

Ebbetts Pass Fire District



BOARD OF DIRECTORS
NOTICE OF REGULAR MEETING
Tuesday, March 17, 2020
1037 Blagen Road, Arnold
9:00 A.M.

MEMBERS OF THE BOARD

Mike Barr, President Denny Clemens, Secretary
Jon Dashner J. Scott McKinney Pete Neal

Concerning Public Comment

Please Note: The Board of Directors offers the opportunity for the public to speak to specific agenda items during the time that agenda item is discussed by the Board. The Board also allows an opportunity for the public to speak on non-agenda items during "public comments" prior to the conclusion of the meeting. The Board may not make any decision related to non-agendized items until the next Board meeting.

AGENDA

1. **Call to Order, Flag Salute, Roll Call**
2. **Public Appearances/Comment:** The Board will hear public comment on any agendized or non-agendized item. The Board may discuss public comment but may not take action.
3. **Consent Items:** Board action limited to discussion and approval of:
 - 3.1. Minutes: 02/18/20
 - 3.2. Acceptance of February 2020 Checks Listings and Authorize to File for Audit
4. **Committee Reports:** The Board will discuss the status of the following matters. The Board may take action on recommendations and/or give direction to staff or committee members related to follow-up on specific matters addressed by the committee.
 - 4.1. **Finance Committee** (Directors Dashner & McKinney)
 - 4.2. **Personnel/Safety Committee** (Directors Dashner & McKinney)
 - 4.3. **Fire Prevention Committee** (Director Barr & Clemens)
 - 4.4. **Apparatus/Equipment Committee** (Directors Clemens & Neal)

NOTICE OF REGULAR MEETING – continued

March 17, 2020

5. **Scheduled Items:** The Board will discuss and take action on the specific items listed below.
 - 5.1. Resolution 2020-02: Declaring Certain Items Owned as Surplus – 1989 Pierce Arrow 1005-foot Aerial
 - 5.2. Calaveras Public Power Agency: Nominations for seated At-Large Board of Director Position
 - 5.3. Calaveras County Water District Resolution No. 2020-17 Increase Per Hydrant payment for Fire Department O&M
 - 5.4. Ebbetts Pass Fire District Resolution 2020-03: Resolution Supporting the Preparation and Submission of a Proposal for the Calaveras County North and South Exclusive Operation Ambulance Zones by the Calaveras Fire Joint Powers Authority
 - 5.5. California Public Employees Retirement System (CalPERS): Request for Public Comments Re Designation of Board Decision in the Dudley J. Land Matter as Precedential
 - 5.6. **Ebbetts Pass Fire District Policy Review:**
End 30-day Review
 - 5.6.1. Policy 6520: Personnel – Personal Appearance Uniform Standards
 - 5.7. **Ebbetts Pass Fire District Fire Ordinance Review:** Continuation of Review
 - 5.7.1. Ebbetts Pass Fire District Fire Ordinance 2020 Draft

6. **Reports:** The Board will hear reports on the following matters. The Board may discuss information contained in these reports.
 - 6.1. Administrative Report.
 - 6.2. Legislative Report
 - 6.3. Administrative – EMS

7. **Comments, Questions, and Consideration:** The Board will entertain comments and questions from the following individuals or representatives. The Board may discuss these comments or questions on these items but may not take action.
 - 7.1. Board Members
 - 7.2. Firefighters' Association
 - 7.3. Employees' Group
 - 7.4. Public Comments

8. **Adjournment of Regular Meeting**

ADMINISTRATIVE STAFF:
Michael Johnson, Fire Chief
Cheryl Howard, Secretary

Ebbetts Pass Fire District



MINUTES

Board of Directors

February 18, 2020

SUBJECT TO APPROVAL

1. The meeting was called to order at 9:00 A.M. by President Mike Barr and the Pledge of Allegiance was recited. Directors present: Michael Barr, Denny Clemens, Jon Dashner, Scott McKinney, and Pete Neal.

District personnel present: Fire Chief Mike Johnson, Cheryl Howard
Battalion Chief Rodney Hendrix, Engineer Jim Eaves

Others present: PG&E Community Resiliency Program Director Hal Moore
PG&E Land Representative Charlene Bautista

Media present: None

2. **PUBLIC APPEARANCES/COMMENT** – None

3. **CONSENT ITEMS**

- 3.1. Mr. Dashner made a motion to approve as presented Consent Item 3.1 Minutes for January 21, 2020. Mr. Clemens seconded; motion passed 5-0 (AYES: Barr, Clemens, Dashner, McKinney, Neal).

- 3.2. Mr. Dashner made a motion to approve Consent Item 3.2 the acceptance of the January 2020 Checks Listing and authorize to file for audit. Mr. Neal seconded; motion passed 5-0 (AYES: Barr, Clemens, Dashner, McKinney, Neal).

4. **COMMITTEE REPORTS**

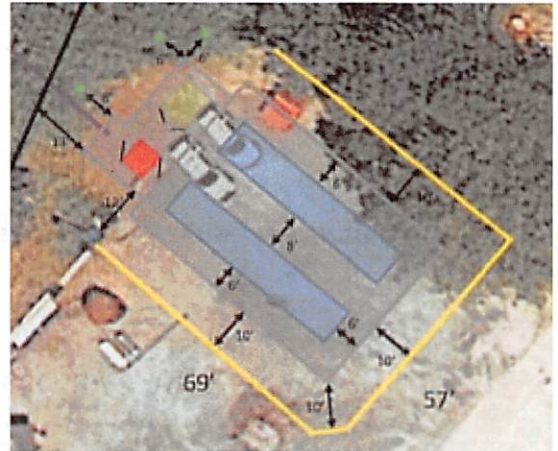
- 4.1. Finance Committee (Directors Dashner & McKinney)

Chief Johnson reported that the committee met and reviewed revenue and expenditures to date and noted that the numbers were on target for the current point of time in the fiscal year. He noted that the ambulance revenue was currently outperforming projections for the fiscal year.

- 4.2. Personnel Committee (Directors Dashner & McKinney)
Chief Johnson reported that the District has continued another month with no injury. He also reported that Kody Simons started today his full-time employment as Firefighter-Paramedic with the District.
- 4.3. Fire Prevention Committee (Directors Barr & Clemens)
Chief Johnson reported that Doug Oliver from the Calaveras County Building Department had met with the committee members. He noted that they hoped to build a standard of how fire districts will work with the Building Department. Chief Johnson added that Mr. Oliver was hoping to obtain permission for the districts to get licensed access to the new software which would be advantageous for continued knowledge of ongoing projects through the Department.
- 4.4. Apparatus/Equipment Committee (Directors Clemens & Neal)
Chief Johnson noted there would be discussion later in the agenda.
5. Scheduled Items

5.1. Ebbetts Pass Fire District: PG&E Community Resiliency Program Update

Chief Johnson introduced the representatives present from PG&E: Hal Moore, Community Resiliency Program Director, and Charlene Bautista, Land Development Coordinator. Hal Moore overviewed the proposed layout of the placement of the equipment to power for the polygon of electrical grid. He pointed out the recloser (red square) and transformer (green square) that would be permanent fixtures for tie-in to the distribution system would need to be placed more toward the northwest corner of the property than had previously been discussed by the Board members. He noted the blue rectangles represented the generators that would be brought in for each Public Safety Power Shutdown (PSPS) event.



Hal Moore noted that if the agreement for the placement of the equipment could be made further design work would be completed with project pacing to have the 17kVA transformer in place by September 2020. Mr. Dashner made a motion to implement the proposed Community Resiliency Project with PG&E as presented. Mr. Neal seconded; motion passed 5-0 (AYES: Barr, Clemens, Dashner, McKinney, Neal).

Hal Moore reported that Charlene Bautista would be drafting the formal agreement to present to the District. He noted that there would need to be a ground resistivity test which would determine the depth of road base needed for placement or, if necessary, asphalt placement which would all be at PG&E's cost. He was

estimating June or July to begin construction and he thanked the Board members for their collaboration on the project.

5.2. California Department of Health Care Services Intergovernmental Transfer Program Participation 2017-18 and 2018-19

Chief Johnson reported on some of the discussion that had taken place with the consultant Ellie Hall regarding the DHCS for the methodology of the IGT (Inter-Governmental Transfer) pulldown of funds. He noted there was some change with it being based on an 18-month period and determination of the number of patients covered, cost per call, etc. He noted that the District seemed to be financially able to have the funds set aside for the short period to actually pull down the funds.

5.3. CSDA Board of Directors Call for Nominations Seat C

None of the Board members expressed any interest in serving the 3-year term.

5.4. Department of Justice Live Scan Resolution 2020-1

Chief Johnson reported that this resolution was to replace specific wording to make the District's application for Live Scan services acceptable. He added that the last paragraph had been restructured. After review, Mr. McKinney made a motion to approve Resolution 2020-1 Approving an Application for Authorization to Access State and Federal Level Summary Criminal History Information for Employment Including Volunteers and Contractors, and for Licensing or Certification Purposes. Mr. Dashner seconded; motion passed 5-0 (AYES: Barr, Clemens, Dashner, McKinney, Neal).

5.5. Special District Risk Management Authority Spring Education Day

Chief Johnson reported the District needed two Board members to volunteer to attend this meeting as it helped the District with a discount on its worker's compensation insurance premium cost. He noted that Cheryl Howard and Joan Lark would be attending this year for the administration discount. Mike Barr and Pete Neal volunteered to attend this on March 24th in Sacramento.

5.6. EPFD Apparatus Committee: Truck Company T-431 Discussion

Chief Johnson noted that the committee had met and discussed the continued need for the unit and the accompanying foreseen maintenance costs. Mr. Neal noted the apparatus was limited for areas of use within the District and the unit was getting past its service life. After some discussion regarding its usefulness, Mr. Dashner made a motion to place an item on next month's regular meeting agenda regarding declaring the truck surplus. Mr. Clemens seconded; motion passed 5-0 (AYES: Barr, Clemens, Dashner, McKinney, Neal).

5.7. EPFD Apparatus: Fremont Purchase of 2002 Pierce Quantum Fire Type 1 Pumper

Chief Johnson reported that the District was still waiting on action by the City of Fremont but the Apparatus Committee was in the que to obtain the engine but it was still a matter of waiting at this time. Mr. Neal made a motion to purchase the 2002 Pierce Quantum Fire Engine from Fremont for \$5,000. Mr. Dashner seconded; motion passed 5-0 (AYES: Barr, Clemens, Dashner, McKinney, Neal).

5.8. EPFD Policy Review**5.8.1. Begin 30-day Review:****Policy 6520: Personnel – Personal Appearance Uniform Standards**

Chief Johnson reported that the policy included the following additions: allowing for the quarter zip, adding the hooded sweatshirts, allowing additional versions of the ball cap.

5.8.2. End 30-day Review:**Policy 6120: Personnel – Holidays**

Chief Johnson reported that had been no input received over the past month. He reminded the Board members about the change removing Lincoln's birthday and adding the day after Thanksgiving Day. He also noted for the administrative staff there was a change from Easter as a holiday which was available as a choice of Monday or Friday since it was always a Sunday to having the Martin Luther King holiday in January which was a State and Federal holiday. Mr. Neal made a motion to approve Policy 6120 with the holidays as scheduled. Mr. Clemens seconded; motion passed 5-0 (AYES: Barr, Clemens, Dashner, McKinney, Neal).

5.9. Ebbetts Pass Fire District Fire Ordinance 2020 – Draft

Chief Johnson asked that the Board members continue to review as some more work needed to be done on the revision of the District's Ordinance.

6. REPORTS**6.1. Administrative Report**

Chief Johnson reported that the Calaveras County Fire Chiefs Association was working with CalFire regarding the continuation of the 3-year fire dispatch contract. He noted that there were a few key items being discussed including the desire for chute or reflex time which may be for the future as AVL became more usable within the terrain of Calaveras.

6.2. Legislative Report

Chief Johnson reported the AB315 which had "teeth" for the State Auditor for complaints of misuse of funding was dead although the author was vowing to revive it.

6.3. Administrative - EMS

Chief Johnson reported that the Mountain-Valley EMS Agency had notified the District that it had received a 95.5% rating on its proposal for the Calaveras County East Zone. He expressed his pride in the work done by the staff in its preparation.

7. COMMENTS, QUESTIONS, CONSIDERATIONS**7.1. Board Members**

Mr. Dashner thanked Chief Johnson and Cheryl Howard for the sharp pencils keeping the District financially in line.

7.2. Firefighters Association - Rodney Hendrix reported things were underway in preparation for the Alisa Ann Rusch Burn Foundation winter trip. He also reported that the Association had purchased five hydrant extensions which would be placed in the Arnold area for use during periods of snow to help when the snow becomes packed around some of the hydrants.

7.3. Employees' Group:

Rodney Hendrix reported that Firefighter-Paramedic Kody Simons was having his first day with the District and that another medic was currently undergoing a background investigation.

7.4. Public Comments

None

8. ADJOURNMENT

Mr. Dashner made a motion to adjourn. Mr. Neal seconded; motion passed unanimously.
10:34 A.M.

