



RESOLUTION No. 23-590

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION ADOPTING THE RECOMMENDATION OF THE HEARING BODY AND APPROVING A SPECIAL ASSESSMENT AND ORDERING RECORDATION OF ABATEMENT LIEN IN THE AMOUNT OF \$43,318.00 AFTER A NUISANCE ABATEMENT ON THE PARCEL LOCATED AT 18633 MUSTANG VALLEY PLACE GRASS VALLEY, CA 95949 (APN 002-450-012), OWNER OF RECORD MANDEEP KANG, RON GILBERT LIFE EST/OCCUPY, EST. OF GARY TREECE, EST. OF GARY E. TREECE, WALTER AHRENS A TRSTE @, CHRISTINE MORRISON ETAL, VINCENT WELLS, ROSEMARY SKATES

WHEREAS, on February 03, 2020, a code case was referred to a Hearing Body for a nuisance abatement by Nevada County Code Compliance Division on Assessor's Parcel Number 002-450-012 at 18633 Mustang Valley Place Grass Valley, CA. 95949 (the "Property"); and

WHEREAS, significant health and safety risks to neighboring parcels existed due to inoperable vehicles, solid waste, RV occupancy, structures, sewage disposal; and

WHEREAS, the Code Compliance Division proceeded with the abatement process outlined in the County's Administrative Enforcement Ordinance, section L-II 5.23 of the Land Use and Development Code, which included conducting a competitive procurement process and selecting multiple vendors to provide a bid estimate based on the scope of work; and

WHEREAS, on March 9, 2020, after holding a nuisance abatement hearing, the Nuisance Abatement Hearing Officer ordered the Property Owner to abate the nuisance condition on the Property; and

WHEREAS, the Hearing Officer also determined and ordered Code Compliance Division is entitled to reimbursement of costs of its pre-abatement actions incurred from January 1, 2020 through July 22, 2020 in an amount to be determined according to proof; and

WHEREAS, the Hearing Officer also determined and ordered that, in addition to reimbursement of costs of its pre-abatement actions, the Code Compliance Division shall recover all costs for preparing and attending the hearing according to proof under LUDC § L-II, 5.23(E) and Government Code section 25845, subdivision (b); and

WHEREAS, the Hearing Officer also determined and ordered that, after such abatement is conducted, the Code Compliance Division is entitled to reimbursement of costs of its abatement actions incurred to seek and obtain an abatement warrant in compliance with the Hearing Officer's order, costs of further hearing-related abatement efforts, and all costs of abatement itself as may be reasonably incurred and charged to the Property Owner under Government Code section 25845; and

WHEREAS, the Hearing Officer's decision and order was deemed final on March 09, 2020. Pursuant to LUDC § L-II 5.23(P), any party to an administrative hearing may seek judicial review of a Hearing Body's decision by filing a petition for review with the Superior Court, pursuant to Government Code section 53069.4, within 20 days after service of the notice of decision; and

WHEREAS, the Property Owner failed to appeal the decision; and

WHEREAS, on July 10, 2020 an abatement warrant was executed, and the nuisance conditions were abated; and

WHEREAS, on June 21, 2023, the County sent to the Property Owner a demand for payment of costs of abatement, including administrative and physical abatement costs in the total amount of \$43,318.00; and

WHEREAS, Government Code section 25845, subdivision (d) provides, “[i]f the owner fails to pay the costs of the abatement upon demand by the county, the board of supervisors may order the cost of the abatement to be specially assessed against the parcel”; and

WHEREAS, on October 2, 2023, the Hearing Officer also determined and ordered Code Compliance Division is entitled to reimbursement of costs of its abatement actions in the amount of \$43,318.00 according to procedure under LUDC § L-II 5.23(R); and

