



KENSINGTON FIRE PROTECTION DISTRICT

DATE: December 18, 2024
TO: Board of Directors
RE: Public Hearing Adoption of Resolution 2024-12 Confirming Cost Abatement Report for Public Conditions, Weeds and Flammable Materials and Authorizing Related Actions
PRESENTED BY: Fire Marshall Chase Beckman
SUBMITTED BY: Mary A. Morris-Mayorga, General Manager

Recommended Action

Staff recommends that the Kensington Fire Protection District Board of Directors adopt the proposed resolution as presented at the conclusion of the hearing. Alternatively, the Board of Directors may adopt a resolution with amended costs; or the Board may choose not to adopt the proposed resolution, thereby not confirming the report of the cost of abatement, not forwarding the costs of abatement to the County for collection and causing the Kensington Fire Protection District to absorb the full cost of abating the hazardous conditions of the subject properties.

Background

The Fire Department is continuing its fire hazard abatement program. The purpose of this program is to remove weeds, dry grass, stubble, brush, rubbish, litter and other flammable material from private properties where such flammable material endangers public safety by creating a public nuisance and a fire hazard.

On the first round for 2024, notices were initially sent to 77 parcel owners notifying them that hazards existed on their parcels. With support and help from the Fire Department, many notified property owners abated the hazards on their parcels.

However, a small number of properties were not abated by the property owners by the specified deadline specific to the time of inspection and written notice. Thus, unabated properties were further submitted to the Kensington Fire Protection District to be declared public nuisances. The property owners identified in the September 18, 2024, Exhibit A were notified that if they did not abate the hazardous conditions on their property, the Fire Protection District would do so. Property owners were given the opportunity at a public hearing to object to the Fire Protection District plan to abate these conditions. On September 19, 2024, the Fire Protection District then sent 5 property owners identified in Exhibit A, a second notice informing them that the City would perform abatement through its own staff or through a private contract.

However, one property owner did not voluntarily abate their public nuisance and fire hazard conditions nor contact the Fire Department to agree on a work plan to reduce the hazards on their properties. For this property, the Fire Protection District has followed a statutory procedure to remove hazardous conditions. This procedure is specified in the August 20, 2024, Agenda Bill and Resolution No. 2024-08.

On November 4, 2024, a notice was posted in plain view on the remaining property stating that the City would begin abatement on their properties as soon as September 23, 2024.

During the period of November 5 and November 19, 2024, the Fire Protection District performed abatement of the remaining property through private contractors. This property is presented in Exhibit A.

Analysis

The fire hazard abatement procedure provides ample due process for the affected property owner, well beyond the minimum procedure statutorily required. The most important part of the procedure is that the property owner listed in Exhibit A was given the opportunity to contest whether their property constituted a public nuisance and a fire hazard at a public hearing before the Kensington Fire Protection District Board. The property owner did not contest the designation, nor did the property owner voluntarily abate the

Board of Directors Meeting of December 18, 2024
Public Hearing Confirming Costs of Abatement

nuisance conditions. The Kensington Fire Protection Board therefore directed Fire Department staff to abate said conditions.

This matter appears before the Board of Directors for the sole purpose of confirming the abatement costs already incurred by the Kensington Fire Protection District for the property identified in Exhibit A. At this hearing, the Board of Directors should review the reasonableness of the costs of abatement as specified, and then determine the abatement costs to be assessed. The proposed resolution provides for confirmation of the report of abatement costs, and attached Exhibit B specifies the administrative costs associated with the abatement of the property. Once confirmed by the Board of Directors, the costs of abating the nuisance will be forwarded to the County Auditor no later than August 10, 2025 for assessment of the individual property and a lien will be recorded with the County Recorder.

Financial Considerations

The abatement work has been completed by contract labor and Kensington Fire Protection District is obligated to pay contractors a total of \$2,350.00 for their work. Administrative and surcharge costs, totaling \$590.75, have been added, bringing the total abatement cost to \$2,940.75.

