection by the Code Enforcement Unit;
4. That the Code Enforcement Unit is directed to take all necessary steps to assure the abatement is completed as ordered. If the property owner fails to comply with this order the Code Enforcement Unit shall be empowered and authorized to abate said nuisance and shall return to the Board for authorization for a transfer of funds to abate such nuisance, and that the costs of abatement shall become a lien on the subject property.

Dated: 3/7/17

Virginia Bass
Chair, Humboldt County Board of Supervisors

Additional Abatement Funding Transfer

In Re: John McDowell
1680 Anderson Road, McKinleyville, California; AP# 508-291-007

ATTACHMENT "B"

Photographs taken on June 6, 2017