Respectfully submitted,

Cheryl Howard
District Secretary

**County of Calaveras
General Ledger Summary
Balance Sheet Accounts
As of 2/29/2020**

Fund 2290 Ebbetts Pass Fire

<u>Object Code</u>	<u>Object Description</u>	<u>Balance</u>
<u>Assets</u>		
1006	Cash in Treasury	22900000 706,414.08
1007	Outstanding Checks	22900000 (3,158.50)
1016	Imprest Cash	22900000 40,000.00
Total Assets		\$743,255.58
 <u>Liabilities</u>		
2002	Accounts Payable	22900000 1,163.60
2002	Accounts Payable	22900010 (1,163.60)
2009	Sales Tax Payable	22900010 27.24
2091	Accts Payable - Staledated Cks	22900010 4,481.03
Total Liabilities		\$4,508.27
 <u>Fund Balance</u>		
3002	Fund Bal Unreserv/Undesign	22900000 392,613.82
3043	Reserve for Imprest Cash	22900000 40,000.00
Total Fund Balance		\$432,613.82
Year-to-Date Revenues		\$3,489,106.00
Year-to-Date Expenditures		\$3,182,972.51
Year-to-Date Transfers In		\$0.00
Year-to-Date Transfers Out		\$0.00
Year-to-Date Clearing Accounts		\$0.00
Total Fund Equity		\$738,747.31
Total Liabilities and Fund Equity		\$743,255.58

REVENUE ACCOUNT SUMMARY SHEET - February 2020

Fire Operations: ACCOUNT	F No.	BUDGETED	RECEIVED Month	Year-To-Date	% Received Year-To-Date
Property Tax - Current Secured	4010	2,084,820	0.00	1,153,803.97	55%
Administrative Fee (SB2557)	4013	(40,299)	0.00	(22,197.22)	55%
Unitary Tax	4015	41,651	0.00	21,430.25	51%
Supplemental Tax - Current Secured	4017	14,385	0.00	14,204.93	99%
Property Tax - Current Unsecured	4020	31,294	0.00	26,467.91	85%
Supplemental Tax - Current Unsecured	4027	902	0.00	2,346.33	260%
Prior Unsecured Taxes	4040	1,687	0.00	862.96	51%
Transient Occupancy Taxes	4072	32,000	0.00	23,100.81	72%
Interest	4300	-	0.00	(3,987.94)	
HOPTR	4463	24,188	0.00	10,728.34	44%
Timber Tax	4465	-	0.00	2,171.60	
State Aid for Public Safety	4472	20,000	0.00	12,651.00	63%
Grant	4505	-	0.00	0.00	
Reimbursement - Personnel	4542	30,000	0.00	0.00	0%
Reimbursement - Equipment	4543	5,000	0.00	0.00	0%
HazMat Release Response Plan	4592	-	0.00	0.00	
Report Fees	4593	-	0.00	0.00	
Charges for Current Service (hydrants)	4679	10,500	0.00	0.00	0%
Other Refund - Prior Year Taxes	4684	-	0.00	0.00	
Training Fees	4689	-	300.00	5,000.00	
Gifts/Donations	4707	-	0.00	750.00	
Refund - Misc.	4708	-	1,388.03	25,583.47	
Other Revenue	4712	-	1,736.04	15,293.88	
Other Misc. Rev. (PG&E Rate Credit)	4712	-	1,273.00	1,273.00	
Other Misc. Rev. (CA Fire Foundation)	4712	-	14,665.79	14,665.79	
Miscellaneous Revenue	4713	500	0.00	318.83	64%
Refunds - Insurance	4743	-	0.00	0.00	
Calaveras Co. >PG&E Butte Fire	4799	44,000	0.00	45,924.59	
Sale of Surplus Property	4800	-	0.00	3,500.00	
Total		2,300,628	19,362.86	1,353,892.50	59%

EMS/Paramedic Program ACCOUNT	P No.	BUDGETED	RECEIVED Month	Year-To-Date	% Received Year-To-Date
Special Tax	4077	361,820	0.00	198,941.33	55%
Special Tax - Sustain ALS	4077 S	175,428	0.00	64,493.55	37%
Refunds - Insurance	4743	-	0.00	0.00	
Total		537,248	0.00	263,434.88	49%

Station 3 AMBULANCE ACCOUNT	A No.	BUDGETED	RECEIVED Month	Year-To-Date	% Received Year-To-Date
Special Tax	4077	828,140	0.00	455,340.33	55%
Special Tax - Sustain ALS	4077 S	1,081,948	0.00	626,855.35	58%
Other Programs - State (GEMT)	4479	9,000	0.00	32,290.68	359%
State Other Aid (IGT)	4580	65,000	0.00	0.00	0%
EMS Transport Revenue	4660	700,000	85,622.46	757,292.26	108%
Calaveras Co. >PG&E Butte Fire	4799	206,000	0.00	0.00	0%
Refunds - Insurance	4743	-	0.00	0.00	
Total		2,890,088	85,622.46	1,871,778.62	65%

FIRE OPERATIONS ACCOUNT SUMMARY SHEET - FEB 2020

ACCOUNT	No.	BUDGET	Month	Year-To-Date	ACCOUNT BALANCE	% Disbursed Year-To-Date
SALARIES & BENEFITS	5001.1-					
Salaries/Wages	-001	1,052,937	73,387.46	661,495.75	391,441.25	63%
Extra Hire	-002	10,000	521.53	1,121.24	8,878.76	11%
Extra Hire - Intern	-003	40,000	1,949.37	14,369.75	25,630.25	36%
ST/TF FF Payments	-004	30,000	0.00	6,514.91	23,485.09	22%
Volunteer FF Relief	-005	40,000	900.92	3,995.53	36,004.47	10%
Retirement	-050	214,473	17,851.53	141,144.26	73,328.74	66%
Group Insurance	-055	194,450	16,602.95	152,128.34	42,321.66	78%
Uniform Allowance	-062	3,600	0.00	2,800.00	800.00	78%
SERVICES & SUPPLIES	5111.1-					
Safety Clothing	-111	10,000	0.00	355.52	9,644.48	4%
Safety Equipment	-115	6,000	132.19	566.19	5,433.81	9%
Communications-Radios	-121	8,000	0.00	1,272.01	6,727.99	16%
Communications-Phone	-124	12,000	1,764.72	10,918.53	1,081.47	91%
Food - Fire Line Meals	-131	1,200	88.45	2,317.05	(1,117.05)	193%
Housekeeping	-141	8,000	513.91	8,095.42	(95.42)	101%
Insurance-Prop/Liability	-151	12,000	0.00	13,512.00	(1,512.00)	113%
Insurance-Workers Comp	-153	86,829	0.00	86,829.00	-	100%
Maintenance-Apparatus	-181	45,000	12,255.48	74,343.71	(29,343.71)	165%
Maintenance-Utilities	-182	10,000	0.00	13,751.65	(3,751.65)	138%
Building Maintenance	-201	21,100	3,099.85	15,461.16	5,638.84	73%
Emergency Care/Rescue	-211	1,275	0.00	0.00	1,275.00	0%
Memberships	-221	7,755	210.00	7,912.00	(157.00)	102%
Office Expense	-241	12,050	547.77	5,847.21	6,202.79	49%
Office Expense-Postage	-243	1,000	28.05	276.10	723.90	28%
Office Expense-Copies	-245	1,500	106.37	877.17	622.83	58%
Professional Services	-271	33,000	2,800.00	2,800.00	30,200.00	8%
Small Tools/FF Equipment	-401	13,000	1,194.96	6,733.93	6,266.07	52%
Small Tools-Hose/SCBA	-402	9,000	0.00	88.14	8,911.86	1%
Special District Expense	-411	17,000	29.07	8,955.28	8,044.72	53%
SDE--Health Maintenance	-412	4,200	0.00	1,061.68	3,138.32	25%
Training	-422	12,500	200.00	1,333.90	11,166.10	11%
Travel/Education	-478	9,000	0.00	285.26	8,714.74	3%
Transportation Fuel	-480	20,000	1,089.46	14,919.27	5,080.73	75%
Utilities - Water/Sewer	-501	10,280	0.00	6,639.82	3,640.18	65%
Utilities - Electrical	-504	11,500	845.61	6,265.33	5,234.67	54%
Utilities - Propane	-505	20,000	3,763.29	10,279.97	9,720.03	51%
LAFCO Fee	5627	3,543	0.00	3,542.68	0.32	100%
FIXED ASSETS						
Building Fund: Structures	5640	211,698	0.00	105,848.61	105,849.39	50%
Equipment	5701	66,000	0.00	64,201.13	1,798.87	97%
Fire Operation Fund Totals		2,269,890	139,882.94	1,458,859.50	811,030.50	64%

CHECKS ISSUED LISTING - FEB 2020 FIRE OPERATIONS

Check No.	PAID TO	PURPOSE	AMOUNT
5001.1.001: SALARIES			
16838, 16925	Payroll / Statutory Elective Withholding		65,608.84
16838, 16925	Paychex Fee	employer cost	321.95
1080931, 1081739	PARS	EE withholding	135.33
16839, 16926	EPFF Local #3581	dues and meals withholding	900.00
16980	PERS	EE portion	4,467.94
16980	PERS	ER paid EE portion	1,953.40
5001.1.002: EXTRA HIRE			
16838, 16925	Payroll / Statutory Withholding	hydrant maintenance	521.53
5001.1.003: EXTRA HIRE - SPECIAL			
16838, 16925	Payroll / Statutory Withholding	interns	1,764.87
1080931, 1081739	PARS	EE withholding	184.50
5001.1.004: Expenditure: ST/TF Firefighter Payment			<i>none issued</i>
5001.1.005: Expenditure: Volunteer Firefighter Payment			
16838, 16925	Payroll / Statutory Withholding		0.00
1080931, 1081739	PARS	EE withholding	0.00
1081241	PARS	trust administration - Jan	450.46
1081928	PARS	trust administration - Feb	450.46
5001.1.050: RETIREMENT (PERS)			
16980	PERS	Employer Portion 01-2020-2	5,458.56
16980	PERS	Employer Portion 02-2020-1	5,458.56
16980	PERS	Employer Unfunded Liab. - Feb	6,534.41
16980	PERS	Fee	400.00
5001.1.055: GROUP INSURANCE			
16838, 16925	Supplemental Life Premium Withholding		-78.60
1081715	Hometown Health	medical premium	875.00
1081798	FDAC-EBA	dental/vision/life premium	1,312.35
1081723	SDRMA-Employee Benefit Service - medical premium		14,494.20
5001.1.062: UNIFORM ALLOWANCE			<i>none issued</i>
5111.1.111: SAFETY CLOTHING			<i>none issued</i>

CHECKS ISSUED LISTING - FEB 2020 FIRE OPERATIONS

5111.1.115: SAFETY EQUIPMENT

1081723 SDRMA-Employee Benefit Service - medical premium		14,494.20
1081712 Ebbetts Pass Lumber Co	Traction Shoes	132.19

5111.1.121: COMMUNICATIONS: RADIOS

none issued

5111.1.124: COMMUNICATIONS: TELEPHONE

1081921 AT&T - Local - Sta.2	Sta. 2 monthly charges	485.97
1081921 AT&T - Local - Sta.4	Sta. 4 monthly charges	519.65
1081924 Comcast - Sta. 1 -0086446	Sta. 1 monthly service	351.22
1081923 Verizon Wireless	monthly charges	287.88
1081925 Fox Security	Sta.1&2 alarm monitoring	120.00

5111.1.131: FOOD/FIRE LINE MEALS

1081711 Ebbetts Pass FF Assoc.	Reimb food for task force	88.45
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5111.1.141: HOUSEHOLD EXPENSE

1081708 CA Waste Recovery Systems	trash removal	192.12
1081705 Ameri Pride Services, Inc.	rag service	192.89
1081239 Anchor Pest Control	pest control	120.00
1081706 Arnold Auto Supply	icemaker switch	5.90

5111.1.151: INSURANCE: PROPERTY/LIABILITY

none issued

5111.1.153: INSURANCE: WORKER'S COMPENSATION

none issued

5111.1.181: MAINTENANCE: APPARATUS

1081706 Arnold Auto Supply	U1003: toggle boots; U7: oil	76.77
1081712 Ebbetts Pass Lumber Co	U1003: sw cover; quick links, fasten	42.38
1081716 Interstate Truck Center	U1006: repair A/C vent, cable, fuse	1,249.01
1081719 Mello Truck Repair Co	U1002: BIT inspect, service, weld ce	3,588.71
1081718 Richard Lokey Trucking Repair	U1002: service brakes	252.22
1081718 Richard Lokey Trucking Repair	U1005: BIT inspect, service, etc.	7,046.39

5111.1.182: MAINTENANCE: UTILITIES

none issued

5111.1.201: BUILDING & GROUNDS MAINTENANCE

1081710 Cummins Pacific	S1: genset block htr repair; S3: radiator repair	1,008.04
1081710 Cummins Pacific	Annual service: Sta. 1 & 3	1,217.56
1081710 Cummins Pacific	Annual service: Sta. 2	384.07
1081712 Ebbetts Pass Lumber Co	nipple, elbow	12.75
1081724 US Bank	door lock & parts	477.43

5111.1.211: EMERGENCY CARE

none issued

CHECKS ISSUED LISTING - FEB 2020 FIRE OPERATIONS

5111.1.221: MEMBERSHIPS/SUBSCRIPTIONS

1081724 US Bank	NFPA membership	175.00
1081799 Mother Lode Int Trng Officers	membersip	35.00

5111.1.241: OFFICE EXPENSE

1081243 Staples	copy paper	115.79
1081246 Wiley Computer Works	diagnose Server2010 issue	125.00
1081724 US Bank	spam blocker	5.00
1081929 Staples	various office supplies	301.98

5111.1.243: OFFICE EXPENSE: POSTAGE

JE Calaveras County	postage	28.05
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5111.1.245: OFFICE EXPENSE: COPIES

1081932 Zoom Imaging Solutions	copier maintenance	106.37
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5111.1.271: PROFESSIONAL SERVICES

1081722 Nicholson & Olson	2018-19 Audit Services	2,800.00
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5111.1.401: SMALL TOOLS/FF EQUIPMENT

1081712 Ebbetts Pass Lumber Co	scba bottle testing	27.97
1081724 US Bank	25-FT chain	1,166.99

5111.1.402: SMALL TOOLS: HOSE / SCBA

none issued

5111.1.411: SPECIAL DISTRICT EXPENSE

1081724 US Bank: SAMBA	EPN	30.86
1081711 Ebbetts Pass Firefighters Assoc	reimb portion of awards dinner	2,500.00
1081707 Emergency Reporting	subscription fee	3,232.00

5111.1.412: SPECIAL DISTRICT EXPENSE: HEALTH MAINTENANCE

none issued

5111.1.422: TRAINING

1081724 US Bank	MOD medic license renewal	200.00
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5111.1.478: TRAVEL/EDUCATION/TRAINING

none issued

5111.1.480: TRANSPORTATION FUEL

1081245 W H Breshears Inc.	Fuel	553.27
1081720 Ebbetts Pass Gas Service	Propane	210.44
1081724 US Bank	unleaded fuel - C410	67.18
1081930 W H Breshears Inc.	Fuel	258.57

