



## EAST CONTRA COSTA FIRE PROTECTION DISTRICT

### BOARD OF DIRECTORS

Adam Langro

Carrie Nash

Brian Oftedal  
President

Stephen Smith  
Vice President

Joe Young

### AGENDA

#### Board of Directors Regular Meeting

Due to COVID-19, this meeting will be conducted via teleconference only (no physical location) pursuant to the Governor's Executive Orders N-25-20 & N-29-20. Directors, staff and the public may participate remotely.

Call In Number: 1(872) 240-3212

Access Code: 490-316-781

<https://global.gotomeeting.com/join/490316781>

**Monday, September 28, 2020**

**4:30 PM or after the Finance Committee Meeting, whichever is later**

Members of the public are encouraged to attend remotely at the phone number or website listed above. Directions for providing public comment via teleconference will be provided at the beginning of the meeting. Public comments submitted to [RRUBIER@ECCFPD.ORG](mailto:RRUBIER@ECCFPD.ORG) prior to the meeting will be summarized during the meeting and posted on-line at: <https://www.eccfpd.org/2020-09-28-eccfpd-board-of-directors-meeting>

Upon request, the District provides for written agenda materials in appropriate alternative formats or other disability-related modification or accommodation to enable individuals with disabilities to participate in and provide comments related to public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, auxiliary aid, service or alternative format requested at least two day before the meeting.

Note: All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board.

Requests should be emailed to [RRUBIER@ECCFPD.ORG](mailto:RRUBIER@ECCFPD.ORG), or submitted by phone at 1(925) 634-3400. Requests made by mail (sent to Regina Rubier, 150 City Park Way, Brentwood, CA 94513) must be received at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment  
Members of the public may address subject matters pertaining to District business listed on the Consent Calendar, Closed Session, Future Agenda Items, or items not listed on the agenda. Public comment by each individual speaker shall be limited to three minutes. While the District encourages your comments, State law prevents the Board from discussing items that are not set forth on this meeting agenda. The Board and staff take your comments very seriously and, if appropriate, will follow up on them.
5. New Business
  - 5.a. Hold Public Hearing On and Adopt Resolution Ordering Weed Abatement for Properties with Persistent Weeds and Hazards
    1. Open Public Hearing
    2. Present Staff Report
    3. Hear Public Comment
    4. Close Public Hearing
    5. Board Discussion[Staff Report Resolution and Exhibit Holding Public Hearing On and Adopt Resolution Ordering.pdf](#)
  - 5.b. Consider Changing Date of November 11, 2020 Regular Board of Directors Meeting
6. Adjourn

**POSTING STATEMENT**

A copy of this agenda was posted **at the East Contra Costa Fire Protection District Administrative Office, 150 City Park Way, Brentwood, CA 94513**. Pursuant to CA Government Code §54957.5, disclosable public records and writings related to an agenda item distributed to all or a majority of the Board of Directors including such records and writing distributed less than 72 hours prior to this meeting are available for public inspection at the East Contra Costa Fire Protection District Administrative Office, 150 City Park Way, Brentwood, CA 94513.

NOTICE In compliance with the Americans with Disabilities Act, any individuals requesting special accommodation to attend and/or participate in District Board meetings may contact the District Administrative Office at (925) 634-3400. Notification 48 hours prior to the meeting will enable the District to make reasonable accommodations.

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## **Board of Directors Regular Meeting Agenda Item Report**

Meeting Date: September 28, 2020

Submitted by: Steve Aubert

Submitting Department: Operations

Item Type: Resolution

**Agenda Section:** New Business

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**Subject:**

Hold Public Hearing On and Adopt Resolution Ordering Weed Abatement for Properties with Persistent Weeds and Hazards

**Suggested Action:**

1. Open Public Hearing
2. Present Staff Report
3. Hear Public Comment
4. Close Public Hearing
5. Board Discussion

**Attachments:**

[Staff Report Resolution and Exhibit Holding Public Hearing On and Adopt Resolution Ordering.pdf](#)

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT  
BOARD OF DIRECTORS**

**Meeting Date:** September 28, 2020

**Subject/Title:** Hold Public Hearing On and Adopt Resolution Ordering Weed Abatement for Properties with Persistent Weeds and Hazards

**Submitted By:** Steven Aubert, Fire Marshal

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**RECOMMENDATION FOR ACTION**

That the East Contra Costa Fire Protection District (District) Board of Directors (Board) hold a public hearing on and adopt a resolution ordering weed abatement for the 28 properties on the attached Persistent Weeds and Hazards List.

