

The County of Yuba

Community Development and Services Agency



TO: Board of Supervisors

FROM: Community Development and Services Agency, Code Enforcement Division
Jeremy Strang, Building and Code Enforcement Manager

SUBJECT: Cost Accounting Hearing to Determine Costs of Abatement and Penalties to be Assessed Against Property Located at 16854 Frenchtown Road, Brownsville, CA 95919, APN 056-140-004, and to Authorize a Special Tax Assessment and Abatement Lien (15 Minute Estimate) (Roll Call Vote)

DATE: July 23, 2024

NUMBER: 365/2024

RECOMMENDATION: We hereby request that the Yuba County Board of Supervisors:

1. Find that the administrative and abatement costs and penalties as exhibited in the attached Cost Accounting are accurate and reasonable;
2. Order that the administrative and abatement costs as exhibited in the attached Cost Accounting be placed as a special tax assessment on the property tax roll and collected along with normal property taxes; and
3. Order that the administrative and abatement costs and penalties be recorded as an abatement lien with the County Recorder.

BACKGROUND: On December 8, 2023, Jeffrey Garland Luman was served with a Notice and Order to Abate Public Nuisance ordering him to correct or remove violations of the Yuba County Ordinance Code consisting of:

1. Maintaining vacant land that is open, accessible, and unsecured against uninvited entry, which is a fire hazard, creates an attractive nuisance and a harborage for vagrants and criminals as to enable persons to resort thereto for the purpose of committing unlawful acts;
2. Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash, and debris;
3. Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles and parts; and
4. Creating a visual blight.

The Order, which includes appeal procedures, was mailed by both First Class and Certified with Return Receipt, to Jeffrey Garland Luman at the address on file. The period for requesting an appeal hearing expired on December 23, 2023. A copy of the Order is attached hereto and marked as Attachment A.

Jeffrey Garland Luman did not exercise his right to a hearing to contest the determination of a public nuisance or the amount of the administrative penalty imposed, nor did he correct or remove the violations as ordered. As a result, Code Enforcement personnel oversaw the abatement of the violations, which began on January 26, 2024, and was completed on January 29, 2024. The Demand for Payment sent to Jeffrey Garland Luman remains unpaid, the total now being \$20,896.32. A current accounting of administrative and abatement costs and penalties is attached hereto and marked as Attachment B.

Jeffrey Garland Luman has been given written notice of this Cost Accounting Hearing, a copy of which is attached hereto and marked as Attachment C.

DISCUSSION: The matter of whether or not a public nuisance existed on the subject property is not the matter before the Board of Supervisors; no appeal was filed and that decision is final. This hearing has been scheduled to allow evidence and testimony to be presented and heard on the sole questions of:

1. Are the administrative and abatement costs and penalties listed in Attachment B, accurate and reasonable?
2. Should the administrative and abatement costs become a special property tax assessment?
3. Should the administrative and abatement costs and penalties be recorded as an abatement lien?
4. The Board may exercise discretion in determining the reasonableness of the costs.

COMMITTEE ACTION: None Required

FISCAL IMPACT:

General Fund - None

Non-General Fund - Implementing the requested recommendations will facilitate cost recovery and reimbursement of appropriate funds and accounts

ATTACHMENTS:

365/2024 Draft Findings, Conclusions, and Orders

365/2024 Attachment A - Notice and Order to Abate Public Nuisance

365/2024 Attachment B - Cost Accounting

365/2024 Attachment C - Notice of Hearing