

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

DEPT: Environmental Resources

BOARD AGENDA #: *B-6(c)

AGENDA DATE: September 19, 2017

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

BOARD ACTION AS FOLLOWS:

No. 2017-494

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

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

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: PAM VILLARREAL, Assistant Clerk

File No.

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

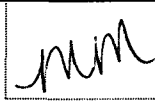
DEPT: Environmental Resources
Urgent Routine

BOARD AGENDA #: *B-6(c)

AGENDA DATE: September 19, 2017

CEO CONCURRENCE: *phx*

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 507 Kerr Avenue, Modesto, California

STAFF RECOMMENDATIONS:

1. 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. 17-0004, as set forth in Attachment 1.

DISCUSSION

The Code Enforcement Unit (CEU) responds to complaints throughout the unincorporated area of Stanislaus County and attempts to gain voluntary compliance through education and personal contact 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 April 27, 2017, 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 May 23, 2017, the Board of Supervisors adopted the Hearing Board's Decision in Board Action No. 2017-266 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 and Gravel, Incorporated for the removal of the debris.

On August 24, 2017, 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

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

assessment against the property. A detailed accounting of the billing is attached as Attachment 2.

POLICY ISSUE:

The Board of Supervisor's approval of a recommended decision of the Nuisance Abatement Hearing Board to charge the cost of abatement to the owner(s) of the abated property pursuant to Stanislaus County Code Section 2.92.070.

FISCAL IMPACT:

If approved, \$9,828 will be charged to the property owner for the forced clean up as detailed in Attachment 2. The forced clean up included contractor fees, staff time, and other incidentals allowed by Stanislaus County Code. The costs associated with this forced cleanup were incurred in the Department of Environmental Resources' Fiscal Year 2016-2017 Legal Budget.

Cost of recommended action:		\$	9,828
Source(s) of Funding:			
Property Owner	\$	9,828	
Funding Total:		\$	9,828
Net Cost to County General Fund		\$	-

Fiscal Year:

2017/2018
No

Budget Adjustment/Appropriations needed:

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.

STAFFING IMPACT:

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, dated August 24, 2017
2. Billing Statement, Pages 1 – 4

Attachment 1



NUISANCE ABATEMENT HEARING BOARD

DECISION OF COSTS

**IN RE: 507 Kerr Avenue, Modesto, CA
Abatement Hearing No. CE 17-0004
BOARD OF SUPERVISORS No. 2017-266**

The Stanislaus County Board of Supervisors authorized a forced cleanup for the above-mentioned property on May 23, 2017. 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 June 28, 2017.

The cost accounting for this cleanup is attached to this Decision of Costs as attachment AA. It is respectfully requested, on August 24, 2017, 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
Scott Hicks, Chair
Stanislaus County
Nuisance Abatement Hearing Board

It should be noted that on **September 19, 2017** the Board of Supervisors will hear this matter as a consent item.

Attachment 2



DEPARTMENT OF ENVIRONMENTAL RESOURCES

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

July 19, 2017

Barbie L. & Joseph F. Escalante
 205 Gerita Ct #2
 Modesto, CA 95354

RE: BILLING STATEMENT: ABATEMENT ACTION #CE 17-0004
 LOCATED: 507 Kerr Avenue, Modesto, CA
 ASSESSORS PARCEL NUMBER: 035-038-017