**PUBLIC HEARING PROCEDURE**

The Board President will open the public hearing, staff will make a report on the purpose of the hearing and entertain questions from the Board, and members of the public will be afforded an opportunity to comment. Comments by each member of the public will be limited to three minutes. The Board President will then entertain a motion to close the public hearing. The Board will then have an opportunity to discuss the proposal before potentially taking action.

**PREVIOUS ACTION**

On December 11, 2019, the Board adopted Ordinance No. 2019-02, the 2019 California Fire Code with amendments (Fire Code), which declared that (a) all weeds growing upon private property or streets in the District, and all rubbish on private property or streets in the District, are public nuisances and (b) such weed nuisance is seasonal and recurrent.

On July 8, 2020, the Board adopted Resolution 2020-28 declaring that nuisances arising from weeds on properties within the District's jurisdiction, as listed on Exhibit A to that Resolution, are seasonal and recurrent, and directing the Fire Chief, or designee, to (a) provide notice to property owners to abate weeds and (b) schedule a public hearing at subsequent Board meetings, as needed, to consider appeals from property owners who may request additional time prior to the District directing its weed abatement contractor to abate weeds.

In September 9, 2020, the Board adopted Resolution 2020-42 declaring that dry grass, weeds, dead trees and/or rubbish on the properties listed on Exhibit A to that Resolution are nuisances as that term is used in Health and Safety Code, and directing the Fire Chief, or designee, to (a) provide notice to property owners to abate the nuisances and (b) schedule a public hearing at subsequent Board meetings, as needed, to consider appeals from property owners who may request additional time prior to the District directing its weed abatement contractor to abate weeds.

**SUBJECT BACKGROUND**

Due to the potential for wildland fires within the District, weed abatement is essential in the prevention and control of wildland fires. Proper abatement and installation of fuel breaks provides

defensible space for emergency responders and reduces risk to life and property in the event of a wildland fire event.

Pursuant to the Health and Safety Code, the Board declared by Resolution 2020-28 and Resolution 2020-42 that weeds arising from dry grass, weeds, dead trees and/or rubbish on the properties listed on Exhibit A are nuisances that must be abated.

In accordance with the Fire Code and the Health and Safety Code, the District sent notices to the properties listed in Exhibit A to Resolution 2020-28 and Resolution 2020-42 that weeds were creating a nuisance on the properties, and that the District would abate the nuisance if private action was not taken. The notices informed recipients of their opportunity to protest the District's abatement activities at this public hearing. The notices informed owners that, if they did not protest the notice and if they failed to abate a nuisance on their properties within the required timeframe, the District would complete the work using its own contractor. Staff has found that nuisances on the properties listed on the attached Persistent Weeds and Hazards List have not been sufficiently abated, and require abatement by the District's contractor at this time.

Attachment: Resolution  
Exhibit A – Persistent Weed and Hazards List

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT BOARD OF DIRECTORS  
STATE OF CALIFORNIA**

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**RESOLUTION 2020 -**

**ORDERING WEED ABATEMENT FOR PROPERTIES ON  
PERSISTENT WEED AND HAZARDS LIST**

**WHEREAS**, on December 11, 2019, the Board of Directors (Board) adopted Ordinance No. 2019-02, the 2019 California Fire Code with amendments (Fire Code), which declared that (a) all weeds growing upon private property or streets in this jurisdiction, and all rubbish on private property or streets in the District, are public nuisances and (b) such weed nuisance is seasonal and recurrent; and

**WHEREAS**, on July 8, 2020, the Board adopted Resolution 2020-28 declaring that nuisances arising from weeds on properties within the District's jurisdiction, as listed on Exhibit A to that Resolution, are seasonal and recurrent, and directing the Fire Chief, or designee, to (a) provide notice to property owners to abate weeds and (b) schedule a public hearing at subsequent Board meetings, as needed, to consider appeals from property owners who may request additional time prior to the District directing its weed abatement contractor to abate weeds; and

**WHEREAS**, on September 9, 2020, the Board adopted Resolution 2020-42 declaring dry grass, weeds, dead trees and/or rubbish on the properties listed on Exhibit A to that Resolution are nuisances as that term is used in Health and Safety Code, and directing the Fire Chief, or designee, to (a) provide notice to property owners to abate weeds and (b) schedule a public hearing at subsequent Board meetings, as needed, to consider appeals from property owners who may request additional time prior to the District directing its weed abatement contractor to abate weeds; and

