



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C-11

For the meeting of: April 22, 2014

Date: March 25, 2014

To: Board of Supervisors

From: County Counsel's Office, Code Enforcement Unit
Carolyn J. Ruth, Assistant County Counsel

Subject: Special Assessments for Unpaid Administrative Penalties:
The Estate of Jack E. Jones, A.P. 208-221-007; and
Carolee and Victor Pastori, A.P. 019-103-023

RECOMMENDATION(S):

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

Adopt the attached resolutions declaring a special assessment against each said real property for unpaid administrative penalties.

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.

Prepared by Jefferson Billingsley / Teri Gridley

CAO Approval 

REVIEW:

Auditor  County Counsel  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  Seconded by Supervisor 

Ayes 
Nays _____
Abstain _____
Absent _____

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

Dated: April 22, 2014
By: 
Kathy Hayes, Clerk of the Board

Special Assessments for Unpaid Administrative Penalties

April 22, 2014

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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 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 penalties that are the subject of this staff report have been imposed by the CEU for violations of the County Code or violations of a uniform code adopted by the County. Neither penalty has been appealed. Given that these unpaid administrative penalties have become final and due and have still not been paid, the CEU is bringing the attached resolutions to your Board to have the unpaid penalties that are detailed below declared a special assessment against real property.

1) The Estate of Jack E. Jones, A.P. 208-221-007.

On April 24, 2012, the Code Enforcement Unit (CEU) received a referral from the Planning and Building Department concerning the property. The report and photos that accompanied the referral indicated that there were violations consisted of camping on the property and structures without permits.

CEU confirmed the violations on September 14, 2012, and a Notice of Nuisance was issued, and then served on the owner on September 26, 2012. The notice detailed violations of Humboldt County Code § 331-28, construction of building/structure in violation of building, plumbing and/or electrical codes; § 352-26, junk vehicles; § 521-4, storage & removal of solid waste; § 521-10, improper disposal of solid waste; and § 611-3, unapproved sewage system creating a nuisance. Due to the location of the property and time of year, the case was deferred until April 1, 2013 for further action. Some cleanup of the property was completed, but numerous violations remain.

On December 11, 2013, an administrative penalty in the amount of \$2,500 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 January 14, 2014. The unpaid penalty and costs are Two Thousand Five Hundred Eighteen Dollars and Thirty-Three Cents (\$2,518.33), plus interest of 10% per annum from February 9, 2014, as set by statute.

2). Carolee and Victor Pastori, A.P. 019-103-023.

On or about February 24, 2011, the Code Enforcement Unit (CEU) received a referral from the Division of Environmental Health Department concerning the property. The reports and photos that accompanied the referral indicated that the property was overgrown and had a rat infestation. Other complaints included a non-operational car and an abandoned camper.

CEU inspected the property and found it to be vacant and the doors and windows of the house were not secured. There was also a large growth of blackberry briars on the side yard and a non-operational vehicle. A Notice of Nuisance was served on the owners on May 4, 2011. The notice detailed violations of Humboldt County Code § 331-11, building conditions endanger life, health, safety or welfare of public (Health & Safety § 17920.3); § 352-26, junk vehicles creating a nuisance.

A penalty was issued on July 13, 2011, in the amount of \$2,500, and a final order was issued August 17, 2011. The owner's daughter contacted CEU and asked for additional time to get the property taken care of. Through an arrangement with the CEU, the blackberry briars were cleaned up and the penalty was suspended. However, the property was never completely cleaned and over time the overgrowth returned. The CEU has received ongoing complaints regarding this property and numerous attempts to contact the property owners and their daughter have been unsuccessful.

On January 15, 2014, a penalty was issued in the amount of \$1,000. No appeal of the administrative penalty was requested within the 30 day appeal period and the penalty became final on February 20, 2014. The unpaid penalty and costs are One Thousand Twelve Dollars and Twenty-Two Cents (\$1,012.22), plus interest of 10% per annum from March 18, 2014, as set by statute.

FINANCIAL IMPACT:

The two (2) outstanding fines and costs total Three Thousand Five Hundred Thirty Dollars and Fifty-Five Cents (\$3,530.55) plus interest of 10% per annum. When paid, the fines and interest will be deposited into the Code Enforcement Revenue Account # 603-040. The collection of administrative fines 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 penalties a special assessment. This is not recommended as these fines are past due and a special assessment provides a way for the County to collect unpaid fines in a timely manner.

