



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C-5

For the meeting of: **February 23, 2016**

Date: **January 25, 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:
Mike Simpson, A.P. 110-041-002;
Justine Taylor, A.P. 110-041-010;
Glenda Rasella, A.P. 510-281-002 and
Stephen Combs, A.P. 205-271-016, 205-271-020 and 205-271-022**

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 _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Fennell Seconded by Supervisor Bass

Ayes Fennell, Lovelace, Bass

Nays _____

Abstain _____

Absent Sundberg, Bohn

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

Dated: Feb. 23, 2016

By: [Signature]

Kathy Hayes, Clerk of the Board

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. Two penalties were not appealed, and two were appealed to the hearing officer, but the hearing officer's decisions were not appealed to the superior court. 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) Mike Simpson, Whitethorn, A.P. No. 110-041-002.

On September 25, 2012, 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 an accessory structure; timber harvesting and grading on the property.

CEU confirmed the violations and on May 7, 2015, a Notice of Nuisance was issued, and then served on the owner on May 12, 2015. The notice detailed violations of Humboldt County Code § 311-10.2, building/property use or operation in violation of zoning code; and 331-14, grading without permits.

On October 2, 2015, 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 November 9, 2015. The unpaid penalty and costs are Two Thousand Five Hundred Nineteen Dollars and Fifty-Six Cents (\$2,519.56), plus interest of 10% per annum from December 5, 2015, as set by statute.

2). Justine Taylor, Whitethorn, A.P. No. 110-041-010.

On or about 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 a junkyard and grading on the property.

CEU confirmed the violations were on the property, and a Notice of Nuisance was issued, and then served on the owner on May 12, 2015. The notice detailed violations of Humboldt County Code § 311-10.2, building/property use or operation in violation of zoning code; and 331-14, grading without permits.

On September 14, 2015, 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 October 22, 2015. The unpaid penalty and costs are Two Thousand Five Hundred Nineteen Dollars and Fifty-Six Cents (\$2,519.94), plus interest of 10% per annum from November 21, 2015, as set by statute.

3). Glenda Rasella, Blue Lake, A.P. No. 510-281-002.

On March 10, 2011, the Code Enforcement Unit (CEU) received a referral from the Department of Environmental Health concerning the property. The report that accompanied the referral indicated that there were violations consisting of solid waste storage on the property.

CEU confirmed violations and on October 15, 2012, a Notice of Nuisance was issued, and then served on the owner on October 16, 2012. The notice detailed violations of Humboldt County Code § 314-81.1, use of mobile homes or trailers as place of habitation; § 331-28, construction of building/structure in violation of building, plumbing and/or electrical codes; § 371-2, maintaining a junkyard; and § 521-4, storage & removal of solid waste.

On May 24, 2013, an administrative penalty in the amount of \$3,750 was issued to the owner. Ms. Rasella's original hearing was scheduled on August 14, 2013, and then continued to various dates to allow her to correct the violations. On March 2, 2015, the hearing officer issued an Order Imposing \$750 of the \$3,750 penalty and continued the matter until September 3, 2015. On September 3, 2015, the hearing officer issued an Order After Administrative Penalty Hearing dismissing \$2,500 of the \$3,000 that had previously been suspended, and issued an additional \$500. The total amount due for the penalty is \$1,250. The penalty became final on September 3, 2015. The unpaid penalty and costs are One Thousand Two Hundred Sixty-Two Dollars and Twenty-Two Cents (\$1,262.22), plus interest of 10% per annum from September 29, 2015, as set by statute.

4). Stephen Combs, Scotia, A.P. Nos. 205-271-016, 205-271-020 and 205-271-022.

On May 25, 2011, 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 accumulation of cars, tires, car parts, oil containers and solid waste on the property.

CEU confirmed violations and on July 11, 2011, a Notice of Nuisance was issued, and then served on the owner on July 12, 2011. The notice detailed violations of Humboldt County Code § 314-81.1, use of mobile homes or trailers as place of habitation; § 331-11.5, non-approved water supply system; § 331-28, construction of building/structure in violation of building, plumbing and/or electrical codes; § 352-26, maintaining a junkyard; § 371-2, maintaining a junkyard; § 521-4, storage & removal of solid waste; and § 611-3, unapproved sewage disposal system.

