

PUBLIC NUISANCE HEARING BOARD AGENDA

MEMBERS

RAYMOND CADENA, CHAIRMAN

MELVIN ABEYTA, VICE CHAIRMAN

LEWIS CANTRELL, MEMBER

BONNIE BALDWIN, MEMBER

ANTHONY MISTRETTA, MEMBER



SPECIAL MEETING

DATE:	November 2, 2016
TIME:	4:00 p.m.
LOCATION:	City of Highland Leo Donahue Council Chambers 27215 Base Line Highland, CA 92346

STAFF

Lawrence A. Mainez, Community Development Director
Steven Rondina, Senior Code Compliance Officer
Vivienne Muro, Senior Code Compliance Officer
Stacey Honn, Administrative Assistant III

CITY OF HIGHLAND
27215 BASE LINE
HIGHLAND, CALIFORNIA 92346
(909) 864-8732; FAX (909) 862-3180
Website: www.cityofhighland.org

THE CITY OF HIGHLAND COMPLIES WITH THE AMERICANS WITH DISABILITIES ACT OF 1990. IF YOU REQUEST SPECIAL ASSISTANCE TO ATTEND OR PARTICIPATE IN THIS MEETING, PLEASE CALL THE CITY CLERK'S OFFICE AT (909) 864-6861 EXTENSION 226 AT LEAST 48 HOURS PRIOR TO THE MEETING.

Those wishing to address the Public Nuisance Hearing Board during the meeting must complete a speaker form (located next to the Agendas on the table at the back of the room) and return it to the Recording Secretary prior to the beginning of the meeting. Speakers will be called upon by the Chairman at the appropriate time to speak.

Any disclosable public records related to an open session item on a Regular Meeting Agenda and distributed by the City of Highland to all or a majority of the Public Nuisance Hearing Board less than 72 hours prior to that Meeting, are available for public inspection at Highland City Hall, 27215 Base Line, Highland, during normal business hours.

**CITY OF HIGHLAND
PUBLIC NUISANCE HEARING BOARD SPECIAL MEETING**

Wednesday, November 2, 2016
4:00 P.M.

Highland City Hall
Leo Donahue Council Chamber
27215 Base Line
Highland, CA 92346

1.0 CALL TO ORDER

Pledge of Allegiance

2.0 COMMUNITY INPUT

Members of the public may address the Board on matters which affect the City. The Board receives its agenda and other pertinent information prior to the meeting. The Board, therefore, has had an opportunity to review all this material prior to taking action. Citizens desiring to address the Board will be asked to give their name, address and the subject to be addressed on a speaker form and return the form to the Recording Secretary. **Comments are to be limited to three minutes and are meant to be an opportunity to express one's views and not to debate issues.**

3.0 CONSENT CALENDAR

3.1 Minutes of September 21, 2016, Special Meeting

RECOMMENDATION: Staff recommends the Public Nuisance Hearing Board approve the September 21, 2016 Minutes as submitted.

4.0 PUBLIC HEARINGS

The order of business for Public Hearings shall be:

- 1) Chairperson opens Public Hearing;
- 2) Chairperson calls for Staff presentation;
- 3) After the Staff Presentation see if there are any questions of Staff, then after that,

The Chairperson then calls for the Applicant / Representative's presentation;
- 4) After the Applicant / Representative's Presentation, the Chairperson asks if there are questions of Applicant / Representative, then after that,
- 5) The Chairperson asks if there is anyone from the Audience or Public Speakers that would speak on the Item before the Board. If so, have them provide their name and address since the Meeting is being recorded.
- 6) The Chairperson asks if the Applicant / Representative has a rebuttal; After when there is no more public testimony, then
- 7) Chairperson closes Public Hearing;
- 8) The Board / Committee / Commission discusses the Item and then Motion and vote

4.1 A Public Hearing request to Consider Appeal Administrative Citation No. 13217, in accordance with Chapter 2.56 of Title 2 of the Highland Municipal Code, regarding in Violation of Highland Municipal Code Section 8.32.020 B1 for Violation of Site Approval at 7957 Church Avenue, Highland, California. Citee: James Karas. PNHB Case No. 16-002.

RECOMMENDATION: Staff recommends the Public Nuisance Hearing Board continue the public hearing to December 7, 2016.

- 4.2 A Public Hearing request to Consider Appeal Administrative Citation No. 13933, in accordance with Chapter 2.56 of Title 2 of the Highland Municipal Code, regarding in Violation of Highland Municipal Code Section 15.52.160 for Timing of Repairs at 25814 Walker, Highland, California. Citee: Kim Burry. PNHB Case No. 16-006.

