

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

DEPT: Environmental Resources

BOARD AGENDA # *B-6

Urgent Routine

AGENDA DATE November 30, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Cost Accounting to Abate the Nuisance at 1219 Imperial Avenue, Modesto, California, Case Number CE 09-0731

STAFF RECOMMENDATIONS:

Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 1219 Imperial Avenue, Modesto, California, case number CE 09-0731, as set forth in Attachment 1.

FISCAL IMPACT:

If approved, \$4,022 will be assessed to the property owner for the forced clean up. The forced clean up includes contractor fees, staff time, and other incidentals allowed by Stanislaus County Code.

BOARD ACTION AS FOLLOWS:

No. 2010-709

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith
and approved by the following vote,

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

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.

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Cost Accounting to Abate the Nuisance at 1219 Imperial Avenue, Modesto, California, Case Number CE 09-0731

DISCUSSION:

The Department of Environmental Resources Code Enforcement Unit responds to complaints throughout the unincorporated area of Stanislaus County and attempts to gain voluntary compliance through education and personal contact by working with the property owners and those persons responsible for creating nuisances. Compliance efforts include issuing Administrative Citations, recording Notices of Non-Compliance with the Clerk-Recorders Office, presenting cases before the Nuisance Abatement Hearing Board and the Board of Supervisors, obtaining inspection warrants, and conducting forced clean ups.

On February 25, 2010, the Nuisance Abatement Hearing Board supported staff's recommendation to declare the property a nuisance and forwarded the matter to the Board of Supervisors recommending their approval. On March 16, 2010, the Board of Supervisors adopted the Hearing Board's Decision in Board Action No. 2010-129 and authorized a forced clean up at 1219 Imperial Avenue, Modesto. Following the Board's action, the Department of Environmental Resources obtained an abatement and inspection warrant, and in conjunction with County Policy, contracted with Affordable Hauling for the removal of the debris and the securing of the dwelling on the property.

On October 28, 2010, the Nuisance Abatement Hearing Board supported staff's recommendation that the billing for the clean up of the property was reasonable and forwarded the matter to the Board of Supervisors for consideration. By adopting the Hearing Board's Decision of Costs, the Board of Supervisors affirms the reasonableness of the billing. Once adopted, the Department of Environmental Resources' Accounting Unit will bill the property owner. If payment is not received, the charges will be forwarded to the Treasurer/Tax Collector to be collected in a manner prescribed by County Code as a recorded lien by special assessment against the property. A detailed accounting of the billing is attached as Attachment AA.

POLICY ISSUE:

Approval of this agenda item to adopt the recommendations of the Nuisance Abatement Hearing Board regarding the Decision of Costs (Attachment 1) for 1219 Imperial Avenue, Modesto, is consistent with the Board's priorities of A Safe Community, A Healthy Community, and the Efficient Delivery of Public Services. This approval will allow the Department to seek reimbursement for this abatement action and will support the Department's mission to promote a safe and healthy environment and improve the quality of life in the community through a balance of science, education, partnerships, and environmental regulation.

STAFFING IMPACTS:

There are no staffing impacts associated with this request.

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Cost Accounting to Abate the Nuisance at 1219 Imperial Avenue, Modesto, California, Case Number CE 09-0731

CONTACT PERSON:

Sonya K. Harrigfeld, Director of Environmental Resources. Telephone: 209-525-6770.



NUISANCE ABATEMENT HEARING BOARD

DECISION OF COSTS

**IN RE: 1219 Imperial Ave., Modesto, CA
Abatement Hearing No. CE 09-0731
BOARD OF SUPERVISORS No. 2010-129**

The Stanislaus County Board of Supervisors authorized a forced cleanup for the above-mentioned property on March 16, 2010. 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 September 9, 2010.

The cost accounting for this cleanup is attached to this Decision of Costs as attachment AA. It is respectfully requested, on October 28, 2010, 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
John Ramos, Chair
Stanislaus County
Nuisance Abatement Hearing Board

It should be noted that on NOV 30 2010 the Board of Supervisors will hear this matter as a consent item.

ATTACHMENT 1



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C Modesto, CA 95358-9492

Phone: 209.525.6700 Fax: 209.525.6774

September 23, 2010

David D Hawkins
1219 Imperial Ave.
Modesto, CA 95358

RE: BILLING STATEMENT: ABATEMENT ACTION #CE 09-0731
LOCATED: 1219 Imperial Ave. Modesto, CA
ASSESSORS PARCEL NUMBER: 056-038-041

ORIGINAL DATE OF NOTICE: 9/25/09

COST ACCOUNTING

Title Search Fee	(CE202)	\$ 75.00
Recording Fees	(CE202)	\$ 22.00
Copy Service	(CE202)	\$
Abandoned Vehicle Abatement	(CE202)	\$
Cleanup Contractor	(CE202)	\$ 1550.00
Securing/Boarding Abandoned Buildings	(CE202)	\$
Nuisance Board's Compensation Rate	(CE202)	\$
A. Total Incidental Costs-Fees to Other Agencies CE202		\$ 1647.00
Notice & Order to Abate	(CE209)	\$ 95.00
Inspection Time	(CE209)	\$ 950.00
Notice of Hearing to Abate	(CE209)	\$ 95.00
Authorization to Enter and Abate	(CE209)	\$ 95.00
Inspection & Abatement Warrant	(CE209)	\$ 760.00
24 hr Notice of Inspection & Abatement Warrant	(CE209)	\$ 95.00
B. Total Non-Compliance Cleanup Costs CE209		\$2090.00
Nuisance Abatement Hearing	(CE201)	\$ 190.00
Board of Supervisors Hearing	(CE201)	\$ 95.00
		\$
C. Total Hearing Costs CE201		\$ 285.00
D. Total Balance Due By Owner		\$4,022.00

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

STRIVING TO BE THE BEST COUNTY IN AMERICA

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

----- CUT -----

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 **10/28/10 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: 1219 Imperial Ave., Modesto, CA
CE #09-0731 OWNER: DAVID D HAWKINS**

ADMINISTRATIVE TIME:

9/25/09 – NOTICE & ORDER TO ABATE:
1 HOUR PER NOTICE x \$95.00 PER HOUR = \$95.00

2/09/10 – NOTICE OF HEARING TO ABATE:
1 HOUR PER NOTICE OF HEARING TO ABATE x 95.00= \$95.00

2/25/10 – NUISANCE ABATEMENT HEARING:
2 HOURS FOR HEARING ABATEMENT PACKAGE x \$95.00 = \$190.00

1½ HOURS PREPARING PACKAGE (INCLUDING POWERPOINT PRESENTATION)
½ HOUR ORAL PRESENTATION

3/16/10 – BOARD OF SUPERVISOR'S MEETING:
1 HOUR PER BOS HEARING x \$95.00 = \$95.00

5/20/10 - AUTHORIZATION TO ENTER AND ABATE:
1 HOUR PER AUTHORIZATION TO ENTER AND ABATE x \$95.00 = \$95.00

8/30/10 - INSPECTION & ABATEMENT WARRANT:
8 HOURS PREPARING INSPECTION & ABATEMENT WARRANT x \$95.00 = \$760.00

9/2/10 - 24 HOUR NOTICE OF INSPECTION & ABATEMENT WARRANT:
1 HOUR PER 24 HOUR NOTICE OF INSPECTION & ABATEMENT WARRANT x
\$95.00 = \$95.00

INSPECTION DATE(S):

9/24/09 12/22/09 2/25/10 9/09/10
11/02/09 1/06/10 5/10/10
12/04/09 1/21/10 8/19/10

1 HOUR PER INSPECTION x 10 INSPECTIONS x \$95.00 PER HOUR = \$ 950.00

INCIDENTAL EXPENSES:

TITLE SEARCH FEE = \$75.00
RECORDING FEES = \$22.00
CLEANUP CONTRACTOR = \$1,550.00

SUB-TOTALS:

ADMINISTRATIVE TIME: \$1425.00
INSPECTION TIME: \$950.00
INCIDENTAL EXPENSES: \$1647.00

TOTAL DUE: \$4,022.00

