



COUNTY OF LAKE

255 North Forbes Street
Lakeport, CA 95453

Legislation Text

File #: 20-97, Version: 1

Memorandum

Date: March 3, 2020

To: The Honorable Moke Simon, Chair, Lake County Board of Supervisors

From: Scott De Leon, Community Development Director
Andrew Williams, Code Enforcement Manager
Marcus Beltramo, Code Enforcement Officer

Subject: Notice of Lien Hearing for David Deti; 12498 Oak St. Clearlake Oaks

Exhibits:

1. Notice of Assessment
2. Photos Before Abatement
3. Grant Deed
4. Notice of Nuisance and Order to Abate 11-14-2018
5. Notice of Nuisance and Order to Abate 8-28-2019
6. Photo of Placement of 11-14-2018 NONOTA
7. Certified Mail Receipt 11-15-2018
8. Email from Family of David Deti
9. Photo of Placement of 8-28-2019 NONOTA
10. Certified Mail Receipt 9-25-2019
11. Right of Entry Permit Signed by Sister
12. Right of Entry Permit Signed by Mother
13. Abatement Quotes
14. 24 Hour Notice
15. Photos After Abatement
16. Boat Abatement
17. Task Sheet

Executive Summary: (include fiscal and staffing impact narrative):

I. PROPERTY DESCRIPTION:

Property Owner: Deti, David (deceased)
Property Address: 12498 Oak St., Clearlake Oaks, CA (property)
APN: 035-152-60
Zoning: R1, Single Family Residential District
Existing Conditions: Located on the property is a single family dwelling.

II. SUBJECT/PURPOSE:

Staff is requesting confirmation by the Board to prepare and record a "Notice of Lien" against the property in accordance with LCCO Chapter 13, Article VI, Section 13-43.1. In accordance with Chapter 13, Article IV, Section 13-42.1, the Board shall hear and consider the account and proposed assessment.

If the Board provides confirmation, then pursuant to LCCO Chapter 13, Article VI, Section 13-43.3, the "Notice of Lien" shall be delivered to the County Auditor who shall enter the amount of the lien on the assessment roll as special assessments.

III. NOTICE OF ASSESSMENT HEARING:

In accordance with Lake County Code Chapter 13, Article VI, Section 13-41.1 (Notice of Assessment) and Section 13-41.2 (Hearing on Account and Proposed Assessment), a "Notice of Special Assessment" was prepared and mailed via certified mail to the property owners reflected on the title per County records and posted on/at the property. In addition, the Notice of Special Assessment was placed in the Lake County Recorder-Bee and Lake County News. (**Exhibit 1**)

IV. ABATEMENT SUMMARY

Basis for Investigation/Complaints:

On November 13, 2018, complaints were received from Lake County Animal Control alleging the property was a mess. A second complaint was received on August 13, 2019, alleging there was garbage on the property. Additional verbal complaints were received from the surrounding neighbors complaining about the trash and persons breaking into the property. (**Exhibit 2-Photos before abatement action**)

Property Owner:

According to County records, the property owner/responsible party was identified as David Deti based upon the grant deed and information obtained from the County Tax Collectors Office. (**Exhibit 3**) The Death Certificate for David Deti reflects his date of death as being November 17, 2018.

Formal Action:

On November 14, 2018, the property was deemed not to be in compliance with the County Code. A "Notice of Nuisance and Order to Abate" (NONOTA) was issued against the property. The NONOTA cited violations of:

- Open and Outdoor Storage of junk and/or household garbage in violation of LCC section(s) 21-41.12.
- Failure to properly dispose of trash in accordance with LCC Chapter 13, Section 13-11.
- Substandard dwelling in violation of California Health and Safety Code 17920.3.
- Failure to remove or maintain weeds in accordance with LCC Chapter 13, Section 13-10.
- Open and Outdoor Storage of inoperable vehicles in violation of Section 21-2.6, 21.3.8(a), and 21-41.12. (**Exhibit 4**)

On August 28, 2019, the property was deemed to still not to be in compliance with the County Code. A NONOTA was issued for the property. The NONOTA for violations of:

- Open and Outdoor Storage of junk and/or household garbage in violation of LCC Section 21-41.12.
- Failure to properly dispose of trash in accordance with LCC Chapter 13, Section 13-11.
- Substandard dwelling in violation of California Health and Safety Code 17920.3. **(Exhibit 5)**

Service:

Service of the NONOTA(s) was made in accordance with Chapter 13, Section 13-6.2 (a) (1):

For the November 14, 2018 NONOTA, attempts were made to provide the property owner notice by:

