



Board of Supervisors
Meeting Date: May 23, 2017
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Regular Item

**ENVIRONMENTAL HEALTH DEPARTMENT / CODE ENFORCEMENT -
Environmental Health Director Tim Potanovic and Code Enforcement Officers
Keith Curl and Clint Weston**

Requested Action(s)

- a) Public Nuisance Administrative Penalties Lien Hearing Pursuant to Chapter 10.16 of the Tehama County Code and Government Code section 53069.4:
 - 1) HEARING - Conduct Hearing to review the enforcing officer's report of the amount of administrative penalties, and to determine whether, and in what amount, the administrative penalties shall be enforced as liens against the affected properties listed below:
 - a) Salvador Barriga & Hilda Lucatero
 - b) Mary Lou Facca, Trustee
 - c) Julie Jacobs
 - d) Hilda Lucatero
 - e) Joann Robinson
 - f) Jesus Valencia & Maria Rodriguez
 - g) Pedro S. Rico
 - h) Lane Sisomsouk
 - i) Siphachanh Syhalath
 - 2) RESOLUTION NO. 2017-57 - Request adoption of a Administrative Penalty Lien Resolution making determinations and ordering that the amount of administrative penalty relating to public nuisance be enforced as liens against the affected properties and further ordering recordation of notices of administrative penalty lien, thereby ordering the amount of administrative penalty related to each of the properties listed in the enforcing officer's report be enforced as liens and recordation of liens against said properties

Financial Impact:

Pursuing assessment and collection of liens arising from unpaid administrative penalties will facilitate the Department's compliance with Chapter 10.16 of the Tehama County Code and Government Code Section 53069.4.

Background Information:

Tehama County Code section 10.16.200 (and Government Code section 53069.4) provides for the imposition of fines as an administrative penalty and for the cost of abatement for public nuisance. The fine amount is imposed and serves to discourage

the continuation of the public nuisance.

The amount of daily administrative penalty and/or cost of abatement stated in Attachment "B-1" was either:

- If contested, previously approved by the Planning Commission or Board of Supervisors, as applicable
- If uncontested, imposed as a final decision by the enforcing officer.

The County Code allows the County to collect the administrative penalty and/or cost of abatement by imposing a lien against the properties when amounts due are not paid within ninety (90) days, and if no timely appeal has been filed with the Superior Court. All of the delinquent administrative penalties stated in Attachment "B-1" are more than ninety (90) days old and have not been appealed to the Superior Court. The Department of Environmental Health has imposed administrative penalties totaling \$29,600.00 as described in Attachment "B-1."

Unlike abatement costs, when administrative penalties are enforced as liens, they are not super-priority liens, i.e., they are not placed on the tax roll and will not result in a tax sale of the properties. Instead, they are imposed in the same manner as a judgment lien. They will have lower priority than previously recorded liens, and higher priority than anything recorded later. (The Board may, at a later date, opt to either go through a judicial foreclosure process in order to collect the amounts of these fines and/or convert the fines into money judgments against the property owners; however, such action is not being requested at this time.)

Tehama County Code section 10.16.200 requires the Board of Supervisors to conduct a hearing on the amount of the delinquent administrative penalty that is due before ordering the administrative penalties be enforced as a lien and recorded against the property. Property owners may present evidence regarding whether or not a lien should be recorded against their property. However, the underlying determinations that condition(s) existing on the property constitute a public nuisance and the amount of the daily administrative penalty imposed for such nuisance, has already been finalized and is not at issue during this hearing.

Attachment List:

- Barriga, 6980 Ox Yoke Bend, NOH (PDF)
- Facca, 15875 E. Wallen Rd., NOH (PDF)
- Jacobs, 7227 Crazy Horse Ridge, NOH (PDF)
- Lucatero, 613 San Benito Ave., NOH (PDF)
- Robinson, 8402 Buena Vista Ave., NOH (PDF)
- Valencia, 16368 Lariat Loop, NOH (PDF)
- Rico, 24108 McLane Ave., NOH (PDF)
- Sisomsouk, 15685 Yuba Dr., NOH (PDF)
- Syhalath, 16187 Teepee Trail, NOH (PDF)
- Resolution - Code Administrative Penalty -Lien Hearing--- (PDF)
- A-1 Notice of Administrative Penalty Lien - recordable document (PDF)
- A-2 Notice of Abatement Lien - recordable document (PDF)
- B1 Administrative Penalty and or Abatement Costs 5-23-17 (PDF)