



*675 Wildwood Avenue
Rio Dell, CA 95562-1597
(707) 764-5642 Hall*

For Meeting of: February 20, 2024
□ Consent Item; ■ Public Hearing Item

To: Mayor and Members of the City Council
From: Mary Clark; Community Service Officer
Through: Greg Allen, Chief of Police
Date: February 14, 2024
Subject: Public Hearing on the Cost Recovery for the Abatement of 601 Gunnerson Lane,
Rio Dell, California 95562 APN# 053-021-048

Recommendation:

1. Open the Public Hearing
2. Receive any testimony/evidence concerning the cost recovery for the abatement conducted at 601 Gunnerson Lane
3. Close the Public Meeting
4. Discuss the matter
5. Approve the Findings and Order Confirming Accounts and Assessment for the abatement of 601 Gunnerson Lane

Background and Discussion

On May 11, 2021, a Notice of Violation was posted to 601 Gunnerson Lane in the City of Rio Dell for violations of the Rio Dell Municipal Code which included the presence of solid waste and excessive vegetation. Violations were becoming excessive and new violations were appearing which consequently led to the service of a Notice of Nuisance and Order to Abate on March 29, 2022. Due to continuing to receive multiple complaints and the condition of the property becoming progressively worse, an abatement warrant was sought from the Humboldt County Superior Court on July 24, 2023. The abatement warrant was served to the property owner at the property on July 26, 2023. On July 28, 2023, a crew from Redwood Adult and Teen Challenge and myself conducted an abatement at the property. During the abatement, solid waste, scrap metal and excessive vegetation were removed from the property. The City's cost for the abatement were determined to be \$2,037.12.

The cost assessment recovery was provided to the property owner in person at 601 Gunnerson Lane on November 16, 2023. The property owner has not made any attempt to pay or make a plan with the City for this debt. Rio Dell Municipal Code (RDMC) Sections 8.10.310 through 8.10.330 cover the cost recovery process. RDMC Section 8.10.330 references the California Government Code Sections 38773.5 which spells out the process for establishing taxes and assessments. This process requires two meetings, a public meeting followed by a public hearing.

Attachments:

- Findings and Order Confirming Account and Assessment
- Notice of Public Meeting and Hearing Regarding Nuisance Abatement



**FINDINGS AND ORDER
CONFIRMING ACCOUNT AND ASSESSMENT**

In Re: Cost Recovery Hearing
City of Rio Dell vs Janine Busald
601 Gunnerson Lane, Rio Dell, California
AP# 053-021-048

February 20, 2024

On February 20, 2024, the Rio Dell City Council convened a hearing under Rio Dell Municipal Code Section 8.10.320 for the assessment of costs related to nuisance abatement activities at the subject premises recited above. At said hearing the Council considered the evidence presented to it concerning the subject premises, including relevant documents, writings, codes, ordinances, as well as oral testimony at the hearing, and now, therefore, it makes the following:

FINDINGS:

1. The property located at 601 Gunnerson Lane Rio Dell, California is located in an Urban Residential zone within the City of Rio Dell, Humboldt County, California and is referred to as Assessor's Parcel Number 053-021-048; and
2. The Rio Dell Police Department received a complaint concerning the existence of violations on the property, to wit: Property use in violation of Rio Dell Municipal Code Section 8.10.020(a)(1), improper disposal of solid waste; and Section 8.10.030(7), nuisances; and
3. The property owner, Janine Busald, was served with a Notice of Violation dated May 11, 2021, pursuant to Rio Dell Municipal Code Section 8.10.230, describing the violations and ordering abatement of those conditions; and
4. Due to the violations not being corrected, the property owner was served with a Notice of Nuisance and Order to Abate dated March 29, 2022, pursuant to Rio Dell Municipal Code Section 8.10.260, giving the property owner additional, significant and reasonable amount of time to correct the violations; and
5. The property owner did not contest the imposition of the Notice of Nuisance and Order to Abate; and
6. The property owner refused and/or failed to meet the deadlines imposed by the Notice of Nuisance and Order to Abate; and