**WHEREAS**, the owners of the properties described in Exhibit A to this Resolution were given notice of one or more nuisance conditions on their property, and an opportunity to remove or eliminate the nuisance condition(s), all in accordance with the Fire Code and Health and Safety Code; and

**WHEREAS**, the nuisances on the properties described in Exhibit A to this have not been abated by the property owners; and

**WHEREAS**, staff recommends the Board of Directors declare nuisances arising from weeds on the properties described in Exhibit A and authorize the Fire Chief, or his designee, to direct the abatement of weeds on said properties and prepare itemized cost reports showing the cost of removing the weeds for Board consideration in accordance with the Fire Code.

**NOW, THEREFORE BE IT RESOLVED** that the East Contra Costa Fire Protection District Board of Directors hereby finds and declares that dry grass, weeds, dead trees and/or rubbish on the 28 properties listed on Exhibit A to this resolution are nuisances as that term is used in the California Health and Safety Code.

**BE IT FURTHER RESOLVED** that the Fire Chief, or his designee, may direct the District's weed abatement contractor to abate weeds on the properties listed on Exhibit A and prepare itemized cost reports showing the cost of removing the weeds for Board consideration in accordance with the Fire Code.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of the East Contra Costa Fire Protection District at a regular meeting held on the 28<sup>th</sup> day of September, 2020 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Brian J. Oftedal,  
President, Board of Directors

ATTEST:

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Regina Rubier, Clerk of the Board



**Exhibit A:  
Persistent Weeds and Hazards List**

Line #	Case	Site #	Street	City	Zip Code	Property APN
1	20-0019	7650	LONE TREE WAY	Brentwood	94513	018-060-006
2	20-0021	535	HARVEST PARK DR	Brentwood	94513	010-150-049
3	20-0066	1	ALMOND ST	Brentwood	94513	018-180-017
4	20-0073	200	BEVERLY PL	Brentwood	94513	018-230-007
5	20-0079	4072	SELLERS AVE	Brentwood	94513	020-210-020
6	20-0083	5413	SELLERS AVE	Oakley	94561	033-140-019
7	20-0086	637	BROWNSTONE RD	Oakley	94561	034-170-006
8	20-0091	6839	PIPER RD	Bethel Island	94561	029-060-012
9	20-0092	6842	LONE TREE WAY	Brentwood	94513	019-010-052
10	20-0093	6965	LONE TREE WAY	Brentwood	94513	019-060-138
11	20-0099	7765	LONE TREE WAY	Brentwood	94513	018-100-043
12	20-0101		SELLERS AVE	Oakley	94561	033-140-021
13	20-0103	980	WALNUT DR	Brentwood	94513	035-351-036
14	20-0107		BETHEL ISLAND RD	Bethel Island	94561	032-082-015
15	20-0112	2450	CONCORD AVE	Brentwood	94513	010-070-005
16	20-0115	4801	N STONE RD	Bethel Island	94511	030-160-014
17	20-0121	3421	BALFOUR RD	Brentwood	94513	012-300-016
18	20-0122	2340	SMITH RD	Brentwood	94513	018-100-040
19	20-0124	5980	PIPER RD	Bethel Island	94511	030-130-006
20	20-0126		SIMS RD	Brentwood	94513	018-260-040
21	20-0132	670	WILLOW LAKE RD	Discovery Bay	94505	004-262-009
22	20-0136	110	RAYE AVE	Oakley	94561	033-040-005
23	20-0138		VINEYARDS PKWY	Brentwood	94513	007-640-013
24	20-0139		NO ADDRESS	Brentwood	94513	007-220-032
25	20-0140		VINEYARDS PKWY	Brentwood	94513	007-640-015
26	20-0141		VINEYARDS PKWY	Brentwood	94513	007-640-016
27	20-0142		VINEYARDS PKWY	Brentwood	94513	007-640-012
28	20-0143		VINEYARDS PKWY	Brentwood	94513	007-640-017

## **Board of Directors Regular Meeting Agenda Item Report**

Meeting Date: September 28, 2020

Submitted by: Regina Rubier

Submitting Department: Administration

Item Type: Discussion

**Agenda Section:** New Business

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**Subject:**

Consider Changing Date of November 11, 2020 Regular Board of Directors Meeting

**Suggested Action:**

**Attachments:**