

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

DEPT: Environmental Resources

BOARD AGENDA # \*B-5

Urgent

Routine

AGENDA DATE March 31, 2015

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Cost Accounting to Abate the Nuisance at 507 Kerr Avenue, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 507 Kerr Avenue, Modesto, California, CE No. 13-0026, as set forth in Attachment 1.

FISCAL IMPACT:

If approved, \$8,954 will be charged to the property owner for the forced clean up as detailed in Attachment AA. The forced clean up included 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. 2015-122

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

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

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  
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 507 Kerr Avenue, Modesto, California

**DISCUSSION:**

The Solid Waste Unit (SWU) responds to complaints throughout the unincorporated area of Stanislaus County and 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 June 26, 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 July 22, 2014, the Board of Supervisors adopted the Hearing Board's Decision in Board Action No. 2014-385 and authorized a forced clean up at 507 Kerr 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 February 26, 2015, 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:**

There are no staffing impacts associated with this item.

**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 – 5.



## NUISANCE ABATEMENT HEARING BOARD

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### DECISION OF COSTS

IN RE: 507 Kerr Avenue, Modesto, CA  
Abatement Hearing No. CE 13-0026  
BOARD OF SUPERVISORS No. 2014-385

The Stanislaus County Board of Supervisors authorized a forced cleanup for the above-mentioned property on July 22, 2014. Using the guidelines set forth by the Board of Supervisors, the Department of Environmental Resources Solid Waste Unit obtained bids for this cleanup. That cleanup was conducted on January 9, 2015.

The cost accounting for this cleanup is attached to this Decision of Costs as attachment AA. It is respectfully requested, on February 26, 2015, 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  
Ron Peterson, Chair  
Stanislaus County  
Nuisance Abatement Hearing Board

It should be noted that on **March 31, 2015** the Board of Supervisors will hear this matter as a consent item.



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C Modesto, CA 95358-9492  
 Phone: 209.525.6700 Fax: 209.525.6774

January 16, 2015

Barbie & Joseph Escalante  
 205 Gerita Court #2  
 Modesto, CA 95354

RE: BILLING STATEMENT: ABATEMENT ACTION #CE 13-0026  
 LOCATED: 507 Kerr Avenue, Modesto, CA  
 ASSESSORS PARCEL NUMBER: 035-038-017

ORIGINAL DATE OF NOTICE: November 15, 2013

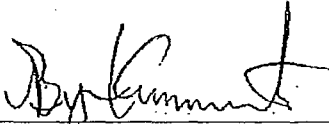
**COST ACCOUNTING**

Title Search Fee	(CE202) -	\$350.00
Recording Fees	(CE202) -	\$29.00
Copy Service	(CE202)	\$
Abandoned Vehicle Abatement	(CE202)	\$
Cleanup Contractor	(CE202) -	\$6,200.00
Securing/Boarding Abandoned Buildings	(CE202)	\$
Nuisance Board's Compensation Rate	(CE202)	\$
<b>A. Total Incidental Costs-Fees to Other Agencies</b>	<b>CE202</b>	<b>\$6,579.00</b>
Notice & Order to Abate	(CE209) -	\$95.00
Inspection Time	(CE209)	\$380.00
Notice of Hearing to Abate	(CE209) -	\$95.00
Authorization to Enter and Abate	(CE209) -	\$95.00
Inspection & Abatement Warrant	(CE209)	\$1,140.00
24 hr Notice of Inspection & Abatement Warrant	(CE209)	\$285.00
<b>B. Total Non-Compliance Cleanup Costs</b>	<b>CE209</b>	<b>\$2,090.00</b>
Nuisance Abatement Hearing	(CE201) -	\$190.00
Board of Supervisors Hearing	(CE201) -	\$95.00
<b>C. Total Hearing Costs</b>	<b>CE201</b>	<b>\$285.00</b>
<b>D. Total Balance Due By Owner</b>		<b>\$8,954.00</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.