RECOMMENDATION: Staff recommends the Public Nuisance Hearing Board conduct the required Public Hearing and uphold Administrative Citation No. 13933 and adopt Resolution No. PNHB 16-006.

5.0 ANNOUNCEMENTS

6.0 ADJOURN

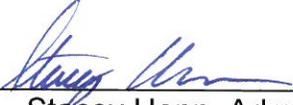
I, Stacey Honn, Code Enforcement Administrative Assistant III, acting as Recording Secretary of the Public Nuisance Hearing Board of the City of Highland, California, certify that I caused to be posted this Agenda on or before October 20, 2016, by 4:00 P.M. on our Website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library
7863 Central Avenue

Fire Station No. 1
26974 Base Line

City Hall
27215 Base Line

Date: October 20, 2016



Stacey Honn, Administrative Assistant III



STAFF REPORT

TO THE PUBLIC NUISANCE HEARING BOARD

DATE: November 2, 2016

FROM: Lawrence A. Mainez, Community Development Director

PREPARED BY: Stacey Honn, Administrative Assistant III

SUBJECT: Minutes from the September 21, 2016, Special Meeting.

RECOMMENDATION: Staff recommends the Public Nuisance Hearing Board approve the Minutes, as submitted.

Approved _____	Motion _____	Second _____	Agenda Item No. <u>3.1</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
Recording Secretary _____		 Community Development Director	

MINUTES
PUBLIC NUISANCE HEARING BOARD SPECIAL MEETING
September 21, 2016

1.0 CALL TO ORDER

The special meeting of the Public Nuisance Hearing Board of the City of Highland was called to order by Vice Chairman Abeyta at 4:00 p.m. in the Leo Donahue Council Chambers, 27215 Base Line, Highland, California.

Members Present: Vice Chairman Mel Abeyta
Member Bonnie Baldwin
Member Lewis Cantrell
Member Anthony Mistretta

Members Absent: Chairman Raymond Cadena

Staff Present: Lawrence Mainez, Community Development Director
Stacey Honn, Administrative Assistant III
Vivienne Muro, Senior Code Enforcement Officer
Steven Rondina, Senior Code Enforcement Officer
Kim Stater, Assistant Community Development Director
Gary Willis, Building Inspector

The Pledge of Allegiance was led by Vice Chairman Abeyta.

2.0 COMMUNITY INPUT

There was none.

3.0 CONSENT CALENDAR

3.1 Minutes of July 13, 2016, Regular Meeting.

Vice Chairman Abeyta stated that a correction was needed. He stated that he was listed as the Chairman on the first page when he was not Chairman at the time.

Vice Chairman Abeyta called for a motion to adopt the minutes with the correction.

A Motion was made by Member Cantrell, seconded by Vice Chairman Abeyta.

Motion carried 4-0 with Chairman Cadena absent.

3.2 Minutes of August 3, 2016, Special Meeting.

A Motion was made by Member Mistretta, seconded by Member Baldwin to adopt the minutes as submitted.

Motion carried, 4-0 with Chairman Cadena absent.

4.0 PUBLIC HEARINGS

4.1 A Public Hearing to affirm the existence of a Public Nuisance in accordance with Chapter 8.32, Title 8 of the Highland Municipal Code, and subsequent abatement, as provided for in said Chapter at Property located at 7596 Del Rosa Avenue, Highland, California, 92346. Property Owners: Lacramioara Mateas. (PNHB Case No. 16-005).

Vice Chairman Abeyta opened the Public Hearing and introduced the Item and asked for Staffs presentation.

Senior Code Enforcement Officer Muro introduced herself and advised the Board that Senior Code Enforcement Officer Rondina, City Attorney Patrick Skahan, and Building Inspector Gary Willis were available for questions.

Vice Chairman Abeyta asked if the hearing could proceed due to notification from the appellant that the fees would not be paid. Were they paid?

Senior Code Enforcement Officer Muro stated that the fees were not paid. The fees were for a vehicle abatement appeal. The vehicles will be addressed in this hearing as it is included in the Public Nuisance Hearing and in the Staff Report.

Vice Chairman Abeyta wanted to clarify that the hearing would proceed even though fees had not been paid.

Senior Code Enforcement Officer Muro stated that this is not a vehicle abatement hearing this is a Public Nuisance Hearing. Staff is attempting to have this property declared a public nuisance. The vehicle issue is a separate issue that the vehicle owner and property owner had an opportunity to file a separate appeal just on the vehicles. The property owner chose not to pay that fee so that hearing was not held. There is a letter in the Staff Report indicating that the property owner did not want to pay the fee.

Vice Chairman Abeyta stated he wanted to be clear that the public hearing could proceed.

Community Development Director Larry Mainez advised the Vice Chairman to proceed.

Senior Code Enforcement Officer Muro gave the presentation from the Staff Report. She advised the Board that pictures from the July 27, 2016 Inspection Warrant would be displayed for the Board to review. She also stated that a thumb drive with copies of all the pictures from the Inspection Warrant would be provided to the property owner.

Senior Code Enforcement Officer Muro asked the Board if they would like to proceed with the presentation while looking at the pictures, or if they would like to review the pictures first and then proceed with the presentation.

Vice Chairman Abeyta advised that the Board would like to review the pictures while Senior Code Enforcement Officer Muro gives her presentation.

Hearing Officer David Palmer stated that all witnesses must be sworn in pursuant to the Municipal Code. So far a recap of documentary evidence has been given, which does not have to be an oath, but any witness testimony does need to be under oath. Now is a good time to take a break in the proceedings to swear in all witnesses. Everyone can be sworn in all at once. Anyone who is going to give oral testimony whether from the City side or the property owner's side will need to please raise your right hand and be sworn in as if this were a court.

Property Owner Lacramioara Mateas asked if she had to take an oath.

Hearing Officer Palmer stated that if she wanted to give testimony, then yes.

Property Owner Mateas stated she would not take an oath and began speaking.

Hearing Officer Palmer attempted to advise the Property Owner that she needed to take an oath when it was her opportunity to speak. Property Owner Mateas interrupted Hearing Officer Palmer and went to the podium to speak.

Property Owner Mateas stated she was here to challenge your jurisdiction on my private United States land patent of Rancho San Bernardino. If you continue this I will be forced to file a redress of grievance in the United States Supreme Court. You all have been warned. You all have injured my family enough. You will all be getting served by my process server. Thank you.

Property Owner Mateas then left the podium leaving the thumb drive provided by the City with the inspection pictures.

Hearing Officer Palmer asked Property Owner Mateas if she was going to come back for her opportunity to provide evidence.

Hearing Officer Palmer stated he wanted to make the record clear before swearing everyone in. Ms. Mateas has made a statement. I believe the statement was challenging the jurisdiction of this body to have the hearing. I did not hear any evidence or testimony in her defense. She was asked if she wanted the opportunity to provide such evidence and testimony in her defense when it was her turn to provide such evidence and testimony. In response to that question she said, "goodbye," and left the room. A stack of documents were left on the dais. Ms. Mateas left without taking flash drive that the City provided her that I understand has pictures and other documents that would be relied upon during this hearing. Moving forward, let's swear all the witnesses in.

Hearing Officer Palmer gave the following oath. You and each of you do solemnly state that the testimony you may give in the cause now pending before the Public Nuisance Hearing Board shall be the truth, the whole truth, and nothing but the truth. All witnesses have affirmed, please proceed.

Senior Code Enforcement Officer Muro continued to give the presentation from the staff report.

Senior Code Enforcement Officer Rondina gave an overview of building code violations while showing pictures of the property.

Senior Code Enforcement Officer Muro recapped the violations on the property. She stated that the City has made every attempt to work with this property owner. Notices were sent and citations were issued with no compliance and that is why a warrant was obtained to get on the property. We were able to see that all of these violations still exist. Staff is recommending that the Board declare this property a public nuisance and adopt resolution number 16-005.

Vice Chairman Abeyta asked the Board members if they had any question of staff.

Member Baldwin asked if this has been going on for two years.

Senior Code Enforcement Officer Muro confirmed that it has been two years.

Member Baldwin asked if it normally takes this long.

Senior Code Enforcement Officer Muro stated that we are following due process. We want to give the property owner an opportunity to comply. We want to show that we have given the property owner every opportunity to comply. The property owner's father started off complying so I gave him a period of time to comply, but when they weren't we started issuing citations.

Member Baldwin asked why the property owner feels like they do not have to comply.

Attorney Skahan stated that the property owner has sent numerous correspondences to the City denying the City the right to enforce the Municipal Code. She doesn't recognize the authority of the City to adopt ordinances that apply to residences within the City. She claims Sovereign Citizen Rights that essentially she is not subject to the laws of the United States, the laws of the City, the ordinances of the City. That's her position. She has adopted a very combative (inaudible).

Member Baldwin said she could tell by some of the wording that are in her statement. If it comes down to what the City will do, will you force them out? Would the home get demolished? Does it have to be brought up to code?

Attorney Skahan stated that this hearing will declare the property a public nuisance and give the property owner an opportunity to remedy the condition. After thirty days if there is no compliance the City will evaluate their legal options. They could seek an abatement warrant from the court to go in and perform any necessary abatement. They could also file a civil complaint seeking injunctive relief from the court. But this is the first step in moving towards obtaining compliance.

