



COUNTY OF HUMBOLDT

AGENDA ITEM NO.  
F-2

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: **2009 Code Enforcement Unit Annual Report**

RECOMMENDATION(S):

That the Board of Supervisors:

Receive the Code Enforcement Unit's 2009 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 of Supervisors. It is the intent of this report to comply with the requirements of the Statement of Responsibility.

**Staffing**

During 2009, the CEU had a single attorney assigned part-time. A study done as part of the reorganization

Prepared by Jeff Conner/Davina Smith CAO Approval *Phillip Smith Hayes*

REVIEW: Auditor \_\_\_\_\_ County Counsel *WBC* 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. \_\_\_\_\_

Dated: \_\_\_\_\_  
Kathy Hayes, Clerk of the Board

Meeting of: \_\_\_\_\_

By: \_\_\_\_\_

of the CEU indicated that the attorney spent about 16% of her time on CEU matters due to staffing issues. The investigator staff consisted of a full-time investigator and a part-time investigator. Due to budget restrictions, funding for the part-time investigator was not continued in the 2009-2010 fiscal year. The County Counsel staff provides clerical assistance as time allows.

### **Caseload**

The CEU began 2009 with 132 open cases. The CEU opened 13 new cases during the course of the year. They are broken down by supervisorial district as follows:

District I	3
District II	4
District III	1
District IV	1
District V	4

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

Assistance	1
Construction/Grading without permits	3
Illegal Dumping	1
Junkyard	2
Sewage Disposal	2
Solid Waste	3
Substandard Housing	1

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

Community Development Services	5
Division of Environmental Health	8

The CEU closed 45 cases during the course of the year. Nine cases were closed when the property owners substantially complied with County Code. The CEU assisted many of these property owners by providing trash bins and/or removing abandoned vehicles. The CEU closed four assistance cases, three of these cases dealt with obtaining search/inspection warrants for other departments and one was a criminal prosecution for abandoning a trailer on a public roadway. The CEU closed 25 cases that were self-initiated and returned 5 cases to the department of origin due to insufficient information. The CEU closed one case where substantial compliance had not been met, but the remaining violation(s) were minor and another case where the CEU had completed an abatement in a prior year, but the case had inadvertently remained open. At the end of 2009, the CEU had 87 open cases.

