



Mendocino County

Legislation Details (With Text)

File #: 16-1284 **Version:** 1 **Name:**
Type: Approval **Status:** Approved
File created: 12/23/2016 **In control:** Air Quality Management District
On agenda: 1/10/2017 **Final action:**
Title: Approval of Request to Allow the Two Judgments in Case Number (No.) 06-13899 and 06-97532 to Expire
Sponsors: Air Quality Management District
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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To: Board of Supervisors

From: Air Quality Management District

Meeting Date: January 10, 2017

Department Contact: Donna M. Nash

Phone: 463-4354

Item Type: Consent Agenda

Time Allocated for

Item: N/A

Agenda Title:

Approval of Request to Allow the Two Judgments in Case Number (No.) 06-13899 and 06-97532 to Expire

Recommended Action/Motion:

Approve request to allow the two judgments in Case No. 06-13899 and Case No. 06-97532 to expire; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

None

Summary of Request:

In 2005, the Air Quality Management District ("District") issued violation notices to two separate individuals for violations of District Regulation 2, Open Outdoor Burning. After several attempts to resolve the violations with the persons involved, the District referred the unresolved Notices of Violation to County Counsel for further legal action in 2006, and favorable judgments were obtained in early 2007. If an unsatisfied judgment is not collected within ten years, the judgment will expire pursuant to California Code of Civil Procedure section 683.020 unless the judgment is renewed prior to expiration.

Case No. 06-13899 - Judgment was entered on March 9, 2007 in favor of the District for \$2,650. The judgment was referred to the Ukiah Credit Bureau for collection. Based on the relatively small amount of the judgement,

the time that has lapsed without any contact or success in collection, and the time and expense that will be involved in continuing to pursue this judgement, this request seeks Board approval to allow the judgment to expire and prevent any additional waste of time or resources on this matter.

Case No. 06-97532 - Judgment was entered on January 29, 2007 in favor of the District for \$21,933.90. The judgment was referred to the Ukiah Credit Bureau for collection. The defendant in this case subsequently moved out of state and successfully filed for bankruptcy in the state of Florida in 2009. To avoid potential liability, verification that this judgment was not discharged in the bankruptcy and is still legally enforceable must be verified prior to any further collection action. Based on the above facts, the time that has lapsed without any contact or success in collection, and the time and expense that will be involved in continuing to pursue this judgement with little likelihood of success, even if the judgment is still valid in light of the bankruptcy, this request seeks Board approval to allow the judgment to expire and prevent any additional waste of time or resources on this matter.

If the Board approves, the District will inform the Ukiah Credit Bureau of the same.

Alternative Action/Motion:

Do not approve the request and refer both cases to County Counsel to pursue renewal of the Judgements, or; approve request to allow one of the judgments to expire and refer the other to County Counsel to pursue renewal.

Supplemental Information Available Online at: N/A

Fiscal Impact:

Source of Funding: N/A

Budgeted in Current F/Y: N/A

Current F/Y Cost: N/A

Annual Recurring Cost: N/A

Supervisory District: All

Vote Requirement: Majority

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Christopher Shaver, Deputy CEO

CEO Review: Yes

Comments: