



COUNTY OF LOS ANGELES FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2426
www.fire.lacounty.gov

"Proud Protectors of Life, Property, and the Environment"

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

48 December 7, 2021

Celia Zavala
CELIA ZAVALA
EXECUTIVE OFFICER

BOARD OF SUPERVISORS

HILDA L. SOLIS
FIRST DISTRICT

HOLLY J. MITCHELL
SECOND DISTRICT

SHEILA KUEHL
THIRD DISTRICT

JANICE HAHN
FOURTH DISTRICT

KATHRYN BARGER
FIFTH DISTRICT

November 30, 2021

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

REVISED

Dear Supervisors:

AUTHORITY TO CHARGE FOR BRUSH CLEARANCE ENFORCEMENT COSTS UPON DECLARED PARCELS, INCLUDING INVESTIGATION, BOUNDARY DETERMINATION, MEASUREMENT, CLERICAL AND OTHER RELATED COSTS (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

SUBJECT

The Consolidated Fire Protection District of Los Angeles County (District) is requesting Board of Supervisor's (Board) approval to establish a new initial inspection fee for brush clearance enforcement. Initial inspections of improved parcels declared by the Board to have hazardous vegetation and weed are a critical component to brush clearance enforcement and the fire prevention process. This resolution allows the recovery of initial inspection assessment costs to carry out this essential public safety function in a tiered approach beginning January 1, 2022.

IT IS RECOMMENDED THAT YOUR HONORABLE BOARD, ACTING AS THE GOVERNING BODY OF THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY AFTER PUBLIC HEARING:

1. Find that the recommended action is exempt from the California Environmental Quality Act (CEQA) for the reasons stated in this Board letter and the record.
2. Adopt the attached resolution that will authorize the District to impose ~~imposition impose~~ of a special assessment on any improved parcel declared by the Board to have noxious or dangerous weeds requiring removal in order to recover the District's brush clearance

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY
CALABASAS

CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA
CUDAHY
DIAMOND BAR
DUARTE

EL MONTE
GARDENA
GLEN DORA
HAWAIIAN GARDENS
HAWTHORNE
HERMOSA BEACH
HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY

INGLEWOOD
IRVINDALE
LA CANADA-FLINTRIDGE
LA HABRA
LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER

LAWNDALE
LOMITA
LYNWOOD
MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT

PICO RIVERA
POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
VERNON
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

enforcement costs, including investigation, boundary determination, measurement, clerical and other related costs such as the cost of inspection in a tiered collection schedule beginning January 1, 2022, as follows:

Beginning January 1, 2022, the special assessment fee of \$50 per parcel
Beginning January 1, 2023, the special assessment fee of \$100 per parcel
Beginning January 1, 2024, the special assessment fee of \$151 per parcel

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Adoption of the resolution will allow the District to recover the cost of enforcing the brush clearance ordinance by expanding the charge for enforcement to include initial inspections of all improved properties your Board declares as public nuisances each year.

State law authorizes county boards of supervisors to impose special assessments and liens to recover costs incurred in enforcing weed abatement upon parcels declared to have weed hazards, including investigation, inspection, boundary determination, measurement, clerical, and other related costs.

It is recommended that an initial inspection assessment be levied on all declared improved parcels, including those cleared by the owners, in order to fully recover the District's enforcement costs. If assessments had been imposed on declared improved parcels which are later cleared by their owners in 2020-21, the amount of the assessment would have been \$151 per parcel. The tiered special assessment will begin on January 1, 2022 through 2024. Property owners will see the assessment on their property tax bill, beginning on or around November of each year, starting in 2023.

Implementation of Strategic Plan Goals

Approval of the recommended action is consistent with the County's Strategic Plan Goal II, Strategy II.2: Support the Wellness of our Communities – Removal of overgrown weeds, neglected vegetation and illegal dumping contributes to the health and safety of residents within many of the County's diverse communities and Strategy III.3: Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability by continually assessing our efficiency and effectiveness, maximizing, and leveraging resources, and holding ourselves accountable.

FISCAL IMPACT/FINANCING

If your Board authorizes the recovery of initial inspections assessment costs, the District's brush clearance/weed abatement program would be virtually 100 percent revenue offset.