CHECKS ISSUED LISTING - FEB 2020 FIRE OPERATIONS

5111.1.501: UTILITIES: WATER/SEWER *none issued*

5111.1.504: UTILITIES: ELECTRICITY
JE CPPA electricity 845.61

5111.1.505: UTILITIES: PROPANE
1065212 Ebbetts Pass Gas Service propane 3,763.29

5640 F: STRUCTURES *none issued*

5701 F: EQUIPMENT *none issued*

ENGINE PARAMEDIC PROGRAM ACCOUNT SUMMARY SHEET - Feb 2020

ACCOUNT	No.	BUDGET	Month	Year-To-Date	ACCOUNT BALANCE	% Disbursed Year-To-Date
SALARIES & BENEFITS	5001					
Salaries/Wages	-001	308,462	22,444.60	225,607.08	82,854.92	73%
Retirement	-050	86,460	7,551.95	59,407.70	27,052.30	69%
Group Insurance	-055	87,015	5,589.20	52,771.94	34,243.06	61%
Uniform Allowance	-062	1,200	0.00	1,166.67	33.33	97%
SERVICES & SUPPLIES	5111					
Safety Clothing	-111	2,728	0.00	0.00	2,728.00	0%
Safety Equipment	-115	1,000	0.00	128.23	871.77	13%
Communications-Radios	-121	1,000	0.00	238.47	761.53	24%
Communications-Phone	-124	615	88.47	667.61	(52.61)	109%
Housekeeping	-141	1,900	223.53	1,333.30	566.70	70%
Insurance-Prop/Liability	-151	2,250	0.00	3,000.00	(750.00)	133%
Insurance-Workers Comp	-153	20,000	0.00	20,000.00	-	100%
Maintenance-Apparatus	-181	2,900	2,112.18	2,544.99	355.01	88%
Building Maintenance	-201	-	0.00	0.00	-	
Emergency Care/Rescue	-211	-	0.00	0.00	-	
Office Expense	-241	-	0.00	0.00	-	
Office Expense-Copies	-245	-	0.00	0.00	-	
Professional Services	-271	2,200	2,200.00	2,200.00	-	100%
Small Tools/FF Equipment	-401	-	0.00	0.00	-	
Small Tools-Hose/SCBA	-402	500	0.00	63.20	436.80	13%
Special District Expense	-411	700	6.00	84.35	615.65	12%
SDE--Health Maintenance	-412	1,500	0.00	0.00	1,500.00	0%
SDE--Administration Fee	-413	-	0.00	0.00	-	
Training	-422	4,000	0.00	470.00	3,530.00	12%
Travel/Education	-478	2,700	0.00	0.00	2,700.00	0%
Transportation Fuel	-480	6,500	556.50	4,677.35	1,822.65	72%
SPECIAL TAX HANDLING FEE	5411	3,618	0.00	1,809.10	1,808.90	50%
Engine Paramedic Program Totals		537,248	40,772.43	376,169.99	161,078.01	70%

CHECKS ISSUED LISTING - FEB 2020 ENGINE PARAMEDIC

Check No.	PAID TO	PURPOSE	AMOUNT
5001.2.001: SALARIES			
	16838, 16925 Payroll / Statutory Elective Withholding		20,873.29
	16838, 16925 Paychex Fee	employer cost	68.99
1080931, 1081739	PARS	EE withholding	0.00
	16839, 16926 EPFF Local #3581	dues and meals withholding	450.00
	16980 PERS	EE portion	1,052.32
	16980 PERS	ER paid EE portion	841.83
5001.2.050: RETIREMENT (PERS)			
	16980 PERS	Employer Portion 01-2020-2	2,002.38
	16980 PERS	Employer Portion 02-2020-1	1,981.24
	16980 PERS	Employer Unfunded Liab. - Feb	3,568.33
5001.2.055: GROUP INSURANCE			
	16838, 16925 Supplemental Life Premium Withholding		-22.00
	1081798 FDAC-EBA	dental/vision/life premium	399.00
	1081723 SDRMA-Employee Benefit Service - medical premium		5,212.20
5001.2.062: UNIFORM ALLOWANCE			<i>none issued</i>
5111.2.111: SAFETY CLOTHING			<i>none issued</i>
5111.2.115: SAFETY EQUIPMENT			<i>none issued</i>
5111.2.121: COMMUNICATIONS: RADIOS			<i>none issued</i>
5111.2.124: COMMUNICATIONS: TELEPHONE			
	1081924 Comcast - Sta. 1 -0086446	Sta. 1 monthly service	50.00
	1081923 Verizon Wireless	monthly service	38.47
5111.2.131: FOOD/FIRE LINE MEALS			<i>none issued</i>
5111.2.141: HOUSEHOLD EXPENSE			
	1081705 Ameri Pride Services, Inc.	rag service	77.16
	1081712 Ebbetts Pass Lumber Co	S2 SOAR set up & BBQ, cleanin	98.37
	1081239 Anchor Pest Control	pest control	48.00
5111.2.151: INSURANCE: PROPERTY/LIABILITY			<i>none issued</i>

CHECKS ISSUED LISTING - FEB 2020 ENGINE PARAMEDIC

5111.2.153: INSURANCE: WORKER'S COMPENSATION		<i>none issued</i>
5111.2.181: MAINTENANCE: APPARATUS		
1081706 Arnold Auto Supply	U1005: hose, fittings, switch, ATF	420.90
1081714 Golden State EVS	U1005: gages, spring, belt, lock, req	1,691.28
5111.2.201: BUILDING & GROUNDS MAINTENANCE		<i>none issued</i>
5111.2.211: EMERGENCY CARE		<i>none issued</i>
5111.2.241: OFFICE EXPENSE		<i>none issued</i>
5111.2.245: OFFICE EXPENSE: COPIES		<i>none issued</i>
5111.2.271: PROFESSIONAL SERVICES		
1081722 Nicholson & Olson	2018-19 Audit Services	2,200.00
5111.2.401: SMALL TOOLS / ALS EQUIPMENT		<i>none issued</i>
5111.2.402: SMALL TOOLS: HOSE / SCBA		<i>none issued</i>
5111.2.411: SPECIAL DISTRICT EXPENSE		
1081724 US Bank: SAMBA	EPN	6.00
5111.2.412: SPECIAL DISTRICT EXPENSE: HEALTH MAINTENANCE		<i>none issued</i>
5111.2.413: SPECIAL DISTRICT EXPENSE: ADMINISTRATIVE FEE		<i>none issued</i>
5111.2.422: TRAINING		<i>none issued</i>
5111.2.478: TRAVEL/EDUCATION/TRAINING		<i>none issued</i>
5111.2.480: TRANSPORTATION FUEL		
1081245 W H Breshears Inc.	fuel	291.35
1081930 W H Breshears Inc.	fuel	265.15
5411 P: SPECIAL TAX HANDLING FEE		<i>none issued</i>

STATION 3 A ACCOUNT SUMMARY SHEET - Feb 2020

ACCOUNT	No.	BUDGET	Month	Year-To-Date	ACCOUNT BALANCE	% Disbursed Year-To-Date
SALARIES & BENEFITS	5001					
Salaries/Wages	-001	1,151,568	80,524.74	688,586.69	462,981.31	60%
Retirement	-050	238,054	17,079.59	146,917.81	91,136.19	62%
Group Insurance	-055	320,488	19,873.63	185,870.76	134,617.24	58%
Uniform Allowance	-062	6,000	0.00	4,628.00	1,372.00	77%
SERVICES & SUPPLIES	5111					
Safety Clothing	-111	15,000	0.00	0.00	15,000.00	0%
Safety Equipment	-115	2,250	132.19	595.62	1,654.38	26%
Communications-Radios	-121	4,500	15.14	1,610.13	2,889.87	36%
Communications-Phone	-124	3,575	340.62	2,405.46	1,169.54	67%
Food - Fire Line Meals	-131	400	113.14	172.94	227.06	43%
Housekeeping	-141	6,000	951.38	3,166.06	2,833.94	53%
Insurance-Prop/Liability	-151	9,000	0.00	10,000.00	(1,000.00)	111%
Insurance-Workers Comp	-153	65,000	0.00	65,000.00	-	100%
Maintenance-Ambulances	-183	31,250	115.40	31,643.14	(393.14)	101%
Building Maintenance	-201	5,000	3,766.75	5,343.60	(343.60)	107%
Emergency Care/Rescue	-211	38,080	4,631.07	29,183.42	8,896.58	77%
Memberships	-221	150	0.00	0.00	150.00	0%
Office Expense	-241	4,800	41.83	466.21	4,333.79	10%
Office Expense - Copies	-245	150	38.63	114.21	35.79	76%
Professional Services	-271	59,640	5,558.16	44,294.83	15,345.17	74%
Small Tools/FF Equipment	-401	7,050	700.88	6,816.17	233.83	97%
Small Tools-Hose/SCBA	-402	-	0.00	0.00	-	
Special District Expense	-411	8,800	631.76	4,522.03	4,277.97	51%
SDE--Health Maintenance	-412	3,100	115.00	455.00	2,645.00	15%
SDE--Administrative Fee	-413	3,800	0.00	0.00	3,800.00	0%
Training	-422	12,000	762.45	3,265.07	8,734.93	27%
Travel/Education	-478	4,500	0.00	126.44	4,373.56	3%
Transportation Fuel	-480	18,000	1,339.66	14,221.93	3,778.07	79%
Utilities - Water/Sewer	-501	1,200	0.00	910.01	289.99	76%
Utilities - Electrical	-504	1,900	159.64	1,281.27	618.73	67%
Utilities - Propane	-505	5,000	610.14	2,007.82	2,992.18	40%
SPECIAL TAX HANDLING FEE	5411	8,280	0.00	4,140.70	4,139.30	50%
SPECIAL TAX HANDLING FEE	5411	12,575	0.00	12,856.52	(281.52)	102%
REFUND OVERPAYMENT	5612	20,747	3,310.89	12,035.50	8,711.50	58%
FIXED ASSETS						
Building Fund: Structures	5640	-	0.00	0.00	-	
Equipment	5701	290,899	0.00	73,946.53	216,952.47	
Fire Operation Fund Totals		2,358,756	140,812.69	1,356,583.87	1,002,172.13	58%

CHECKS ISSUED LISTING - FEB 2020

STATION 3 A

Check No.	PAID TO	PURPOSE	AMOUNT
5001.3.001: SALARIES			
16838, 16925	Payroll / Statutory Elective Withholding		71,728.57
16838, 16925	Paychex Fee	employer cost	275.96
1080931, 1081739	PARS	EE withholding	0.00
16839, 16926	EPFF Local #3581	dues and meals withholding	1,650.00
16980	PERS	EE portion	5,619.95
16980	PERS	ER paid EE portion	1,250.26
5001.3.050: RETIREMENT (PERS)			
16980	PERS	Employer Portion 01-2020-2	4,915.05
16980	PERS	Employer Portion 02-2020-1	5,027.89
16980	PERS	Employer Unfunded Liab. - Feb	7,136.65
			17,079.59
5001.3.055: GROUP INSURANCE			
16838, 16925	Supplemental Life Premium Withholding		-143.00
1081798	FDAC-EBA	dental/vision/life premium	1,535.25
1081723	SDRMA-Employee Benefit Service - medical premium		18,481.38
5001.3.062: UNIFORM ALLOWANCE			<i>none issued</i>
5111.3.111: SAFETY CLOTHING			<i>none issued</i>
5111.3.115: SAFETY EQUIPMENT			
1081712	Ebbetts Pass Lumber Co	traction shoes	132.19
5111.3.121: COMMUNICATIONS: RADIOS			
1081800	UPS	ship radios to Braun for new aml	15.14
5111.3.124: COMMUNICATIONS: TELEPHONE			
1081240	Comcast - Sta. 3 -0405620	phones/internet	260.00
1081923	Verizon Wireless	monthly service	80.62
5111.3.131: FOOD/FIRE LINE MEALS			
1081724	US Bank	refreshment, meals	113.14

CHECKS ISSUED LISTING - FEB 2020**STATION 3 A****5111.3.141: HOUSEHOLD EXPENSE**

1081708 CA Waste Recovery Systems	trash removal	75.58
1081705 Ameri Pride Services, Inc.	rag service	115.73
1081239 Anchor Pest Control	pest control	72.00
1081724 US Bank	BBQ replacement parts	193.00
1081712 Ebbetts Pass Lumber Co	S2 SOAR set up & BBQ, cleanin	495.07

5111.3.151: INSURANCE: PROPERTY/LIABILITY*none issued***5111.3.153: INSURANCE: WORKER'S COMPENSATION***none issued***5111.3.181: MAINTENANCE: APPARATUS***none issued***5111.3.183: MAINTENANCE: AMBULANCES**

1081706 Arnold Auto Supply	U3506: DEF, wipers; U4: relay	110.58
1081712 Ebbetts Pass Lumber Co	U3506: fuse	4.82

5111.3.201: BUILDING & GROUNDS MAINTENANCE

1081710 Cummins Pacific	S1: genset block htr repair; S3: radiator repair	2,964.85
1081710 Cummins Pacific	Annual service: Sta. 1 & 3	801.90

5111.3.211: EMERGENCY CARE

1081704 Airgas	oxygen	626.61
1081717 Life Assist, Inc	medical supplies	3,552.30
1081721 Nationwide Med Surgical	medical supplies	143.94
1081931 Zoll Medical Corporation	medical supplies	308.22

5111.3.221: MEMBERSHIPS/SUBSCRIPTIONS*none issued***5111.3.241: OFFICE EXPENSE**

1081713 Gateway Press	2020 runbooks	41.83
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5111.3.245: OFFICE EXPENSE: COPIES

1081932 Zoom Imaging Solutions	copier maintenance	38.63
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5111.3.271: PROFESSIONAL SERVICES

1081722 Nicholson & Olson	2018-19 Audit Services	2,500.00
JE Cal Co Sheriff's Office	amb dispatch fee	2,096.16
1081926 Elinor Hall MPH	IGT consultation services	875.00
1081927 Mountain-Valley EMS Agency	EMT recertification	87.00

5111.3.401: SMALL TOOLS/FF EQUIPMENT

1081931 Zoll Medical Corporation	PM for Zoll X-Series	700.88
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CHECKS ISSUED LISTING - FEB 2020**STATION 3 A****5111.3.402: SMALL TOOLS: HOSE / SCBA** *none issued***5111.3.411: SPECIAL DISTRICT EXPENSE**

1081724 US Bank: SAMBA	EPN	24.00
1081242 Jocelyn Roland	pre-employment screening	450.00
1081244 Stericycle	medical waste disposal	157.76

5111.3.412: SPECIAL DISTRICT EXPENSE: HEALTH MAINTENANCE

1081709 Co Occupational Medical	physical	115.00
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5111.3.413: SPECIAL DISTRICT EXPENSE: ADMINISTRATIVE FEE *none issued***5111.3.422: TRAINING**

1081238 American Safety & Health Inst	1st Aid & CPR-PRO cards	412.45
1081922 Dan Bredbenner	reimburse Bread&Butter Ops	350.00

5111.3.478: TRAVEL/EDUCATION/TRAINING *none issued***5111.3.480: TRANSPORTATION FUEL**

1081245 W H Breshears Inc.	fuel	261.34
1081801 WEX Bank	fuel	370.14
1081930 W H Breshears Inc.	fuel	408.18

5111.3.501: UTILITIES: WATER/SEWER *none issued***5111.3.504: UTILITIES: ELECTRICITY**

JE CPPA	electricity	159.64
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5111.3.505: UTILITIES: PROPANE

1065212 Ebbetts Pass Gas Service	propane	610.14
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5403 A: BANK CHARGES *none issued***5411 A: SPECIAL TAX HANDLING FEE** *none issued***5640 A: STRUCTURES** *none issued***5701 A: EQUIPMENT** *none issued***8001/5612 A: REFUNDS**

16960 Dept of Health Care Service	GEMT QAF 2019 Qtr 4	3310.89
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**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
EBBETTS PASS FIRE PROTECTION DISTRICT**

**RESOLUTION No. 2020 – 2
RESOLUTION DECLARING CERTAIN ITEMS OWNED AS SURPLUS**

WHEREAS, the Ebbetts Pass Fire District owns the items listed below:

1989 Pierce Truck, 1005-FT Aerial, VIN 1P9CA02J7KA040434

WHEREAS, the above-listed equipment because of age, type, and non-compatibility with existing equipment is found not to be necessary for any fire district purpose.

