

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

562



FROM: TLMA/Code Enforcement Department

SUBMITTAL DATE:
April 8, 2010

SUBJECT: Resolution No. 2010-029, Delegating Authority to Hear the Initial Appeal in Vehicle Abatement Cases to the Director of Code Enforcement or His Designee

RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution No. 2010-029, which delegates authority to hear the initial appeal by a vehicle or property owner under Riverside County Ordinance No. 520 to the Director of Code Enforcement or his designee.

BACKGROUND: On December 8, 2009, the Board of Supervisors adopted Ordinance No. 520.8, which amended Riverside County Ordinance No. 520, an Ordinance relating to abandonment and removal of abandoned vehicles. Ordinance No. 520 provides for an appeals process whereby a vehicle or property owner may contest the Code Enforcement Department's finding of a public nuisance due to the presence of wrecked, dismantled, abandoned, or inoperative vehicles or parts thereof on property within the County's jurisdiction. The amended language of Ordinance No. 520.8 provides that all hearings shall be held before the Board of Supervisors, but permits the Board to delegate that authority to "any other board, commissioner, or County official."

(Continued on Page 2)

John Boyd
John Boyd, Director
Code Enforcement Department

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: April 20, 2010
xc: TLMA/Code Enforcement

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

Prev. Agn. Ref.: 12/08/09 Item 3.28 | **District:** All | **Agenda Number:**

3.65

FORM APPROVED COUNTY COUNSEL

BY: *J. Holub* 4-8-10 DATE

Departmental Concurrence

Dep't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Code Enforcement
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The County's current practice is to have the initial appeal by a property or vehicle owner heard by a hearing officer as designated by the Director of the Code Enforcement Department. This procedure allows for expeditious resolution of cases. Since many cases are resolved at the initial appeal level, retaining this practice will likely limit the number of cases requiring a hearing before the Board of Supervisors.

The prior version of Ordinance No. 520 automatically delegated initial hearing authority to the Director of Code Enforcement or his designee. This resolution is necessary to continue the current practice of having a designated hearing officer hear the vehicle abatement appeals. The amended language in Ordinance No. 520.8 was required by the authorizing Vehicle Code section, which requires that the Board of Supervisors hear all vehicle abatement appeals, unless specifically designated to an inferior tribunal or hearing officer.

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3 RESOLUTION NO. 2010-029

4
5 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
6 REGARDING DELEGATING AUTHORITY TO HEAR THE INITIAL APPEAL IN VEHICLE
7 ABATEMENT CASES TO THE DIRECTOR OF CODE ENFORCEMENT OR HIS DESIGNEE

8
9 WHEREAS, on December 8, 2009, the Board of Supervisors adopted Ordinance No. 520.8,
10 which amended Ordinance No. 520, an ordinance relating to abandonment and removal of abandoned
11 vehicles; and,

12
13 WHEREAS, Section 7 of Ordinance No. 520.8 provides that “upon timely request by the
14 owner of the property on which the vehicle is located or the owner of the vehicle, a public hearing shall be
15 held on the question of abatement and removal of the vehicle or part thereof as an abandoned, wrecked,
16 dismantled, or inoperative vehicle.”; and,

17
18 WHEREAS, Section 8 of Ordinance No. 520.8 provides that “all hearings under this
19 Ordinance shall be held before the Board of Supervisors or any other board, commissioner, or County
20 official as designated by the Board of Supervisors, who shall hear all relevant facts and testimony.”; and

21
22 WHEREAS, pursuant to Ordinance No. 520.7, authority was vested in the Director of Code
23 Enforcement or his designee to hear the initial appeal brought by an owner of property on which a vehicle
24 was located or the owner of the vehicle; and,

25
26 WHEREAS, delegating authority to hear the initial appeal to the Director of Code
27 Enforcement or his designee has led to a more expeditious resolution of vehicle abatement cases by
28 reducing the number of appeals presented before the Board of Supervisors for hearing; now, therefore,

BY:  JONATHAN D. HOLUB
DATE 4-12-10

1 BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of
2 Riverside assembled in regular session on April 20, 2010 that the Board of Supervisors
3 designates the Director of Code Enforcement or his designee as hearing officer for the purpose of
4 conducting the initial appeal by the owner of the property on which a vehicle is located or the owner of the
5 vehicle pursuant to Section 7 of Ordinance No. 520.8.

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8 ROLL CALL:

9 Ayes: Buster, Tavaglione, Stone, Benoit, and Ashley
10 Nays: None
11 Absent: None

12 The foregoing is certified to be a true copy of a resolution duly
13 adopted by said Board of Supervisors on the date therein set forth.

14 KECIA HARPER-IHEM, Clerk of said Board

15 By: _____
16 Deputy