



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

F-3

For the meeting of: **March 16, 2010**

Date: **March 1, 2010**

To: **BOARD OF SUPERVISORS**

From: **County Counsel's Office, Code Enforcement Unit**
Wendy B. Chaitin, County Counsel *Wendy B. Chaitin*

Subject: **2008 Code Enforcement Unit Annual Report**

RECOMMENDATION(S):

That the Board of Supervisors:

Receive the Code Enforcement Unit's 2008 annual report.

SOURCE OF FUNDING:

General funds were used to prepare this agenda item. No additional funding is required at this time.

DISCUSSION:

The Code Enforcement Unit's (CEU) Statement of Responsibilities requires the Unit to submit an annual report to the Board. It is the intent of this report to comply with the requirements of the Statement of Responsibility.

Staffing

At the start of 2008, the CEU had two attorneys assigned part-time. One of these attorneys was cross-

Prepared by	Jeff Conner/Davina Smith	CAO Approval	<i>Phillip Smith Hayes</i>
REVIEW:			
Auditor	County Counsel <i>WBC</i>	Personnel	Risk Manager _____ Other _____

TYPE OF ITEM:

Consent

Departmental

Public Hearing

Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor

Seconded by Supervisor

And unanimously carried by those members present,

The Board hereby adopts the recommended action contained in this report.

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

Dated: _____

Kathy Hayes, Clerk of the Board

By: _____

deputized by the District Attorney. The investigator staff consisted of two full-time investigators and a part-time investigator. Due to changes in personnel over the course of the year, at the end of 2008, the unit consisted of one attorney assigned part-time, a full-time investigator and a part-time investigator. The attorney is no longer cross-deputized by the District Attorney. The County Counsel staff provides clerical assistance.

Caseload

The CEU started 2008 with 116 open cases. The CEU opened 42 new cases during the course of the year. They are broken down by supervisorial district as follows:

District I	6
District II	16
District III	1
District IV	1
District V	18
Total	42

The cases have also been broken down by primary violation as follows:

Construction without permits	18
Drug House	2
Junkyard	4
Assistance/Other	4
Sewage Disposal	2
Solid Waste	9
Use of RV as a residence	3

The last breakdown is by referring agency and is as follows:

Community Development Services	11
Division of Environmental Health	14
Sheriff	9
Self Initiated	6
Other Agencies	2

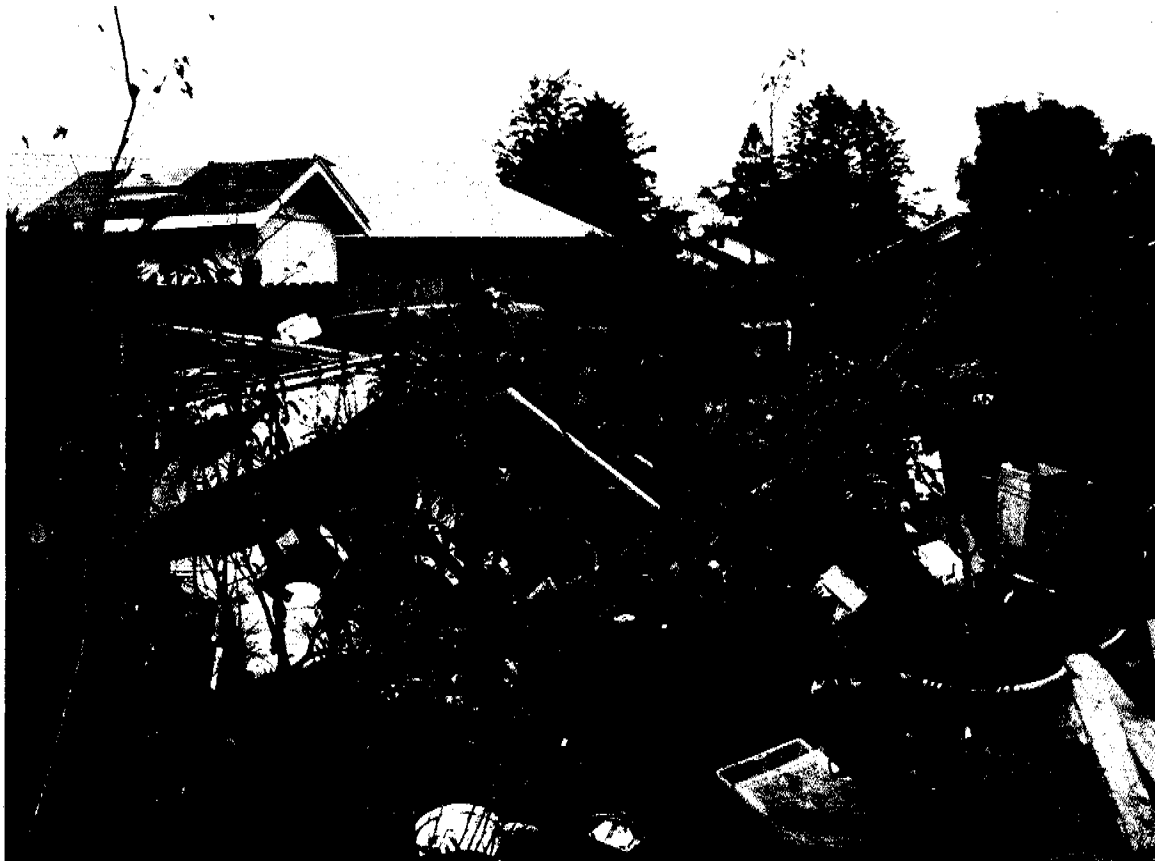
The CEU closed 26 cases during the course of the year. Six of these cases dealt with illegal dumping or abandoned vehicles. Of these six, one was adjudicated in court and another was resolved by administrative penalty. We were unable to gather enough evidence to substantiate a complaint in the remaining illegal dumping cases. Of the twenty property related closures, one was the result of an abatement that had been conducted the previous year. Five cases were closed even though minor violations remained on the parcels. A Notice of Nuisance was recorded on these parcels, which may encourage the property owner to complete the abatement in the future. The remaining closures were a result of the property owners voluntarily obtaining substantial compliance with County codes. The CEU assisted many of these owners by supplying garbage bins and removing junk vehicles. At the end of 2008, the CEU had 132 open cases.

