

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

109B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 9, 2014

SUBJECT: Statement of Decision – Appeal of Administrative Hearing Officer’s Order and Decision [Inoperative Vehicles];
Case No. CV13-03077 [SCHWENN]
Subject Property: Vacant Lot on Thousand Palms Canyon Road, Sky Valley
APN: 741-090-008
District: 4/4 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Statement of Decision Upholding Administrative Hearing officer’s Decision and Order on Appeal in Case No. CV13-03077 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. CV13-03077; 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 in Case No. CV13-03077.

BACKGROUND:

Summary
(Continued)

PATRICIA MUNROE
Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- Positions Added
- Change Order
- A-30
- 4/5 Vote

Prev. Agn. Ref.: 03/25/14; 9.3

District: 4/4

Agenda Number:

2 - 15

Departmental Concurrence

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Statement of Decision – Appeal of Administrative Hearing Officer’s Order and Decision
[Inoperative Vehicles];
Case No. CV13-03077 [SCHWENN]
Subject Property: Vacant Lot on Thousand Palms Canyon Road, Sky Valley
District: 4/4 [\$0.00]

DATE: April 9, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

On March 25, 2014, the 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 Orr. The Board also heard testimony from the property owner and the Code Enforcement Officer. At the conclusion of the hearing, the Board affirmed the decision of the Hearing Officer which declared the five (5) abandoned, wrecked, dismantled and/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.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Statement of Decision Upholding Administrative Hearing Officer's Notice of 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:
Michelle Cervantes, Code Enforcement Officer
6 Regina Keyes, Senior Code Enforcement Officer
CODE ENFORCEMENT DEPARTMENT
7 4080 Lemon Street, Twelfth Floor (Stop #1012)
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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

11 IN RE APPEAL OF ADMINISTRATIVE) CASE NO. CV 13-03077
HEARING DECISION RE: INOPERATIVE)
12 VEHICLES; APN: 741-090-008, VACANT LOT) STATEMENT OF DECISION
ON THOUSAND PALMS CANYON ROAD, SKY) UPHOLDING ADMINISTRATIVE
13 VALLEY, COUNTY OF RIVERSIDE, STATE OF) HEARING OFFICER'S NOTICE OF
CALIFORNIA; MARY BERNADETTE) DECISION AND ORDER ON
14 SCHWENN, OWNER AND APPELLANT.) APPEAL
15) R.C.O. No. 520
16)

17 The above-captioned matter came on regularly for hearing on March 25, 2014, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the
20 appeal of an administrative hearing officer's decision on the abatement of abandoned, wrecked,
21 dismantled and/or inoperative vehicles and vehicle parts on the real property described as Vacant Lot
22 on Thousand Palms Canyon Road, Sky Valley, Riverside County, APN 741-090-008 and referred to
23 hereinafter as "THE PROPERTY."

24 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Code
25 Enforcement Officer, on behalf of the Director of the Code Enforcement Department and Hector
26 Herrera, the enforcing Code Enforcement Officer as a witness. The Code Enforcement Department
27 also presented the Declaration of Officer Hector Herrera and Exhibits "A" through "I," evidencing
28 the abandoned, wrecked, dismantled and/or inoperative vehicles and vehicle parts on THE

1 PROPERTY as violations of Riverside County Ordinance No. 520, and as a public nuisance.

2 Appellant Mary Bernadette Schwenn, ("OWNER"), addressed the Board and presented
3 evidence, consisting of oral testimony. The Board of Supervisors received the evidence presented by
4 OWNER. The Board of Supervisors received the Declaration of the Code Enforcement Officer
5 together with attached Exhibits, and oral testimony from Officer Hector Herrera.

6 **ORDER ON APPEAL**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on March 25, 2014, 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 "G" to the Declaration of
11 Officer Hector Herrera), exhibits and testimony have been considered.

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

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

20 4 If the above described nuisance is not abated within ninety (90) days of issuance of
21 the Board order, a designated representative of the Department of Code Enforcement, a towing
22 contractor and/or Sheriff's Department representative may abate the nuisance by removal and
23 destruction pursuant to Riverside County Ordinance No. 520 and applicable laws.

24 5. OWNER and any registered owners of the vehicles identified within the attached
25 Vehicle Investigation Inventory and Abatement Report are hereby notified that they may have
26 additional remedies pursuant to California Code of Civil Procedure Sections 1094.5, 1094.6, et seq.
27 and are further notified that the deadline to seek such remedies is ninety (90) days from the posting
28 and mailing of the Statement of Decision Upholding Administrative Hearing Officer's Decision and

1 Order on Appeal.

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

6 Dated: _____

COUNTY OF RIVERSIDE

7

8 By: _____
9 Jeff Stone
10 Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13

14

15

16 By

17

18 Deputy

19

20 (SEAL)

21

22

23

24

25

26

27

28