



AGENDA
Fairview Fire Protection District Special Board Meeting
Wednesday, August 3, 2022, 7:00 P.M.



Because the legal conditions are met for the District Governing Board to conduct its proceedings via teleconference, per California Government Code Section 54953(e), Directors of the Fairview Fire Protection District, as well as the District's Counsel and Fire Chief, General Manager, and other staff, will participate via phone/video conference, and no physical teleconference locations are required.



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PUBLIC PARTICIPATION

Fairview Fire Protection District encourages public participation in its meetings, in any of the following ways.

OBSERVE:

- To observe the meeting by video conference, at the noticed meeting time in the header above, please click on this link, or input the link into your web browser's URL bar:

<https://us06web.zoom.us/j/82226597624>

Zoom's instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage address that provides a tutorial video entitled "Joining a Meeting."

- To listen to the meeting by phone, please call one of the numbers below at the noticed meeting time:

Dial (for higher quality, dial a number based on your current location):

+1 253 215 8782 or +1 346 248 7799
or +1 720 707 2699 or +1 301 715 8592
or +1 312 626 6799 or +1 646 558 8656

For each number, please be patient and when requested, dial the following Webinar ID: 822 2659 7624

After calling any of these phone numbers, if you are asked for a participant ID or code, press the pound (#) key.

Zoom's instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage address that provides written tutorial instructions entitled "Joining a Meeting By Phone."

PROVIDE PUBLIC COMMENT: There are three ways to make public comment within the time allotted for public comment on an eligible Agenda item.

- Comment in advance via email. To send your comment directly to the Board and staff BEFORE the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to Michael Preston at mike.preston@fairviewfiredistrict.org. Please note that submissions close twenty-four (24) hours before posted meeting time. All submitted public comments will be provided to the Directors prior to the meeting, and the District will momentarily confirm during the meeting itself receipt of any timely email comments.

- By Video Conference. To comment by Zoom video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to "Raise Your Hand" are available at: <https://support.zoom.us/hc/en-us/articles/205566129>, which is a webpage entitled "Raise Hand In Webinar."

- By Phone. To comment by phone, please call on one of the above listed phone numbers. You will be prompted to "Raise Your Hand" by pressing STAR-NINE ("*9") to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. Once it is your turn, you will be unmuted and allowed to comment. After the allotted time, you will be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled "Joining a Meeting by Phone."

If you have any questions about these protocols, please e-mail Michael Preston, at mike.preston@fairviewfiredistrict.org.



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1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
2. **ROLL CALL: DIRECTORS DIMIC, CHOI, CLARK, JUSTICE, & McDANIEL**
3. **WELCOME:** If you wish to speak on an item which appears on this agenda, the President will call your name when your agenda item is being considered. Please state your name and address for the record. Each speaker is allowed three (3) minutes.
4. **PUBLIC COMMENT PERIOD** (The Public Comments Period provides an opportunity for citizens to address the Board on items not listed on the agenda. The Board welcomes your comments under this section but is prohibited by State law from discussing items not on the agenda.)
5. **PUBLIC HEARING ON ORDER TO ABATE**, per the "FFPD 2020 Fuels Management and Weed Abatement Ordinance" – 2798 D Street **INFO/ACTION**
6. **ADOPT RESOLUTION TO MAKE FINDING(S) AND ORDER ABATEMENT**, per the "FFPD 2020 Fuels Management and Weed Abatement Ordinance" – 2798 D Street **INFO/ACTION**
7. **ADOPT RESOLUTION RE: NOTICE OF NOVEMBER 8, 2022, DISTRICT ELECTION TO ALAMEDA COUNTY ELECTION OFFICIAL** **INFO/ACTION**
ADJOURNMENT

In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the videoconference meeting, to access written documents being discussed at the Board meeting, or to otherwise participate at Board meetings, please contact the General Manager, Michael Preston at (510) 583-4930 for assistance. Notification at least 48 hours before the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting and to provide any required accommodations, auxiliary aids or services.

