



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C-7

For the meeting of: **July 22, 2014**

Date: **July 9, 2014**

To: **Board of Supervisors**

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

Subject: **Administrative Abatement Funding Transfer**
Elizabeth Turnell
3394 Pigeon Point Road, Eureka, California; AP# 403-043-017

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 \$7,000 to the County Counsel's revenue account #1100-121-603-040 to cover the cost of the abatement; and
- (3) Authorize the Auditor-Controller to execute the supplemental budget shown in Attachment A for fiscal year 2014-2015.

Prepared by Davina Smith and Jeff Conner

CAO Approval [Signature]

REVIEW:

Auditor [Signature] County Counsel [Signature] Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No.: K-1

Meeting of: June 17, 2014

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Bass Seconded by Supervisor Sundberg
Ayes Sundberg, Lovelace, Bohn, Fennell, Bass
Nays _____
Abstain _____
Absent _____

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

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

SOURCE OF FUNDING:

General funds were used to prepare this agenda item.

DISCUSSION:

On June 17, 2014, your Board held a public hearing regarding the conditions on the property located at 3394 Pigeon Point Road, Eureka, California, AP# 403-043-017, owned by Elizabeth Turnell. The conditions on the property included large concentrations of trash and solid waste, estimated to be between 80 and 100 cubic yards, and substandard housing. Ms. Turnell's affairs are currently being handled by the Public Guardian's Office. At the hearing, evidence was presented by the Code Enforcement as to the extent of the violations.

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 posting of the order. 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 owner failed to pay those costs. On July 3, 2014, a copy of the Board Order was personally served on the Public Guardian pursuant to Humboldt County Code Sections 351-22 and 351-11. A courtesy copy was mailed to Ms. Turnell. Also on July 3, 2014, a copy of the Board Order was posted on the property.

When the Code Enforcement Investigator posted the property with the Board Order on July 3, 2014, he noticed that several bags of putrescible garbage that had apparently been stored in the unsecured garage had been torn open and the contents scattered around the front of the larger mobile home. The investigator spoke with several neighbors and learned that animals, including at least one bear, had gotten into the trash and continue to do so on a regular basis. As your Board is not scheduled to meet again until August 12th, 2014, the Code Enforcement Unit sought and obtained a waiver of the thirty (30) day grace period from the Public Guardian's Office. The intent of the waiver is to speed up the abatement process as the uncontained putrescible garbage and resulting animal activity have significantly increased the threat to public health and safety. The waiver and pictures of the putrescible garbage, taken on July 9, 2014, are attached to this agenda item (Attachments C and D).

FINANCIAL IMPACT:

The costs of the abatement have been estimated at \$7,000 for the removal of the solid waste and the boarding up of the substandard mobile homes. This is broken down as follows:

Three – 40 yard dumpsters	\$4,000
Boarding up the two mobile homes	\$2,500
Contingency	\$500
 Total	 \$7,000

The balance of the Code Enforcement Trust Fund is currently about \$34,000.

OTHER AGENCY INVOLVEMENT:

The Code Enforcement Unit intends to use Sheriff's Work Alternative Program (SWAP) labor to load the 40 yard bins.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. Extend the timeline for voluntary compliance by the property owner. This alternative is not recommended as the property owner is unable to abate the nuisances on the property.
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 – Revised Findings and Orders from the Abatement Hearing before the Board of Supervisors on June 17, 2014

Attachment C – Digital photographs of the conditions on the property taken on July 9, 2014.

Attachment D – Waiver signed by the Public Guardian's Office.

Attachment A

Supplemental Budget for Abatement

Attachment A

Supplemental Budget for Abatement

Revenue:

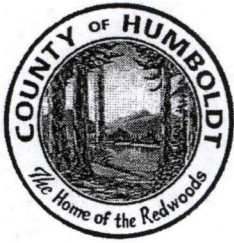
1100121-603040	Legal Services – Community Assistance	\$7,000
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Expenditures:

1100121-2118	Professional Services	\$7,000
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Attachment B

Revised Findings and Orders from the Abatement Hearing
Before the Board of Supervisors on June 17, 2014



**BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT
825 FIFTH STREET
EUREKA, CALIFORNIA 95501 PHONE (707) 445-7471**

**REVISED FINDINGS OF NUISANCE & ORDER OF
ABATEMENT**

In Re: Abatement Hearing
Elizabeth Turnell
3394 Pigeon Point Road, Eureka, California; AP# 403-043-017

June 17, 2014

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 3394 Pigeon Point Road, Eureka, California is located in a Residential: Suburban zone, in the unincorporated area of Eureka, Humboldt County, California, referred to as Assessor's Parcel No. 403-043-017; 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 was served with a Notice and Order of Substandard Housing and Order to Vacate on or about April 22, 2014 by the Division of Environmental Health; and
5. The property owner has had significant and reasonable time to correct all violations but has failed to meet the deadlines prescribed by the Notice; and
6. 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 Abate

