

**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


John R. Hawkins, County Fire Chief

Glenn Patterson for

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

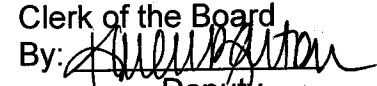
County Executive Office Signature


BY: Robert Tremaine
Robert Tremaine

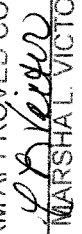
MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and the above Ordinance is approved as introduced with waiver of the reading.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: November 30, 2010
xc: Fire, Purchasing, COB, Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

3.41

Dep't Recomm.: Consent Policy FORM APPROVED COUNTY COUNSEL
 Per Exec. Ofc.: Consent Policy BY:  MARSHA L. VICTOR
 DATE: 11/22/10
 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

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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.