



AGENDA ITEM NO.  
**D-5**

COUNTY OF HUMBOLDT

For the meeting of: **June 21, 2016**

Date: **June 3, 2016**

To: **Board of Supervisors**

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

Subject: **Special Assessment for Unpaid Administrative Penalty for Sage Koenig,  
Honeydew, A.P. 108-011-026**

RECOMMENDATION(S):

That the Board of Supervisors, pursuant to Humboldt County Code section 2131-8 (e):

Adopt the attached resolution declaring a special assessment against said real property for an unpaid administrative penalty.

SOURCE OF FUNDING:

General Fund

DISCUSSION:

Pursuant to Government Code 53069.4 and Humboldt County Code Section 2131-1 *et seq.* the Code Enforcement Unit (CEU) is authorized to issue administrative penalties against parties who have violated the Humboldt County Code, codes or ordinances adopted by the County, or for the failure to comply with an order issued by the Board or a hearing officer.

The purpose of administrative penalties is to provide the County with additional remedies to correct violations and, where necessary, to penalize violators for their failure to comply with the County

Prepared by Teri Gridley CAO Approval [Signature]  
REVIEW: Auditor [Signature] County Counsel [Signature] Human Resources \_\_\_\_\_ Other \_\_\_\_\_

TYPE OF ITEM:  
 Consent  
 Departmental  
 Public Hearing  
 Other \_\_\_\_\_

PREVIOUS ACTION/REFERRAL:

Board Order No. \_\_\_\_\_

Meeting of: \_\_\_\_\_

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

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

Dated: June 21, 2016  
By: [Signature]  
Kathy Hayes, Clerk of the Board

codes and ordinances.

The issuance of an administrative penalty may be appealed by the responsible party in a hearing before an impartial hearing officer. If the responsible party or the CEU is aggrieved by the hearing officer's decision, either party may appeal that decision to the superior court. If a timely appeal is not taken to the superior court, the order imposing the administrative penalty becomes final and must be paid within 25 days of the final order being served. If the penalty remains unpaid after 25 days, then the CEU may collect the penalty plus costs and interest. One method of collecting the penalty is by way of a resolution declaring the unpaid penalty, costs and interest a special assessment against any real property owned by the responsible parties against whom an administrative penalty has been imposed. Once the resolution is adopted, the special assessment will be collected at the same time and in the same manner as ordinary taxes are collected and are subject to the same penalties and the same procedure and sale in the case of delinquency as provided for ordinary property taxes.

The unpaid administrative penalty that is the subject of this staff report has been imposed by the CEU for violations of the County Code or violations of a uniform code adopted by the County. Given that this unpaid administrative penalty has become final and due and has still not been paid, the CEU is bringing the attached resolution to your Board to have the unpaid penalty that is detailed below declared a special assessment against real property.

1) Sage Koenig, Honeydew, A.P. No. 108-011-026.

On December 13, 2013, the Code Enforcement Unit (CEU) received a referral from the Planning Department concerning the property. The report that accompanied the referral indicated that there was a violation of constructing accessory structures without permits and being lived in on the property.

CEU confirmed the violations and on March 7, 2014, a Notice of Nuisance was issued, and then served on the owner on March 7, 2014. The notice detailed violations of Section 331-28, construction of building/structure in violation of building, plumbing and/or electrical codes; and Section 611-3, unapproved sewage disposal system.

On February 29, 2016, an administrative penalty in the amount of \$3,750 was issued to the owner. No appeal of the administrative penalty was requested within the 30 day appeal period and the penalty became final on April 7, 2016. The unpaid penalty and costs are Three Thousand Seven Hundred Sixty-Three Dollars and Forty-Four Cents (\$3,763.44), plus interest of 10% per annum from May 2, 2016, as set by statute.

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

Special Assessments for Unpaid Administrative Penalties

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FINANCIAL IMPACT:

The outstanding fine and costs are Three Thousand Seven Hundred and Sixty-Three Dollars and Forty-Four Cents. (\$3,763.44), plus interest of 10% per annum. When paid, the fine and interest will be deposited into the Code Enforcement Revenue Account # 603-040.

The collection of administrative fine supports the Board of Supervisors' Core Role of enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could decline to declare the unpaid penalty a special assessment. This is not recommended as this fine is past due and a special assessment provides a way for the County to collect unpaid fines in a timely manner.