Total administrative costs may include: (1) Fire Department initial inspection and notice, (2) re-inspection, (3) office work and attendance at Fire Protection Board hearings, (4) additional notices, (5) vendor bid inspection, (6) posting of property, (7) writing of inspection/abatement warrants, (8) court appearances for signing and filing of warrants, (9) vendor observation/inspection, and (10) submittal of records/liens to the County. In order for the Kensington Fire Protection District to fully recover the direct and indirect costs of \$2,940.75 already incurred for the abatement work performed, the Board of Directors should confirm the staff report on the costs of abatement so that these costs can be forwarded to the County for collection from the property owner.

- Attachments:**
- Resolution 2024-12
 - Exhibit A
 - Exhibit B
 - 208 Stanford Invoice
 - Photographs



RESOLUTION 2024-12

RESOLUTION OF THE BOARD OF DIRECTORS OF THE KENSINGTON FIRE PROTECTION DISTRICT CONFIRMING THE REPORT OF THE COSTS OF ABATEMENT OF PUBLIC NUISANCE CONDITIONS, WEEDS AND FLAMMABLE MATERIALS AND AUTHORIZING RELATED ACTIONS

WHEREAS, Health and Safety Code Sections 14875 et. Seq. and Government Code Sections 39560 et. Seq. provides a method by which a local legislative body may abate on private property public nuisance conditions relating to weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous; and

WHEREAS, at the conclusion of the September 18, 2024, public meeting, the Kensington Fire Protection Board of Directors directed the Fire Chief or his designee through Resolution No. 2024-08, to remove the public nuisance conditions on a property deemed by the Board to constitute a public nuisance according to the provisions of Health and Safety Code Section 14900, which were and are identified in Exhibit A; and

WHEREAS, the Kensington Fire Protection District Board of Directors further directed that the Fire Chief or his designee keep an account of the cost of abatement of the property in question on which work was performed in accordance with Health and Safety Code Section 14905. The report shall be prepared and presented to the Board of Directors so that, after notice and hearing, these abatement costs could be confirmed as a special assessment on the property in question; and

WHEREAS, as required by Health and Safety Code Section 14910 and Government Code Section 39576, the Kensington Fire Protection District Board of Directors conducted a hearing on December 18, 2024, at which objections were heard regarding the report and the assessment of the abatement costs for the property identified in Exhibit A of this Resolution. Notice of the hearing was provided to the owner of the subject property; and

WHEREAS, at the hearing, Fire Department staff presented evidence for the subject property for which there were no objections concerning the abatement costs and administrative expenses contained in the report; and

WHEREAS, such testimony included a description of the public nuisance conditions which existed at the property prior to abatement, a description of the services required to abate those conditions, the staff and machinery necessary to achieve abatement, the costs to the District in abating those conditions, and such other matter deemed relevant by the Board of Directors; and

WHEREAS, the Kensington Fire Protection District Board of Directors does hereby conclude that the abatement costs for the property in question identified in Exhibit A, as such costs may have been modified by the Board of Directors after a review of the evidence, are fair and reasonable. This determination is based on the evidence submitted by the property owner, the evidence submitted by Fire Department staff, the evidence concerning the nuisance conditions which existed on the property in question prior to abatement, the evidence concerning the scope of services required to abate those conditions, and such other matter deemed relevant by the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED that the Kensington Fire Protection District Board of Directors does hereby confirm the report of costs of abatement as contained in Exhibit B of this Resolution.

BE IT FURTHER RESOLVED that the costs of abatement shall be levied as a special assessment against the property in question and that these costs shall be certified to the auditor of Contra Costa County so that the costs of abatement shall be collected at the same time and in the same manner as ordinary county taxes.

BE IT FURTHER RESOLVED that a certified copy of this Resolution confirming the abatement costs for the property in question identified in Exhibit A of this Resolution shall be immediately filed with the County Auditor.

