



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 Works
Department No.: 054
For Agenda Of: June 21, 2011
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Director Scott McGolpin, Public Works Department, 568-3010
Contact Info: Dacé Morgan, Deputy Director -Transportation, 568-3064

SUBJECT: **Assessment for Expenses Incurred in Abating a Traffic Nuisance and Tree Removal on Clubhouse Road, APN 097-371-067 (Lot 54), Third Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

Approve and authorize the Chair to execute a Resolution to assess for expenses incurred in abating a traffic nuisance on Clubhouse Road, APN 097-371-067 (Lot 54)

Auditor-Controller Concurrence

As to form: Yes

Summary Text:

The Public Works Department had received numerous complaints from residents concerning the declining health of the pine trees that line Clubhouse Road. An Independent Arborist, certified in the State of California, examined the trees in April 2010, and again in December 2010, and confirmed that they were a threat to public safety because they were dying and could fall on to the public roadway. The County maintains Clubhouse Road as an easement; however, based on County Code Chapter 28, Article VIII, sections 106 through 108, the underlying property owner is responsible for the maintenance of all vegetation within the easement. Public Works had sent numerous letters and made telephone calls to the underlying property owner, Clubhouse Estates Homeowners Association, demanding that they remove the safety hazard from County right-of-way. The owners of Lot 54 did not comply with the County's repeated demands to abate this traffic nuisance.

Background:

On January 4, 2011, your Board directed the Road Commissioner to abate the Traffic Nuisance on Clubhouse Road, APN 097-371-067 (Lot 54) by removing 30 dead and dying Monterey Pine trees. In addition, your Board directed the Road Commissioner to keep an account of all expenses incurred in abating this traffic nuisance, and file a report of these expenses with your Board. The account of all expenses, including reasonable administrative costs associated with the removal of the 30 dead and dying Monterey Pine Trees have been included in Exhibit “A”. The total administrative costs are \$1,442.58 and include the cost of inspection and review prior to, and during the removal of the trees. The total contract amount, payable to Coastal Tree Service for the removal of the 30 trees, was \$18,400, for a total cost of \$19,842.58. The Department provided an invoice to the Clubhouse Estates Homeowner’s Association on April 22, 2011 and to date have not received payment for the expenses incurred.

The report of the accounting for the expenses incurred to abate the traffic nuisance has been available for public inspection in the office of the Clerk of the Board, during normal business hours, for 10 days prior to this hearing. Your Board’s approval of the attached Resolution, including Exhibit “A” is necessary for the Auditor-Controller to place a tax lien on APN 097-371-067 to recover the costs incurred in abating this traffic nuisance.

On January 4, 2011, your Board determined that this action is exempt for the California Environmental Quality Act (CEQA) in accordance with Section 15304 of the Guidelines for Implementation of CEQA and Staff filed the Notice of Exemption with the Clerk of the Board.

Not all of the Monterey Pine trees were removed from this section of Clubhouse Road. The Department’s arborist will continue to monitor the remaining trees on a minimum of a semi-annual basis. We will approach your Board in the future, should it become necessary to abate any safety hazards not resolved by the underlying property owners.

Fiscal and Facilities Impacts:

Budgeted: N/A

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
Federal			
State			
Other	\$ -		\$ -
Total	\$ -	\$ -	\$0.00

Narrative:

There are no fiscal impacts with this action, as the County is attempting to receive reimbursement for costs already incurred.

Staffing Impacts:

Legal Positions:

None

FTEs:

None

Special Instructions:

Please post Exhibit "A", for 10 days prior to this hearing. Please provide a certified stamped Minute Order approving these actions, and a copy of the executed Resolution to the Public Works Department, Transportation Division, Attn: Gena Valentine Felix, ext. 3064.

Attachments:

Exhibit "A": Report of Costs incurred to Abate a Traffic Nuisance Resolution

Authored by:

Dacé Morgan, Deputy Director, Public Works – Transportation, 568-3064