



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C-6

For the meeting of: **May 2, 2017**

Date: **April 24, 2017**

To: **Board of Supervisors**

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

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

RECOMMENDATION(S):

- (1) Authorize the cost 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;
- (2) Authorize a transfer from the Code Enforcement Trust Fund, account #3440000, in the amount of \$9,000 to the County Counsel's revenue account #1100-121-631-130 to cover the cost of the abatement, and to pay the expenses associated with the abatement out of account 1100-121-2-403; and
- (3) Authorize the Auditor-Controller to execute the supplemental budget shown in Attachment "A" for fiscal year 2016-2017 (4/5th vote required).

SOURCE OF FUNDING:

General funds were used to prepare this agenda item. The cost of the abatement will be funded by the Code Enforcement Trust Fund. The current balance is approximately \$50,000. Included in this balance is Administrative Abatement Funding Transfer \$40,000 in Measure Z funds, which were granted by your Board to use for legacy case clean ups.

Prepared by: Jeff Conner/John Nguyen

CAO Approval [Signature]

REVIEW: Auditor [Signature] County Counsel [Signature] Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

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

PREVIOUS ACTION/REFERRAL:

Board Order No. K-1

Meeting of: March 7, 2017

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

Dated: May 2, 2017
By: [Signature]
Kathy Hayes, Clerk of the Board

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 (hereinafter referred to as the "Property"), which the Humboldt County Tax Collector's database shows is owned by John McDowell (hereinafter referred to as the "Owner"). The violations listed on the Amended Notice of Nuisance included construction without permits, junk vehicles, maintaining a junkyard and the improper storage and removal of solid waste. At the hearing, evidence was presented by the Code Enforcement Unit. The Owner was present and testified on his own behalf.

At the conclusion of the public hearing, 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. Your Board further ordered that the Code Enforcement Unit return for abatement funds if the Owner did not comply with the abatement order by the deadline imposed, and to seek a lien on the Property if the Owner failed to pay those costs. On March 8, 2017, a copy of the Findings of Nuisance and Order of Abatement from the hearing was sent to the Owner via certified mail pursuant to Humboldt County Code Section 351-22. Furthermore, on March 9, 2017, another copy was posted on the Property, completing service.

On April 24, 2017, the Code Enforcement Unit inspected the Property again. The Owner claimed that a dumpster had been filled with solid waste and removed. However, the amount of solid waste visible from the front of the house appeared to have actually increased. The soft-sided structure was still present and contained more solid waste than during the service of the inspection warrant in November 2016. The pickup truck in the driveway was overflowing with bags of trash and solid waste. There were also large concentrations of solid waste visible in the backyard as well as on the north side of the house. Photographs taken during this inspection are included in Attachment "C."

Despite the efforts made by the Code Enforcement Unit to obtain voluntary compliance, there are four (4) junk vehicles on the Property, including a boat and a travel trailer. In addition to the vehicles, there are large concentrations of solid waste and an unpermitted, soft-sided structure filled with additional trash and solid waste. The Owner is unable and/or unwilling to abate the violations on his own. Thus, the Code Enforcement Unit believes that it is necessary to undertake an abatement of the junk vehicles, the solid waste, and the unpermitted soft-sided structure on the Property.

FINANCIAL IMPACT:

The costs of the abatement have been estimated at \$9,000 for the removal and disposal of the junk vehicles, the soft-sided structure and the solid waste. Such costs are further broken down as follows:

General contractor crew for one day <i>Including excavator, skid-steer tractor, truck and laborers</i>	\$3,000
Solid waste disposal	\$2,400
Tow and disposal of junk automobiles	\$200
Tow and disposal of travel trailer	\$1,250
Tow and disposal of boat	\$500
Contingency	\$1,650
Total	\$9,000

The balance of the Code Enforcement Trust Fund is currently approximately \$50,000. However, there are several other parcels which have recently been the subject of abatement hearings and could require funds to conduct an abatement if the owners fail to comply with your Board's orders.

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

OTHER AGENCY INVOLVEMENT:

No other agency involvement is anticipated.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. Extend the timeline for voluntary compliance by the Owner. This alternative is not recommended as the Owner has had adequate time to abate the conditions constituting a nuisance on the Property and appears to be unwilling and/or unable to do so.
2. Do not authorize abatement cleanup of the Property by the Code Enforcement Unit. This alternative is not recommended as the conditions on the Property remain in violation of Humboldt County Codes, are a public nuisance, and a detriment to the health, safety and welfare of the citizens of Humboldt County.

ATTACHMENTS:

Attachment A – Supplemental Budget for Abatement.

Attachment B – Findings of Nuisance and Order of Abatement from the Abatement Hearing before the Board of Supervisors on March 7, 2016.

Attachment C – Digital photographs taken on April 24, 2017

Administrative Abatement Funding Transfer

John McDowell

1680 Anderson Road, McKinleyville, California

AP# 508-291-007

Attachment "A"

Supplemental Budget for Abatement

Supplemental Budget for Abatement (4/5th Vote)

Revenue:

1100-121-631-130	\$9,000
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Expenditures:

1100-121-2-403	\$9,000
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Administrative Abatement Funding Transfer

John McDowell

1680 Anderson Road, McKinleyville, California

AP# 508-291-007

Attachment "B"

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

Administrative Abatement Funding Transfer

John McDowell

1680 Anderson Road, McKinleyville, California

AP# 508-291-007

Attachment "C"

Photographs taken on April 24, 2017