Now, Therefore, the Board of Directors of the Ebbetts Pass Fire District hereby resolves, finds and declares as follows:

1. The above-listed equipment is hereby declared surplus.
2. The Fire Chief shall determine if said items have value and is authorized to trade, sell, or otherwise dispose of said items.

Passed and adopted by the Ebbetts Pass Fire District of the County of Calaveras, State of California this 18th day of March 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

President
Board of Directors

Secretary
Board of Directors

CPPA

Calaveras Public Power Agency

Mailing Address:
Government Center
891 Mountain Ranch Road
San Andreas, CA 95249-9709

Phone: (209) 293-7211
Cell Phone (209) 768-4200
Email: dda@volcano.net

March 1, 2020

TO: Voting CPPA Member Representatives
FROM: Dennis Dickman
SUBJECT: At-Large Board of Director Position

The Bret Harte Union School District will complete its term on the CPPA Board of Directors at the end of June, 2020. At this time, we are soliciting nominations for the four-year term on the CPPA Board of Directors.

Nominees must be selected from the following list of eligible Member Agencies (the Agency's current CPPA representative is also listed). If you desire to make a nomination, please fill-out the second page of this memo and return it to CPPA. CPPA needs to receive the nomination by March 31, 2020.

Altaville-Melones Fire Protection District (Donald Peirano)
Bret Harte High School District (Michael Chimente)
Calaveras County Office of Education (Claudia Davis)
Calaveras Consolidated Fire Protection District (Rich Dickinson)
Calaveras Resource Conservation District (Robert Dean)
Central Calaveras Fire & Rescue Protection District (Jeff Stone)
Copperopolis Fire Protection District (John Maness)
Ebbetts Pass Fire Protection District (Mike Johnson)
Ebbetts Pass Veterans Memorial District (Jim Carlon)
Jenny Lind Veterans Memorial District (Karyn Larson)
Judicial Council of California (Yassen Roussev)
Mark Twain Elementary School District (Roy Bair)
Mark Twain Hospital District (Randall Smart)
Mokelumne Hill Sanitary District (Phil McCartney)
Mokelumne Hill Veterans Memorial District (Patricia Yocum)
Murphys Fire Protection District (Robert Loeffler)
Murphys Sanitary District (Cindy Secada)
San Andreas Fire Protection District (Ken Snyder)
San Andreas Recreation and Parks District (Paul Steck)
San Andreas Sanitary District (Hugh Logan)
Union Public Utility District (Ralph Chick)
Vallecito Union School District (Gretchen McReynolds)
Valley Springs Public Utility District (Dee Myshrall)
West Point Fire Protection District (Bill Fullerton)
39th District Agricultural Association (Laurie Giannini)

RECEIVED

MAR - 2 2020

Ebbetts Pass Fire District

In April, a list of nominees that have accepted the nomination will be sent to you together with an election ballot.

**CPPA Nomination Form
At-Large Board of Director Position
March 2020**

I NOMINATE (Name of Agency) _____

SIGNATURE _____ DATE _____

I REPRESENT CPPA MEMBER AGENCY _____

Return the completed form by March 31, 2020, to the Calaveras Public Power Agency by either:

U.S. Mail 891 Mountain Ranch Road
 Government Center
 San Andreas, CA 95249

Fax 209 293-7211

Email dda@volcano.net

RESOLUTION NO. 2020 - 17

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CALAVERAS COUNTY WATER DISTRICT**

INCREASING PER HYDRANT PAYMENT FOR FIRE DEPARTMENT O&M

WHEREAS, the Board of Directors of the Calaveras County Water District wishes to provide reliable fire flow to its customers; and

WHEREAS, local fire departments have been performing minor operations and maintenance (O&M) on the hydrants and are experiencing increased costs to perform said O&M; and

WHEREAS, the Board of Directors of the Calaveras County Water District adopted Section 172 of Article XVII of the Rules and Regulations Governing the Furnishing of Water and Sewer Service by Resolution 98-19, said resolution provided a means to reimburse local fire departments for providing O&M; and

WHEREAS, Section 172 was subsequently amended by Resolutions 98-39, 99-22, and 2005-71; and

WHEREAS, the Engineering Committee, at its March 3rd, 2020 meeting agreed with staff's recommendation the increase the per hydrant payment for O&M.

NOW, THEREFORE BE IT RESOLVED, the Board of Directors of the CALAVERAS COUNTY WATER DISTRICT amends Article XVII of the Rules and Regulations, Section 172, Paragraph B(4) payment for fire department minor O&M on fire hydrants to increase from \$20.00 per hydrant to \$23.00 per hydrant in fiscal year 2020/21, \$24.00 per hydrant in fiscal year 2021/22, and \$25.00 per hydrant in fiscal year 2022/23 and each year thereafter.

PASSED AND ADOPTED this 11th day of March, 2020 by the following vote:

AYES: Directors Secada, Ratterman, Thomas, Davidson, and Underhill
NOES: None
ABSTAIN: None
ABSENT: None

**EBBETTS PASS FIRE PROTECTION DISTRICT
RESOLUTION No. 2020-3**

**RESOLUTION SUPPORTING THE PREPARATION AND SUBMISSION OF
A PROPOSAL FOR THE CALAVERAS COUNTY NORTH AND SOUTH
EXCLUSIVE OPERATING AMBULANCE ZONES BY THE
CALAVERAS COUNTY FIRE JOINT POWERS AUTHORITY**

WHEREAS, the District has determined that the provision of emergency medical transport by fire agencies within Calaveras County would significantly enhance the emergency medical system for our District residents and visitors;

WHEREAS, the District has joined with other fire agencies in Calaveras County through the formation of the Calaveras County Fire Joint Powers Authority (CCFJPA);

WHEREAS, through the CCFJPA the District may take advantage of economies of scale to provide area residents with timely response and provision of a high level of emergency care in addition to a potentially more stable financial platform for the provision of services;

WHEREAS, the multi-faceted collaboration of the Calaveras County fire agencies working to formalize the preparation of the many integral parts required for provision of emergency ambulance transport will be extensive and the District desires to participate in the process.

NOW THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The District supports the preparation and submission of a proposal for the Calaveras County North and South Exclusive Operating Ambulance Zones by the Calaveras County Fire Joint Powers Authority (CCFJPA).
2. The Board of Directors directs its CCFJPA authorized representatives to assist and provide the necessary information that would be required in this endeavor in addition to bringing information back to the Board about the CCFJPA activities.

PASSED AND ADOPTED at a regular meeting of the Ebbetts Pass Fire Protection District held on this 18th day of March 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

President, Board of Directors

Attest:

Secretary, Board of Directors



California Public Employees' Retirement System

Legal Office

P. O. Box 942707, Sacramento, CA 94229-2707 | Phone: (916) 795-3675 | Fax: (916) 795-3659

888 CalPERS (or 888-225-7377) | TTY: (877) 249-7442 | www.calpers.ca.gov

Memorandum

February 26, 2020

To: All CalPERS Contracting Agencies

From: John Shipley
Senior Attorney
Legal Office

A handwritten signature in black ink, appearing to read "JS", written over the printed name "John Shipley".

Subject: Request for Public Comments Re Designation of Board Decision in the Dudley J. Lang Matter as Precedential

On August 6, 2019, an Administrative Law Judge (ALJ) issued a Proposed Decision after a public hearing in an administrative appeal before the CalPERS Board of Administration (Board) entitled "In the Matter of the Appeal Regarding Post Retirement Employment of DUDLEY J. LANG, Respondent, and CITY OF INDUSTRY, Respondent." A copy of the Proposed Decision is attached.

The Proposed Decision details the applicable analysis that must be performed when determining whether post-retirement employment complies with the Public Employees' Retirement Law (PERL). The Proposed Decision explains how working after retirement generally works, how the PERL's restrictions on post-retirement employment are to be analyzed and interpreted, and the penalty for violating the law. The Proposed Decision determined that a respondent, and not CalPERS, has the burden of establishing that his or her post-retirement employment is lawful. The Proposed Decision also determined that a retiree who violates the PERL's post-retirement employment restrictions is required to forfeit all retirement benefits received during the entire period(s) of unlawful employment.

On September 18, 2019, the Board adopted the Proposed Decision of the ALJ as its Decision (Decision). On November 20, 2019, the Board denied Respondent's Petition for Reconsideration. The Board determined at its meeting on February 19, 2020, to consider the question of whether the Decision should be designated as precedential and directed staff to take public comments about whether the Decision should be made precedential.

RECEIVED

MAR - 2 2020

Elizabetta Pass Fire District

This Request for Public Comments has been issued to solicit your written comments on the question of whether the Decision in this matter should be made precedential. (Please note: The Board is not requesting comments or arguments on the merits or correctness of the Decision, which is not up for reconsideration; any such comments or arguments will not be considered.)

In deciding whether to designate a decision as precedential, the Board's policy is to consider the following questions:

- **Does the Decision contain a significant legal or policy determination of general application that is likely to recur?**
- **Does it include a clear and complete analysis of the issues in sufficient detail so that interested parties can understand why the findings of fact were made, and how the law was applied?**

If you are interested in commenting on whether the Decision should be precedential, please address the questions above, along with any other questions or considerations, and mail, fax or deliver your written comments to:

**CalPERS Legal Office
Attn: John Shipley, Senior Attorney
400 Q Street, Rm LPN 3340
Sacramento, CA 95811
Fax No. (916) 795-3659**

Comments must be received in the CalPERS Legal Office no later than 5:00 p.m. PDT, March 27, 2020. Comments should not exceed six pages in length (single spaced). Late comments will not be considered.

The Board will consider all comments received at a future Board public meeting, on a date to be announced, and determine whether to make the Decision in the Dudley J. Lang matter precedential.

CalPERS staff will provide copies and a summary of the comments received to Board members. CalPERS staff will also provide its written recommendations to the Board. Oral comment or argument will not be received at the Board meeting.

Questions concerning this notice may be directed to John Shipley in the CalPERS Legal Office at (916) 795-9511.

Attachment

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**BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

In the Matter of the Appeal Regarding)
Post-Retirement Employment of) CASE NO. 2018-1112
) OAH NO. 2019020798
)
DUDLEY J. LANG,)
) DECISION
)
Respondent,)
)
and)
)
CITY OF INDUSTRY,)
)
Respondent.)

**RESOLVED, that the Board of Administration of the California Public
Employees' Retirement System hereby adopts as its own Decision the Proposed
Decision dated August 6, 2019, concerning the appeal of Dudley J. Lang;
RESOLVED FURTHER that this Board Decision shall be effective 30 days following
mailing of the Decision.**

*** * * * ***

**I hereby certify that on September 18, 2019, the Board of Administration,
California Public Employees' Retirement System, made and adopted the foregoing**

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1 Resolution, and I certify further that the attached copy of the Administrative Law
2 Judge's Proposed Decision is a true copy of the Decision adopted by said Board of
3 Administration in said matter.

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5 BOARD OF ADMINISTRATION, CALIFORNIA PUBLIC
6 EMPLOYEES' RETIREMENT SYSTEM
7 MARCIE FROST
8 CHIEF EXECUTIVE OFFICER

9 Dated: 9/23/19

10 BY



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12 DONNA RAMEL LUM
13 Deputy Executive Officer
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**BEFORE THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

**In the Matter of the Appeal Regarding Post-Retirement
Employment of:**

DUDLEY J. LANG, Respondent

CITY OF INDUSTRY, Respondent

Case No. 2018-1112

OAH No. 2019020798

PROPOSED DECISION

Eric Sawyer, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on June 17, 2019, in Los Angeles.

John Shipley, Senior Attorney, represented the California Public Employees' Retirement System (PERS).

Brittany C. Jones, Esq., Martin & Venegas APC, represented Dudley J. Lang (respondent), who was present.

No appearance was made by or on behalf of the City of Industry (City).

The record was held open after the hearing for the submission of closing briefs, which were timely lodged and marked as follows: respondent's, exhibit F; PERS', exhibit 29. PERS also lodged an addendum closing brief on July 16, 2019, which was marked as exhibit 30. No objection was made, so exhibit 30 was considered. The record was closed and the matter submitted for decision on July 16, 2019.

SUMMARY

Respondent appeals PERS' determination that he engaged in unlawful post-retirement employment with his former employer, the City, which triggered his reinstatement to employment and the demand that he reimburse PERS the retirement benefits paid during the period of his purported unlawful employment.

However, it was established by a preponderance of the evidence that respondent had engaged in unlawful post-retirement employment by receiving hourly compensation greater than that allowed for a retired annuitant in his circumstances and by working more than the limit of 960 hours in one fiscal year. Respondent's argument was unpersuasive that a three-year statute of limitations prevents PERS from obtaining reimbursement of his retirement benefits received during the period of unlawful employment. Similarly, respondent is not entitled to the "error or omission" relief provided by statute, because he failed to make the kind of inquiry that a reasonable person would have made under similar circumstances.

Nonetheless, due process considerations prevent PERS from increasing the period of respondent's unlawful post-retirement employment by adjusting its commencement date one year earlier, i.e., January 4, 2011. Therefore, respondent is ordered to reimburse PERS \$56,224.46, which is the remaining amount he owes of his retirement benefits received from January 4, 2012, through December 14, 2012.

FACTUAL FINDINGS

Parties and Jurisdictional Matters

1. On February 15, 2019, the Statement of Issues was filed on behalf of PERS in its official capacity. (Ex. 1.)
2. Respondent was employed by the City as City Controller. By virtue of his employment, respondent is a local miscellaneous member of PERS. Respondent had initially become a PERS member through his employment with the City of South Pasadena in 1964.
3. The City is a public agency that contracted with PERS, effective May 1, 1977, to provide retirement benefits for local miscellaneous employees. The provisions of the City's contract with PERS are contained in the California Public Employees' Retirement Law (PERL). (Gov. Code, § 20000 et seq.) By way of its contract with PERS, the City agreed to be bound by the PERL, and to make its employees members of PERS subject to the PERL.
4. As discussed in more detail below, after retiring from service in October 2010 and beginning to receive his retirement benefit, respondent was hired by the City as a retired annuitant from January 4, 2011, through December 14, 2012. However, after PERS completed an audit of the City in 2016, it concluded that a portion of respondent's post-retirement employment violated provisions of the PERL.
5. By a letter dated January 25, 2018, PERS advised respondent and the City that it had determined some of his post-retirement employment with the City violated the PERL. Consequently, PERS determined respondent was subject to mandatory reinstatement for the period of unlawful employment, specified as January 4, 2012,

through December 14, 2012, and that respondent must repay all of the retirement benefits he received from PERS during that period. PERS also advised respondent and the City of their appeal rights. (Ex. 3.)

6. On February 23, 2018, respondent filed a timely appeal and requested an administrative hearing. (Exs. 4 & 5.) The record does not show whether the City did.

Respondent's Employment with and Retirement from the City

7. On June 1, 2008, respondent began working for the City as its Controller.

8. As Controller, respondent administered various municipal financial functions for the City and the Industry Urban Development Agency (IUDA). (Ex. 7.) The IUDA is not considered a separate entity, but rather a component unit of the City. Respondent's duties included supervising the City's and IUDA's accounting activities, redevelopment, bond issuance and maintenance. Respondent was, in effect, the City's financial advisor. (*Ibid.*)

9. Because respondent served both the City and IUDA, each contributed \$10,000 per month to his salary, which totaled \$20,000 per month and \$240,000 annually. (Ex. 7.)

10. However, the City did not have a publicly available pay schedule for respondent's position. Through a resolution, which was publicly available, the City established the position of Controller with an annual salary range of \$85,000-\$120,000. Respondent admitted in his testimony during the hearing that while he was employed as Controller, there was no publicly available information concerning the additional \$10,000 per month in salary he received through the IUDA.

11. On August 16, 2010, PERS received an application for service retirement from respondent. (Ex. 6.) Respondent retired for service effective October 1, 2010, and started receiving his retirement allowance on or around January 1, 2011.

12. A. PERS audited the City in 2011. The final audit report, issued on a date not established, concluded, in part, that respondent could not count the salary he received from both the City and IUDA as compensation earnable for purposes of calculating his retirement benefits; the compensation received from the IUDA was deemed to be beyond what was identified as his full-time work with the City and therefore considered to be overtime and not reportable to PERS. (Ex. 16, attach. D.1.)

B. In a letter he sent to PERS in the instant case, respondent described the result of the 2011 audit as follows: "A CalPERS Audit performed in 2011 . . . determined that my Redevelopment Agency pay was not usable 'overtime' pay and CalPers slashed my benefits in half. I accepted this ruling." (Ex. 16, p. 3.)

13. After respondent retired, and while considering whether to seek or accept post-retirement employment with the City, he read Publication 33, "A Guide to CalPERS Employment After Retirement" (January 2011), which read, in part:

CalPERS Employment in a Temporary Capacity

CalPERS approval is **not** required for temporary, limited-term employment as a retired annuitant. Eligibility requirements can vary depending upon whether you are retired for service, disability, or industrial disability, and your age at retirement. [Bold in original.]

Eligible retirees can work for a state agency[], university, public employer, or school employer contracted with CalPERS without reinstatement from retirement into active employment, if all of the following conditions are met.

- You have specialized skills needed to perform work of limited duration or your employment is needed during an emergency to prevent stoppage of public business.
- Your temporary employment will not exceed 960 hours in a fiscal year (July 1st through June 30th).
- The rate of pay received will not be less than the minimum nor exceed the maximum that is paid to other employees performing comparable duties.

[1] . . . [1]

Eligibility to Work for a CalPERS Employer in a Temporary Capacity

[1] . . . [1]

Note: Temporary employment must not exceed the work limit of 960 hours per fiscal year. Both you and your employer are responsible for monitoring compliance with this work limit. If you exceed the work limit, both you and your employer will be held accountable for unlawful employment, the consequence of which can include mandatory reinstatement from retirement into active

employment (membership) in the current position. [Italics added.]

Temporary vs. Permanent Employment

If your intention is to remain retired, you may only accept a temporary appointment as a "retired annuitant" with any CalPERS employer unless the employment is specifically allowed by law. If you are a safety member on service retirement, you must reinstate from retirement to accept a permanent position in a miscellaneous category.

Because many permanent part-time positions require less than 960 hours per fiscal year, there is often confusion about retiree employment in such positions. If you intend to work as a permanent employee with any CalPERS employer, even if the position requires less than 960 hours per fiscal year, the retirement law requires reinstatement from retirement into active employment. To ensure compliance, confirm with your prospective employer whether the position is a temporary or permanent appointment.

(Ex. 21, pp. 4-10.)

Respondent's Post-Retirement Employment with the City

14. After his former position went vacant for over two months, respondent sent a letter dated December 15, 2010 to the City Manager proposing he resume performing the Controller duties. (Ex. 7.)

15. Respondent's offer to resume his former duties as Controller was premised on the conditions that his post-retirement employment would be on a "temporary and part-time basis only;" his compensation would be no less than the minimum rate of pay that other employees would receive for similar and comparable duties; and his hours would not exceed the limit of 960 in a fiscal year. (Ex. 7.) Respondent concluded his letter by suggesting that his employment be re-examined one year later for a determination of further need. (*Ibid.*) The City Manager, then Kevin Radecki, signed respondent's letter where indicated, signifying his acceptance. (*Ibid.*)

16. On January 4, 2011, respondent began his post-retirement employment as a retired annuitant with the City, resuming his former position of Controller.

17. Respondent testified that his employment as a retired annuitant focused on special projects, such as feasibility studies and negotiations for the City/IUDA on a proposed NFL football stadium, a proposed (and eventually completed) gas turbine electric generation project, and numerous real estate developments.

18. Respondent also testified that he accepted the post-retirement position knowing that his work would not be for an indefinite period; rather, it would terminate once his assigned projects were completed, especially the NFL stadium project. He intended to review his work status each year with the City.

19. Respondent testified that the City's policy was to not have a publicly circulated recruitment program for a high-ranking position such as Controller. In respondent's case, the City inquired of other municipalities if they had any employees interested in applying for the position while respondent was engaged in his post-retirement employment.

20. Respondent's post-retirement employment with the City continued through December 14, 2012. According to a City Personnel Action Report, respondent separated from service on that date because his "Services [were] No Longer Required." (Ex. 8, p. 1.) No further evidence was presented on the issue.

21. Respondent was asked at the hearing if he contacted anyone at the City regarding restrictions on his post-retirement employment. He did not. He also did not contact anyone at PERS. He apparently relied only upon Publication 33.

RESPONDENT'S TOTAL WORK HOURS PER FISCAL YEAR

22. During his nearly two years of post-retirement employment, respondent worked a total of 2,185.50 hours: 785 hours in fiscal year 2010/2011; 990.50 hours in fiscal year 2011/2012; and 410 hours in fiscal year 2012/2013. (Ex. 10.)

23. Throughout his post-retirement employment, respondent kept track of his work hours on a form entitled "Semi-Monthly Timesheet," which tracked the dates he worked weekly, the hours each day he worked, and the daily totals. These timesheets were filled out by respondent weekly, signed by him, and then signed by his supervisor. A stamp on the bottom right corner of each document indicates the information was subsequently "entered" by another individual into City records. (Ex. 9.)

24. Respondent admits he exceeded the retired annuitant's 960-hour limit during the 2011/2012 fiscal year by working a total of 990.50 hours. Respondent testified he was unaware of that overage until he received a letter from PERS dated September 26, 2017, almost five years after his post-retirement employment with the City ended.

25. Prior to accepting his post-retirement employment, respondent was well aware of the 960-hour work limit. This is evidenced by his December 15, 2010 letter to the City, as well as the fact that he read Publication 33 before deciding to take the position, which several times notes the importance of not exceeding the limit. Despite this known restriction, respondent testified that he did not keep track of the number of hours he worked each fiscal year and had no idea how many hours he worked during fiscal year 2011/2012.

26. Respondent testified he exceeded the 960-hour limit due to a mathematical error he made when determining that he could work 20 hours per week and not exceed 960 hours. This testimony is troubling. First, a chart compiled by PERS for the 2011/2012 fiscal year shows that respondent exceeded 20 hours per week 19 times, and 16 weeks in a row; often during that period respondent worked 30 to 40 hours per week. (Ex. 10.) Respondent provided no explanation why that happened. Second, basic math should have shown respondent that if he worked 20 hours per week over the course of 52 weeks, he would work a total of 1040 hours. Last, it is hard to understand why respondent, who knew he could not work more than 960 hours in a fiscal year, and had worked as a municipal controller for many years, did not keep track of the number of hours he worked over the course of the fiscal year, especially given that respondent each week filled out a time sheet tracking his hours.

RESPONDENT'S TOTAL NUMBER OF MONTHS SERVED

27. On January 4, 2012, respondent had exceeded 12 months of post-retirement employment with the City. Respondent has consistently maintained in this case that, after reading Publication 33, he believed there was no restriction on the number of months he could work in his position, because Publication 33 listed no such

limitation. (Ex. 21.) Respondent believed he could continue working in a temporary position for as long as needed, provided that he not exceed 960 hours each fiscal year.

RESPONDENT'S PAYRATE

28. As evidenced by his December 15, 2010 letter, respondent contemplated an hourly payrate that would resemble his prior salary of \$20,000 per month prior to retiring. He suggested an hourly rate of \$135, to be paid solely by the IUDA. (Ex. 7)

29. Just prior to retirement, the portion of respondent's salary paid by the City was \$10,609 per month, or \$61.21 per hour. (Ex. 8, p. 3.) At the hearing, PERS Associate Government Program Analyst Susan Tasa persuasively testified that the publicly available information in place just after respondent retired had an annual salary range for the Controller position of \$110,000-\$185,000, which equals an hourly rate range of \$52.88 to \$88.94. This reflected the salary paid by the City, not the IUDA.

PERS' 2016 Audit of the City

30. In June 2016, PERS' Office of Audit Services (OFAS) conducted a public agency review of the City's payroll reporting and member enrollment processes related to the City's contract with PERS. In its review, OFAS examined employees, records, and pay periods from January 1, 2009, through December 31, 2015. (Ex. 11, p. 4.)

31. On June 23, 2016, OFAS issued its final audit report. (Ex. 11.) Finding 3 of the audit report reads:

Retired annuitant's [referring to respondent] employment did not comply with Government Code requirements.

Condition.

The Agency unlawfully employed a retired annuitant. Specifically, the retired annuitant worked more than 960 hours in a fiscal year. The annuitant was also compensated at a rate of pay that exceeded amounts paid to other employees performing comparable duties.

The City Controller retired on October 1, 2010 and was hired as a retired annuitant on January 1, 2011 to perform the duties of the vacant City Controller position. During Fiscal Year 2011-12, the retired annuitant worked over 1,000 [actually, it was 990.50] hours and exceeded the 960 hours worked threshold set by Government Code Section 21224. The Government Code limits the hours worked by a retired annuitant to 960 hours for all employers in any fiscal year. The Agency did not reinstate the retired annuitant who exceeded the 960-hour threshold in Fiscal Year 2011-12.

The Agency also compensated the retired annuitant with a payrate that exceeded comparable amounts. Specifically, the retired annuitant received an hourly payrate of \$135.00 to perform duties of the City Controller. The Agency stated that the City Controller position was vacant during the extent of the retired annuitant's employment and it did not have other employees performing comparable duties. The City Controller's payrate prior to retirement was \$10,609.00 per month, or \$61.21 per hour. Government Code Section

21224¹ states that the rate of pay for the employment shall not be less than the minimum, nor exceed that paid by the employer to other employees performing comparable duties. As a result, [OFAS] determined that the retired annuitant's rate of pay exceeded a comparable amount for the City Controller position. [¶] . . . [¶]

32. The City concurred with Finding 3 of the audit report concerning respondent's post-retirement employment. (Ex. 11, appen. 8, p. 2.)

33. PERS' Employer Account Management Division's Membership and Post-Retirement Employment Audit (MAPA) group reviewed the final audit report. MAPA disagreed with OFAS' Finding 3 as to the applicability of Government Code section 21224.² (Ex. 12.) MAPA instead concluded that respondent's post-retirement employment was based on the City appointing him to an interim position under section 21221, subdivision (h).³ (*Ibid.*) Consequently, section 21224 did not apply to

¹ Government Code section 21224 is generally known as the "extra help" exception, in which retired annuitants may be used when specialized skills are needed to perform work of limited duration or during an emergency to prevent stoppage of public business.

² Undesignated statutory references are to the Government Code.

³ As discussed in more detail below, section 21221, subdivision (h), is generally known as the "vacant position" exception, and it allows retired annuitants to be

respondent's appointment as initially determined. (*Ibid.*) At that time, appointments under section 21221, subdivision (h), were limited to a total of 12 months which, for respondent, would have expired on January 3, 2012. (*Ibid.*) Because his post-retirement employment was well in excess of that amount, MAPA concluded respondent engaged in unlawful post-retirement employment from January 4, 2012, through December 14, 2012. (*Ibid.*) MAPA concurred with OFAS' conclusion that respondent also violated the PERL by working in excess of the 960-hour limit in fiscal year 2011/2012. (*Ibid.*)

34. On September 26, 2017, PERS issued a "pre-deprivation" letter to respondent and the City, informing them of its determination that respondent's post-retirement employment with the City violated the PERL because his employment exceeded the above-described 12-month limit and that in fiscal year 2011/2012 he worked in excess of the limit of 960 hours. Because the 12-month period expired on January 3, 2012, PERS specified that respondent's unlawful post-retirement employment began on January 4, 2012. PERS also noted respondent exceeded 960 hours in fiscal year 2011/2012 on June 12, 2012. Respondent and the City were provided an opportunity to submit additional documentation for consideration before PERS made a final determination. (Ex. 12.)

35. By letters dated October 24, 2017, and November 18, 2017, respondent provided PERS with additional information for consideration. (Exs. 14 & 16.) He argued that the 12-month limit he was alleged with violating was not in effect at all times during the term of his employment. (Ex. 16, p. 2.) He also argued that he was misled

appointed in a high-ranking position on an interim basis while the employer is actively recruiting a permanent replacement.

into believing he could work more than 12 months because Publication 33 contained nothing about a 12-month limit. If he exceeded the 960-hour limit, respondent described such was an "inadvertent mistake." (Ex. 16, p. 2.)

36. By a letter dated January 25, 2018, PERS notified respondent that it had considered the information and arguments he previously submitted, but that it had finalized its determination that respondent's post-retirement employment with the City was unlawful for the period of January 4, 2012, through December 14, 2012, for the reasons previously described to him. (Ex. 3.)

37. Respondent spoke on the telephone with Ms. Tasa about a resolution of the matter. Ms. Tasa told him PERS would be willing to "look into" an administrative resolution of this situation if the purported 12-month violation could be resolved.

38. On February 8, 2018, PERS received respondent's application for service retirement following reinstatement dated February 6, 2018. (Ex. 17.)

39. On April 11, 2018, PERS sent a letter to respondent notifying him that PERS was seeking to collect \$65,952.49 in retirement benefits he received during the period of January 4, 2012, through December 14, 2012. (Ex. 18.)

40. By a letter dated June 4, 2018, respondent was advised that, because he was deemed to have been reinstated from retirement during the period of January 4, 2012, through December 14, 2012, his service credit increased from 18.303 years to 18.838 years, increasing his monthly retirement allowance by \$154.66. (Ex. 19.) As a result, respondent was given a one-time retroactive payment of \$9,728.09 to cover the

allowance increase, which was applied to his outstanding balance. PERS reduced its payment demand from \$65,952.49 to \$56,224.40. (*Ibid*) Respondent's monthly retirement allowance payments now contain a deduction of \$937.08 to cover the amount sought by PERS, which will take 60 months to complete. (Ex. 20.)

41. A. The Statement of Issues alleges respondent's post-retirement violated the PERL because he exceeded the 12-month limitation provided for in prior versions of section 21221 (as explained in more detail below), which subjected him to mandatory reinstatement after the 12-month period expired, i.e., from January 4, 2012, through December 14, 2012.

B. The Statement of Issues also alleges respondent violated the PERL by working more than 960 hours in fiscal year 2011/2012, though the date that violation began is not alleged. As explained above, though, PERS had previously advised respondent that period of unlawful post-retirement employment began on June 12, 2012.

C. The Statement of Issues alleges that the issue presented in this appeal is whether the period of respondent's unlawful post-retirement employment was from January 4, 2011, through December 14, 2012. (Ex. 1, p. 12.) But January 4, 2011 would only be the commencement date of the unlawful post-retirement employment if either respondent's hourly payrate violated the PERL (because respondent received that amount of compensation when he began his post-retirement employment on that date) or if no statutory exception covered any part of his post-retirement employment. Neither theory is alleged in the Statement of Issues.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. The parties agree respondent bears the burden of proof in this matter. This includes respondent's limitations period argument based on section 20164. A limitations period is an affirmative defense; the party asserting its application bears the burden of proof. (*Ladd v. Warner Bros. Entertainment, Inc.* (2010) 184 Cal.App.4th 1298, 1301.) Respondent also argues for application of the "error or omission" relief provided by section 20160. That statute specifies the "party seeking correction of an error or omission pursuant to this section has the burden of presenting documentation or other evidence to the board establishing the right. . . ." (§ 20160, subd. (d).) Thus, respondent also bears the burden of establishing section 20160 applies in this case.

2. A preponderance of the evidence is the standard of evidence used in this case. (*McCoy v. Board of Retirement* (1986) 183 Cal.App.3d 1044, 1051, fn. 5.) A preponderance of the evidence means evidence that has more convincing force than that opposed to it. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

Post-Retirement Employment Generally

3. Article 8 (§§ 21220-21232) of Chapter 12 of the PERL governs post-retirement employment. Government Code section 21220, subdivision (a), provides, in relevant part: "A person who has been retired under this system, for service or for disability, shall not be employed in any capacity thereafter by . . . a contracting agency . . . unless he or she has first been reinstated from retirement pursuant to this chapter, or unless the employment, without reinstatement, is authorized by this article." Thus,

the default status of a retired employee receiving retirement benefits who engages in post-retirement employment for an agency contracting with PERS is reinstatement to employment, unless a provision of article 8 provides an exception. As PERS correctly notes in its closing brief, this statutory framework is meant to enforce a "policy to preclude retirees from displacing active employees, and to preclude public employees from drawing both public salaries and a publicly-funded retirement benefit. [Citation omitted.]" (Ex. 22, p. 9.)

4. Sections 21221 through 21232 describe the exceptions in which post-retirement employment for an agency contracting with PERS will not result in reinstatement from retirement. Of those statutes, the parties focus on two, sections 21221 and 21224, which are discussed in further detail below.

5. The consequences of post-retirement employment in violation of the PERL are drastic. Pursuant to section 21202, "[a] person employed in violation of Section 21220 shall be reinstated to membership in the category in which, and on the date on which, the unlawful employment occurred."

6. In addition, section 21220, subdivision (b), provides that any retired member employed in violation of the PERL shall:

(1) Reimburse this system for any retirement allowance received during the period or periods of employment that are in violation of law.

(2) Pay to this system an amount of money equal to the employee contributions that would otherwise have been paid during the period or periods of unlawful employment, plus interest thereon.

(3) Contribute toward reimbursement of this system for administrative expenses incurred in responding to this situation, to the extent the member is determined by the executive officer to be at fault.

7. Finally, section 21220, subdivision (c), provides that any public employer that employs a retired member in violation of the PERL shall:

(1) Pay to this system an amount of money equal to employer contributions that would otherwise have been paid for the period or periods of time that the member is employed in violation of this article, plus interest thereon.

(2) Contribute toward reimbursement of this system for administrative expenses incurred in responding to this situation, to the extent the employer is determined by the executive officer of this system to be at fault.

The Vacant Position Exception of Section 21221

8. The current version of the vacant position exception found in section 21221, subdivision (h), provides that a retired person may serve without reinstatement from retirement or loss or interruption of benefits if:

Upon interim appointment by the governing body of a contracting agency to a vacant position during recruitment for a permanent appointment and deemed by the governing body to require specialized skills or during an emergency to prevent stoppage of public business. A

retired person shall only be appointed once to this vacant position. These appointments, including any made concurrently pursuant to Section 21224 or 21229, *shall not exceed a combined total of 960 hours for all employers each fiscal year.* The compensation for the interim appointment *shall not exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule for the vacant position divided by 173.333 to equal an hourly rate.* A retired person appointed to a vacant position pursuant to this section shall not receive any benefits, incentives, compensation in lieu of benefits, or any other forms of compensation in addition to the hourly rate. A retired annuitant appointed pursuant to this section *shall not work more than 960 hours each fiscal year regardless of whether he or she works for one or more employers.* (Italics added.)

9. A. The statute was amended several times from 2011 through 2012. The earlier versions of section 21221, subdivision (h), including the one in effect when respondent's post-retirement employment began, had a specific time restriction that an appointment under this section could not continue past 12 months. The current version, which went into effect on January 1, 2012, omitted the 12-month limitation. Respondent and his counsel have consistently maintained that the 12-month limitation period does not apply to him and that the current version of the statute governs this case, in part, because of the statutory amendments. (See, e.g., exs. 4, 14, 16 & F.)

B. On the other hand, in both its September 2017 letter to respondent and the Statement of Issues, PERS contended the 12-month limitation in the earlier versions of section 21221 apply to this situation. However, in its closing brief, PERS conceded, "Initially a specific time restriction was provided: 12 months; however, the Legislature clarified on January 1, 2012, that the appointment should be of a limited duration while the agency is actively recruiting a permanent appointment" (ex. 29, p. 8), and that these amendments may be applied retroactively to respondent because they were matters of clarification of the law (*id.*, p. 7).

C. Therefore, PERS is no longer arguing that respondent was subject to the 12-month limitation in the earlier versions of section 21221, subdivision (h).

10. A. Nonetheless, PERS correctly argues respondent's appointment violated section 21221's restriction that his pay not exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule. (Factual Findings 1-41.)

B. Specifically, respondent received \$135 per hour for performing his post-retirement work. The salary range for the Controller position prior to respondent's post-retirement employment was \$85,000-\$120,000 per year. The publicly available pay schedule in effect subsequent to respondent's post-retirement employment showed the salary range for the Controller was \$110,000-\$185,000 per year. Consequently, using \$185,000 as the maximum payrate, the maximum allowable hourly pay for respondent would have been \$88.94. Respondent's payrate of \$135 per hour was substantially greater than what was allowed.

C. Respondent argues the rate of pay does not violate the compensation restriction because he was earning \$20,000 per month prior to

retirement as Controller. However, respondent's salary is not the same thing as a base salary paid to employees performing comparable duties as listed on a publicly available pay schedule. In fact, PERS audited the City in 2011 and informed respondent of this determination, when explaining why his retirement benefit could only be based on the part of his salary paid by the City and not the part paid by the IUDA. The publicly available payrate information for the Controller position was limited to the amount paid by the City, not the additional amount contributed by the IUDA. Therefore, respondent cannot include the additional \$10,000 per month previously paid to him by the IUDA for his post-retirement payrate.

D. The language concerning a retired annuitant's compensation not exceeding the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule was added to section 21221, subdivision (h), when the statute was amended effective January 1, 2012. Respondent was still working for the City as a retired annuitant then. Amendments to statutes that are matters of clarification may be applied retroactively. (*Prentice v. Board of Admin., California Public Employees' Retirement System* (2007) 157 Cal.App.4th 983, 990, fn. 4.) Such clarifying amendments have such effect because the true meaning of the law remains the same. (*Carter v. California Dept. of Veterans Affairs* (2006) 38 Cal.4th 914, 922.)

E. In this case, both parties agree the amendments to section 21221 may be applied retroactively and both contend the current version of the statute applies. Even if respondent argued this part of the statute does not apply to him retroactively, the law as amended was still in effect during the entire period of January 4, 2012, through December 14, 2012. As discussed below, due process considerations dictate that to be the period of respondent's unlawful post-retirement employment.

11. A. PERS also correctly points out that respondent exceeded the 960-hour work limitation during fiscal year 2011/2012. When he exceeded that amount on June 12, 2012, respondent's post-retirement employment no longer met the exception provided in section 21221, subdivision (h), and it became unlawful. (Factual Findings 1-41.)

B. Respondent admits he violated the statute in that way, but seems to argue he should be forgiven because he only exceeded the limit by 30.50 hours. Respondent also alludes to the conversation he had with Ms. Tasa of PERS concerning the overage being a de minimis amount. However, there is nothing in the PERL excusing a violation of the 960-hour limit by a de minimis amount, and the comments Ms. Tasa made to him during settlement discussions are not binding on PERS in the absence of a consummated settlement agreement.

C. Finally, respondent points to the portion of Publication 33 specifying that if a member "intend[s] to work as a permanent employee with any CalPERS employer, even if the position requires less than 960 hours per fiscal year, the retirement law requires reinstatement from retirement into active employment." (Ex. 21, p. 8.) Respondent seems to argue this is an "admission" by PERS that a member's intent can control whether the 960-hour limit has been violated. However, this excerpt of Publication 33 does not support respondent's argument. It simply advises a member that he may be reinstated to employment even if he works less than 960 hours if he takes a permanent position. This excerpt does not say one may inadvertently work more than 960 hours without penalty if he did not intend to exceed the limit. In any event, there is nothing in the PERL suggesting the 960-hour limit is contingent upon a member's state of mind.

12. PERS also argues respondent's appointment was not temporary and therefore does not fall within this statute, citing the fact he ended up working in the position for 23 months (well more than the 12 months specified in the earlier versions of the statute), there was no "active" recruitment during his appointment, and the parties periodically reassessed his status. However, as PERS conceded in its brief, there is no longer a time limit to such an appointment. While the City's recruitment may have been limited and discreet, it still was active. Finally, the totality of the evidence indicates respondent's appointment was meant to be temporary and not indefinite. PERS' argument here is unpersuasive.

The Extra Help Exception of Section 21224

13. Pursuant to the extra help exception of section 21224, subdivision (a):

A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system upon appointment by the appointing power of a state agency or public agency employer either during an emergency to prevent stoppage of public business or because the retired person has specialized skills needed in performing work of limited duration. *These appointments shall not exceed a combined total of 960 hours for all employers each fiscal year.* The compensation for the appointment *shall not exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule divided by 173.333 to equal an hourly rate.* A retired person appointed pursuant to this section shall not receive any

benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate. A retired annuitant appointed pursuant to this section *shall not work more than 960 hours each fiscal year regardless of whether he or she works for one or more employers.* (Italics added.)

14. After PERS' 2016 audit and before the hearing of this matter, PERS contended section 21224 did not apply to respondent's situation. On the other hand, respondent has consistently maintained that, due to the nature of his duties, his post-retirement employment falls within section 21224. In its closing brief, however, PERS changed its position and conceded that, "[b]ased on respondent's testimony at the hearing, this would not be an unreasonable argument. Respondent testified that there was no 'active' recruitment for his replacement, he had specialized skills needed to perform work for the City, and his employment would likely end when a significant project, the potential construction of an NFL stadium, was concluded. Therefore, his appointment could fit under Section 21224." (Ex. 29, pp. 10-11.)

15. The prior version of section 21224, in effect in 2011, required that "the rate of pay for the employment shall not be less than the minimum, nor exceed that paid by the employer to other employees performing comparable duties." The current version of section 21224 went into effect on June 27, 2012, while respondent was still employed as a retired annuitant for the City. That amendment added the language concerning publicly available pay schedules, which is similar to the language added by contemporaneous amendment to section 21221, subdivision (h). Just as it was concerning section 21221, the 2012 amendment to section 21224 adding the publicly available pay schedule language is deemed to clarify existing law and therefore can be

retroactively applied to respondent. In any event, respondent argues in his closing brief that the current version of section 21224 applies in this case, just as he does concerning the current version of section 21221.

16. PERS correctly points out that even if section 21224 applies in this case, it also contains the 960-hour work limitation, as well as the restriction of a payrate greater than the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule. As explained above, respondent exceeded the 960-hour limitation in fiscal year 2011/2012, and received compensation greater than that listed on a publicly available pay schedule. Respondent's arguments to the contrary are not persuasive, as explained above. Therefore, respondent's post-retirement employment was unlawful under section 21224 for the same reasons it was unlawful under section 21221, subdivision (h). (Factual Findings 1-41.)