5. PUBLIC HEARING
ON ORDER TO ABATE,
PER THE “FFPD 2020
FUELS MANAGEMENT
AND WEED ABATEMENT
ORDINANCE” –
2798 D STREET

6. ADOPT
RESOLUTION TO
MAKE FINDING(S) AND
ORDER ABATEMENT,
PER THE "FFPD 2020
FUELS MANAGEMENT
AND WEED ABATEMENT
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2798 D STREET

BOARD OF DIRECTORS
MELISSA DIMIC
MARK MCDANIEL
MICHAEL JUSTICE
ROBERT CLARK
SARAH CHOI



FAIRVIEW
FIRE PROTECTION DISTRICT

25862 FIVE CANYONS PKWY
CASTRO VALLEY, CA 94552
(510) 583-4930

GENERAL MANAGER:
MIKE PRESTON

FIRE CHIEF
GARRETT CONTRERAS
WWW.FAIRVIEWFIREDISTRICT.ORG

ORDER TO ABATE PROPERTY AT APN 416019004900, 2798 D St. Hayward, CA 94541

Pursuant to its authority codified in the California Health and Safety Code and the California Government Code, the Fairview Fire Protection District (“District”) hereby orders that, by **6 PM PT on August 17, 2022**, the owner of the property of 2798 D St. Hayward, CA 94541 at Assessor’s Parcel Number 416019004900 shall conduct abatement of the fire hazard nuisance identified and documented by the District in its Notice to Destroy Weeds, sent by U.S. Certified Mail on July 26, 2022, as follows:

Violation of “WEEDS, GRASS, BRUSH, AND DEAD GROWTH” Abatement Standard(s)

Per FFPD Ordinance 1, all weeds, grass, or other vegetation that is dry or will become dry during the months of May - November must be removed or otherwise abated from the entire parcel.

04-22-2022: clear all dead/dying tree debris and other debris. limb up any trees with low hanging limbs.

05-26-22: Violations remain.

06-24-22: Violations remain.

07-22-22: Noting the tall weeds and rubbish/debris on the side yard and back yard. Also noting the trees needing to be limbed up.

FAILURE TO COMPLY WITH THIS ORDER BY August 17, 2022 WILL RESULT IN MANDATORY ABATEMENT BY THE DISTRICT, WITH ALL COSTS TO BE ASSESSED AGAINST THE PROPERTY UNTIL PAYMENT BY THE OWNER.

After August 17, 2022, if the ordered abatement is not conducted to the satisfaction of the Fire Marshall, the District shall assign abatement as ordered to a contractor, which contractor shall conduct the above-identified abatement between August 18, 2022, and September 1, 2022, between the hours of 8am and 6pm, or as warranted by a Court of Competent Jurisdiction.

Once abatement is conducted, the District will send a Demand for Payment for the full cost of abatement actually expended by the District between the time of the hearing and the completion of the abatement. **The cost of the abatement will be assessed upon the property from which the nuisance is removed, and if left unpaid by the owner, may constitute a lien or special assessment upon the property until paid.**

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MARK MCDANIEL
MICHAEL JUSTICE
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SARAH CHOI



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Attached hereto, please read and consider executing this consent form for the District to enter the land and conduct abatement if abatement is not conducted by August 17, 2022, without need for obtaining a warrant.

Miles Massone
Fire Marshal

Cc: File

Encl: Resolution to Make Findings and Order Abatement
Property Owner Consent Form
Proof of Service

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**VOLUNTARY WRITTEN CONSENT TO ENTER PROPERTY, CONDUCT
INSPECTION, AND/OR CONDUCT ABATEMENT OF ANY AND ALL FIRE HAZARD
CONDITIONS**

I, the undersigned, certify that I am the (circle one):

Owner Co-Owner Tenant Property Manager

of the real property located at **2798 D St., Hayward, CA 94541, APN: 416019004900**. As such, I am the person responsible for said property and all fixtures, vegetation and other assets located thereon. I hereby freely and voluntarily **consent to the entry upon said property** by the Fairview Fire Protection District, the Hayward Fire Department, the Fire Marshall, and their officers, agents and designees, including but not limited to any abatement entity authorized by the Fairview Fire Protection District, and/or law enforcement personnel accompanying any of the aforementioned parties **for the purpose of** inspecting said property for compliance with the Fairview Fire Protection District's abatement standards. I also freely and voluntarily consent to abatement of any nuisance, in the form of a fire hazard, documented by the inspectors in the attached materials and subject of the District's Abatement Order.

