

Exhibit B

**DECISION ON ADMINISTRATIVE COST ACCOUNTING HEARING
FOLLOWING REQUEST FOR RECONSIDERATION BY NEVADA
COUNTY AND RECEIPT OF REBUTTAL FROM APPELLANT LAUREL
WRIGHT**

(NEVADA COUNTY CODE §12.05.220)

Hearing Officer: Stephen C. Baker

Appellant: Laurel Wright

Code Compliance Case Number: CC19-0005

APN: 052-231-053

Nevada County Case No.: CU0000043

Date of Administrative Cost Accounting Hearing: September 23, 2024

Date of Receipt of Supplemental Brief from Appellant: October 4, 2024

Date of Receipt of Supplemental Letter Brief from County of Nevada: October 11, 2024.

**Date of Decision on Administrative Cost Accounting and Request for Additional Evidence
Re Breakdown of Costs for the Abatement:** October 21, 2024

**Date of Receipt of Letter Brief in Response to Request for Additional Evidence Re
Breakdown of Costs for the Abatement:** October 31, 2024

**Date of Decision Following Receipt of Nevada County Response to Request for Additional
Evidence:** November 5, 2024.

Request for Reconsideration: November 15, 2024.

Rebuttal to Request for Reconsideration: November 20, 2024

Decision:

The accumulation of solid waste, including the accumulation of abandoned, wrecked, dismantled or inoperative vehicles, promotes blight, creates fire hazards and is injurious to the public, peace, health, safety and general welfare. See generally Nevada County Code of Ordinances, Title 2, Chapter 4, Article 3 B; and Article 8, and Title 3, Land Use and Development Code, Title 3, Chapter II, Art. 5, Sec. L-II, 5.20.

In this matter, at an administrative review hearing in April 2022, appellant Laurel Wright was found to be in violation of Nevada County Codes regarding improper storage of inoperable vehicles and regarding accumulation of solid waste on her real property. Ms. Wright's writ of mandate regarding the hearing was subsequently denied. The condition of Ms. Wright's real property was found to constitute a public nuisance.

The County of Nevada Board of Supervisors has determined that the enforcement of the Nevada County Code and any other ordinance of the County is an important public service and is vital to protecting the public. Administrative enforcement of the Land Use and Development Code is intended to promote the general health, safety, and welfare of the public and provide uniform, fair, and efficient code enforcement and administration. (See Section 12.05.220). Thus, the county exercised its authority to remedy the public safety hazard found to exist on Ms. Wright's property and removed inoperable vehicles and solid waste.

Only Issue Before Hearing Officer: Reasonableness of Cost of Abatement

The only issue before the hearing officer in this administrative cost accounting matter is the reasonableness of the cost of abatement claimed by the county sustained in the cleanup. [As previously addressed, notice is not an issue].

In its initial decision dated October 21, 2024, the hearing officer set forth basic questions regarding the breakdown as to the cost of abatement. The County's October 31, 2024, response asserted the costs presented were reasonable "specifically because they are the actual costs spent by the County in hiring a contractor to do the work . . ." and alluded to the County Professional Services Agreement specifying the proposed scope of work and the invoice. None of the questions posed were answered and the evidence referenced was determined inadequate to address reasonableness.

The November 5, 2024, decision denying the County request of confirmation of the cost account in the amount of \$14,000 and an order that the cost become a special assessment against the subject property owned by the appellant (APN: 052-231-053) was based not on an absence of evidence of work having been performed, rather, it was based on insufficient evidence presented as to the *reasonableness* of the cost for work performed. **The question here then, is whether counsel for the County has presented sufficient evidence as to the reasonableness of the cost of the work performed.**

Information Re Reasonableness of Cost of Abatement Presented in November 15, 2024 Request for Reconsideration

In its Request for Reconsideration, the County again did not answer any of the questions posed in the hearing officer's October 21, 2024, decision. However, the County did reference evidence, including the abatement contract, numerous site photographs, the abatement warrant, and testimony taken at the September 23, 2024, hearing. Specifically, the County identified testimony from Code Compliance Officer David Kopp that the physical abatement took place over five days, from August 29, 2023, to September 5, 2023. Further, Mr. Kopp was quoted that Celestial Valley Towing came out for a few days with an excavator and a couple dump trucks . . ." Mr. Kopp also references a fallen temporary structure containing wet and molding debris.