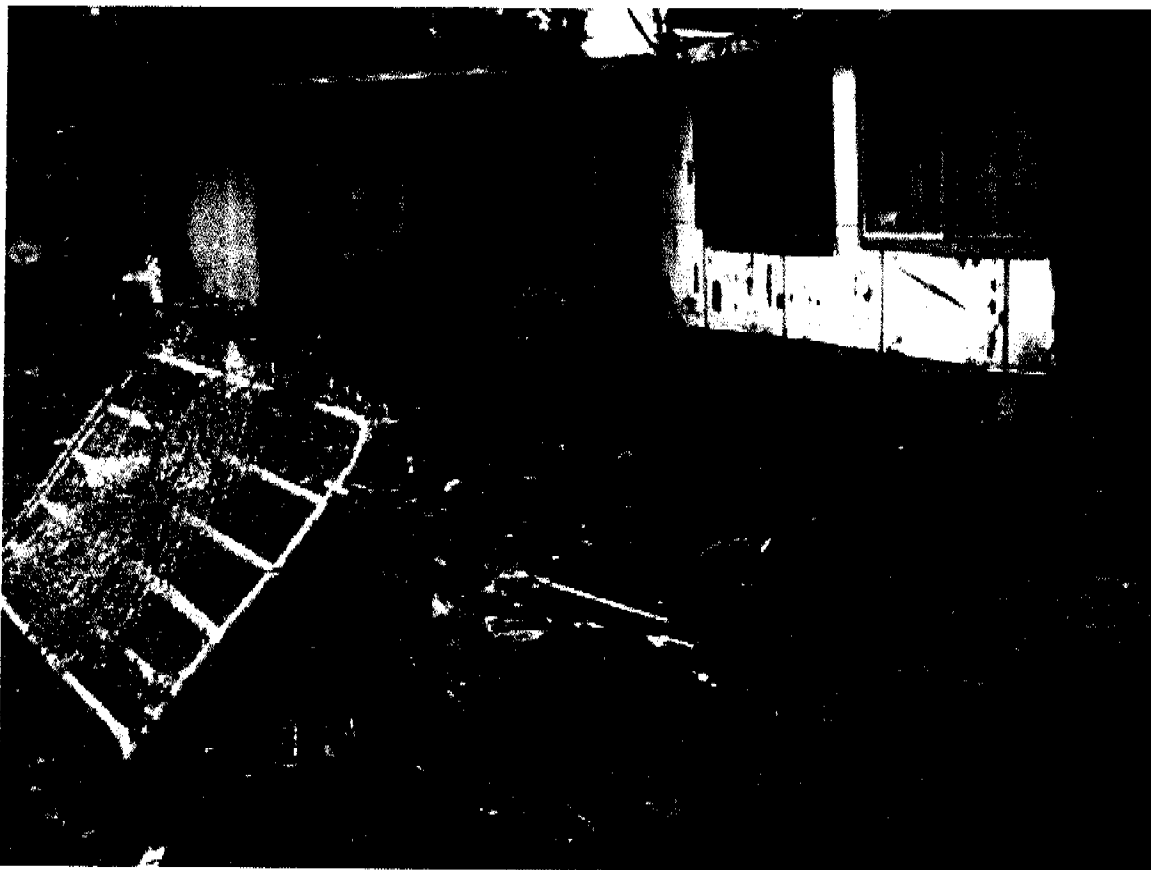
### **Penalties**

The CEU issued three penalties totaling \$21,250 in 2009. Two of these penalties, totaling \$18,750 were suspended by the CEU to give the property owners more time to abate the violations on their properties. The third property owner requested a hearing, but failed to show up at the proper time and place. The

hearing officer upheld the penalty. This penalty is in the process of becoming a lien on the property. Once the penalty has become a lien, it will be due along with the owner's property taxes.

### **Board Hearings**

The CEU brought four cases before the Board in 2009. In January, the CEU came before the Board and requested funding to abate the nuisance on the Duclo property in Myers Flat. Your Board authorized the abatement funding. The remains of a travel trailer, a motorhome smashed by a tree limb and a 40 yard dumpster of solid waste were removed from the property during the abatement. However, there are still violations on the parcel, including the Duclo family living in a substandard structure located in a Flood Plain Zone.



**The Duclo Property after the Cleanup**

In May of 2009, the CEU came before your Board for a nuisance hearing on the Songer and Reece parcel in Bridgeville. Your Board declared the property a nuisance and ordered the violations abated. The property owners have made a considerable effort to clear the junk vehicles, trailers and solid waste from their property. As of the date of this report, the CEU has not found it necessary to come back before your Board and request funding to abate the nuisance.



**The Songer and Reece Property in Bridgeville**

In June of 2009, the CEU requested authorization to abate the nuisance on the McGuire property in Fields Landing. This parcel had been declared a nuisance in 2007 and the owner's building permit had expired. Gerald McGuire attended the hearing and showed that he had renewed his building permit. Your Board agreed to give him time to abate the violation himself. Shortly, thereafter, McGuire demolished the substandard structure and started construction of the new residence.



**The McGuire Property after Demolition of the Unsafe Structure**

In September of 2009, the CEU held a Nuisance hearing on the Brown property in McKinleyville. This case dealt with an unsecured house that had been vacant for at least ten years. In addition to the unsecured structure, the lot was overgrown with blackberry briars that were providing harborage for rodents and a single junk vehicle was parked in the driveway. Your Board declared the property a nuisance and ordered the violations abated. When the property owner was unable or unwilling to do so, the CEU returned to your Board and requested funds to abate the violations. This authorization was approved. The day before CEU was scheduled to begin the abatement, the property owner hired a contractor that boarded up the house, moved the vehicle into the garage and cut down the blackberry briars.



**The Brown Property in McKinleyville**

In addition to the four enforcement cases, the CEU came before your Board in January and again in March of 2009 to request exceptions to the inspection warrant moratorium put in place in April of 2008. Your Board requested that one of the cases be sent back to the Planning Division and approved lifting the moratorium for the remaining ten parcels. As of the date of this report, either a warrant has been served or there is no longer a need for a warrant on those ten parcels.

### **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 investigator(s) 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 2009, the CEU tagged and processed approximately 550 junk vehicles.

#### **Community Outreach**

The CEU did not attend any organized community meetings in 2009 to discuss code enforcement or County codes. Over the course of the year, CEU investigators and the supervising attorney spoke with numerous members of the community regarding code violations in their neighborhoods either by telephone or in person. Staff members provided information on County codes and directed members of the public on where they could make a complaint about a problem in their neighborhood.

#### **Cost Recovery**

The CEU brought one cost recovery item before the Board in 2009. As mentioned previously, the CEU conducted an abatement of the Duclo property in Myers Flat in the Winter of 2009. A cost recovery hearing was held in April of 2009 and the Board confirmed the assessment in the amount \$4,485.50. The Tax Collector has not yet received those monies.

#### **Inspection Warrants**

The CEU served three inspection warrants in January and February of 2009. One of these warrants was served to assist the Division of Environmental Health (DEH) with a complaint that a property owner in the Elk River area was burying solid waste on his property. The warrant found evidence to support the allegation and the case was returned to DEH for further action. A warrant was served on the Songer and Reece parcel in Bridgeville to gather evidence for the Board hearing described above. An abatement warrant was served on the Duclo property as part of the abatement, also described above. None of the warrants required assistance from the Sheriff's Department.

#### **FINANCIAL IMPACT**

None

#### **OTHER AGENCY INVOLVEMENT:**

None

#### **ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board could choose to not receive the Code Enforcement Unit's 2009 Annual Report.

#### **ATTACHMENTS:**

None