

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

DEPT: Environmental Resources *SMA*

BOARD AGENDA # *B-4

Urgent

Routine

AGENDA DATE February 16, 2010

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 the Cost Accounting to Abate the Nuisance CE No. 07-0313 at 1827 John Street, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 1827 John Street, Modesto, California as set forth in Attachment 1.

FISCAL IMPACT:

If the Board of Supervisors finds this bill reasonable, the property owner will be billed \$920.00, which is the total cost of the forced clean up and includes the contractor fees, staff time and other incidentals allowed by County Code.

BOARD ACTION AS FOLLOWS:

No. 2010-082

On motion of Supervisor DeMartini, 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) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

This agenda item is important because it promotes a safe community, a healthy community, and the efficient delivery of public services, serves the public's interest, and fosters pride in our local community.

On October 8, 2009, staff determined a nuisance existed at 1827 John Street, Modesto, California. The property, which was unsecured, containing junk, debris and rubbish, had previously been forcibly cleaned in December 2008 (Board Action No. 2009-224), and this was the second time within twenty four months it was found to be in violation of Stanislaus County Code Section 2.94.100. Following County Policy, the Department of Environmental Resources contracted with Aaron's Hauling and cleaned the property for a second time on January 6, 2010.

On January 28, 2010, 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, the Board of Supervisors affirms the reasonableness of the billing. Once adopted, the Department of Environmental Resources Accounting Unit will bill the owner(s) and if payment isn't received the costs 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 Board should decide if it should accept, modify, or reject the written decision as presented in the Decision of Costs CE07-0313 (Attachment 1). Acceptance of staff's recommendation would be consistent with the Board's priorities of a safe community, a healthy community and the efficient delivery of public services.

STAFFING IMPACT:

There is no staffing impact associated with this request.

CONTACT PERSON:

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



NUISANCE ABATEMENT HEARING BOARD

DECISION OF COSTS
IN RE: 1827 John St., Modesto, CA
Abatement Hearing No. CE 07-0313
BOARD OF SUPERVISORS No. 2009-224

The Stanislaus County Board of Supervisors authorized a forced cleanup for the above-mentioned property on March 25, 2008. 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 December 20, 2008.

On September 9, 2009, approximately 9 months after the first cleanup, the above-mentioned property again became unsecured and was littered with debris, refuse and rubbish. According to Stanislaus County Code Section 2.94.100(c) - "If vacant property previously secured by the owner or the Code Enforcement officer again becomes unsecured within twenty-four (24) months of an previous securing, the Code Enforcement Officer may re-secure the vacant property and recover costs as provided in Section 2.92.070. When re-securing a vacant property within twenty-four (24) months of any previous securing, the Code enforcement officer is not required to transmit a Notice and Order to Abate before re-securing the vacant property".

A second cleanup was conducted on January 6, 2010.

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

Approved as Requested
Greg Pires, Chair

Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on February 16, 2010 the Board of Supervisors will hear this matter as a consent item.



January 7, 2010

Heriberto Ramos
 1235 Castle Oak Dr.
 Stockton, CA. 95210

RE: **BILLING STATEMENT: ABATEMENT ACTION #CE 07-0313**
LOCATED: 1827 John St. Modesto, CA.
ASSESSORS PARCEL NUMBER: 037-024-037

ORIGINAL DATE OF NOTICE: 7/24/07

COST ACCOUNTING

Title Search Fee	(CE202)	\$
Recording Fees	(CE202)	\$
Copy Service	(CE202)	
Abandoned Vehicle Abatement	(CE202)	\$
Cleanup Contractor	(CE202)	\$ 350.00
Securing/Boarding Abandoned Buildings	(CE202)	\$
Nuisance Board's Compensation Rate	(CE202)	
A. Total Incidental Costs-Fees to Other Agencies CE202		\$ 350.00
		\$
Notice & Order to Abate	(CE209)	\$
Notice of Hearing to Abate	(CE209)	\$
Enforcement Decisions of Board of Supervisors	(CE209)	\$
Inspection Time	(CE209)	\$ 285.00
B. Total Non-Compliance Cleanup Costs CE209		\$ 285.00
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		\$ 900.00

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

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.



1-7-2010

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 **1/28/10 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.

ATTACHMENT AA

BILLING INFORMATION RE: 1827 John St, Modesto, CA
CE #07-313 OWNER: Heriberto A. Ramos

ADMINISTRATIVE TIME:

1/28/10 – NUISANCE ABATEMENT HEARING:
2 HOURS FOR HEARING ABATEMENT PACKAGE = 2 HOURS X \$95.00 = \$190.00

1½ HOURS PREPARING PACKAGE
½ HOUR ORAL PRESENTATION

2/9/10– BOARD OF SUPERVISOR’S MEETING:
1 HOUR PER BOS HEARING = 1 HOURS X \$95.00 = \$95.00

INSPECTION TIME:

10/8/09
1/4/10
1/6/10

1 HOUR PER INSPECTION X 3 INSPECTIONS =
3 HOURS X \$95.00 PER HOUR = \$285.00

INCIDENTAL EXPENSES:

CLEANUP CONTRACTOR = \$350.00

SUB-TOTALS:

ADMINISTRATIVE TIME: \$ 285.00
INSPECTION TIME: \$ 285.00
INCIDENTAL EXPENSES: \$ 350.00

TOTAL DUE: \$ 920.00