

09-1620
CP14

MOTION

**PUBLIC SAFETY
BUDGET & FINANCE**

JUN 26 2009

The Santa Monica Mountains Conservancy recently informed the Los Angeles Fire Department that they are ending their practice of clearing the brush on properties they own in certain parts of the City that are within 200 feet of residences which do not pay an annual assessment for brush clearance.

They cited a State law section which, according to the agency, exempts State-owned open space from being subject to local brush clearing requirements. Their position is based on Senate Bill 1617, which became effective in 2009. The State Attorney General's office has supported the Conservancy's position.

Our City Attorney is currently reviewing the Conservancy's letter, the recently passed bill and the Attorney General's opinion. A legal dispute over restoring local jurisdictions' more restrictive mandates would be a long and arduous process, while the brush in the specified areas represents a threat to the public.

LAFD estimates that it will cost approximately \$30,000 to cut back the brush on the 27 parcels that are impacted by the Conservancy's decision. Requests for bids for this work were picked up yesterday by interested contractors and are due next week. The exact cost for the brush clearance will be known then.

The following are the general areas with properties managed by the Mountain Recreation Conservancy Authority that require immediate brush clearance:

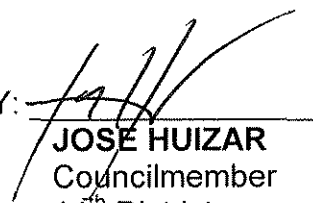
- Mount Washington
- El Sereno
- Rainbow Canyon
- Garden of Gods Park
- La Tuna Canyon
- Jefferson Property

I THEREFORE MOVE that the CAO be instructed to allocate up to \$30,000 from the LAFD's 2009-10 Brush Clearance Contract Account No. 3070 for the hiring of contractors to clear to City Fire Code twenty-seven parcels owned by the Santa Monica Mountains Conservancy (SMMMC) located in proximity to residences.


I FURTHER MOVE that the City Attorney be requested to report to Council with an opinion on the issues raised in the letter from the SMMC announcing their intention to stop clearing brush on their parcels in those parts of the City where residents have not already voted to assess themselves for this purpose.


ORIGINAL

PRESENTED BY:


JOSE HUIZAR
 Councilmember
 14th District

SECONDED BY:


TOM LABONGE
 Councilmember
 4th District


 JUN 26