In addition to the testimony, the County referenced the photographs set forth in Exhibit G depicting debris and vehicles on the property, and page 10 of the professional services contract which

describes the nature of the solid waste. It does not specify in volume the amount of solid waste, but it does indicate that the property is 2 acres, and the entire property contains waste that requires removal.

The County also references the April 6, 2022, Decision and Final Administrative Order which cite “at least three inoperable vehicles.”

Rebuttal to County Request for Reconsideration

Appellant’s response specifies the following points:

1. The County already had two opportunities to provide the information requested and failed to do so.
2. The County denied the appellant the opportunity to rebut a line-item billing.
3. The County failed to provide the required documentation.
4. The County was procedurally non-complaint; it failed to seek an extension to correct its oversight and failed to address the deficiency of evidence.
5. Appellant Laurie Wright should be given consideration because she is not an attorney.
6. The County’s claim that a line-item breakdown presented an undue burden is baseless.
7. The County failed to comply with the Public Records Act.

Finding:

At the September 23, 2024, hearing, the County submitted approximately 130 pages of documents in addition to testimony evidence in support of its request. Notwithstanding the volume of documents presented, at that time the County offered sparse identification of evidence substantiating its contention that the cost was reasonable. The hearing officer cannot be expected to comb through the County’s submitted evidence unguided.

Now, in its Request for Reconsideration, the County identifies specific evidence that supports a reasonable conclusion that the cost of the remediation likely exceeds \$14,000. The evidence is uncontradicted that the abatement took place over five days between August 29, and September 5, 2023. (While this time frame is eight days, it is reasonable to assume no work was performed over the Labor Day weekend). Further, uncontradicted evidence is that the abatement required an excavator and a couple of dump trucks, that solid waste was spread over the two acres and that at least three inoperable vehicles were removed. Moreover, the county waived administrative costs.

To be sure, the County never answered the hearing officer questions concerning substantiation of costs. A simple declaration from the proprietor of Celestial Valley Towing could have answered all or most of the questions. Nevertheless, the County's request for reconsideration included enough reference to specific evidence of the scope of work performed to support this hearing officer's conclusion that the abatement cost of \$14,000 is reasonable.

Appellant's rebuttal, as well as her presentation at the hearing presented no evidence concerning the reasonableness of the abatement cost.

The County's request for confirmation of the cost in the amount of \$14,000 is granted. This cost of \$14,000 shall be a special assessment against the subject property, 13421 Mystic Mine Road, Nevada City, CA 95959, APN 052-231-053. This hearing officer recommends that the Nevada County Board of Supervisors record the amount of \$14,000 as a lien against the subject property.

SO ORDERED:

DATED: November 5, 2024


Stephen C. Baker, Hearing Officer


I am employed in the County of Nevada, State of California. I am over the age of 18 and not a party to the within action; my business address is Diamond Baker Mitchell Cole, LLP, 149 Crown Point Court, Suite B, Grass Valley, CA 95945, my electronic email address is tiffanyg@diamondbaker.com

**DECISION ON ADMINISTRATIVE COST ACCOUNTING HEARING
FOLLOWING REQUEST FOR RECONSIDERATION BY NEVADA COUNTY AND
RECEIPT OF REBUTTAL FROM APPELLANT LAUREL WRIGHT**

<p>Clerk of the Board of Supervisors c/o Lauriana Cecchi, Board Clerk County of Nevada Eric Rood Administration Center 950 Maidu Ave, Suite 200 Nevada City, CA 95959 Lauriana.cecchi@nevadacountyca.gov clerkofboard@nevadacountyca.gov county.counsel@nevadacountyca.gov</p>	<p>Laurel Wright 13421 Mystic Mine Road Nevada City, CA 95959 loriemystic@gmail.com</p>
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 X STATE: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 4, 2024, at Grass Valley, California.


Tiffay Griesbach