I GIVE THIS CONSENT AFTER THE INSPECTOR INFORMED ME THAT I HAVE A CONSTITUTIONAL RIGHT TO REFUSE TO PERMIT THE ABOVE-IDENTIFIED PARTIES TO ENTER THE LAND, TO INSPECT, AND/OR TO CONDUCT ABATEMENT. NO PROMISES, THREATS, OR COERCION HAVE BEEN MADE TO INDUCE ME TO RELINQUISH THIS RIGHT, BUT I DO SO FREELY AND VOLUNTARILY. FURTHERMORE, THIS CONSENT EXPIRES AT 6:00 PM ON SEPTEMBER 1, 2022, AND MAY BE WITHDRAWN AT ANYTIME. I UNDERSTAND THAT IF I WITHDRAW CONSENT AFTER INSPECTOR(S) HAVE ENTERED THE PROPERTY SUBJECT TO THIS WRITTEN CONSENT, THEY WILL CEASE ALL INSPECTION AND/OR ABATEMENT AND EXIT THE PROPERTY WITH REASONABLE PROMPTNESS.

Inspection, if authorized, may include the observation of physical conditions, taking of photographs, and questioning of or conferring with persons present on the property privately to obtain information bearing on whether violations of the District's Abatement Standards exist. Any person present may refuse to answer questions.

Abatement, if any is required subject to the Abatement Order, shall include the removal, complete demolition, and/or permanent disposal of all items comprising the following conditions of non-conformity found upon the premises: any fire hazard condition that is deemed by the District to violate the abatement standards, including unlawful accumulations of grass, weeds, and growths on the property. One or more peace officers may accompany the abatement to ensure peaceful

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proceedings.

The Inspection and Abatement shall be conducted between Thursday, August 18, 2022, and Thursday, September 1, 2022, which starts the business day after the deadline to voluntarily comply with the Ordered Abatement attached hereto. The Inspection and Abatement shall include the entire property, excluding the interior of any dwelling, and be conducted between the hours of 8:00am and 6:00pm to minimize any intrusion on the normal operations of the property and any adjacent property.

I further certify that I have authority to grant access to said property and that no other person's or entity's authorization is required for the Inspection and/or Abatement herein described. This authorization shall remain valid until revoked in writing by the undersigned.

Property Address

Signature of Responsible Party

Name of Responsible Party

Telephone Number

Date

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I, Norma Marples am over the age of 18 and employed by the City of Hayward, 777, "B" Street, Hayward, Alameda County, California 94541.

On 08/04/22, I served the following document(s) on the interested parties in this action by sending true copies as shown below for service as designated below:

1) Notice to Destroy Weeds – Property located at:

2798 D St., Hayward, CA 94541
APN: 416019004900

2) FFPD Weed Abatement Standards

SERVICE BY U.S. MAIL UNDER THE LAWS OF THE STATE OF CALIFORNIA

NICHOLS CARL
2798 D ST
HAYWARD, CA 94541

I am familiar with this business' practice for collection and processing of correspondence for mailing, and that correspondence will be enclosed in a sealed envelope with postage fully prepaid and deposited with the U.S. Postal Service on the date herein above in the ordinary course of business at Hayward, California.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on 08/04/22, at Hayward, California.

Norma Marples

Norma Marples
Sr. Secretary
510-583-4930

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RESOLUTION OF THE FAIRVIEW FIRE PROTECTION DISTRICT TO MAKE FINDINGS AND ORDER ABATEMENT

WHEREAS, state law codifies the Fairview Fire Protection District's ("District") authority to order the abatement of nuisances in the form of fire hazards;

WHEREAS, the District's 2020 Fuels Management and Weed Abatement Ordinance ("Ordinance") notifies all parcel owners in the District of this authority and sets forth the process for the District to declare a public nuisance, set a hearing date, and upon the completion of a hearing, make findings and if appropriate issue an Order to Abate;

WHEREAS, on 4/22/22, the District issued an Abatement Notice to the following property after inspecting said property, and no voluntary abatement occurred thereafter;