7. On July 24, 2023, an abatement warrant was obtained from the Humboldt Superior Court; and
8. On July 28, 2023, the City of Rio Dell did, in fact, abate said nuisances; and
9. The City of Rio Dell maintained an accurate and itemized account of the cost of the abatement, pursuant to Rio Dell Municipal Code Section 8.10.310; and
10. The property owner was served with a Cost Recovery Assessment outlining the costs incurred by the City and the amount of the assessment proposed to be levied against the property; and
11. The costs of the abatement as set forth in the Cost Recovery Assessment were necessarily incurred and are reasonable.

Following the said meeting and hearing, the City Council for the City of Rio Dell does hereby ordain and declare as follows:

ORDER:

1. That the account and proposed assessment of \$2,037.12 be, and is hereby, confirmed in full; and
2. That the Rio Dell Police Department shall cause to be prepared and recorded in the Office of the County Recorder, a Notice of Lien, which shall contain the identity of the property, a description of the proceedings under which the assessment was made (including this Order Confirming Assessment), the amount of the assessment, and a claim of lien on the described premises.

The City Council votes are tabulated as follows:

Mayor Debra Garnes:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Amanda Carter:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Frank Wilson:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Gordon Johnson:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Julie Woodall:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>

DATED: _____

Mayor of the City of Rio Dell

DATED: _____

Clerk of the City of Rio Dell



*Rio Dell Police Department
675 Wildwood Avenue
Rio Dell, CA 95562-1597
(707) 764-5642*

Notice of Public Meeting and Hearing Regarding Nuisance Abatement Cost Assessment

December 21, 2023

Via Certified Mail

To: Janine Busald
601 Gunnerson Lane
Rio Dell, California 95562

Location: AP# 053-021-048
601 Gunnerson Lane
Rio Dell, California

This Notice of Public Meeting and Hearing Regarding Nuisance Abatement Cost Assessment follows the Notice of Violation, served on May 11, 2021; the Notice of Nuisance and Order to Abate, served on March 29, 2022; and the Notice of Abatement Cost issued on November 16, 2023. Notice is hereby given that the City of Rio Dell ("City") has completed the abatement of the nuisance conditions on the Property located at 601 Gunnerson Lane, Rio Dell, California, known as Assessor's Parcel Number 053-021-048, under the authority of the Section 8.10.290 of the Rio Dell Municipal Code. The total amount of the assessment to be levied against the property, to wit, \$2,037.12. Pursuant to Rio Dell Municipal Code Section 8.10.320, you have already been provided over thirty (30) days to pay this sum to the City.

Notice is further given that, on January 2, 2024 at its regular public meeting scheduled for 6:00 PM or as soon thereafter as the matter can be heard, the Rio Dell City Council, located at 675 Wildwood Avenue, Rio Dell, California, will schedule a public hearing on whether to impose a lien on your property in an amount equal to the City's nuisance abatement costs. The public hearing will be scheduled for February 20, 2024. If the costs of abatement are imposed by the City Council following the February 20, 2024, public hearing, the City will impose the costs of abatement as a special assessment against your real property; and the special assessment may be collected at the same time and in the same manner as is provided for the collection of ordinary County taxes; and shall be subject to the same penalties, interest, under the same procedure for foreclosure and the sale in the case of delinquency as is provided for in ordinary County taxes.

Notice is further given that at public hearing on February 20, 2024 the City Council will hear and consider any objections and protests to the assessment. You may appear with an attorney or other representative, call and cross-examine witnesses, and present evidence on your behalf. Should the assessment be levied, the property may be sold after three years by the tax collector for unpaid delinquent assessments in accord with Rio Dell Municipal Code Section 8.10.330 and California Government Code Section 38773.5.

Mary Clark
Community Service Officer
Rio Dell Police Department.