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

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

To: 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 483 Fourth Avenue,  
Rio Dell, California 95562 AP# 053-075-007

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**Recommendation:**

1. Open the Public Hearing
2. Receive any testimony/evidence concerning the cost recovery for the abatement conducted at 483 Fourth Avenue
3. Close the Public Meeting
4. Discuss the matter
5. Approve the Findings and Order Confirming Accounts and Assessment for the abatement of 483 Fourth Avenue

**Background and Discussion**

During the time between September 2020 and December 2021, the City has conducted three (3) abatements at 483 Fourth Avenue in the City of Rio Dell to remove trash and solid waste from the Property. Cost recovery for these three abatements have been placed as a lien on the property. These actions did not modify the behavior of the occupants of that property and trash continued to accumulate.

On September 19, 2023, a fourth abatement warrant was sought from the Humboldt Superior Court due to the reoccurring violations on the Property. On September 22, 2023, a crew with Redwood Teen Challenge and Community Service Officer Mary Clark completed the abatement by removing all solid waste from the front and side yards. The City's cost for the fourth abatement were determined to be \$2,995.51.

The cost recovery assessment was sent via certified mail to the property owner on October 11, 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 Section 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 Public Hearing Regarding Nuisance Abatement Cost Recovery



**FINDINGS AND ORDER  
CONFIRMING ACCOUNT AND ASSESSMENT**

In Re: Cost Recovery Hearing  
City of Rio Dell vs Jeanie Spier  
483 Fourth Avenue, Rio Dell, California  
AP# 053-075-007

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 483 Fourth Avenue, 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 053-075-007; 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
3. The property owner, Jeanie Spier, was served with a Notice of Violation dated February 19, 2019, pursuant to Rio Dell Municipal Code Section 8.10.230, describing the violations and ordering abatement of those conditions; and
4. The property owner had significant and reasonable time to correct all violations and refused and/or failed to meet the deadlines prescribed by the Notice of Violation; and
5. The property owner was served with a Notice of Nuisance and Order to Abate dated July 6, 2020 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
6. The property owner did not contest the imposition of the Notice of Violation and Order to Abate; and
7. The property owner refused and/or failed to meet the deadlines imposed by the Notice of Violation and Order to Abate; and

8. On September 22, 2023, the City of Rio Dell did, in fact, abate said nuisance; 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 requesting that payment be made within thirty days; and
11. The property owner has refused and/or failed to make payment to the City for the cost of the abatement within the time allotted; and
12. The costs of the abatement as set forth in the Notice of 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 \$2,995.51 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: \_\_\_\_\_

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Clerk of the City of Rio Dell



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*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:            Jeanie Spier  
                  483 Fourth Avenue  
                  Rio Dell, California 95562

Location:     AP# 053-075-007  
                  483 Fourth Avenue  
                  Rio Dell, California

This Notice of Public Meeting and Hearing Regarding Nuisance Abatement Cost Assessment follows the Notice of Violation, served on February 19, 2019; the Notice of Nuisance and Order to Abate, served on July 6, 2020; and the Notice of Abatement Cost issued on October 11, 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 483 Fourth Avenue, Rio Dell, California, known as Assessor's Parcel Number 053-075-007, 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, \$2,995.51. 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.

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Mary Clark  
Community Service Officer  
Rio Dell Police Department