

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceeding, Meeting on December 7, 2021

RESOLUTION NO. _____

**RESOLUTION TO CONFIRM HUMBOLDT COUNTY CODE ENFORCEMENT
PROPOSED NUISANCE ABATEMENT ASSESSMENT AGAINST LUCAS BODE
PURSUANT TO HUMBOLDT COUNTY CODE SECTION 351-1 ET SEQ.**

WHEREAS, California Government Code section 25845 authorizes the County of Humboldt County to enact an ordinance to establish a procedure for the abatement of a public nuisance including recovery of abatement costs; and

WHEREAS, pursuant to this authority, the County enacted Humboldt County Code (“HCC”) sections 351-1 *et seq.*, Uniform Housing Code (UHC) and Health and Safety Code (H&S) establishing certain public nuisance abatement and cost recovery procedures; and

WHEREAS, on March 4, 2021 a Notice to Abate Nuisance (“NTAN”) was issued by the Humboldt County Code Enforcement Unit (“CEU”) to Lucas Bode (hereinafter referred to as “Responsible Party”) regarding the real property located at 6608 Third St., Fields Landing, APN 306-016-002 (hereinafter referred to as “Property”) for the following conditions constituting a public nuisance:

- (1) UHC 1001 and H&S 17920.3 - Substandard Housing
- (2) UHC 1001.11 and H&S 17920.3 - Unsanitary Conditions
- (3) HCC section 331-28 - Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes
- (4) HCC section 312-3 - Development in the Coastal Zone Without a Permit
- (5) HCC section 521-4 - Improper Storage and Removal of Solid Waste
- (6) HCC section 354-1 - Junk and/or Inoperable Vehicles
- (7) HCC section 352-3(t)(3) - Failure to Comply with Chief Building Official’s Order pursuant to HCC sections 351-7 and 351-8; and

WHEREAS, the NTAN advised Responsible Party that if an appeal of the NTAN was not filed within ten (10) days after service thereof, CEU will acquire jurisdiction to abate the public nuisance; and

WHEREAS, no request for an appeal hearing was submitted by the Responsible Party within the specified time period; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceeding, Meeting on December 7, 2021

RESOLUTION NO. _____

WHEREAS, on June 2, 2021, an inspection warrant was served to assess the extent of the violations of the property and Wahlund Construction was retained to perform the abatement of the violations; and

WHEREAS, on July 7, 2021, an inspection warrant and order of abatement issued by Humboldt County Superior Court was served and abatement of the property began.; and

WHEREAS, on July 27, 2021, Wahlund Construction completed the abatement of the public nuisance on the Property; and

WHEREAS, on September 9, 2021, CEU issued the Notice of Nuisance Abatement Assessment on Responsible Party which included a statement that the Responsible Party may file a written objection to the proposed assessment pursuant to HCC sections 351-16 and 351-17; and

WHEREAS, on September 21, 2021, Responsible Party filed a written objection to the proposed assessment; and

WHEREAS, on November 1, 2021, pursuant to HCC section 352-18, CEU set the matter for hearing before the Humboldt County Board of Supervisors for December 7, 2021; and

WHEREAS, on November 16, 2021, CEU served a Notice of Cost Recovery Hearing on Responsible Party pursuant to HCC sections 351-18 and 351-19; and

WHEREAS, on December 7, 2021, a Cost Recovery Hearing was held to hear testimony and consider evidence concerning the validity of the proposed assessment and any other matters deemed pertinent pursuant to HCC section 351-20; and

NOW, THEREFORE, BE IT RESOLVED that:

SECTION 1. The Board of Supervisors of the County of Humboldt finds that the proposed Nuisance Abatement Assessment is reasonable and valid.

SECTION 2. The Board of Supervisors confirm the proposed Nuisance Abatement Assessment of _____ Dollars and _____ Cents (\$ _____) on Responsible Party.

SECTION 3. The Board of Supervisors' confirmation of the proposed assessment shall be final and conclusive as to all matters pertaining to the proposed assessment. The appeal of this Resolution shall be governed by California Code of Civil Procedure section 1094.6 including the time period to file the appeal.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceeding, Meeting on December 7, 2021

RESOLUTION NO. _____

SECTION 4. Pursuant to HCC sections 351-23 and 351-24, the Board of Supervisor’s final assessment shall become a lien against the Property on which the public nuisance existed which shall become a charge against the Property and may be collected at the same time and in the same manner, and shall be subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency, as is provided for ordinary property taxes.

SECTION 5. CEU shall prepare and serve upon each Responsible Party a Notice of Nuisance Abatement Assessment Lien pursuant to HCC sections 351-22 and 351-23.

Dated: _____

Virginia Bass
CHAIR, BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT

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

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

STATE OF CALIFORNIA)
)
County of Humboldt)

I _____, Clerk of the Board of Supervisors, County of Humboldt, State of California, 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.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceeding, Meeting on December 7, 2021

RESOLUTION NO. _____

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