

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

DEPT: Environmental Resources

BOARD AGENDA # *B-2

Urgent

Routine

AGENDA DATE January 14, 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 1405 Garden Avenue, Modesto, California, CE No. 11-0421

STAFF RECOMMENDATIONS:

Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 1405 Garden Avenue, Modesto, California, as set forth in Attachment 1.

FISCAL IMPACT:

If approved, \$8,374 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 2013-2014 budget.

BOARD ACTION AS FOLLOWS:

No. 2014-18

On motion of Supervisor Withrow, Seconded by Supervisor Monteith
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

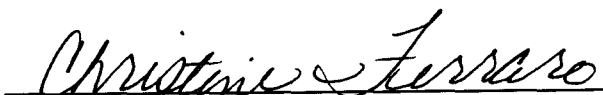
1) X Approved as recommended

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 1405 Garden Avenue, Modesto, California, CE No. 11-0421

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 28, 2013, 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 23, 2013, the Board of Supervisors adopted the Hearing Board's Decision in Board Action No. 2013-166 and authorized a forced clean up at 1405 Garden 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 December 12, 2013, 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 (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 \$8,374 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.

CONTACT PERSON:

Jami Aggers, Director of Environmental Resources

Telephone: 209-525-6770



NUISANCE ABATEMENT HEARING BOARD

DECISION OF COSTS

**IN RE: 1405 Garden Avenue, Modesto, CA
Abatement Hearing No. CE 11-0421
BOARD OF SUPERVISORS No. 2013-166**

The Stanislaus County Board of Supervisors authorized a forced cleanup for the above-mentioned property on April 23, 2013. 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 October 8, 2013.

The cost accounting for this cleanup is attached to this Decision of Costs as attachment AA. It is respectfully requested, on December 12, 2013, 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
Marc Etchebarne, Vice-Chair
Stanislaus County
Nuisance Abatement Hearing Board

It should be noted that on JAN 14 2014 the Board of Supervisors will hear this matter as a consent item.

ATTACHMENT 1



October 15, 2013

Heirs of Jesse O Daniel, Et Ux
 PO BOX 808
 Ceres, CA 95307

RE: BILLING STATEMENT: ABATEMENT ACTION #CE 11-0421
LOCATED: 1405 Garden Avenue, Modesto, CA
ASSESSORS PARCEL NUMBER: 037-035-040

ORIGINAL DATE OF NOTICE: December 12, 2011

COST ACCOUNTING

Title Search Fee	(CE202)	\$ 350.00
Recording Fees	(CE202)	\$ 29.00
Copy Service	(CE202)	\$
Abandoned Vehicle Abatement	(CE202)	\$
Cleanup Contractor	(CE202)	\$ 5,620.00
Securing/Boarding Abandoned Buildings	(CE202)	\$
Nuisance Board's Compensation Rate	(CE202)	\$
A. Total Incidental Costs-Fees to Other Agencies CE202		\$ 5,999.00
Notice & Order to Abate	(CE209)	\$ 95.00
Inspection Time	(CE209)	\$ 1,140.00
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. Total Non-Compliance Cleanup Costs CE209		\$2,090.00
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		\$ 8,374.00

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.

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

-----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: Janis Mein, Manager at 3800 Cornucopia Way, Suite "C" Modesto, CA 95358. The Nuisance Abatement Hearing Board will hear the appeal on **December 12, 2013 at 6:00pm** in the Joint Chambers, lower level, at 1010 10th 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#: 11-0421

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: 1405 Garden Avenue, Modesto, CA
CE # 11-0421 OWNER: Heirs of Jesse O Daniel, Et Ux**

ADMINISTRATIVE TIME:

12/12/11 – NOTICE & ORDER TO ABATE:
1 HOUR PER NOTICE x \$95.00 PER HOUR = \$95.00

3/14/13 – NOTICE OF HEARING TO ABATE:
1 HOUR PER NOTICE OF HEARING TO ABATE x 95.00= \$95.00

3/28/13 – 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

4/23/13 – BOARD OF SUPERVISOR'S MEETING:
1 HOUR PER BOS HEARING x \$95.00 = \$95.00

8/07/13 - AUTHORIZATION TO ENTER AND ABATE:
1 HOUR PER AUTHORIZATION TO ENTER AND ABATE x \$95.00 = \$95.00

9/30/13 - INSPECTION & ABATEMENT WARRANT:
6 HOURS PREPARING INSPECTION & ABATEMENT WARRANT x \$95.00 = \$570.00

10/03/13 - 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):

12/08/11	11/05/12	03/28/13
03/13/12	01/09/13	09/25/13
04/24/12	02/14/13	10/08/13
06/20/12	03/06/13	10/09/13

1 HOUR PER INSPECTION x 12 INSPECTIONS x \$95.00 PER HOUR = \$ 1,140.00

INCIDENTAL EXPENSES:

TITLE SEARCH FEE = \$350.00
RECORDING FEES = \$29.00
CLEANUP CONTRACTOR = \$5,620.00

SUB-TOTALS:

ADMINISTRATIVE TIME: \$1,235.00
INSPECTION TIME: \$1,140.00
INCIDENTAL EXPENSES: \$5,999.00

TOTAL DUE: \$8,374.00



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

STANISLAUS COUNTY D.E.R.
 3800 CORNUCOPIA WAY #C
 MODESTO, CA 95358

CE# 11-0421

I N V O I C E

Invoice #	1450.0
Date	10/9/2013
Due by	11/8/2013

Project: YARD CLEAN UP

Location: 1405 GARDEN AVENUE
 MODESTO, CA

Job Started: 10/8/2013

Job Completed: 10/9/2013

Contact: ROBERT MIRAMONTES

Invoice Details	
WE WILL PROVIDE ALL NECESSARY LABOR, EQUIPMENT, TRUCKING AND DISPOSAL COSTS TO REMOVE ALL DEBRIS FROM FRONT, SIDES, REAR AND ALLEY WAY. INCLUDES CONSTRUCTION DEBRIS, TIRES, TRASH, WEEDS AND HOUSEHOLD GARBAGE. STRUCTURES TO REMAIN. **BASED ON PREVAILING WAGES**	\$5,620.00
Invoice Total:	\$5,620.00

Balance Due: \$5,620.00

TERMS

NET 30 DAYS FROM DATE OF COMPLETION.

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

10/10/13: ok to pay
 Jani

Print date: 10/9/2013