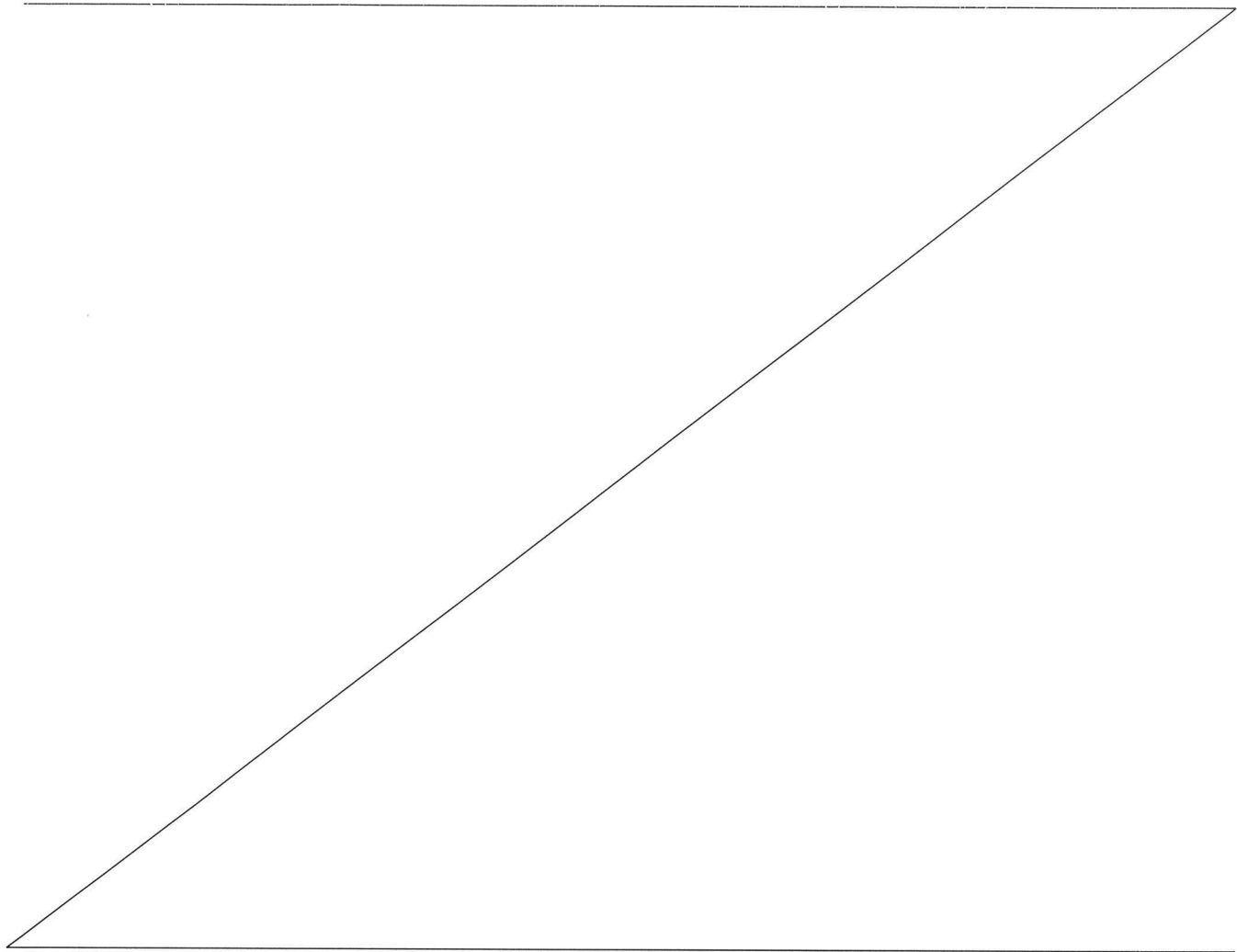
WHEREAS, Government Code Section 25845, subdivision (e) provides, “[i]f the Board of Supervisors specially assesses the cost of the abatement against the parcel, the board also may cause a notice of abatement lien to be recorded. The notice shall, at a minimum, identify the record owner or possessor of property, set forth the last known address of the record owner or possessor, set forth the date upon which abatement of the nuisance was ordered by the Board of Supervisors and the date the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost”; and