WHEREAS, on 6/3/22, the District issued a Second Abatement Notice to the following property after inspecting said property, and no voluntary abatement occurred thereafter;

WHEREAS, on 7/25/22, the District declared a nuisance at the following property in violation of the District's Abatement Standards; and issued a Notice to Destroy Weeds setting a hearing date of today, **8/3/22** which notice was mailed via U.S. Certified Mail on **7/27/22**;

WHEREAS, having now held a hearing to consider whether to make findings and issue an order to abate, and to provide the property owner with an opportunity to be heard and give any stated objections due weight;

THEREFORE, the District makes the following findings:

The Fire Marshal for Hayward Fire Department ("Fire Marshal") and inspectors reporting to the Fire Marshal ("Inspectors") provide services under contract to the Fairview Fire Protection District ("District") that include, but are not limited to, the inspection and enforcement of the District's published abatement standards on applicable parcels in the District's jurisdiction. These services to the District entail rendering determinations about noncompliance based on the written, verbal, and physical evidence that is gathered through photographs and investigations that are documented.

On or about April 22, 2022, Hayward's Inspectors acting on behalf of the District caused to be inspected the property located at 2798 D St. Hayward, CA 94541, APN: 416019004900 ("Property"), which is a parcel located in and subject to the District's jurisdiction. The Inspectors found a violation of the District's published abatement standards.

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On behalf of the District, on April 22, 2022, the City of Hayward caused to be served a "Fire Suppression Abatement Notice" on the owners of the Property ("Owners") and also enclosed a copy of the District's published abatement standards as well as abatement instructions with a photograph. The Fire Suppression Abatement Notice notified the Owners that unsafe high fire hazard conditions existed on the Property that need to be removed or otherwise abated. The Fire Suppression Abatement notice set a deadline for the Owners to comply with the District's published abatement standards by following the abatement instructions within 21 days of the notice, and further specified that failure to abate would result in a hearing and the District's formal consideration after a hearing to exercise its authority to order mandatory abatement. The Fire Suppression Abatement Notice provided the Fire Marshal's office phone number.

On or about May 26, 2022, Hayward's Inspectors again caused to be inspected the Property and found the same violations of the District's published abatement standards. On behalf of the District, on June 3, 2022, the City of Hayward caused to be served a second "Fire Suppression Abatement Notice" on the Owners of the Property and also enclosed a copy of the District's published abatement standards as well specific abatement instructions with a photograph, which stated: "clear all dead/dying tree debris and other debris. limb up any trees with low hanging limbs." On or about June 24, 2022, Hayward's Inspectors again caused to be inspected the Property and reported that "Violations remain". No subsequent progress was made by Owner to correct the violation, and the Owner did not agree to abate in compliance with the District's published abatement standards.

On or about July 22, 2022, Hayward's Inspectors again caused to be inspected the Property and found the same violations of the District's published abatement standards. The Fire Marshal reported to the District on July 25, 2022 that nuisance conditions continue to exist on the Property. Accordingly, the Fire Marshal recommended to the District that it was necessary to declare a nuisance due to the ongoing violation of the District's abatement standards. Based upon the Fire Marshal's report, and the General Manger's recommendation, the Board of the District resolved in open session to declare a nuisance, directed staff to issue a formal Notice to Destroy Weeds, and set a hearing for August 3, 2022, at 7:00 PM. Staff followed the Board's direction, and served the Owners with a Notice to Destroy Weeds with updated abatement instructions via U.S. Certified Mail on July 27, 2022.

The Fire Marshal has confirmed that given his training and experience, it is his belief and judgment that the unabated nuisance on the Property creates a significant fire danger.

A public nuisance consisting of a fire hazard exists at the Property, in violation of the District's published abatement standards. The public nuisance consists of the fire hazards detailed in the Notice to Destroy Weeds and the attachments that were served on July 26, 2022, via U.S.

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Certified Mail to Owners of the Property.