Respondent is Not Entitled to Error or Omission Relief

17. Respondent contends that even if he violated the PERL, his errors or omissions leading to those violations are excusable under section 20160, allowing PERS' Board of Administration to correct them instead of imposing the drastic penalties of section 21220.

18. Section 20160 provides in relevant part:

(a) Subject to subdivisions (c) and (d), the board may, in its discretion and upon any terms it deems just, correct the errors or omissions of any active or retired member, or any beneficiary of an active or retired member, provided that all of the following facts exist:

(1) The request, claim, or demand to correct the error or omission is made by the party seeking correction within a reasonable time after discovery of the right to make the correction, which in no case shall exceed six months after discovery of this right.

(2) The error or omission was the result of mistake, inadvertence, surprise, or excusable neglect, as each of those terms is used in Section 473 of the Code of Civil Procedure.

(3) The correction will not provide the party seeking correction with a status, right, or obligation not otherwise available under this part.

Failure by a member or beneficiary to make the inquiry that would be made by a reasonable person in like or similar circumstances does not constitute an "error or omission" correctable under this section.

(b) Subject to subdivisions (c) and (d), the board shall correct all actions taken as a result of errors or omissions of the university, any contracting agency, any state agency or department, or this system.

[0] ... [0]

(d) The party seeking correction of an error or omission pursuant to this section has the burden of presenting

documentation or other evidence to the board establishing the right to correction pursuant to subdivisions (a) and (b).

19. In this case, respondent takes great pains to explain why he continued working more than 12 months, which PERS initially claimed violated the PERL, arguing he was misled into believing he had no such limitation because Publication 33 did not mention one. Respondent argues PERS' failure to include such information in Publication 33 was a breach of its fiduciary duty toward him as a member, and also induced a reasonable mistake on his part. However, as discussed above, PERS no longer contends the 12-month limitation period provided in earlier versions of the vacant position exception of section 21221 applies to respondent. This change of position renders moot the question whether respondent's working more than 12 months was an error or omission subject to correction by section 20160.

20. A. In his closing brief, respondent does not explain how his working more than 960 hours in one fiscal year is a correctable error or omission. To the extent respondent testified that he simply made a mistake in this regard, he failed to meet his burden of establishing by a preponderance of the evidence that such was a mistake, as used in Code of Civil Procedure section 473, warranting the relief of section 20160.

B. "Mistake" under Code of Civil Procedure section 473 may be either a mistake of fact or a mistake of law. (*Gilio v. Campbell* (1952) 114 Cal.App.2d Supp. 853, 857.) "A mistake of fact exists when a person understands the facts to be other than they are; a mistake of law exists when a person knows the facts as they really are but has a mistaken belief as to the legal consequences of those facts." (*Ibid.*) In *Gilio*, a default was entered against a defendant who failed to timely answer a complaint. The defendant sought relief under section 473. The court found no mistake of fact where "[a] mere reading of the summons served on the defendant would have informed him

that if he did not appear and answer the complaint within 10 days, a judgment could be taken against him. It is to be noted that the defendant does not claim that he was unaware of the contents of the summons and complaint. In any event, a failure to read the summons would furnish defendant no excuse." (*Ibid.*)

C. In this case, the 960-hour limit was well known to respondent. His purported mistake was a "mathematical error" in calculating 20 hours per week would keep him under the limit. But simple math belies his calculation. Even if it did not, respondent routinely worked more than 20 hours in a week, at one point working more than 20 hours for 16 consecutive weeks, many times working 30-40 hours per week. This suggests respondent was not laboring under the mistake of an erroneous mathematical calculation. In any event, even though he kept weekly logs of his work hours, respondent undertook no effort to verify his yearly total as he progressed through the fiscal year. Pursuant to *Gilio*, respondent's failure to add his total hours is tantamount to the failure to read a summons. Pursuant to section 20160, subdivision (a)(3), respondent's failure to make such calculations was a failure to make an inquiry that would be made by a reasonable person in like or similar circumstances, which therefore does not constitute an "error or omission" correctable under the statute. (Factual Findings 1-41.)

21. A. Nor does respondent discuss in his closing brief how his receipt of an excessive hourly payrate warrants relief under section 20160. As discussed above, respondent simply argues in his brief that his payrate was not excessive.

B. Assuming arguendo that respondent made a mistake of fact or law concerning his payrate, such is not correctable pursuant to section 20160, subdivision (a)(3), because respondent failed to make the kind of inquiry a reasonable person would have made under the circumstances. As a result of PERS' audit in 2011,

respondent was on notice that the portion of his salary paid by the IUDA was problematic and could not be compensation earnable for purposes of calculating his retirement allowance. Respondent advised PERS in this case that he accepted that determination. Yet, in deciding his hourly compensation for his post-retirement employment, respondent freely included his prior salary paid by the IUDA, without making any inquiry of PERS or the City. While it is true that the results of the 2011 audit were not made known to respondent until after he began his post-retirement employment, at no time thereafter did he make any inquiry about the propriety of including the prior salary paid by IUDA in his post-retirement employment compensation. A reasonable person would have done so. (Factual Findings 1-41.)

The Limitation Period of Section 20164 Does Not Apply

22. Section 20164, subdivision (b), provides a three-year limitation on actions regarding "payments into or out of the retirement fund" as follows:

For the purposes of payments into or out of the retirement fund for adjustment of errors or omissions, whether pursuant to Section 20160, 20163, or 20532, or otherwise, the period of limitation of actions shall be three years, and shall be applied as follows:

(1) In cases where this system makes an erroneous payment to a member or beneficiary, this system's right to collect shall expire three years from the date of payment.

(2) In cases where this system owes money to a member or beneficiary, the period of limitations shall not apply.

23. A. Respondent argues that even if the "error or omission" relief provided in section 20160 does not apply, the three-year limitation period specified in section 20164, subdivision (b), prevents PERS from seeking reimbursement of the retirement allowance paid to respondent during the period of his unlawful post-retirement employment. Respondent argues this is because the provision contains the phrase "or otherwise", which indicates that even if the "error or omission" is not covered under section 20160, 20163, or 20532, in all other situations where an adjustment must be made, PERS has three years to do it.

B. Respondent argues that PERS made such an "erroneous payment to a member" when it paid respondent's retirement allowance during his period of unlawful post-retirement employment. Respondent argues that under section 20164, PERS' ability to collect any overpayment depends on when PERS discovered that an erroneous payment was made, which was when PERS discovered the problems with respondent's post-retirement employment as articulated in the final audit report issued by OFAS on June 23, 2016. Respondent concludes that three years prior to that date is June 23, 2013, which would be the earliest date from which PERS could seek reimbursement from respondent. Since all the payments in question were completed by December 2012, respondent argues the three-year limitation period contained in section 20164, subdivision (b), bars any reimbursement.

24. A. Respondent's argument is not persuasive. A plain reading of section 20164, subdivision (b), is that if PERS makes an erroneous payment to the benefit of a member, it has only three years to seek repayment; if PERS has erroneously withheld or underpaid a member, there is no limitation period for the member to be reimbursed.

B. In this case, there was no erroneous payment made to respondent; PERS made regular retirement allowance payments that were later deemed subject to reimbursement due to the unlawful post-retirement employment relationship of respondent and the City. Neither party contends any of the retirement allowance payments were in the wrong amount, withheld or otherwise erroneous. In addition, it is clear from section 21220 that the Legislature intended reinstatement of employees who engage in unlawful post-retirement employment and reimbursement of all retirement benefits paid during that period, regardless of the time such payments were made. Applying the three-year limitation period of section 20164, subdivision (b), to the penalties required by section 21220 would essentially cap violating employees and employers to liability for just three years of unlawful post-retirement employment, which would be contrary to the spirit of section 21220 and lead to absurd results.⁴ (Factual Findings 1-41.)

Conclusion

25. As discussed above, respondent's entire post-retirement employment with the City did not meet the requirements of Article 8 of Chapter 12 of the PERL, including sections 21221 and 21224, and therefore was in violation of section 21220, subdivision (a). Pursuant to section 21202, respondent was subject to involuntary reinstatement of his employment with the City during the period that "the unlawful employment occurred." Respondent's reinstatement subjected him and the City to the

⁴ In light of the conclusion that section 20164, subdivision (b), does not apply to this case, it is unnecessary to decide PERS' argument that the three-year limitation period contained therein only begins to run after PERS discovers an erroneous payment.

penalties described in section 21220, subdivisions (b) and (c), including respondent reimbursing PERS the amount of his retirement allowance paid during the period of unlawful post-retirement employment.

26. A. Determining the period of respondent's unlawful post-retirement employment is not without complication. This is because PERS has stated different periods throughout this litigation.

B. For example, when OFAS, a division of PERS, issued its audit report in 2016, it concluded respondent's excessive payrate violated the PERL, which meant respondent's period of unlawful employment began immediately on January 4, 2011. However, MAPA, another division of PERS, disregarded the payrate issue and instead concluded respondent violated the 12-month limit contained in earlier versions of section 21221, subdivision (h); that violation of PERL only began on January 4, 2012, after respondent had served 12 months as a retired annuitant. Based on MAPA's conclusion, PERS advised respondent that his period of unlawful post-retirement employment occurred from January 4, 2012, through December 14, 2012; in fact, PERS has already begun to reduce respondent's monthly retirement allowance payments by an amount based on January 4, 2012 as the commencement date of his unlawful employment.

C. To further complicate things, the only pleading in this case, the Statement of Issues, alleges the issue in this case is whether respondent's unlawful post-retirement employment covered the period of January 4, 2011, through December 14, 2012, i.e., the entirety of respondent's post-retirement employment. That allegation is a complication because there is no factual or legal theory alleged in the pleading that would support the earlier commencement date of January 4, 2011. For example, it is not alleged that respondent's hourly payrate violated the PERL or

B. As the *Board of Administration v. Superior Court* case indicates, PERS' prior determination that January 4, 2012 is the proper commencement date may not be disturbed if it is right upon any theory of law applicable to this case. Respondent's hourly payrate violated the PERL from the outset of his post-retirement employment, which pre-dated January 4, 2012. Pursuant to the *Cooper* case, due process is not offended here by considering a legal theory not alleged in the pleadings, since this case was thoroughly litigated on its merits and both parties addressed the theory during and after the hearing. Therefore, there is a legal theory supporting the unlawfulness of respondent's post-retirement employment during the entire period of January 4, 2012, through December 14, 2012.⁵

C. Determining that respondent's unlawful employment period commenced one year earlier, i.e., on January 4, 2011, based on a theory not alleged in the pleading or articulated as a basis for reducing respondent's retirement allowance payments, would expand respondent's financial liability in a way that would violate the dictates of the *Tafti* case. Therefore, cause was not established to deem January 4, 2011 as the commencement date of respondent's unlawful post-retirement employment. (Factual Findings 1-41; Legal Conclusions 1-27.)

ORDER

Respondent Dudley J. Lang's post-retirement employment with the City of Industry was in violation of the PERL, from January 4, 2012, through December 14,

⁵ Exceeding the 960-hour limit per fiscal year does not support a commencement date of January 4, 2012, because respondent only exceeded 960 hours for fiscal year 2011/2012 on June 12, 2012.

2012, and requires respondent Lang to repay to PERS the retirement benefits he received during that time period.

DATE: August 6, 2019

DocuSigned by:

E00301E7776D4F0.

ERIC SAWYER

Administrative Law Judge

Office of Administrative Hearing

Ebbetts Pass Fire Protection District	Policy: 6520
Subject: Personnel - Personal Appearance: Uniform Standards	Effective Date: 11/19/12 Supersedes: 06/26/2006 Revision Date: 04/19/2016 <u>Draft 2020</u>

Policy 6520: Personal - Uniform Standards.

Purpose and Scope

These policies are to establish guidelines for appropriate dress and appearance while on duty. Appropriate attire and a good personal appearance serve a number of basic functions: First, rapport with the public is enhanced when served by well-dressed employees. This demonstrates to the public that the District and its employees are professional and serious about the District's functions. Secondly, well-dressed employees will generally be treated with more respect by the public and coworkers. This improves the work environment and builds employee morale. No regulations pertaining to personal appearance are intended to be discriminatory.

01. The Board of Directors shall establish an annual uniform allowance which personnel shall use to purchase and maintain uniforms and other authorized station attire.
02. Uniform standards shall be established and updated by the Fire Chief or his/her designee in consultation with recognized bargaining units.
03. Uniform specifications, public appearance attire, station attire, response attire, workout attire, after hour's attire, etc., shall be outlined in Appendix "U" of the EPFD Policies and Procedures Manual. The Fire Chief or his/her designee shall have authority to modify Appendix "U" without Board approval.
04. On-duty personnel are directed to wear the uniform badge shirt for all known errands, details or appearances where they will be in contact with the public. ¼ Zip Sweatshirt/Pullover and approved Full-Zip Jackets are appropriate over uniform dress for said activities.
05. The Fire Chief or his/her designee shall conduct annual inspections of uniforms, station attire,- response attire, workout attire, after hours attire, etc and complete a checklist.
06. Employees shall have one complete change of uniform and other duty attire available at their duty station while on duty.
07. When reporting for duty, employees shall be neat and clean in their personal appearance. Garments shall be neat, clean and properly pressed. Hats shall be worn forward facing.
08. Employees shall not wear any unauthorized pins/badges/patches etc. on uniforms or other response, station or ~~after hours~~after-hours attire.

Policy 6520 - Page 1 of 2

09. On-duty supervisory personnel shall be responsible to evaluate the dress and appearance of personnel under his/her supervision and enforce the standards outlined in this policy and in Appendix "U".
10. As per the standards outlined in Appendix "U", the on-duty supervisor shall designate the appropriate uniform attire during shifts.
11. All on-duty employees assigned to shift shall wear the same designated uniform attire.
12. Designated attire being worn by on-duty personnel shall not show signs of extensive wear, color distortion, staining or extensive mending.
13. Supervisory personnel are empowered and expected to inform subordinate personnel when uniforms are worn, faded and in need of replacement.
14. Jewelry that may hang down, become caught, transfer heat to the skin, interfere with dexterity and the ability to manipulate emergency equipment or otherwise has the potential to injure or interfere with the performance of duties shall not be worn.
15. Older uniform styles, logos, screen printing, and colors not specified in Appendix "U", are not to be worn by on-duty employees.
16. All off-duty employees are not to wear EPFD uniforms without the approval of the Fire Chief.

