

RESOLUTION NO. CE2022-016
EHCH 22-19

A RESOLUTION OF THE HEARING OFFICER OF THE COUNTY OF TEHAMA MAKING DETERMINATION AND RECOMMENDING THE DECISION THAT THE ADMINISTRATIVE COSTS OF ABATEMENT BE SPECIALLY ASSESSED AGAINST THE AFFECTED PROPERTY AND THAT NOTICE OF ABATEMENT LIEN BE RECORDED, PURSUANT TO CHAPTER 9.06 OF THE TEHAMA COUNTY CODE, GOVERNMENT CODE SECTION 25845, AND GOVERNMENT CODE SECTION 53069.4 RESPECTIVELY.

Owner: Eduardo Gonzalez
Site Address: 17032 Stagecoach Rd., Corning, RTR
APN: 060-050-009

WHEREAS, in accordance with the procedures set forth in Chapter 9.06 of the Tehama County Code, unlawful marijuana cultivation occurring on 17032 Stagecoach Rd., Corning, RTR was determined to constitute a public nuisance and was ordered to be abated; and

WHEREAS, the nuisance was not abated as ordered by **5/8/2022 pursuant to 9.06.100**; and

WHEREAS, the County, as authorized, abated the nuisance on **5/16/2022**, and

WHEREAS, the board of supervisors is authorized to specially assess the costs of abatement and administrative costs against the property described above pursuant to Tehama County Code section 9.06.160 and Government Code section 25845; and

WHEREAS, the enforcing officer has kept an account of the cost of the abatement, and has rendered a report in writing to the hearing officer showing the cost of abatement and the administrative costs, the total of which was **\$507.11**; and

WHEREAS, the County has made a demand upon the property owner, Eduardo Gonzalez, for **\$507.11** to reimburse the County for the cost of abatement and not received payment in full; and

WHEREAS, the property owner has been given notice of the hearing conducted by the hearing officer and provided an opportunity to be heard in regard to the administrative costs;

WHEREAS, the Hearing Officer is authorized to prepare a recommended decision and resolution for board approval for both the administrative costs; and

NOW THEREFORE BE IT RESOLVED, that the report of the enforcing officer, attached hereto as Attachment A, with any modifications directed by the Hearing Officer, is hereby confirmed and approved.

BE IT FURTHER RESOLVED, that the Hearing Officer hereby finds, based upon all of the evidence in the record, that the owners of the property described in Attachment A had actual knowledge of the unlawful marijuana cultivation, or could have acquired such knowledge through the exercise of reasonable diligence. Such evidence includes, but is not limited to, the fact that each owner was provided with written notice of the unlawful cultivation and given the opportunity to lawfully abate the marijuana themselves prior to the order authorizing the County to abate.

BE IT FURTHER RESOLVED, that the Hearing Officer recommends that the Board of Supervisors authorizes and directs the Enforcement Officer to record a Notice of Abatement Lien against the property for the amounts stated in Attachment A, with any modifications directed by the Hearing Officer, in substantially the form attached hereto as Attachment B respectively

BE IT FURTHER RESOLVED, The Clerk of the Administrative Hearing Officer shall promptly transmit this Recommended Decision ("Recommendation") to the Tehama County Board of Supervisors to adopt without further notice of hearing, or to set for de novo hearing. The Board of Supervisors' Decision shall be final and conclusive.

The foregoing resolution was offered by the Administrative Hearing Officer, Lynn Cottier.



Administrative Hearing Officer, Lynn Cottier

7-6-22
Date

STATE OF CALIFORNIA)
) ss
COUNTY OF TEHAMA)

I, Margarita Garcia, Code Compliance Coordinator for the Tehama County Environmental Health Code Enforcement and Clerk and ex-officio Clerk of the Administrative Hearing Officer of the County of Tehama, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said Administrative Hearing Officer on the **6th** day of **July, 2022**.

DATED: This 6th day of July, 2022.

Margarita Garcia, Code Compliance
Coordinator for the Tehama County
Environmental Health Code Enforcement and
Clerk and ex-officio Clerk of the Administrative
Hearing Officer of the County of Tehama,
State of California,
By 

Tehama County Environmental Health Department
633 Washington Street, Room 36
Red Bluff, CA 96080
530-527-8020



ATTACHMENT A

Code Enforcement Account Invoice

TO: EDUARDO GONZALEZ

83 RENNAT WAY
ORLAND, CA 95963

Account ID	Date
AR0002847	6/22/2022
Invoice ID	Invoice Total Due:
IN0009011	\$ 8,507.11

PAYMENT DUE IMMEDIATELY

You received this invoice because you were either the property owner, occupant or a person who caused, permitted, suffers or maintained, conducted, or otherwise suffered or allowed the violation to exist.

APN: 060-050-009

Site Location: 17032 STAGECOACH RD. CORNING (RTR)

Date	Program/ Element	Description	Amount
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Invoice #IN0009011

--- Date of Invoice : 5/26/2022

06/20/22	8115	UNLAWFUL MARIJUANA ADMINISTRATIVE PENALTIES	\$ 8,000.00
Penalties due for unlawful marijuana cultivation. \$1,000.00 per day starting 5/9/22 through 5/16/22 8 days at \$1,000.00 per day = \$8,000.00			
06/22/22	8117	UNLAWFUL MARIJUANA ABATEMENT COST	\$ 507.11
Cost due for abatement on 5/16/2022			

Total Due for This Invoice: \$ 8,507.11

Please make payments to Tehama County Environmental Health Code Enforcement
633 Washington Street, Room 36, Red Bluff, CA 96080 in the form of a cashier's
check or money order, no personal checks.

Interest shall accrue on any amounts due from the effective date until the date paid
pursuant to the laws applicable to civil judgments.

Abatement Costs Accounting Form

Owner Name:	Eduardo Gonzalez		
Site Address:	17032 Stagecoach Rd., RTR		
APN:	060-050-009		
	Minutes	Pages Copied	
Notice	20	3	
Copies-Notice (4 ea.x 3pgs ea.) & Final Decision Packet pgs.	5	11	
Mail Preparation	4		
Deliver to Post Office/FedEx	30		
Warrant Application Preperation	30	32	
Warrant Preperation	15	4	
Warrant Return Preperation	15	4	
Totals	119	54	
Time @ \$.6405 per min.			\$76.22
Copies @ .25 ea			\$13.50
Post Office/FedEx Postage			\$19.15
Total Adminstrative Costs			\$108.87
	Hrs.	Costs per hr.	
Code Officer-1 at 2hrs.	2	35.89	71.78
Code Officer-1 at 2hrs.	2	45.59	91.18
DA Officer-1 at 2 hrs.	2	33.97	67.94
DA Officer -1 at 2hrs	2	61.63	123.26
Total Officer Time			\$ 354.16
	Miles	Rate	Total
Mileage			
2 vehicles @ 38.0 mi. each	76	\$ 0.58	\$ 44.08
Total Mileage			\$ 44.08
Equipment Costs			
Landfill Costs			\$ -
Total Abatement Costs			\$507.11
Administrative Penalty			
Abatement Costs Only			
	Total Administrative Penalty		\$ -
	INVOICE TOTAL		\$507.11

ATTACHMENT B

Recording requested by and mail to:

Tehama County Department of
Environmental Health,
Code Enforcement
633 Washington St., Room 36
Red Bluff, CA 96080

NOTICE OF ABATEMENT LIEN

Property Owner Name and Last Known Address:

XXXX
XXXX
XXXX

Site Address:

XXXX
XXXX
XXXX

Assessor's Parcel Number

#####

Date Enforcing Officer Ordered Abatement By:

MM/DD/YYYY

Date Abatement Completed:

MM/DD/YYYY

WHEREAS, Exhibit "A" attached hereto and incorporated herein is a legal description of the subject property ("Premises").

WHEREAS, on MM/DD/YYYY, the Choose an item., declaring the conditions existing on the Premises to be a public nuisance ordered the abatement thereof, in accordance with the procedures set forth in Choose an item. of the Tehama County Code.

WHEREAS, on MM/DD/YYYY the enforcing officer for the County of Tehama abated the nuisance then existing on the Premises by the removal of the public nuisance.

WHEREAS, on MM/DD/YYYY the County of Tehama made a demand that the cost of abatement and the cost of administration in the sum of \$##### be paid by MM/DD/YYYY. The amount paid toward the total sum to date is: \$####.

WHEREAS, on MM/DD/YYYY, the Tehama County Board of Supervisors adopted Resolution No. ##### ordering that these costs be specially assessed against the Premises and further ordering recordation of this Notice of Abatement Lien against the Premises, pursuant to Choose an item. of the Tehama County Code and Government Code section 25845.

WHEREAS, the County of Tehama does hereby claim an Abatement Lien in the sum of \$#### to recover the cost of abatement and cost of administration. The same shall be a lien upon the Premises until the same has been paid in full and released of record.

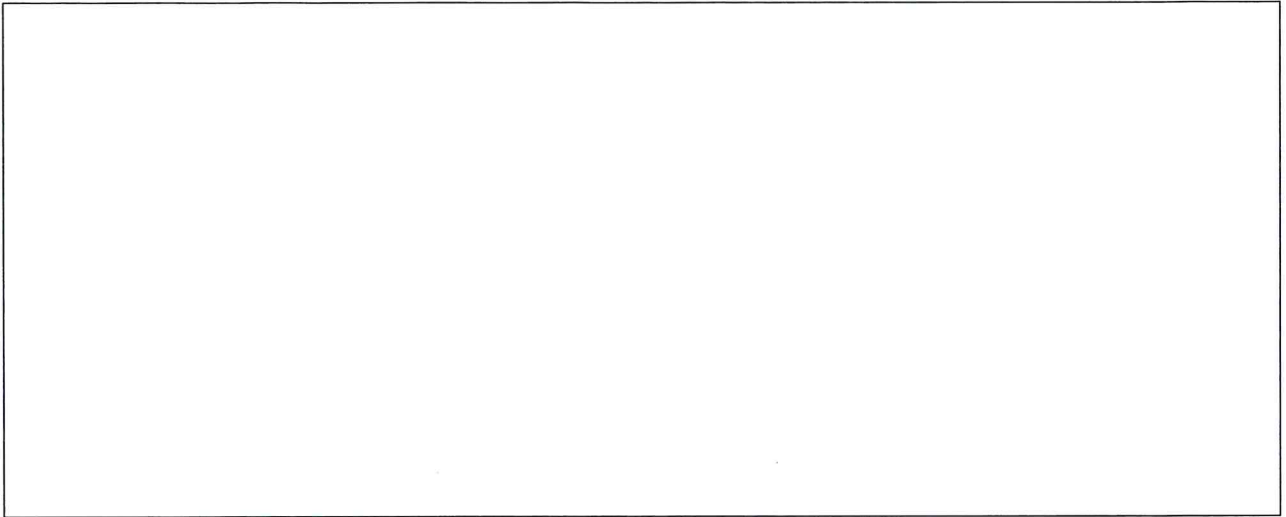
NOW THEREFORE be it known that an Abatement Lien exists on the Premises.

NOTICE IS HEREBY GIVEN.

Date of Notice

Tim Potanovic, Director

EXHIBIT "A" - Legal Description of Premises



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Tehama

On MM/DD/YYYY, before me, _____, the undersigned, a Notary Public in and for the State of California, personally appeared (NAME OF INDIVIDUAL SIGNING NOTICE OF ABATEMENT LIEN) who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to be within instrument and acknowledged to me that (s)he executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

I certify under Penalty of Perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public in and for the State of California (Seal)