



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject Uphold Administrative Citation for Cilenti Bee Et Al in Case #1671	Board Meeting Date October 9, 2018	Agenda Number 7
Dept: Building Div: Code Compliance Contact: Ed Short Phone: 209/754-6390	Supervisory District Number District 1	Consent Agenda
Published Notice Required? No Public Hearing Required? No		Estimated Time: 0 Minutes
Type of Document? Action Item PowerPoint Presentation Included? No Budget Transfer Included (Must be signed by Auditor)? No Complete Agreement Required? No Position Allocation Change? No		

RECOMMENDATION:

Uphold the Administrative Citation issued to Cilenti Bee Et Al in case #1671 regarding 475 Gold Ct., San Andreas, authorizing County abatement and a lien for administrative and abatement costs.

DISCUSSION/SUMMARY:

“Cilenti Bee Et Al” was issued two Notices of Violation, followed by a Notice of Violation, Order to Abate, and Administrative Citation the following violations:

- Calaveras County Code 06.060 Public Nuisance
- Calaveras County Code 17.04.210 Junk, Debris, and Junk Cars on Parcels zoned R3
- International Property Maintenance Code 307.1 Accumulation of rubbish or garbage
- International Property Maintenance Code 307.2 Disposal of rubbish

In response to multiple complaints, the Calaveras County Code Compliance Unit conducted a site inspection on 06/13/2018. The property was found to be littered with junk, including discarded furniture, bags of household trash, and several junk vehicles. A Notice of Violation was issued. It was mailed via regular and certified mail and posted at the property same day. (See Exhibits “A” and “D”)

On 07/03/2018, no contact had been received from the property owner or occupants, and complaints continued to come in. A follow-up site inspection was conducted, and the property was found to be in the same condition as the initial inspection. However, it was noted that the Notice of Violation that was posted on 06/13/2018 had been removed.

On 07/27/2018, a second Notice of Violation was issued. It was mailed via regular and certified mail and posted at the property same day. (See Exhibits “B” and “E”)

During the week of 08/06/2018, Code Compliance received a phone call from one of the

occupants of 475 Gold Ct. The occupant stated that she had a death in the family, and was going through a difficult time, but did not seem to recognize that there was an issue with the junk, rubbish, and cars littering the property. Officer Minehart stated he was more than willing to give them time to grieve and then clean up, but asked the occupant to submit a letter to Code Compliance with a plan of action towards clean-up as well as a timeline. As of 08/24/2018, no such letter had been received. In addition to the complaints that had been received from members of the public, the Sheriff's Office forwarded a report from the night one of the occupants passed away to Code Compliance. It was forwarded because of the tremendous amount of trash and debris as well as dog feces that the responding deputy encountered when investigating the death. A contact phone number was on the report. Officer Cable attempted to contact the occupants named on the report and remind them that they needed to submit a letter or we would move forward with the enforcement process due to the amount of complaints we are receiving on the property. The call was placed on 08/24/2018 at 12 pm. There was no answer and the mailbox was full.

On 09/04/2018, Notice of Violation, Order to Abate, and Administrative Citation was issued. It was mailed via regular and certified mail, and posted at the property the same day. (See Exhibits "C" and "F")

On 09/05/2018, occupant Ellen Boblitt and two other women came in with a letter and spoke with Officer Cable. Boblitt stated she did not know why they were issued a citation, as she submitted the letter like Mr. Minehart wanted. Ms. Boblitt was informed that Code Compliance had never received the letter. She was also told a phone call was attempted and the voicemail box was full. Officer Cable advised her that because Code Compliance had received no contact, a citation was issued. She and one of the other unnamed women kept saying they had been cleaning up. Officer Cable told them the property looked no different when she had posted the citation the morning before than it had when the first Notice of Violation was issued. Boblitt said that stuff was out there due to the fire department making room in the house when her partner passed away. Cable told her that it was the same stuff she had been seeing for months, and the Sheriff's Department as well as numerous members of the public had contacted Code Compliance regarding the condition of the house and property. They were told that there are, in fact, valid code violations on the property and that needed to be addressed. Boblitt became upset and said that her partner's funeral was Saturday, September 8th. Cable told her she was still willing to work with her and wants to see the property cleaned up. Cable told Boblitt to get through the funeral and that she would contact her the following Monday and that they would go over exactly what needed to be done.

Since 09/06/2018, two different appointments had been made with the occupants of 475 Gold Ct. to go over the property and what needed to be cleaned up, and both have been cancelled. Code Compliance is still willing to work with the occupants to clean up the property, but would like the authorization to abate should they continue to delay clean-up. As of today, 09/21/2018, the property remains in the same, if not worse, condition as the original site inspection on 06/13/2018. (See Exhibit "G")

Government Code 25845 (b) states "the owner of the parcel upon which the nuisance is

found shall be liable for all costs of abatement incurred by the county, including but not limited to administrative costs, and any and all costs incurred in the physical abatement of the nuisance." Abatement, in this case, will include the removal of junk, debris, garbage, unlicensed and/or inoperable vehicles, including trailers, and any remaining Code violations which constitute a public nuisance.

The Administrative Citation issued in case #1671 has not been appealed; therefore there are no Administrative Hearing Board findings or transcript. Code Compliance submits the citation directly to the Board of Supervisors to be upheld and to authorize abatement of all existing violations and placement of a lien on the property for the recovery of administrative costs and costs of abatement once known.

FINANCING:

Costs relating to enforcement actions are initially funded through the Code Compliance budget. Once a citation is issued and it becomes necessary for abatement and cost recovery, the citation is sent to the Board of Supervisors for authorization to abate all violations on the property and to impose a lien for costs of abatement. All administrative abatement costs are reimbursed from the designated Nuisance Abatement fund and in turn become a lien on the property and are applied to the property tax roll.

RECOMMENDATION:

Staff recommends that the Board of Supervisors authorize Code Compliance to abate all existing Code violations on the property and to place a lien on the property tax rolls for recovery of administrative costs and actual costs of abatement, once known.

ALTERNATIVES:

The Board of Supervisors could decline to uphold the citation, authorize abatement, and placement of a lien but staff does not recommend this given that the conditions on the property constituting a public nuisance remain present, and complaints continue to come in regarding this property.

APPROVED BY:

 Amanda Menchaca	9/21/2018	 Robin Glanville	9/27/2018
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 Tim Lutz, County Administrative Officer	10/1/2018	 Ethan Turner, Deputy County Counsel	10/3/2018
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