

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

782



FROM: FIRE

SUBMITTAL DATE:
July 29, 2010

SUBJECT: Initiation of Ordinances Regulating Volunteer Fire Companies and Establishing a Reserve Volunteer Firefighter Program

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Adopt an order initiating an ordinance that would regulate the creation and continued existence of volunteer fire companies in the County of Riverside, as further described below; and
- 2) Adopt an order initiating an ordinance that would establish a Reserve Volunteer Firefighter Program in the County of Riverside, as further described below; and
- 3) Direct the Fire Department to prepare and process these ordinances.

BACKGROUND: continued on next page

FORM APPROVED COUNTY COUNSEL
BY: Synthia M. Gunzel DATE: 7-29-10
Dep't. Concurrence

John R. Hawkins, County Fire Chief

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	10/11

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: Robert Tremaine
Robert Tremaine

County Executive Office Signature

Consent ☐ Policy ☒
Consent ☐ Policy ☒

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.:

District: All

Agenda Number:

3.9

BACKGROUND (cont'd from page 1):

The Fire Department has been actively engaged in a four-year effort to reorganize the volunteer firefighting system. The reorganization plan consists of two integral components – an ordinance regulating volunteer fire companies and an ordinance establishing a reserve volunteer firefighter program. The Fire Department has made every effort to preserve the positive aspects of the volunteer firefighting system while addressing and eliminating the significant problems associated with this system.

Ordinance Regulating Volunteer Fire Companies

California Health and Safety Code §14831 authorizes the board of supervisors of any county which has a population of at least one million to regulate by ordinance the formation and continued existence of volunteer fire companies. The proposed ordinance would prohibit the formation of a new volunteer fire company unless the Board determines that a reasonable level of fire protection services does not already exist and a new volunteer fire company would not result in the mismanagement of emergencies or in confusion to those seeking aid. The proposed ordinance would also provide that volunteer fire companies already formed may continue to exist only if the Board makes similar determinations within 180 days of the effective date of this ordinance. If the Board declines to make these determinations with respect to a particular volunteer fire company, the ordinance would not compel the dissolution of that company, but the County would no longer recognize the company for the purpose of providing fire protection services. Any new volunteer fire companies formed in accordance with this ordinance and any volunteer fire companies allowed to remain in existence would be managed and controlled by the Fire Department.

Historically, volunteer fire companies have provided fire protection services in areas where the Fire Department was unable to provide such services and where population and development was minimal. The services provided by these companies have been invaluable. Many lives have been saved and properties protected. As a result of population growth and development, the Fire Department, in cooperation with the California Department of Forestry and Fire Protection, now provides fire protection services throughout the County. Given the increased level of service provided by the Fire Department, the need for volunteer fire companies has been substantially diminished. In addition, it has become highly problematic that over 60 volunteer fire companies are operating outside the organizational structure of the Fire Department. The problems that result from this situation may be summarized as follows:

1. Responses to emergency situations by more than a single entity has resulted in the mismanagement of incidents and confused those who are seeking aid.

2. Existing volunteer fire companies do not require medical clearances or background checks for their members frequently resulting in industrial disability and legal claims and liabilities.
3. Many existing volunteer fire companies have not established training standards. Other companies that have established such standards are not requiring their members to comply with the standards. Both situations result in ineffective service and preventable volunteer firefighter injuries.
4. Many existing volunteer fire companies have not kept adequate response and membership records as required by law. This renders the members of those volunteer fire companies unqualified to provide services, but such members are continuing to respond to emergency situations.
5. Existing volunteer fire companies operate equipment that the Fire Department does not own and such companies are not directly under the administration and control of the Fire Department in emergency situations or otherwise. This is operationally ineffective and exposes the County to serious legal liabilities.
6. Even though volunteer firefighters are not County employees, California Labor Code §3361 requires a county to provide workers' compensation insurance for each qualified active firefighting member of a duly organized volunteer fire company resulting in extra costs to the County without risk management control.

For the above-referenced reasons, regulation of volunteer fire companies is warranted as provided in the proposed ordinance. Establishing this regulatory power is crucial to creating a clear chain of command, ensuring the qualifications of those providing services, and controlling and managing risks. The residents of the County would greatly benefit from such regulation.

Ordinance Establishing a Reserve Volunteer Firefighter Program

The County is committed to providing the highest level of fire prevention, fire suppression and medical emergency services in order to reduce losses of life and property. The proposed ordinance would ensure that the County meets this commitment by establishing a Reserve Volunteer Firefighter Program (Program) to assist the Fire Department when such assistance is needed. The Program would be modeled after the Sheriff's Department Reserve Deputy Program. A public safety organization is much like the military in that it needs to operate with clear organization, management and control. Even the military has created a reserve program to aid the full time forces.

The proposed ordinance would vest Program management and control responsibilities in the County Fire Chief. Required selection procedures, security clearance procedures, training procedures and termination procedures would be

specified in an operations manual. In addition to ensuring organization and efficiency, the ordinance would provide opportunities for personal growth and education as well as promote community service. The following are key components of the ordinance and Program:

1. All Reserve Volunteer Firefighters would be required to submit to a medical assessment, a physical examination and a Live Scan background check to be considered for acceptance into the Program.
2. Although current members of a volunteer fire company who wish to become a Reserve Volunteer Firefighter would be required to submit to all assessments, examinations and background checks, a simplified transition process would be established for those individuals.
3. The Fire Department would manage and control the Program and Program participants.
4. The Fire Department would provide standardized training for Reserve Volunteer Firefighters.
5. The Fire Department would manage and maintain all response, training and certification records.
6. The Fire Department would provide all necessary safety equipment.
7. The community-based connections enjoyed by current members of a volunteer fire company would be maintained by assigning Reserve Volunteer Firefighters to provide services within the vicinity of their homes.

Fire Department officials and staff have met numerous times with members and representatives of volunteer fire companies to explain the Program and reorganization plan. The Fire Department has addressed questions and issues presented in the various meetings, has considered all suggestions and input and has incorporated many of the changes recommended by volunteer firefighters, volunteer fire companies and the volunteer fire association.

FISCAL:

The estimated costs of preparing, processing and implementing these ordinances is \$174,100 which will be paid by the Fire Department. The approval and implementation of these ordinances will result in a savings of \$97,958 from FY 09/10 and a savings of \$774,706 from FY 08/09. The large difference in savings from the two years is driven by the economy and is not indicative of normal costs. Looking at several years of historical cost, these ordinances will substantially save the Fire Department in the long term. The initiation and implementation costs are in the current FY 10/11 budget and no budget adjustment is requested.