- Posting the NONOTA on/at a conspicuous place on/at the property. **(Exhibit 6)**
- Mailing the NONOTA via certified mail: (1) on November 14, 2018 to the property owner, David Deti at his address(es) listed with County records of 12498 Oak St., Clearlake Oaks, CA and (2) on November 15, 2018 to PO Box 236, Clearlake Park, CA. **(Exhibit 7)**
- On November 26, 2018, an email was received from Cindy Milloch, the sister of David Deti stating, "...Donna Deti (mother of David Deti) and Cindy Milloch wish to give up all rights and responsibility to the property of David Deti to Lake County." **(Exhibit 8)**

For the August 28, 2019 NONOTA, attempts were made to contact the property by or next of kin:

- Posting the NONOTA on/at a conspicuous place on/at the property. **(Exhibit 9)**
- Mailing the NONOTA via certified mail on September 25, 2019 to the property owner, David Deti at his address listed with County records of PO Box 236, Clearlake Park, CA. **(Exhibit 10)**
- On September 17, 2019, Cynthia Milloch, sister to David Deti signed a "Right-of-Entry Permit". **(Exhibit 11)**
- On October 31, 2019, Donna Deti, mother to David Deti signed a "Right-of-Entry Permit". **(Exhibit 12)**

Corrective Action:

The property owner failed to correct the issues cited in the NONOTA or failed to contact this Department to formulate a plan of progression to achieve compliance.

Abatement Action:

On September 26, 2019, a blind-copy email was emailed to an existing list of contractors soliciting quotes for the abatement of the property: Two quotes were received: (1) Leonard's Hauling for \$18,900 and (2) Coleman Environmental Engineering Inc. for \$25,225. **(Exhibit 13)**

On November 13, 2019, a warrant was signed by Lake County Superior Court Judge and executed in order to access the property. On November 13, 2019, a 24 Hour Notice was posted on the property pursuant to California Code of Civil Procedures 1822.56 **(Exhibit 14)**. The property was abated and all trash, junk, and other materials were removed from the property and a new gate was installed to secure the property. **(Exhibit 15)**

On November 27, 2019, a boat on a trailer, with trash piled in it, was discovered on Stubbs Rd. in Clearlake Oaks. Per the DMV information, David Deti was reflected as the registered owner. It was determined at the time, the cost to include the boat on the trailer as part of the prior abatement action was a more cost efficient option for the County rather than having the boat and trailer removed under the AVA program. Leonard's Hauling was contracted with to remove the boat for \$700. **(Exhibit 16)**

Action taken by the Board will result in a Notice of Lien recorded with the County Recorder and a Special Assessment entered by the County Auditor. Recordation of the Special Assessment provides priority over all private liens, regardless of the time of their creation, including the prior recorded mortgages against the identified real property.

- 1 Shall be subject to the same penalties and interest and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary county taxes, and all laws applicable to the levy, collection and enforcement of county taxes are hereby made applicable to such assessment.
2 The NONOTA issued met the criteria set forth in Chapter 13, Article I, Section 13-6.1.
3 The NONOTA issued met the criteria set forth in Chapter 13, Article I, Section 13-6.1.
4 Such notice shall be deemed properly served if a copy thereof is either; (2) Sent by certified or registered mail addressed to every responsible party at the last known address with return receipt requested, and posted at the site.
5 At the time, CDD utilized an informal list of contractors, since CDD has revamped its process pursuant to County policies and procedures Ch. 3 and 4 Community Development and Consultant Selection.
6 California Revenue & Taxation Code §§ 2192.1, 3712; California Government Code § 53935

If not budgeted, fill in the blanks below only:

Estimated Cost: **\$29,716.14** Amount Budgeted: _____ Additional Requested: _____ Future Annual Cost: _____

Consistency with Vision 2028 and/or Fiscal Crisis Management Plan (check all that apply):

- | | | | |
|---|--|---|--|
| <input checked="" type="checkbox"/> Well-being of Residents | <input checked="" type="checkbox"/> Public Safety | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Not applicable |
| <input checked="" type="checkbox"/> Economic Development | <input type="checkbox"/> Disaster Recovery | <input type="checkbox"/> County Workforce | <input type="checkbox"/> Technology Upgrades |
| <input checked="" type="checkbox"/> Community Collaboration | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake | <input type="checkbox"/> Revenue Generation |
| | | | <input type="checkbox"/> Cost Savings |

If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:

Which exemption is being requested?
How long has Agreement been in place?
When was purchase last rebid?
Reason for request to waive bid?

Recommended Action:

Staff recommends the Board of Supervisors confirm the Special Assessment of **\$19,716.14**, and direct staff to record a Special Assessment lien against the property. The cost of abatement services was **\$18,900 + \$700**. The administrative costs on this case amounted to **\$116.14**.