

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

773



FROM: FIRE

SUBMITTAL DATE:
November 17, 2010

SUBJECT: Ordinance No. 903, an ordinance of the County of Riverside to Regulate Volunteer Fire Companies and Ordinance No. 904, an ordinance of the County of Riverside to Establish a Reserve Volunteer Firefighter Program

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce and adopt on successive weeks Ordinance No. 903 an ordinance to Regulate Volunteer Fire Companies; and
2. Find that the adoption of Ordinance No. 903 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and
3. Direct the Clerk of the Board to file the Notice of Exemption with the County Clerk for filing and posting; and

BACKGROUND: continued on next page

Glenn Patterson for

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

County Executive Office Signature

BY: Robert Tremaine
Robert Tremaine

- Policy
- Consent
- Policy
- Consent

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

Prev. Agn. Ref.: 11/09/10 3.9

District: All

Agenda Number:

3.41

FORM APPROVED COUNTY COUNSEL
BY: L. S. Leiden
DATE: 11/22/10
MARSHA L. VICTOR
Departmental Concurrence

4. Introduce and adopt on successive weeks Ordinance No. 904 an ordinance to Establish a Reserve Volunteer Firefighter Program.
5. Find that the adoption of Ordinance No. 904 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and
6. Direct the Clerk of the Board to file a Notice of Exemption with the County Clerk for posting.

BACKGROUND (continued from page 1):

On November 9, 2010 Agenda Item 3.9, the Board of Supervisors have approved the initiation of and directed the Fire Department to prepare and process these ordinances. The adoption of these ordinances would facilitate and organize resources that may serve or assist the Fire Department in providing the best level of fire protection and prevention services possible. Below is a summary for each proposed ordinance and how it would benefit the County:

1. Regulation of Volunteer Fire Companies Ordinance No. 903

California Health and Safety Code §14831 authorizes the board of supervisors of any county with population greater than one million to regulate fire companies in unincorporated areas of the county by adopting an ordinance to control the formation, continued existence and ongoing operations of any such companies. Recently, the California Legislature amended §14831 (not yet in effect) to lower the population threshold from 1,000,000 to 400,000 in order to provide more counties the power to regulate volunteer fire companies. Historically, volunteer fire companies have provided fire protection services in any unincorporated areas of the county where the population and development was minimal. 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 of Riverside (County). Even where the County has established a higher level of service over 60 volunteer fire companies continue to exist. There is an increased possibility that responses to emergency situations by more than a single entity could result in the mismanagement of incidents and create confusion to those who are seeking aid. Regulation and control of volunteer fire companies is warranted because the County has been found and continues to potentially be liable for actions of the volunteer fire companies. Since 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, the County needs to minimize risk of liability wherever possible. Establishing this

regulatory power is crucial to properly control the risk management practices, ensure standardized training and determine the role each would play in emergency plans within the County. The communities of Riverside County would greatly benefit because a clear chain of command, operations and procedures can be established and managed.

This ordinance would require the formation of a new volunteer fire company to be approved by the County Board of Supervisors (Board) when the Board has made the determination that a reasonable level of fire protection services does not already exist and the formation of this new fire company would not result in the mismanagement of emergencies or in confusion to those seeking aid. Existing volunteer fire companies may continue to exist only if the Board makes those same determinations within 180 days of the effective date of the ordinance. Any volunteer fire companies properly formed or approved to continue, pursuant to this ordinance, shall be managed and controlled by the Fire Department. Where the requisite determinations cannot be made, new or existing volunteer fire companies could not form or continue to exist for the purposes in which they were historically created. This ordinance would not infringe on ones' right to associate nor would it usurp a City's right to regulate volunteer fire companies within a City's jurisdiction pursuant to Health & Safety Code §14832. Ordinance No. 903 would regulate volunteer fire companies in unincorporated areas of the County.

Ordinance No. 903 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The County's approval of this proposed ordinance does not create any reasonably foreseeable physical change in the environment; it is a regulation of volunteer fire companies which will contain rules and standards for the formation and continued existence of a volunteer fire company.

