



**County Fire Department
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: December 8, 2015

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

CONTACT PERSON: Cyndi Allen PHONE: 559-622-7614

SUBJECT: Approve fire hazard abatement cost recovery actions.

REQUEST(S):

That the Board of Supervisors:

1. Conduct a public hearing for Fire Hazard Abatement Cost Recovery.
2. Confirm the accounting as modified.
3. Order that the costs as confirmed be recorded in the office of the Tulare County Recorder.
4. Order that the Tulare County Auditor-Controller/Treasurer-Tax Collector place such costs on the County tax roll as special assessments against the respective parcels of land.

SUMMARY:

Each year the Fire Department must abate fire hazards on property throughout the County where the owner has failed to abate the hazard within the specified time limits. The ordinance code allows the County to recover the costs associated with abating the hazard, plus an administrative fee.

Pursuant to Tulare County Ordinance Code Sections 4-11-1125 through 4-11-1140, the Tulare County Fire Chief determined that weeds and rubbish existing on the parcels listed in Exhibit "A" (attached) constituted a fire hazard and a public nuisance. Notice of this determination and the right to request to appear and be heard by this Board prior to abatement by the Fire Chief was given to all owners and known possessors of these parcels as required by Government Code section

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25845. No one requested to be heard before this Board at that time.

Accordingly, the Fire Chief proceeded pursuant to Tulare County Ordinance Code Sections 4-11-1260 through 4-11-1265, and caused the fire hazard and public nuisance on each of these parcels to be abated by persons other than the owner.

The Fire Chief has filed with this Board his account showing for each parcel the costs of abatement and the cost of administration. The Clerk of the Board has given the owner of each of these parcels the notice of today's hearing required by Tulare County Ordinance Code Section 4-11-1270. Any owner who appears has the burden of showing the Fire Chief's accounting is not accurate and reasonable.

Tulare County Ordinance Code Sections 4-11-1280 through 4-11-1285 authorize the Board to adopt a resolution ordering the costs of abating these nuisances to be recorded and placed on the County tax roll as special assessments against the respective parcels of land.

FISCAL IMPACT/FINANCING:

There is no net cost to the County. Approval of this item will enhance County efforts to recoup costs already incurred. The total cost of abatement within this agenda item is \$21,428.78.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The requested cost recovery actions will help continue Fire Department loss prevention activities. The Safety and Security initiative will be supported by the additional funding provided for enforcement of the hazard abatement program.

ADMINISTRATIVE SIGN-OFF:

Joe M. Garcia
Fire Chief

Cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment: Exhibit "A", listing of parcels and hazard abatement costs

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

**IN THE MATTER OF APPROVAL OF FIRE) Resolution No. _____
HAZARD ABATEMENT COST RECOVERY)
ACTIONS)**

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
 COUNTY ADMINISTRATIVE OFFICER/
 CLERK, BOARD OF SUPERVISORS

BY: _____
 Deputy Clerk

* * * * *

1. Conducted a public hearing for Fire Hazard Abatement Cost Recovery.
2. Confirmed the accounting as modified.
3. Ordered that the costs as confirmed be recorded in the office of the Tulare County Recorder.
4. Ordered that the Tulare County Auditor-Controller/Treasurer-Tax Collector place such costs on the County tax roll as special assessments against the respective parcels of land.

EXHIBIT "A"

