



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject Administrative Citation Estate of Eula Mae Kolb Et Al C/O Sheila Jenson	Board Meeting Date April 9, 2019	Agenda Number 10
Dept: Building Div: Code Compliance Contact: Jeff White Phone: 209/754-6390	Supervisory District Number District 4	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:

Authorize County abatement and assessment lien for the recovery of costs of the abatement pursuant to Citation issued to the Estate of Eula Mae Kolb Et Al, C/O Sheila Jenson in case number 1848, related to the property located at 5394 Hub Court, Copperopolis, APN 054-001-009.

DISCUSSION/SUMMARY:

The Estate of Eula Mae Kolb, C/O Sheila Jenson was issued a Notice of Violation, Order to Abate, Administrative Citation, and Fine for the following violations:

- Calaveras County Code 8.06.060 - Public Nuisance
- Calaveras County Code 17.04.180 – Illegal Camping
- International Property Maintenance Code 604.3 – Hazardous Electrical
- International Property Maintenance Code 307.1 – Accumulation of Rubbish or Garbage
- Calaveras County Code 17.04.210 Junk, Debris and Junk Cars
- California Building Code 105.1 – Permits Required
- International Property Maintenance Code 108.1.1 – Unsafe Structure
- International Property Maintenance Code 602.1 & 602.2 – Heating Facilities
- California Residential Code R314.3 - Smoke Detectors

The notices and citations served on the owner and tenant contained clear descriptions of the violations found on the property and of the required remedial actions. The notices also provided notification of the right to appeal the citation. Code has worked diligently with the property owner to resolve the matter and given several deadline extensions to accommodate hardships experienced by the property owner. However, no appreciable remedial action has been taken and neither the property owner nor the occupants have requested an appeal within the time frames required. Code now seeks an order for abatement from the Board of Supervisors.

Procedural History

1. Initial Inspection

On, October 3, 2018, the Calaveras County Sheriff's Office served a search warrant at the property located at 5394 Hub Ct. Copperopolis, APN 054-001-009, and requested that the Calaveras County Code Compliance Unit assist them to investigate possible code violations. Officer Reba Davis and Officer Cody Anderson inspected the property and found numerous code violations including the following:

A. Substandard Dwelling

The residence was determined to be substandard and red placards were posted at every entrance. All occupants were notified of the postings at the time of the inspection. Photographs included in Attachment A.

The house on the property had no source of heat nor hot water as is required by the International Property Maintenance Code; the residence was missing smoke detectors as required by the California Residential Code. Additionally, the main exterior electrical panel on the rear of the residence was missing the front cover and the wires were exposed to the elements. Electrical outlets and light switches did not have the proper covers installed and the exterior of the residence was without adequate siding and exposed Romex wire was visible.

B. Hazardous Electrical and Unpermitted Structures

In addition to the substandard condition of the residence, Officers also found electrical wiring had been installed in two accessory structures without permits and that there was an unpermitted hoop house structure on the property. Also, multiple breaker boxes and electrical outlets were haphazardly affixed to a piece of wood near the well; an indoor surge protector was plugged into one of these outlets and Romex wire extended from the breaker panel up into the trees and over to an area where camping was occurring.

Due to the extremely hazardous electrical, and pursuant to PG&E electrical rule 11 A 1. c., PG&E shut off power to the property.

C. Illegal Camping, Miscellaneous Hazardous Conditions, Junk and Debris

Camping was occurring longer than is allowed by County Code, numerous containers commonly used for the cultivation of cannabis were stored openly around the areas related to the hoop house structure and numerous metal containers labeled as "Kerosene" were also openly stored in the area near the hoop house structure.

Finally, a large amount of junk and debris such as household trash, tires, lumber, broken appliances, dismantled vehicles and vehicle parts, broken spas, and piles of metal were stored in various areas around the property. Accumulations of these types constitute violations numerous County and State Codes and pose health safety concerns.

2. Notice of Violations, Case Management, and Opportunities to Correct

On October 5, 2018 a citation was issued to the property owner for the aforementioned violations. This citation provided 30 days for the owners and tenants to bring the property into compliance before fines would begin to accrue. Code Compliance met with both the Executor of the Estate of Eula Mae Kolb, Sheila Jenson ("Owner"), and the

tenant, John Curtis Kolb ("Tenant") at the property. The Officer and the parties discussed what was required to be done. Additionally, Officer Davis had multiple subsequent conversations both at the department front counter and on the phone attempting to informally resolve the situation without punitive measures.

On October 25, 2018, Officers again met with the Owner and Tenant at the property to discuss the progress of the clean-up and to answer any questions regarding the requirements of the citation and consequences for non-compliance. The property was in the same state as the initial inspection. Photographs in Attachment B.

On November 20, 2018, Code Compliance again met with Owner and Tenant at the property. The conditions had not visibly improved. Photographs in Attachment C.

On December 13, 2018, The Owner contacted Officer Davis and explained she was facing severe hardships. Officer Davis found the hardships to be legitimate and agreed to rescind the citation that was issued on October 5, 2018. A new citation was issued that provided an additional 90 days to bring the property into compliance. This citation was mailed via regular USPS mail, by certified mail to the Owner's address on file with the Assessor's office and to the Executor's personal address. The renewed Notice was also posted on the gate at the property. See Attachment D.

On December 14 and December 17, 2018, respectively, Officer Davis spoke to the Owner on the phone and to the Tenant; both acknowledged receipt of the citation and the additional 90 day time frame for compliance.

Between December 17, 2018 and February 11, 2019 Officer Davis called both parties repeatedly. The phone number provided by the Owner did not allow for messages to be left. Officer Davis called the Tenant to check in on the clean-up progress. The Tenant said that he was still working on the property but the property had not been fully cleaned up.

On February 14, 2019, the Tenant stated via telephone that he wanted to email me photos of the clean-up, but no photos were received by Code Compliance and no other proof of correction has been received. No further contact has occurred.

On March 6, 2019, Officer Davis drove out to the property to take updated pictures from the road. Officer Davis observed that the conditions on the property had not improved. See photographs in Attachment E.

3. Requested Order

Government Code 25845 (b) states "the owner of the parcel upon which the nuisance is found to exist 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, rubbish, and garbage, and any remaining Code violations which constitute a public nuisance.

The Administrative Citation issued in case #1848 has not been appealed; therefore there are no Administrative Hearing Board findings or resolution. Code Compliance submits the citation directly to the Board of Supervisors for authorization of 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 abatement occurs, all costs of the abatement are reimbursed from the designated Nuisance Abatement Fund through assessment liens on the property that 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.

OTHER AGENCY INVOLVEMENT:

Auditor/Controller; Tax Collector/Treasurer

APPROVED BY:

Jeff White, Building Official

3/22/2019

Diane Severud, Deputy Clerk of the Board of Supervisors

3/25/2019

Ethan Turner, Deputy County Counsel

3/26/2019

Christa Vo Latta, Deputy CAO

3/29/2019