BRYAN KUMIMOTO  
SOLID WASTE  
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, Solid Waste Unit, Attn: Bryan Kumimoto, Manager at 3800 Cornucopia Way, Suite "C" Modesto, CA 95358. The Nuisance Abatement Hearing Board will hear the appeal on **February 26, 2015 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#: 13-0026

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: 507 Kerr Avenue, Modesto, CA  
CE # 13-0026 OWNER: Barbie & Joseph Escalante**

**ADMINISTRATIVE TIME:**

11/15/13 – NOTICE & ORDER TO ABATE:

1 HOUR PER NOTICE x \$95.00 PER HOUR = \$95.00

06/10/14 – NOTICE OF HEARING TO ABATE:

1 HOUR PER NOTICE OF HEARING TO ABATE x 95.00= \$95.00

06/26/14 – 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

07/22/14 – BOARD OF SUPERVISOR'S MEETING:

1 HOUR PER BOS HEARING x \$95.00 = \$95.00

09/10/14 - AUTHORIZATION TO ENTER AND ABATE:

1 HOUR PER AUTHORIZATION TO ENTER AND ABATE x \$95.00 = \$95.00

11/21/14 - INSPECTION & ABATEMENT WARRANT:

6 HOURS PREPARING INSPECTION & ABATEMENT WARRANT x \$95.00 = \$570.00

11/24/14 - 24 HOUR NOTICE OF INSPECTION & ABATEMENT WARRANT:

1 HOUR PER 24 HOUR NOTICE OF INSPECTION & ABATEMENT WARRANT x  
\$95.00 = \$95.00

12/04/14 – INSPECTION & EXTENSION OF ABATEMENT WARRANT:

3 HOURS PREPARING INSPECTION & EXTENSION ABATEMENT WARRANT x  
\$95.00 = \$285.00

12/04/14 – 24 HOUR NOTICE OF INSPECTION & EXTENSION ABATEMENT  
WARRANT: 1 HOUR PER 24 HOUR NOTICE OF INSPECTION & EXTENSION  
ABATEMENT WARRANT x \$95.00 = \$95.00

12/18/14 - INSPECTION & EXTENSION OF ABATEMENT WARRANT:

3 HOURS PREPARING INSPECTION & EXTENSION ABATEMENT WARRANT x  
\$95.00 = \$285.00

12/18/14 – 24 HOUR NOTICE OF INSPECTION & EXTENSION ABATEMENT  
WARRANT: 1 HOUR PER 24 HOUR NOTICE OF INSPECTION & EXTENSION  
ABATEMENT WARRANT x \$95.00 = \$95.00

**INSPECTION DATE(S):**

11/14/13

01/06/14

02/07/14

03/04/14

1 HOUR PER INSPECTION x 4 INSPECTIONS x \$95.00 PER HOUR = \$380.00

**INCIDENTAL EXPENSES:**

TITLE SEARCH FEE = \$350.00

RECORDING FEES = \$29.00

CLEANUP CONTRACTOR = \$6,200.00

**SUB-TOTALS:**

ADMINISTRATIVE TIME: \$1,995.00

INSPECTION TIME: \$380.00

INCIDENTAL EXPENSES: \$6,579.00

**TOTAL DUE: \$8,954.00**



GSIB# 271166  
 ModestoSandAndGravel.com  
 6137 HAMMETT COURT \* MODESTO, CA 95358 \* PHONE 209-545-4425 \* FAX 209-546-4428

STANISLAUS COUNTY CODE ENFORCEMENT  
 3800-CORNUCOPIA WAY  
 MODESTO, CA 95358

**I N V O I C E**

Invoice#	14105.0
Date	1/9/2015
Due by	2/8/2015

Project: CE# 13-0026 CLEAN UP

Location: 507 KERR AVE  
 MODESTO, CA

Job Started: 1/8/2015

Job Completed: 1/9/2015

Contact: JANICE

Invoice Details

DISPOSE OF ALL DEBRIS ON THE SUBJECT PROPERTY, INCLUDES LABOR, EQUIPMENT, TRUCKING AND DISPOSAL FEES. SITE WILL BE LEFT CLEAN DOWN TO DIRT. DOES NOT INCLUDE REMOVAL OF CONCRETE OR ASPHALT, PADS OR DRIVEWAYS. PRICE INCLUDES PREVAILING WAGE RATES AND COST OF BOND.	\$6,200.00
<b>Invoice Total:</b>	<b>\$6,200.00</b>

Balance Due: \$6,200.00

TERMS

NET 30 DAYS FROM DATE OF COMPLETION.

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