



Legislation Details (With Text)

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Title: 10:30 A.M. – HEARING - Consideration of Request for Post-Abatement Hearing on Account and Proposed Assessment of Abatement – 265 Butler St. Clearlake Oaks, CA / APN# 035-391-58

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Attachment A, 2. Attachment B, 3. Attachment C, 4. Attachment D, 5. Attachment E, 6. Attachment F, 7. Attachment G, 8. Attachment H

Date	Ver.	Action By	Action	Result
8/6/2024	1	BOARD OF SUPERVISORS		

Memorandum

Date: August 6, 2024

To: The Honorable Bruno Sabatier, Chair, Lake County Board of Supervisors

From: Mireya G. Turner, Community Development Director
 Marcus Beltramo, Code Enforcement Manager

Subject: 10:30 A.M. - HEARING - Consideration of Request for Post-Abatement Hearing on Account and Proposed Assessment of Abatement - 265 Butler St. Clearlake Oaks, CA / APN# 035-391-58

Executive Summary:

On September 1, 2023, Lake County Code Enforcement (CE) performed an abatement for the property located at 265 Butler St., Clearlake Oaks, CA (property) owned by Robert Hacker and Patricia Hacker (deceased). In accordance with Lake County Code Chapter 13, Article I, Section 13-42, the Board of Supervisors shall hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the Board may make such modifications and revisions of the proposed account and assessment as it deems just and may order the account and proposed assessment confirmed or denied, in whole or in part or as modified and revised.

Property Information:

Property Owners: Robert Hacker (deceased)
 Patricia Hacker (deceased)

Zoning Designation: "R1" Single Family District

Lot Type: Improved with manufactured home

Investigation Background and Fact(s):

While conducting proactive code enforcement as part of the Road Map Task Force for the Clearlake Oaks area, a resident alerted our Code Enforcement Officer about the subject property and the potential code violation(s) affecting the surrounding community such as the property was being used for dumping and the vacant structure was being broken into.

On May 3, 2023, Code Enforcement conducted an inspection of the property. Observed was a structure that was being stripped, had unsecured entrances, trash strewn on the outside and inside of the structure, mold, inoperable vehicles, and the floor was saturated with water. **(Attachment B)**

On May 4, 2023, A red tag was posted declaring the property to be sub-standard property pursuant to CA Health and Safety 17920.3. **(Attachment C)**

On May 24, 2023, Code Enforcement issued a “Notice of Nuisance and Order to Abate” (NONOTA) against the property. In addition to the parties reflected on the grant deed, Code identified a lender with a recorded interest in the property. The NONOTOA cited the following violation(s) of the Lake County Code: **(Attachment D)**

- LCC Chapter 13, Article, I, Section 13-3.1 (e) (7) - The existence of garbage, rubbish
- LCC Chapter 13, Article, I, Section 13-3.1 (e) (13) - Inoperable, dismantled, or wrecked vehicles
- California Health and Safety Code 17920.3 (a) (1) - Lack of or Improper lavatory
- California Health and Safety Code 17920.3 (a) (3) - Lack of or improper sink
- California Health and Safety Code 17920.3 (a) (11) - Visible mold
- California Health and Safety Code 17920.3 (a) (13) - Dampness of Habitable Rooms
- LCC Chapter 13, Article, I, Section 13-3.1 (e) (5) - Any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of Chapter 5.

More Specifically, the following are the related code section(s) cited in connection or pursuant to Chapter 13, Article I, Section 13-3.1 (e) (5)):

- LCC Chapter 5, Article VII Et. Seq. - Vacant Structure Ordinance

On July 10, 2023, A Last and Final Notice was mailed to the property owner along with a “Right-of-Entry” form, providing a final request to correct the violations and to satisfy the requirements of California Code of Civil Procedure 1822.51 requesting consent from the responsible parties prior to obtaining an inspection and abatement warrant. In addition, the notice was sent to the lender who had a recorded interest in the property and through an internet search Code identified another possible party with a potential interest in the property with an address in Guam. **(Attachment E)**

Abatement:

As of September 1, 2024, the violations existing on the property were not corrected, nor was a request for hearing in front of the Board of Supervisors made by the property owners. Code Enforcement received no response from the responsible or any interested party. The property owners failed to demonstrate substantial progress or convey any intention to correct the violations. Due to the fact the structure was unsafe and created a public nuisance to surrounding properties and the general welfare of the public, Code Enforcement obtained an inspection and abatement warrant and moved forward with an abatement to correct the violations existing on the property by removal. Code Enforcement enlisted the services of 360 junk Removal to perform the abatement (securing and boarding of structure and removal of trash from exterior and interior). The cost of the abatement is \$3,000 plus administration fees in the amount of \$751.75 for the removal of: **(Attachments F, G, H)**

Evidence:

- Attachment(s) -
- A - Property Map
 - B - Photos (of violations)
 - C - Red Tag
 - D - Notice of Nuisance and Order to Abate
 - E - Last and Final Notice
 - F - Post Abatement Photos
 - G - Contractor Invoice
 - H - Task Sheet (cost recovery)

County Witness(es):

Marcus Beltramo, Code Enforcement Manager
Christopher Colen, Code Enforcement Officer

If not budgeted, fill in the blanks below only:

Estimated Cost: _____ Amount Budgeted: _____ Additional Requested: _____ Future Annual Cost: _____

Purchasing Considerations (check all that apply):

Not applicable

- Fully Article X. <https://library.municode.com/ca/lake_county/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTXPU_S2-38EXCOBI>- and/or Consultant Selection Policy <http://lcnet.co.lake.ca.us/Assets/Intranet/Policy/Policies+26+Procedures+Manual/Ch4_2021v2.pdf>-Compliant (describe process undertaken in "Executive Summary")
- Section 2-38 <https://library.municode.com/ca/lake_county/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTXPU_S2-38EXCOBI> Exemption from Competitive Bidding (rationale in "Executive Summary," attach documentation, as needed)
- For Technology Purchases: Vetted and Supported by the Technology Governance Committee <<http://lcnet.co.lake.ca.us/Assets/Intranet/Intranet+Forms/Information+Technology/AdvPlan.pdf>> ("Yes," if checked)
- Other (Please describe in Executive Summary)

Consistency with Vision 2028 <<http://www.lakecountyca.gov/Government/Directory/Administration/Visioning/Vision2028.htm>>

(check all that apply):

Not applicable

- Well-being of Residents
- Economic Development
- Community Collaboration
- Public Safety
- Infrastructure
- Business Process Efficiency
- Disaster Prevention, Preparedness, Recovery
- County Workforce
- Clear Lake

Recommended Action:

Staff recommends the Board of Supervisors approve a lien in the amount of \$3,751.75 and direct staff to record the lien against the property with the Lake County Recorder's Office, after recordation, shall be delivered to the County Auditor who shall enter the amount of the lien on the assessment roll as special assessments.