



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C-16

For the meeting of October 3, 2017

Date: August 31, 2017

To: Board of Supervisors

From: Planning and Building Department, Code Enforcement Unit
John H. Ford, Planning and Building Department Director

Subject: Administrative Abatement Funding Transfer and Supplemental Budget (4/5 vote required)
Juan and Shirley Velasquez
672 South Road, Scotia, California APN: 205-212-027

RECOMMENDATION(S):

- (1) Authorize the cost of abatement to be advanced by the County of Humboldt, pursuant to Humboldt County Code section 351-14, 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 351-22 to 351-26;
- (2) Authorize a transfer from the Code Enforcement Trust Fund, account 3440-000, in the amount of \$8,400 to the Planning and Building Department's revenue account 1100-277-631130 to cover the cost of the abatement, and to pay the expenses associated with the abatement out of account 1100-277-2403; and
- (3) Authorize the Auditor-Controller to execute the supplemental budget shown in Attachment "A" for fiscal year 2017-2018. (4/5 vote required)

Prepared by Bernadette Arwood

CAO Approval

REVIEW:

Auditor MBR

County Counsel JN

Personnel

Risk Manager

Other

TYPE OF ITEM:

☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other

PREVIOUS ACTION/REFERRAL:

Board Order No. K-1; K-1

Meeting of: 7/5/2016; 7/12/2016

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Fennell Seconded by Supervisor Wilson

Ayes Fennell, Wilson, Bass, Bohn, Sundberg

Nays

Abstain

Absent

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

Dated: October 3, 2017

By: Kathy Hayes

Kathy Hayes, Clerk of the Board

SOURCE OF FUNDING:

The cost of the abatement will be funded by the Code Enforcement Trust Fund. The current balance is approximately \$72,458.

DISCUSSION:

On July 12, 2016, the Board held a public hearing regarding the conditions on the property located at 672 South Road, Scotia, California, APN 205-212-027, owned by Juan and Shirley Velasquez. The conditions on the property included the use of mobile homes or trailers as places of habitation, junk vehicles, maintaining a junkyard, and the improper storage and removal 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, the 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. The 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 July 14, 2016, a copy of the Findings of Nuisance and Order of Abatement from the first hearing was certified mailed to Juan and Shirley Velasquez pursuant to Humboldt County Code Sections 351-12. Furthermore, on July 14, 2016, another copy was posted on the premises.

On July 31, 2017, 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 remain on the parcel including the appearance of mobile homes or trailers as places of habitation, junk vehicles, maintaining a junkyard, and the improper storage and removal of solid waste.

FINANCIAL IMPACT:

The costs of the abatement have been estimated at \$8,400 for the removal and disposal of the solid waste, garbage and junk vehicles. This is further broken down as follows:

Two 40 yard bins	\$2000.00
Removal and disposal of mobile home, bus and trailer	\$4100.00
Removal and disposal of 6-8 junk vehicles	\$800.00
Bobcat and operator (8 hours x \$75 an hour)	\$600.00
Laborers (2 workers x 8 hours x \$25 an hour)	\$400.00
Contingency	\$500
Total	\$8400.00

The balance of the Code Enforcement Trust Fund is currently about \$72,458.

This Board action supports the Board's Strategic Framework core roles by enforcing laws and regulations to protect residents and emphasizing public safety and health.

OTHER AGENCY INVOLVEMENT:

It is anticipated that a Sheriff's Deputy will provide initial standby assistance while the abatement is conducted.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. Extend the timeline for voluntary compliance by the property owner. This alternative is not recommended as the property owner has had adequate time to abate the conditions constituting a nuisance on the parcel and appears to be unwilling/unable to do so.
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 – Findings of Nuisance and Order of Abatement from the Abatement Hearing before the Board of Supervisors on July 12, 2016

Attachment C – Digital photographs taken on July 31, 2017

Attachment D – Estimate from Eel River Disposal

Attachment A

Supplemental Budget for Abatement

Revenue 1100-277-631130:	\$8,400
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Expense 1100-277-2403:	\$8,400
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Attachment B

Findings of Nuisance and Order of Abatement from the
Abatement Hearing before the Board of Supervisors on July 12, 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

County of Humboldt v. Juan and Shirley Velasquez
672 South Road, Scotia, California; AP# 205-212-027

July 12, 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 672 South Road, Scotia, California is located in Rural Residential Agriculture zone, in the unincorporated area of Scotia, Humboldt County, California, referred to as Assessor's Parcel No. 205-212-027; 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; that 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 Humboldt County Code sections 314-81.1, the use of mobile homes or trailers as a place of habitation; 352-26, junk vehicles; 371-2, maintaining a junkyard; and 521-4, improper storage and removal 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.C.C. §314-81.1 Use of mobile homes or trailers as a place of habitation

Corrective Actions:

a) Disconnect utilities and cease use as a residence

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 inoperative 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. §521-4 Storage and removal of solid waste

Corrective Actions:

a) Contain and dispose of all solid waste properly

3. That the abatement of all violations be completed on or before August 5th, 2016, 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: 7/12/16



Chair, Humboldt County Board of Supervisors

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7-14-16

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Juan & Shirley Velasquez
1656 South Road
Scotia, CA 95365

See Reverse for Instructions

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 July 14th, 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 the occupant living at the premises:

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

672 South Rd
Scotia, CA 95565

_____ 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 14th day of July, 2016, at the City of Eureka, County of Humboldt, State of California.


Bernadette Arwood, Code Compliance Officer

Attachment C

Digital photographs taken on July 31, 2017







Attachment D

Estimate from Eel River Disposal

Eel River Transportation and Salvage
850 Riverwalk Dr.
Fortuna CA 95540
707-725-6530

Estimate – Redcrest:

• Bus – Disposal (if not converted – Free)	\$1,500.00
• Bus – Hauling	\$1,500.00
• Camper – Disposal	\$1,100.00
• 2 40 YD Bins – Must not exceed 2.5 tons	\$2,000.00
• 6 Vehicles – Tow	\$700.00
• Bobcat - 8 hours @ \$75.00/hr	\$600.00
• 2 Laborers – 8 Hours ea. @ \$25.00/hr	\$400.00

Total cost- Estimated	\$7,800.00
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