

RESOLUTION NO. CE23-17
EHCH 23-44

A RECOMMENDED DECISION OF THE HEARING OFFICER OF THE COUNTY OF TEHAMA 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: Maria M. Hernandez
Site Address: 15875 Apache Trail, Corning, RTR
APN: 062-460-008

WHEREAS, in accordance with the procedures set forth in Chapter 9.06 of the Tehama County Code, unlawful marijuana cultivation occurring on **15875 Apache Trail, Corning, RTR** was determined to be a public nuisance constituting an immediate threat to public health and/or safety; and

WHEREAS, the nuisance was summarily abated pursuant to Section 9.06.180 of the Tehama County Code on **8/21/2023**; and

WHEREAS, the Hearing Officer declared the alleged violations to constitute a public nuisance that was an immediate threat to public health and/or safety on **10/25/2023**, and

WHEREAS, the Board of Supervisors is authorized to specially assess the costs of abatement and administrative costs as a lien 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 **\$3,618.41**; and

WHEREAS, the County has made a demand upon the property owner, **Maria M. Hernandez**, for **\$3,618.41** to reimburse the County for the cost of abatement and not received payment in full; and

WHEREAS, the County has not received payment in full for the cost of abatement and the administrative costs from the property owner, and no timely appeal was filed with the Superior Court; and

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

WHEREAS, the Hearing Officer is authorized pursuant to Section 9.06.155 of the Tehama County Code to prepare a recommended decision and resolution for board approval for both the administrative costs and; and

**THEREFORE, THE HEARING OFFICER PRESENTS THE FOLLOWING
RECOMMENDED DECISION:**

- 1) That the report of the enforcing officer, attached hereto as Attachment "A-1", with any modifications directed by the Hearing Officer, be confirmed and approved; and
- 2) That, based on all of the evidence in the record, the Board of Supervisors find that the owners of the property described in Attachment "A-1" had actual knowledge of the unlawful marijuana cultivation, or could have acquired such knowledge through the exercise of reasonable diligence; and
- 3) That the Board of Supervisors authorizes and directs the Enforcement Officer to record a Notice of Abatement Lien and against the property for the amounts stated in Attachment "A-1", with any and all modifications directed by the Hearing Officer, in substantially the form attached hereto as Attachment "B-1" respectively

THE HEARING OFFICER does hereby order the Clerk of the Hearing Officer to promptly transmit the 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

10-25-23

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 25th day of **October, 2023**.

DATED: This 25th day of October, 2023.

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: MARIA M. HERNANDEZ

PO BOX 5844
CORNING, CA 96021-5844

Account ID

AR0003130

Date

9/13/2023

Invoice ID

IN0011068

Invoice Total Due:

\$ 3,618.41

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: 062-460-008

Site Location: 15875 APACHE TRAIL CORNING (RTR)

Date	Program/ Element	Description	Amount
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Invoice #IN0011068

--- Date of Invoice : 9/13/2023

09/13/23	8117	UNLAWFUL MARIJUANA ABATEMENT COST	\$ 3,618.41
Cost due for abatement on 8/21/2023			

Total Due for This Invoice: \$ 3,618.41

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:	Maria M. Hernandez & Primitivo Balbuena			
Site Address:	15875 Apache Trail, Corning, RTR			
APN:	062-460-008			
	Minutes	Pages Copied		
Notice	20	3		
Copies-Notice (4 ea.x 3pgs ea.) & Final Decision Packet pgs.	5	10		
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	53		
Time @ \$.6405 per min.			\$76.22	
Copies @ .25 ea			\$13.25	
Post Office/FedEx Postage			\$24.90	
Total Administrative Costs				\$114.37
	Hrs.	Costs per hr.		
Code Officer-1 at 4hrs.	4	\$44.44	\$177.76	
Code Officer-1 at 4hrs.	4	\$39.50	\$158.00	
DA Officer-1 at 4 hrs.	4	\$60.63	\$242.52	
DA Officer -1 at 4hrs	4	\$71.47	\$285.88	
TCSO-1 at 4hrs.	4	\$59.66	\$238.64	
TCSO-1 at 4hrs.	4	\$75.43	\$301.72	
TCSO-1 at 4hrs.	4	\$52.10	\$208.40	
TCSO-1 at 4hrs.	4	\$75.71	\$302.84	
TCSO-1 at 4hrs.	4	\$64.70	\$258.80	
TCPO-1 at 4hrs.	4	\$57.47	\$229.88	
TCPO-1 at 4hrs.	4	\$52.56	\$210.24	
TCPO-1 at 4hrs.	4	\$54.92	\$219.68	
Total Officer Time				\$2,831.36
Mileage	Miles	Rate	Total	
9 vehicles @ 46.1 mi. each	414.9	\$0.65	\$269.69	
Total Mileage				\$269.69
Equipment Costs				\$400.00
Landfill Costs				\$
Total Abatement Costs			\$3,618.41	
Administrative Penalty				
Abatement Costs Only				
			Total Administrative Penalty	\$
			INVOICE TOTAL	\$3,618.41

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.

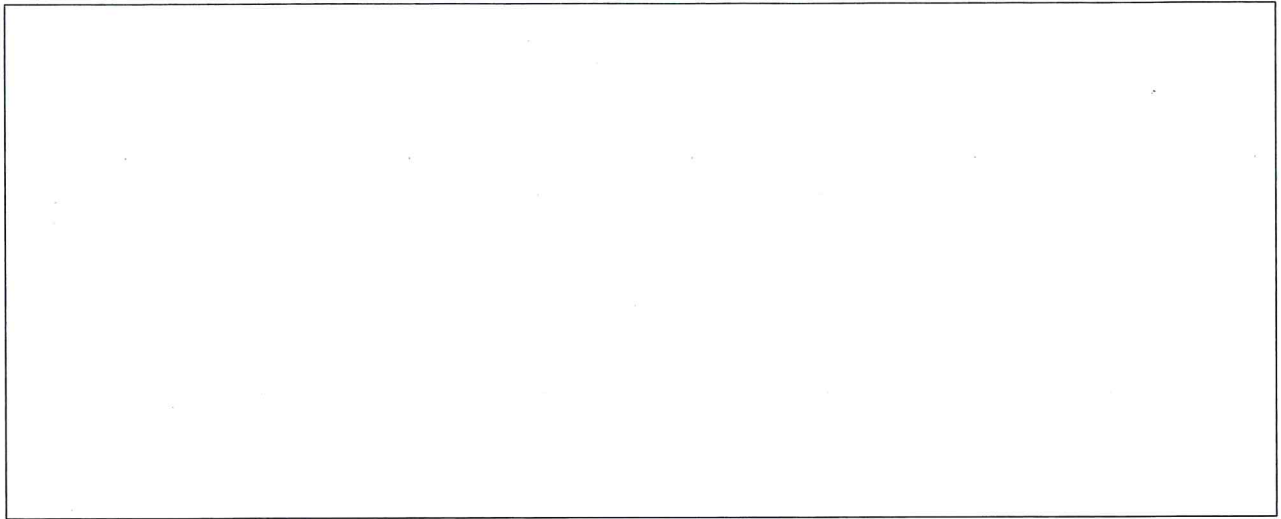
NOW THEREFORE be it known that an Abatement Lien exists on the Premises.

NOTICE IS HEREBY GIVEN.

Date of Notice

Tia Branton, 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)