

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

DEPT: Planning and Community Development

BOARD AGENDA #: \*D-2

AGENDA DATE: July 25, 2017

**SUBJECT:**

Approval to Accept the Nuisance Abatement Hearing Board's Decision of Costs Regarding the Expenses to Abate the Nuisance Located at 1607 Portland Avenue, in the Modesto Area, Dangerous Building Abatement (DNB) Case No. 2015-0005

**BOARD ACTION AS FOLLOWS:**

No. 2017-421

On motion of Supervisor Olsen, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

ATTEST:

  
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

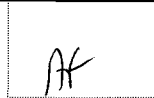
**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Planning and Community Development

BOARD AGENDA #: \*D-2

Urgent  Routine

AGENDA DATE: July 25, 2017



CEO CONCURRENCE:

4/5 Vote Required: Yes  No

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**SUBJECT:**

Approval to Accept the Nuisance Abatement Hearing Board's Decision of Costs Regarding the Expenses to Abate the Nuisance Located at 1607 Portland Avenue, in the Modesto Area, Dangerous Building Abatement (DNB) Case No. 2015-0005

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**STAFF RECOMMENDATIONS:**

1. Approval to accept the Nuisance Abatement Hearing Board's Decision of Costs regarding expenses to abate the nuisance located at 1607 Portland Avenue, in the Modesto area, DNB2015-0005.
2. Authorize the recovery of costs associated with the forced clean-up as a recorded lien by special assessment on the property and the recording of the lien amount on the Assessment Roll.

**DISCUSSION:**

The Stanislaus County Planning and Community Development Department responds to dangerous building complaints throughout the unincorporated area of Stanislaus County and attempts to gain voluntary compliance through personal contact with property owners and those entities that have a financial interest in the property. Compliance efforts include: conducting investigations, issuing and posting Notice and Orders to Abate, recording the Certificate of Existence of Substandard and Dangerous Building(s) with the Clerk Recorder's Office, presenting cases before the Nuisance Abatement Hearing Board, forwarding the decision to the Board of Supervisors, and conducting forced clean-ups through a competitive bid process.

On January 26, 2017, the Nuisance Abatement Hearing Board supported staff's recommendation that the property located at 1607 Portland Avenue, in the Modesto area, was a nuisance and forwarded the matter to the Board of Supervisors recommending their approval. On February 14, 2017, the Board of Supervisors adopted the Nuisance Abatement Hearing Board's Decision in Board Action No. 2017-63 and authorized a forced clean up at the property. Following the Board's action, the Planning and Community Development Department and the Stanislaus County General Services Agency facilitated the bid process and procured a contract with Modesto Sand and Gravel for the demolition of the dwelling and clean-up of the property. The demolition and clean-up was completed on May 2, 2017.

On June 22, 2017, the Nuisance Abatement Hearing Board supported staff's recommendation that the billing for the abatement and clean-up was reasonable and forwarded the matter to the

Approval to Accept the Nuisance Abatement Hearing Board’s Decision of Costs Regarding the Expenses to Abate the Nuisance Located at 1607 Portland Avenue, in the Modesto Area, Dangerous Building Abatement (DNB) Case No. 2015-0005

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Board of Supervisors for consideration. By accepting the Nuisance Abatement Hearing Board’s Decision of Costs (Attachment 1) the Board of Supervisors affirms the reasonableness of the billing. Once accepted, 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. For a detailed summary of costs see Attachment 2.

**POLICY ISSUE:**

The Board of Supervisors’ acceptance of the decision of the Nuisance Abatement Hearing Board is necessary for recording of a lien by special assessment on the property for recovery of abatement costs pursuant to Stanislaus County Code Section 2.92.070.

**FISCAL IMPACT:**

In June 2014, the Board of Supervisors approved an item to expand the Dangerous Building Abatement Program using Neighborhood Stabilization Program (NSP) income. NSP provides funding for payment of abatement activities in targeted NSP areas. The costs associated to administer the abatement process include: contractor costs, staff time, and other incidental costs allowed by Stanislaus County Code. The costs associated with the abatement and forced clean-up will be fully covered by NSP 1 funds which were included in the Planning and Community Development Department’s Fiscal Year 2016-2017 Adopted Final Budget.

If accepted, forced clean-up costs of approximately \$11,521 will be placed on the property as a recorded lien for the abatement of the dangerous building and it may take up to five years before the property is auctioned and reimbursement is received.

