

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Environmental Resources

gms

BOARD AGENDA # *B-8

Urgent

Routine

AGENDA DATE April 14, 2009

CEO Concurs with Recommendation YES NO

(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding the Cost Accounting to Abate the Nuisance CE No. 07-313 at 1827 John Street, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 1827 John Street, Modesto, California as set forth in Attachment 1.

FISCAL IMPACT:

If the Board of Supervisors finds this bill reasonable, the property owner(s) will be billed for the clean up of the property, which includes the amount paid to the contractor by the Department of Environmental Resources, staff time and other incidentals allowed by County Code, currently \$4,569.87.

BOARD ACTION AS FOLLOWS:

No. 2009-224

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

This agenda item is important because it promotes a safe community, a healthy community, and the efficient delivery of public services, serves the public's interest, and fosters pride in our local community. On March 25, 2008, the Board of Supervisors adopted the decision of the Nuisance Abatement Hearing Board from February 28, 2008 which found that a nuisance existed at 1827 John Street, Modesto, California and authorized a forced clean up at that property. On December 29, 2008, the Department of Environmental Resources (DER), following County Policy, contracted Affordable Hauling and had the property cleaned.

During the properly noticed public hearing of the Nuisance Abatement Hearing Board on March 26, 2009, it was found the billing for the forced cleanup at 1827 John Street, Modesto, California was reasonable. Pursuant to County Code, the Board of Supervisors is now asked to adopt the finding of the Nuisance Abatement Hearing Board. By adopting the finding, the Board of Supervisors affirms the reasonableness of the billing. If adopted, the Accounting Unit at the Department of Environmental Resources will bill the owner(s) immediately. If the owner(s) fails to pay or make arrangements for reasonable payments, the cost will be forwarded to the Treasurer/Tax Collector's Office to be collected in the manner prescribed, pursuant to County Code through a recorded lien by special assessment against the property. This lien will be released if the County is fully compensated for the amount of the lien placed on the property. A detailed accounting for this billing can be found in Attachment AA.

POLICY ISSUE:

The Board should decide if it should accept, modify, or reject the written decision as presented in the Decision of Costs CE07-313 (Attachment 1). Acceptance of staff's recommendation would be consistent with the Board's priorities of a safe community, a healthy community, and the efficient delivery of public services.

STAFFING IMPACT:

There is no staffing impact associated with this request.



NUISANCE ABATEMENT HEARING BOARD

DECISION OF COSTS

**IN RE: 1827 John St. Modesto, CA.
Abatement Hearing No. CE 07-0313
BOARD OF SUPERVISORS No. 2008-199**

The Stanislaus County Board of Supervisors authorized a forced cleanup for the above-mentioned property on March 25, 2008. Using the guidelines set forth by the Board of Supervisors the Department of Environmental Resources Code Enforcement Unit obtained bids for this cleanup. That cleanup was conducted on December 20, 2008.

The cost accounting for this cleanup is attached to this Decision of Costs as attachment AA. It is respectfully requested, on March 26, 2009, that the Nuisance Abatement Hearing Board, pursuant to 2.92.070 of the Stanislaus County Code, find these costs are reasonable. If the costs are found to be reasonable then the Board of Supervisors will be asked to accept, modify or deny the Decision of Costs so the billing process can proceed.

Approved as Requested
Michael Navarro, Chair
Stanislaus County
Nuisance Abatement Hearing Board

It should be noted that on APR 14 2009 the Board of Supervisors will hear this matter as a consent item.

ATTACHMENT 1



January 29, 2009

Heriberto Ramos
 1235 Castle Oak Dr.
 Stockton, CA. 95210

RE: BILLING STATEMENT: ABATEMENT ACTION #CE 07-0313
 LOCATED: 1827 John St. Modesto, CA.
 ASSESSORS PARCEL NUMBER: 037-024-037

