



Agenda Date: 6/26/2007
Agenda Placement: 8G
Set Time: 10:30 AM PUBLIC HEARING
Estimated Report Time: 10 minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Gabrielle Avina for Loveless, Ernie - Fire Chief
County Fire Department
REPORT BY: Gabrielle Avina, Fire Marshal, 967-1421
SUBJECT: Public Hearing and adoption of a resolution charging fees for the abatement of properties that are a fire hazard.

RECOMMENDATION

County Fire Chief requests the adoption of a resolution establishing fees for the Napa County Fire Department pursuant to the recently adopted Napa County Weed Abatement Ordinance.

EXECUTIVE SUMMARY

Adoption of the resolution will approve a new fee that the Napa County Fire Department may collect pursuant to provisions in the Napa County Weed and Rubbish Abatement Ordinance, Chapter 8.36 of the County Code.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	County Fire Department
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Fees will be charged to property owners requiring abatement by the Napa County Weed and Rubbish Abatement Ordinance. Property owners will be charged for the actual cost incurred by the County for abatement through private contractors and for staff time spent on the abatement.
Is the general fund affected?	No
Future fiscal impact:	The County Fire Fund will be reimbursed actual costs of abatement by fees charged to the property owners requiring abatement.

Consequences if not approved:

Additional Information:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

On April 3, 2007, the Board directed County Fire to draft a weed abatement ordinance for the County. On May 8, 2007, the Board opened the public hearing and introduced the ordinance, gave input as to changes it wanted to the ordinance and continued the first reading until May 15, 2007. Staff made changes to the ordinance and brought it back before the Board on May 15, 2007 at which time, the revised ordinance was introduced, the balance of the reading waived and the Board adopted the ordinance and the resolution adopting the Napa County Defensible Space Guidelines on May 22, 2007. The ordinance will come into effect 30 days after the adoption on June 22, 2007.

The resolution before the Board today, adopts fees for property owners requiring abatement under the Napa County Weed and Rubbish Abatement Ordinance, Chapter 8.36 of the County Code. Under Chapter 8.36 of the County Code property owners who do not comply with the ordinance may have their property abated and all costs incurred by the County for the abatement will be charged to the property owner. Those costs may include abatement by private contractors and actual staff time spent on the abatement of that property charged at the fire department hourly rate of \$151 per hour. The Napa County Weed Abatement Ordinance also contains a process for appeals from the determination of cost. The owner of a property that has been abated may file an appeal of the cost bill. The county hearing officer is delegated the power and duty to hear the appeal and determine if the cost bill is appropriate.

The fire department hourly rate of \$151 per hour was adopted by the County Board of Supervisors by resolution in November of 2003 as a result of a detailed cost of services study conducted by Maximus Inc. The hourly rate was determined by using a nexus methodology that compared the actual costs of construction with the fire department personnel productive hours and the total costs to the county to support those user fee services.

The fire department is committed to reevaluating all user fees for services in the future after a comprehensive evaluation of the cost of all services.

County Counsel recommends adoption of the Resolution.

SUPPORTING DOCUMENTS

A . Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi