

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

DEPT: Environmental Resources

BOARD AGENDA # \*B-5b

Urgent

Routine

AGENDA DATE November 25, 2014

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 401 Imperial Avenue, Modesto, California, CE No. 13-0161

STAFF RECOMMENDATIONS:

Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 401 Imperial Avenue, Modesto, California, as set forth in Attachment 1.

FISCAL IMPACT:

If approved, \$9,279 will be charged to the property owner for the forced clean up as detailed in Attachment AA. 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 included in the Department of Environmental Resources' Fiscal Year 2014-2015 Final Adopted Budget.

BOARD ACTION AS FOLLOWS:

No. 2014-574

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

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

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 401 Imperial Avenue, Modesto, California, CE No. 13-0161

**DISCUSSION:**

The Code Enforcement Unit (CEU) responds to complaints throughout the unincorporated area of Stanislaus County. The CEU attempts to gain voluntary compliance through education and personal contact by working with property owners and those persons responsible for creating nuisances. Compliance efforts include issuing Notice and Orders to Abate, conducting inspections, granting extension requests, issuing Administrative Civil Citations, recording Notices of Non-compliance with the Clerk-Recorder's Office, presenting cases before the Nuisance Abatement Hearing Board and the Board of Supervisors, obtaining inspection warrants, and conducting forced clean ups.

On March 27, 2014, 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 29, 2014, the Board of Supervisors adopted the Hearing Board's Decision in Board Action No. 2014-186 and authorized a forced clean up at 401 Imperial Avenue, Modesto, California. Following the Board's action, the Department of Environmental Resources obtained an abatement/inspection warrant, and in conjunction with County Policy, contracted with Modesto Sand & Gravel for the removal of the debris.

On October 23, 2014, the Nuisance Abatement Hearing Board supported staff's recommendation that the billing for the clean up of the property was reasonable and to forward the matter to the Board of Supervisors for consideration (Attachment 1). 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:**

The recommended action supports the Boards' priorities of A Safe Community, A Healthy Community, and the Efficient Delivery of Public Services by improving the quality of life and protecting the health and safety of the community.

**STAFFING IMPACTS:**

If payment of \$9,279 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.

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Cost Accounting to Abate the Nuisance at 401 Imperial Avenue, Modesto, California, CE No. 13-0161

**CONTACT PERSON:**

Jami Aggers, Director of Environmental Resources. Telephone: 209-525-6770

**ATTACHMENT(S):**

1. Nuisance Abatement Hearing Board, Decision of Costs, Attachment 1.
2. Billing Statement, Attachment AA, Pages 1 - 4.



## **NUISANCE ABATEMENT HEARING BOARD**

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### **DECISION OF COSTS**

**IN RE: 401 Imperial Avenue, Modesto, CA  
Abatement Hearing No. CE 13-0161  
BOARD OF SUPERVISORS No. 2014-186**

The Stanislaus County Board of Supervisors authorized a forced cleanup for the above-mentioned property on April 29, 2014. 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 July 17, 2014.

The cost accounting for this cleanup is attached to this Decision of Costs as attachment AA. It is respectfully requested, on October 23, 2014, 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 **NOVEMBER 25, 2014** the Board of Supervisors will hear this matter as a consent item.



August 26, 2014

Victor J. Gulart  
 401 Imperial Avenue  
 Modesto, CA 95358

RE: **BILLING STATEMENT: ABATEMENT ACTION #CE 13-0161**  
**LOCATED: 401 Imperial Avenue, Modesto, CA**  
**ASSESSORS PARCEL NUMBER: 056-047-020**

