

VISTA FIRE PROTECTION DISTRICT

Board of Directors

AGENDA

Meeting Location

Vista Fire Station No. 5  
2009 South Melrose Drive  
Vista, CA 92081



Rescheduled Regular Meeting

Wednesday, January 17, 2024

1:00 P.M.

Americans with Disabilities Act: If you need special assistance to participate in this meeting, please contact the Board Clerk 760-688-7588. Notification 48 hours prior to the meeting will enable the district staff to make reasonable arrangements to assure accessibility to the meeting.

Rules for Addressing Board of Directors: Members of the audience who wish to address the Board of Directors are requested to complete a form near the entrance of the meeting room and submit it to the Board Clerk. Any person may address the Board on any item of Board business or Board concern. The Board cannot act on any matter presented during Public Comment but can refer it to staff for review and possible discussion at a future meeting. As permitted by State Law, the Board may act on matters of an urgent nature or which require immediate attention.

Agendas: Agenda packets are available for public inspection 72 hours prior to scheduled meetings posted on the District’s website [www.vistafireprotectiondistrict.org](http://www.vistafireprotectiondistrict.org) or by contacting the Clerk of the Board at [krannals@vistafpd.org](mailto:krannals@vistafpd.org)

**BUSINESS SESSION – REGULAR AGENDA**

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. OPEN DISCUSSION WITH THE BOARD (Public Comment)

The Board invites District residents and others in attendance to address the Board on any matter of public concern related to the District’s business.

All items listed on the Consent Calendar are considered routine and will be enacted by one motion without discussion unless Board Members, Staff, or the public requests removal of an item for separate discussion and action. The Board of Directors has the option of considering items removed from the Consent Calendar immediately or under Continuing Business.

4. CONSENT CALENDAR

a. Board of Directors Minutes

i) **Approve** the Board of Directors minutes of December 13, 2023

b. Payroll Register

**Approve** Payroll paid on January 5, 2024

\$5,683.34

**Approve** Payroll Taxes paid on January 5, 2024

\$434.78

\$6,118.12

c. Accounts Payable

**Approve** Accounts Payable Check 4149 thru 4155 to be paid January 17, 2024

\$1,337,221.40

Auto withdrawal(s) paid on December 8, 2023 – January 9, 2024

\$899.18

\$1,337,221.40

- d. Receive and File – Information
  - i) Fire Department Reports
    - (1) *Fire Chief*
    - (2) *Fire Marshal*
    - (3) *District Inspector*
  - ii) Administrative Manager’s Report
  - iii) Correspondence
    - (1) County of San Diego – Annual Report of Fire Mitigation Fees

5. CONTINUING BUSINESS

- a. None

6. NEW BUSINESS

- a. Ordinance 2024-01

To introduce Ordinance 2024-01 entitled An Ordinance of the Vista Fire Protection District to Declare Certain Waste Material as a Public Nuisance, Provide for Abatement and Removal Thereof, and Provide for the Cost of Said Abatement to be a Lien Upon Private Property.

[Staff Report 24-01](#)

ACTION REQUESTED: **Set a Public Hearing and Final Adoption**
- b. Board of Directors Meeting – April 10, 2024

To discuss, confirm or modify the regular meeting date for April 2024

ACTION REQUESTED: **Reschedule April Board of Directors meeting**

7. ORAL REPORT(s)

- a. Fire Chief
  - i) Board Workshop – January 31, 2024
- b. Deputy Chief - Administration
- c. Administrative Manager
- d. Legal
- e. Fire Safe Council of Vista - Update
- f. Board of Directors

8. ADJOURNMENT

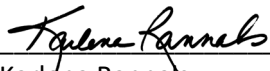


VISTA FIRE PROTECTION DISTRICT  
Board of Directors  
Regular Meeting Agenda  
Wednesday, January 17, 2024 1:00 pm PT

CERTIFICATION OF POSTING

I certify that on January 11, 2024 a copy of the foregoing agenda was posted on the District's website and near the meeting place of the Board of Directors of Vista Fire Protection District, said time being at least 72 hours in advance of the meeting of the Board of Directors (Government Code Section 54954.2)

Executed at Vista, California on January 11, 2024

  
\_\_\_\_\_  
Karlena Rannals  
Board Clerk



**VISTA FIRE PROTECTION DISTRICT**  
**Regular Board of Directors Meeting**  
**Minutes – December 13, 2023**

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were considered.

**REGULAR AGENDA**

President Elliott called to order the regular meeting of the Vista Fire Protection District Board of Directors at 1:00 PM at the “Smart Space” conference room located at 450 South Melrose Drive, Vista CA.

1. Pledge of Allegiance

Deputy Chief Davidson led the assembly in the Pledge of Allegiance.

2. Roll

Directors Present: Elliott, Fougner, Miller, Ploetz

Directors Absent: Gomez

Staff Present: Karlena Rannals, Administrative Manager; Gerard Washington, Fire Chief; Bret Davidson, Deputy Chief, James Kozakiewicz, Fire Inspector; and Fred Pfister, Legal Counsel

3. Motion waiving reading in full of all Resolutions/Ordinances

MOTION BY DIRECTOR PLOETZ, SECOND BY DIRECTOR FOUIGNER, and CARRIED 4 AYES; 0 NOES; 1 ABSENT; 0 ABSTAIN to waive reading in full of all resolutions and/or ordinances.

4. Open Discussion with the Board (Public Comment)

No one requested to speak to the Board.

5. Consent Calendar

MOTION BY DIRECTOR PLOETZ, SECOND BY DIRECTOR FOUIGNER, CARRIED 4 AYES; 0 NOES; 1 ABSENT; 0 ABSTAIN to approve the consent calendar as submitted:

a. *Board of Directors Minutes*

- Board of Directors minutes November 15, 2023

b. *Payroll Register*

|  |                  |
|--|------------------|
| ▪ Payroll paid on December 7, 2023       | \$4,583.34       |
| ▪ Payroll taxes paid on December 7, 2023 | \$ <u>350.63</u> |
| Total                                    | \$4,933.97       |

c. *Accounts Payable*

|  |               |
|--|---------------|
| ▪ Accounts Payable Check 4140 thru 4148 paid December 13, 2023 | \$11,470.63   |
| ▪ Auto withdrawal(s) paid on November 8 – December 7, 2023     | <u>888.11</u> |
| Total  | \$12,358.74   |

d. *Receive and File*

- i) Fire Department Reports
  - (1) *Fire Chief*
  - (2) *Fire Marshal*
  - (3) *District Fire Inspector*

- ii) Administrative Manager’s Report
- iii) Travel Report - Rannals
- iv) Correspondence
- (1) None

6. Continuing Business

a. *Contract with FireStats*

Deputy Chief Davidson summarized his staff report, noting that in conjunction with Division Chief Wecklich, the monthly or quarterly report can be prepared by FireStats. Chief Wecklich spends numerous hours on a monthly basis compiling the report in the format that the Board is accustomed to seeing. However, the statistician, Paul Rottenberg from FireStats does look at the data differently. He also reported that he is the project manager for the fire department’s accreditation and is the City and District “Standards of Coverage” is under review, which includes call volume, location, road speed, travel time, etc., and he understands that the report is a mechanism in place for contract compliance.