CASE #	OWNERS' NAME	APN #	CONTR. CHARGE	ADMIN. FEE	TOTAL FEE
15-07-151	ZAVALA JUAN	075-270-029	\$765.00	\$348.00	\$1,113.00
<p>The subject property located at 30620 RD 68, GOSHEN was inspected on JULY 1, 2015 by a Tulare County Fire Fighter and it was determined that a fire hazard and public nuisance existed based upon the observation of WEEDS, GRASS, AND RUBBISH. On JULY 2, 2015 the Hazard Abatement Officer caused to be mailed to the property owner(s) a notice of violation indicating, among other things, the nature of the fire hazardous condition on the subject property; the right of the property owner(s) to appeal the Fire Warden's determination of public nuisance to the Board of Supervisors; the consequences of the failure to abate the public nuisance; the specific steps that must be taken to abate the public nuisance; and an invitation to the property owner(s) to contact the Hazard Abatement Officer if they had any questions. A copy of this notice of violation is contained in the case file. No request for appeal of the Fire Warden's public nuisance determination was made by the property owners. The subject property was re-inspected on JULY 30, 2015 and it was determined that the fire hazard was not abated. Consequently, following inspection by the Tulare County Fire Hazard Abatement Officer on AUGUST 5, 2015 a Contractor's Work Order was ordered on AUGUST 5, 2015 and completed on AUGUST 7, 2015. The actual cost to abate the fire hazard is broken down as follows: (17.0 hours X \$45.00 per hour = \$765.00). Photographs of the "before" and "after" condition of the subject property were taken and are in the case file. The County's Administrative Fee of \$348.00 (previously approved by the Board of Supervisors) was added to the amount of the contractor's cost.</p>					
15-07-152	JCH FAMILY LIMITED PTNSHP	075-270-030	\$765.00	\$348.00	\$1,113.00
<p>The subject property located at GOSHEN LTS 21-22 BLK 18 was inspected on JULY 1, 2015 by a Tulare County Fire Fighter and it was determined that a fire hazard and public nuisance existed based upon the observation of WEEDS, GRASS, AND RUBBISH. On JULY 2, 2015 the Hazard Abatement Officer caused to be mailed to the property owner(s) a notice of violation indicating, among other things, the nature of the fire hazardous condition on the subject property; the right of the property owner(s) to appeal the Fire Warden's determination of public nuisance to the Board of Supervisors; the consequences of the failure to abate the public nuisance; the specific steps that must be taken to abate the public nuisance; and an invitation to the property owner(s) to contact the Hazard Abatement Officer if they had any questions. A copy of this notice of violation is contained in the case file. No request for appeal of the Fire Warden's public nuisance determination was made by the property owners. The subject property was re-inspected on JULY 30, 2015 and it was determined that the fire hazard was not abated. Consequently, following inspection by the Tulare County Fire Hazard Abatement Officer on AUGUST 5, 2015 a Contractor's Work Order was ordered on AUGUST 5, 2015 and completed on AUGUST 7, 2015. The actual cost to abate the fire hazard is broken down as follows: (17.0 hours X \$45.00 per hour = \$1,113.00). Photographs of the "before" and "after" condition of the subject property were taken and are in the case file. The County's Administrative Fee of \$348.00 (previously approved by the Board of Supervisors) was added to the amount of the contractor's cost.</p>					

EXHIBIT "A"

