

FILED
CITY OF OAKLAND
OFFICE OF THE CITY CLERK
OAKLAND
AGENDA REPORT

2011 OCT 27 PM 1:07

TO: Office of the City Administrator
ATTN: Deanna J. Santana
FROM: Oakland Fire Department
DATE: November 8, 2011

RE: **Informational Report on the Status of Non-Compliant Property Abatement in the Wildfire Prevention Assessment District**

SUMMARY

This report was requested by the Public Safety Committee to provide information regarding the status of non-compliant property abatement in the Wildfire Prevention Assessment District area of the city of Oakland. Each year, the Oakland Fire Department's (OFD) Fire Suppression District Inspectors (often referred to as vegetation management inspectors) and fire engine companies are assigned to inspect private and public properties in the high-risk wildfire areas of the city to ensure that property owners are maintaining vegetation in compliance with the fire code. These inspections have been conducted every year by the Fire Department. Properties found to be non-compliant after sufficient noticing and appeal, were cleared by contractors hired by the Fire Prevention Bureau. The Community and Economic Development Agency's (CEDA) Building Services Division then invoiced the property owners for the associated costs of bringing these properties into compliance. If property owners refused to pay the invoices, CEDA processed these outstanding bills as liens.

Due to a reduction in funding dedicated to non-compliant property abatement in CEDA's budget, the Oakland Fire Department has agreed to take on the responsibility of overseeing the process from first inspection through completion of the abatement efforts, including contracting with outside entities to clear non-compliant properties and invoicing the property owners. OFD and CEDA will explore alternative collection actions to determine the most effective method which best assures reimbursement of costs.

FISCAL IMPACT

Funds for the abatement contracts have been made available within OFD's existing budget by deleting a Fire Prevention Bureau code inspector position of approximately \$100,000. The issue of identifying a sustainable funding source for OFD to cover the entire need for abatement contracts still remains.

The Oakland Fire Department estimates that there is a need for at least \$150,000 annually for contracts to clear vegetation on private properties that have not been brought into compliance after the third notice.

Item: _____
Public Safety Committee
November 8, 2011

BACKGROUND

Each year, Oakland Fire Department engine companies and Fire Suppression District Inspectors are assigned to inspect 19,787 privately and publicly held properties in high-risk wildfire areas to ensure that property owners are maintaining their vegetation in compliance with the fire code. When the District Inspectors or the engine companies find properties that are out of compliance, they issue an inspection report to the property owner that describes the deficient areas and provides instructions for returning the property to compliance. The result of the inspection is entered into the Fire Prevention Bureau inspection database and a re-inspection of the property is scheduled. If the property owner fails the second inspection, the property owner is charged a re-inspection fee and sent, via certified mail, the following documents:

- Notice to Comply
- Letter providing procedures for the appeal process and a date to appear for the appeal hearing.

If the property owner failed to confirm the appeal hearing date or did not attend the scheduled date, and did not comply with the original order, OFD's Fire Prevention Bureau hired a contractor to clear the property and bring it into compliance. The costs of completing this work were then invoiced to the property owner by CEDA Building Services. If the property owner refused to pay the invoice, it was processed as a lien. Between 2004 and 2009, the City Administrator's Office (CAO) funded the third-party contractors' payments from Fund 1750 (parking garage fees). When the CAO ended this funding in 2009, neither OFD nor CEDA were able to fund the clean-ups from their budgets.

Going forward, the new abatement process will consist of the following steps:

- If the property owner corrects the conditions prior to the issuance of the abatement contract, the property owner will not be charged.
- If a contract is issued to abate the blight and the property owner has brought the property into compliance by the time the contractor arrives on the property, the property owner will be billed a "show-up" fee of \$100.00 by the Fire Prevention Bureau.
- If the property is still out of compliance when the contractor arrives, the contractor will take photos and initiate the abatement order to clean up the property. The property owner will then be billed, by the Fire Prevention Bureau, for the cost of the contractor's work.
- If the property owner does not pay the bill, it will be turned over to CEDA's Building Services Division to determine the most effective collection method which best assures reimbursement of costs.

KEY ISSUES AND IMPACTS

The Oakland Fire Department estimates that there is a need for approximately \$150,000 annually for contracts to clear vegetation on private properties that have not been brought into compliance after the third notice. OFD engaged in discussions with the City Attorney's Office to determine if Wildfire Prevention Assessment District funds could be used for the initial costs of contracting for clean-up of non-compliant properties. Ideally, most of the funds used for clean-up of non-compliant properties will be reimbursed by the non-compliant property owner, but because the reimbursement cannot be assured, it was determined that Wildfire Prevention Assessment District funds are not a suitable source of funding for this activity. WPAD revenues are used to fund fire suppression, prevention and preparedness services and programs in the Oakland hills properties in general and to fund vegetation management on city-owned parcels specifically.

In order to get this work back on track and bring non-compliant properties into compliance, OFD has identified approximately \$100,000 this fiscal year, by deleting a code inspector position in the Fire Prevention Bureau, to initiate contracts to abate non-compliant properties. OFD will also now bill the property owners for these costs and will turn over any unpaid bills to CEDA Building Services to determine the most effective collection method which best assures reimbursement of costs.

Staff has conducted a three-year history of properties that were out of compliance by the final inspection:

- In 2009, of 326 properties, 39 properties were deemed out of compliance.
- In 2010, 327 properties were out of compliance. No abatement contracts were issued in 2010 because neither OFD nor CEDA were able to fund the third party contracts from their budgets after the CAO stopped the funding supplement from Fund 1750.
- In the two years of 2009 and 2010, only 9 properties were repeat offenders.
- In 2011, the Oakland Fire Department conducted inspections of the 19,787 improved properties in the Wildfire Prevention Assessment District. First and second inspections of properties have been completed. Staff is currently in the process of conducting the third and final inspections of approximately 1,000 properties that remained out of compliance during the second inspection. Based on past experience, 90% of these properties will have been brought into compliance by the third inspection. For the 10% that remain, staff will initiate the formal enforcement notification process that is required prior to taking abatement actions.

SUSTAINABLE OPPORTUNITIES

Economic: There are no direct economic impacts associated with this report.

Item: _____
Public Safety Committee
November 8, 2011

Environmental: The management and enforcement strategy of the Oakland Fire Department produces considerably lesser fuel loads before the peak of the regional fire season.

Social Equity: A fire safe and healthy environment benefits the entire city.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no ADA or senior citizen access issues contained in this report.

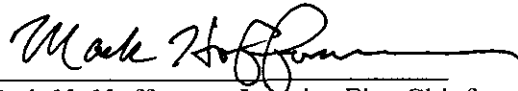
RECOMMENDATION AND RATIONALE

Staff recommends that the City Council accept this informational report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept this informational report.

Respectfully submitted,



Mark H. Hoffmann, Interim Fire Chief
Oakland Fire Department

Reviewed by:

Anne Campbell Washington, Chief of Staff/Assistant to
the Director

James Williams, Deputy Chief/Fire Marshal

Prepared by:

Leroy Griffin, Assistant Fire Marshal
Fire Prevention Bureau

APPROVED AND FORWARDED TO THE
PUBLIC SAFETY COMMITTEE:



Office of the City Administrator

Item: _____
Public Safety Committee
November 8, 2011