



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 12/15/2015  
Agenda Placement: 9L  
Set Time: 2:20 PM PUBLIC HEARING  
Estimated Report Time: 15 minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** David Morrison - Director  
Planning, Building and Environmental Services  
**REPORT BY:** David Giudice, PRINCIPAL PLANNER - Code Enforcement Supervisor - 299-1347  
**SUBJECT:** Public Hearing on Recovery of Abatement Costs for 1540 Los Carneros Avenue

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### **RECOMMENDATION**

Director of Planning, Building and Environmental Services requests adoption of a resolution confirming the \$40,873.34 proposed assessment for abatement costs for 1540 - 1542 Los Carneros Road, Napa County (Assessor's Parcel No. 047-212-001).

### **EXECUTIVE SUMMARY**

On April 22, 2015, Napa County filed a civil complaint against Dianna Rose Dominguez, et al. ("Defendants") alleging multiple substandard housing conditions and health and safety issues on the property located at 1540 - 1542 Los Carneros Avenue, Napa California ("Property"). On August 3, 2015 the Napa County Superior Court entered a judgment against Defendants requiring them to correct or abate the substandard conditions and health and safety code violations on the Property. The judgment also allowed for an abatement warrant if the Defendants were not willing to repair or remove the substandard conditions and the health and safety code violations on the Property. Defendants failed to comply with the judgment so the County subsequently obtained an abatement warrant on September 29, 2015 authorizing County staff to enter the Property and abate the violations.

The abatement consisted of the following:

- a. Boarding up the missing windows and the front door of the main dwelling in order to secure the Property.
- b. Remove the debris, rubbish, trash, boat, hot tub from the Property.
- c. Clear the brush and overgrown weeds on the Property.
- d. Demolish the substandard second unit on the Property, which has been modified to such an extent to make it overly burdensome and costly to repair.

- e. Demolish the dilapidated and dangerous structures on the Property.

County staff hired a contractor to perform the necessary demolition and clean-up activities. Today's hearing is to determine the amount, if any, of abatement expenses which should be recouped by the County for these abatement activities. These expenses are calculated at \$40,873.34, as detailed in the Background section below, and the Notice of Assessment Hearing attached hereto (Attachment C). Should the Board confirm the proposed assessment, the County Code Enforcement Officer will prepare and record with the County Recorder a notice of lien, and the lien will be placed on the County tax roll as a special assessment. Alternatively, the Board could deny the \$40,873.34 proposed assessment or order such modifications and revisions of the proposed assessment as the Board deems appropriate.

### **Procedural Requirements**

1. Open Public Hearing.
2. Staff reports.
3. Public comment.
4. Close Public Hearing.
5. Motion, second, discussion and vote on the item.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Budget unit 2141000 Building Code Enforcement sets aside funding for the abatement of code violations by the County when private property owners fail to act. The amount of \$40,873.34 to abate the violations at 1540 Los Carneros Road have been charged to this budget unit. Currently a \$189,097.95 balance remains in the fund.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The Board established budget unit 12700 to fund violation abatement efforts on private property with the expectation that the costs incurred would be recovered from affected property owners.
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	Any amount less than \$40,873.34 would not recover the entire costs associated with abatement.
Additional Information:	

### **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

On April 22, 2015, Napa County ("County") filed a civil complaint against Dianna Rose Dominguez, et al. ("Defendants") alleging multiple substandard housing conditions and health and safety issues on the property located at 1540 - 1542 Los Carneros Avenue, Napa California ("Property"). On August 3, 2015, the Napa County Superior Court entered a judgment against Defendants requiring them to correct or abate the substandard conditions and health and safety code violations on the Property. The judgment also allowed for an abatement warrant if the Defendants were not willing to repair or remove the substandard conditions and the health and safety code violations on the Property. (Attachment A) Defendants failed to comply with the judgment so the County subsequently obtained an abatement warrant on September 29, 2015 authorizing County staff to enter the Property and abate the violations. (Attachment B)

County Code Enforcement staff ("Staff") secured the dwelling immediately upon obtaining the warrant. Staff solicited bids for asbestos/lead testing of the structures and a contractor to perform the necessary demolition and clean-up of the Property. Staff received two bids for the asbestos/lead testing and selected the lower bid. Fortunately, no asbestos or lead was discovered in the structures and further hazardous material removal was not necessary.

Staff contacted four contractors to bid on the demolition and clean-up. Out of the four contractors we only received two bids based on the contractors availability to provide services within the abatement warrant time period. The County selected the lower of the two bids and contracted with M.C. Dixon. During the clean-up the contractor discovered two barrels that were partially filled with used motor oil in the overgrown vegetation. Staff retained Maximum Oil Service to pump the barrels and the barrels were then properly discarded. Additionally, a small amount of household toxins were discovered during the clean-up which were properly discarded at the hazardous waste facility.

The details of the abatement costs incurred between September 22 and November 20, 2015 are included in the Notice of Hearing. (Attachment C) Receipts, invoices and related back up documentation are included in Attachment D. Photographs of the Property before and after the abatement are included as Attachment E.

The purpose of today's public hearing is to determine the amount, if any, of abatement expenses which should be recouped by the County for the abatement activities it conducted, as authorized by County Code Chapter 1.20 and the Napa County Superior Court Judgment. Upon conclusion of the public hearing, the Board may confirm Staff's recommendation on the proposed \$40,873.34 assessment, as reflected in the Draft Resolution (Attachment F), deny the recommendation on the proposed assessment or modify the amount of the assessment to be imposed as the Board may deem appropriate.

Upon confirmation of an assessment by the Board, and if Defendants fail to pay such an assessed amount within thirty days of the confirmation, Staff will prepare and record with the County Recorder a notice of lien. Upon the recordation of the lien, the amount claimed, or portion thereof as determined by the Board, shall constitute a special assessment upon the Property and Staff will deliver the notice of lien to the County treasurer/tax collector who shall enter the amount of the lien on the assessment roll as a special assessment.

**SUPPORTING DOCUMENTS**

- A . Default Judgment
- B . Abatement Warrant
- C . Notice of Assessment Hearing

D . Additional Back-up Materials

E . Photos - Before and After

F . Resolution

CEO Recommendation: Approve

Reviewed By: Liz Habkirk