The board members, through discussion noted that the monthly report is important to some board members, and times have changed. The question is if there is a better way to report the response times for the urban, suburban, and rural areas. It was suggested to table the topic and discuss it at a future meeting.

MOTION BY DIRECTOR MILLER, SECOND BY DIRECTOR FOUIGNER, and CARRIED 4 AYES; 0 NOES; 1 ABSENT; 0 ABSTAIN to table the matter to a future meeting or planned board workshop.

7. New Business

a. *Resolution No. 2023-11*

Ms. Rannals reported that this resolution updates the time of day in which the Board of Directors will conduct their monthly meeting. The meeting time is changing from 10am to 1pm.

MOTION BY DIRECTOR MILLER, SECOND BY DIRECTOR FOUIGNER, and ADOPTED Resolution No. 2023-11 *entitled* a Resolution of the Board of Directors of the Vista Fire Protection District Establishing Time and Place of Regular Meetings, Holiday, and Emergencies on the following roll call vote:

|          |                                  |
|----------|----------------------------------|
| AYES:    | Elliott, Fougner, Miller, Ploetz |
| NOES:    | None                             |
| ABSENT:  | Gomez                            |
| ABSTAIN: | None                             |

b. *Resolution No. 2023-12*

Ms. Rannals summarized the staff report. She introduced Bob Schull and Crystal Lynn of California CLASS, who attended via Zoom. The California CLASS Joint Powers Authority is another pooled investment option available to the District and sponsored by both the League of California Cities and California Special Districts Association. Both representatives responded to questions from the Board.

MOTION BY DIRECTOR MILLER, SECOND BY DIRECTOR PLOETZ, and ADOPTED Resolution No. 2023-12 *entitled* a Resolution of the Board of Directors of the Vista Fire Protection District Establishing an Account with the California CLASS Joint Powers Investment Pool and authorize the Administrative Manager to execute all documents needed. In addition, upon establishment of a new account, authorize the Finance Committee to move monies from LAIF, County of San Diego, and Zions (when investments mature) on the following roll call vote:

|          |                                  |
|----------|----------------------------------|
| AYES:    | Elliott, Fougner, Miller, Ploetz |
| NOES:    | None                             |
| ABSENT:  | Gomez                            |
| ABSTAIN: | None                             |

President Elliott (as a member of the ad hoc Finance Committee) informed the Board that the representatives at Zions were instructed as investment matured, not to reinvest the monies.

c. *Resolution No. 2023-13*

Ms. Rannals informed the Board that this resolution updates signature authority for all financial accounts, including the new account with California CLASS. The resolution removes the previous accountant and adds the Fire Chief as a backup signer. She responded to questions from the board.

MOTION BY DIRECTOR PLOETZ, SECOND BY DIRECTOR FOUIGNER, and ADOPTED Resolution No. 2023-13 *entitled* a Resolution of the Board of Directors of the Vista Fire Protection District Designating Officers & Employees with Authority to Invest, Transfer, and Expend Funds, Establishing Signature Authority for Banking Purposes and Establishing Fund Controls on the following roll call vote:

|          |                                  |
|----------|----------------------------------|
| AYES:    | Elliott, Fougner, Miller, Ploetz |
| NOES:    | None                             |
| ABSENT:  | Gomez                            |
| ABSTAIN: | None                             |

d. *Resolution No. 2023-14*

Chief Davidson reported that existing law requires the Fire Chief of any district providing fire protection services and their authorized representatives to inspect every building used as a public or private school within their authority, for the purpose of enforcing specified building standards, not less than once each year, as provided. The law also requires the governing authority to acknowledge receipt of the report in a resolution or a similar formal document. This resolution confirms that all required inspections were completed.

MOTION BY DIRECTOR PLOETZ, SECOND BY DIRECTOR FOUIGNER, and ADOPTED Resolution No. 2023-14 *entitled* a Resolution of the Board of Directors of the Vista Fire Protection District Acknowledging Receipt of a Report made by the Fire Chief Regarding Required Inspection of Certain Occupancies Pursuant Section 13146.2 and 13146.3 of the California Health and Safety Code on the following roll call vote:

|          |                                  |
|----------|----------------------------------|
| AYES:    | Elliott, Fougner, Miller, Ploetz |
| NOES:    | None                             |
| ABSENT:  | Gomez                            |
| ABSTAIN: | None                             |

e. *Emergency Access Road Presentation*

Inspector James Kozakiewicz delivered a PowerPoint presentation on the different emergency access roads within the fire district. He summarized the six access roads maintained by the District, noting its egress, road width, and status of its maintenance. Chief Davidson informed the board members that these man-made fuel breaks are useful for fire operational purposes, noting the ability to stage engines, brush engines and emergency personnel in the event of a wildfire. However, it is not for people to use as an evacuation route. The staff has developed an operational plan to unlock the gates on red flag days. They responded to questions from the board. There was no action taken by the board; however, future discussions were requested for the following:

- Emergency Access Roads – Public Safety should use them, not individuals.
- Obtain recommendations for the safety professionals for improvements.
- Informational presentation on Zone Haven

*10-minute recess*

f. *Contract Renewal – “Little Yellow Buddies”*

Ms. Rannals summarized the staff report. This contract if approved will become effective January 1, 2024, and expire in eighteen (18) months, (expires June 30, 2025). This initial agreement period will align closer with the contract renewal (September 2025) with the City of Vista, at such time a Request for Proposal may need to be done. In addition, the dollar amount per hydrant did not change. She responded to questions.

MOTION BY DIRECTOR MILLER, SECOND BY DIRECTOR FOUNGER, and CARRIED 4 AYES; 0 NOES; 1 ABSENT; 0 ABSTAIN the contract between the Vista Fire Protection District and Jim Wold, doing business as “Little Yellow Buddies, and authorize the President to execute the contract.

8. Oral Report(s)

a. *Fire Chief* – Chief Washington reports no additional information to his submitted report.

b. *Deputy Chief – Administration*: Deputy Chief Davidson reported the following:

- Fire Inspector position open
- Conveyed his appreciation for Director Ploetz and Ms. Rannals for attending the family holiday event.

c. *Administrative Manager – Ms. Rannals*: She reminded the board the following:

- January 10, 2024 board meeting was rescheduled to January 17, 2024
- January 31, 2024 is the planned Board Workshop that will be held at City Hall. The time is from 9 am – 2 pm, and lunch will be provided for all attendees.
- ARPA Grant – she updated the board that with the assistance of Robin Biglione, project manager, additional grant funds of \$1,400 were approved, and she was able to get preapproval from County Office of Emergency Services to get reimbursed for planning and design costs in lieu of the actual HVAC system. This is extremely important since the grant funding expires June 30, 2024.
- In the absence of Director Gomez, she inquired if the Board of Directors would like to contribute to the holiday meal for those individuals having to work Christmas. At the conclusion of the discussion,

she was given direction to work with fire department leadership and keep the expense at \$300 or under.

