



## COUNTY OF HUMBOLDT

For the meeting of: **March 21, 2017**

Date: February 22, 2017

To: Board of Supervisors

From: County Counsel's Office, Code Enforcement Unit *Sm*  
Scott Miles, Senior Deputy County CounselSubject: Special Assessment for Unpaid Administrative Penalty for TFG Group Inc., Ferndale,  
APN 106-101-054RECOMMENDATION(S):

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

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

SOURCE OF FUNDING:

General Fund

DISCUSSION:

Pursuant to California Government Code Section 53069.4 and Humboldt County Code Sections 2131-1, *et seq.*, the Humboldt County Code Enforcement Unit ("CEU") is authorized to issue administrative penalties against parties who have violated the Humboldt County Code and/or other ordinances adopted by the County as well as parties who have failed to comply with an order issued by the Humboldt County Board of Supervisors ("Board") or a hearing officer.

The purpose of administrative penalties is to provide the County of Humboldt ("County") with additional remedies to correct violations and, where necessary, to penalize violators for their failure to comply with the County's codes and ordinances.

Prepared by Scott Miles/Teri GridleyCAO Approval *E. Ashia Hef*

## REVIEW:

Auditor *MSM* County Counsel *Sm* 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 *Fennell* Seconded by Supervisor *Sundberg*Ayes *Sundberg, Fennell, Bass, Wilson*

Nays \_\_\_\_\_

Abstain \_\_\_\_\_

Absent *Bohn*

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

Dated: *Mar 21, 2017*By: *Kathy Hayes*  
Kathy Hayes, Clerk of the Board

The issuance of an administrative penalty may be appealed by the responsible party in a hearing before an impartial administrative 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 Administrative Penalty becomes final, and the administrative penalty must be paid within twenty-five (25) days after service of the final order. If the penalty remains unpaid after twenty-five (25) days, the CEU may collect the penalty plus costs and interest. One method of collecting the penalty is through the adoption of a resolution declaring the unpaid penalty, including 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 shall be 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 Humboldt 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) TFG Group Inc., Ferndale, A.P. No. 106-101-054.

On or about May 10, 2016, the CEU received a referral from the Humboldt County Planning and Building Department concerning the above-referenced property. The report that accompanied the referral indicated that there were violations of grading and fill, and construction of a structure without the proper permits.

CEU confirmed the violations on May 10 and 20, 2016. A Notice of Nuisance was issued, and then served on the Owners of the subject property, TFG Group Inc., on May 25, 2016.

On September 8, 2016, an administrative penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) was issued to TFG Group Inc. No appeal of the Administrative Penalty Order was requested within the thirty (30) day appeal period and the penalty became final and served on the Owners on November 17, 2016. TFG Group Inc. did not pay the administrative penalty within twenty-five (25) days after service of the final Order Imposing Administrative Penalty as required by Humboldt County Code Sections 2131-1, *et seq.*

Accordingly, the administrative penalty, including interest and any other costs, imposed on TFG Group Inc. may be declared a special assessment against the above-referenced property upon the adoption of a resolution declaring a special assessment by the Humboldt County Board of Supervisors.

FINANCIAL IMPACT:

The outstanding administrative penalty and costs are Two Thousand Five Hundred Thirteen Dollars and Forty-Four Cents (\$2,513.44), plus interest of ten percent (10%) per annum as set by statute. When paid, the administrative penalty and interest will be deposited into the Code Enforcement Revenue Account # 603-040.

The collection of administrative penalty imposed in this case 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. However, this option is not recommended since the administrative penalty in question is past due and a special assessment provides a way for the County to collect such unpaid penalty in a timely manner.

ATTACHMENTS:

Attachment A – Resolution Regarding TFG Group Inc., Ferndale, A.P. 106-101-054

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

Certified copy of portion of proceedings, Meeting of March 21, 2017

**RESOLUTION NO. 17-24**

**RESOLUTION TO DECLARE AN UNPAID ADMINISTRATIVE PENALTY A SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY OWNED BY TFG GROUP INC. (APN 106-101-054) PURSUANT TO HUMBOLDT COUNTY CODE SECTION 2131-8(e)**

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

**WHEREAS**, pursuant to this authority the County enacted Sections 2131-1, *et seq.*, of the Humboldt County Code establishing certain administrative penalty and collection procedures; and

**WHEREAS**, on May 21, 2016, a Notice of Nuisance was issued by the County of Humboldt County Code Enforcement Unit to TFG Group Inc. (herein after referred to as "Owners") regarding the property located at 2800 Block of Grizzly Road in Ferndale (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 313-8.1.1.2, use of recreational vehicle as a residence in the coastal zone; and Section 312-3, development in coastal zone without permits; and

**WHEREAS**, on September 8, 2016, the Humboldt County Code Enforcement Unit served Owners with an initial Order Imposing Administrative Penalty regarding the Property in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) pursuant to Humboldt County Code Sections 2131-1, *et seq.*; and

**WHEREAS**, the initial Order Imposing Administrative Penalty advised Owners that if an appeal of the administrative penalty was not filed within thirty (30) days after service thereof, the initial Order Imposing Administrative Penalty would become final; and

**WHEREAS**, the Owners did not appeal the Order Imposing Administrative Penalty and a final Order in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) was served on November 17, 2016; and

**WHEREAS**, the final Order Imposing Administrative Penalty advised Owners that a request for judicial review of the final Order Imposing Administrative Penalty must be filed within twenty (20) days after service thereof pursuant to California Government Code Section 53069.4; and

**WHEREAS**, the final Order Imposing Administrative Penalty also advised Owners that if the administrative penalty was not paid within twenty-five (25) days after service thereof, the administrative penalty may be made a lien against the Property or collected by special assessment; and

**WHEREAS**, Owners did not pay the administrative penalty within twenty-five (25) days after service of the final Order Imposing Administrative Penalty; and

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

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**RESOLUTION NO. 17-24**

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

**WHEREAS**, pursuant to Humboldt County Code Sections 2131-1, *et seq.*, the amount of the unpaid administrative penalty pertaining to the Property, including interest and any other costs, may be declared a special assessment against any real property within the unincorporated area of Humboldt County upon the adoption of a resolution declaring a special assessment by the Humboldt County Board of Supervisors; and

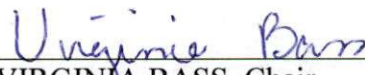
**WHEREAS**, upon the adoption of a resolution declaring such special assessment, a Notice of Special Assessment Lien shall be served on the owner of the affected property and recorded with the Humboldt County Clerk-Recorder's Office; and

**WHEREAS**, the Special 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 procedures and sale in the case of delinquency as are provided for ordinary property taxes; and

**NOW THEREFORE BE IT RESOLVED:**

1. The unpaid administrative penalty and costs in the amount of Two Thousand Five Hundred Thirteen Dollars and Forty-Four Cents (\$2,513.44), plus interest of 10% per annum from December 12, 2016 as set by statute, shall be assessed as a special assessment against the Property.
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 procedures and sale in the case of delinquency as are provided for ordinary property taxes.
3. A Notice of Special Assessment Lien shall be served on Owners and recorded with the Humboldt County Clerk-Recorder's Office.

Dated: March 21, 2017

  
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VIRGINIA BASS, Chair  
Humboldt County Board of Supervisors



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

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RESOLUTION NO. 17-24


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

AYES:	Supervisors	Sundberg, Fennell, Bass, Wilson
NAYS:	Supervisors	--
ABSENT:	Supervisors	Bohn
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