2. Reserve Volunteer Firefighter Program Ordinance No. 904

The County is committed to providing the best level of emergency services for fire prevention, fire suppression, medical emergency and specialized rescue and hazardous materials response in order to reduce losses of life and property. An effective way to meet this commitment is to establish and maintain a Reserve Volunteer Firefighter Program (Program) to assist the Fire Department when needed. The Program would provide opportunities for personal growth and education as well as promote community service. This ordinance would contain provisions that the management and control responsibilities of the Program shall vest in the County Fire Chief. Specific selection, training, assignment of equipment and separation procedures would also be provided for within this ordinance. Additional policies and procedures will be provided within a operations manual following adoption of this ordinance. These provisions lead to

a more organized and efficient manner for administering the Program and providing services to the County. The purpose of this ordinance is to establish a Reserve Volunteer Firefighter Program to assist the Fire Department in its mission and operations. It is particularly crucial that the County establish training, certification and provision of equipment for the Reserve Volunteer Firefighter to minimize any potential risks and liabilities.

Ordinance No. 904 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The County's approval of this proposed ordinance does not create any reasonably foreseeable physical change in the environment; it is to establish a reserve volunteer firefighter program that will assist the Fire Department in the services it provides to the communities of the County.

The ordinances have been approved as to form by County Counsel.

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.

1 ORDINANCE NO. 903

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3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE
4 REGULATING VOLUNTEER FIRE COMPANIES
5

6 The Board of Supervisors of the County of Riverside ordains as follows:

7 Section 1. FINDINGS. The Board of Supervisors finds that:

- 8 a. Volunteer fire companies have historically provided fire protection
9 services in many unincorporated areas of the County.
- 10 b. As a result of population growth and development, the Fire Department in
11 cooperation with the California Department of Forestry and Fire
12 Protection (“CAL-FIRE”) now provides fire protection services
13 throughout the County.
- 14 c. Where the County has established an adequate level of service, over 60
15 volunteer fire companies continue to exist which increases the possibility
16 that responses to emergency situations by more than a single entity could
17 result in the mismanagement of incidents and create confusion to those
18 who are seeking aid.
- 19 d. Regulation of volunteer fire companies is warranted to coordinate
20 resources and better serve communities.

21 Section 2. PURPOSE. The purpose of this ordinance is to regulate the formation and
22 continued existence of volunteer fire companies in the County.

23 Section 3. AUTHORITY. This ordinance is adopted pursuant to Health and Safety
24 Code Section 14831 which provides in pertinent part: “the board of supervisors of a county which has a
25 population of 1,000,000 or more on or after January 1, 1985, may, by ordinance, regulate the formation
26 and continued existence of fire companies.”
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1 Section 4. DEFINITIONS. As used in this ordinance, the following terms shall have
2 the following meanings:

- 3 a. Board. The Board of Supervisors of the County of Riverside.
- 4 b. County. The County of Riverside.
- 5 c. Existing Volunteer Fire Company. A volunteer fire company formed prior
6 to the effective date of this ordinance.
- 7 d. Fire Department. The Riverside County Fire Department.
- 8 e. New Volunteer Fire Company. A volunteer fire company formed after the
9 effective date of this ordinance.
- 10 f. Volunteer Fire Company. A company organized pursuant to Health and
11 Safety Code Section 14825 et seq.

12 Section 5. NEW VOLUNTEER FIRE COMPANIES. No volunteer fire company
13 shall be formed after the effective date of this ordinance unless the Board approves its formation. An
14 application for formation shall be filed with the Fire Department. The Fire Department shall review the
15 application and make a recommendation to the Board. The Board may approve the application if it
16 determines each of the following:

- 17 a. A reasonable level of fire protection services does not already exist; and
- 18 b. The provision of supplemental or competing fire services by any other entity
19 would not result in the mismanagement of emergencies or in confusion to
20 those seeking aid.