- d. *Legal – Mr. Pfister* – he reported that he has been working with the City Attorney for Vista on the Memorandum of Agreement between the District and the San Diego County Fire Protection District. He is currently reviewing the proposed edits, desiring to protect 201 rights, and ensuring that the District does not have any liability. There is no rush to get this document approved. He responded to questions from the board.
- e. *Fire Safe Council of Vista – Update*: Director Gomez was unable to attend – no report.
- f. *Board of Directors*
  - Elliott – FDAC Fire District Leadership Training: he reported that he attended the two-day training held at San Miguel Fire District along with Chief Washington. The training was similar to the training he attended earlier this year sponsored by CSDA.
  - Ploetz: he reported on the grant that the Fire Safe Council of San Diego County received to create a Home Assessment Program. This program open to any resident in the service area is strictly education and nonregulatory. The program intends to help residents identify priorities for wildfire resilience and connect them to resources to increase their safety.
  - Miller:
    1. Inquired to Chief Washington on the status of the Kawano project, a proposed three hundred acre proposed annexation to the City of Vista. He has heard that the project will not move forward. Chief Washington agreed to research.
    2. Questioned the schedule for road clearing within the district, specifically Gopher Canyon Road. He was advised that the tentative schedule is spring of next year.
    3. Fire Insurance – asked if there was anything that the Board could do to assist residents about obtaining homeowners insurance. Not only have the costs increased significantly, but many policies are being cancelled. The consensus was it is not in their purview to offer any assistance.
    4. Inquired to Chief Washington if the “wall time” has improved? Chief Washington responded that he has a meeting planned for January 2024 to discuss the matter with Tri City Hospital, noting that there is a small decrease in “wall time” but it is still an issue. The hospital CEO is very receptive to fixing the problem.

## 9. Adjournment


President Elliott adjourned the meeting at 3:55 pm.



**VISTA FIRE PROTECTION DISTRICT**  
**PAYROLL REGISTER - December (Paid 1/05/24)**

| Payment<br>No. | Name                               | Gross                     |
|----------------|------------------------------------|---------------------------|
| Direct         |                                    |                           |
| Deposit        | Elliott, James (Oct - Dec 2023)    | \$ 300.00                 |
| Direct         |                                    |                           |
| Deposit        | Fougner, Robert (Oct - Dec 2023)   | \$ 200.00                 |
| Direct         |                                    |                           |
| Deposit        | Gomez, Daniel (Oct - Dec 2023)     | \$ -                      |
| Direct         |                                    |                           |
| Deposit        | Miller, Read (Oct - Dec 2023)      | \$ 300.00                 |
| Direct         |                                    |                           |
| Deposit        | Ploetz, John (Oct - Dec 2023)      | \$ 300.00                 |
| Direct         |                                    |                           |
| Deposit        | Rannals, Karlena                   | <u>\$ 4,583.34</u>        |
|                |                                    | \$ 5,683.34               |
|                | Employer Payroll Taxes             |                           |
|                | Federal (Social Security/Medicare) | \$ 434.78                 |
|                | State                              | <u>\$ -</u>               |
|                |                                    | <u><u>\$ 6,118.12</u></u> |

**VISTA FIRE PROTECTION DISTRICT  
ACCOUNTS PAYABLE  
January 17, 2024**

| Check #         | PAYEE & ADDRESS  | DESCRIPTION  | AMOUNT                       |
|-----------------|--|--|------------------------------|
| Auto Withdrawal | SmartSpace Vista (c/o SVN Vanguard)<br>4455 Murphy Canyon Road, Ste 200<br>San Diego, CA 92123 | Space Rent - January 2024<br><i>Paid on 1-3-2024</i>                           | \$802.95                     |
| Auto Withdrawal | ADP, Inc.  | December Payroll Fee<br><i>Paid on 1-5-2024</i>                                | \$96.23                      |
|                 |  | <b>Accounts Payable (Auto withdrawal)</b>                                      | <b>\$899.18</b>              |
| 4149            | AZTEC LANDSCAPING<br>7980 Lemon Grove Way<br>Lemon Grove, Ca 91945                             | Emergency Access Roads, Invoice # L3858, December 2023                         | \$2,187.50                   |
| 4150            | CITY OF VISTA<br>200 Civic Center Drive<br>Vista, CA 92084                                     | Fire/EMS - TA#5<br>Fire Inspector - December 2023                              | \$1,327,505.34<br>\$5,359.92 |
| 4151            | PLOETZ, John   | Reimbursement Meal, Supplies   | \$67.40                      |
| 4152            | RANNALS, Karlena   | Out of Pocket Expenses (Dec 1 - 31, 2023)                                      | \$1,004.94                   |
| 4153            | RGM CONSULTING<br>815 Sierra Verde Dr.<br>Vista, CA 92084                                      | Monthly Maintenance (Jan 2021)<br>Inv # 7214<br>Replacement: Check - 4128 Lost | \$150.00<br>\$150.00         |
| 4154            | STREAMLINE<br>P.O. Box 207561<br>Dallas, TX 75320-7561   | Monthly Billing for Webhosting<br>Invoice # 67009CA4-0038                      | \$84.00                      |
| 4155            | WHITE AND BRIGHT<br>970 Canterbury Place<br>Escondido, CA 92025                                | Legal Fees - District Business<br>Invoice #11879 (Dec 2023)                    | \$712.30                     |
|                 |  | <b>Accounts Payable (Checks)</b>   | <b>\$1,337,221.40</b>        |
|                 | PAYROLL:<br>See Payroll Register<br>U.S. TREASURY (PAYROLL TAX)                                | Employee & Directors<br>FEDERAL FORM 941-EFT VIA EFTPS-DEPOSIT                 | \$5,683.34<br>\$434.78       |
|                 |  | <b>December Payroll Total</b>  | <b>\$6,118.12</b>            |
|                 |  | <b>Total District Expenses - December 2023</b>                                 | <b>\$1,344,238.70</b>        |
|                 | <b>Director</b>  |  | <b>11-Jan-24</b>             |
|                 |             |  |                              |
|                 | <b>Administrative Manager</b>  |  | <b>17-Jan-24</b>             |

**Accounts Payable  
Certification**

Vista Fire Protection District  
450 S. Melrose Dr., Ste 105  
Vista, CA 92081

CERTIFICATION FOR PAYMENT NO. TA#5

CONSULTANT/VENDOR:  
City of Vista

BILLING PERIOD:

ADDRESS: 200 Civic Center Drive, Vista, CA 92084

ACCOUNT No.:

DESCRIPTION: Tax Apportionment #5

**STATEMENT OF PAYMENT**

|                          |      |    |              | Apportionment<br>of Fee | FEE PAYABLE            |
|--------------------------|------|----|--------------|-------------------------|------------------------|
| Gross Tax Apportionment  | 100% | \$ | 1,475,005.93 | 0%                      | \$ -                   |
| Less Interest Allocation | 100% | \$ | -            | 0%                      | \$ -                   |
| Tax Apportionment        | 100% | \$ | 1,475,005.93 | 90%                     | <u>\$ 1,327,505.34</u> |
| Invoice Billed #: 25324  |      |    |              |                         | \$ 1,327,505.34        |
| Discrepancy              |      |    |              |                         | <u>\$ (0.00)</u>       |