ORIGINAL DATE OF NOTICE: January 5, 2017

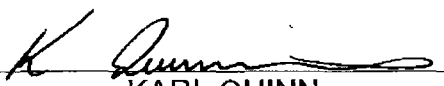
COST ACCOUNTING

Title Search Fee	(CE202)	\$ 400.00
Recording Fees	(CE202)	\$ 31.00
Copy Service	(CE202)	\$
Abandoned Vehicle Abatement	(CE202)	\$
Cleanup Contractor	(CE202)	\$ 6,400.00
Securing/Boarding Abandoned Buildings	(CE202)	\$
Nuisance Board's Compensation Rate	(CE202)	\$
A. Total Incidental Costs-Fees to Other Agencies CE202		\$ 6,831.00
Notice & Order to Abate	(CE209)	\$ 111.00
Inspection Time	(CE209)	\$ 1,443.00
Notice of Hearing to Abate	(CE209)	\$ 111.00
Authorization to Enter and Abate	(CE209)	\$ 111.00
Inspection & Abatement Warrant	(CE209)	\$ 777.00
24 hr Notice of Inspection & Abatement Warrant	(CE209)	\$ 111.00
B. Total Non-Compliance Cleanup Costs CE209		\$ 2,664.00
Nuisance Abatement Hearing	(CE201)	\$ 222.00
Board of Supervisors Hearing	(CE201)	\$ 111.00
C. Total Hearing Costs CE201		\$ 333.00
D. Total Balance Due By Owner		\$ 9,828.00

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.


KARL QUINN
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: Karl Quinn, Manager at 3800 Cornucopia Way, Suite "C" Modesto, CA 95358. The Nuisance Abatement Hearing Board will hear the appeal on **August 24, 2017 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#: 17-0004

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 # 17-0004 OWNER: Barbie L & Joseph F Escalante**

ADMINISTRATIVE TIME:

1/05/17 – NOTICE & ORDER TO ABATE:
1 HOUR PER NOTICE x \$111.00 PER HOUR = \$111.00

4/06/17 – NOTICE OF HEARING TO ABATE:
1 HOUR PER NOTICE OF HEARING TO ABATE x 111.00= \$111.00

4/27/17 – NUISANCE ABATEMENT HEARING:
2 HOURS FOR HEARING ABATEMENT PACKAGE x \$111.00 = \$222.00

1½ HOURS PREPARING PACKAGE (INCLUDING POWERPOINT PRESENTATION)
½ HOUR ORAL PRESENTATION

5/23/17 – BOARD OF SUPERVISOR'S MEETING:
1 HOUR PER BOS HEARING x \$111.00 = \$111.00

6/06/17 - AUTHORIZATION TO ENTER AND ABATE:
1 HOUR PER AUTHORIZATION TO ENTER AND ABATE x \$111.00 = \$111.00

6/20/17 - INSPECTION & ABATEMENT WARRANT:
7 HOURS PREPARING INSPECTION & ABATEMENT WARRANT x \$111.00 =
\$777.00

6/27/17 - 24 HOUR NOTICE OF INSPECTION & ABATEMENT WARRANT:
1 HOUR PER 24 HOUR NOTICE OF INSPECTION & ABATEMENT WARRANT x
\$111.00 = \$111.00

INSPECTION DATE(S):

09/27/16	02/21/17	04/06/17	06/01/17	06/29/17
11/03/16	03/07/17	04/13/17	06/06/17	
01/04/17	03/21/17	04/27/17	06/20/17	

1 HOUR PER INSPECTION x 11 INSPECTIONS x \$111.00 PER HOUR = \$ 1,443.00

INCIDENTAL EXPENSES:

TITLE SEARCH FEE = \$400.00
RECORDING FEES = \$31.00
CLEANUP CONTRACTOR = \$6,400.00

SUB-TOTALS:

ADMINISTRATIVE TIME: \$1,554.00
INSPECTION TIME: \$1,443.00
INCIDENTAL EXPENSES: \$6,831.00

TOTAL DUE: \$9,828.00

Modesto Sand and Gravel, Inc.

6137 Hammett Court
 Modesto, CA 95358

Invoice

Date	Invoice #
7/5/2017	17046.1

Bill To
Stanislaus County Environmental Resources 3800 Cornucopia Way, Suite C Modesto, CA 95358

Job Site
507 Kerr Modesto, CA

Application #:	Due Date	Project	Period to:
	8/4/2017	17046 - (PW)507 Ke...	

Item No.	Description	Sch.Value	Prev App	Prev %	Curr Comp	% Compl...	Total %	Total Comp
	Base Contract Amount	6,400.00			6,400.00	100.00%	100.00%	6,400.00

Total	\$6,400.00
Payments/Credits	\$0.00
Balance Due	\$6,400.00