

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

512B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 21, 2016

SUBJECT: Statement of Decision – Appeal of Administrative Hearing Officer’s Order and Decision [Inoperative Vehicles];
Case No. CV15-02286 [THE ESTATE OF ELIZABETH POLK]
Subject Property: 23560 Marshall Street, Perris
APN: 325-181-001
District: 1 [\$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. CV15-02286 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. CV15-02286; 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. CV15-02286.

BACKGROUND:

Summary
(Continued)

GREGORY P. PRIAMOS
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.: 03/30/16; 9.2 | District: 1 | Agenda Number:

2-4

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. CV15-02286 [THE ESTATE OF ELIZABETH POLK]
Subject Property: 23560 Marshall Street, Perris; APN: 325-181-001
District: 1 [\$0.00]

DATE: April 21, 2016

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

On March 29, 2016, 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 occupant and/or the property owner’s representative did not appear. At the conclusion of the hearing, the Board affirmed the decision of the Hearing Officer which declared the three (3) 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, Senior 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
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11 IN RE APPEAL OF ADMINISTRATIVE) CASE NO. CV 15-02286
HEARING DECISION RE: INOPERATIVE)
12 VEHICLES; APN: 325-181-001, 23560) STATEMENT OF DECISION
MARSHALL STREET, PERRIS, COUNTY OF) UPHOLDING ADMINISTRATIVE
13 RIVERSIDE, STATE OF CALIFORNIA; THE) HEARING OFFICER'S NOTICE OF
ESTATE OF ELIZABETH POLK, OWNER.) DECISION AND ORDER ON
14) APPEAL
DEBBIE POLK, APPELLANT AND OCCUPANT.)
15) R.C.O. No. 520

16 The above-captioned matter came on regularly for hearing on March 29, 2016, before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the
19 appeal of an administrative hearing officer's decision on the abatement of abandoned, wrecked,
20 dismantled and/or inoperative vehicles and vehicle parts on the real property described as 23560
21 Marshall Street, Perris, Riverside County, APN 325-181-001 and referred to hereinafter as "THE
22 PROPERTY."

23 Sophia H. Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Senior
24 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department and
25 Jennifer Morris, the enforcing Code Enforcement Officer as a witness. The Code Enforcement
26 Department also presented the Declaration of Officer Jennifer Morris and Exhibits "A" through "I,"
27 evidencing the abandoned, wrecked, dismantled and/or inoperative vehicles and vehicle parts on
28 THE PROPERTY as violations of Riverside County Ordinance No. 520, and as a public nuisance.

1 The property owner is deceased. Debbie Polk (“OCCUPANT”) did not appear. The Board
2 of Supervisors received the Declaration of the Code Enforcement Officer together with attached
3 Exhibits.

4 **ORDER ON APPEAL**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on March 29, 2016, determines and orders as follows:

7 1. All due process requirements were satisfied by the Department of Code Enforcement.
8 The Administrative Hearing Order and Notice of Decision (Exhibit “G” to the Declaration of
9 Officer Jennifer Morris) and exhibits have been considered.

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

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

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

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

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

5 Dated: _____

COUNTY OF RIVERSIDE

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By: _____
John J. Benoit
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)

CV15-02286
 23560 Marshall Street, Perris APN: 325-181-001



- Legend**
- TBM Page
 - TBM Grid
 - City Boundaries
 - Cities**
 - roadsanno
 - highways
 - hwy
 - INTERCHANGE
 - INTERSTATE
 - OFFRAMP
 - ONRAMP
 - USHWY
 - counties
 - cities
 - hydrographylines
 - waterbodies
 - Lakes
 - Rivers

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Notes
 Thomas Bos Page 807
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