Certified by: Karlana Rannals, Administrative Manager

12/19/2023

Date



TO: BOARD OF DIRECTORS  
FROM: GERARD WASHINGTON, FIRE CHIEF  
SUBJECT: MONTHLY ACTIVITY REPORT – FIRE CHIEF’S REPORT  
DATE: January 11, 2024



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## Monthly Activity Summary (December 1-31, 2023)

The following highlights the work activities for the reporting period:

1. The second round of EMTs were hired and are in training for second BLS Unit.
2. Met with Fire inspection program vendor to look at the inspection program.
3. Fire Inspector job recruitment is underway. The opportunity to apply has ended, and 84 applications were received. A review of applications and interviews will be set up for our current two openings.
4. Seven new Firefighter/Paramedics to start in three weeks. Also, a request to start another Firefighter/Paramedic recruitment was approved and is in process.
5. Working with FireStats consultants on standards of coverage documents. Working on recommendations from the last accreditation review to include HAZMAT, technical rescue, and wildland standards. Also including measurable expectations for Fire Prevention and EMS.
6. Working with NBS Consultants to revise ambulance fees.
7. Training included finishing zone confined-space training, new zone hose load training, and performance standards.
8. Public events included holiday parties, Christmas parade, food drives, and toy drives.
9. 2023 data:
  - Total incidents 16,328
    - 14,214 Medical Aids
    - 1,220 Fire Calls
    - 644 Fire Alarms
    - 116 Rescue-Related Incidents
    - 60 Other
    - 74 Mutual Aid Calls

TO: BOARD OF DIRECTORS  
FROM: MARK VIEROW, FIRE MARSHAL  
SUBJECT: MONTHLY ACTIVITY REPORT – FIRE MARSHAL  
DATE: January 11, 2024



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## Monthly Activity Summary (December 1-31, 2023)

The following highlights the work activities for the reporting period:

1. Projects:
  - Silverado – Multifamily, 425 block of Smilax  
15 buildings, 14 complete  
No change
  - The Havens, Bonsall Oaks, Gopher Canyon Rd  
The 3 models have had final inspections.  
10 production units have had fire sprinkler hydro inspections.
2. Plan checks and construction inspections continue.
  - 9 plan checks
  - 6 construction inspections
3. No County Fire Marshal meeting in December.

TO: BOARD OF DIRECTORS  
FROM: James Kozakiewicz, Fire Inspector  
SUBJECT: MONTHLY ACTIVITY REPORT – FIRE  
DATE: January 11, 2024



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## **Monthly Activity Summary (December 1, 2023 – January 5, 2024)**

The following highlights the work activities for the reporting period:

1. Evaluated all emergency access roads with Director Ploetz on 1/5/2024.
2. Forced weed abatement is complete. One weed abatement case is ongoing located at 2126 Warmlands Ave. Currently moving towards third inspection.
3. Inspector Kozakiewicz presented a report to the Vista Fire Protection District Board of Directors regarding current emergency access road conditions.
4. Inspector Kozakiewicz met with the Administrative Manager to revise the Weed Abatement Ordinance (currently Ordinance 18) for the Vista Fire Protection District Board of Directors to review.

TO: BOARD OF DIRECTORS  
FROM: KARLENA RANNALS, ADMINISTRATIVE MANAGER  
SUBJECT: MONTHLY ACTIVITY REPORT - ADMINISTRATION  
DATE: JANUARY 11, 2024



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### **Activity Summary (December 1 – 31, 2023)**

The following highlights my work activities for the reporting period:

1. Met (December 3) with President Elliott and representatives of CA CLASS
2. Discussed and updated hydrant maintenance contract for “Little Yellow Buddies” for the board’s approval
3. Prepared agenda items and supporting reports, and distribution for December 13 Board of Directors meeting.
4. Updated
5. Attended (December 12) San Diego County Fire Chiefs Administrative Section Meeting - Vista
6. Attended December 13 Board of Directors meeting.
7. Attended (December 14) California Fire Chiefs Association Administrative Section Meeting – Rancho Santa Fe
8. Met (December 28) with Inspector Kozakiewicz re: Weed Abatement Ordinance
9. Prepared application for signatures and submission to California CLASS

The highlights do not include emails, phone calls, and other requests for review/comments on district topics.

### **Future Activity**

1. Board Workshop
2. Board Policies
3. Website Refresh
4. Continue reorganization of files



# County of San Diego

JEFF COLLINS  
DIRECTOR

MARC REGIER  
ASSISTANT DIRECTOR

PUBLIC SAFETY GROUP  
SAN DIEGO COUNTY FIRE  
5550 OVERLAND AVE, SUITE 400, SAN DIEGO, CA 92123-1239  
[www.sdcountyfire.org](http://www.sdcountyfire.org)

December 05, 2023

TO: Supervisor Nora Vargas, Chairwoman  
Supervisor Terra Lawson-Remer, Vice Chair  
Supervisor Joel Anderson  
Supervisor Monica Montgomery Steppe  
Supervisor Jim Desmond

FROM: Jeff Collins, Director  
San Diego County Fire

## **ANNUAL REPORT OF FIRE MITIGATION FEES FOR FISCAL YEAR 2022-23 (DISTRICTS: ALL)**

On December 11, 1985 (11), the Board of Supervisors (Board) adopted the Fire Mitigation Fee (FMF) Ordinance, pursuant to its authority under the Mitigation Fee Act. The Mitigation Fee Act (California Government Code sections 66000, et seq.) provides authority for local governments to impose fees to offset the impacts of development on public facilities or services. The statute regulates how public agencies may collect, maintain, and spend development impact fees, including reporting requirements.

The County's FMF program allows fire districts, lacking legal authority to directly impose and collect mitigation fees, to receive FMF funding for capital facilities and equipment to serve new developments in their districts. The County's Planning and Development Services Department collects the FMF from applicants when building permits are issued, then distributes the funds to participating fire agencies on a quarterly basis. The participating agencies of Ramona Municipal Water District and Borrego Springs Fire Protection District were incorporated into San Diego County Fire Protection District under the LAFCO reorganization process on August 1, 2022 and July 1, 2023. The service areas for fee collection and remaining FMF revenue from these agencies have been transferred to San Diego County Fire Protection District, as the successor agency, for purposes of the reorganization.

The enclosed Fire Mitigation Fee Annual Report for Fiscal Year 2022-2023 was prepared in accordance with the information required by Government Code sections 66001 and 66006 of the Mitigation Fee Act and reflects the fee schedule last adopted in FY 2018-19. This report will be made available on the San Diego County Fire website within 180-days of the end of the fiscal year [www.sdcountyfire.org/fire-mitigation-fee-program](http://www.sdcountyfire.org/fire-mitigation-fee-program). The increase to the Fire Mitigation Fee was approved by the Board on May 23, 2023 and will be reflected in next year's annual report.

If you have any questions, or would like additional information, please contact me at (858) 974-5924.

