

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-3

Urgent

Routine

AGENDA DATE October 6, 2009

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding the Cost Accounting to Abate the Nuisance DAD2008-00005 at 508 Imperial Avenue, Modesto, CA 95354

STAFF RECOMMENDATIONS:

1. Adopt the decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 508 Imperial Avenue, Modesto, CA 95354.
2. Authorize the Treasurer/Tax Collector to recover these costs by special assessment and a lien upon the property and transfer all recovered funds to Dangerous Building Abatement Fund No. 1746 (Org. #0043290).

FISCAL IMPACT:

This action will allow Stanislaus County to recover costs associated with the demolition of the structure located at 508 Imperial Avenue, Modesto, CA. Final demolition costs, including the contractor fees, staff time and incidental expense, a total cost of \$10,060.60.

BOARD ACTION AS FOLLOWS:

No. 2009-681

On motion of Supervisor Monteith, Seconded by Supervisor Grover

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:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

At the request of fire dispatch, on November 1, 2008, the Planning & Community Development Department, Building Permits Division conducted a field investigation that revealed a fire damaged structure (dwelling) refuse and debris on the property located at 508 Imperial Ave, Modesto CA. 95354.

A certified letter was sent to the owner with the recommendation to demolish the structure and clean-up refuse and debris. The letter was returned. On December 15, 2008, Department staff received notification from Donna Sutton, Supervising Public Administrator for Stanislaus County, that the Public Administrator's office had been given authority to administer the estate through an Ex Parte Order to Summarily Dispose of the Estate. A "Notice and Order" was mailed and posted, and a Certificate of Existence of Dangerous Building was recorded by the Stanislaus County Clerk Recorder's Office. Approval was given for demolition and clean-up by the Nuisance Abatement Board on May 28, 2009, with the Board of Supervisor's approval on June 9, 2009. The demolition of the dwelling and clean-up of the property was completed on August 3, 2009, at a total cost of \$10,060.60.

On September 24, 2009, the Nuisance Abatement Hearing Board supported staff's recommendation that the billing was reasonable and forwarded the matter to the Board of Supervisors. By adopting the decision of the Nuisance Abatement Hearing Board, the Board of Supervisors affirms the reasonableness of the billing. A detailed accounting of the billing is attached as Decision of Costs (Attachment 1) and Cost Accounting Staff Report (Attachment 2).

This request would authorize the Treasure/Tax Collector to recover these costs by special assessment and a lien upon the property; cause the same to be recorded on the assessment roll; and thereafter, said assessment shall constitute a special assessment against and a lien upon the property. The proceeds received in satisfying the lien shall be paid to Stanislaus County Treasurer, who shall transfer the funds to the Dangerous Building Abatement Fund No. 1746 (Org. #0043290).

POLICY ISSUES:

The Board should decide if it should accept, modify, or reject the written decision as presented in the Decision of Costs DAD2008-00005 (Attachment 1). Acceptance of staff's recommendation would be consistent with the Board's priorities of providing a safe community and healthy community by removing dangerous structures and efficient government operations by recovering associated costs.

Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board
Regarding the Cost Accounting to Abate the Nuisance DAD2008-00005 at 508 Imperial
Avenue, Modesto, CA 95354
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STAFFING IMPACTS:

There are no additional staffing impacts associated with this item.

ATTACHMENTS:

1. Decision of Costs
2. Cost Accounting Staff Report



NUISANCE ABATEMENT HEARING BOARD

DECISION OF COSTS

**IN RE: 508 Imperial Avenue, Modesto, CA 95354
Abatement Hearing No. DAD2008-00005
BOARD OF SUPERVISORS No. 2009-385**

The Stanislaus County Board of Supervisors authorized a forced cleanup for the above mentioned property on June 9, 2009. Using the guidelines set forth by the Board of Supervisors the Planning & Community Development Department Building Permits Division obtained bids for this cleanup. That cleanup was conducted on August 3, 2009.

The cost accounting for this cleanup is attached to this Decision of Costs as attachment AA. It is respectfully requested, on September 24, 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.

Annabel D. Gammon

Approved as Requested
Annabel Gammon, Chair
Stanislaus County
Nuisance Abatement Hearing Board

It should be noted that on OCT 06 2009 the Board of Supervisors will hear this matter as a consent item.

