



Agenda Date: 9/19/2006
Agenda Placement: 8C
Set Time: 11:30 AM PUBLIC HEARING
Estimated Report Time: 20 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Steven Lederer - Director
Environmental Management
REPORT BY: Christine Secheli, Environmental Health Manager, 253-4471
SUBJECT: Public Hearing - Recovery of Nuisance Abatement Costs (Tompkins)

RECOMMENDATION

Director of Environmental Management requests the Board take the following actions with respect to recovering County expenses incurred in abating a public nuisance at 455 Manzanita Drive, Angwin, California:

1. Open Public Hearing to hear and consider the account and proposed assessment, together with objections and protests thereto; and
2. Close Public Hearing and order the account and proposed assessment confirmed or denied, or modified as the evidence presented warrants.

EXECUTIVE SUMMARY

On May 23, 2006, by Resolution No. 06-106, the Board of Supervisors declared a public nuisance to exist on real property identified as 455 Manzanita Drive, Angwin, APN 024-121-020 and ordered the property owners to abate the nuisance within 30 days. The nuisance was not abated, and on July 20, 2006 County obtained an abatement warrant from the Superior Court. Pursuant to that warrant, County engaged a third party contractor to enter the property and cause the removal of rubbish, debris, overgrown vegetation and other materials constituting fire hazards.

The purpose of this hearing is for the Board to confirm, deny, or modify the accounting and proposed assessment of expenses incurred by the County in abating the nuisance. County's costs of abatement are set forth in attached Exhibit A of the proposed Order. Approval of this item will result in a lien being placed on the property for the recovery of these expenses.

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it currently budgeted?	Yes
Where is it budgeted?	Code Enforcement
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The County has established a separate account for expenses associated with enforcing various County ordinances such as land use, building codes, and nuisance actions. Approval of the proposed Order will replenish this account in the amount actually expended by the County in abating the nuisance at the subject property.
Is the general fund affected?	Yes
Future fiscal impact:	None.
Consequences if not approved:	Failure to approve the Order means the funds expended from the separate account established for county code enforcement will not be replaced.
Additional Information:	none

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 23, 2006, by Resolution No. 06-106, the Board of Supervisors declared a public nuisance to exist on real property identified as 455 Manzanita Drive, Angwin, APN 024-121-020 and ordered the property owners to abate the nuisance within 30 days. The nuisance was not abated, and on July 20, 2006, the County obtained an abatement warrant from the Superior Court. The warrant authorized the County to enter upon the property and abate those conditions constituting a nuisance. Abatement activity commenced on August 2, 2006 and was completed on August 10, 2006.

The County engaged the services of a third party contractor to enter the property and cause the removal of rubbish, debris, overgrown vegetation and other materials constituting fire hazards. These activities were overseen by members of County Fire and Environmental Management. Approval of the action requested will allow County to recover its expenses associated with the abatement. The expenses are set forth in Exhibit A attached to the proposed Order.

SUPPORTING DOCUMENTS

- A . Receipt from third party contractor
- B . Itemized Accounting of Staff Time
- C . Order on Assessment Costs
- D . Notice of Hearing

CEO Recommendation: Approve

Reviewed By: Andrew Carey