

JUN 17 2008

LOS ANGELES FIRE DEPARTMENT



DOUGLAS L. BARRY
FIRE CHIEF

June 13, 2008

BOARD OF FIRE COMMISSIONERS
FILE NO. 08-093

TO: Board of Fire Commissioners

FROM: Douglas L. Barry, Fire Chief *DLB*

SUBJECT: PROPOSED DECISIONS AND RECOMMENDATIONS FOR THE 2007
BRUSH CLEARANCE ASSESSMENT APPEALS

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 Withdrawn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

RECOMMENDATIONS: That the Board:

1. Approve the hearing officers' "Proposed Decisions and Recommendations."
2. Direct the Fire Department to mail the notification letter to the property owner regarding the Board of Fire Commissioners' findings, conclusion and proposed assessment.
3. Direct the Commission Executive Assistant II to transmit the Board of Fire Commissioners approved report and proposed decision of the hearing officers to the City Attorney.
4. Direct the Commission Executive Assistant II to 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 2008 Property Tax rolls.

SUMMARY:

Invoices, setting forth the cost of abatement, Administrative fee and/or a Noncompliance fee, were mailed to property owners. A letter was included in 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 invoice, the Fire Department would scheduled them for a hearing. As directed by the Board of Fire Commissioners (BFC 08-044 R1), the Brush Clearance Unit held the 2007 Brush Clearance Assessment Appeals at the Marvin Braude Center located in San Fernando Valley from May 27 through June 3, 2008.

In total 821 parcels were cleared by the Fire Department at a cost of \$1,128,165. Of the parcels cleared by the Fire Department, 129 chose to appeal the imposed assessment. The cases were randomly distributed to the hearing officers in keeping with recent California Supreme Court's decision regarding administrative hearings and the City Attorney's recommendation in this matter.

FINDINGS:

The hearing officers have considered the evidence and they 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 reports includes the substance of protest, departmental information and the 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) disallowed, or (3) confirmed in an amount less than set forth in the invoice.

CONCLUSION:

Transmittal of the attached "Report, Proposed Decision and Recommendations" by the Board of Fire Commissioners to the City Council for adoption and placement on the Los Angeles County 2008 Tax rolls. This will concluded the 2007 Brush Clearance Assessment Appeals.

Board report prepared by Robert Knight, Captain II, Brush Clearance Unit.

Attachments