21 Section 6. EXISTING VOLUNTEER FIRE COMPANIES. The Fire Department
22 shall make a recommendation to the Board concerning all volunteer fire companies existing on the
23 effective date of this ordinance. An existing volunteer fire company may continue to exist only if the
24 Board makes the determinations specified in Section 5. above within one-hundred and eighty (180) days
25 of the effective date of this ordinance.

26 Section 7. ADDITIONAL REGULATIONS AND CRITERIA. The Fire
27 Department, through its Fire Chief, shall manage and control the ongoing operations of any new or
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1 existing volunteer fire company as provided in the County Volunteer Fire Company Operating Policy
2 Manual. In addition, any new or existing volunteer fire company shall at all times:

- 3 a. Comply with the provisions of Division 12, Part 4 of the Health and Safety
4 Code (Health and Safety Code Section 14825 et seq.) as written on the
5 effective date of this ordinance and as it may from time to time be
6 amended.
- 7 b. Comply with any plan adopted by the Board for the delivery of fire
8 protection and emergency medical services in the unincorporated areas of
9 the County.
- 10 c. Procure and maintain insurance for all its volunteer fire company owned
11 property, real or personal, in accordance with the current standards
12 provided by the County of Riverside Risk Management Office, in effect
13 today and as may be amended from time to time.

14 Section 8. VIOLATIONS AND PENALTIES. Any volunteer fire company violating
15 any of the provisions of this ordinance shall be guilty of an infraction punishable by (1) a fine not
16 exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars
17 (\$200) for a second violation within one year; (3) a fine not exceeding five hundred dollars (\$500) for
18 each additional violation within one year. Violations of this ordinance may be prosecuted by county
19 authorities in the name of the people of the State of California. The penalties herein are in addition to
20 any other remedies provided by law and the payment of any penalty herein shall not relieve a volunteer
21 fire company of the obligation to correct the violation.

22 Section 9. SEVERABILITY. If any provision, clause, sentence or paragraph of this
23 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity
24 shall not affect the other provisions of this ordinance which can be given effect without the invalid
25 provision or application, and to this end, the provisions of this ordinance are hereby declared to be
26 severable.

1 Section 10. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after
2 its adoption.

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4 BOARD OF SUPERVISORS OF THE COUNTY
5 OF RIVERSIDE, STATE OF CALIFORNIA

6 By: _____
7 Chairman, Board of Supervisors

8 ATTEST:
9 CLERK OF THE BOARD
10 KECIA HARPER-IHEM
11 By: _____
12 Deputy

13 (SEAL)

14 APPROVED AS TO FORM
15 November 17, 2010

16 By: Synthia M. Gunzel
17 Synthia M. Gunzel
18 Deputy County Counsel

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3 ORDINANCE NO. 904

4 AN ORDINANCE OF THE COUNTY OF RIVERSIDE
5 ESTABLISHING A RESERVE VOLUNTEER FIREFIGHTER PROGRAM

6 The Board of Supervisors of the County of Riverside ordains as follows:

7 Section 1. FINDINGS. The Board of Supervisors finds that:

- 8 a. The County is committed to providing the highest level of emergency
9 services for fire prevention, fire suppression, medical emergency and
10 specialized rescue and hazardous materials response in order to reduce
11 losses of life and property.
- 12 b. An effective way to ensure its commitment is fulfilled is to establish and
13 maintain a Reserve Volunteer Firefighter Program to assist the Fire
14 Department when needed.
- 15 c. The Program would provide opportunities for personal growth and
16 education as well as promote community service.

17 Section 2. PURPOSE. The purpose of this ordinance is to establish a Reserve
18 Volunteer Firefighter Program to assist the Fire Department in its mission and operations.

19 Section 3. AUTHORITY. This ordinance is adopted pursuant to the Board of
20 Supervisors' general police power found in Article XI, Section 7 of the California Constitution to
21 establish programs that promote the general health, safety and welfare of the residents of the County.

22 Section 4. DEFINITIONS. As used in this ordinance, the following terms shall have
23 the following meanings:

- 24 a. Board. The Board of Supervisors of the County of Riverside.
- 25 b. County. The County of Riverside.
- 26 c. Fire Chief. A person appointed by the Board to manage and direct the
27 Fire Department.
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- 1 d. Fire Department. The Riverside County Fire Department.
2 e. Program. The Riverside County Reserve Volunteer Firefighter Program.
3 f. Reserve Volunteer Firefighter. A person who has been selected to the
4 Program as a volunteer and shall not be deemed an employee of the
5 County of Riverside.

6 Section 5. PROGRAM ESTABLISHMENT. A Reserve Volunteer Firefighter
7 Program is hereby established composed of persons selected by the Fire Chief, or his/her designee.

8 Section 6. MANAGEMENT AND CONTROL. The management and control of the
9 Program shall be vested in the Fire Chief. To facilitate organization and maintain efficient
10 administration of the Program, the Fire Chief may create or disband general and special units of the
11 Program as he deems necessary and appropriate. The Fire Chief may diminish or expand the size of the
12 Program as he deems necessary and appropriate. The Fire Chief may establish a Reserve Volunteer
13 Firefighter Program Manual to govern the Program.

14 Section 7. SELECTION PROCEDURE. Any person interested in serving the
15 County of Riverside as a Reserve Volunteer Firefighter shall follow the procedures set forth in a policy
16 manual created by the Fire Department. No person shall be considered a Reserve Volunteer Firefighter
17 solely by virtue of his or her membership in any Volunteer Fire Company as defined in Riverside
18 County Ordinance No. 903.

19 Section 8. UNIFORMS AND EQUIPMENT. The necessary uniforms and
20 equipment and the proper use thereof shall be prescribed by the Fire Chief.

21 Section 9. IDENTIFICATION. An identification card, and/or such other insignia or
22 evidence of identification may be issued, as the Fire Chief may prescribe and shall remain the property
23 of the County.

24 Section 10. SEPARATION PROCEDURE. Any Reserve Volunteer Firefighter shall
25 serve at the will of the Fire Chief and may be separated from the Program at any time without cause.
26 Any Reserve Volunteer Firefighter may resign from the Program at any time upon notice to the Fire
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1 Chief. All equipment and identification issued shall be surrendered immediately upon separation or
2 resignation.

3 Section 11. FALSE PERSONATION. Any person, other than a Reserve Volunteer
4 Firefighter, who willfully wears, exhibits, or uses the issued identification card, badge or insignia, with
5 the intent of fraudulently personating, of fraudulently inducing the belief that he or she is an authorized
6 representative of the Fire Department, or in any manner fraudulently representing himself or herself to
7 be connected with the Program or the Fire Department, is guilty of a misdemeanor punishable by
8 imprisonment in the county jail not exceeding six months, or a fine not exceeding one thousand dollars
9 (\$1,000), or both.

10 Section 12. VIOLATIONS AND PENALTIES. Violation of this ordinance is a
11 misdemeanor and may be prosecuted by county authorities in the name of the people of the State of
12 California, or redressed by civil action. The penalties herein are in addition to any other remedies
13 provided by law and the payment of any penalty herein shall not relieve a person of the obligation to
14 correct the violation.

15 Section 13. SEVERABILITY. If any of the terms, provisions or sections of this
16 ordinance or the application thereof to any person or circumstances shall to any extent be judged invalid,
17 unenforceable and/or voidable for any reason whatsoever by a court of competent jurisdiction, such
18 invalidity or determination shall not affect the other provisions of this ordinance which can be given
19 effect without the invalid provision or application, and to this end, the provisions of this ordinance are
20 hereby declared to be severable.

21 Section 14. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after
22 its adoption.

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

By: _____
Chairman, Board of Supervisors

ATTEST:
CLERK OF THE BOARD
KECIA HARPER-IHEM

By: _____
Deputy
(SEAL)

APPROVED AS TO FORM
November 17, 2010

By: Synthia M. Gunzel
Synthia M. Gunzel
Deputy County Counsel