WHEREAS, the Property Owner has failed to remit payment as demanded; and

WHEREAS, the Code Compliance Division recommends, pursuant to Government Code section 25845 and the County’s Land Use and Development Code, section L-II 5.23, the Board of Supervisors adopt the recommendation of the Hearing Officer and order the administrative and physical costs of abatement be specially assessed against the Property in the amount of \$43,318.00 as shown in Exhibit A attached hereto, and furthermore recommends the Board order the same amount recorded as an abatement lien against the Property, with the record owner of the Property identified as Mandeep Kang, Ron Gilbert Life Est/Occupy, Est. of Gary Treece, Est of Gary E. Treece, Walter Ahrens a Trste ®, Christine Morrison Etal, Vincent Wells, Rosemary Skates last known mailing address of 9655 Pinehurst Drive Roseville, CA. 95747, 401 215 T. Street Sacramento, CA. 95811, 18633 Mustang Valley Place Grass Valley, CA. 95949, P.O. Box 705 Loomis, CA. 95650, 18633 Mustang Valley Place Grass Valley, CA. 95949 c/o Justin Schmidt, P.O. Box 1868 Lincoln, CA. 95648, P.O. Box 206, Washington, CA. 95986 abatement date ordered on March 09, 2020, abatement completed on July 10, 2020 Property address of 18633 Mustang Valley Place Grass Valley, CA. 95949 (APN 002-450-012), with an abatement cost in the amount of \$43,318.00.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Government Code section 25845, subsection (d), the Nevada County Board of Supervisors approves the proposed assessment, in the amount of \$43,318.00, against the property located at 18633 Mustang Valley Place Grass Valley, CA. 95949 (APN 002-450-012); and

BE IT FURTHER RESOLVED that, pursuant to Government Code section 25845, subsection (e), the Nevada County Board of Supervisors orders a notice of abatement lien be recorded against the Property, with the record owner of the Property identified as Mandeep Kang, Ron Gilbert Life Est/Occupy, Est. of Gary Treece, Est of Gary E. Treece, Walter Ahrens a Trste ®, Christine Morrison Etal, Vincent Wells, Rosemary Skates last known mailing address of 9655 Pinehurst Drive Roseville, CA. 95747, 401 215 T. Street Sacramento, CA. 95811, 18633 Mustang Valley Place Grass Valley, CA. 95949, P.O. Box 705 Loomis, CA. 95650, 18633 Mustang Valley Place Grass Valley, CA. 95949 c/o Justin Schmidt, P.O. Box 1868 Lincoln, CA. 95648, P.O. Box 206, Washington, CA. 95986 abatement date ordered on March 09, 2020, abatement completed on July 10, 2020 Property address of 18633 Mustang Valley Place Grass Valley, CA. 95949 (APN 002-450-012), with an abatement cost in the amount of \$43,318.00.



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 5th day of December, 2023, by the following vote of said Board:

- Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarouth, Susan Hoek and Hardy Bullock.
- Noes: None.
- Absent: None.
- Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

for

By: Tru D, Deputy COB

Edward C. Scofield
Edward C. Scofield, Chair

**DECISION AND RECOMMENDATION ON ACCOUNTING AND PROPOSED
ASSESSMENT PERTAINING TO NOTICE OF VIOLATION, ABATEMENT ORDER,
AND/OR ADMINISTRATIVE CITATIONS
(Nevada County Land Use and Development Code Sec. L-II 5.23)**

Date of Hearing: September 25, 2023

Hearing Officer: David J. Ruderman

Property Owner: Mandeep Kang, Robin Gilbert, Estate of Gary Treece, Christine Morrison,
Vincent Wells, and Mustang Valley Partners, LLC

Property Owner's Mailing Address: 9655 Pinehurst Drive, Roseville CA 95747; 401 215t
Street, Sacramento CA 95811; 18633 Mustang Valley Place, Grass Valley CA 95949; PO Box
705, Loomis CA 95650; 18633 Mustang Valley Place, Grass Valley CA 95949; c/o Justin
Schmidt, PO Box 1868, Lincoln CA 95648