On January 15, 2014, an administrative penalty in the amount of \$2,500 was issued to the owner. Mr. Combs' original hearing was scheduled for April 4, 2014, and then continued to various dates to allow him additional time to correct the violations. On November 14, 2014, the hearing officer imposed \$500.00 of the \$2,500 penalty, and continued the matter to July 1, 2015, August 21, 2015 and September 24, 2015, allowing additional time for Mr. Combs to correct the violations. On December 22, 2015, the hearing officer issued an Order Reducing Administrative Penalty to a \$500 penalty as previously imposed on November 14, 2014. That penalty became final on November 14, 2014. The unpaid penalty and costs are Five Hundred Six Dollars and Eleven Cents (\$506.11), plus interest of 10% per annum from January 17, 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 Eight Hundred Seven Dollars and Eighty-Three Cents (\$6,807.83) 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 Mike Simpson, A.P. 110-041-002
- Attachment B – Resolution re Justine Taylor, A.P. 110-041-010
- Attachment C – Resolution re Glenda Rasella, A.P. 510-281-002
- Attachment D – Resolution re Stephen Combs, A.P. 205-271-016, 205-271-020 and 205-271-022

Attachment “A”

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of February 23, 2016

RESOLUTION NO. 16-22

RESOLUTION TO DECLARE AN UNPAID ADMINISTRATIVE PENALTY A SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY OWNED BY MIKE SIMPSON (APN 110-041-002) 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 7, 2015, a Notice of Nuisance was issued by the County of Humboldt Code Enforcement Unit to Mike Simpson (herein after referred to as Owner) regarding the property located at 22 Warden Court in Whitethorn (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

WHEREAS, pursuant to HCC " 2131-1 *et seq.*, on September 14, 2015, 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); 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 October 2, 2015; 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 November 10, 2015; 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 February 23, 2016

RESOLUTION NO. 16-22

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 Two Thousand Five Hundred Nineteen Dollars and Fifty-Six Cents (\$2,519.56), plus interest of 10% per annum from December 5, 2015, as set by statute, shall be assessed as a special assessment against the following parcel number 110-041-002.
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: February 23, 2016



MARK LOVELACE, Chair
Humboldt County Board of Supervisors

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

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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of February 23, 2016

RESOLUTION NO. 16-22

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 February 23, 2016

RESOLUTION NO. 16-23

RESOLUTION TO DECLARE AN UNPAID ADMINISTRATIVE PENALTY A SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY OWNED BY JUSTINE TAYLOR (APN 110-041-010) 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 7, 2015, a Notice of Nuisance was issued by the County of Humboldt Code Enforcement Unit to Justine Taylor (herein after referred to as Owner) regarding the property located at 98 Warden Court in Whitethorn (herein after referred to as Property) for the following violations of the Humboldt County Code: Section 331-14, Grading without permits; Section 331-28, Construction of building/structure in violation of building, plumbing and/or electrical codes; Section 521-10, Improper disposal of solid waste; and

WHEREAS, pursuant to HCC " 2131-1 *et seq.*, on September 14, 2015, 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); 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 September 14, 2015; 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 October 22, 2015; 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 February 23, 2016

RESOLUTION NO. 16-23

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 Nineteen Dollars and Ninety-Four Cents (\$2,519.94), plus interest of 10% per annum from November 21, 2015, as set by statute, shall be assessed as a special assessment against the following parcel number 110-041-010.
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: February 23, 2016


MARK LOVELACE, Chair
Humboldt County Board of Supervisors

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

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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of February 23, 2016

RESOLUTION NO. 16-23

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 February 23, 2016

RESOLUTION NO. 16-24

RESOLUTION TO DECLARE AN UNPAID ADMINISTRATIVE PENALTY A SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY OWNED BY GLENDA RASELLA (APN 510-281-002) 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 15, 2012, a Notice of Nuisance was issued by the County of Humboldt Code Enforcement Unit to Glenda Rasella (herein after referred to as Owner) regarding the property located at 2225 Walker Road in Blue Lake (herein after referred to as Property) for the following violations of the Humboldt County Code: Section 314-81.1, use of mobile home or trailer as place of habitation; Section 331-28, construction of building/structure in violation of building, plumbing and/or electrical codes; Section 371-2, maintaining a junkyard; and Section 521-4, storage & removal of solid waste; and

WHEREAS, pursuant to HCC " 2131-1 *et seq.*, on May 24, 2013, the Humboldt County Code Enforcement Unit issued an order imposing administrative penalty to Owner in regards to the Property in the amount of Three Thousand Seven Hundred Fifty Dollars (\$3,750.00); 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 May 24, 2013; and

WHEREAS, owner appealed the imposition of the administrative penalty, and on July 11, 2013, an administrative appeal hearing was held, but then continued to August 14, 2013; and

WHEREAS, on August 14, 2013, the hearing was held and the hearing officer issued an Order Continuing Administrative Penalty Hearing ordering Ms. Rasella to complete certain steps and continued matter to February 20, 2014; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of February 23, 2016