ATTACHMENT 1

STAFF REPORT COST ACCOUNTING CASE: DAD2008-00005

On June 9, 2009 the Stanislaus County Board of Supervisors, through Board Action No. 2009-385, adopted the finding of the Nuisance Abatement Hearing Board for the existence of a nuisance at 508 Imperial Ave, Modesto, CA. APN 056-047-047. This directed staff to conduct a forced Demolition of the Dwelling and Clean-up of the property listed above, if the property owner failed to comply within the time period stated in the Notice and Order which was March 27, 2009.

On August 3, 2009 the Department Planning and Community Development, Building Permits Division conducted the forced Demolition and clean-up at 508 Imperial Ave, Modesto, CA. Prior to the Demolition and clean-up, the Building Permits Division staff used the approved methods by the Board of Supervisors and obtained three bids for the action from Contractor's permitted by Stanislaus County. The Cost Accounting for the Demolition and clean-up is attachment AA.

On August 27, 2009 the billing statement, requesting payment was mailed to Donna Sutton, Supervising Public Administrator, authorized to summarily Dispose of estate for Vetra Jones (Deceased) for Demolition and Clean-up. They were allowed fifteen (15) days to appeal these costs and demand a public hearing. Since an appeal was not demanded within the fifteen (15) days, the Nuisance Abatement Hearing Board is requested to approve the cost accounting for the Demolition and Clean-up as reasonable. It is respectfully requested that the Nuisance Abatement Hearing Board finds the bill for the work completed reasonable.

Abatement Hearing Board finds the bill for the work completed reasonable.

25-Aug-09

Donna Sutton, Supervising Public Administrator
250 E. Hackett Rd Rm. 216
Modesto, CA 95358

Re: Estate of Vetra Jones (Deceased)

Re: BILLING STATEMENT: ABATEMENT ACTION # DAD2008-00005
LOCATION: 508 IMEPRIAL AVE., MODESTO, CA
ASSESORS PARCEL NUMBER: 056-047-047

ORIGINAL DATE OF NOTICE and ORDER: FEB.10, 2009

Title Search Fee	(1746-43290-40860)	\$75.00
Recording Fees	(1206-40400-40860)	\$12.00
Demolition/Cleanup Contractor Service	(1746-43290-40860)	\$7,990.00
A. Total Costs-Fees to Other Agencies		\$8,077.00
Notice and Order	(1206-40400-40860)	\$91.16
Notice of Hearing to Abate	" "	\$91.16
Enforcement Decisions of Board of Superviso	" "	\$91.16
Field Inspections Prior to Abatement	" "	\$455.80
Administration	" "	\$1,072.00
B. Total Posting/Field/Administration		\$1,801.28
Nuisance Abatement Hearing	" "	\$91.16
Board of Supervisors Hearing	" "	\$91.16
C. Total Hearing Costs		\$182.32
Total Balance Due by Owner		\$10,060.60

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

If you have any questions regarding this document, please feel free to call me between the hours of 8:00 am and 5:00 pm at 525-6557.

Steve Treat, Interim Chief Building Official

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 Planning & Community Department, Building Permits Division, Attn: Steve Treat, Manager at 1010 10th St. Modesto, CA. 95358. The Nuisance Abatement Hearing Board will hear the appeal on **9/24/2009 at 6:00 pm** 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 DAD#: _____

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: 508 Imperial Ave, Modesto, CA 95354
DAD CASE#2008-00005, Owner: Vetra Jones (Deceased)
Donna Sutton, Supervising Public Administrator

ADMINISTRATIVE TIME:

11/10/08 Open Case 1st Letters:
1hr. x \$91.16= \$91.16
2/10/09 Notice and Order to Abate:
1 hr. per notice= 1hr.x \$91.16= \$91.16
3/02/09 Certificate Existence of Dangerous
1 hr. per notice= 1hr.x \$91.16= \$91.16
4/27/09 Addresses gathered within 300':
1hr x \$65.00= \$65.00
5/04/09 Neighbor Notices & Postage: (57) 4hr = \$186.56
5/13/09 Nuisance Abatement Board Hearing Notice
1 hr. per notice= 1hrx \$91.16= \$91.16
5/28/09 Nuisance Abatement Board Hearing
2hr's for Hearing Abatement Package= 2hr x 91.16= 182.32
6/08/09 Bid Package for Purchasing:
2hr x \$91.16= \$182.32
6/09/09 Board of Supervisors Meeting:
1hr. per BOS Hearing = 1r x 91.16= 91.16