Special Assessments for Unpaid Administrative Penalties

April 22, 2014

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ATTACHMENTS:

Attachment A – Resolution re The Estate of Jack E. Jones, A.P. 208-221-007

Attachment B – Resolution re Carolee and Victor Pastori, A.P. 019-103-023

ATTACHMENT "A"

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of April 22, 2014

RESOLUTION NO. 14-32

RESOLUTION TO DECLARE AN UNPAID ADMINISTRATIVE PENALTY A SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY OWNED BY THE ESTATE OF JACK E. JONES (APN 208-221-007) 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 September 21, 2012, a Notice of Nuisance was issued by the County of Humboldt Code Enforcement Unit to The Estate of Jack E. Jones (herein after referred to as Owner) regarding the property located at Eight Mile Ridge Road in the unincorporated area of Dinsmore (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; Section 352-26, junk vehicles; Section 521-4, storage & removal of solid waste; Section 521-10, improper disposal of solid waste; and Section 611-3, unapproved sewage disposal system; and

WHEREAS, pursuant to HCC §2131-1 *et seq.*, on December 11, 2013, the Humboldt County Code Enforcement Unit issued an order imposing administrative penalty to Owner in regards to the Property in the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

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 December 16, 2013; and

WHEREAS, Owner did not appeal the imposition of the administrative penalty and a final order re administrative penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) was served on January 14, 2014; 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

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.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of April 22, 2014

RESOLUTION NO. 14-32

NOW THEREFORE BE IT RESOLVED that the Humboldt County Board of Supervisors hereby make the following findings:

1. The unpaid administrative penalty and costs, in the amount of Two Thousand Five Hundred Eighteen Dollars and Thirty-Three Cents (\$2,518.33), plus interest of 10% per annum from February 9, 2014, as set by statute, shall be assessed as a special assessment against the following parcel number 208-221-007.
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: April 22, 2014



REX BOHN, Chair of the Board of Supervisors

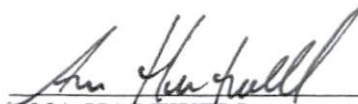
Adopted on motion by Supervisor Lovelace, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Sundberg, Lovelace, Bohn, Fennell, 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 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.

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



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

ATTACHMENT "B"

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 22, 2014

RESOLUTION NO. 14-33

RESOLUTION TO DECLARE AN UNPAID ADMINISTRATIVE PENALTY A SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY OWNED BY THE ESTATE OF CAROLEE AND VICTOR PASTORI (APN 019-103-023) 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 April 27, 2011, a Notice of Nuisance was issued by the County of Humboldt Code Enforcement Unit to Carolee and Victor Pastori (herein after referred to as Owners) regarding the property located at 4309 Little Fairfield in Eureka (herein after referred to as Property) for the following violations of the Humboldt County Code: Section 331-11, building conditions endanger life, health, safety or welfare of public [Health & Safety § 17920.3]; and Section 352-26, junk vehicles; and

WHEREAS, pursuant to HCC §2131-1 *et seq.*, on January 15, 2014, the Humboldt County Code Enforcement Unit issued an order imposing administrative penalty to Owners in regards to the Property in the amount of One Thousand Dollars (\$1,000.00).

WHEREAS, the order imposing administrative penalty advised Owners 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 Owners by certified mail on January 16, 2014; and

WHEREAS, Owners did not appeal the imposition of the administrative penalty and a final order re administrative penalty in the amount of One Thousand Dollars (\$1,000.00) was served on February 20, 2014; and

WHEREAS, the final order re administrative penalty advised Owners 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 Owners and may be made a lien against the property or may be collected by special assessment; and

WHEREAS, Owners have 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 Owners 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

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.

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BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 22, 2014

RESOLUTION NO. 14-33

NOW THEREFORE BE IT RESOLVED that the Humboldt County Board of Supervisors hereby make the following findings:

1. The unpaid administrative penalty and costs, in the amount of One Thousand Twelve Dollars and Twenty-Two Cents (\$1,012.22), plus interest of 10% per annum from March 18, 2014, as set by statute, shall be assessed as a special assessment against the following parcel number 019-103-023.
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: April 22, 2014



REX BOHN, Chair of the Board of Supervisors

Adopted on motion by Supervisor Lovelace, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Sundberg, Lovelace, Bohn, Fennell, 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 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.

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



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