RESOLUTION NO. 16-24

WHEREAS, on February 13, 2014, Ms. Rasella verbally asked for an extension of the February 20, 2014 hearing, and was, therefore, it was rescheduled to February 27, 2014. **WHEREAS**, on February 27, 2014, the hearing was held and the hearing officer issued an Order Continuing Administrative Penalty Hearing ordering Ms. Rasella to apply for permits, and continued matter to December 1, 2014; and

WHEREAS, on December 1, 2014, the hearing was held and continued to March 2, 2015, to allow Ms. Rasella additional time to obtain building permits; and

WHEREAS, on March 2, 2015, the hearing was held and the hearing officer issued an Order Imposing and Continuing Administrative Penalty and Hearing. The order suspended \$3,000 of the penalty amount, imposed the remaining \$750, and continued the hearing until September 3, 2015, to allow Ms. Rasella additional time to obtain the necessary building permits; and

WHEREAS, on September 3, 2015, the hearing was held and the hearing officer issued an Order After Administrative Penalty Hearing dismissing \$2,500 of the \$3,750 administrative penalty order, with an additional \$500 due in addition to the \$750 that was ordered on March 2, 2015. The total penalty amount due is \$1,250; 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

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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of February 23, 2016

RESOLUTION NO. 16-24

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 Two Hundred Sixty-Two Dollars and Twenty-Two Cents (\$1,262.22), plus interest of 10% per annum from September 29, 2015, as set by statute, shall be assessed as a special assessment against the following parcel number 510-281-002.
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: February 23, 2016



MARK LOVELACE, Chair
Humboldt County Board of Supervisors

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

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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of February 23, 2016

RESOLUTION NO. 16-24

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 of February 23, 2016

RESOLUTION NO. 16-25

RESOLUTION TO DECLARE AN UNPAID ADMINISTRATIVE PENALTY A SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY OWNED BY STEPHEN COMBS (APN 205-271-016, 205-271-020 and 205-271-022) 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 July 11, 2011, a Notice of Nuisance was issued by the County of Humboldt Code Enforcement Unit to Stephen Combs (herein after referred to as Owner) regarding the property located at 31835 State Highway 254 in Scotia (herein after referred to as Property) for the following violations of the Humboldt County Code: Section 314-81.1, Use of mobile homes or trailers as place of habitation; Section 331-11.5, Non-approved water supply system; Section 331-28, Construction of building/structure in violation of building, plumbing and/or electrical codes; Section 352-26, Junk vehicles; Section 371-2, Maintaining a junkyard; Section 521-4, Storage & removal of solid waste; and Section 611-3, Unapproved sewage disposal system; and

WHEREAS, pursuant to HCC " 2131-1 *et seq.*, on January 15, 2014, 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); 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 15, 2014; and

WHEREAS, owner appealed the imposition of the administrative penalty, and the hearing was scheduled for April 4, 2014. On April 4, 2014, Owner called and verbally requested a continuance which was rescheduled to October 17, 2014. On October 10, 2014, the matter was continued to November 14, 2014; and

WHEREAS, on November 14, 2014, an administrative appeal hearing was held. The hearing officer, Lynnette Chen, suspended \$2,000 of the \$2,500 penalty, and imposed the remaining \$500 penalty unless conditions were changed on the property by January 1, 2015. The matter was continued to July 1, 2015, for the Owner to complete the cleanup and reviewed at that time; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of February 23, 2016

RESOLUTION NO. 16-25

WHEREAS, on July 1, 2015, there was no hearing officer present so the matter was continued to August 21, 2015. On August 21, 2015, the matter was continued to September 24, 2015 to give Owner additional time to clean up the property; and

WHEREAS, on September 24, 2015, the hearing was held and the hearing officer issued an Order Continuing Administrative Penalty and Hearing suspending the hearing until December 22, 2015; and

WHEREAS, on December 22, 2015, the hearing was held and the hearing officer issued an Order Reducing Administrative Penalty that imposes the previously imposed \$500 penalty, and terminated the remaining \$2,000 of that penalty; 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

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.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of February 23, 2016

RESOLUTION NO. 16-25

NOW THEREFORE BE IT RESOLVED:

1. The unpaid administrative penalty and costs, in the amount of Five Hundred Six Dollars and Eleven Cents (\$506.11), plus interest of 10% per annum from January 17, 2016, as set by statute, shall be assessed as a special assessment against the following parcel numbers 205-271-016, 205-271-020 and 205-271-022.
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: February 23, 2016


MARK LOVELACE, Chair
Humboldt County Board of Supervisors


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

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