BASED UPON THE ABOVE-DETAILED FINDING(S), the District hereby directs staff to issue an Order to Abate. The Order shall comport with the District's Ordinance and set an initial deadline for the property owner's compliance by the following deadline: **August 17, 2022**. If the property is not abated by this deadline, pursuant to the District's authority detailed herein, the Fire Chief or the Fire Chief's designee shall arrange for the District's abatement of the nuisance at the expense of the property owner. The Order shall be accompanied by a request for the property owner to consent to the District's entry onto the property to conduct the abatement, which shall only come into force if the property is not abated by the above-identified deadline. If the abatement is not completed and the consent form is not returned by the deadline, staff are directed to arrange for warranted abatement.

By adoption at a meeting of the Board, this direction and Order are each effective this 3rd Day of August 2022.

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

Melissa Dimic
President of the Board of Directors
Fairview Fire Protection District

STAFF RECOMMENDED FINDINGS

Case Summary

Property Overview

APN:	416019004900	Case Id:	CMP-356406
District/Fire Station:	FS 8	Parcel Type:	Overgrown vegetation
Address:	2798 D ST HAYWARD CA 94541		

Current Status | Milestones

Inspection Due Date:	06/10/2022	Notice Mailed Date :	06/03/2022
Compliance Due Date:	06/24/2022	Last Inspection Date :	06/24/2022

Contact Information

Owner Name	NICHOLS
Owner Address	2798 D ST HAYWARD,CA 94541

Open Violations :

Violation Name : --- **Debris**
RUBBISH, TRASH, OTHER UNSAFE CONDITIONS:

I. ALL PROPERTIES

Violation Comments : 04-22-2022 : clear all dead/dying tree debris and other debris. limb up any trees with low hanging limbs.
05-26-22: Violations remain.
06-24-2022 : Violations remain.
07-22-22: Noting the tall weeds and rubbish/debris on the side yard and back yard. Also noting the trees needing to be limbed up.





Notice List

Notice Type	Status	Mailed Date	Mailed By
Fairview Second Notice to abate -OV	Mailed	06/03/2022	Norma Marples
Fairview Notice to abate -OV	Mailed	04/22/2022	Norma Marples

Inspection History :

INITIAL INSPECTION	Name: Norma Marples	Date: 04-22-2022	---
RE-INSPECTION	Name: Bruce Becker	Date: 05-26-2022	---
THIRD INSPECTION	Name: Miles Massone	Date: 06-24-2022	---

7. ADOPT
RESOLUTION RE:
NOTICE OF
NOVEMBER 8, 2022,
DISTRICT ELECTION
TO ALAMEDA COUNTY
ELECTION OFFICIAL



Fairview Fire Protection District
FIRE STATION 8
25862 FIVE CANYONS PARKWAY, CASTRO VALLEY, CA 94552



RESOLUTION NO. 2022-11

**RESOLUTION CALLING GENERAL ELECTION
FOR TWO MEMBER POSITIONS ON THE BOARD OF DIRECTORS
FOR THE FAIRVIEW FIRE PROTECTION DISTRICT,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA**

WHEREAS, the Fairview Fire Protection District (“District”) has elected to hold its General District Election on the first Tuesday after the first Monday in November of each even numbered year in order that the General District Election can be consolidated with the Statewide General Election also held at that time; and

WHEREAS, two Director positions will be elected; and

WHEREAS, both Director positions are elected at-large; and

WHEREAS, each position will be a for a four-year term of office; and

WHEREAS, the current incumbents for these positions are Michael Justice and Robert Clark;

WHEREAS, qualifications required for each office for which candidate are to be nominated include residing in the District boundaries and being a registered voter of the District; and

WHEREAS, each candidate will be required to pay for his publication of a candidate’s statement of qualifications;

NOW, THEREFORE, BE IT RESOLVED, that a General District Election shall be held in this District on November 8, 2022, for the purpose of electing two members to the Board of Directors (“Board”); and

BE IT FURTHER RESOLVED, that the General Manager and Secretary of the Board for the District are authorized and directed to deliver the required notice, per California Elections Code § 10509, to the Alameda County elections official in connection with this year’s election and take such other steps as may be required to implement these resolutions.

PASSED AND ADOPTED on this 3rd day of August 2022 by the following vote:

Ayes:

Noes:

Absent:

Abstaining:

Mark McDaniel
Secretary
Board of Directors
Fairview Fire Protection District

Melissa Dimic
President
Board of Directors
Fairview Fire Protection District