COUNTY OF HUMBOLDT

For the meeting of: 8/13/2024

File #: 24-1110

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Consent

Vote Requirement: Majority

SUBJECT:
Summarily Approve Nuisance Abatement Assessment on Property Located at 2050 Simmons Rd, Eureka, CA 95503

RECOMMENDATION(S):
That the Board of Supervisors:

1. Summarily approve the proposed Nuisance Abatement Assessment for 18CEU-154 on the property located at 2050 Simmons Rd, Eureka, CA 95503 (APN 300-093-014-000) in the amount of $27,688.81 in accordance with Title III, Division 5, Chapter 2, section 351-21 Summary Approval of Proposed Assessment.

STRATEGIC PLAN:
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities
Strategic Plan Category: 1001 -Support and sustain partnerships between public safety and partner agencies to enhance public safety in our communities

DISCUSSION:
Executive Summary
The Board is being asked to summarily approve one proposed Nuisance Abatement Assessment for 2050 Simmons Rd, Eureka, CA 95503. This assessment is for a property owned by Adalberto D. Arias (deceased).

The amount of the proposed Nuisance Abatement Assessment equals the actual costs of abatement and staff time. Administrative civil penalties are not being sought in this case. The approval of the proposed Nuisance Abatement Assessment will repay the county for the actual costs of abating the public nuisance and correcting the code violations on this property. At this point, there is not rationale for a reduction or elimination of the proposed Nuisance Abatement Assessment because it is based on expenses already paid.

HCC section 351-21 states "if an objection to the proposed assessment is not filed by any Owner, Beneficial Owner, Occupier or any other person in charge or control of the affected property within ten (10) calendar days after service of the Notice of Nuisance Abatement Assessment, the Humboldt County Board of Supervisors shall summarily approve the proposed assessment without holding a Cost Recovery Hearing."

Based upon these factors, it is recommended that the Board of Supervisors confirm the proposed Nuisance Abatement Assessment.

Upon summary approval of the Nuisance Abatement Assessment, a Notice of Nuisance Abatement Assessment Lien will be served on the property. This notice will provide forty-five (45) calendar days for the assessment to be paid before the recording of the Notice of Nuisance Abatement Assessment Lien.

Pursuant to HCC section 351-24 after the Notice of Nuisance Abatement Assessment Lien is recorded "the Humboldt County Auditor -Controller shall enter each Nuisance Abatement Assessment upon the affected Property on the Humboldt County Secured Tax Roll. The Nuisance Abatement Assessment shall continue until it is paid, together with interest at the legal maximum rate computed from the Imposition date until payment is received. The Nuisance Abatement Assessment may be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary property taxes…". The Nuisance Abatement Assessment shall also have the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure sections 697.310 et seq.

Case Refresh

The Property Owner was unable to abate the public nuisances occurring on the Property, and a county abatement was necessary to address all the public nuisances. On June 7, 2018, Code Enforcement Case 18CEU-154 was opened in response to a complaint CEU received from the public regarding nuisance conditions on a property located at 2050 Simmons Road, Eureka, California, 95503, APN: 300-093-014. The complaint alleged that junk vehicles were being stored on the property and trash/solid waste was being stored on the property improperly.

A current Grant Deed was obtained for the property through the Humboldt County Recorder's Office, which listed Adalberto Arias (hereinafter referred to as the "Owner") as the owner, see Exhibit A.

On June 7, 2018, a "drive-by" inspection was conducted of the property, photos were taken from the roadway of the front of the property to assess the conditions, see Exhibit B. During the "drive-by" it was observed that a large pile of what appeared to be garbage inside garbage bags on the north side of the residence. The garbage was not being stored inside any receptacle, which was in violation of Humboldt County Code (HCC) 521-4. Additionally, there were junk vehicles parked on the property next to the pile of garbage. The van was missing wheels/tires, headlight components, and windows. The vehicle was in violation of HCC 354-1.

On June 8, 2018, a Consent to Inspect Letter was mailed to the Owner requesting a Consent Inspection of the Property. The letter indicated if they did not respond by June 19, 2018, they denied a request for a consent inspection.

As of June 20, 2018, Code Enforcement had not been contacted by the Owner regarding the Consent to Inspect Letter. Due to the conditions that could be observed from the roadway, a
Notice to Abate Nuisance was served dated June 21, 2018, which listed conditions constituting a nuisance as HCC 521-4 - improper storage and removal of solid waste and HCC 354-1 - junk and/or inoperable vehicles. see Exhibit C.

