



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
D-6

For the meeting of: **October 4, 2016**

Date: **September 22, 2016**
To: **Board of Supervisors**
From: **County Counsel's Office, Code Enforcement Unit**
Blair Angus, Assistant County Counsel
Subject: **Administrative Abatement Funding Transfer**
Egan Enterprises, LLC
575 Connick Creek Rd, Garberville, California; AP# 222-156-017

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 \$4809 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. *(4/5 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 \$44,198.35.

Prepared by Jason Sheets and Bernadette Arwood CAO Approval *Cheryl Dilligan*

REVIEW:	<u><i>MSM</i></u>	County Counsel	<u><i>BA</i></u>	Personnel		Risk Manager		Other
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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

DISCUSSION:

On September 20, 2016, your Board held a public hearing regarding the conditions on the property located at 575 Connick Creek Rd, Garberville, California, AP# 222-156-017, owned by Egan Enterprises, LLC. The conditions on the property included junk vehicles and an abandoned, unfinished, and unsecured structure. At the hearing, evidence was presented by the Code Enforcement Unit. Property owner John Egan attended the hearing on behalf of Egan Enterprises, LLC.

Mr. Egan testified and stated his inability to abate the confirmed violations on his property due to a civil suit between Egan Enterprises, LLC and Trnum Altan (previous property owner). The civil suit restricted Mr. Egan's ability to go onto the property and abate the violations. Mr. Egan implored the County for assistance in abating the violations and stated he would pay back the funds used to complete such abatement.

At the conclusion of the public hearing, your Board found that the conditions located on the property constituted a public nuisance and ordered that the nuisance be abated within 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 as soon as possible, so that the abatement could be scheduled immediately. Due to Mr. Egan's request to have the County enter his property and perform the abatement, the 30 day deadline for compliance was waived.

On September 22, 2016, a copy of the Findings of Nuisance and Order of Abatement was certified mailed to Egan Enterprises, LLC pursuant to Humboldt County Code Sections 351-22 and 351-11. A second copy was then mailed to Trnum Altan as a courtesy. Furthermore, a third copy was posted on the premises on September 23, 2016.

FINANCIAL IMPACT:

The costs of the abatement have been estimated at \$4809.00. The abatement will consist of securing the structure by boarding up any entry way accessible on the first floor. In addition, the junk vehicles will be transported to the nearest salvage yard for disposal. The estimate is broken down as follows:

Removal and disposal of four junk vehicles	\$1400
General Contractor Crew (<i>2 workers x 8 hours x 2 days, plus materials</i>)	\$2909
Contingency	\$500
Total	\$4809

The balance of the Code Enforcement Trust Fund is currently about \$44,198.35.

OTHER AGENCY INVOLVEMENT:

None at this time.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. Do not authorize the waiving of the 30 day compliance deadline by the property owner. This alternative is not recommended as the property owner has requested to abate the conditions constituting a nuisance on his parcel since he is 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 violations of Humboldt County Code, 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 September 20, 2016.

Attachment C – Digital photographs taken on September 2, 2016.

Administrative Abatement Funding Transfer

In Re: Egan Enterprises, LLC
575 Connick Creek Road, Garberville, California; AP# 222-156-017

ATTACHMENT "A"

Supplemental Budget for Abatement

Supplemental Budget for Abatement

Revenue:

1100-121-631-130	\$4809.00
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Expenditures:

1100-121-2-403	\$4809.00
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Administrative Abatement Funding Transfer

In Re: Egan Enterprises, LLC
575 Connick Creek Rd, Garberville, California; AP# 222-156-017

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

Egan Enterprises, LLC
575 Connick Creek Rd, Garberville, California; AP# 222-156-017

September 20, 2016

WHEREAS, Humboldt County Board of Supervisors (Board) considered the evidence concerning conditions on 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 575 Connick Creek Rd, Garberville, California is located in a Agriculture General zone, in the unincorporated area of Garberville, Humboldt County, California, referred to as Assessor's Parcel No. 222-156-017; 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 owners were served with a Notice of Nuisance pursuant to Humboldt County Code §351-12 &13, describing the conditions constituting the violations and ordering abatement of those conditions and that the Notice of Nuisance was posted on the property pursuant to said County Code; and

4. The property owners have had significant and reasonable time to correct all violations but have failed to meet the deadlines prescribed by the Notice; and

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

6. The property owners have 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 Section 331-11, building conditions that endanger the life, health, safety or welfare of the public; and Humboldt County Code Section 352-26, junk vehicles; 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 owners abate all violations of the Humboldt County Code as described above. The property owners shall take the following actions:

H.C.C. §331-11 Building conditions that endanger the life, health, safety or welfare of the public
Corrective Actions:
a) Secure structure against entry by unauthorized persons.

H.C.C. §352-26 Junk vehicles
Corrective Actions:
a) Restore vehicle(s) to operative condition, and/or
b) Remove inoperable vehicles, and/or
c) Store inoperable vehicles within enclosed structure

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 owners fail 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: ~~9-20-16~~ 9-20-16



Chair, Humboldt County Board of Supervisors

Administrative Abatement Funding Transfer

In Re: Egan Enterprises, LLC
575 Connick Creek Rd, Garberville, California; AP# 222-156-017

ATTACHMENT "C"

Digital photographs taken on September 2, 2016