INSPECTION TIME:

11/1/08- 2hr.
11/7/08- 1hr.
2/10/09- 1hr.
6/16/09- 1hr.
5hr.x \$91.16= \$455.80

INCIDENTAL EXPENSE:

Title Search Fee= \$75.00
Recording Fees= \$12.00
Demolition and Clean-up Contractor \$7990.90

SUB-TOTALS:

ADMINISTRATIVE TIME: \$1072.00
INSPECTION TIME: \$455.80
INCIDENTAL TIME: \$8077.00

TOTAL DUE: \$10,060.60



NUISANCE ABATEMENT HEARING BOARD

DECISION

**IN RE: 508 Imperial Ave., Modesto, CA.
Abatement Hearing No. DAD2008-00005**

The Nuisance Abatement Hearing Board heard the above-referenced matter on **May 28, 2009**. Upon consideration of oral and documentary evidence presented at the hearing, the Nuisance Abatement Board finds and determines as follows:

1. The property located at 508 Imperial Ave., Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 056-047-047, is zoned R-1, Single Family Residential District.
2. County Staff confirmed the existence of and presented evidence of violations of Stanislaus County Codes occurring on the property, as noted in "Attachment A."
3. All owners of record, tenants and others, holding interest of record in the Property as identified and listed in the title report contained in the staff report regarding this matter. The Assessors Inquiry lists as the owner(s) of record for the property as Vetra L. Jones (deceased) but the property has been turned over to the Public Administrator's Office C/O Donna Sutton.
4. All interested parties were served a Notice and Order to Abate pursuant to Stanislaus County Code Section 2.92.030, describing the conditions or use of the property that constitutes the violations and ordering abatement of those conditions.
5. County staff has attempted to obtain voluntary compliance by the interested parties, and the interested parties have had significant and reasonable time to correct all violations but have refused and/or failed to meet the deadlines prescribed by Notice.
6. The owners have the legal responsibility for maintenance of the property in conformance with the applicable law, ordinance and rules, including abatement of all violations and compliance with all orders of the County.
7. The interested parties were served proper Notice of Hearing to Abate Nuisance pursuant to Stanislaus County Code Section 2.92.070.
8. Based on the evidence and testimony presented at the hearing, which is incorporated herein by reference, there is substantial evidence that violations of the Stanislaus County Code, as set forth in the staff report for the matter, still exists on the property.

9. Pursuant to Stanislaus County Code Section 2.92.010, the continuing violations that exist on the property constitute a public nuisance.

NOW THEREFORE, the Nuisance Abatement Hearing Board recommends that the Stanislaus County Board of Supervisors:

1. Order the owner and interested parties to abate the nuisance on the property within two weeks from the date of the Board decision by correcting the condition or use of the property as set forth in the staff report on this matter.
2. Authorize the County to abate the nuisance and to charge the costs of the abatement to the County if the Owners or other interested parties do not abate the nuisance within the specified time period.
3. Authorize County staff, pursuant to Stanislaus County Code Section 2.92.070, to dispose of any material, equipment, vehicles or other personal property removed from the property to abate a nuisance in any manner authorized by law, and to charge the costs of disposal to the owners and/or interested parties as part of the cost of abatement.
4. Authorize County staff to charge the owners and/or interested parties for County staff time incurred to investigate through the Abatement Hearing.
5. Order a Notice of Abatement Lien be recorded against the property if the owners and/or interested parties fail to pay the costs demanded by the County.

Dated: **May 28, 2009**



Mike Navarro, Chair

Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on **June 9th 2009** the Board of Supervisors will hear this matter as a consent item.

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

DEPT: Planning and Community Development

BOARD AGENDA # *B-5

Urgent Routine

AGENDA DATE June 9, 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 Case No. DAD2008-00005 at 508 Imperial Ave, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding nuisances at 508 Imperial Avenue, Modesto, California as set forth in Attachment "1".

FISCAL IMPACT:

Demolition cost recovery will be achieved through an Abatement Lien placed on the property, pursuant to California Government Code Section 25845 and 2006 Edition of the International Property Maintenance Code Section 106.

BOARD ACTION AS FOLLOWS:

No. 2009-385

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien
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:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.