



**Fire Department
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: February 26, 2019

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" 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: Charlie Norman PHONE: 559-802-9800

SUBJECT: Fire Hazard Abatement Cost Recovery Actions

REQUEST(S):

That the Board of Supervisors:

1. Conduct a continued public hearing for Fire Hazard Abatement Cost Recovery for 2018;
2. Confirm the recommended reduced accounting for costs as shown on the attached Exhibit "A" as being accurate and reasonable;
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, with the caveat that the confirmed costs shall not be placed on the tax roll if paid in full prior to entry of said costs on the tax roll.; and
5. Direct the Fire Department to return to the Board within sixty (60) days with recommendations for improvements to the Fire Hazard Abatement program and the cost recovery processes.

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.

SUBJECT: Fire Hazard Abatement Cost Recovery Actions
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Pursuant to Tulare County Ordinance Code Sections 4-11-1000 through 4-11-1075, 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 25845 and Tulare County Ordinance code sections 4-11-1125 through 4-11-1140. 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 a private contractor.

The Fire Chief filed with this Board his account showing for each parcel the costs of abatement and the cost of administration. The Clerk of the Board gave the owner of each of these parcels the notice of the hearing required by Tulare County Ordinance Code Section 4-11-1270, which began at the Board's January 29, 2019 meeting.

A couple of the parcel owners appeared at the hearing and protested the cost accounting for their parcels. The Board continued the hearing to February 5 and then to today's meeting to allow the Fire Department and the parcel owners to submit additional information concerning the costs and related abatement program and cost recovery process issues.

Having taken a closer look at the proposed charges and the terms of the contract the County had in place for the 2018 fire hazard abatements, the Fire Department now recommends the charges for each of the six (6) subject parcels be reduced as shown on the attached Exhibit "A" for the reasons stated, that those reduced charges be confirmed as accurate and reasonable, and the confirmed costs recorded and placed on the County tax roll as special assessments against the subject parcels, with the caveat that the confirmed costs shall not be placed on the tax roll if paid in full prior to entry of said costs on the tax roll.

The Fire Department also recommends the Board direct it to return to the Board within sixty (60) days with recommendations for improvements to the Fire Hazard Abatement program and the cost recovery processes, which may include additional pre- and post- abatement noticing to parcel owners, providing parcel owners with estimates of the costs for County-contracted abatement actions, working with Purchasing to establish a pool of available private contractors located geographically closer to the parcels needing abatement and with clearer contract scopes of work and cost controls, and greater publicity for the annual abatement deadline.

FISCAL IMPACT/FINANCING:

Confirmation of the reduced cost recovery charges as recommended will result in a net cost to the General Fund of \$34,663.46. The Fire Department's will assess the ability to absorb the cost within its operating budget, should additional funds be necessary the Fire Department will submit a budget adjustment request as part of the FY 2018-19 Midyear budget.

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LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

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

ADMINISTRATIVE SIGN-OFF:



Charlie Norman
Fire Chief

Cc: County Administrative Office

Attachment Exhibit "A," list of parcels and recommended reduced hazard abatement costs

CN/JLK/2019271/2-15-19/1278678.docx

EXHIBIT "A"

List of Parcels and Recommended Reduced Hazard Abatement Costs

1. According to the County's contract for the 2018 fire hazard abatement program, the Contractor was allowed to charge the County \$300 per acre, or portion thereof for disking, and \$110 per hour for labor (described as "travel, handwork, cleanup").
2. According to Fire Department records, the Contractor billed the County for disking work on the McWilliams and Mattos parcels at his \$110 per hour rate for general labor instead of the \$300 per acre disking rate.
3. According to Fire Department records, the entire McWilliams parcel of 2.95 acres was disked, which should have cost parcel owner McWilliams \$300, which is an additional \$20 over what the Contractor charged the County.
4. On the Mattos parcel, Fire Department records show the Contractor was to disk a 30-foot path around the perimeter of the entire 20.24-acre parcel, with 15-foot crossbreaks. This calculates to about 3.5 acres, for which Mattos should have been charged \$1,200 for disking at \$300 per acre or portion thereof, instead of the \$2,640 the Contractor charged for the disking, resulting in a potential overcharge of \$1,440. Mr. Mattos testified, however, that only the front 30 feet of his parcel was disked, with no crossbreaks, and the Fire Department essentially confirmed this at the continued hearing, explaining that the Contractor's employees mowed and disked the front 30-foot firebreak but that the parcel owner's own contractor completed the rest of the required work before they returned to the site. The work actually performed by the County's Contractor calculates to .613 acres, for which Mattos should have been charged \$300 for disking at \$300 per acre or portion thereof, instead of the \$2,640 the Contractor charged for the disking, resulting in an overcharge of \$2,340.
5. Another issue raised by parcel owners was the charging of \$110 per hour for mowing, debris removal, and travel time for each of the Contractor's multiple employees assigned per site, resulting in hourly charges twice or three times as much as the contract seems to allow for.
6. Additionally, the bills for 5 of the 6 parcels included the cost of dump fees, which are not specifically an allowed cost under the County contract (but which apparently have been paid to this Contractor in past years, when his scope of work was more clearly defined).
7. Deducting dump fees, correcting the disking charge for the Mattos and McWilliams parcels, and charging for hours of labor for mowing, debris removal, and travel @ \$110/hour for all Contractor employees instead of per employee, to align with the contract terms, would reduce the accounting costs for each parcel as follows:

PROPERTY OWNER: MERAZ, ANDRES JR.		
LOCATION: 30902 JUNIPER RD., GOSHEN (@ Effie Dr and Elder Dr, North of Fig Ave)		
APN: 075-070-047		
SIZE OF PARCEL: 13,500 SQ FT (0.31 ACRES)		
ORDERED: REMOVE ALL WEEDS, GRASS, AND RUBBISH FROM ENTIRE PARCEL		
DONE: SAME		
ORIGINAL CHARGES:		RECOMMENDED ADJUSTED CHARGES*:
DISKING	\$0.00	\$0.00
MOWING:	0.00	0.00
DEBRIS REMOVAL: (91 HRS @ \$110/HR BY 3 EMPLOYEES)	10,010.00	3,336.00
TRAVEL TIME: (27 HRS @ \$110/HR BY 3 EMPLOYEES)	2,970.00	990.00
OTHER CHARGES: (DUMP FEES AT COST)	213.90	0.00
TOTAL CONTRACTOR COST:	13,393.90	4,326.00
ADMIN COST:	348.00	348.00
TOTAL COST:	\$13,541.90	\$4,674.00
TOTAL REDUCTION:		\$8,867.90

*Adjustments based on terms of County contract, which does not allow for charges for multiple employees per hour for mowing, debris removal, or travel time, or for dump fees.

PROPERTY OWNER: ZAVALA, JUAN ANDRES JR.		
LOCATION: VACANT LOT NORTH OF 30614 ROAD 68, GOSHEN		
APN: 075-270-029		
SIZE OF PARCEL: 6,250 SQ FT (0.143 ACRES)		
ORDERED: REMOVE ALL WEEDS, GRASS, AND RUBBISH FROM ENTIRE PARCEL AND TO CENTER OF ALLEYWAY.		
DONE: SAME		
ORIGINAL CHARGES:		RECOMMENDED ADJUSTED CHARGES*:
DISKING	\$0.00	\$0.00
MOWING:	0.00	0.00
DEBRIS REMOVAL: (30 HRS @ \$110/HR BY 3 EMPLOYEES)	3,300.00	1,100.00
TRAVEL TIME: (6 HRS @ \$110/HR BY 3 EMPLOYEES)	660.00	220.00
OTHER CHARGES: (DUMP FEES AT COST)	147.18	0.00
TOTAL CONTRACTOR COST:	4,107.18	1,320.00
ADMIN COST:	348.00	348.00
TOTAL COST:	\$4,455.18	\$1,668.00
TOTAL REDUCTION:		\$2,787.18

*Adjustments based on terms of County contract, which does not allow for charges for multiple employees per hour for mowing, debris removal, or travel time, or for dump fees.

PROPERTY OWNER: JCH FAMILY LIMITED PARTNERSHIP		
LOCATION: VACANT LOT SOUTH OF 30650 ROAD 68, GOSHEN		
APN: 075-270-030		
SIZE OF PARCEL: 6,250 SQ FT (0.143 ACRES)		
ORDERED: REMOVE ALL WEEDS, GRASS, AND RUBBISH FROM ENTIRE PARCEL AND TO CENTER OF ALLEYWAY.		
DONE: SAME		
ORIGINAL CHARGES:		RECOMMENDED ADJUSTED CHARGES*:
DISKING	\$0.00	\$0.00
MOWING:	0.00	0.00
DEBRIS REMOVAL: (23 HRS @ \$110/HR BY 2 EMPLOYEES)	2,530.00	1,265.00
TRAVEL TIME: (4 HRS @ \$110/HR BY 2 EMPLOYEES)	440.00	220.00
OTHER CHARGES: (DUMP FEES AT COST)	92.48	0.00
TOTAL CONTRACTOR COST:	3,062.48	1,485.00
ADMIN COST:	348.00	348.00
TOTAL COST:	\$3,410.48	\$1,833.00
TOTAL REDUCTION:		\$1,577.48

*Adjustments based on terms of County contract, which does not allow for charges for multiple employees per hour for mowing, debris removal, or travel time, or for dump fees.