Member Baldwin asked if any money spent in doing this would be charged to the owner through a tax lien or property lien.

Attorney Skahan stated that was correct. The cost of abatement would be established and set forth in a hearing after it's been completed and a lien would be placed on the property.

Vice Chairman Abeyta said he noticed there were three citations in the total of \$2,250. Were any of those paid?

Senior Code Enforcement Officer Muro stated that the citations had not been paid.

Vice Chairman Abeyta stated the third citation is for \$1,000 and then somehow was rescinded and came back again. Can you please explain that?

Senior Code Enforcement Officer Muro stated that when we issue a residential code violation the first citation for that type of violation is \$500, then \$750, and then \$1,000. Any citation after that is \$1,000. The initial citation that was written to Mr. Mateas was an inoperable vehicle citation which is \$100. That one would go up to \$200 and then \$500. To answer your question in regards to the residential code it is \$500, \$750, and then every citation after that is \$1,000.

Member Cantrell asked what action it was that Staff was asking the Board to take.

Senior Code Enforcement Officer Muro stated this is to declare the property a public nuisance. Before we can go forward with any other legal action this property has to be declared a public nuisance.

Member Cantrell stated that declaration would be based on the condition of the property. Does it have anything to do with the vehicles or the animals?

Senior Code Enforcement Officer Muro stated the resolution includes everything. It includes all of the violations. The resolution still gives the property owner 30 days to comply.

Vice Chairman Abeyta said with all of these violations is 30 days a "reasonable" time to abate? Are we being reasonable? There's a patio to deal with, vehicles, junk on the property. Can we say that 30 days is a reasonable period of time? What about 60 or 90 days? Even though I know this has been going on for a couple of years.

Member Baldwin asked why the owner doesn't want to comply. Is it because they are above that or think they don't have to?

Vice Chairman Abeyta stated based on her legal documents as stated by staff members, the City of Highland does not have the authority to go in and order her to do all of these abatements. That's not the issue before us. The issue before us is the citations that were issued and they did not comply with them. Therefore do we have a public nuisance on this property?

Member Baldwin stated yes, definitely.

Vice Chairman Abeyta stated her challenge in regards to the authority of the City of Highland is beyond our authority. We have nothing to do with that. That would be something that would be taken care of in the courts or the City Council. The resolution does state all the citations that were issued on this property.

Member Cantrell asked if the motion would be if we are in favor to approve the resolution?

Vice Chairman Abeyta stated yes. The resolution would cover everything that staff has presented to the board.

Member Cantrell started to make a motion to approve.

Vice Chairman Abeyta stated that they were not through with the public hearing and he hasn't asked for a motion yet.

Vice Chairman Abeyta asked the board if they had any further questions. Hearing none, I will ask if the applicant or their representatives are here to speak on their behalf. Seeing and hearing none, I move on to the audience. Is there anyone here in the audience that would like to speak on the issue? Hearing none, I move to. . .

Attorney Skahan stated he would like to motion that there is a flash drive of the photographs that staff has presented to you today that we would move to include as an enclosure into the record of the public hearing resolution.

Vice Chairman Abeyta asked if the applicant or the representatives, if anyone is here, do they have a rebuttal to any of the public testimony. Hearing none, I now close the public hearing and open it up for discussion amongst the board members before we take a vote. Any further discussion from board members? Hearing none, I ask for a motion to approve staff's recommendation to adopt resolution 16-005, declaring this property a public nuisance. Do I have a motion?

A Motion was made by Member Cantrell, seconded by Member Mistretta.

Motion carried, 4-0 with Chairman Cadena absent.

5.0 ANNOUNCEMENTS

Administrative Assistant III Honn asked the Board if they would be available for training on October 26, 2016 at noon.

6.0 ADJOURN

There being no further business, Vice Chairman Abeyta asked for a motion to adjourn.

A Motion was made by Member Baldwin, seconded by Member Cantrell.

Motion carried, 4-0 with Chairman Cadena absent.

The meeting adjourned at 4:44 p.m.

Submitted By:

Approved By:

Stacey Honn, Code Enforcement
Administrative Assistant III

Ray Cadena, Chairman
Public Nuisance Hearing Board



STAFF REPORT

TO THE PUBLIC NUISANCE HEARING BOARD

DATE: November 2, 2016

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Vivienne Muro, Senior Code Compliance Officer

SUBJECT: A Public Hearing to Consider Appeal Administrative Citation No. 13217 for violation of site approval, in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code, at Property located at 7957 Church Avenue, Highland, California. Citee: James Karas. PNHB Case No. 16-002.

RECOMMENDATION: Staff recommends the Public Nuisance Hearing Board (PNHB) continue the public hearing to December 7, 2016.

FISCAL IMPACT: There is no fiscal impact related to this Project, other than City Staff's time to research the individual projects / properties and to prepare the Report.

CASE REVIEW: Staff is recommending a continuance to December 7, 2016 to ensure adequate time for the appellant to submit and process the Design Review Board amendment.

Approved _____	Motion _____	Second _____	Agenda Item No. <u>4.1</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
_____	Recording Secretary		Community Development Director



STAFF REPORT

TO THE PUBLIC NUISANCE HEARING BOARD

DATE: November 2, 2016

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Steven Rondina, Senior Code Compliance Officer

SUBJECT: A Public Hearing to Consider Appeal Administrative Citation No. 13933 for timing of repairs, in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code, at Property located at 25814 Walker, Highland, California. Citee: Kim Burry. PNHB Case No. 16-006.

RECOMMENDATION: Staff recommends the Public Nuisance Hearing Board (PNHB) conduct the required Public Hearing, and uphold Administrative Citation No.13933 and adopt Resolution No. PNHB 16-006.

FISCAL IMPACT: There is no fiscal impact related to this Project, other than City Staff's time to research the individual projects / properties and to prepare the Report.

PUBLIC NOTICE: Pursuant to Chapter 2.56, Public Hearing Notices were mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to Kim Burry on October 11, 2016 (attached hereto as Exhibit "1" and incorporated herein by reference). On October 11, 2016, Staff posted the Public Hearing Notice in the three designated posting locations, in addition, a copy of said Notice was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as Exhibit "2" and incorporated herein by reference).

Approved _____	Motion _____	Second _____	Agenda Item No. <u>4.2</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
Recording Secretary _____		 Community Development Director	

BACKGROUND:

- June 9, 2016 A rental inspection was conducted. During the inspection I found that the carport & the patio cover needed repairs, the water heater was not installed correctly, the breakers needed to be labeled & several outlets were missing face plates. Photographs were taken (attached hereto as Exhibit "3" and incorporated herein by reference).
- June 21, 2016 Patio cover & carport were found to be permitted. A notice of violation was written to make the repairs to the carport & patio cover, plus the other violations (attached hereto as Exhibit "4" and incorporated herein by reference).
- August 29, 2016 Follow up inspection was conducted at the property. The tenant who answered the door said that the repairs were not done. The tenant gave permission to enter the back of the property and take pictures (attached hereto as Exhibit "5" and incorporated herein by reference). I found that nothing had been done to the water heater, carport & patio cover. Administrative Citation 13933 was issued for timing of repairs (attached hereto as Exhibit "6" and incorporated herein by reference).

CONCLUSION: Staff recommends the Public Nuisance Hearing Board to uphold the Administration Citation No. 13933 and approve Resolution PNHB 16-006 (attached hereto as Exhibit "9" and incorporated herein by reference).

Attachments:

- Exhibit "1" Notice of Public Hearing dated October 11, 2016
Exhibit "2" Posting / Mailing Affidavit dated October 11, 2016
Exhibit "3" Photographs dated June 9, 2016
Exhibit "4" Notice of Violation dated June 21, 2016
Exhibit "5" Photographs dated August 29, 2016
Exhibit "6" Administrative Citation No. 13933 dated August 29, 2016
Exhibit "7" Notice of Appeal Request for Hearing dated September 12, 2016
Exhibit "8" HMC Section 15.52.160
Exhibit "9" Proposed Public Nuisance Hearing Board Resolution No. PNHB 16-006

Exhibit "1"
Notice of Public Hearing dated October 11, 2016



October 11, 2016

Kim Burry
417-B W. Foothill #512
Glendora, CA 91741

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND FIRST CLASS MAIL

Re: Administrative Citation No. 13933

Dear Mr. Burry,

NOTICE OF PUBLIC HEARING

This Notice is to inform you of a Public Hearing to be held before the Public Nuisance Hearing Board (the "Board") regarding a Notice of Appeal and Request for Hearing on Administrative Citation No. 13933, issued to Kim Burry on August 29, 2016.

This letter is written to inform you that you will be required to appear at the Public Nuisance Hearing Board Meeting on November 2, 2016 at 4pm, in accordance with Chapter 2.56 of Title 2 of the Highland Municipal Code. You may bring any witnesses, photographs, reports, or any other exhibits to this Hearing. You may be represented by an attorney. You will have an opportunity to examine all evidence and question witnesses testifying against you.

Steven Rondina
Senior Code Enforcement Officer

Notice of Public Hearing Meeting of
November 2, 2016
16-006

Time and date of Hearing: 4:00 pm on Wednesday, November 2, 2016

**Location of Hearing: Leo Donahue Chamber
 27215 Base Line
 Highland, CA 92346**

**CC: Joe Hughes, City Manager
 Lawrence Mainez, Community Development Director
 Craig Steele, City Attorney
 Public Nuisance Hearing Board Members**

Exhibit "2"
Posting / Mailing Affidavit dated October 11, 2016

AFFIDAVIT OF MAILING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

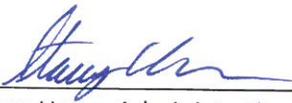
I am a citizen of the United States, over the age of eighteen years of age, not a party to this action, and I am a resident of and or employed in San Bernardino County where the mailing took place. My business address is City of Highland, 27215 Base Line, Highland, CA 92346.

On October 11, 2016, I caused to be served a copy of the attached Public Hearing (PNHB 16-006), Certified Mail, Return Receipt Requested, to the following parties: Kim Burry. Said service was made by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail, at Highland, California, and addressed to the Parties as more fully detailed below.

Kim Burry
417-B W. Foothill Blvd #512
Glendora, CA 91741

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

Dated: 10/11/16



Stacey Honn, Administrative Assistant III
City of Highland

Exhibit "3"
Photographs dated June 9, 2016



06/09/2016 15:06



06/09/2016 15:07



Exhibit "4"
Notice of Violation dated June 21, 2016



27215 Base Line, Highland, CA 92346

Notice of Violation

25814 Walker
San Bernardino, CA 92404

June 21, 2016

Property Owner:
Kim Burry
417-B W. Foothill Blvd #512
Glendora, CA 91741

Property Management:

Building

Patios

Other:

- 1 Repair the damage to the walls next the the tub / shower walls
- 2 Repair the damage to the carport roof & the patio cover

Plumbing & Mechanical

Water Heater

TP Line that is a metallic or CPVC pipe that drains to the outside of structure terminating downward 6 to 24 inches above grade, with no threads at the termination point

Electrical

Power Panel & Sub-panels

The breakers need to be labeled

Electrical Wiring

Face plates for all switches & outlets

All corrections listed above must be completed by your re-inspection date. Failure to comply may result in administrative citations for each violation. Building code fines start at \$500.00

Steven Rondina
909-864-6861 Ext 256
srondina@cityofhighland.org

Exhibit "5"
Photographs dated August 29, 2016



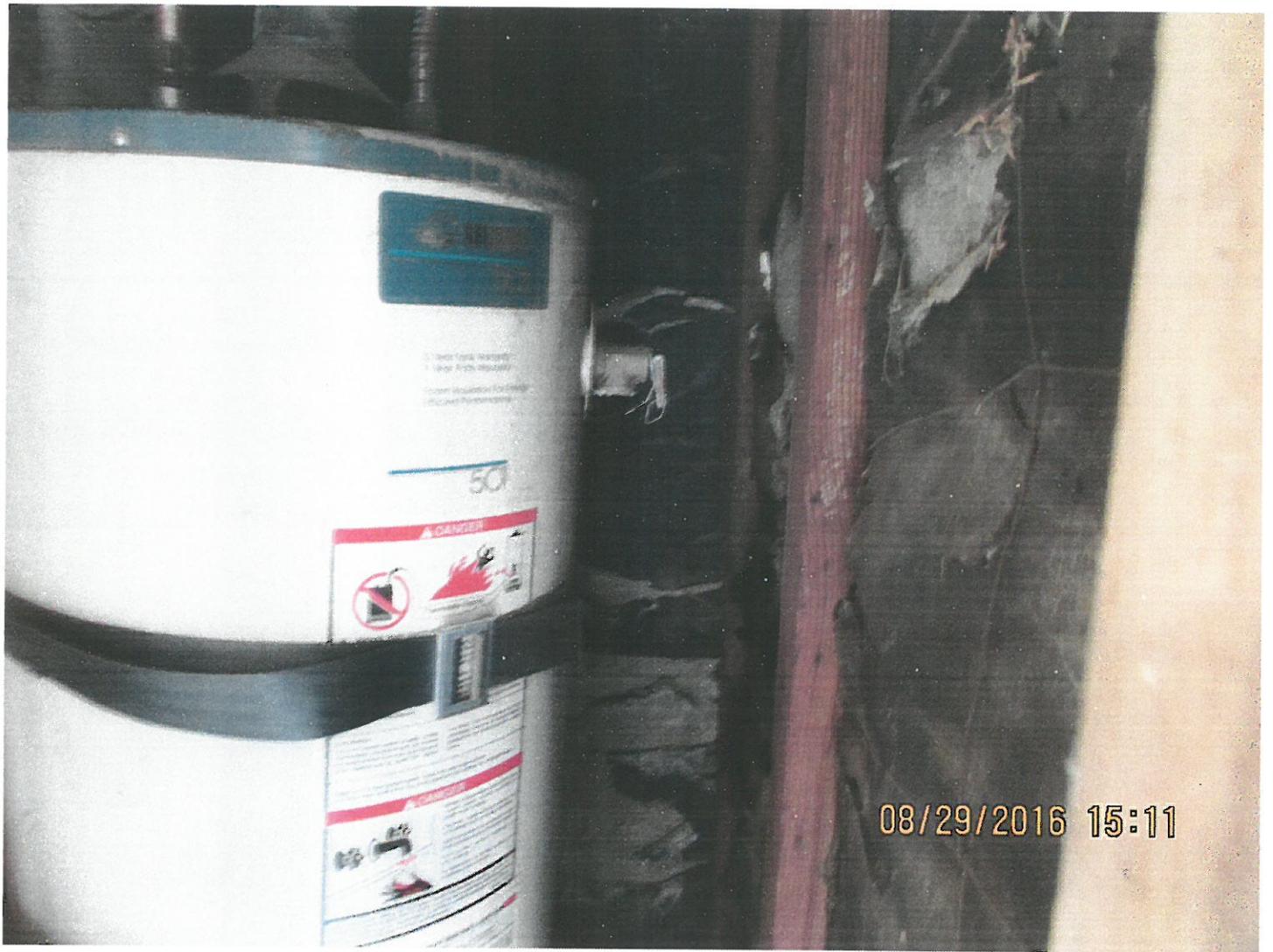


Exhibit "6"
Administrative Citation No. 13933 dated August 29, 2016



CITY OF HIGHLAND
 FINANCE DEPARTMENT
 27215 BASE LINE
 HIGHLAND, CA 92346
 (909) 864-6861

CITATION NO. 13933

ADMINISTRATIVE CITATION

Date: 8/29/16 Time: 5:52 (Violation Observed)

WARNING

1st Citation - \$ 100.00 2nd Citation - \$ _____

3rd Subsequent - \$ _____

The payment listed above is due by 9-29-16. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 9-29-16. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

Bobby, Kim

DL #:

DOB:

MAILING ADDRESS:

117-B W. Foothill #512, Glendora, CA 91741

VIOLATION ADDRESS:

25814 WALKER, SB, CA 92404

MUNI. / STATE CODE SECTION VIOLATED

VIOLATION DESCRIPTION

15.52.160

Timing of Repairs

CORRECTIONS REQUIRED:

Repair all items on violation letter

S. Rendina

Signature of Issuing Officer

8/29/16

Issued Date

S. Rendina

Printed Name of Issuing Officer

M. Hood

Acknowledgement of Receipt (Signature)

READ REVERSE SIDE FOR IMPORTANT INFORMATION

Exhibit "7"
Notice of Appeal Request for Hearing dated September 12, 2016



City of Highland
Administrative Citation Notice of Appeal
Request for Hearing

In regards to property located at: 25514 Walker, Highland, California, an Appeal is hereby made relative to Administrative Citation No. B933 (the "Citation"). It is my desire to Appeal this Citation.

Please select one:

- This is my first Appeal, so I am appealing to the Public Nuisance Hearing Board.

I understand that I have the right to Appeal the Citation within ten (10) calendar days from the date of service of the Citation. The date the Citation was personally issued to me is the date of service. Service by Registered or Certified Mail is deemed effective on the date it is served; service by United States Mail is deemed effective three (3) days after the date of deposit. If I was served in multiple ways, I understand that the earliest service date will prevail.

- The Public Nuisance Hearing Board has already heard my Appeal, so I am appealing to the City Council.

I understand that my Appeal must be filed within ten (10) days from the date that the Public Nuisance Hearing Board made its determination on my first appeal.

I understand that if I do not properly file this Appeal by the appropriate deadline listed above; I have waived my right to an Administrative Hearing and accept that I must pay the total amount of the fine.

To process this Appeal, I am submitting this completed form, along with the following payment.

Select one:

- This is my first appeal, so I am submitting the advance deposit of the Citation fine and the \$25.00 Administrative Hearing Fee for the first appeal.

- This is my first appeal, but I am unable to pay the advance deposit of the Citation fine and the \$25.00 Administrative Hearing Fee, so I am filing an Administrative Citation Hardship Waiver Request.

- This is my second appeal, and I have already submitted the advance deposit of the Citation fine and the \$25.00 first Administrative Hearing Fee, so I am submitting the \$25.00 Administrative Hearing Fee for the second appeal.

- This is my second appeal, and I have already been granted an Administrative Citation Hardship Waiver, so I do not need to submit any further payments.

I understand that payment should be made by personal check, cashier's check, or money-order payable to the City of Highland. I have written the Citation number on my check or money order. I further understand that the advance deposit of the Citation fine is refundable, if the case is decided in my favor.

I understand that without paying the appropriate payment option listed above, my Appeal cannot be processed. I further understand that I do not make that full payment by the appropriate deadline listed above; I have waived my right to an Administrative Hearing and accept that I may pay the total amount of the fine.

Basis or reason for this appeal? our maintenance man & our tenants were at property all day - and inspector was not ^{seen} there at any time.

I am delivering or mailing all my documents to:

City of Highland
Finance Department
27215 Base Line
Highland, CA 92346

Today's Date: 9.12.16

Name of Appellant: Kim Barry

Address: 417-B W. Foothill #512

Glendale, CA 91741

Signature of Appellant: [Signature]

Exhibit "8"
HMC Section 15.52.160

15.52.160 Timing of repairs.

All necessary repairs shall be completed within 30 days of receipt of notice of violation, or as may be otherwise by approved or required by the director, unless a written notice of appeal has been received by the city in a timely manner as set forth in HMC [15.52.130](#) whereupon the repairs may be deferred until the public nuisance hearing board has heard the appeal and rendered its determination. (Ord. 244 § 2, 1999)

Exhibit "9"
Proposed Public Nuisance Hearing Board Resolution No. 16-006

PNHB RESOLUTION NO. 16-006

A RESOLUTION OF THE PUBLIC NUISANCE HEARING BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARATION THAT THE VIOLATION EXISTED ON THE PROPERTY LOCATED AT 25814 WALKER, HIGHLAND, CALIFORNIA ON AUGUST 29, 2016, THEREBY UPHOLDING ADMINISTRATIVE CITATION NO. 13933 AND ORDERING THE APPELLANT TO CORRECT ALL VIOLATIONS LISTED IN THE NOTICE OF VIOLATION DATED JUNE 21, 2016 .
(PNHB CASE NO. 16-006)

WHEREAS, on August 29, 2016, ("Citation Date"), Highland Staff issued Administrative Citation No. 13933 ("Citation") which is attached hereto and incorporated herein by this reference, for violations of the Highland Municipal Code on the property located at 25814 Walker, Highland, California ("Property"), and;

WHEREAS, Highland Staff served the Citation on August 29, 2016, Kim Burry, who is the Property Owner, ("Appellant") by way of Certified Mail, which is attached hereto and incorporated herein by this reference, and;

WHEREAS, the Appellant timely submitted a Request for Hearing Form in order to appeal the Citation to the Public Nuisance Hearing Board, and;

WHEREAS, the Appellant timely submitted the deposit for the Citation and the Public Nuisance Hearing Board Administrative Hearing Fee.

NOW THEREFORE, it is hereby found, determined, and resolved by the Public Nuisance Hearing Board of the City of Highland as follows:

1. All of the facts set forth in the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution by this reference.
2. Staff timely notified Appellant that the Public Nuisance Hearing Board would be holding a Public Hearing on November 2, 2016; that Notice is attached hereto and incorporated herein by this reference. The Public Nuisance Hearing Board held a Public Hearing on that Hearing Date, at which time, with all written and oral evidence and testimony from the Appellant, the Public and Staff were considered.
3. Based upon the evidence and testimony presented to the Public Nuisance Hearing Board during the above-referenced Hearing, the Public Nuisance Hearing Board finds that violations of the Highland Municipal Code Section 15.52.160 existed on the Property on the Citation Date, as follows:

Repairs to the water heater, carport and patio cover had not been made.

This finding is based on the following facts:

- A. During a residential rental inspection, the City's Senior Code Compliance Officer observed that the water heater was installed incorrectly, and repairs to the carport & patio were needed.
 - B. The City's Senior Code Compliance Officer issued a notice of violation to the Property owner to correct the violations.
 - C. During a follow up inspection, the City's Senior Code Compliance Officer found that the corrections had not been made in violation of Highland Municipal Code Section 15.52.160.
- 4. The aforementioned constitute Violations of the Highland Municipal Code, and thus the Public Nuisance Hearing Board hereby upholds Administrative Citation No. 13933 and orders Appellant to abate the Violations.
 - 5. Pursuant to Highland Municipal Code Section 2.56.130, Appellant may appeal this decision to the City Council within ten (10) days of the Public Nuisance Hearing Board's decision, by submitting an Administrative Citation Notice of Appeal Request for Hearing.

PASSED, APPROVED AND ADOPTED this 2nd day of November 2016.

AYES:

NOES:

ABSENT:

[signatures on next page]

ATTEST:

Raymond Cadena, Chairman
Public Nuisance Hearing Board

Lawrence Mainez
Community Development Director

Attachments: Citation No. 13933
Public Hearing Notice