

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

DEPT: Environmental Resources

BOARD AGENDA # \*B-3

Urgent

Routine

AGENDA DATE August 30, 2011

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 124 Pueblo Avenue, Modesto, California, Case Number CE 09-0864

STAFF RECOMMENDATIONS:

Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 124 Pueblo Avenue, Modesto, California, case number CE 09-0864, as set forth in Attachment 1.

FISCAL IMPACT:

If approved, \$3,747 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. The costs associated with this forced clean up were part of the Department of Environmental Resources' Fiscal Year 2010-2011 budget.

BOARD ACTION AS FOLLOWS:

No. 2011-501

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None


1)  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 124 Pueblo Avenue, Modesto, California, Case Number CE 09-0864

DISCUSSION:

The Department of Environmental Resources 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 March 24, 2011, 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 April 26, 2011, the Board of Supervisors adopted the Hearing Board's Decision in Board Action No. 2011-247 and authorized a forced clean up at 124 Pueblo 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 Aaron's Clean-Up's for the removal of the debris and the securing of the building on the property.

On July 28, 2011, 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 124 Pueblo 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 item.

CONTACT PERSON:

Sonya K. Harrigfeld, Director of Environmental Resources.

Telephone: 209-525-6770



## **NUISANCE ABATEMENT HEARING BOARD**

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### **DECISION OF COSTS**

**IN RE: 124 Pueblo Ave., Modesto, CA  
Abatement Hearing No. CE 09-0864  
BOARD OF SUPERVISORS No. 2011-247**

The Stanislaus County Board of Supervisors authorized a forced cleanup for the above-mentioned property on April 26, 2011. 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 June 6, 2011.

The cost accounting for this cleanup is attached to this Decision of Costs as attachment AA. It is respectfully requested, on July 28, 2011, 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  
Steve Boyd, Chair  
Stanislaus County  
Nuisance Abatement Hearing Board

It should be noted that on AUG 23 2011 the Board of Supervisors will hear this matter as a consent item.

ATTACHMENT 1



June 24, 2011

Marylu Pelayo  
 P.O. Box 351  
 Denair CA 95316

RE: BILLING STATEMENT: ABATEMENT ACTION #CE 09-0864  
 LOCATED: 124 Pueblo Ave. Modesto, CA  
 ASSESSORS PARCEL NUMBER: 038-031-040

ORIGINAL DATE OF NOTICE: 12/15/2009

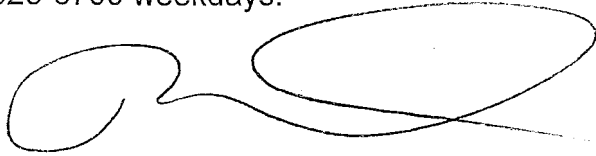
**COST ACCOUNTING**

Title Search Fee	(CE202)	\$ 375.00
Recording Fees	(CE202)	\$ 22.00
Copy Service	(CE202)	\$
Abandoned Vehicle Abatement	(CE202)	\$
Cleanup Contractor	(CE202)	\$ 975.00
Securing/Boarding Abandoned Buildings	(CE202)	\$
Nuisance Board's Compensation Rate	(CE202)	\$
<b>A. Total Incidental Costs-Fees to Other Agencies CE202</b>		\$ 1372.00
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>B. Total Non-Compliance Cleanup Costs CE209</b>		\$ 2090.00
Nuisance Abatement Hearing	(CE201)	\$ 190.00
Board of Supervisors Hearing	(CE201)	\$ 95.00
		\$
<b>C. Total Hearing Costs CE201</b>		\$ 285.00
<b>D. Total Balance Due By Owner</b>		<b>\$ 3747.00</b>

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.

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 **7/21/2011 at 6:00pm** in the Joint Chambers, lower level, at 1010 10<sup>th</sup> 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: 124 Pueblo Ave., Modesto, CA  
CE #09-0864 OWNER: Marylu Pelayo**

**ADMINISTRATIVE TIME:**

12/15/09 – NOTICE & ORDER TO ABATE:  
1 HOUR PER NOTICE x \$95.00 PER HOUR = \$95.00

3/11/11 – NOTICE OF HEARING TO ABATE:  
1 HOUR PER NOTICE OF HEARING TO ABATE x 95.00= \$95.00

3/24/11 – 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

4/26/11 – BOARD OF SUPERVISOR'S MEETING:  
1 HOUR PER BOS HEARING x \$95.00 = \$95.00

5/11/11 - AUTHORIZATION TO ENTER AND ABATE:  
1 HOUR PER AUTHORIZATION TO ENTER AND ABATE x \$95.00 = \$95.00

5/26/11 - INSPECTION & ABATEMENT WARRANT:  
8 HOURS PREPARING INSPECTION & ABATEMENT WARRANT x \$95.00 = \$760.00

5/26/11 - 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):**

12/11/09	3/29/10	3/24/11
2/1/10	1/7/11	5/11/11
2/18/10	3/11/11	6/9/11

1 HOUR PER INSPECTION x 9 INSPECTIONS x \$95.00 PER HOUR = \$ 950.00

**INCIDENTAL EXPENSES:**

TITLE SEARCH FEE = \$375.00  
RECORDING FEES = \$22.00  
CLEANUP CONTRACTOR = \$975.00

**SUB-TOTALS:**

ADMINISTRATIVE TIME: \$1425.00  
INSPECTION TIME: \$950.00  
INCIDENTAL EXPENSES: \$1372.00

**TOTAL DUE: \$3747.00**

ATTACHMENT AA

# AARON'S CLEAN-UPS



## Hauling & Tree Service

Bartolo Juarez, Owner

410 Yosemite Avenue • Modesto, CA 95351

Ph. (209) 572-3535 • Fax (209) 525-8841

Lic # 935695



This is a free estimate of services for attn: Hector Placencia  
3800 Cornucopia Way Modesto, CA

PHONE: (209) 525-6700 DATE: 06/01/11  
 Fax (209) 525-6774

JOB DESCRIPTION	AMOUNT
<b>CLEAN UP</b>	
<b>HAULING</b> Haul tires, one sofa as well as trash located in the alley, backyard and on side of the house.	
<b>MOWING - EDGING</b> Trash will be taken to Gilton and Bertolotti transfer station in Modesto.	
<b>PRUNING</b>	
<b>TRIMMING</b>	
<b>DEMO.</b>	
<b>WEEDS</b> (clean the front on the side of the street	
<b>TREE RMVL.</b>	
<b>STUMP GRINDING</b>	
Will board up all necessary windows, doors, and wholes around the house.	
These prices are valid for 90 days after the date above.	
<b>TOTAL</b>	<b>\$975.00</b>

CUSTOMER SIGNATURE

Work / Estimate for: 124 Pueblo Av. Modesto, CA