



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

D-4

For the meeting of: **October 25, 2016**

Date: October 7, 2016

To: **Board of Supervisors**

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

Subject: **Additional Administrative Abatement Funding Transfer and Supplemental Budget (4/5th Vote)**
Nathan Edward Megazzi-Verco and Donald Anthony Garcia
6147 Walnut Drive, Eureka, California; AP# 303-063-029

RECOMMENDATION(S):

- (1) Authorize the additional costs 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 an additional transfer from the Code Enforcement Trust Fund, account #3440000, in the amount of \$7,480 to the County Counsel's revenue account #1100-121-631-130 to cover the additional costs of 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)

Prepared by Seth Lichenstein-Hill and Bernadette Arwood

CAO Approval *Eustice*

REVIEW:

Auditor *MSM*

County Counsel *BA*

Personnel _____

Risk Manager _____

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 *Fennell* Seconded by Supervisor *Bass*

Ayes *Sundberg, Fennell, Lovelace, Bohn, Bass*
Nays _____
Abstain _____
Absent _____

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

Dated: *Oct. 25, 2016*

By: *Kathy Hayes*
Kathy Hayes, Clerk of the Board

SOURCE OF FUNDING:

General funds were used to prepare this agenda item. The additional costs of the abatement will be funded by the Code Enforcement Trust Fund. The current balance is approximately \$22,098.

DISCUSSION:

On May 10, 2016, your Board held a public hearing regarding the conditions on the property located at 6147 Walnut Drive, Eureka, California, AP# 303-063-029, owned by Nathan Edward Megazzi-Verco and Donald Anthony Garcia. The conditions on the property included junk vehicles, maintaining a junkyard, and the improper disposal 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 May 11, 2016, a copy of the Findings of Nuisance and Order of Abatement from the first hearing was certified mailed to Nathan Edward Megazzi-Verco and Donald Anthony Garcia pursuant to Humboldt County Code Sections 351-22 and 351-11. Furthermore, on May 31, 2016, another copy was posted on the property.

On June 15, 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 remained on the parcel including the presence of junk vehicles, maintaining a junkyard, and the improper disposal of solid waste.

On July 5, 2016, an Administrative Abatement Funding Transfer and Supplemental Budget hearing was heard by your Board. Your Board approved a transfer of \$11,658 from the Code Enforcement Trust Fund in order to complete abatement since the property owners failed to do so.

Between July 26 and August 9, 2016, pursuant to an abatement warrant issued by the County of Humboldt Superior Court, the Code Enforcement Unit removed and disposed of the solid waste/garbage and junk vehicles located on the property. Furthermore, the Code Enforcement Unit with their authorized contractor discovered multiple concentrations of solid waste and tires buried within the gully of the property. This unforeseen situation caused additional dumpster bins to be dropped off, filled and dumped by Humboldt Waste Management Authority. In addition, due to the positions of the junk vehicles, multiple towing trucks had to be used in order to load them properly onto the towing truck flatbed.

FINANCIAL IMPACT

The **additional** costs for abatement totaled **\$7,480.00**. This was for the removal and disposal of the additional concentrations of solid waste/tires found in the gully and the removal of the junk vehicles. This is further broken down as follows:

Removal of solid waste- (<i>disposal fees of seven 40-yard bins</i>)	\$3177.00
Cost of contractor to load bins	\$4223.00
Removal and disposal of four junk vehicles	\$80.00
Total additional costs	\$7,480.00
Previous abatement cost approved on July 5, 2016	\$11,658.00
Total abatement costs	\$19,138.00

The current balance of the Code Enforcement Trust Fund is approximately \$22,098. The abatement of this property supports the Board of Supervisors' Core Role of enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

None at this time.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Do not authorize the additional costs of the abatement cleanup to the property by the Code Enforcement Unit. This alternative is not recommended as the conditions on the property remained violations of the Humboldt County Code, which were a public nuisance, and a detriment to the health, safety and welfare of the citizens of Humboldt County.

ATTACHMENTS:

Attachment A – Supplemental Budget for additional costs to complete abatement.

Attachment B - Findings of Nuisance and Order of Abatement from the Abatement Hearing before the Board of Supervisors on May 10, 2016.

Attachment C – Digital photographs taken on August 11, 2016.

Additional Administrative Abatement Funding Transfer

In Re: Nathan Edward Megazzi-Verco and Donald Anthony Garcia
6147 Walnut Drive, Eureka, California; AP# 303-063-029

ATTACHMENT "A"

Supplemental Budget for Abatement

Supplemental Budget for Abatement (4/5th Vote)

Revenue:

1100-121-631-130	\$7480
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Expenditures:

1100-121-2-403	\$7480
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Additional Administrative Abatement Funding Transfer

In Re: Nathan Edward Megazzi-Verco and Donald Anthony Garcia
6147 Walnut Drive, Eureka, California; AP# 303-063-029

ATTACHMENT “B”

Findings of Nuisance and Order of Abatement from
Abatement Hearing before the Board of Supervisors on
May 10, 2016

**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

Nathan Edward Megazzi-Verco and Donald Anthony Garcia
6147 Walnut Drive, Eureka, California; AP# 303-063-029

May 10th, 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 6147 Walnut 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. 303-063-029; 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 owners were 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 owners have had significant and reasonable time to correct all violations but have refused and/or failed to meet the deadlines prescribed by the Notice; and

5. The property owners were 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 owners were sent a certified letter containing the Notice to Abatement Nuisance with the date and time of the hearing; and

6. The property owners have 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 California Health and Safety Code Section 17920.3, substandard housing; Humboldt County Code Section 352-26, junk vehicles; Humboldt County Code Section 371-2, maintaining a junkyard; and Humboldt County Code Section 521-10, improper disposal 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 owners abate all violations of the Humboldt County Code as described above. The property owners shall take the following actions:

H&S§17920.3

Substandard housing

Corrective Actions:

- a) Contain and dispose of all solid waste properly

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 inoperable vehicles within enclosed structure

H.C.C. §371-2

Maintaining a junkyard

Corrective Actions:

- 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

H.C.C. §521-10

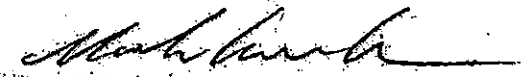
Improper disposal of solid waste

Corrective Actions:

- a) Properly remove solid waste

- 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 owners fail 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: 5/10/16



Chair, Humboldt County Board of Supervisors

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I, TERI GRIDLEY, say:

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: **(Via certified mail)**

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

 by fax

Executed on the 11th day of May, 2016, at the City of Eureka, County of Humboldt, State of California.


Teri Gridley, Legal Office Services Manager

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, BERNADETTE ARWOOD, 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; 825 Fifth Street, Eureka, California; that on May 31st, 2016, I served a true copy of **FINDINGS OF NUISANCE & ORDER OF ABATEMENT**.

_____ by placing a true copy thereof enclosed in a sealed envelope and depositing the envelope at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar, addressed as set forth below:

_____ by personally hand delivering a true copy thereof to an unidentified occupant located at:

☒ by personally posting a true copy thereof on the premises located at:

**6147 Walnut Drive
Eureka, CA 95503**

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

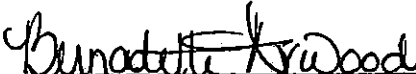
_____ by placing a true copy in the County's Mailroom designated to the attorney named below:

_____ by fax as set forth below:

_____ by electronic service as set forth below:

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

Executed on the 31st day of May, 2016, at the City of Eureka, County of Humboldt, State of California.


Bernadette Arwood, Code Compliance Officer

Additional Administrative Abatement Funding Transfer

In Re: Nathan Edward Megazzi-Verco and Donald Anthony Garcia
6147 Walnut Drive, Eureka, California; AP# 303-063-029

ATTACHMENT "C"

Digital photographs taken on August 11, 2016
Completion of Abatement





