



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION AUTHORIZING THE PLACEMENT OF LIENS, RESTRAINTS, AND VEHICLE LICENSE STOPS ON PROPERTY CONTAMINATED BY ILLEGAL HAZARDOUS SUBSTANCES

WHEREAS, Environmental Management Department, operating as the local Certified Unified Program Agency (CUPA), provides hazardous materials incident response services for El Dorado County pursuant to El Dorado County Ordinance Code, Chapter 8.38, sections 8.38.250 and 8.38.260; and

WHEREAS, from time-to-time, Environmental Management Department staff will respond to suspected illegal and unlicensed laboratories where contamination exists and affects real property resulting from the manufacturing of illegal substances, including methamphetamine and opioids; and

WHEREAS, the Environmental Management Department Director represents the local health officer as the Deputy Health Officer for issues regarding Environmental Health, including hazardous material incident response, pursuant to El Dorado County Ordinance Code, Chapter 2.19, section 2.19.060; and

WHEREAS, on January 1, 2005, the Methamphetamine Contaminated Property Cleanup Act of 2005 (California Health and Safety Code sections 25400.10 through 25400.47) was enacted by the State of California to provide a mechanism to recover costs to perform investigative services and to ensure that the subject property cannot be transferred until contamination is mitigated; and

WHEREAS, California Health and Safety Code subsection 25400.22(a)(1) requires that, within ten (10) working days after the date in which the local health officer determines that property is contaminated, the local health officer record a lien on the property in an amount which shall be the greater of two hundred dollars (\$200) or the costs incurred by the local health officer in compliance of this chapter, including, but not limited to the cost of inspections performed pursuant to California Health and Safety Code section 25400.19 and the county recorder's fee; and

WHEREAS, California Health and Safety Code subsection 25400.22(a)(2)(A) requires that, within ten (10) working days after the date in which the local health officer determines that a mobilehome or manufactured home specified in subsection 25400.11(2)(t) is contaminated, the local health officer amend the permanent record with a restraint on the mobilehome or manufactured home with the Department of Housing and Community Development, in the form prescribed by that department; and

WHEREAS, California Health and Safety Code subsection 25400.22(a)(2)(B) requires that, within ten (10) working days after the date in which the local health officer determines that a recreational vehicle specified in subsection 25400.11(2)(t) is contaminated, the local health officer file with the Department of Motor Vehicles a vehicle license stop on the recreational vehicle in the form prescribed by that department; and

WHEREAS, California Health and Safety Code subsection 25400.22(a)(2)(C) requires that, within ten (10) working days after the date in which the local health officer determines that a mobilehome or manufactured home not specified in subsection 25400.11(2)(t) that is located on real property and not attached to that real property, the local health officer record a lien for the real property in an amount which shall be the greater of two hundred dollars (\$200) or the costs incurred by the local health officer in compliance of this chapter,

including, but not limited to the cost of inspections performed pursuant to California Health and Safety Code section 25400.19 and the county recorder's fee; and

WHEREAS, California Health and Safety Code subsection 25400.22(c)(2) provides the circumstances under which the local health officer may authorize the release of a lien, restraint, or vehicle license stop made under that section.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of El Dorado authorizes the Environmental Management Department, to (1) file real property liens, restraints, and vehicle license stops in accordance with Health and Safety Code section 25400.22 to recover the costs incurred by the County to respond to the hazardous materials incident in accordance with the Methamphetamine Contaminated Property Cleanup Act of 2005, including any future amendments thereto; and (2) release any lien, restraint, or vehicle license stop in accordance with California Health and Safety Code section 25400.22.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the _____ day of _____, 2019, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

Chair, Board of Supervisors