15-25-012	L PIOQUINTO SANTA CRUZ	187-093-009	\$1980.00	\$348.00	\$2,328.00
<p>The subject property located at 162 W WADE AV, TULARE was inspected on APRIL 3, 2015 by a Tulare County Fire Fighter and it was determined that a fire hazard and public nuisance existed based upon the observation of WEEDS AND GRASS. On APRIL 3, 2015 the Hazard Abatement Officer caused to be mailed to the property owner(s) a notice of violation indicating, among other things, the nature of the fire hazardous condition on the subject property; the right of the property owner(s) to appeal the Fire Warden's determination of public nuisance to the Board of Supervisors; the consequences of the failure to abate the public nuisance; the specific steps that must be taken to abate the public nuisance; and an invitation to the property owner(s) to contact the Hazard Abatement Officer if they had any questions. A copy of this notice of violation is contained in the case file. No request for appeal of the Fire Warden's public nuisance determination was made by the property owners. The subject property was re-inspected on MAY 5, 2015 and it was determined that the fire hazard was not abated. Consequently, following inspection by the Tulare County Fire Hazard Abatement Officer on JULY 22, 2015 a Contractor's Work Order was ordered on JULY 22, 2015 and completed on JULY 23, 2015. The actual cost to abate the fire hazard is broken down as follows: (44.0 hours X \$45.00 per hour = \$1,980.00). Photographs of the "before" and "after" condition of the subject property were taken and are in the case file. The County's Administrative Fee of \$348.00 (previously approved by the Board of Supervisors) was added to the amount of the contractor's cost.</p>					
15-16-032	GONZALEZ JOSE I & JOSEPHINA	215-071-001	\$1,620.00	\$348.00	\$1,968.00
<p>The subject property located at 23013 CLYDE AV, STRATHMORE was inspected on APRIL 15, 2015 by a Tulare County Fire Fighter and it was determined that a fire hazard and public nuisance existed based upon the observation of WEEDS AND GRASS. On MAY 8, 2015 the Hazard Abatement Officer caused to be mailed to the property owner(s) a notice of violation indicating, among other things, the nature of the fire hazardous condition on the subject property; the right of the property owner(s) to appeal the Fire Warden's determination of public nuisance to the Board of Supervisors; the consequences of the failure to abate the public nuisance; the specific steps that must be taken to abate the public nuisance; and an invitation to the property owner(s) to contact the Hazard Abatement Officer if they had any questions. A copy of this notice of violation is contained in the case file. No request for appeal of the Fire Warden's public nuisance determination was made by the property owners. The subject property was re-inspected on JUNE 4, 2015 and it was determined that the fire hazard was not abated. Consequently, following inspection by the Tulare County Fire Hazard Abatement Officer on JULY 17, 2015 a Contractor's Work Order was ordered on JULY 17, 2015 and completed on JULY 20, 2015. The actual cost to abate the fire hazard is broken down as follows: (36.0 hours X \$45.00 per hour = \$1,620.00). Photographs of the "before" and "after" condition of the subject property were taken and are in the case file. The County's Administrative Fee of \$348.00 (previously approved by the Board of Supervisors) was added to the amount of the contractor's cost.</p>					

EXHIBIT "A"

15-16-034 BEAVER DONNA MAE 215-071-008 \$1,260.00 \$348.00 \$1,608.00

The subject property located at **23084 LAWSON AV, STRATHMORE** was inspected on **APRIL 15, 2015** by a Tulare County Fire Fighter and it was determined that a fire hazard and public nuisance existed based upon the observation of **WEEDS AND GRASS**. On **MAY 8, 2015** the Hazard Abatement Officer caused to be mailed to the property owner(s) a notice of violation indicating, among other things, the nature of the fire hazardous condition on the subject property; the right of the property owner(s) to appeal the Fire Warden's determination of public nuisance to the Board of Supervisors; the consequences of the failure to abate the public nuisance; the specific steps that must be taken to abate the public nuisance; and an invitation to the property owner(s) to contact the Hazard Abatement Officer if they had any questions. A copy of this notice of violation is contained in the case file. No request for appeal of the Fire Warden's public nuisance determination was made by the property owners. The subject property was re-inspected on **JUNE 4, 2015** and it was determined that the fire hazard was not abated. Consequently, following inspection by the Tulare County Fire Hazard Abatement Officer on **JULY 17, 2015** a Contractor's Work Order was ordered on **JULY 17, 2015** and completed on **JULY 20, 2015**. The actual cost to abate the fire hazard is broken down as follows: (28.0 hours X \$45.00 per hour = \$1,260.00). Photographs of the "before" and "after" condition of the subject property were taken and are in the case file. The County's Administrative Fee of **\$348.00** (previously approved by the Board of Supervisors) was added to the amount of the contractor's cost.