Notice of Abatement Issued: November 14, 2019

Administrative Hearing Date: February 3, 2020 **Decision Date:** March 4, 2020

APN #002-450-012 **Property Address:** 18633 Mustang Valley Place, Grass Valley, CA
95949

Parties Present:

- Nevada County Code Compliance Department: Ricky Martinez
- Counsel for Nevada County Code Compliance: Douglas Johnson, Deputy County Counsel
- Property Owner(s): None
- Counsel for Property Owner(s): None
- Others: None

Evidence Admitted on Behalf of Nevada County Code Compliance:

1. Exhibits A – C

Witnesses on Behalf of Nevada County Code Compliance:

1. Ricky Martinez, former Code Compliance Officer, current Supervising Defensible Space
Inspector

Evidence Admitted on Behalf of Property Owner(s):

1. None

Witnesses on Behalf of Property Owner(s):

1. None

Having reviewed the report of the Enforcing Officer and any administrative costs reported by the Clerk of the Board, and considering all relevant evidence pertaining to any administrative penalties imposed, and the to the costs incurred by the County, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible party to undertake, abatement action in compliance with the County's Land Use and Development and General Codes, the undersigned Hearing Officer hereby makes the following findings and orders, which orders shall constitute the Hearing Officer's recommendation on a proposed lien under Sec. L-II 5.23(R) of the Nevada County Land Use and Development Code:

FINDINGS

1. Notice of this hearing has been given as required by law.
2. The accountings on the cost of abating the public nuisances and/or the administrative costs related thereto are reasonable. However, while the accountings indicate total costs of \$45,318.90 (County Exh. B), the Notice of Intent to Collect indicated the amount past due is \$43,318.00 (County Exh. C). Mr. Martinez acknowledged the discrepancy between these amounts was cause by his inadvertent error. Nevada County LUDC § L.II, 5.23, subdivision Q.3 requires a cost report, itemizing the amount owed by the responsible party, be served on the responsible party at least 15 days before the hearing. Government Code section 25845, subdivision (d), authorizes an assessment for the costs of abatement "[i]f the owner fails to pay the costs of the abatement upon demand by the county" Under these provisions, the County may not be awarded more than the amount the County noticed it intended to collect—\$43,318.00.
3. The costs in County Exhibit B include: (1) \$9,058.90 in personnel time incurred by the County, (2) \$35,000 invoiced to the County by a towing company for collection and removal of debris, and (3) \$1,260 in costs of the Hearing Officer. The \$9,058.90 and \$35,000 in costs are properly assessed to the Owners under LUDC § L.II, 5.23, subdivisions C.2., F.1. and F.2 and are within the definition of Administrative Costs in LUDC § L.II, 5.23, subdivision B. These costs total \$44,058.90, which is greater than the amount the County sought in its Notice of Intent (Exh. C) of \$43,318.00. The Hearing Officer therefore need not decide whether to recommend the assessment of \$1,260 in Hearing Officer costs because that would exceed the amount the County seeks. The Hearing Officer therefore also need not decide whether the \$1,260 is reasonable and proper given those are costs from the same law firm as the Hearing Officer.

ORDERS

1. The account and proposed assessment are confirmed as set forth below. This order constitutes the written recommendation regarding a proposed lien or special assessment to the Board of Supervisors.

