



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C-6

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

Date: **August 5, 2016**

To: **Board of Supervisors**

From: **County Counsel's Office, Code Enforcement Unit**
Blair Angus, Assistant County Counsel

Subject: **Administrative Abatement Funding Transfer and Supplemental Budget (4/5th Vote)**
Jessica Adams
7210 Summit Ridge Drive, Eureka, California; AP# 306-291-018

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 \$16,291 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)

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 \$49,574. Included in this balance are,

Prepared by Anne Nguyen and Bernadette Arwood CAO Approval Elishia Hayes

REVIEW: Auditor WGM County Counsel BA Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

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

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: Aug. 23, 2016
By: [Signature]
Kathy Hayes, Clerk of the Board

Measure Z funds which were granted by your Board to use for legacy case clean ups. Due to the subject property posing a moderate health risk to the health, safety and welfare of the public, I kindly request your Board authorize the Code Enforcement Unit to use the Measure Z funds. This will assure the violations are abated in a timelier manner.

DISCUSSION:

On May 31st, 2016, your Board held a public hearing regarding the conditions on the property located at 7210 Summit Ridge Drive, Eureka, California, AP# 306-291-018, owned by Jessica Adams. The conditions on the property included junk vehicles, and the improper storage and removal of solid waste. At the hearing, evidence was presented by the Code Enforcement Unit. The property owners did not attend the hearing.

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 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 owners failed to pay those costs. On June 2nd, 2016, a copy of the Findings of Nuisance and Order of Abatement from the first hearing was certified mailed to Jessica Adams pursuant to Humboldt County Code Sections 351-22 and 351-11. Furthermore, on June 6th, 2016, another copy was posted on the premises.

On July 22nd, 2016, a follow up site inspection was made of the property. No significant changes to the condition of the property were noted. Despite the efforts made by the Code Enforcement Unit to obtain voluntary compliance, violations of County Code remain on the parcel including the presence of junk vehicles, and the improper storage and removal of solid waste.

FINANCIAL IMPACT:

The costs of the abatement have been estimated at \$16,291 for the removal and disposal of the solid waste, garbage and junk vehicles. This is further broken down as follows:

General Contractor Crew (4 workers x 8 hours x 3 days)	\$10,463
<i>Included in estimate is rental for skid steer loader and fence installer</i>	
Two 40 yard bins	\$2078
Removal and disposal of two mobile homes	\$3000
Removal and disposal of four junk vehicles	\$400
Disposal of waste tires to Humboldt Waste Management	\$350
Total	\$16,291

The balance of the Code Enforcement Trust Fund is currently approximately \$49,574.

OTHER AGENCY INVOLVEMENT:

It is anticipated that a Sheriff Deputy will provide stand by assistance while the abatement is conducted.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. Extend the timeline for voluntary compliance by the property owner. This alternative is not recommended as the property owner has had adequate time to abate the conditions constituting a nuisance on the parcel and appears to be unwilling/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 May 31st, 2016.

Attachment C – Digital photographs taken on July 22nd, 2016.

Administrative Abatement Funding Transfer

In Re: Jessica Adams
7210 Summit Ridge Drive, Eureka, California; AP# 306-291-018

ATTACHMENT "A"

Supplemental Budget for Abatement

Supplemental Budget for Abatement (4/5th Vote)

Revenue:

1100-121-631-130 \$16,291

Expenditures:

1100-121-2-403 \$16,291

Administrative Abatement Funding Transfer

In Re: Jessica Adams
7210 Summit Ridge Drive, Eureka, California; AP# 306-291-018

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

Jessica Adams
7210 Summit Ridge Drive, Eureka, California; AP# 306-291-018

May 31st, 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 7210 Summit Ridge Drive, Eureka, California is located in a Residential One-Family zone, in the unincorporated area of Eureka, Humboldt County, California, referred to as Assessor's Parcel No. 306-291-018; 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 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 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 §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 Abatement 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 Section 352-26, junk vehicles; and Humboldt County Code Section 521-4, 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:

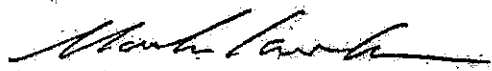
ORDERED:

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:
 - 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 inoperative vehicles within enclosed structure
 - H.C.C. §521-4 Storage and removal of solid waste
Corrective Actions:
 - a) Contain and dispose of all solid waste properly
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;

Findings of Nuisance and
Order of Abatement
May 31st, 2016
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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: 5-31-16



Chair, Humboldt County Board of Supervisors

Administrative Abatement Funding Transfer

In Re: Jessica Adams
7210 Summit Ridge Drive, Eureka, California; AP# 306-291-018

ATTACHMENT "C"

Digital photographs taken on July 22nd, 2016

