



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

D-9

For the meeting of: **October 18, 2016**

Date: **October 3, 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)
Monique Parker
301 Church Lane, Carlotta, California; AP# 206-441-004**

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 \$22,100 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 \$44,198. Included in this balance are

Prepared by Seth Lichenstein-Hill and Jeff Conner

CAO Approval [Signature]

REVIEW:

Auditor [Signature]

County Counsel [Signature]

Personnel _____

Risk Manager _____

Other _____

TYPE OF ITEM:

- Consent
- Departmental
- Public Hearing
- Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor _____ Seconded by Supervisor _____

SEE ACTION SUMMARY

- Ayes _____
- Nays _____
- Abstain _____
- Absent _____

PREVIOUS ACTION/REFERRAL:

Board Order No. K-1

Meeting of: August 23, 2016

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

Date: _____

By: _____

Kathy Hayes, Clerk of the Board

Administrative Abatement Funding Transfer

October 18, 2016

AP# 206-441-004

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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 August 23, 2016, your Board held a public hearing regarding the conditions on the property located at 301 Church Lane, Carlotta, California, AP# 206-441-004, which the Humboldt County Tax Collector's database shows is owned by Monique Parker. The conditions on the property included maintaining a junkyard, junk vehicles, construction without permits, the improper storage and removal of solid waste and the use of an unapproved sewage disposal system. At the hearing, evidence was presented by the Code Enforcement Unit. Les Parker, the owner's son and occupant of the property also testified.

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 August 25, 2016, a copy of the Findings of Nuisance and Order of Abatement from the hearing was sent to Monique Parker via certified mail pursuant to Humboldt County Code Sections 351-22 and 351-11. Furthermore, on August 29, 2016, another copy was posted on the premises, completing service.

On September 26, 2016 as well as on October 3, 2016, follow up site inspections were made of the property. Only a small amount of solid waste had been removed from the property with the assistance of the neighbors. 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, large concentrations of solid waste, and three metal storage containers placed in the flood zone without the proper permits. Photographs taken on October 3, 2016 are included in Attachment C.

FINANCIAL IMPACT:

The costs of the abatement have been estimated at \$22,100 for the removal and disposal of the solid waste, garbage metal storage containers and junk vehicles. This is further broken down as follows:

General contractor crew for two days	\$7,500
<i>Including excavator and skid-steer loader</i>	
Five 40 yard bins	\$6,250
Removal and disposal of three recreational vehicles	\$4,000
Removal and disposal of ten junk vehicles	\$1,500
Removal and recycling of three metal storage containers	\$500
Disposal of waste tires to Humboldt Waste Management	\$350
Contingency	\$2,000
Total	\$22,100

The balance of the Code Enforcement Trust Fund is currently approximately \$44,198.

Today's recommended action supports the Board's Strategic Framework by enforcing laws and regulations and creating opportunities for improved health and safety.

OTHER AGENCY INVOLVEMENT:

No other agency involvement is anticipated.

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 August 23, 2016.

Attachment C – Digital photographs taken on October 3, 2016.

Administrative Abatement Funding Transfer

In Re: Monique Parker
301 Church Lane, Carlotta, California; AP# 206-441-004

ATTACHMENT "A"

Supplemental Budget for Abatement

Supplemental Budget for Abatement (4/5th Vote)

Revenue:

1100-121-631-130	\$22,100
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Expenditures:

1100-121-2-403	\$22,100
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Administrative Abatement Funding Transfer

In Re: Monique Parker
301 Church Lane, Carlotta, California; AP# 206-441-004

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

Monique Parker
301 Church Lane, Carlotta, California; AP# 206-441-004

August 23, 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 301 Church Lane, Carlotta, California is located in a Agriculture: General zone, in the unincorporated area of Carlotta, Humboldt County, California, referred to as Assessor's Parcel No. 206-441-004; 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 Sections 331-28, construction without permits; 352-26, junk vehicles; 371-2, maintaining a junkyard; 521-4 the improper storage and removal of solid waste; and 611-3, an unapproved sewage disposal system; 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:

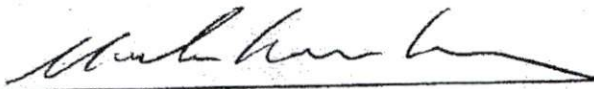
§331-28 Construction without permits
Corrective Actions: a) Apply for and obtain a building permit for the metal storage containers and/or
b) Remove the containers

§352-26 Junk vehicles
Corrective Actions: a) Restore vehicles to operative condition and/or
b) Remove inoperable vehicles and/or
c) Store inoperable vehicles within an enclosed structure

- §371-2 Maintaining a junkyard
Corrective Actions: a) Contain all debris within 200 square foot area,
and/or
b) Contain all debris within an enclosed structure,
and/or
c) Remove all debris
- §521-4 Improper storage and removal of solid waste
Corrective Actions: Contain and dispose of all solid waste properly
- §611-3 Unapproved sewage disposal system
Corrective Actions: Apply for and receive permit from the
Environmental Health Department for a sewage
disposal system

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 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: 8-23-16


Chair, Humboldt County Board of Supervisors

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, LACY MITCHELL, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Courthouse, Eureka, California; that on August 25, 2016, I served a true copy of **FINDINGS OF NUISANCE AND ORDER OF ABATEMENT:**

XX by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S. Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below: (Certified Mail)

**Monique Parker
4905 Castana, Unit 4
Lakewood, CA 90712**

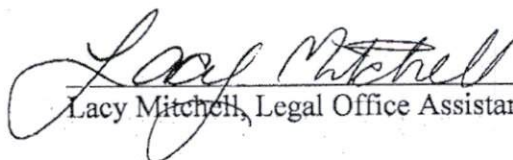
_____ by personally delivering a true copy thereof to the person as forth below.

_____ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below.

_____ by fax

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 25th day of August, 2016, at the City of Eureka, County of Humboldt, State of California.



Lacy Mitchell, Legal Office Assistant

Administrative Abatement Funding Transfer

In Re: Monique Parker
301 Church Lane, Carlotta, California; AP# 206-441-004

ATTACHMENT "C"

Photographs taken on October 3, 2016