2. The actual authorized administrative penalties and/or costs incurred pertaining to enforcement and/or abatement of public nuisances, including associated administrative costs thereof, are ordered as follows:

a. Abatement Costs:

i. Celestial Valley Towing: \$35,000.00

ii. Code Compliance Office: \$8,318.00

iii. Hearing Officer: \$0.00

b. Administrative Penalties Imposed: \$0.00

Total Costs: \$43,318

SO ORDERED:

October 2, 2023
Date



David Ruderman
Hearing Officer

COLANTUONO, HIGHSMITH & WHATLEY, PC
420 SIERRA COLLEGE DRIVE, SUITE 140
GRASS VALLEY, CALIFORNIA 95945-5091

1 PROOF OF SERVICE

2 In the Matter of the Proposed Account and Assessment Lien following Abatement Affecting Real
3 Property located at 18633 Mustang Valley Place, Grass Valley, CA 95949, being Assessor Parcel
4 No. 002-450-012

4 **STATE OF CALIFORNIA, COUNTY OF NEVADA**

5 At the time of service, I was over 18 years of age and not a party to this action. I am
6 employed in the County of Nevada, State of California. My business address is 420 Sierra College
7 Drive, Suite 140, Grass Valley, CA 95945-5091.

7 On October 2, 2023, I served true copies of the following document(s) described as
8 **DECISION AND RECOMMENDATION ON ACCOUNTING AND PROPOSED**
9 **ASSESSMENT PERTAINING TO NOTICE OF VIOLATION, ABATEMENT ORDER,**
10 **AND/OR ADMINISTRATIVE CITATIONS** on the interested parties in this action as follows:

10 Clerk of the Board of Supervisors
11 c/o Lauriana Cecchi, Board Clerk
12 County of Nevada
13 Eric Rood Administration Center
14 950 Maidu Avenue, Suite 200
15 Nevada City, California 95959-8617

16 Email: Lauriana.Cecchi@nevadacountyca.gov

17 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the
18 persons at the addresses listed above and placed the envelope for collection and mailing, following
19 our ordinary business practices. I am readily familiar with the practice of Colantuono, Highsmith &
20 Whatley, PC for collecting and processing correspondence for mailing. On the same day that
21 correspondence is placed for collection and mailing, it is deposited in the ordinary course of business
22 with the United States Postal Service, in a sealed envelope with postage fully prepaid.

23 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s)
24 to be sent from e-mail address sromig@chwlaw.us to the persons at the e-mail addresses listed
25 above. I did not receive, within a reasonable time after the transmission, any electronic message or
26 other indication that the transmission was unsuccessful.

27 I declare under penalty of perjury under the laws of the State of California that the
28 foregoing is true and correct.

Executed on October 2, 2023, at Grass Valley, California.

24 Sarah Romig
25 Sarah E. Romig

CERTIFICATE OF MAILING

I am employed in the County of Nevada, State of California. I am over the age of 18 years and not a party to the Abatement Order; my business address is: Clerk of the Board of Supervisors, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California 95959-8617.

I served the enclosed documents:

FINAL DECISION AND RECOMMENDATION OF HEARING OFFICER

On the following persons via First Class US Mail on October 6, 2023:

Mandeep Kang, 9655 Pinehurst Drive, Roseville CA 95747
Robin Gilbert, 401 21st Street, Sacramento CA 95811
Estate of Gary Treece, 18633 Mustang Valley Place, Grass Valley CA 95949
Christine Morrison, PO Box 705, Loomis CA 95650
Vincent Wells, 18633 Mustang Valley Place, Grass Valley CA 95949
Mustang Valley Partners, LLC et al, c/o Justin Schmidt, PO Box 1868, Lincoln CA 95648

I placed such envelope, with postage thereon fully prepaid for first class mail, for collection and mailing at Nevada City, California, following ordinary business practices. I am readily familiar with the practice of Nevada County for processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the U.S. Postal Service the same day as it is placed for processing.

On the following persons via email on October 8, 2023:

Nevada County Hearing Officer, David Ruderman
Nevada County Community Development Agency Director, Trisha Tillotson
Nevada County Code Compliance Program Manager, Matt Kelly
Nevada County Code Compliance Officer, Ricky Martinez
Nevada County Counsel, Katherine Elliott
Nevada County Deputy County Counsel, Doug Johnson
Nevada County Clerk of the Board, Julie Patterson Hunter

I declare under penalty of perjury that the foregoing is true and correct.

10-06-2023
Date

Lauriana Cecchi
Lauriana Cecchi