Respectfully,

JEFF COLLINS, Director  
San Diego County Fire



Board of Supervisors  
November , 2023  
Page 2 of 2

Attachments: Fire Mitigation Fee Annual Report Fiscal Year 2022-23

cc: Holly Porter, Deputy Chief Administrative Officer, Public Safety Group  
Andrew Potter, Clerk of the Board of Supervisors  
Brian Boggeln, Fire Chief, Alpine Fire Protection District  
Mike Sims, Fire Chief, Bonita-Sunnyside Fire Protection District  
David Morrison, Fire Chief, Deer Springs Fire Protection District  
Donald Butz, Fire Chief, Lakeside Fire Protection District  
Keith McReynolds, Fire Chief, North County Fire Protection District  
Dave McQuead, Fire Chief, Rancho Santa Fe Fire Protection District  
John Tenger, Fire Chief, Rincon Del Diablo Municipal Water District  
Tony Mecham, Fire Chief, San Diego County Fire Protection District  
Dan Barron, Fire Chief, San Marcos Fire Protection District  
Criss Brainard, Fire Chief, San Miguel Consolidated Fire Protection District  
Joe Napier, Fire Chief, Valley Center Fire Protection District  
Gerard Washington, Fire Chief, Vista Fire Protection District

# COUNTY OF SAN DIEGO

## FIRE MITIGATION FEE (FMF) PROGRAM

SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TITLE 8, DIVISION 10, CHAPTER 3

ANNUAL REPORT  
FISCAL YEAR 2022-23



PREPARED BY  
SAN DIEGO COUNTY FIRE

IN COOPERATION WITH THE  
PARTICIPATING FIRE AGENCIES OF  
ALPINE, BONITA-SUNNYSIDE, BORREGO SPRINGS,  
DEER SPRINGS, LAKESIDE, NORTH COUNTY,  
RAMONA, RANCHO SANTA FE, RINCON DEL  
DIABLO, SAN DIEGO COUNTY, SAN MARCOS, SAN  
MIGUEL, VALLEY CENTER AND VISTA

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# INTRODUCTION

## BACKGROUND

The unincorporated areas of San Diego County have experienced tremendous growth in the recent decades, increasing the demand on fire protection facilities to provide adequate fire protection for the residents of new developments. As a result, the Board of Supervisors of San Diego County (Board) adopted Ordinance No. 7066 (N.S.) on December 11, 1985, to establish the Fire Mitigation Fee (FMF) Program as a mechanism for collecting and allocating funds to fire agencies in unincorporated areas of San Diego.

Through the FMF Program, the County of San Diego (County) collects a fee from applicants when building permits are issued and distributes the funds to the 14 participating fire agencies on a quarterly basis. These funds allow fire agencies, which are prohibited from imposing fees as a condition of development, to build facilities (Health and Safety Code Section 13916) and provide capital facilities and equipment to serve new developments in their districts.



# ANNUAL REQUIREMENTS GOV. CODE § 66000

**PLEASE NOTE:** PURSUANT TO THE REQUIREMENTS IN THE MITIGATION FEE ACT AND COUNTY FIRE MITIGATION FEE ORDINANCE, THE INFORMATION IN THE FOLLOWING SECTIONS WAS PROVIDED TO THE COUNTY FOR REPORTING PURPOSES BY THE INDIVIDUAL PARTICIPATING FIRE AGENCIES.

DESCRIPTION OF FEE, GOV. CODE § 66006(B)(1)(A)

AMOUNT OF FEE, GOV. CODE § 66006(B)(1)(B)

BEGINNING AND ENDING BALANCE OF ACCOUNT, GOV. CODE § 66006(B)(1)(C)

AMOUNT OF FEES COLLECTED AND INTEREST EARNED, GOV. CODE § 66006(B)(1)(D)

PUBLIC IMPROVEMENT EXPENDITURES, GOV. CODE § 66006(B)(1)(E)

INCOMPLETE PUBLIC IMPROVEMENTS, GOV. CODE § 66006(B)(1)(F)

INTERFUND TRANSFER OR LOANS, GOV. CODE § 66006(B)(1)(G)

**ANNUAL REPORT OF REVENUES AND EXPENDITURES  
CA GOV. CODE 66006 (B)(1) (A) AND (B)**

**FIRE AGENCY: ALL PARTICIPATING FIRE AGENCIES  
FISCAL YEAR: 2022/23**

**(A) DESCRIPTION OF FEE**

The fee is imposed on new development at the time of issuance of a building permit for new construction or expansion. Fee proceeds are used to fund new or expanded fire protection facilities and equipment necessary to meet the additional demand caused by new development in the district.

**(B) AMOUNT OF FEE**

**Fiscal Year 2022-23 Fee Schedule, effective July 1, 2022\*\***

| Fire Agency                                | General Building | Agricultural Building w/o Sprinklers* | Agricultural Building w Sprinklers* | Greenhouse and Poultry House* |
|--|------------------|---------------------------------------|-------------------------------------|-------------------------------|
| Alpine Fire Protection District            | \$ 0.58          | \$ 0.16                               | \$ 0.02                             | \$ 0.01                       |
| Bonita-Sunnyside Fire Protection District  | \$ 0.58          | \$ 0.16                               | \$ 0.02                             | \$ 0.01                       |
| Borrego Springs Fire Protection District   | \$ 0.58          | \$ 0.16                               | \$ 0.02                             | \$ 0.01                       |
| Deer Springs Fire Protection District      | \$ 0.58          | \$ 0.16                               | \$ 0.02                             | \$ 0.01                       |
| Lakeside Fire Protection District          | \$ 0.58          | \$ 0.16                               | \$ 0.02                             | \$ 0.01                       |
| North County Fire Protection District      | \$ 0.58          | \$ 0.16                               | \$ 0.02                             | \$ 0.01                       |
| Ramona Municipal Water District            | \$ 0.58          | \$ 0.16                               | \$ 0.02                             | \$ 0.01                       |
| Rancho Santa Fe Fire Protection District   | \$ 0.58          | \$ 0.16                               | \$ 0.02                             | \$ 0.01                       |
| Rincon Del Diablo Municipal Water District | \$ 0.58          | \$ 0.16                               | \$ 0.02                             | \$ 0.01                       |
| San Diego County Fire Protection District  | \$ 0.58          | \$ 0.16                               | \$ 0.02                             | \$ 0.01                       |
| San Marcos Fire Protection District        | \$ 0.58          | \$ 0.16                               | \$ 0.02                             | \$ 0.01                       |
| San Miguel Fire Protection District        | \$ 0.58          | \$ 0.16                               | \$ 0.02                             | \$ 0.01                       |
| Valley Center Fire Protection District     | \$ 0.58          | \$ 0.16                               | \$ 0.02                             | \$ 0.01                       |
| Vista Fire Protection District             | \$ 0.58          | \$ 0.16                               | \$ 0.02                             | \$ 0.01                       |

\*Agricultural building as defined by the Uniform Building Code.

