



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C-7

For the meeting of: **April 26, 2016**

Date: **March 17, 2016**

To: **Board of Supervisors**

From: **County Counsel's Office, Code Enforcement Unit
Blair Angus, Assistant County Counsel**

Subject: **Special Assessments for Unpaid Administrative Penalties:
The Estate of Noel and Janice Crain, A.P. 402-042-013;
Humberto and Lynette Vera, A.P. 301-082-014;
Gaile Bigham-Young, A.P. 109-271-041/109-271-042
Nathaniel King, Jerry Norwood and Betty Norwood, A.P. 316-233-021**

RECOMMENDATION(S):

That the Board of Supervisors, pursuant to Humboldt County Code section 2131-8 (e):

Adopt the attached resolutions declaring a special assessment against each said real property for unpaid administrative penalties.

SOURCE OF FUNDING:

General Fund

DISCUSSION:

Pursuant to Government Code 53069.4 and Humboldt County Code Section 2131-1 *et seq.* the Code Enforcement Unit (CEU) is authorized to issue administrative penalties against parties who have violated the Humboldt County Code, codes or ordinances adopted by the County, or for the failure to comply with an order issued by the Board or a hearing officer.

Prepared by Jason Sheets /Teri Gridley CAO Approval [Signature]

REVIEW: Auditor [Signature] County Counsel [Signature] Human Resources _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor _____ Seconded by Supervisor _____

Ayes
Nays
Abstain
Absent

SEE ACTION SUMMARY

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

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

Dated: _____
By: _____
Kathy Hayes, Clerk of the Board.

Special Assessments for Unpaid Administrative Penalties

April 26, 2016

Page 2 of 4

The purpose of administrative penalties is to provide the County with additional remedies to correct violations and, where necessary, to penalize violators for their failure to comply with the County codes and ordinances.

The issuance of an administrative penalty may be appealed by the responsible party in a hearing before an impartial hearing officer. If the responsible party or the CEU is aggrieved by the hearing officer's decision, either party may appeal that decision to the superior court. If a timely appeal is not taken to the superior court, the order imposing the administrative penalty becomes final and must be paid within 25 days of the final order being served. If the penalty remains unpaid after 25 days, then the CEU may collect the penalty plus costs and interest. One method of collecting the penalty is by way of a resolution declaring the unpaid penalty, costs and interest a special assessment against any real property owned by the responsible parties against whom an administrative penalty has been imposed. Once the resolution is adopted, the special assessment will be collected at the same time and in the same manner as ordinary taxes are collected and are subject to the same penalties and the same procedure and sale in the case of delinquency as provided for ordinary property taxes.

The unpaid administrative penalties that are the subject of this staff report have been imposed by the CEU for violations of the County Code or violations of a uniform code adopted by the County. The penalties were not appealed. Given that these unpaid administrative penalties have become final and due and have still not been paid, the CEU is bringing the attached resolutions to your Board to have the unpaid penalties that are detailed below declared a special assessment against real property.

1) The Estate of Noel and Janice Crain, Bayside, A.P. No. 402-042-013.

On March 3, 2015, the Code Enforcement Unit (CEU) received a referral from the Planning and Building Department concerning the property. The report that accompanied the referral indicated that there were violations consisting of junk yard and junk cars on the property.

CEU confirmed the violations and on March 25, 2015, a Notice of Nuisance was issued, and then served on the owner on March 27, 2015. The notice detailed violations of Humboldt County Code § 352-26, junk vehicles; § 371-2, maintaining a junkyard; and § 521-10, storage & removal of solid waste.

On January 7, 2016, an administrative penalty in the amount of \$1,000 was issued to the owner. No appeal of the administrative penalty was requested within the 30 day appeal period and the penalty became final on February 11, 2016. The unpaid penalty and costs are One Thousand Thirteen Dollars and Forty-Four Cents (\$1,013.44), plus interest of 10% per annum from March 7, 2016, as set by statute.

Special Assessments for Unpaid Administrative Penalties

April 26, 2016

Page 3 of 4

2). Humberto and Lynette Vera, Eureka, A.P. No. 301-082-014.

On or about March 6, 2008, the Code Enforcement Unit (CEU) received a referral from the Planning and Building Department concerning the property. The report that accompanied the referral indicated that there were violations consisting of junk yard and junk cars on the property.