ORIGINAL DATE OF NOTICE: 7/24/07

COST ACCOUNTING

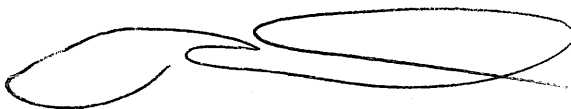
Title Search Fee	(CE202)	\$ 75.00
Recording Fees	(CE202)	\$ 21.00
Copy Service	(CE202)	\$ 20.00
Abandoned Vehicle Abatement	(CE202)	\$
Cleanup Contractor	(CE202)	\$ 3575.00
Securing/Boarding Abandoned Buildings	(CE202)	\$
Nuisance Board's Compensation Rate	(CE202)	
A. Total Incidental Costs-Fees to Other Agencies	CE202	\$ 3691.00
		\$
Notice & Order to Abate	(CE209)	\$ 48.83
Notice of Hearing to Abate	(CE209)	\$ 97.65
Enforcement Decisions of Board of Supervisors	(CE209)	\$ 48.83
Inspection Time	(CE209)	\$ 439.43
B. Total Non-Compliance Cleanup Costs	CE209	\$ 634.74
Nuisance Abatement Hearing	(CE201)	\$ 195.30
Board of Supervisors Hearing	(CE201)	\$ 48.83
		\$
		\$
C. Total Hearing Costs	CE201	\$ 244.13
D. Total Balance Due By Owner		\$ 4,569.87

The balance is due and payable upon receipt of statement. Failure of the owner to make total payment upon demand by the county shall result in a notice of abatement lien on the subject property pursuant to the provision of California Government Code §12845.

ATTACHMENT AA

Pursuant to Government Code §25845.5, if it becomes necessary to cause abatement of a public nuisance on the same property within a two-year period, you may be ordered to pay **three times the cost of the abatement**.

If you have any questions regarding this document, please feel free to call me, or the Accounting Division at 525-6700 weekdays.



TOD WOODWARD
CODE ENFORCEMENT PROGRAM MANAGER

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APPEAL BILLING FORM

Pursuant to County Ordinance, 2.92.070 (D) 1, California Government Code 25845, and California Health and Safety Code 17980.10 (State Housing Law), you have the right to appeal this billing for **reasonableness only**. This appeal must occur within fifteen (15) days of the date of this notice. If you wish to **appeal the reasonableness** of this bill you must return this form to the Department of Environmental Resources, Code Enforcement Unit, Attn: T. Woodward, Manager at 3800 Cornucopia Way, Suite "C" Modesto, CA. 95358. The Nuisance Abatement Hearing Board will hear the appeal on **2/26/09 at 6:00pm** in the Joint Chambers, lower level, at 1010 10th St, Modesto. If you do not appeal, the Nuisance Abatement Hearing Board may find this billing reasonable, and the Stanislaus County Board of Supervisors will be asked to adopt the bill during their next regular meeting.

Name: _____

Address: _____

Abatement Action CE#: _____

Please make note of the above referenced date and time. This is the only notification you will receive regarding when the hearing of this billing will be. There will be no other opportunity for a public hearing. The fact that your property was found to be a nuisance will not be considered at the Billing Appeal Hearing.

BILLING INFORMATION RE: 1827 John St, Modesto, CA
CE #07-313 OWNER: Heriberto Ramos

ADMINISTRATIVE TIME:

7/24/07 – NOTICE & ORDER TO ABATE:

½ HOUR PER NOTICE = 1/2 HOUR x \$97.65 PER HOUR = \$48.83

2/12/08 – NOTICE OF HEARING TO ABATE:

1 HOUR PER NOTICE OF HEARING TO ABATE = 1 HOUR X \$97.65 = \$97.65

2/28/08 – NUISANCE ABATEMENT HEARING:

2 HOURS FOR HEARING ABATEMENT PACKAGE = 2 HOURS X \$97.65 = \$195.30

1½ HOURS PREPARING PACKAGE (INCLUDING POWERPOINT PRESENTATION)

½ HOUR ORAL PRESENTATION

3/25/08 – BOARD OF SUPERVISOR'S MEETING:

½ HOUR PER BOS HEARING = ½ HOURS X \$97.65 = \$48.83

ENFORCEMENT DECISIONS OF THE BOARD OF SUPERVISORS:

½ HOUR PER AUTHORIZATION TO ENTER AND ABATE = ½ HOUR x \$97.65 = \$48.83

INSPECTION TIME:

7/23/07	6/4/08	12/29/08
2/12/08	7/21/08	
2/27/08	8/14/08	
2/28/08	12/22/08	

½ HOUR PER INSPECTION X 8 INSPECTIONS =
4.5 HOURS X \$97.65 PER HOUR = \$439.43

INCIDENTAL EXPENSES:

TITLE SEARCH FEE = \$75.00
RECORDING FEES = \$21.00
COPY SERVICE = \$20.00
CLEANUP CONTRACTOR = \$3575.00

SUB-TOTALS:

ADMINISTRATIVE TIME: \$439.44

INSPECTION TIME: \$439.43

INCIDENTAL EXPENSES: \$3691.00

TOTAL DUE: \$4569.87

ATTACHMENT AA