**\*\*The current rate/ last fee increase was adopted in FY 2018/19.**

**ANNUAL REPORT OF REVENUES AND EXPENDITURES  
CA GOV. CODE 66006 (B)(1) (C), (D), (G), AND (H)**

FIRE AGENCY: ALPINE FIRE PROTECTION DISTRICT  
FISCAL YEAR: 2022/23  
ACCOUNT FUND NO.: 47505

**(C) BEGINNING AND ENDING BALANCE OF ACCOUNT**

|                   |        |
|-------------------|--------|
| Beginning Balance | \$0.00 |
| Ending Balance    | \$0.00 |

**(H) REFUNDS**

No refunds to report.

| Date         | Amount |
|--------------|--------|
|              |        |
|              |        |
| <b>TOTAL</b> |        |

**(D) AMOUNT OF FEES COLLECTED AND INTEREST EARNED (REVENUES)**

No revenues to report.

| Quarter      | Fees               | Interest |
|--------------|--------------------|----------|
| 1st          | \$11,659.14        | -        |
| 2nd          | \$16,494.62        | -        |
| 3rd          | \$7,584.66         | -        |
| 4th          | \$5,309.90         | -        |
| <b>TOTAL</b> | <b>\$41,048.32</b> |          |

**(G) INTERFUND TRANSFERS/LOANS**

If applicable, provide a description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans to report.

| Description  | Public Improvement | Repayment Date<br>(for interfund loans only) | Interest Rate<br>(for interfund loans only) |
|--|--------------------|--|---|
| Internal transfer from FMF to County<br>General Fund | Loan Repayment     | 7/21/2022                                    | -   |
|  |                    |  |   |

**ANNUAL REPORT OF REVENUES AND EXPENDITURES**

**CA GOV. CODE 66006 (B)(1) (E) AND (F)**

**FIRE AGENCY: VALLEY CENTER FIRE PROTECTION DISTRICT**

**FISCAL YEAR: 2022/23**

**(E) PUBLIC IMPROVEMENT EXPENDITURES**

If applicable, identify each public improvement on which fees were expended and the amount of expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

**No public improvement expenditures to report.**

| Date     | Public Improvement | Total Expenditures<br>(from all revenue sources) | Total FMF Expenditures | Percentage of Public<br>Improvement funded<br>by FMF |
|----------|--------------------|--|------------------------|--|
| FY 22-23 | Type 1 Engine      | \$792,561.74                                     | \$200,000.00           | 25%  |
| FY 22-23 | Cardiac Monitors   | \$196,634.05                                     | \$108,000.00           | 55%  |
| FY 22-23 | Fire Hoses         | \$6,954.62                                       | \$6,954.62             | 100%   |
| FY 22-23 | Type 3 Engine      | \$460,276.40                                     | \$160,000.00           | 35%  |

**(F) INCOMPLETE PUBLIC IMPROVEMENTS**

If the fire agency has determined that sufficient funds have been collected to complete financing on an incomplete public improvement that has been identified for use of fee revenues and the public improvement remains incomplete at the time of the report, identify the approximate date by which the construction of the improvement will commence.

**No information to report.**

| Public Improvement | Approximate Start Date of Construction |
|--------------------|--|
|                    |  |
|                    |  |
|                    |  |
|                    |  |



**ANNUAL REPORT OF REVENUES AND EXPENDITURES  
CA GOV. CODE 66006 (B)(1) (C), (D), (G), AND (H)**

**FIRE AGENCY: VISTA FIRE PROTECTION DISTRICT  
FISCAL YEAR: 2022/23  
ACCOUNT FUND NO.: 47745**

**(C) BEGINNING AND ENDING BALANCE OF ACCOUNT**

|                          | FMF Funds    | City of Vista Trust | Total Account Balance |
|--------------------------|--------------|---------------------|-----------------------|
| <b>Beginning Balance</b> | \$140,509.45 | \$452,765.90        | \$593,275.35          |
| <b>Ending Balance</b>    | \$259,085.79 | \$452,765.90        | \$711,851.69          |

**(H) REFUNDS**

**No refunds to report.**

| Date         | Amount |
|--------------|--------|
|              |        |
| <b>TOTAL</b> |        |

**(D) AMOUNT OF FEES COLLECTED AND INTEREST EARNED (REVENUES)**

**No revenues to report.**

| Quarter      | Fees                | Interest          |
|--------------|---------------------|-------------------|
| 1st          | 39,589.64           | 539.27            |
| 2nd          | 8,401.88            | 1,008.89          |
| 3rd          | 25,806.53           | 1,541.92          |
| 4th          | 32,700.98           | 1,895.56          |
| <b>TOTAL</b> | <b>\$106,499.03</b> | <b>\$4,985.64</b> |

**(G) INTERFUND TRANSFERS/LOANS**

If applicable, provide a description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.

**No interfund transfers or loans to report.**

| Description   | Public Improvement | Repayment Date<br>(for interfund loans only) | Interest Rate<br>(for interfund loans only) |
|---|--------------------|--|---|
| \$7,091.67 transferred to GF in error. FMF Funds transferred back to FMF fund to reconcile balance. | N/A                | -  | -   |

**ANNUAL REPORT OF REVENUES AND EXPENDITURES**

**CA GOV. CODE 66006 (B)(1) (E) AND (F)**

**FIRE AGENCY: VISTA FIRE PROTECTION DISTRICT**

**FISCAL YEAR: 2022/23**

**(E) PUBLIC IMPROVEMENT EXPENDITURES**

If applicable, identify each public improvement on which fees were expended and the amount of expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

**No public improvement expenditures to report.**

| Date | Public Improvement | Total Expenditures<br>(from all revenue sources) | Total FMF Expenditures | Percentage of Public<br>Improvement funded<br>by FMF |
|------|--------------------|--|------------------------|--|
|      |                    |  |                        |  |

**(F) INCOMPLETE PUBLIC IMPROVEMENTS**

If the fire agency has determined that sufficient funds have been collected to complete financing on an incomplete public improvement that has been identified for use of fee revenues and the public improvement remains incomplete at the time of the report, identify the approximate date by which the construction of the improvement will commence.

**No information to report.**

| Public Improvement | Approximate Start Date of Construction |
|--------------------|--|
|                    |  |

## FIVE-YEAR REQUIREMENTS GOV. CODE § 66001

**PLEASE NOTE:** PURSUANT TO THE REQUIREMENTS IN THE MITIGATION FEE ACT AND COUNTY FIRE MITIGATION FEE ORDINANCE, THE INFORMATION IN THE FOLLOWING SECTIONS WAS PROVIDED TO THE COUNTY FOR REPORTING PURPOSES BY THE INDIVIDUAL PARTICIPATING FIRE AGENCIES.

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PURPOSE OF FEE, GOV. CODE § 66001(D)(1)(A)

REASONABLE APPORTIONMENT, GOV. CODE § 66001(D)(1)(B)

FUNDING ANTICIPATED FOR INCOMPLETE IMPROVEMENTS, GOV. CODE § 66001(D)(1)(C)

ESTIMATED DATE OF FUNDING FOR INCOMPLETE IMPROVEMENTS, GOV. CODE § 66001(D)(1)(D)

**FIVE-YEAR REQUIREMENTS**

**CA GOV. CODE 66001 (D)(1) (A)-(D)**

**FIRE AGENCY: VISTA FIRE PROTECTION DISTRICT**

**FISCAL YEAR: 2022/23**

**(A) – (D) FINDINGS FOR UNEXPENDED FUNDS**

For the fifth fiscal year following the first deposit in the fund and every five years thereafter, Section 66001 of the Mitigation Fee Act requires the local agency to provide the following findings regarding those funds remaining unexpended.