On Dec. 28, 2018, a Notice of Violation and Proposed Administrative Civil Penalty, dated Dec. 27, 2018, was mailed to the Owner first class and certified mail. See Exhibit D.

Between December 2018 and February 2019, the junk vehicle was put into the carport structure and some of the solid waste in the front yard was cleaned up. On March 1, 2019 a complaint of large amount of solid waste in the backyard, which could not be seen from the roadway, was received.

In April of 2019, additional information was received from another complainant that the property Owner was deceased and one of the owner's relatives currently resided at the property. Humboldt County Coroner's Office was contacted, and it was confirmed that the Owner had been deceased since September 21, 2013. The Coroner's Office informed Code Enforcement that Tim Arias was the living next of kin.

On April 16, 2019, Code Enforcement responded to the property to conduct a pre-arranged consent inspection. Tim Arias was present and signed a consent to inspect form for the inspection. During the inspection two junk vehicles, one van in the front of the property and an older model truck in the backyard were observed. There was solid waste throughout the front and back of the property. Photos see Exhibit E

Considering the new information received regarding the deceased property owner, and the information that the property was

occupied by Tim Arias and Shanna Rose it was determined new notices would need to be issued to include the Occupants of the property. On April 18, 2019, a new Notice to Abate Nuisance to include the Occupants was served. See Exhibit F.

On Jan. 19, 2023, a drive by inspection of the property was conducted to check current conditions. Observations included an open utility trailer at the front of the property full of solid waste items, along with garbage bags strewn around it. There were also overflowing garbage receptacles open and full of garbage, along with other miscellaneous solid waste items including mattresses, tires, and broken furniture discarded outside. The inspection confirmed nuisance conditions on the property remain, giving the county jurisdiction to abate.

On April 10, 2024, Shanna Rose was contacted by telephone to discuss the conditions of the property and request a consent inspection of the property with a hired contractor to provide an estimate for the abatement work. It was explained to her that the violations have remained since 2018 and the county intended to move forward with an abatement of the property. She was willing to consent to an inspection and it was scheduled for April 18, 2024. See photos Exhibit G

On April 30, 2024, a Letter of Intent to Abate and Remove Junk Vehicles and a Letter of Intent to Abate Public Nuisance was served. See Exhibit H

The county abatement was started on May 13, 2024, and completed on May 21, 2024. Photos see Exhibit I.

On June 27, 2024, Code Enforcement served a Notice of Nuisance Abatement Assessment on the Property for the abatement work done to date. No request for a Cost Recovery Hearing was received.

Pursuant to HCC section 351-16 a Notice of Nuisance Abatement Assessment was served for $27,688.81 which included $17,010.50 in costs paid to Wahlund Construction to perform the abatement, $10,501.31 for administrative costs and $177.00 for attorney's fees incurred on this enforcement action. See Exhibit J.

SOURCE OF FUNDING:
General Fund, Code Enforcement (1100269) Nuisance Abatement (631130)

FINANCIAL IMPACT:
The cost of preparing the cases and serving the notices has been included as administrative costs in accordance with established policies and code sections. Administrative staff costs associated with this assessment have been budgeted in the salaries and expenses of budget unit 1100-269 (Code Enforcement). The cost of the abatement was paid out of funds appropriated for county abatements in the General Fund and transferred to budget unit 1100-269.

OTHER AGENCY INVOLVEMENT:
County Counsel

ALTERNATIVES TO STAFF RECOMMENDATIONS:
The Board could choose not to approve the Nuisance Abatement Assessment. However, this is not recommended because staff recommendations align with Title III, Division 5 of Humboldt County Code. By choosing this option there will be no reimbursement for the public funds spent to clean up and abate the public nuisance.

ATTACHMENTS:
Exhibit A - Grant Deed
Exhibit B - Drive-by photos
Exhibit C - Notice to Abate Nuisance
Exhibit D - Notice of Violation and Proposed Administrative Civil Penalty
Exhibit E - Inspection Photos
Exhibit F - Notice to Abate Nuisance
Exhibit G - Inspection Photos
Exhibit H - Letter of Intent to Abate and Remove Junk Vehicles; Letter of Intent to Abate Public Nuisance
Exhibit I - Post Abatement Photos
Exhibit J - Notice of Nuisance Abatement Assessment

Exhibit K - Billing Invoice for Wahlund Construction

PREVIOUS ACTION/REFERRAL:
Meeting of: N/A
File No.: N/A