The County of Los Angeles Auditor-Controller approved the initial inspection fee of \$151 for all declared improved parcels to offset the District's initial inspection costs. However, the District will implement such fee in a tiered approach as follows:

Beginning January 1, 2022, the special assessment fee of \$50 per parcel

Beginning January 1, 2023, the special assessment fee of \$100 per parcel
Beginning January 1, 2024, the special assessment fee of \$151 per parcel

There is no impact on net County cost.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The County currently imposes abatement enforcement assessments only on declared parcels which are non-compliant after two brush clearance inspections. The inspection costs for the initial and secondary inspections are not currently recovered. Such parcels account for most of the roughly 51,000 improved parcels that your Board annually declares to have weeds. It is anticipated that starting in 2022, there will be approximately 50,000 brush clearance inspections. The inspection fees currently not collected account for 98 percent of the costs incurred by the District to oversee the program.

Authority for recovery of enforcement cost is in the State Health and Safety Code, Section 14912, as amended in 1982 by A.B. 2854 (Cortese). This letter recommends that your Board set a hearing and authorize the fee.

The California Health and Safety Codes allows for the authority to assess the costs of an initial inspection. Section 14902 of the California Health and Safety Code provides:

“Before the arrival of the officer, board or commission or their representatives, any property owner may remove weeds at his or her own expense. Nevertheless, in any case in which an order to abate is issued, the board by resolution or motion may further order that a special assessment and lien may be imposed pursuant to Section 14912. In that case the assessment and lien shall be limited to the costs incurred by the responsible agency in enforcing abatement upon the parcels, including investigation, boundary determination, measurement, clerical and other related costs.”

Weed, brush, and rubbish abatement will be conducted pursuant to California Health and Safety (Code) Sections 13879 and 14875-14922. The initial step of the process is a resolution of the Board declaring weeds, brush, and rubbish on designated properties to be a public nuisance. Following the resolution, a legal notice will be mailed to each property owner in the form prescribed in Section 14892 of the Code. An affidavit of mailing will be returned to the Board when the mailing of notices, as required by Section 14896 of the Code, has been completed.

After the notices have been mailed, public hearings will be held before the Weed Abatement and Brush Clearance Referees in Arcadia and the Antelope Valley. At these hearings, property owners will be given individual consultation regarding Program-related issues such as:

- Why specific properties have been included in the Program
- Why properties need to be cleared
- What needs to be done on the property to remove the hazard or public nuisance

- The inspection fee
- Clearance costs if the County performs the work

Property owners who have objections to having their properties included in the Program, may also appear before the Board during a public hearing, as required by Section 14898 of the Code, after which the Board may allow or overrule any or all objections and order the District to continue with abatement proceedings.

IMPACTS ON CURRENT SERVICES (OR PROJECTS)

The recommended actions will have no effect on current Fire District services.

ENVIRONMENTAL DOCUMENTATION

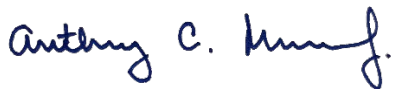
The recommended action is not subject to the California Environmental Quality Act ("CEQA") because it is excluded from the definition of a project by section 15378(b) of the State CEQA Guidelines. The proposed action would allow for cost recovery that does not involve a specific project that would result in a potentially significant physical impact on the environment.

CONCLUSION

Upon approval by your Board, please instruct the Executive Officer of the Board to return two approved copies of this adopted action and resolution to:

Consolidated Fire Protection District of Los Angeles County
Executive Office - Business Operations
Attention: Zuleyda Santana, Administrative Services Manager II
1320 North Eastern Avenue
Los Angeles, CA 90063

Respectfully submitted,



ANTHONY C. MARRONE, INTERIM FIRE CHIEF

ACM:kc

Enclosures

c: Chief Executive Officer
Executive Officer, Board of Supervisors
County Counsel
Auditor-Controller

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES
TO RECOVER INITIAL INSPECTION COSTS
FOR HAZARDOUS VEGETATION AND WEED ABATEMENT**

WHEREAS, hazardous brush, dry grass, weeds, combustible growth, flammable vegetation and unpruned or otherwise neglected vegetation including native and ornamental plants, hereafter referred to collectively as hazardous or nuisance vegetation, where growing upon real property, or which are otherwise noxious or dangerous; and

WHEREAS, accumulated piles of trash, refuse, litter and other flammable material, hereafter referred to collectively as rubbish, can pose a fire hazard to the community; and

WHEREAS, the presence of hazardous or nuisance vegetation and rubbish upon real property are conditions which endanger the public safety and constitute a public nuisance which should be abated; and