**No unexpended funds to report.**

| <b>Amount</b> | <b>Purpose of Fee<br/>Gov. Code § 66001(D)(1)(A)</b> | <b>Reasonable Apportionment<br/>Gov. Code § 66001(D)(1)(B)</b> | <b>Anticipated Funding<br/>Gov. Code § 66001(D)(1)(C)</b> | <b>Estimated Funding Date<br/>Gov. Code § 66001(D)(1)(D)</b> |
|---------------|--|--|---|--|
| All funds     | Reconstruction of Vista Fire Station 3               | 100%   | All funds   | January 2024   |
|               |  |  |   |  |
|               |  |  |   |  |
|               |  |  |   |  |

**FIVE-YEAR REQUIREMENTS**

**CA GOV. CODE 66001 (D)(1) (A)-(D)**

**FIRE AGENCY: VALLEY CENTER FIRE PROTECTION DISTRICT**

**FISCAL YEAR: 2022/23**

**(A) – (D) FINDINGS FOR UNEXPENDED FUNDS**

For the fifth fiscal year following the first deposit in the fund and every five years thereafter, Section 66001 of the Mitigation Fee Act requires the local agency to provide the following findings regarding those funds remaining unexpended.

**No unexpended funds to report.**

| <b>Amount</b> | <b>Purpose of Fee<br/>Gov. Code § 66001(D)(1)(A)</b> | <b>Reasonable Apportionment<br/>Gov. Code § 66001(D)(1)(B)</b> | <b>Anticipated Funding<br/>Gov. Code § 66001(D)(1)(C)</b> | <b>Estimated Funding Date<br/>Gov. Code § 66001(D)(1)(D)</b> |
|---------------|--|--|---|--|
|               |  |  |   |  |
|               |  |  |   |  |
|               |  |  |   |  |

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# STAFF REPORT

24-01

TO: BOARD OF DIRECTORS,  
GERARD WASHINGTON, FIRE CHIEF

FROM: BRET DAVIDSON, DEPUTY FIRE CHIEF

SUBJECT: ORDINANCE 2024-01 (WEED ABATEMENT)

DATE: JANUARY 11, 2024

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## RECOMMENDATION

It is respectfully recommended the following action be taken by the board:

1. Determine if a standalone second reading is necessary for February 14, 2024;
2. If a separate second reading is not required by the Board, begin the adoption process, and set a public hearing for the next regular meeting, February 14, 2024;
3. Adopt Ordinance 2024-02 at the next regular meeting, February 14, 2024

## BACKGROUND

Wildland fires are the biggest natural disaster threat to the residence of the fire district. It has been well established that having defensible space can reduce life loss and property loss during wildland fires. It is the responsibility of each property owner to remove dead vegetation and reduce live vegetation in accordance with state codes and local regulations to provide responsible protection of life and property. Collectively all homeowners doing this improves the safety in the overall community.

Therefore, it is the responsibility of the fire district and to pass ordinances to ensure that all property privately owned or otherwise be inspected and ensure that the community collectively reduces the risk of wildfire. It is through these prevention efforts before a fire occurs that can have the best impact during an uncontrolled fire.

This ordinance conforms and includes the standard procedures and process to give adequate notice to property owners and reasonable periods to gain compliance. This ordinance also ensures accountability and the ability to force abate hazards that the property owner may be unresponsive to in order to protect the community as a whole.

## CURRENT SITUATION

The Vista Fire Protection District current Ordinance No. 18 was adopted June 23, 2003. The District's ordinance requires updating to ensure the city and fire district process is correct and follows the same procedure. The purpose of initiating the ordinance at this meeting is to have it become effective prior to the distribution of the annual weed abatement notices planned for April 15, 2024. If the ordinance is adopted at the February 14 meeting, the ordinance will become effective, March 16, 2024. Should the ordinance be adopted at the March 13 meeting, the ordinance would become effective April 13<sup>th</sup>.

# ORDINANCE ~~18~~ 2024-01

## AN ORDINANCE OF THE VISTA FIRE PROTECTION DISTRICT TO DECLARE CERTAIN WASTE MATERIAL AS A PUBLIC NUISANCE, PROVIDE FOR ABATEMENT AND REMOVAL THEREOF, AND PROVIDE FOR THE COST OF SAID ABATEMENT TO BE A LIEN UPON PRIVATE PROPERTY

The Board of Directors of the Vista Fire Protection District ordain as follows:

Section 1: Findings, Definitions, and notices.

01.010: The enactment of this ordinance is pursuant to the authority contained in California Health and Safety Code section 13879, and Division 12, Part 5, (commencing with section 14875 and Division 12, Part 6, sections 14930 and 14931.

01.020: **Findings**

A. The topography of the Vista Fire Protection District presents problems of emergency services, including fire protection. Hilly terrain has narrow, winding roads with very little circulation, preventing rapid access and orderly evacuation. Many of these hills are covered with highly combustible natural vegetation. In addition to access and evacuation problems the terrain makes delivery of water very difficult.

B. A majority of all native vegetation within the Vista Fire Protection District constitutes a seasonal and recurrent nuisance pursuant to the Health and Safety Code Section 14900.0. The accumulation of waste material on private property creates a fire hazard and is injurious to the health, safety, and general welfare of the public. These materials are declared to be a public nuisance and shall be abated to the satisfaction of the Fire Chief or their authorized representative.

~~B-C.~~ Cultivated and useful grasses and pasture shall not be declared a public nuisance. However, if the Fire Chief or his authorized representative shall determine a hazard exists adjacent to the improved property from fire exposure, an adequate fire break may be constructed to prevent the spread of fire or ensure public safety.

01.030:- **Combustible Vegetation Defined**

Means any vegetation in its natural state will ignite, burn, and transmit fire from native or landscaped plants to any building or other vegetation. Combustible vegetation includes dry grass, brush, weeds, litter, and any vegetation that is dead, dying, or diseased, dead palm fronds (skirts), or other combustible vegetation which creates a fire hazard.

01.0~~3~~40: **Waste Material Defined**

For the purposes of this ordinance, waste material is defined as unused or discarded matter having no substantial market value which is exposed to the elements and not enclosed in a structure concealed from public view. Waste material includes, but is not limited to:

A. Weeds which bear seeds of a downy or wingy nature, sagebrush, chaparral, poison oak, dry grass, brush, litter, or other flammable, noxious, or dangerous material which endangers the public safety by creating a fire hazard.

01.050: **Public Nuisance Defined**

For the purposes of this ordinance, public nuisance is defined as waste material, which, by reason of its location or character, may hamper or interfere with the prevention or suppression of fire upon the premises or any adjacent property, or which creates a fire hazard.

01.060: **Abatement Defined**

For purposes of this ordinance, abatement is defined as the removal of the hazard or public nuisance as defined herein. It shall be the responsibility of the property owner to ensure compliance with other local or State or Federal laws, including those pertaining to sensitive lands or threatened or endangered species, when abatement is ordered. Violations of any such law may subject the property owner to penalties prescribed therein.

01.070: **Notice to Abate Public Nuisance**

If it is determined that a public nuisance, as defined in this ordinance or fire hazard as herein defined, exists on any lot, premises, sidewalk, parking lot, or street adjacent areas, the Fire Chief or an authorized representative(s) shall cause a notice to be issued to abate the nuisance. The notice shall be entitled: "NOTICE TO CLEAN PREMISES" in legible letters not less than one inch in length and which shall, in legible characters, and shall direct the abatement of the nuisance and refer to this article and section ordinance for particulars. The notice shall contain a description of the property in general terms, reasonably sufficient to identify the location of the nuisance, and a description of the items to be removed from the property. The notice to clean premises served by means other than posting as provided by this section will contain a description of the property in general terms reasonably sufficient to identify the location of the nuisance. shall also state the time within which the abatement must be completed, as well as the penalty for failure to complete the abatement.

01.080: **Time Limit for Completing Abatement**

Within thirty days from the date of service of the first notice, or in the case of an appeal to the Fire District, thirty days from the determination thereof, it shall be the duty of the landowner, the agent of the owner, or the person in possession of the premises to comply with the requirements of the notice and abate the premises.

Should a second or third notice be delivered, it will be the duty of the owner, the agent of the owner, or the person in possession of any lot or premise with in the Vista Fire Protection District to abate the nuisance or fire hazard as stated ten (10) days from the date of notification as provided herein, or in case of an appeal to the Board of Directors, within ten (10) days from the determination thereof, unless the same is sustained, to remove the nuisance as stated

01.090: **Service of Notice**

The Notice to Abate Public Nuisance may be served by one of the following methods: The notice required by the Health and Safety Code § 14875 through 14922 may be



served in any of the following manner:

- A. By personal service on the owner, adult occupant or adult in charge or control of the property.
- B. By regular or certified mail addressed to the owner or person in charge and control of the ~~premises-property~~ at the address shown on the last available assessment roll, ~~or~~ otherwise known.
- C. By posting ~~at least one notice~~ in a conspicuous place on the ~~property land, or on an adjacent public right of way~~ a notice in conformance with the Health and Safety Code Section 14891 and similar to section 14892, not more than one hundred (100) feet in distance apart, along such right of way with at least one notice posted on each lot or parcel.
- D. ~~In the case of weeds or vegetation which has previously been declared to constitute a seasonal nuisance, it is sufficient to mail a post card notice to the owners of the property as their address appears on the current assessment roll. The notice shall describe the property and shall state dangerous weeds of a seasonal and recurrent nature are growing on the property which constitutes a public nuisance and must be abated. It is the responsibility of the parcel owner or property owner to ensure the address with the County of San Diego Tax Assessor is current and valid. Mailings returned for insufficient or invalid addressing shall be considered a valid attempt to notify.~~

**01.100: Appeal to the Board of Directors**

At any time after receipt of the abatement notice and up to seven days prior to the final clearance date as specified in the notice, the owner or person occupying or controlling the premises may appeal to the Vista Fire Protection District Board of Directors. The appeal shall be in writing and filed with the Fire Marshal and Clerk of the Board. At the next or regular adjourned meeting of the Board of Directors, the board shall proceed to hear and make a determination on the appeal, which determination shall be final and conclusive. The Fire Marshal or Board Clerk shall notify the individual of the date and time of the meeting.

**01.110: Violation**

The owner, occupant, or agent of any property within the Vista Fire Protection District who fails to abate a public nuisance or violates any of the provisions contained in this ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment for a period not to exceed six months, or both.

**01.120: Abatement of Public Nuisance by Fire Chief**

Upon the failure, neglect or refusal of any owner or agent, after notice, to properly comply with the order to remove or destroy the waste material within the time specified in this ordinance, the Fire Chief or an authorized representative may cause such work to be done. When the work has been completed, a report of the proceedings and an accurate account of the cost on each separate property shall be filed with the Fire

Prevention Bureau.

- A. If the Board determines that it is in the best interest of the District and its citizens, the Board may contract out the abatement process. Upon completion of the abatement, the District may lien the property as set forth herein and may assign its interest to the contractor as full or partial payment. Pursuant to Health and Safety Code section 14901, the officer, board, or commission, and his or its assistants, deputies, employees, or contracting agents, or other representatives may enter upon private property for the purpose of removing the weeds.

01.130 **Cost of Abatement to be Paid by Owner of Property**

Costs for abatement shall include any and all administrative costs including, but not limited to, cost of mailing, fire district personnel's time, computer retrieval, plus contractors' abatement cost. When the District has completed the work ordered to be done, or has paid for such work to be done, the actual cost thereof, together with the administrative costs, shall be charged to the owner of the property, and the owner, or an agent, shall be billed by mail, if not paid prior. The bill shall inform the owner that he or she has thirty days to pay the entire bill and that failure to pay will result in a lien on the property.

01.140: **Hearing for Failure to Pay for Cost of Abatement**

Where the full amount due to the District is not paid by the owner within thirty days after the date of the bill, the Board shall conduct a hearing pursuant to Health and Safety Code sections 14910 et seq. The District shall post a notice three days prior to the hearing pursuant to Health and Safety Code section 14906. The Board of Directors shall review the report on accounting on the abatement at the hearing. The owner of the property may present a written or oral protest or objection to the report on accounting. At the conclusion of the hearing, the Board of Directors shall either approve the report on accounting as submitted or modify it. The decision of the Board of Directors shall be final and conclusive.

01.150: **Special Assessments**

The District shall charge the property owner the full amount due. Pursuant to Health and Safety Code sections 14915 through 14922, a copy of the report, as confirmed, shall be turned over to the auditor of the county, on or before the tenth day of August following such confirmation, and the auditor shall enter the amounts of the respective assessments against respective parcels of land as they appear on the current assessment roll.

01.160: **Lien on Property for Cost of Abatement**

The amount approved by the Board of Directors shall be charged to the property owner and constitute a lien against the property. Failure to pay the amount determined by the Board of Directors may result in foreclosure of the lien and sale of the property to pay for the abatement.

**01.170: Liability of Successive Owners**

Every successive owner of property who neglects to abate a continuing nuisance upon, or in the use of, such property, created by a former owner, is liable therefore in the same manner as the one who first created it. (California Civil Code section 3483).

**01.180 Validity of Ordinance**

Should any section, paragraph, sentence or word of this ordinance or the codes referenced herein, be declared invalid, it is the intent of the Board that it would have adopted all other portions of the ordinance independent of the invalid portions and those portions not deemed invalid will remain in full force and effect.

Section 2: This Ordinance is hereby adopted by the Board of Directors as the District's procedure for the abatement of certain waste material.

**Section 3: Effective Date of Ordinance**

03.010 This Ordinance shall become effective thirty (~~1~~30) days following its passage and adoption.

03.020: The Secretary to the Board of Directors will certify the adoption of this Ordinance and cause the same to be published in the manner required by law.

03.030: First Read at a regular meeting of the Board of Directors of the Vista Fire Protection District of the County of San Diego, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024. A second reading, public hearing and final adoption occurred at a regularly scheduled meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Attest:

By:

\_\_\_\_\_  
Karlana Rannals  
Board Clerk

\_\_\_\_\_  
James F. Elliott  
President, Board of Directors

Date:

Date:

\_\_\_\_\_  
Approved as to Form  
White & Bright, LLP

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Fred Pfister, District Counsel