<b>Cost of recommended action:</b>	\$	11,521
<b>Source(s) of Funding:</b>		
Neighborhood Stabilization Program 1	11,521	
	<hr/>	
<b>Funding Total:</b>	\$	11,521
<b>Net Cost to County General Fund</b>	\$	<hr/> <hr/> -

<b>Fiscal Year:</b>	FY 2016-2017
<b>Budget Adjustment/Appropriations needed:</b>	No

**BOARD OF SUPERVISORS’ PRIORITY:**

The recommended action supports the Board’s 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.

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**STAFFING IMPACT:**

Planning and Community Development Department staff is responsible for the administration of Dangerous Building Abatement cases including coordination of cost recovery.

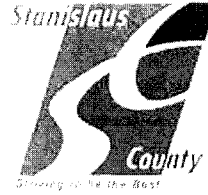
**CONTACT PERSON:**

Angela Freitas, Planning and Community Development Director      Telephone: (209) 525-6330  
Denny Ferreira, Chief Building Official                                      Telephone: (209) 525-6557

**ATTACHMENT(S):**

1. Nuisance Abatement Hearing Board Decision of Costs dated June 22, 2017
2. Detailed Summary of Costs

# Attachment 1



## **NUISANCE ABATEMENT HEARING BOARD**

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### **DECISION OF COSTS**

**Re: 1607 Portland Avenue, Modesto, CA  
Abatement Hearing No. DNB 2015-0005  
Board of Supervisors No. 2017-63**

The Stanislaus County Board of Supervisors authorized a forced cleanup of the above mentioned property on February 14, 2017. Using the guidelines set forth by the Board of Supervisors the Planning and Community Development Department obtained bids for a cleanup. That cleanup was conducted on May 2, 2017.

The cost accounting for the cleanup is attached to this Decision of Costs as attachment AA. It is respectfully requested, on June 22, 2017, that the Nuisance Abatement Hearing Board, pursuant to 2.92.070(D)(1) 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.

A handwritten signature in black ink, appearing to read 'S. Hicks', written over a horizontal line.

Approved as Requested  
Scott Hicks, Chairperson  
Stanislaus County  
Nuisance Abatement Hearing Board

It should be noted that on **July 25, 2017**, the Board of Supervisors will hear this matter as a consent item.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Building Permits Division

1111 W. Street, Suite 2100 Modesto, CA 95204-1111  
 Phone: (209) 525-1111  
 Fax: (209) 525-1111

6/7/2017

Linda M. Robledo, Trustee of the Linda M. Robledo 2010 Revocable Trust  
 4181 COLORADO AVE.  
 TURLOCK, CA 95382

Re: 1607 PORTLAND, Modesto CA  
 BILLING STATEMENT: ABATEMENT ACTION # DNB2015-0005  
 LOCATION: 1607 PORTLAND AVE, MODESTO, CA  
 ASSESSORS PARCEL NUMBER: 0056-014-003

ORIGINAL DATE OF NOTICE and ORDER: November 22, 2016

Title Search Fee	(1746-43290-40860)	\$250.00
Recording & Withdrawl Fees	(1206-40400-40860)	\$23.00
Demolition/Cleanup Contractor Service	(1746-43290-40860)	\$6,285.00
<b>A. Total Costs-Fees to Other Agencies</b>		<b>\$6,558.00</b>
Postage	(1206-40400-40860)	\$39.51
Notice and Order	(1746-43290-40860)	\$481.60
Notice of Hearing to Abate	" "	\$402.05
Field Inspections Prior to Abatement	" "	\$233.01
Administration	" "	\$1,611.63
<b>B. Total Posting/Field/Administration</b>		<b>\$2,767.80</b>
Nuisance Abatement Hearing	" "	\$1,284.37
Board of Supervisors Hearing	" "	\$910.67
<b>C. Total Hearing Costs</b>		<b>\$2,195.04</b>
<b>Total Balance Due by Owner</b>		<b>\$11,520.84</b>

The balance is due and payable upon receipt of statement. Failure of the owner to make total payment upon demand by Stanislaus County shall result in a notice of abatement lien on the subject property pursuant to the provision of California Government Code 25845. If you have any questions regarding this document, please feel free to call me between the hours of 8:00 am and 5:00 pm at 525-6557

Denny Ferreira, Chief Building Official



Modesto Sand and Gravel, Inc.

6137 Hammett Court  
 Modesto, CA 95358

# Invoice

Date	Invoice #
5/8/2017	17025.1

<b>Bill To</b>
Stanislaus County Purchasing Department 1010 10th Street, Suite 5400 Modesto, CA 95354

<b>Job Site</b>
1717Donald, 1007 Portland, 1313 I Modesto, CA

		Application #:	Due Date	Project	Period to:			
			6/7/2017	17025 - 1717Donald...				
Item No.	Description	Sch. Value	Prev App	Prev. %	Curr Comp	% Compl...	Total %	Total Comp
	Base Contract Amount	6,585.00			6,585.00	100.00%	100.00%	6,585.00
	Base Contract Amount	6,285.00			6,285.00	100.00%	100.00%	6,285.00
	Base Contract Amount	8,800.00			8,800.00	100.00%	100.00%	8,800.00
					<b>RECEIVED</b> MAY 12 2017 GENERAL SERVICES AGENCY			
					<b>Total</b>	\$21,670.00		
					<b>Payments/Credits</b>	\$0.00		
					<b>Balance Due</b>	\$21,670.00		



# Attachment 2

DNB CASE # DNB2015-0005

1607 Portland, Modesto

**Total Costs/Fees to Outside Agencies**

1. Title Search Fee
2. Recording and Withdrawl Fees
Certificate of Existance
Withdrawal of Existance
3. Demolition/Cleanup Contractor Service
4. Demolition Permit
TOTAL

Date	Time	Cost	Total
10/10/2016	1.00	\$250.00	\$250.00
11/23/2016		\$0.00	\$0.00
5/15/2017		\$23.00	\$23.00
5/9/2017		\$6,285.00	\$6,285.00
4/24/2017		\$297.34	\$297.34
			\$6,855.34

**Total Posting/Field/Administration**

5. Administration
Initial Investigation
Open Case/Parcel/Document Research
Notice to Owner
Investigation
Second Notice
Investigation
Final Notice
Notice and Order
Investigation and Posting
Certificate of Existance Creation
Admin Mailings and Public Notices
Purchacing/Contract Meeting
Job Site Bid Walk
Job Site Meeting w/Demo Contractor
Utility Disconnect
Withdrawl
Finalize and close out
6. Postage
7. Notice of Hearing to Abate Posting
Public Hearing Notice to Owner & Public
TOTAL

Date	Time	Cost	Total
			\$0.00
12/8/2014,2/5/2015	1.00	\$74.57	\$74.57
2/5/2015	1.00	\$120.40	\$120.40
2/5/2015	0.50	\$120.40	\$60.20
3/12/2015	1.00	\$83.87	\$83.87
3/13/2015	0.50	\$120.40	\$60.20
4/13/2015	1.00	\$74.57	\$74.57
5/6/2015	0.50	\$120.40	\$60.20
11/18/2016,11/22/2016		\$481.60	\$481.60
11/22/2016	1.00	\$120.40	\$120.40
11/23/2016		\$168.44	\$168.44
1/16/2017		\$220.85	\$220.85
3/6/2017	1.00	\$120.40	\$120.40
3/14/2017	1.00	\$120.40	\$120.40
4/24/2017	1.00	\$120.40	\$120.40
4/20/2017	0.50	\$120.40	\$60.20
5/5/2017,5/15/2017		\$122.45	\$122.45
6/5/2017	1.50	\$120.40	\$180.60
12/8/14,2/6/15,3/13/15,5/6/15,11/22/16,1/13/17		\$39.51	\$39.51
1/16/2016	1.00	\$120.40	\$120.40
1/13/2017		\$60.80	\$60.80
			\$2,470.46

**Total Hearing Costs**

9. Nuisance Abatement Board Hearing
NAB Agenda
NAB Public Hearings
10. Board of Supervisors Meetings
BOS Agenda #1
BOS Agenda #2
BOS Meetings
TOTAL

Date	Time	Cost	Total
1/19/2017		\$705.61	\$705.61
1/26/2017,6/22/2017		\$578.76	\$578.76
2/3/2017		\$493.06	\$493.06
6/6/2017		\$237.01	\$237.01
2/14/2017, 07/25/2017	1.50	\$120.40	\$180.60
			\$2,195.04

**SUB TOTALS**

**Total Costs/Fees to Outside Agencies**

**Total Posting/Field/Administration**

**Total Hearing Costs**

**Total Abatement Cost**

\$6,855.34
\$2,470.46
\$2,195.04
\$11,520.84