15-26-021 BAEZA FABIAN & 230-170-010 \$1,436.04 \$348.00 \$1,784.04
CHRISTINA

The subject property located at **411 S HAMLIN, TIPTON** was inspected on **APRIL 26, 2015** by a Tulare County Fire Fighter and it was determined that a fire hazard and public nuisance existed based upon the observation of **WEEDS AND GRASS**. On **MAY 12, 2015** the Hazard Abatement Officer caused to be mailed to the property owner(s) a notice of violation indicating, among other things, the nature of the fire hazardous condition on the subject property; the right of the property owner(s) to appeal the Fire Warden's determination of public nuisance to the Board of Supervisors; the consequences of the failure to abate the public nuisance; the specific steps that must be taken to abate the public nuisance; and an invitation to the property owner(s) to contact the Hazard Abatement Officer if they had any questions. A copy of this notice of violation is contained in the case file. No request for appeal of the Fire Warden's public nuisance determination was made by the property owners. The subject property was re-inspected on **JUNE 6, 2015** and it was determined that the fire hazard was not abated. Consequently, following inspection by the Tulare County Fire Hazard Abatement Officer on **OCTOBER 1, 2015** a Contractor's Work Order was ordered on **OCTOBER 1, 2015** and completed on **OCTOBER 5, 2015**. The actual cost to abate the fire hazard is broken down as follows: (30.0 hours X \$45.00 per hour + Dump Fees \$86.04 = \$1,436.04). Photographs of the "before" and "after" condition of the subject property were taken and are in the case file. The County's Administrative Fee of **\$348.00** (previously approved by the Board of Supervisors) was added to the amount of the contractor's cost.

EXHIBIT "A"

15-27-017 VERA DAVID R & VERONICA 299-014-025 \$630.00 \$348.00 \$978.00

The subject property located at **W COAST ECLYPTS TR 2 POR LT 25** was inspected on **APRIL 12, 2015** by a Tulare County Fire Fighter and it was determined that a fire hazard and public nuisance existed based upon the observation of **WEEDS AND GRASS**. On **APRIL 30, 2015** the Hazard Abatement Officer caused to be mailed to the property owner(s) a notice of violation indicating, among other things, the nature of the fire hazardous condition on the subject property; the right of the property owner(s) to appeal the Fire Warden's determination of public nuisance to the Board of Supervisors; the consequences of the failure to abate the public nuisance; the specific steps that must be taken to abate the public nuisance; and an invitation to the property owner(s) to contact the Hazard Abatement Officer if they had any questions. A copy of this notice of violation is contained in the case file. No request for appeal of the Fire Warden's public nuisance determination was made by the property owners. The subject property was re-inspected on **MAY 31, 2015** and it was determined that the fire hazard was not abated. Consequently, following inspection by the Tulare County Fire Hazard Abatement Officer on **AUGUST 20, 2015** a Contractor's Work Order was ordered on **AUGUST 20, 2015** and completed on **AUGUST 25, 2015**. The actual cost to abate the fire hazard is broken down as follows: (14.0 hours X \$45.00 per hour = \$630.00). Photographs of the "before" and "after" condition of the subject property were taken and are in the case file. The County's Administrative Fee of \$348.00 (previously approved by the Board of Supervisors) was added to the amount of the contractor's cost.

15-27-016 PACHECO RAFAEL CHAVEZ 299-014-032 \$630.00 \$348.00 \$978.00

The subject property located at **B F RETHERFORD PTN LTS 10 & 11** was inspected on **APRIL 12, 2015** by a Tulare County Fire Fighter and it was determined that a fire hazard and public nuisance existed based upon the observation of **WEEDS AND GRASS**. On **APRIL 30, 2015** the Hazard Abatement Officer caused to be mailed to the property owner(s) a notice of violation indicating, among other things, the nature of the fire hazardous condition on the subject property; the right of the property owner(s) to appeal the Fire Warden's determination of public nuisance to the Board of Supervisors; the consequences of the failure to abate the public nuisance; the specific steps that must be taken to abate the public nuisance; and an invitation to the property owner(s) to contact the Hazard Abatement Officer if they had any questions. A copy of this notice of violation is contained in the case file. No request for appeal of the Fire Warden's public nuisance determination was made by the property owners. The subject property was re-inspected on **MAY 31, 2015** and it was determined that the fire hazard was not abated. Consequently, following inspection by the Tulare County Fire Hazard Abatement Officer on **AUGUST 20, 2015** a Contractor's Work Order was ordered on **AUGUST 20, 2015** and completed on **AUGUST 25, 2015**. The actual cost to abate the fire hazard is broken down as follows: (14.0 hours X \$45.00 per hour = \$630.00). Photographs of the "before" and "after" condition of the subject property were taken and are in the case file. The County's Administrative Fee of \$348.00 (previously approved by the Board of Supervisors) was added to the amount of the contractor's cost.