WHEREAS, the Board of Supervisors of the County of Los Angeles (Board) previously found on January 5, 2021, as it does annually, that weeds, brush, and rubbish on designated properties to be a public nuisance; and

WHEREAS, the County of Los Angeles and the Consolidated Fire Protection District of Los Angeles County (District) has a duty to protect the public safety and take actions necessary to abate a public nuisance; and

WHEREAS, as part of the enforcement process of abatement, the District prepares the annual brush clearance inspection list and conducts the inspection of all residential parcels in the High and Very High Fire Hazard Severity Zones in State

Responsibility Areas (SRA) and the inspection of all declared residential parcels in the Very High Fire Hazard Severity Zone in Local Responsibility Areas (LRA).

Approximately 50,000 inspections in all fire hazard areas are anticipated in the 2022 brush clearance inspection season; and

WHEREAS, the County, through the District, currently imposes assessments only on those declared parcels which are non-compliant after the second inspection. The cost of enforcement on the remaining declared parcels which are ultimately cleared by the property owner are not recovered. Such parcels will account for most of the roughly 50,000 improved parcels that the Board declares annually; and

WHEREAS, on October 2, 2019, California passed Assembly Bill 38 (Wood) (AB 38) requiring a seller of a real property located in a High or Very High Fire Hazard Severity Zone to provide specified documentation to the buyer that the real property is in compliance with wildfire measures described above, if the home was constructed prior to January 1, 2010. Assembly Bill 38 requires that, effective July 1, 2021, a seller of a real property shall provide the buyer documentation stating that the property is in compliance with Section 4291 of the Public Resources Code or local vegetation management ordinances. This state program will require off-season brush clearance inspections; and

WHEREAS, the California Health and Safety Code section 14902 authorizes the Board by resolution or motion to order a special assessment and lien to be imposed pursuant to California Health and Safety Code section 14912. The assessment and lien are limited to the costs incurred by the District in enforcing abatement upon the parcels, including investigation, boundary determinations, measurement, clerical and other

related costs. This includes an assessment for the costs incurred for an initial inspection.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AS FOLLOWS:

SECTION 1. Board Finds. The Board of Supervisors of the County of Los Angeles hereby finds that the hazardous or nuisance vegetation and rubbish upon real property in High and Very High Fire Hazard Severity Zones in SRA and, in the Very High Fire Hazard Zone in LRA constitute and are hereby declared a seasonable recurrent public nuisance which should be abated.

SECTION 2. Hearings. Subject to a Public Hearing to be held on November 30, 2021, this Board shall consider authorizing a brush clearance initial inspection assessment on all declared improved parcels, including those cleared by owners, in order to fully recover the District's enforcement costs.

SECTION 3. Recovery of Inspection Costs. The Chief is hereby authorized and directed to recover initial inspection assessment costs, based on the schedule below, which may include the costs of inspection, boundary determination, measurement, clerical, and other related costs. The inspection cost, in the amount of \$50 \$154-per parcel for all improved real property previously described above is effective, beginning on January 1, 2022. The inspection costs for assessments beginning on or after January 1, 2023 is \$100 per parcel for all improved real property previously described above. The inspection costs for assessments beginning on or after January 1, 2024 is \$151 per parcel for all improved real property previously described above. The

recovery of these costs is vital to the ongoing operation governing the initial inspection and subsequent abatement of those properties that remain a public nuisance and endanger the public safety. Property owners will see the assessment on their property tax bill, beginning on or around November of each year, starting in 2023.

The foregoing resolution was on the ~~30th day of November~~ 7th day of December, 2021, adopted by the Board of Supervisors of the County of Los Angeles, and ex officio the governing body of all other special assessment and taking districts, agencies and authorities for which said Board so acts, to be effective upon Board approval.

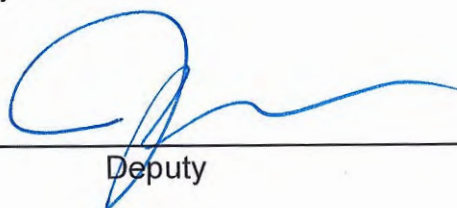
CELIA ZAVALA,
Executive Officer
Clerk of the Board of Supervisors
of the County of Los Angeles



By 
Deputy

APPROVED AS TO FORM

RODRIGO A. CASTRO-SILVA
County Counsel

By 
Deputy