

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceeding, Meeting on October 5, 2021

RESOLUTION NO. _____

RESOLUTION TO CONFIRM HUMBOLDT COUNTY CODE ENFORCEMENT PROPOSED NUISANCE ABATEMENT ASSESSMENT AGAINST FIRST CHURCH OF CHRIST SCIENTIST] 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.* establishing certain public nuisance abatement and cost recovery procedures; and

WHEREAS, on November 13, 2019, a Notice to Abate Nuisance (“NTAN”) was issued by the Humboldt County Code Enforcement Unit (“CEU”) to First Church of Christ Scientist (hereinafter referred to as “Responsible Party”) regarding the real property located at 531 Elm Street, Garberville, APN 032-133-002 (hereinafter referred to as “Property”) for the following conditions constituting a public nuisance:

- (1) HCC section 521-4 Improper storage and removal of solid waste
- (2) HCC section 351-3(c) Building conditions that endanger life, health, safety or welfare of the public

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

WHEREAS, on November 24, 2019, CEU acquired jurisdiction to abate the public nuisance pursuant to HCC section 351-13; and

WHEREAS, on October 27, 2020, a NTAN was issued by CEU to Ronald Machado and Derice Edwards, occupants of the Property; and

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WHEREAS, on January 13, 2021, a Professional Service Agreement was entered into with McCullough Construction, Inc. to perform the public nuisance abatement work on the Property; and

WHEREAS, on January 27, 2021, a project specific Task Order was executed with McCullough Construction, inc. to complete the abatement on the Property; and

WHEREAS, on February 2, 2020, an inspection Warrant and Order of Abatement was authorized by Humboldt County Superior Court; and

WHEREAS, on February 4, 2021, McCullough Construction, Inc. performed the abatement of the public nuisance on the Property; and

WHEREAS, on May 12, 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 May 29, 2021, Responsible Party filed a written objection to the proposed assessment; and

WHEREAS, on July 8, 2021, pursuant to HCC section 352-18, CEU set the matter for hearing before the Humboldt County Board of Supervisors for August 17, 2021; and

WHEREAS, on August 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 October 5, 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 Seventy-Eight Thousand Two Hundred Fifty-Two Dollars and Four Cents (\$78,252.04) 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

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this Resolution shall be governed by California Code of Civil Procedure section 1094.6 including the time period to file the appeal.

SECTION 4. Pursuant to HCC sections 351-23 and 351-24, the Board of Supervisor's final assessment may 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.

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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