

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

DEPT: Agricultural Commissioner

BOARD AGENDA # \*B-1

Urgent

Routine

AGENDA DATE May 24, 2011

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 6155 Foote Road, Ceres, California and Barnhart Road, Ceres, California, case number 782009-ABT

STAFF RECOMMENDATIONS:

Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 6155 Foote Road, Ceres, California and Barnhart Road, Ceres, California, case number 782009-ABT as set forth in Attachment 1.

FISCAL IMPACT:

If approved, \$8,509.50 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. 2011-303

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 6155 Foote Road, Ceres, California and Barnhart Road, Ceres, California, case number 782009-ABT

**DISCUSSION:**

The Agricultural Commissioner's Office responds to abandon orchard complaints throughout 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 providing technical advice on eliminating or managing pests and issuing warning letters and notices of violations. The Agricultural Commissioner also consults with other agencies in an effort to settle complaints. When these measures are not successful, the Department will present the case before the Nuisance Abatement Hearing Board and the Board of Supervisors. The subject case is the first time that the Agricultural Commissioner has had to take a nuisance property through the formal process for resolution.

On March 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 April 20, 2010, the Board of Supervisors adopted the Hearing Board's Decision in Board Action No. 2010-202 and authorized a forced clean up at 6155 Foote Road, Ceres and Barnhart Road, Ceres. Following the Board's action, the Agricultural Commissioner's Office obtained an abatement and inspection warrant, and consistent with County policy, contracted with Valley Uprooting, LLC for the removal of stumps and brush and with Animal Damage Management for ground squirrel control.

On April 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 Agricultural Commissioner's 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 Board should decide if it should accept, modify, or reject the written decision as presented in the Decision of Costs 782009-ABT (Attachment 1). Acceptance of staff's recommendation would be consistent with the Board's priorities of a Strong Agricultural Economy/Heritage and the Efficient Delivery of Public Services and is aligned with the Department's mission to support and protect the well-being of of agriculture, business and the community.

**STAFFING IMPACTS:**

There are no staffing impacts associated with this request.

**CONTACT PERSON:**

Gary Caseri, Agricultural Commissioner. Telephone: 209-525-4730



## **NUISANCE ABATEMENT HEARING BOARD**

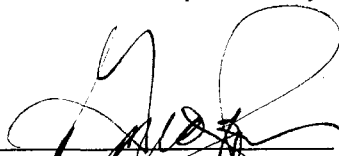
---

### **DECISION OF COSTS**

**IN RE: 6155 Foote Road, Ceres and Barnhart Road, Ceres, CA  
Abatement Hearing No. 782009-ABT  
BOARD OF SUPERVISORS No. 2010-202**

The Stanislaus County Board of Supervisors authorized a forced cleanup for the above-mentioned property on April 20, 2010. Using the guidelines set forth by the Board of Supervisors, the Agricultural Commissioner's Office obtained bids for this cleanup. That cleanup began on August 27, 2010 and was completed 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 April 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.

  
Approved as Requested  
Greg Fires, Chair

Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on MAY 24 2011 the Board of Supervisors will hear this matter as a consent item.

ATTACHMENT 1



AGRICULTURAL COMMISSIONER'S OFFICE AND  
SEALER OF WEIGHTS & MEASURES

Gary Caseri  
Agricultural Commissioner/Sealer

3800 Cornucopia Way, Suite B  
Modesto, California 95358  
Phone: 209.525.4730 Fax: 209.525.4790

March 22, 2011

Sargon Yonan & Joseph Yonan  
6155 Foote Road  
Ceres, CA 95307

RE: BILLING STATEMENT: ABATEMENT ACTION CASE# 782009-ABT  
LOCATED: 6155 Foote Road, Ceres, CA & Barnhart Road, Ceres, CA  
ASSESSORS PARCEL NUMBERS: 045-045-013 & 045-047-012

**COST ACCOUNTING**

Recording Fees			\$	19.50
Cleanup Contractor - stump and brush removal			\$	4,975.00
Cleanup Contractor - ground squirrel control			\$	1,150.00
<b>A. Total Incidental Costs-Fees to Other Agencies</b>			\$	<b>6,144.50</b>
	Hours		Rate	
Notice & Order to Abate	4.25	\$	55.00	\$ 233.75
Notice of Hearing to Abate	3.00	\$	55.00	\$ 165.00
Abatement Enforcement	51.50	\$	55.00	\$ 2,832.50
Inspection Time	5.25	\$	55.00	\$ 288.75
Administration	17.00	\$	55.00	\$ 935.00
<b>B. Total Non-Compliance Cleanup Costs</b>			\$	<b>4,455.00</b>
	Hours		Rate	
Nuisance Abatement Hearing	4.00	\$	55.00	\$ 220.00
Board of Supervisors Hearing	1.00	\$	55.00	\$ 55.00
<b>C. Total Hearing Costs</b>			\$	<b>275.00</b>
<b>D. Total Due by Owner</b>			\$	<b>10,874.50</b>
First Offense Cost Reduction:				
Less 50% of total clean-up & hearing costs				
(\$4,455 + 275 = 4,730 x 50%=\$2,365)				
<b>E. Total Cost Reduction</b>			\$	<b>(2,365.00)</b>
<b>F. Total Balance Due by Owner</b>			\$	<b>8,509.50</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.

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 (209) 525-4730 weekdays.