CEU inspected the property and found that the violations on the property had improved and that the adjacent vacant property that they owned had been cleared. On September 22, 2010, CEU was inspecting an unrelated property and noticed that the property had deteriorated. On October 4, 2010, CEU received a complaint from a neighbor regarding the condition of the property. CEU confirmed the violations, and a Notice of Nuisance was issued on October 15, 2010, and then served on the owner on November 17, 2010. The notice detailed violations of Humboldt County Code § 311-10.1, building/property use or operation in violation of zoning code; 314-81.1, use of mobile homes or trailers as place of habitation; § 352-26, junk vehicles; § 371-2, maintaining a junkyard; and 521-4, storage & removal of solid waste.

On December 3, 2015, an administrative penalty in the amount of \$1,500 was issued to the owners. No appeal of the administrative penalty was requested within the 30 day appeal period and the penalty became final on January 8, 2016. The unpaid penalty and costs are One Thousand Five Hundred Thirteen Dollars and Forty-Four Cents (\$1,513.44), plus interest of 10% per annum from February 3, 2016, as set by statute.

3). Nathaniel King, Jerry Norwood and Betty Norwood, Titlow Hill, A.P. No. 316-223-021.

On June 4, 2007, the Code Enforcement Unit (CEU) received a referral from the Planning and Building Department concerning the property. The report that accompanied the referral indicated that there were violations consisting of unpermitted residence without permits or proper septic systems, unauthorized road construction, and grading and fill on the property.

CEU confirmed that there was a structure illegally created without a permit, and on June 1, 2015, a Notice of Nuisance was issued, and then served on the owner on June 3, 2015. The notice detailed a violation of Humboldt County Code § 331-28, construction of building/structure in violation of building.

On December 3, 2015, an administrative penalty in the amount of \$1,500 was issued to the owner. No appeal of the administrative penalty was requested within the 30 day appeal period and the penalty became final on January 8, 2016. The unpaid penalty and costs are One Thousand Five Hundred Thirteen Dollars and Forty-Four Cents (\$1,513.44), plus interest of 10% per annum from February 2, 2016, as set by statute.

4). Gaile Bigham-Young, Whitethorn, A.P. Nos. 109-271-041 and 109-271-042.

On May 14, 2015, the Code Enforcement Unit (CEU) received a referral from the Planning and Building Department concerning the property. The report that accompanied the referral indicated that there were violations consisting of accessory structure and grading/fill on the property.

Special Assessments for Unpaid Administrative Penalties

April 26, 2016

Page 4 of 4

On or about May 5, 2015, CEU served an inspection warrant and confirmed the violations. On May 14, 2015, a Notice of Nuisance was issued, and then served on the owners, Tommy and Pauline York, on May 20, 2015. CEU was told by Mr. York that the property had been sold to Gaile Bingham-Young, and, therefore, she was served a copy of the Notice of Nuisance on May 28, 2015. The notice detailed violations of Humboldt County Code § 311-10.1, building/property use or operation of zoning code; § 314-81.1, use of mobile homes or trailers as place of habitation; § 331-14, grading without permits; and § 331-28, construction of building/structure in violation of building, plumbing and/or electrical codes.

On January 5, 2016, an administrative penalty in the amount of \$2,500 was issued to the owner. No appeal of the administrative penalty was requested within the 30 day appeal period and the penalty became final on February 11, 2016. The unpaid penalty and costs are Two Thousand Five Hundred Thirteen Dollars and Forty-Four Cents (\$2,513.44), plus interest of 10% per annum from March 7, 2016, as set by statute.

The recommended action supports the Board's Strategic Framework by enforcing laws and regulations and creating opportunities for improved health and safety.

FINANCIAL IMPACT:

The four (4) outstanding fines and costs total Six Thousand Five Hundred Fifty-Three Dollars and Seventy-Six Cents (\$6,553.76) plus interest of 10% per annum. When paid, the fines and interest will be deposited into the Code Enforcement Revenue Account # 603-040. The collection of administrative fines supports the Board of Supervisors' Core Role of enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could decline to declare the unpaid penalties a special assessment. This is not recommended as these fines are past due and a special assessment provides a way for the County to collect unpaid fines in a timely manner.

ATTACHMENTS:

- Attachment A – Resolution re The Estate of Noel and Janice Crain, A.P. 402-042-013
- Attachment B – Resolution re Humberto and Lynette Vera, A.P. 301-082-014;
- Attachment C – Resolution re Gaile Bingham-Young, A.P. 109-271-041/109-271-042
- Attachment D – Resolution re Nathaniel King, Jerry Norwood and Betty Norwood,
A.P. 316-233-021

ATTACHMENT "A"

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 26, 2016

RESOLUTION NO. 16-44

RESOLUTION TO DECLARE AN UNPAID ADMINISTRATIVE PENALTY A SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY OWNED BY THE ESTATE OF NOEL AND JANICE CRAIN (APN 402-042-013) PURSUANT TO HCC § 2131-8(e)

WHEREAS, Government Code 53069.4 authorizes the County of Humboldt to enact an Administrative Penalty Ordinance; and

WHEREAS, pursuant to this authority the County enacted section 2131, *et seq.*, of the Humboldt County Code establishing administrative penalty and collection procedures; and

WHEREAS, on March 25, 2015 a Notice of Nuisance was issued by the County of Humboldt Code Enforcement Unit to The Estate of Noel and Janice Crain (herein after referred to as Owner) regarding the property located at 1339 Walker Point Road in Bayside, CA (herein after referred to as Property) for the following violations of the Humboldt County Code: Section 352-26, Junk vehicles, Section 371-2, Maintaining a junk yard; and Section 521-4, Storage and removal of solid waste; and

WHEREAS, pursuant to HCC §2131-1 *et seq.*, on January 7, 2016, the Humboldt County Code Enforcement Unit issued an order imposing administrative penalty to Owner in regards to the Property in the amount of One Thousand Dollars (\$1,000.00); and

WHEREAS, the order imposing administrative penalty advised Owner that an appeal of the imposition of the administrative penalty must be filed within thirty (30) days of the date the order was served and that if an appeal was not requested the order imposing the administrative penalty shall be final; and

WHEREAS, the order imposing administrative penalty was served on Owner by certified mail on January 8, 2016; and

WHEREAS, Owner did not appeal the imposition of the administrative penalty and a final order re administrative penalty in the amount of One Thousand Dollars (\$1,000.00) was served on February 11, 2016; and

WHEREAS, the final order re administrative penalty advised Owner that judicial review of the final order pursuant to Government Code §53069.4 must be filed within twenty (20) days after service of the final order; and

WHEREAS, the final order re administrative penalty provided that the administrative penalty shall be paid within twenty-five (25) days of service of the final order and if not paid within said time the penalty shall be made a personal obligation of the Owner and may be made a lien against the property or may be collected by special assessment; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 26, 2016

RESOLUTION NO. 16-44

WHEREAS, Owner has not sought judicial review of the final order within 20 days and has not paid the administrative penalty within twenty-five (25) days of service of the final order; and

WHEREAS, pursuant to Humboldt County Code §2131-8(c) an administrative penalty shall accrue interest at the same annual rate as any civil judgment, which is currently set at 10% per year; and

WHEREAS, the amount of the unpaid administrative penalty, interest and any other costs as provided by Humboldt County Code §2131-1 *et seq.* may be declared a special assessment against any real property owned by Owner within the County of Humboldt upon presentation by the Code Enforcement Unit of a resolution to declare a special assessment to the Board of Supervisors; and

WHEREAS, upon the adoption of said Resolution to declare a special assessment, a Notice of Special Assessment Lien shall be recorded with the Humboldt County Recorder's Office and the assessment lien may then be collected at the same time and in the same manner as ordinary taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as are provided for ordinary property taxes.

NOW THEREFORE BE IT RESOLVED:

1. The unpaid administrative penalty and costs, in the amount of One Thousand Thirteen Dollars and Forty-Four Cents (\$1,013.44), plus interest of 10% per annum from March 7, 2016, as set by statute, shall be assessed as a special assessment against the following parcel number 402-042-013.
2. The special assessment shall be a lien on the Property and shall be collected at the same time and in the same manner as ordinary taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as are provided for ordinary property taxes.
3. A Notice of Special Assessment Lien shall be recorded with the Humboldt County Recorder's Office.

Dated: April 26, 2016



MARK LOVELACE, Chair
Humboldt County Board of Supervisors

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 26, 2016

RESOLUTION NO. 16-44

Adopted on motion by Supervisor Bohn, seconded by Supervisor Fennell, and the following vote:

AYES:	Supervisors	Sundberg, Fennell, Lovelace, Bohn, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

ATTACHMENT "B"

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 26, 2016

RESOLUTION NO. 16-45

RESOLUTION TO DECLARE AN UNPAID ADMINISTRATIVE PENALTY A SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY OWNED BY HUMBERTO AND LYNETTE VERA (APN 301-082-014) PURSUANT TO HCC §2131-8(e)

WHEREAS, Government Code 53069.4 authorizes the County of Humboldt to enact an Administrative Penalty Ordinance; and

WHEREAS, pursuant to this authority the County enacted section 2131, *et seq.*, of the Humboldt County Code establishing administrative penalty and collection procedures; and

WHEREAS, on October 10, 2010, a Notice of Nuisance was issued by the County of Humboldt Code Enforcement Unit to Humberto and Lynette Vera (herein after referred to as Owners) regarding the property located at 4695 Union Street, Eureka, CA (herein after referred to as Property) for the following violations of the Humboldt County Code: Section 311-10.1, Building/property use or operation in violation of zoning code; Section 314-81.1, Use of mobile homes or trailers as place of habitation; Section 352-26, Junk vehicles; Section 371-2, Maintaining a junk yard; and Section 521-4, Storage and removal of solid waste; and

WHEREAS, pursuant to HCC §2131-1 *et seq.*, on December 3, 2015, the Humboldt County Code Enforcement Unit issued an order imposing administrative penalty to Owners in regards to the Property in the amount of One Thousand Five Hundred Dollars (\$1,500.00).

WHEREAS, the order imposing administrative penalty advised Owners that an appeal of the imposition of the administrative penalty must be filed within thirty (30) days of the date the order was served and that if an appeal was not requested the order imposing the administrative penalty shall be final; and

WHEREAS, the order imposing administrative penalty was served on Owners by certified mail on December 3, 2015; and

WHEREAS, Owners did not appeal the imposition of the administrative penalty and a final order re administrative penalty in the amount of One Thousand Five Hundred Dollars (\$1,500.00) was served on January 8, 2016; and

WHEREAS, the final order re administrative penalty advised Owners that judicial review of the final order pursuant to Government Code ' 53069.4 must be filed within twenty (20) days after service of the final order; and

WHEREAS, the final order re administrative penalty provided that the administrative penalty shall be paid within twenty-five (25) days of service of the final order and if not paid within said time the penalty shall be made a personal obligation of the Owners and may be made a lien against the property or may be collected by special assessment; and

WHEREAS, Owners have not sought judicial review of the final order within 20 days and has not paid the administrative penalty within twenty-five (25) days of service of the final order; and

WHEREAS, pursuant to Humboldt County Code §2131-8(c) an administrative penalty shall accrue interest at the same annual rate as any civil judgment, which is currently set at 10% per year; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 26, 2016

RESOLUTION NO. 16-45

WHEREAS, the amount of the unpaid administrative penalty, interest and any other costs as provided by Humboldt County Code §2131-1 *et seq.* may be declared a special assessment against any real property owned by Owners within the County of Humboldt upon presentation by the Code Enforcement Unit of a resolution to declare a special assessment to the Board of Supervisors; and

WHEREAS, upon the adoption of said Resolution to declare a special assessment, a Notice of Special Assessment Lien shall be recorded with the Humboldt County Recorder's Office and the assessment lien may then be collected at the same time and in the same manner as ordinary taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as are provided for ordinary property taxes.

NOW THEREFORE BE IT RESOLVED:

1. The unpaid administrative penalty and costs, in the amount of One Thousand Five Hundred Thirteen Dollars and Forty-Four Cents (\$1,513.44), plus interest of 10% per annum from February 3, 2016, as set by statute, shall be assessed as a special assessment against the following parcel number 301-082-014.
2. The special assessment shall be a lien on the Property and shall be collected at the same time and in the same manner as ordinary taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as are provided for ordinary property taxes.
3. A Notice of Special Assessment Lien shall be recorded with the Humboldt County Recorder's Office.