ATTACHMENTS:

Attachment A – Resolution re Sage Koenig, Honeydew, A.P. 108-011-026

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of June 21, 2016

RESOLUTION NO. 16-73

**RESOLUTION TO DECLARE AN UNPAID ADMINISTRATIVE PENALTY A SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY OWNED BY SAGE KOENIG (APN 108-011-026) PURSUANT TO HCC § 2131-8(e)**

**WHEREAS**, Government Code 53069.4 authorizes the County of Humboldt to enact an Administrative Penalty Ordinance; and

**WHEREAS**, pursuant to this authority the County enacted section 2131, *et seq.*, of the Humboldt County Code establishing administrative penalty and collection procedures; and

**WHEREAS**, on March 7, 2014, a Notice of Nuisance was issued by the County of Humboldt Code Enforcement Unit to Sage Koenig (herein after referred to as Owner) regarding the property located at 400 Country Lane in Honeydew, CA (herein after referred to as Property) for the following violations of the Humboldt County Code: Section 331-28, Construction of building/structure in violation of building, plumbing and/or electrical codes; and Section 611-3, Unapproved sewage disposal system; and

**WHEREAS**, pursuant to HCC §§2131-1 *et seq.*, on February 29, 2016, the Humboldt County Code Enforcement Unit issued an order imposing administrative penalty to Owner in regards to the Property in the amount of Three Thousand Seven Hundred Fifty Dollars (\$3,750.00); and

**WHEREAS**, the order imposing administrative penalty advised Owner that an appeal of the imposition of the administrative penalty must be filed within thirty (30) days of the date the order was served and that if an appeal was not requested the order imposing the administrative penalty shall be final; and

**WHEREAS**, the order imposing administrative penalty was served on Owner by certified mail on March 1, 2016; and

**WHEREAS**, Owner did not appeal the imposition of the administrative penalty and a final order re administrative penalty in the amount of Three Thousand Seven Hundred Fifty Dollars (\$3,750.00) was served on April 7, 2016; and

**WHEREAS**, the final order re administrative penalty advised Owner that judicial review of the final order pursuant to Government Code §53069.4 must be filed within twenty (20) days after service of the final order; and

**WHEREAS**, the final order re administrative penalty provided that the administrative penalty shall be paid within twenty-five (25) days of service of the final order and if not paid within said time the penalty shall be made a personal obligation of the Owner and may be made a lien against the property or may be collected by special assessment; and

**WHEREAS**, Owner has not sought judicial review of the final order within 20 days and has not paid the administrative penalty within twenty-five (25) days of service of the final order; and

**WHEREAS**, pursuant to Humboldt County Code §2131-8(c) an administrative penalty shall accrue interest at the same annual rate as any civil judgment, which is currently set at 10% per year; and

**WHEREAS**, the amount of the unpaid administrative penalty, interest and any other costs as provided by Humboldt County Code §§2131-1 *et seq.* may be declared a special assessment against any real property owned by Owner within the County of Humboldt upon presentation by the Code Enforcement Unit of a resolution to declare a special assessment to the Board of Supervisors; and

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of June 21, 2016

RESOLUTION NO. 16-73

**WHEREAS**, upon the adoption of said Resolution to declare a special assessment, a Notice of Special Assessment Lien shall be recorded with the Humboldt County Recorder's Office and the assessment lien may then be collected at the same time and in the same manner as ordinary taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as are provided for ordinary property taxes.

**NOW THEREFORE BE IT RESOLVED:**

1. The unpaid administrative penalty and costs, in the amount of Three Thousand Seven Hundred Sixty-Three Dollars and Forty-Four Cents (\$3,763.44), plus Interest of 10% per annum from May 2, 2016, as set by statute, shall be assessed as a special assessment against the following parcel number 108-011-026.
2. The special assessment shall be a lien on the Property and shall be collected at the same time and in the same manner as ordinary taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as are provided for ordinary property taxes.
3. A Notice of Special Assessment Lien shall be recorded with the Humboldt County Recorder's Office.

Dated: June 21, 2016



MARK LOVELACE, Chair  
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Sundberg, seconded by Supervisor Fennell, and the following vote:

AYES:	Supervisors	Sundberg, Fennell, Lovelace, Bohn, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA     )  
County of Humboldt     )

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By ANA HARTWELL  
Deputy Clerk of the Board of Supervisors of the  
County of Humboldt, State of California