



Agenda Date: 3/18/2008
Agenda Placement: 9C
Set Time: 9:45 AM PUBLIC HEARING
Estimated Report Time: 15 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: David Giudice, Supervising Code Enforcement Officer - 299-1347
SUBJECT: Public Hearing on Recovery of Abatement Costs for 1595/1597 Las Amigas Road

RECOMMENDATION

Director of Conservation, Planning and Development requests adoption of a resolution regarding the proposed assessment for abatement costs for 1595/1597 Las Amigas Road (Assessor's Parcel Nos. 043-310-005/047-310-008) by allowing for one of the following actions:

1. Confirm the \$43,019.78 proposed assessment;
2. Deny the \$43,019.78 proposed assessment; or
3. Order such modifications and revisions of the proposed assessment as the Board deems appropriate.

EXECUTIVE SUMMARY

The property at 1595 and 1597 Las Amigas in Napa County was the subject of a nuisance abatement action by the County. In April of 2006, by Resolution No. 06-64, the Board declared the property a public nuisance and ordered the conditions abated within 120 days. As more particularly described in that Resolution, the nuisance conditions included outdoor storage of inoperative vehicles, heavy equipment, tires, hazardous materials, debris, junk, and combustible materials.

The owners failed to abate the nuisance within the 120 day period. The owner then signed a consent to abate and the Public Works Department engaged the services of a third party contractor and caused the conditions to be abated from November 2006 through June 2007. Today's hearing is to determine the amount, if any, of abatement expenses which should be recouped by the County for these abatement activities. The following are the procedures for the hearing:

Procedural Requirements

1. Chair announces agenda item.
2. Chair declares the Public Hearing open.
3. Staff reports on the item.

4. Questions by the Board
5. Chair invites public comment.
6. Chair declares the Public Hearing closed.
7. Chair invites a motion on the item.
8. Member makes a motion on the item.
9. Another member seconds the motion on the item.
10. Board discussion and debate.
11. Chair calls for the Vote on the motion on the item.
12. Chair announces the result of the Vote.

Upon confirmation of an assessment by the Board, the department's enforcement officer will prepare and record with the County Recorder a notice of lien, and lien will be placed on the County tax roll as a special assessment.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Budget unit 12700 sets aside \$200,000 for the abatement of code violations by the County when private property owners fail to act. The amount of \$43,019 to abate the violations at 1595/1597 Las Amigas Road have been charged to this budget unit. Currently a \$149,872 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:	The County would not recover the 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

The property at 1595 and 1597 Las Amigas in Napa County has been the subject of code enforcement efforts by the County for some time due to the presence of inoperative vehicles and heavy equipment, scrap metal, junk and debris, including potentially hazardous and combustible materials. In April of 2006, by Resolution No. 06-64, the Board declared the property a public nuisance and ordered the nuisance conditions abated within 120 days.

The owners failed to abate the nuisance within that time. The owner then signed a consent to abate for the County to conduct the necessary abatement activities. The Department of Public Works, in conjunction with a third party contractor, abated the conditions between the months of November 2006 through June 2007. 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.

Under the authority of Chapter 1.20.100 of the Napa County Code; upon conclusion of the hearing together with objections and protests made by the property owner or other members of the public who spoke, the board may make such modifications and revisions of the proposed \$43,019.78 assessment as it deems just, and may order the account and proposed assessment confirmed or denied, in whole or in part, or modify or revise the assessment.

Abatement Costs Summary

	Description of work	Staff Hours	Total
November-06	Set-up for contract bidding	23.5	\$ 1,368.63
December-06	Set-up for contract bidding	40.5	\$ 2,358.70
January-07	Contract Administration	42	\$ 2,609.57
February-08	Contract Administration	34	\$ 1,980.14
March-08	On-site management w/contractor	89.5	\$ 5,019.84
April-08	On-site management w/contractor	29	\$ 1,724.27
May-08	Contract Administration	1.5	\$ 87.37
June-08	Contract Administration	10.5	\$ 567.60
Admin Fee	November 2006-February 2007		\$ 400.00
Admin Fee	March 2007 - June 2007		\$ 999.00
Postage			\$ 6.16
Contractor Fee	Empire Steel		\$ 25,898.50
Grand Total		270.5	\$ 43,019.78

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SUPPORTING DOCUMENTS

- A . Cost Detail
- B . Resolution Confirming Assessment

CEO Recommendation: Approve

Reviewed By: Helene Franchi