BE IT FURTHER RESOLVED that the Fire Chief or designee shall take such action necessary to record the abatement costs for the property in question as identified in Exhibit A of this Resolution with the County Recorder as a lien against the property in question provided for in Health and Safety Code Section 14912.

* * * * *

The foregoing resolution was duly adopted at a regular meeting of the Board of Directors of the Kensington Fire Protection District on the 18th Day of December 2024, by the following vote of the Board:

AYES: BOARD MEMBERS:
NOES: BOARD MEMBERS:
ABSENT: BOARD MEMBERS:
ABSTAIN: BOARD MEMBERS:

Daniel Levine, President

ATTEST:

Dean Richard Artis, Secretary

EXHIBIT A

12/18/2024

Kensington Fire Protection District
List of Real Property Constituting Public Nuisances

APN	Street Address
570-041-015-1	208 Stanford Ave

Exhibit B

**KENSINGTON FIRE PROTECTION DISTRICT
ADMINISTRATIVE COST WORK SHEET**

208 Stanford Ave. APN: 570-041-015-1

08/26/2024 - Initial inspection and notice.....	\$0.00
09/17/2024 - Re-inspection	\$0.00
09/18/2024 - Office work and attend Fire Board meeting Abatement Hearing 60 min @ 139.00/hr.....	\$139.00
09/19/2024 - Second notice..... 15 min @ 139.00/hr.....	\$34.75
11/04/2024 – Posting of Property.....15 min @ 9.00/hr.....	\$34.75
11/05/2024 - Vendor bid 30 min @ 139.00/hr.....	\$69.50
11/17/2024 - Vendor observation/inspection....15 min @ 139.00/hr.....	\$34.75
12/18/2024 - Office work and attend City Council Meeting Cost Hearing..... 60 min @ 139.00/hr.....	\$139.00
8/10/2025 - County Record Abatement.....60 min @ 139.00/hr.....	\$139.00
<hr/>	
TOTAL ADMINISTRATIVE COST.....	\$590.75
TOTAL CONTRACTOR’S INVOICE	\$2,350.00
TOTAL COST OF ABATEMENT	\$2,940.75

FIRE SAFETY CLEARING.

510-541-2130. Nov. 25, 2024

Invoice # 21043-4

To: El Cerrito Fire Dept.

10900 San Pablo Ave. El Cerrito, CA. 94530

Address: 208 Stanford Ave. Kensington, CA.
94708

**Scope of Work: reduce hazardous
fuel load. Clear violations.**

**Back yard area: -remove black berry,
-acacia sprouts, weed abatement,
brush control**

-clear driveway, trim juniper

Front areas: create separation, limb up Hollywood juniper, clear walkway. Clear lower branches

-weed abatement, brush control

-remove deadwood -Hauling

Total....\$2350.00 -

Teo Carlone

1224 Masonic Ave. Berkeley, CA. 94706.

FIRE SAFETY CLEARING. 510-541-2130

Additional Information

Invoice # 21043-4

To: El Cerrito Fire Dept.

**10900 San Pablo Ave. El Cerrito, CA. 94530
Address: 208 Stanford Ave. Kensington, CA.
94708**

Scope of Work: reduce hazardous fuel load. Clear violations.

Remove small trees, create separation, limb up lower branches,

Clear backyard area , this with brush and sprouts.

Tools used: Chain saw, brush clearing saw, weed whacker, power pole saw, pole pruner, wood chipper, blower.

Work done from Wed. Nov. 13, 2024 to Sun. Nov. 17, 2024

Total hours worked: 36

Crew members: Only me, Teo Carlone

This includes: drive time, chipping, cutting, organizing brush, emptying chips from truck, loading wood, clean up.

**-Teo Carlone
1224 Masonic Ave.
Berkeley, CA. 94706.**

Thanks for the work. It was much appreciated.