Dated: April 26, 2016



MARK LOVELACE, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Bohn, seconded by Supervisor Fennell, and the following vote:

AYES:	Supervisors	Sundberg, Fennell, Lovelace, Bohn, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA


Certified copy of portion of proceedings, Meeting of April 26, 2016

RESOLUTION NO. 16-45

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

ATTACHMENT "C"

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 26, 2016

RESOLUTION NO. 16-46

RESOLUTION TO DECLARE AN UNPAID ADMINISTRATIVE PENALTY A SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY OWNED BY GAILE BIGHAM-YOUNG (APN 109-271-041/109-271-042) PURSUANT TO HCC § 2131-8(e)

WHEREAS, Government Code 53069.4 authorizes the County of Humboldt to enact an Administrative Penalty Ordinance; and

WHEREAS, pursuant to this authority the County enacted section 2131, *et seq.*, of the Humboldt County Code establishing administrative penalty and collection procedures; and

WHEREAS, on May 14, 2015, a Notice of Nuisance was issued by the County of Humboldt Code Enforcement Unit to Tommy and Pauline York, previous owners, regarding the property located at 233 Cedarwood Court in Whithorn, CA (herein after referred to as Property) for the following violations of the Humboldt County Code: Section 311-10.1, Building/property use or operation in violation of zoning code; and Section 331-14, Grading without permits; and Section 331-28, Construction of building/structure in violation of building, plumbing and/or electrical codes; and Section 314-81.1, Use of mobile homes and trailers as place of habitation. After that date, Code Enforcement was notified that the property had been sold to Gaile Bigham-Young (herein after referred to as Owner) and was mailed a copy of the Notice of Nuisance; and

WHEREAS, pursuant to HCC §2131-1 *et seq.*, on January 5, 2016 the Humboldt County Code Enforcement Unit issued an order imposing administrative penalty to Owner in regards to the Property in the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

WHEREAS, the order imposing administrative penalty advised Owner that an appeal of the imposition of the administrative penalty must be filed within thirty (30) days of the date the order was served and that if an appeal was not requested the order imposing the administrative penalty shall be final; and

WHEREAS, the order imposing administrative penalty was served on Owner by certified mail on January 8, 2016; and

WHEREAS, Owner did not appeal the imposition of the administrative penalty and a final order re administrative penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) was served on February 11, 2016; and

WHEREAS, the final order re administrative penalty advised Owner that judicial review of the final order pursuant to Government Code §53069.4 must be filed within twenty (20) days after service of the final order; and

WHEREAS, the final order re administrative penalty provided that the administrative penalty shall be paid within twenty-five (25) days of service of the final order and if not paid within said time the penalty shall be made a personal obligation of the Owner and may be made a lien against the property or may be collected by special assessment; and

WHEREAS, Owner has not sought judicial review of the final order within 20 days and has not paid the administrative penalty within twenty-five (25) days of service of the final order; and

WHEREAS, pursuant to Humboldt County Code §2131-8(c) an administrative penalty shall accrue interest at the same annual rate as any civil judgment, which is currently set at 10% per year; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of April 26, 2016

RESOLUTION NO. 16-46

WHEREAS, the amount of the unpaid administrative penalty, interest and any other costs as provided by Humboldt County Code §2131-1 *et seq.* may be declared a special assessment against any real property owned by Owner within the County of Humboldt upon presentation by the Code Enforcement Unit of a resolution to declare a special assessment to the Board of Supervisors; and

WHEREAS, upon the adoption of said Resolution to declare a special assessment, a Notice of Special Assessment Lien shall be recorded with the Humboldt County Recorder's Office and the assessment lien may then be collected at the same time and in the same manner as ordinary taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as are provided for ordinary property taxes;

NOW THEREFORE BE IT RESOLVED:

1. The unpaid administrative penalty and costs, in the amount of Two Thousand Five Hundred Thirteen Dollars and Forty-Four Cents (\$2,513.44), plus interest of 10% per annum from March 7, 2016 as set by statute, shall be assessed as a special assessment against the following parcel number 109-271-041/109-271-042.
2. The special assessment shall be a lien on the Property and shall be collected at the same time and in the same manner as ordinary taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as are provided for ordinary property taxes.
3. A Notice of Special Assessment Lien shall be recorded with the Humboldt County Recorder's Office.

Dated: April 26, 2016



MARK LOVELACE, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Fennell, seconded by Supervisor Sundberg, and the following vote:

AYES:	Supervisors	Sundberg, Fennell, Lovelace, Bohn, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA


Certified copy of portion of proceedings, Meeting of April 26, 2016


RESOLUTION NO. 16-46

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.





By ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

ATTACHMENT "D"

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on

RESOLUTION NO. _____

**RESOLUTION TO DECLARE AN UNPAID ADMINISTRATIVE
PENALTY A SPECIAL ASSESSMENT AGAINST THE REAL
PROPERTY OWNED BY NATHANIEL KING, JERRY
NORWOOD, AND BETTY NORWOOD (APN 316-233-021)
PURSUANT TO HCC § 2131-8(e)**

WHEREAS, Government Code 53069.4 authorizes the County of Humboldt to enact an Administrative Penalty Ordinance; and

WHEREAS, pursuant to this authority the County enacted section 2131, *et seq.*, of the Humboldt County Code establishing administrative penalty and collection procedures; and

WHEREAS, on June 1, 2015 a Notice of Nuisance was issued by the County of Humboldt Code Enforcement Unit to Nathaniel King, Jerry Norwood and Betty Norwood, owners, regarding the property located in the unincorporated area of Titlow Hill (herein after referred to as Property) for the following violation of the Humboldt County Code: Section 331-28, Construction of building/structure in violation of building, plumbing and/or electrical codes; and

WHEREAS, pursuant to HCC §§ 2131-1 *et seq.*, on December 3, 2015 the Humboldt County Code Enforcement Unit issued an order imposing administrative penalty to Nathaniel King in regards to the Property in the amount of One Thousand Five Hundred Dollars (\$1,500.00).

WHEREAS, the order imposing administrative penalty advised Nathaniel King that an appeal of the imposition of the administrative penalty must be filed within thirty (30) days of the date the order was served and that if an appeal was not requested the order imposing the administrative penalty shall be final; and

WHEREAS, the order imposing administrative penalty was served on Nathaniel King by certified mail on December 3, 2015; and

WHEREAS, Nathaniel King did not appeal the imposition of the administrative penalty and a final order re administrative penalty in the amount of One Thousand Five Hundred Dollars (\$1,500.00) was served on January 8, 2016; and

WHEREAS, the final order re administrative penalty advised Nathaniel King that judicial review of the final order pursuant to Government Code § 53069.4 must be filed within twenty (20) days after service of the final order; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on

WHEREAS, the final order re administrative penalty provided that the administrative penalty shall be paid within twenty-five (25) days of service of the final order and if not paid within said time the penalty shall be made a personal obligation of Nathaniel King and may be made a lien against the property or may be collected by special assessment; and

WHEREAS, Nathaniel King has not sought judicial review of the final order within 20 days and has not paid the administrative penalty within twenty-five (25) days of service of the final order; and

WHEREAS, pursuant to Humboldt County Code §2131-8(c) an administrative penalty shall accrue interest at the same annual rate as any civil judgment, which is currently set at 10% per year; and

WHEREAS, the amount of the unpaid administrative penalty, interest and any other costs as provided by Humboldt County Code §§2131-1 et seq. may be declared a special assessment against any real property owned by Nathaniel King within the County of Humboldt upon presentation by the Code Enforcement Unit of a resolution to declare a special assessment to the Board of Supervisors; and

WHEREAS, upon the adoption of said Resolution to declare a special assessment, a Notice of Special Assessment Lien shall be recorded with the Humboldt County Recorder's Office and the assessment lien may then be collected at the same time and in the same manner as ordinary taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as are provided for ordinary property taxes;

NOW THEREFORE BE IT RESOLVED:

1. The unpaid administrative penalty and costs, in the amount of One Thousand Five Hundred Thirteen Dollars and Forty-Four Cents (\$1,513.44), plus interest of 10% per annum from February 2, 2016 as set by statute, shall be assessed as a special assessment against the following parcel number 316-233-021.
2. The special assessment shall be a lien on the Property and shall be collected at the same time and in the same manner as ordinary taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as are provided for ordinary property taxes.
3. A Notice of Special Assessment Lien shall be recorded with the Humboldt County Recorder's Office.

//

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on

Mark Lovelace, Chair

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors--
NOES: Supervisors--
ABSENT: Supervisors--
ABSTAIN: Supervisors--

STATE OF CALIFORNIA)
) ss.
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto
Set my hand and affixed the Seal of
Said Board of Supervisors

KATHY HAYES

Clerk of the Board of Supervisors of
the County of Humboldt, State of
California

By _____
Ana Hartwell, Deputy Clerk of the Board