

November 27, 2018

# LOS ANGELES FIRE DEPARTMENT



RALPH M. TERRAZAS  
FIRE CHIEF

November 5, 2018

BOARD OF FIRE COMMISSIONERS  
FILE NO. 18-128

TO: Board of Fire Commissioners

FROM:  Ralph M. Terrazas, Fire Chief

SUBJECT: PROPOSED DECISION AND RECOMMENDATION FOR THE 2017  
BRUSH CLEARANCE ASSESSMENT APPEALS

FOR FINAL ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

## SUMMARY

The Brush Clearance Unit held the 2017 Brush Clearance Assessment Appeals at the Marvin Braude Center located in Van Nuys from August 20 through October 17, 2018. Invoices setting forth the cost of abatement, administrative fee and/or a non-compliance fee were mailed to property owners. A letter was included with the invoice informing the property owner if they wished to present evidence that shows cause why the property should not be assessed for the cost of abatement or not be assessed in the amount specified in the notice, the fire department would schedule them for a hearing.

This year the fire department received 140 requests from property owners who chose to appeal the imposed assessment. The cases were randomly distributed to the Hearing Officers in keeping with the recent California Supreme Court's decision regarding administrative hearings and the City Attorney's recommendation in the matter.

## RECOMMENDATIONS

That the Board:

1. Approve the Hearing Officer's "Proposed Decision and Recommendations" (Attachment 1).
2. Direct the fire department to mail the notification letter (Attachment 2), to the property owner regarding the Board of Fire Commissioners findings, conclusion and proposed assessment.
3. Transmit the Board of Fire Commissioners approved report and proposed decision of the Hearing Officer's to the City Attorney.
4. Transmit the Board of Fire Commissioners approved report to the Mayor for placement on the City Council calendar.

5. Upon City Council adoption of the report, direct the fire department to forward the report to the Los Angeles County Tax Collector for placement on the Los Angeles County 2018 Property Tax rolls.

#### **FISCAL IMPACT**

Property owners are assessed an administrative fee of \$1,304.00 and the cost of clearance to abate the hazard for failure to comply with brush clearance requirements. The average cost of clearance is \$3,726.36.

For the 2017 brush season, 140 appeal requests were received from property owners electing to appeal their assessments. Of the 140 appeals received, 40 were granted or reduced.

The Brush Clearance Assessment Hearings estimated total revenue is \$690,038.50.

#### **DISCUSSION**

The Hearing Officers have considered the evidence and have received testimony from Departmental personnel with respect to the existence of a nuisance and cost of abatement.

The report identifies and includes the name and mailing address of the owner of each parcel from which a fire nuisance was abated. In addition, the report includes the substance of protest, Departmental information and proposed decision and recommendation as to whether or not the proposed assessment should be (1) confirmed in the amount set forth in the invoice, (2) waived or (3) confirmed in an amount less than set forth in the invoice.

#### **CONCLUSION**

Upon approval, a transmittal to the attached "Report, Proposed Decision and Recommendations" by the Board of Fire Commissioners will be sent to the City Council for adoption and placement on the Los Angeles County 2018 Tax rolls. This will conclude the 2017 Brush Clearance Assessment Appeals.

Board report was prepared by James P. Hayden, Battalion Chief, Industrial and Commercial Section, Fire Prevention and Public Safety Bureau.

#### **Attachments:**

- |               |                                      |
|---------------|--------------------------------------|
| Attachment 1: | Proposed Decision and Recommendation |
| Attachment 2: | Notification Letter                  |

**Due to the large volume of pages of this report  
the attachments are not included.**

A copy of the entire report can be obtained by  
contacting the Board of Fire Commissioners Office  
at (213) 978-3838