Nuisance with the date and time of the hearing; and

7. 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

8. The violations still exist at the property and the property remains in violation of Humboldt County Code §371-2, maintaining a junkyard; §521-10 improper disposal of solid waste; and §1001 of the Uniform Housing Code, substandard housing; and

9. 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 Maintaining a junkyard:

Corrective Action:

- a) Contain all debris within a 200 square foot area, and/or
- b) Contain all debris within an enclosed structure, and/or
- c) Remove all debris from the property

§521-10 Improper disposal of solid waste

Corrective Action:

Properly remove solid waste. No burning or burying of solid waste

§1001 UHC Substandard housing

Corrective Action:

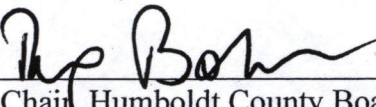
- a) Obtain and finalize a building permit from the Building Division that corrects the substandard housing issues, and/or
- b) Obtain a demolition permit from the Building Division and demolish and remove the resulting solid waste from the property, and/or
- c) Secure all of the substandard structures on the property from entry

3. That the abatement of all violations be completed within 30 days of the adoption and service of this order including a final inspection by the Code Enforcement Unit;

Findings of Nuisance and
Order of Abatement
June 17, 2014
Page 3

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 that the costs of abatement shall become a lien on the subject property.

Dated: June 17, 2014


Chair, Humboldt County Board of Supervisors



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

K-1

For the meeting of: **June 17, 2014**

Date: **June 3, 2014**

To: **Board of Supervisors**

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

Subject: **Administrative Abatement Hearing**
Elizabeth Turnell
3394 Pigeon Point Road, Eureka, California
AP# 403-043-017

RECOMMENDATION(S):

That the Board of Supervisors, pursuant to Humboldt County Code sections 351-21 and 351-22

- (1) Open the hearing.
- (2) Hold an administrative hearing to determine whether a public nuisance exists on the subject property.
- (3) Adopt the attached Findings of Nuisance and Order of Abatement consistent with the evidence presented at the hearing.
- (4) Close the hearing.

Prepared by Davina Smith and Jeff Conner

CAO Approval [Signature]

REVIEW: MM

Auditor MM

County Counsel [Signature]

Personnel [Signature]

Risk Manager [Signature]

Other [Signature]

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 Laplace Seconded by Supervisor Bass

Ayes Sundberg, Cavellace, Bohn, Bass, Fennell
Nays
Abstain
Absent

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

Dated: June 17, 2014

By: [Signature]

Kathy Hayes, Clerk of the Board

Attachment C

Photographs of the Conditions on the Subject Property Taken
July 9, 2014









Attachment D

Waiver Signed by the Public Guardian's Office

AGREEMENT TO WAIVE TIME FOR PERFORMANCE OF CODE ENFORCEMENT FUNDING ORDER
AND ABATEMENT DUE TO PUBLIC HEALTH AND SAFETY CONCERNS AND CONSENT TO ENTER
PROPERTY FOR ABATEMENT PURPOSES

WHEREAS, the Humboldt County Public Guardian (Public Guardian), pursuant to court order, is charged with managing the property of Elizabeth Turnell, located at 3394 Pigeon Point Road, Eureka, Assessor's parcel number (APN) 403-043-017; and

WHEREAS, the Public Guardian, on behalf of Ms. Turnell, does not have the assets to accomplish the abatement ordered to be completed within thirty (30) days by the Humboldt County Board of Supervisors (Board) on June 17, 2014; and

WHEREAS, the Public Guardian has become aware that wild animals have begun ripping open large numbers of plastic bags of household waste stored at the subject property and have begun spreading it; and

WHEREAS, the Public Guardian believes this to be a health and safety hazard for the neighboring residents; and

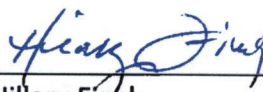
WHEREAS, the Public Guardian now wishes, on behalf of Ms. Turnell, to knowingly and voluntarily waive the time given to a property owner to abate a nuisance and requests that the Code Enforcement Unit immediately seek abatement funding from the Board and abate the nuisances on the property in an expedited manner; and

WHEREAS, to accomplish this work in an expedited manner, the Public Guardian also wishes to grant consent to the Code Enforcement Officer and his/her designees to enter the property to complete the abatement.

NOW THEREFORE, BASED ON THE FOREGOING:

1. The Public Guardian, on behalf of Ms. Turnell, grants a knowing and voluntary waiver of the time afforded a property owner to abate the nuisances on her property and requests that the Code Enforcement Unit seek funding to complete the abatement on an expedited basis due to the health and safety risks recited above.
2. The Public Guardian, on behalf of Ms. Turnell, knowingly and voluntarily consents to the Code Enforcement Officer of his/her designee entering upon the subject property in order to abate the nuisances upon the property.

Dated: 7/19/14



Hillary Furch
Assistant Public Guardian