MILTON O'HAIRE  
ASST. AGRICULTURAL COMMISSIONER

-----CUT-----

#### APPEAL BILLING FORM

Pursuant to County Ordinance, 2.92.070 (D) 1, California Government Code 25845, you have the right to appeal this billing for reasonableness only. This request 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 Agricultural Commissioner's Office, Attn: Milton O'Haire at 3800 Cornucopia Way, Suite B Modesto, CA 95358. The Nuisance Abatement Hearing Board will hear the appeal on **4/28/11 at 6:00 pm** in the Joint Chambers, lower level, at 1010 10th Street, 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 Case#: \_\_\_\_\_

This is the only notification you will receive regarding this billing. 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 FORMATION RE: 6155 FOOTE ROAD, CERES, CA  
CASE# 782009-ABT OWNERS: SARGON YONAN & JOSEPH YONAN

**ADMINISTRATIVE TIME:**

04/04/08 OPEN CASE - COMPLAINT RECEIVED  
1.25 HOURS X \$55.00 PER HOUR = \$68.75

05/29/08 1ST LETTER  
3 HOURS X \$55.00 PER HOUR = \$165.00

11/25/08 2ND LETTER  
3 HOURS X \$55.00 PER HOUR = \$165.00

06/18/09 3RD LETTER  
2 HOURS X \$55.00 PER HOUR = \$110.00

01/04/10 - 01/06/10 NOTICE & ORDER TO ABATE:  
4.25 HOURS X \$55.00 PER HOUR = \$233.75

03/15/10 NOTICE OF HEARING TO ABATE:  
3 HOURS X \$55.00 = \$165.00

03/25/10 NUISANCE ABATEMENT HEARING:  
4 HOURS FOR HEARING ABATEMENT PACKAGE = 4 HOURS X \$55.00 = \$220.00

04/20/10 BOARD OF SUPERVISOR'S MEETING  
1 HOUR PER BOX HEARING = 1 HOURS X \$55.00 = \$55.00

8/12/10, 8/17/10, BID PACKAGE FOR PURCHASING  
8/19/10, 8/24/10 2.25 HOURS X \$55.00 = \$123.75

**CONTACT/MEETINGS WITH PROPERTY OWNER:**

12/05/08 .75 HR	08/17/09 1.50 HR	10/21/09 .75 HR
06/11/09 .50 HR	10/01/09 .25 HR	11/30/09 1 HR
06/19/09 .50 HR	10/13/09 .25 HR	

5.50 HOURS X \$55.00 PER HOUR = \$302.50

**ABATEMENT ENFORCEMENT:**

08/27/10 3 HOURS PER AUTHORIZATION TO ENTER AND ABATE = 3 HOURS X \$55 = \$165.00  
08/27/10 - 09/09/10 48.50 HOURS FOR ABATEMENT WARRANT = 48.50 HOURS X \$55.00 = \$2,667.50

**INSPECTION TIME:**

04/04/08 1 HR	12/22/09 .75 HR	07/30/10 1.25 HR
06/25/09 .25 HR	03/05/10 .50 HR	
09/30/09 .50 HR	07/13/10 1 HR	

5.25 HOURS X \$55.00 PER HOUR = \$288.75

**INCIDENTAL EXPENSES**

Recording Fees = \$19.50  
Cleanup Contractor(s) = \$6,125.00

**SUB-TOTALS:**

Administrative Time:	\$1,608.75
Abatement Enforcement:	\$2,832.50
Inspection Time:	\$288.75
Incidental Expenses:	\$6,144.50

Total Due: \$10,874.50

# Animal Damage Management



Animal Damage Management, Inc  
 16170 Vineyard Blvd #150  
 MORGAN HILL, CA 95037  
 (800)292-9845  
 animaldm@yahoo.com

## Invoice

DATE	INVOICE #
09/26/2010	48238
TERMS	DUE DATE
Net 30	10/26/2010

BILL TO
Stanislaus County Agricultural Commissioner 3800 Cornucopia Way #B Modesto, CA 95358

AMOUNT DUE	ENCLOSED
\$1,150.00	

Please detach top portion and return with your payment.

Contract Number	Technician	Check #
1x	1xGary	9/1,7

Date	Service	Activity	Quantity	Rate	Amount
09/01/2010	Ground Squirrel	Ground Squirrel squirrel control located at Keyes and Foote Roads per PO#96523	1	1,150.00	1,150.00
<div style="position: absolute; left: 10px; top: 10px; font-size: small;">                             RECEIVED                              STANISLAUS COUNTY                              DEPT. OF AGRICULTURE                              2010 OCT -6 PM 12:36                         </div>					
<b>TOTAL</b>					<b>\$1,150.00</b>

Charges outstanding over 30 days from the date of service are subject to a 1.5% finance charge per month or annual percentage rate of 18%.

Valley Uprooting, LLC  
 169 Anderson Rd  
 Newman, CA 95360

Voice: 209-862-4640  
 Fax: 209-862-4179

Invoice  
 Invoice Number: 130

Invoice Date: 9/7/10

Page: 1

Sold To:  
 STANISLAUS COUNTY AG COMM.  
 3800 CORNUCOPIA WAY #B  
 MODESTO, CA 95358

Customer ID: STAN

Customer PO	Payment Terms	Sales Rep ID	Due Date
P.O. # 96579	Net 30 Days		10/7/10

Description	Amount
Removal of stumps and brush. Job ID # 10-17	4,975.00

Subtotal	4,975.00
Sales Tax	
Total Invoice Amount	4,975.00
Payment Received	
<b>TOTAL</b>	<b>4,975.00</b>

Check No: