



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Health
Department No.: 041
For Agenda Of: August 21, 2012
Placement: Departmental
Estimated Tme: 15 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Takashi M. Wada, MD, MPH
Director(s) Public Health Director and Health Officer
Contact Info: David Brummond, Supervisor Environmental Health Services (346-7348)
SUBJECT: Santa Barbara County Code Violations at 650 Russell Way

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors:

- A) Receive an oral report on public health violations that exist due to a failing septic system at 650 Russell Way in the unincorporated area of Santa Barbara County, 2nd District.
- B) Consider adopting a resolution to add charges to the tax bill for property at 650 Russell Way to recover the costs of connecting the property to the public sewer system and interim upkeep and maintenance costs for the existing private wastewater disposal system per California Health & Safety Code §5463, et seq.
- C) Determine that these activities are exempt from California Environmental Quality Act review per CEQA Guideline Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activities may have a significant effect on the environment.

Summary Text:

This item is on the agenda to adopt a resolution to add charges to the tax bill for the property at Russell Way. Since 2005, a failing septic system at 650 Russell Way in the unincorporated area of Santa Barbara County has resulted in intermittent overflows of effluent onto the public street. This is a public health hazard and is in violation of the California Health and Safety Code Section 5463 and the Santa Barbara County Code. The property owner has been notified and has failed to resolve the problem.

The Public Health Department (PHD) seeks Board approval to remediate the problem and recover the costs through an assessment on the owner's property tax. Due to site constraints, repairing the septic system is not a viable option; therefore, the proposed remediation is to abandon the septic system and

connect the property to the public sewer system. In the interim, the septic tank will be pumped as needed to prevent the surfacing of effluent onto the public street.

Background:

PHD Environmental Health Services (EHS) identified a home at 650 Russell Way, in the unincorporated area of the county, as having a long-standing problem with the septic system serving the dwelling. The system has failed resulting in the surfacing of effluent onto the ground on the property and flowing into the street. Complaints have been made by neighbors who have expressed concern over health and safety.

EHS was working with the former property owner, who was taking steps toward connecting to the public sewer, when the home went into foreclosure. The home is now owned by Saxon Mortgage and the former owner is the current occupant.

EHS provided written notice to Saxon Mortgage by Certified Mail on August 19, 2011 and subsequently on October 18, 2011, of the need to correct specified deficiencies with the onsite wastewater disposal (septic) system at 650 Russell Way. On December 13, 2011, a Notice of Violation was sent via Certified Mail to Bayview Loan Servicing who is now acting as the agent for this property for Saxon Mortgage.

The Notice of Violation stated that Saxon Mortgage must take immediate action to correct violations and comply with specific requirements. It further stated that if EHS did not hear back within 10 days, it would proceed with the repairs and assessment of costs as provided in the California Health and Safety Code Section 5463.

Health and Safety Code Section 5463 provides that after reasonable notice has been provided to a property owner, and such owner refuses, neglects or fails to connect the dwelling to the street sewer, the county may undertake the work to connect the dwelling to the street sewer at reasonable cost, and place a lien on the property for the cost of the work, or assess the property owner for the cost of the work on the next regular property tax bill.

Costs incurred and future costs proposed to the FY 2012-13 property tax assessment for this property are:

- The cost of pumping the septic tank as needed to prevent effluent overflow. To date, EHS has pumped the property five times at a total cost of \$2,719 plus \$760 for estimates and repairs.
- The cost for PHD staff time on this project which is \$4,223 through pay period 15, ending July 8, 2012
- All costs for connecting to the Goleta Sanitary District sewer including engineering drawings, permits, and construction. An estimate of \$46,194 for the cost of connecting to the sewer system, including construction and permit costs, has been received from a local engineering company.
- The cost for pumping the septic tank through to completion of the project, which are estimated at \$550 per month.
- The cost for PHD staff time on this project from pay period 16 (beginning July 9, 2012) through its completion is estimated at \$75 per month.

The current occupant (former owner) has been cooperating with EHS. They are aware that the County is having the septic tank pumped on a regular basis to forestall the surfacing of effluent and that the plan is to initiate the process of connecting the property to the public sewer system. The current occupant has also been informed that the County seeks to recover all costs incurred with this effort through a property tax assessment.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

Narrative:

The costs incurred to date for this public health violation through July 8, 2012 are \$7,702. The estimated costs for 2012-2013 are \$53,694, for a total of \$61,396. The 18 month estimate from January 2012 to June 2013 by category is:

Type of Cost	Actual Costs Incurred	Estimated Costs	Total
Septic System Pumping	\$2,719	\$6,600	\$9,319
Repairs/connection est	760	0	760
PHD Staff	4,223	900	5,123
Sewer Connection	0	46,194	46,194
Total	\$7,702	\$53,694	\$61,396

Adopting the Resolution will allow the Public Health Department to recover, by assessment on the owner's property tax bill, \$7,702 in costs incurred to date plus will allow for the recovery of future costs, estimated at \$53,694 on subsequent property tax assessments.

Neither fiscal year had budget for these unanticipated costs. Pending approval, a budget revision request will be prepared in FY 2012-2013.

Special Instructions:

Please return original, adopted Resolution, and one certified Minute Order to PHD Contracts Unit, 300 N. San Antonio Rd., Bldg 3; Attn: Rose Davis

Attachments:

Resolution to Add Charges to the Tax Bill for Property at 650 Russell Way

cc:

Clint Donati – Treasurer/Tax Collector Department
Dianne Black – Planning & Development
Ed Price – Auditor-Controller's Office