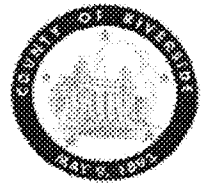


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

814B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 13, 2010

SUBJECT: Appeal of Administrative Hearing Officer's Order and Decision [Inoperative Vehicles]
Case No.: CV 09-04760 (SCHWENN)
Subject Property: Vacant Parcel on Thousand Palms Canyon Rd.,
Desert Hot Springs
APN: 741-090-008
District Four

RECOMMENDED MOTION: Move that:

Departmental Concurrence

- (1) The Statement of Decision Upholding Administrative Hearing Officer's Decision and Order on Appeal in Case No. CV 09-04760 be approved;
- (2) The Chairman of the Board of Supervisors be authorized to execute the Statement of Decision Upholding Administrative Hearing Officer's Decision and Order on Appeal in Case No. CV 09-04760; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Statement of Decision Upholding Administrative Hearing Officer's Decision and Order on Appeal in Case No. CV 09-04760.

L. Alexandra Fong

L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*
Tina Grande

County Executive Office Signature

Policy Policy

Consent Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 5/04/10; 9.8

District: 4

Agenda Number:

9.13

BACKGROUND:

On May 4, 2010, this Board received the Declaration of the Code Enforcement Officer together with other documentary evidence in the above-referenced matter, including, but not limited to, the "Notice of Decision" by Hearing Officer Michael Soccio. At the conclusion of the hearing, the Board affirmed the decision of the Hearing Officer which declared the two (2) abandoned, wrecked, dismantled, or inoperative vehicles and vehicle parts to be a public nuisance. The Board ordered the Appellant to abate the nuisance within ninety (90) days and directed County Counsel to prepare the Statement of Decision Upholding Administrative Hearing Officer's Decision and Order on Appeal.

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4

5 WHEN RECORDED PLEASE MAIL TO:
L. Alexandra Fong, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT GC §6103]

8
9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE
10

11 IN RE APPEAL OF ADMINISTRATIVE) CASE NO. CV 09-04760
HEARING DECISION RE: INOPERABLE)
12 VEHICLES; APN: 741-090-008, VACANT) STATEMENT OF DECISION
PARCEL ON THOUSAND PALMS CANYON) UPHOLDING ADMINISTRATIVE
13 ROAD, DESERT HOT SPRINGS, RIVERSIDE,) HEARING OFFICER'S NOTICE OF
STATE OF CALIFORNIA; M. BERNADETTE) DECISION AND ORDER ON
14 SCHWENN, OWNER AND APPELLANT.) APPEAL
15)
[R.C.O. No. 520 (RCC Title 10)]

16
17 The above-captioned matter came on regularly for hearing on May 4, 2010, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the appeal of an
20 administrative hearing officer's decision on the abatement of abandoned, wrecked, dismantled or
21 inoperable vehicles and vehicle parts on the real property described as Vacant Parcel on Thousand
22 Palms Canyon Road, Desert Hot Springs, Riverside County, APN 741-090-008 and referred to
23 hereinafter as "THE PROPERTY."

24 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
25 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department. The
26 Code Enforcement Department presented the Declaration of Officer Jackie Fogh and Exhibits "A"
27 through "H," evidencing the abandoned, wrecked, dismantled, or inoperable vehicles and vehicle parts
28 on THE PROPERTY as violations of Riverside County Ordinance No. 520 as codified in Riverside

1 County Code Chapter 10.04, and as a public nuisance.

2 Appellant and OWNER, M. Bernadette Schwenn, addressed the Board and presented
3 evidence, consisting of oral testimony, photographs and a portion of the California Civil Code. The
4 Board of Supervisors received the evidence presented by OWNER and the Declaration of the Code
5 Enforcement Officer together with attached Exhibits.

6 **ORDER ON APPEAL**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on May 4, 2010, determines and orders as follows:

9 1. All due process requirements were satisfied by the Department of Code Enforcement.
10 The Administrative Hearing Order and Notice of Decision (Exhibit "F" to the Declaration of Officer
11 Jackie Fogh), exhibits and testimony have been considered.

12 2. The Administrative Hearing Order and Notice of Decision is affirmed;

13 3. PROPERTY OWNER M. Bernadette Schwenn or anyone having possession or
14 control of the vehicles or vehicle parts is required to abate the public nuisance by removing all the
15 vehicles and vehicle parts set forth in the attached Vehicle Investigation Inventory and Abatement
16 Report (Exhibit "D" to the Declaration of Officer Jackie Fogh), making them operable or completely
17 enclosing them within a building in a lawful manner where they are not visible from the street or other
18 public or private property within ninety (90) days of the posting and mailing of this Board order in
19 accordance with all Riverside County Ordinances and Codes, including but not limited to Riverside
20 County Ordinance No. 520 (RCC Title 10).

21 4 If the above described nuisance is not abated within ninety (90) days of issuance of the
22 Board order, a designated representative of the Department of Code Enforcement, a towing
23 contractor and/or Sheriff's Department representative may abate the nuisance by removal and
24 destruction pursuant to Riverside County Code Title 10 and applicable laws.

25 5. PROPERTY OWNER, Appellant M. Bernadette Schwenn, and any registered owners
26 of the vehicles identified within the attached Vehicle Investigation Inventory and Abatement Report
27 are hereby notified that they may have additional remedies pursuant to California Code of Civil
28 Procedure Sections 1094.5, 1094.6, et seq. and are further notified that the deadline to seek such

1 remedies is ninety (90) days from the posting and mailing of the Statement of Decision Upholding
2 Administrative Hearing Officer's Decision and Order on Appeal.

3 6. Reasonable costs of abatement, after notice and opportunity for hearing, shall be
4 imposed as a lien on THE PROPERTY which may be collected as a special assessment against THE
5 PROPERTY pursuant to Government Code Section 25845 and Riverside County Ordinance Nos.
6 520 and 725 (RCC Titles 10 and 1).

7 Dated: _____

COUNTY OF RIVERSIDE

9 By: _____
10 Marion Ashley
11 Chairman, Board of Supervisors

11 ATTEST:
12 KECIA HARPER-IHEM
13 Clerk to the Board

16 By
17 Deputy
18 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: LA 5/15/10 DATE
L. ALEXANDRA FONG

28