



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 2/9/2016

Agenda Placement: 6F

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: A. Humberto Izquierdo for Greg Clark - Agricultural Commissioner
Agricultural Commissioner

REPORT BY: Jaspreet Faller, Staff Services Analyst II - 253-4973

SUBJECT: Accept the itemized Report of Abatement Costs on the Property Located at 7460 Wild Horse Valley Road

RECOMMENDATION

Agricultural Commissioner/Sealer of Weights and Measures requests the Board accept the itemized report of the costs of the abatement work performed at 7460 Wild Horse Valley Road, Napa County (Assessor's Parcel No. 033-110-054) per Food and Agricultural Code section 5633.

EXECUTIVE SUMMARY

On May 28, 2015, Napa County filed a Petition for Order of Destruction or Removal of Abandoned or Neglected Plants or Crops; Complaint for Abatement of Public Nuisance and for Imposition of Civil Penalties against Brian Silver, et al. ("Defendants") on the property located at 7460 Wild Horse Valley Road, Napa County, California, APN 033-110-054 ("Property"). On July 15, 2015, the Napa County Superior Court ordered the Defendants to adopt, implement and follow a minimal farming schedule, which included the removal of all dead and dying plants on the Property. Defendants failed to comply with the Order to remove all dead and dying plants on the Property. The County obtained an abatement warrant on November 20, 2015, authorizing County staff to enter the Property and abate the dead and dying vines pursuant to Food and Agriculture Code section 5604.

The abatement consisted of the following:

- a. County staff time to obtain the abatement warrant, prepare request for Proposal, walk the Property and mark dead vines for removal, and oversight over the abatement activities.
- b. Remove the identified dead vines by cutting them off at ground level.
- c. Dispose of all grape vine plant material resulting from the removal of dead vines, by chipping on site and hauling it away to an approved green waste facility.
- d. Implementation of erosion control measures.

County staff hired a contractor to perform the tasks mentioned above in items (b) - (d). These abatement expenses for items (b) - (c) is \$19,596.76. Costs are described further in attachment "A". Food and Agricultural Code section 5634 states that the expense of the abatement is a County charge which is payable out of County funds. Therefore, the County's Code Enforcement Abatement fund paid \$19,596.76 to Rios Farming Company LLC for all the abatement work on the Property. County staff costs for the work described in item (a) above totaled \$7,914.94, as further described in attachment "B". The Agricultural Commissioner's Office is providing this itemized report of the abatement costs to the Board of Supervisors pursuant to Food and Agricultural Code section 5633. The Agricultural Commissioner requests that the Board of Supervisors receive the report of the itemized costs for the abatement and removal of the dead vines, erosion control measures and County staff costs as detailed in Attachment "B" associated with the abatement.

FISCAL IMPACT

Is there a Fiscal Impact? No

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 May 28, 2015, Napa County filed a Petition for Order of Destruction or Removal of Abandoned or Neglected Plants or Crops; Complaint for Abatement of Public Nuisance and for Imposition of Civil Penalties against Brian Silver, et al. ("Defendants") on the property located at 7460 Wild Horse Valley Road, Napa County, California, APN 033-110-054 ("Property"). On July 15, 2015, the Napa County Superior Court ordered the Defendants to adopt, implement and follow a minimal farming schedule, which included the removal of all dead and dying plants on the Property. Defendants failed to comply with the Order to remove all dead and dying plants on the Property. The County obtained an abatement warrant on November 20, 2015, authorizing County staff to enter the Property and abate the dead and dying vines pursuant to Food and Agricultural Code section 5604.

Napa County Agricultural Commissioner's staff prepared a Request for Proposal (RFP) and invited six local Vineyard Management Companies to an open house on the Property to solicit bids for the work necessary as described in the abatement warrant. The County received three bids based on the availability to provide services within the abatement warrant time period. The County selected the best of the three bids and contracted with Rios Farming Company LLC ("Contractor"). Beginning Tuesday, January 5, 2016, the Contractor worked from 8am-4pm, on regular business days until completion of the work, on Wednesday, January 13, 2016.

The abatement consisted of the following:

- a. Remove the identified dead vines by cutting them off at ground level.
- b. Dispose of all grape vine plant material resulting from the removal of dead vines, by chipping on site and hauling it away to an approved green waste facility.
- c. Implementation of erosion control measures.

These abatement expenses totaled \$19,596.76, as described further in attachment "A". Food and Agricultural Code section 5634 states that the expense of the abatement is a County charge which is payable out of County funds. Therefore, the County's Code Enforcement Abatement fund paid \$19,596.76 to Rios Farming Company LLC for the abatement work on the Property. Napa County Agricultural Commissioner's staff assisted in obtaining the abatement warrant, preparing the RFP, creating the Professional Services Agreement, posting the Abatement Notice, walking the Property and marking dead vines for removal, and oversight during the abatement activities. County staff costs totaled \$7,914.94, as further described in attachment "B". Government Code section 25845(b) states that the owner of the Property is liable for all the costs of the 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. Therefore, a lien will be recorded on the Property for the total amount of \$23,511.70 pursuant to Food and Agricultural Code sections 5631 and 5636.

The Agricultural Commissioner requests the Board of Supervisors accept this report of the itemized costs for the abatement and removal of the dead vines, erosion control measures and County staff costs associated with the abatement.

SUPPORTING DOCUMENTS

- A . Invoices from Rios
- B . Staff Costs

CEO Recommendation: Approve

Reviewed By: Bret Prebula