



RESOLUTION 2022-20

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 June 8, 2022 public meeting, the Kensington Fire Protection Board of Directors directed the Fire Chief or his designee through Resolution No. 2022-12, 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 September 14, 2022 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 Kensington Fire Protection District on the 14th day of September 2022 by the following vote of the Board.

AYES:

NOES:

ABSENT:

ABSTAIN:

Larry Nagel, President

Janice Kosel, Secretary

Attachments: Exhibits A, B, C

EXHIBIT A

Resolution 22-XX

Kensington Fire Protection District
List of Real Property Abated as Public Nuisances

APN	Street Address
572-232-017	47 Anson Way

Exhibit B

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

47 Anson Way APN #572-232-017

4/21/2022 - Initial inspection and notice.....	\$0.00
07/5/2022 – Re-inspection	\$0.00
6/8/2022- Office work and attend Fire Board meeting Abatement Hearing.....	60 min @ 126.00/hr..... \$126.00
6/13/2022 – Second notice.....	15 min @ 126.00/hr..... \$31.50
7/5/2022 – Posting of Property.....	15 min @ 126.00/hr.....\$31.50
7/18/2022 - Vendor bid	30 min @ 126.00/hr..... \$63.00
7/25/2022 - Vendor observation/inspection....	15 min @ 126.00/hr..... \$31.50
9/14/2022 - Office work and attend City Council Meeting Cost Hearing.....	30 min @ 126.00/hr..... \$63.00
6/30/2023 - County Record Abatement.....	30 min @ 126.00/hr..... \$63.00
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TOTAL ADMINISTRATIVE COST.....	\$409.50
TOTAL CONTRACTOR’S INVOICE	\$2500.00
TOTAL COST OF ABATEMENT	\$2909.50

FIRE SAFTEY CLEARING.

Aug 7, 2022

510-541-2130.

Work done: Mon. July 25, 2022

Invoice # 45326-1

To: El Cerrito Fire Dept.

47 Anson Way

Kensington, CA. 94707

-Fire Fuel Reduction

-Thin out roadside area, remove two dead trees

-limb up area. Weed Abatement, brush, deadwood.

-remove branches off rooftop in back

-remove dead snag on roof

Total due.....\$2500.00

Please make check to:

-Teo Carlone

1224 Masonic Ave.

Berkeley, CA. 94706.

Thanks for the work. It was much appreciated.