Penalties

The CEU issued fourteen penalties totaling \$115,500 in 2008. Seven of these penalties (totaling \$92,000) were related to the investigation of Vilica LLC. Five of these have been referred to Revenue and Recovery for collection. None of these funds have been collected. Of the other seven penalties (totaling \$23,500), two of the property owners requested a hearing. In both cases, the penalty was suspended by the hearing officer to allow the owner more time to abate the violations on his property. Two other penalties have been suspended by the CEU to give the owners more time to remove the violations. One penalty was dismissed in its entirety when the owner obtained permits for his grading and structures. The remaining two penalties are currently going through the process to become liens on the property. Once these penalties become liens, they will be due along with the owner's property taxes.

Board Hearings

The CEU brought three cases before the Board in 2008. All three properties had large accumulations of solid waste and other trash on them as well as junk vehicles. The first two hearings were held in September and found the property owned by Glenda Rasella in McKinleyville and that of Gerald McGuire in Manila to be nuisances.



The Rasella Property in McKinleyville



The McGuire Property in Manila

Both property owners worked on abating the violations on their own property. McGuire was able to remove the solid waste and junk vehicles from his parcel within a short time of the hearing and his case was closed. An agenda item was brought before the Board to authorize an abatement in the Rasella matter, but she was able to remove the solid waste before the item was heard. This case has also been closed. The Notice of Nuisances recorded on both properties have been released.

The third nuisance hearing was held for the Duclo property in Myers Flat in October of 2008. The Board also declared this property a nuisance. However, the owners were unable and/or unwilling to cleanup the violations on their own. An agenda item was brought before the Board authorizing an abatement in January of 2009. That cleanup was completed in early 2009.



The Duclo property in Myers Flat

Junk Vehicle Program

In 2004, two young men were killed when the driver of their vehicle struck a bridge abutment while trying to avoid an abandoned vehicle that had been pushed into the roadway. Shortly after the accident, the CEU started a program where the investigators would assist property owners with the disposal of junk vehicles. The CEU continues to work with property owners and the local vehicle dismantlers in the rapid disposal of unwanted junk vehicles. In 2008, the CEU tagged and processed approximately 1200 junk vehicles.

Community Outreach

Attorneys and investigators from the Code Enforcement Unit attended meetings with members of the community on three occasions in 2008. One of the meetings occurred when the community surrounding Hoover Street in Eureka asked the County for assistance in dealing with two drug houses in their neighborhood. An investigator and an attorney met with approximately fifty persons and provided information on the small claims court process and methamphetamine abuse. The investigator acted as a repository of information from both the community and law enforcement and was prepared to testify on the

community's behalf in small claims court. The investigator also acted as a conduit of information between the community and the property owners. Both property owners evicted their tenants, removing the drug activity from their neighborhood.

The other two meetings took place in Southern Humboldt where CEU investigators tried to address concerns that local residents had regarding recent CEU activity in the area. As a result of this dialog, some relationships were established that allowed inspections in a voluntary manner.

In addition to the community meetings, CEU investigators gave presentations at a local high school about the threat of drug houses and the manufacture of street drugs. Over the course of the year, CEU investigators and attorneys spoke with numerous members of the community regarding code violations in their neighborhoods. Due to recent changes in policy and procedure, many of these community members have been directed towards other county departments to make their initial complaints.

Abatements

The CEU did not conduct any abatements in 2008.

Cost Recovery

The CEU brought one cost recovery item before the Board in 2008. The CEU conducted an abatement of the Giulieri property on Goble Lane in Ferndale in October of 2007. A cost recovery hearing was held in January of 2008 and the Board confirmed the assessment in the amount of almost \$12,000. Those monies have been received by the County and returned to the General Fund.

Inspection Warrants

The CEU served eleven inspection warrants between January and March of 2008, seven in the Woods Ranch area of Redway, one in the Elk Ridge area of Briceland, one in Fieldbrook, one in Phillipsville and one in the Berry Summit area of Willow Creek. Numerous structures that had been constructed without permits were found during the inspections as well as solid waste issues and junk vehicles.

The Code Enforcement Task Force

The Code Enforcement Task Force, consisting of nine members was formed to study the policies and procedures of the CEU and make recommendations to the Board. The Task Force held meetings on a regular basis and requested several County employees to attend and answer questions. In addition, they sought public comment. Their report to the Board was presented on October 14, 2008.

FINANCIAL IMPACT

None

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose to not receive the Code Enforcement Unit's 2008 Annual Report.

ATTACHMENTS:

None