PROPERTY OWNER: MATTOS, MARIO & JENNIE		
LOCATION: VACANT LOT SOUTH OF 29934 ROAD 152, VISALIA		
APN: 103-100-051		
SIZE OF PARCEL: 20.24 ACRES		
ORDERED: REMOVE ALL GRASS & WEEDS FOR A DISTANCE OF 30 FT AROUND PERIMETER OF PARCEL, 15 FT CROSSBREAKS.		
DONE: DISKED 30 FT BREAK ACROSS FRONT OF PARCEL ONLY (@ 0.613 ACRES)		
ORIGINAL CHARGES:		RECOMMENDED ADJUSTED CHARGES*:
DISKING (24 HRS @ \$110/HR BY 3 EMPLOYEES)	\$2,640.00	\$300.00
MOWING (8 HRS @ \$110/HR BY 3 EMPLOYEES):	880.00	293.00
DEBRIS REMOVAL:	\$0.00	0.00
TRAVEL TIME: (8 HRS @ \$110/HR BY 3 EMPLOYEES)	880.00	293.00
OTHER CHARGES: (DUMP FEES AT COST)	0.00	0.00
TOTAL CONTRACTOR COST:	4,400.00	886.00
ADMIN COST:	348.00	348.00
TOTAL COST:	\$4,748.00	\$1,234.00
TOTAL REDUCTION:		\$3,514.00

*Adjustments based on terms of County contract, which does not allow for charges for multiple employees per hour for mowing, debris removal or travel time, or dump fees, and charges disking @ \$300/acre, instead of \$110/hr.

PROPERTY OWNER: McWILLIAMS, DAVID & CAROLYN J.		
LOCATION: VACANT LOT NORTH OF 1444 W JAMES AVE., VISALIA (South of Caldwell/East of Mooney)		
APN: 126-062-017		
SIZE OF PARCEL: 2.95 ACRES		
ORDERED: REMOVE ALL WEEDS, GRASS, RUBBISH, AND GRASS PILES FROM ENTIRE PARCEL AND ALONG ROADWAY.		
DONE: SAME		
ORIGINAL CHARGES:		RECOMMENDED ADJUSTED CHARGES*:
DISKING (8 HRS @ \$110/HR)	\$880.00	\$900.00
MOWING:	0.00	0.00
DEBRIS REMOVAL: (8 HRS @ \$110/HR BY 2 EMPLOYEES)	\$880.00	440.00
TRAVEL TIME: (5 HRS @ \$110/HR BY 2 EMPLOYEES)	550.00	275.00
OTHER CHARGES: (DUMP FEES AT COST)	25.84	0.00
TOTAL CONTRACTOR COST:	2,335.84	1,615.00
ADMIN COST:	348.00	348.00
TOTAL COST:	\$2,683.84	\$1,963.00
TOTAL REDUCTION:		\$720.84

*Adjustments based on terms of County contract, which does not allow for charges for multiple employees per hour for mowing, debris removal, and travel time, or dump fees, and charges disking @ \$300/acre, instead of \$110/hr.

PROPERTY OWNER: SECURITY PACIFIC NATIONAL BANK		
LOCATION: 345 BAXLEY ST., PORTERVILLE (Between E Roby & E Crabtree Avenues)		
APN: 263-060-016		
SIZE OF PARCEL: 17,671.50 SQ FT (0.404 ACRES)		
ORDERED: REMOVE ALL WEEDS, GRASS, RUBBISH, BRUSH PILE, TREE TRIMMINGS FROM ENTIRE PARCEL.		
DONE: SAME.		
ORIGINAL CHARGES:		RECOMMENDED ADJUSTED CHARGES*:
DISKING	\$0.00	\$0.00
MOWING:	0.00	0.00
DEBRIS REMOVAL: (204 HRS @ \$110/HR BY 2 EMPLOYEES) 500 TIRES REMOVED	22,400.00	11,200.00
TRAVEL TIME: (68 HRS @ \$110/HR BY 2 EMPLOYEES)	7,480.00	3,740.00
OTHER CHARGES: (DUMP FEES AT COST)	2,216.06	0.00
TOTAL CONTRACTOR COST:	32,136.06	14,940.00
ADMIN COST:	348.00	348.00
TOTAL COST:	\$32,484.06	\$15,288.00
TOTAL REDUCTION:		\$17,196.06

*Adjustments based on terms of County contract, which does not allow for charges for multiple employees per hour for mowing, debris removal, travel time, or dump fees.

TOTAL REDUCTIONS FOR ALL PARCELS:	\$34,663.46
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**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

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

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: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Conducted a continued public hearing for Fire Hazard Abatement Cost Recovery;
2. Confirmed the recommended reduced accounting for costs as shown on the attached Exhibit "A" as being accurate and reasonable;
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, with the caveat that the confirmed costs shall not be placed on the tax roll if paid in full prior to entry of said costs on the tax roll; and
5. Directed the Fire Department to return to the Board within sixty (60) days with recommendations for improvements to the Fire Hazard Abatement program and the cost recovery processes.