ORIGINAL DATE OF NOTICE: October 30, 2013

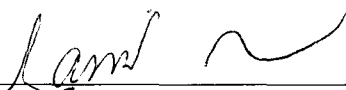
**COST ACCOUNTING**

Title Search Fee	(CE202)	\$ 350.00
Recording Fees	(CE202)	\$ 29.00
Copy Service	(CE202)	\$
Abandoned Vehicle Abatement	(CE202)	\$
Cleanup Contractor	(CE202)	\$ 7,000.00
Securing/Boarding Abandoned Buildings	(CE202)	\$
Nuisance Board's Compensation Rate	(CE202)	\$
<b>A. Total Incidental Costs-Fees to Other Agencies CE202</b>		<b>\$ 7,379.00</b>
Notice & Order to Abate	(CE209)	\$ 95.00
Inspection Time	(CE209)	\$ 665.00
Notice of Hearing to Abate	(CE209)	\$ 95.00
Authorization to Enter and Abate	(CE209)	\$ 95.00
Inspection & Abatement Warrant	(CE209)	\$ 570.00
24 hr Notice of Inspection & Abatement Warrant	(CE209)	\$ 95.00
<b>B. Total Non-Compliance Cleanup Costs CE209</b>		<b>\$1,615.00</b>
Nuisance Abatement Hearing	(CE201)	\$ 190.00
Board of Supervisors Hearing	(CE201)	\$ 95.00
<b>C. Total Hearing Costs CE201</b>		<b>\$ 285.00</b>
<b>D. Total Balance Due By Owner</b>		<b>\$ 9,279.00</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 (209) 525-6700 weekdays.

  
\_\_\_\_\_  
JANIS MEIN  
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: Janis Mein, Manager at 3800 Cornucopia Way, Suite "C" Modesto, CA 95358. The Nuisance Abatement Hearing Board will hear the appeal on **October 23, 2014 at 6:00pm** in the Joint Chambers, lower level, at 1010 10<sup>th</sup> St, Modesto, CA. 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#: 13-0161

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: 401 Imperial Avenue, Modesto, CA  
CE # 13-0161 OWNER: Victor J. Gulart**

**ADMINISTRATIVE TIME:**

10/30/13 – NOTICE & ORDER TO ABATE:  
1 HOUR PER NOTICE x \$95.00 PER HOUR = \$95.00

3/06/14 – NOTICE OF HEARING TO ABATE:  
1 HOUR PER NOTICE OF HEARING TO ABATE x 95.00= \$95.00

3/27/14 – 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

4/29/14 – BOARD OF SUPERVISOR'S MEETING:  
1 HOUR PER BOS HEARING x \$95.00 = \$95.00

5/28/14 - AUTHORIZATION TO ENTER AND ABATE:  
1 HOUR PER AUTHORIZATION TO ENTER AND ABATE x \$95.00 = \$95.00

7/03/14 - INSPECTION & ABATEMENT WARRANT:  
6 HOURS PREPARING INSPECTION & ABATEMENT WARRANT x \$95.00 = \$570.00

7/07/14 - 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):**

10/29/13      03/27/14  
12/18/13      07/03/14  
02/06/14      07/17/14  
03/05/14

1 HOUR PER INSPECTION x 7 INSPECTIONS x \$95.00 PER HOUR = \$ 665.00

**INCIDENTAL EXPENSES:**

TITLE SEARCH FEE = \$350.00  
RECORDING FEES = \$29.00  
CLEANUP CONTRACTOR = \$7,000.00

**SUB-TOTALS:**

ADMINISTRATIVE TIME: \$1,235.00  
INSPECTION TIME: \$665.00  
INCIDENTAL EXPENSES: \$7,379.00

**TOTAL DUE: \$9,279.00**



**MODESTO**  
SAND AND GRAVEL

CSLB# 271166

ModestoSandAndGravel.com

DEMOLITION & EXCAVATION 6137 HAMMETT COURT \* MODESTO, CA 95358 \* PHONE 209-545-4425 \* FAX 209-545-4428

STANISLAUS COUNTY CODE ENFORCEMENT  
3800 CORNUCOPIA WAY  
MODESTO, CA 95358

**I N V O I C E**

Invoice #	14056.0
Date	7/17/2014
Due by	8/16/2014

Project: LOT CLEAN UP CE# 13-0160 (REVISED)

Location: 401 IMPERIAL  
MODESTO, CA

Contact: ROBERT MIRAMONTES

Invoice Details	
SCOPE: WE WILL PROVIDE ALL NECESSARY LABOR, EQUIPMENT, TRUCKING AND DISPOSAL FEES TO GATHER, LOAD AND OFF - HAUL ALL DEBRIS ON PROPERTY INCLUDING STREET AND ALLEY RIGHT OF WAY.	\$7,000.00
THIS BID HAS BEEN REVISED TO REFLECT PREVAILING WAGE RATES.	
<b>Invoice Total:</b>	<b>\$7,000.00</b>

**Balance Due: \$7,000.00**

**TERMS**

NET 30 DAYS FROM DATE OF COMPLETION.

1 1/2% SERVICE CHARGE PER MONTH (18% ANNUAL) WILL BE CHARGED ON PAST DUE ACCOUNTS.