Appendix "U" Uniform

Standard for Full-Time Career Personnel

Uniform Work Pant:

Manufacturer: WorkRite or Flying Cross

Color: Midnight Blue (WorkRite) or LAPD Blue (Flying Cross)

Uniform Class B (badge) shirt:

Manufacturer: WorkRite

Color: Midnight Blue

EPFD Shoulder Patches both sides 1" below sleeve seam

Badge: Left Breast above Pocket

Nameplate: Immediately above Right Breast Pocket, centered

Service Stars: 1" Above Nameplate, centered with Pocket

Uniform Sweatshirt/Pullover:

Job style - Collar, 1/4 zipper

Color: Dark Navy Blue

Left Breast Logo - Standardized Approved by EPFD Fire Chief - embroidery

Right Breast Name - Last Name in 1/2" embroidery

Uniform Tee Shirt and Hooded Sweatshirt

Color - Navy Blue

Left Breast Logo - Standardized Approved by EPFD Fire Chief - Silkscreened on "T" shirt

Back of Shirt - Ebbetts Pass Fire District -

Uniform Rain/EMS Jacket:

Galls Waterproof Parka - Model JA281/ or individually approved by Fire- Chief

Color: Navy Blue

Left Breast Logo: Standardized Approved by EPFD Fire Chief - embroidery

Inclement Weather Gear

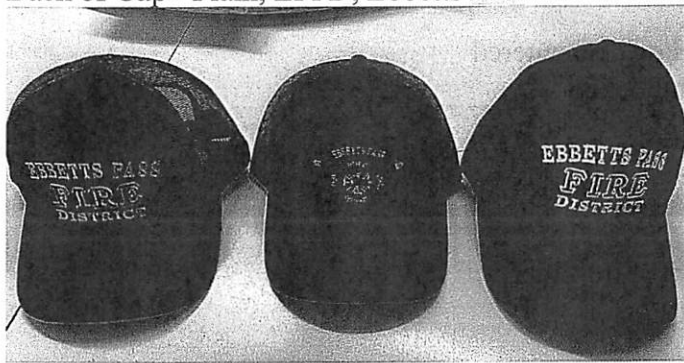
As approved by the duty officer to be appropriate for both public appearance and/or functionality for a particular activity or shift requiring specialized gear temporarily during inclement weather

Ball Cap

Color - Navy or Dark Navy -Blue

Logo - Standardized Approved by EPFD Fire Chief — embroidery (See below approved embroidery)

Back of Cap - Plain, EPFD, Ebbetts Pass Fire or Last Name - embroidery



Stocking Cap/Toboggan (Navy or Dark Navy Blue)

Color: Navy Blue

Logo: Standardized Approved by EPFD Fire Chief — embroidery



Sun Cap (Navy Blue)

Color: Navy or Dark Navy Blue

Logo: Standardized Approved by EPFD Fire Chief – embroidery



Physical Fitness & Soft Time Attire

Solid Color Navy Blue Sweatpants or Solid Color (Navy Blue or Black) Gym Shorts

EPFD Uniform Tee or Sweatshirt

A Non-Collar Sweatshirt maybe used, but for Physical Fitness & Soft Time Attire only

Appendix "U" - Page 1 of 5

Uniform Standard for Volunteer Staff Uniforms

Uniform Work Pant:

Manufacturer: Workrite, Dickies or Ben Davis

Color: Midnight Blue, Navy Blue

Volunteers may purchase career staff uniform pants if they desire

Uniform Class B (badge) shirt:

Manufacturer: WorkRite

Color: Midnight Blue

EPFD Shoulder Patches both sides 1" below sleeve seam

Badge: Left Breast above Pocket

Nameplate: Immediately above Right Breast Pocket, centered

Service Stars: 1" Above Nameplate, Centered with Pocket

Uniform Sweatshirt: (Optional for Volunteers)

Job style - Collar, 1/4 zipper

Color: Dark Navy Blue

Left Breast Logo - Standardized Approved by EPFD Fire Chief

Right Breast Name - Last Name in 1/2" embroidery

Uniform Tee Shirt:

Color: Navy Blue

Left Breast Logo - Standardized Approved by EPFD Fire Chief

Right Breast Name - Last Name in 1/2" embroidery - Optional for Volunteers

Back of Shift - Ebbetts Pass FIRE

Uniform Rain/Inclement Weather/EMS jacket (Optional for Volunteers):

Galls Waterproof Parka Model JA281/ or individually approved by Fire Chief

Color: Navy Blue

Left Breast Logo - Standardized Approved by EPFD Fire Chief

Ball Cap

Color - Navy Blue

Logo - Standardized Approved by EPFD Fire Chief - embroidery

Back of Cap - Plain, EPFD, Ebbetts Pass Fire or Last Name - embroidery

Stocking Cap/Toboggan (Navy Blue)

Color: Navy Blue

Logo: Standardized Approved by EPFD Fire Chief - embroidery

Physical Fitness & Soft Time Attire

Solid Color Navy Blue Sweatpants or Gym Shorts

EPFD Uniform Tee or Sweatshirt

A Non-Collar Sweatshirt maybe used, but for Physical Fitness & Soft Time Attire only

Appendix "U" - Page 2 of 5

EPFD Class A Uniform Standards

(Paid Personnel must obtain Class A Uniforms upon 1st year anniversary)

Chief Officers

Coat – Flying Cross Legends Double Breasted dark navy Dress Coat #34892, with gold fire service buttons.

Pants - Flying Cross dark navy Dress Pant #32278, same material as coat, without pleats.

Shirt – Flying Cross white long or short sleeve uniform shirt without markings, epaulets on shoulders, scalloped pocket flaps and pleated pockets with a badge holder above the left front pocket and a "military press". No service stars to be worn.

Hat – Bell Crown Style. Black visor, dark navy top, with a dark navy border around base of hat. black hat band, with gold fire service buttons and gold front hat badge indicative of rank:

Fire Chief – Gold hat badge with five crossed bugles and buttons being same.

Deputy Chief - Gold hat badge with four crossed bugles and buttons being same.

Assistant Chief – Gold hat badge with three crossed bugles and buttons being same.

Battalion Chief - Gold hat badge with two crossed bugles and buttons being same.

Collar Insignias - Gold, ¾ inch diameter, bugles only (not solid) indicative of rank. Worn on the collar of the white shirt.

Sleeve Markings - The Class A coat shall have sleeve markings indicative of the number of bugles worn for the rank. Both arm sleeves to have stripes sewn on the front half only. Bottom of first stripe is to be 4 inches from the cuff. Stripes shall be gold and 1/2 inch and have 1/4 inch separation between stripes. Additional stripes shall be added towards the cuff.

5 Bugles (5) gold stripes

4 Bugles (4) gold stripes

3 Bugles (3) gold stripes

2 Bugles (2) gold stripes

Service Markings – Stars shall represent five years of active service and shall be the same color as the sleeve markings. Stars shall be embroidered directly on the sleeve (no patches) in a row horizontally ¼ inch apart and start ¼ inch above the stripes. Stars shall be ¾ inch in size and rows shall be ¼ inch apart. Stars shall be configured in a pyramid, starting with the first three stars ¼ inch above the top stripe; followed by two stars above the first three, followed by one star above the two stars and are to be worn on the left sleeve only. If a member has more than 30 years of service, the seventh star shall be placed on the bottom row, the eighth on the second row, and so on.

Appendix "U" - Page 3 of 5

Tie - Black in color. Tie may be clip-on or tie-style. Tie shall be 2 ¼ to 2 ½ inches wide at the bottom. Tie Bar shall be gold in color.

Badge - To be worn on left breast in badge holder of coat. A second badge may be worn on the white long sleeve uniform shirt. Badges shall comply with the district's badge specifications.

Belt – Black in color, basket weave, with a minimum width 1½", maximum width 1 ¾". Buckle shall be gold in color. Belt shall be worn with the belt entering the belt loops on the left side first.

Shoes - Black in color, plain toe dress style, lace up with high gloss shine. Solid black dress socks shall be worn under the dress shoes or high gloss duty boots.

District Patch - To be centrally located on both sleeves of the coat, with the top of the patch to be 1" inch below the shoulder seam. Patches shall be sewn on with black thread.

Gloves – Hatch brand. Gloves shall be white and the style used for Class A uniforms.

Line Personnel

Coat – Flying Cross Legends Double Breasted dark navy Dress Coat #34892, with silver fire service buttons.

Pants - Flying Cross dark navy Dress Pant #32278, same material as coat, without pleats.

Shirt – Flying Cross white long sleeve uniform shirt without markings, epaulets on shoulders, scalloped pocket flaps and pleated pockets with a badge holder above the left front pocket and a “military press”.

Hat – Bell Crown Style. Black visor, dark navy top, with a dark navy border around base of hat. black hat band, with silver fire service buttons and silver front hat badge indicative of rank:

Captain – Silver hat badge with two parallel bugles and buttons being same.

Engineer - Silver hat badge with one bugle and buttons being same.

Firefighter – Silver hat badge with firefighter scramble and buttons shall be silver with “FD” in the center.

Collar Insignias - Worn by company officers and engineers. Silver, ¼ inch diameter, bugles only (not solid) indicative of rank. Worn on the collar of the collar of the white shirt. Firefighters shall not have collar brass.

Sleeve Markings - The Class A coat shall have sleeve markings indicative of the number of bugles worn for the rank. Both arm sleeves to have stripes sewn on the front half only. Bottom of first stripe is to be 4 inches from the cuff. Stripes shall be 1/2 inch wide and

Appendix “U” - Page 4 of 5

have 1/4 inch separation between each. Additional stripes shall be added towards the cuff. Stripes shall be silver (grey color # UN938) for company officers and engineers. Firefighters shall not have a stripe.

Captain (2) silver (grey) stripes

Engineer (1) silver (grey) stripe

Service Markings - Stars shall represent five years of active service and shall be the same color as the sleeve markings. Stars shall be embroidered directly on the sleeve (no patches) in a row horizontally ¼ inch apart and start ¼ inch above the stripes. Stars shall be ¾ inch in size and rows shall be ¼ inch apart. Stars shall be configured in a pyramid, starting with the first three stars ¼ inch above the top stripe, followed by two stars above the first three, followed by one star above the two stars and are to be worn on the left sleeve only. If a member has more than 30 years of service, the seventh star shall be placed on the bottom row, the eighth on the second row, and so on.

If a member does not have any stripes, then the first row of silver stars shall be placed 4 ¾ inches from the cuff.

Tie - Black in color. Tie may be clip-on or tie-style. Tie shall be 2 ¼ to 2 ½ inches wide at the bottom. Tie Bar shall be silver in color.

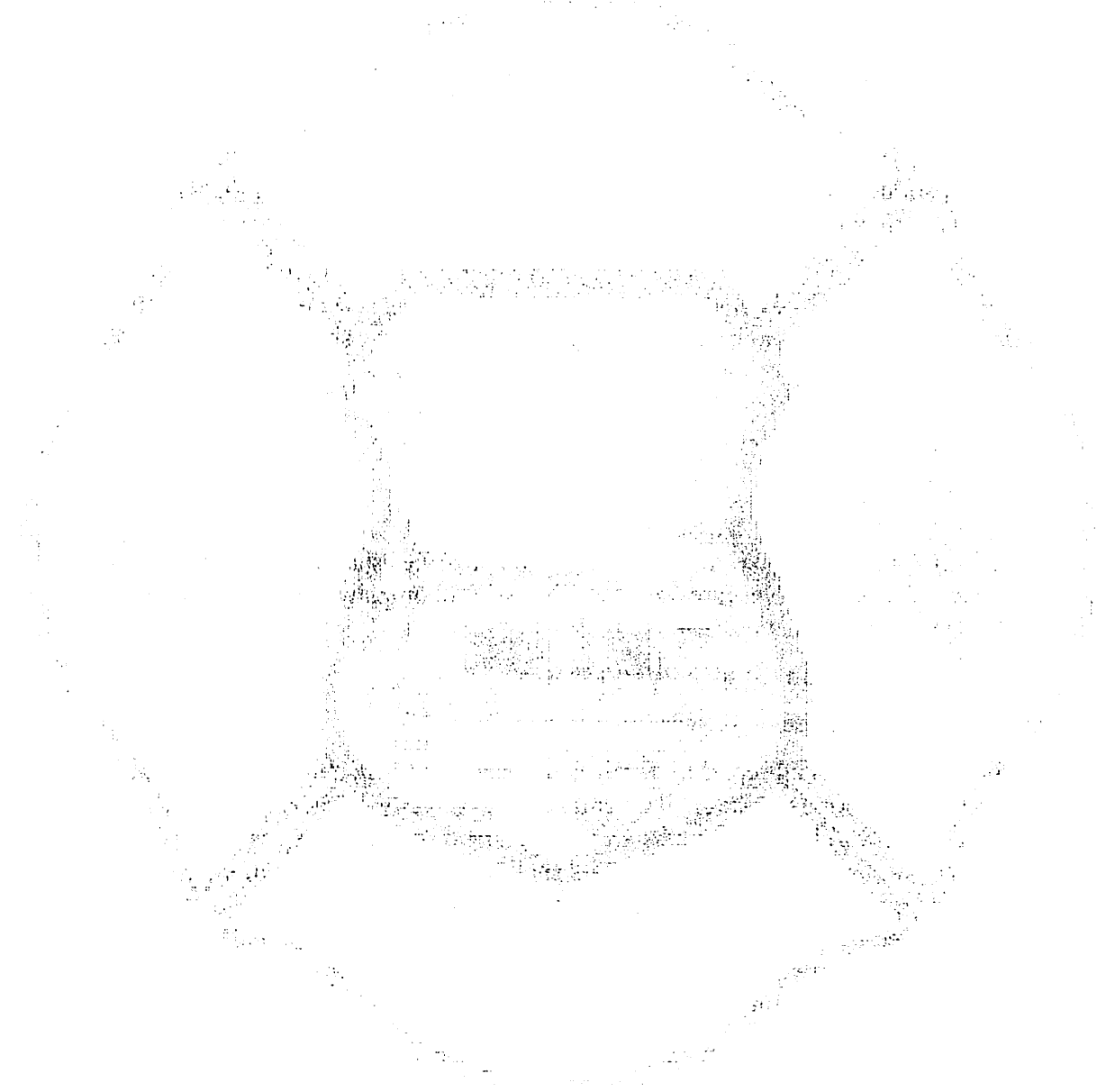
Badge - To be worn on left breast in badge holder of coat. A second badge may be worn on the white long sleeve uniform shirt. Badges shall comply with the district’s badge specifications.

Belt - Black in color, basket weave, with a minimum width 1½", maximum width 1¾". Buckle shall be silver in color. Belt shall be worn with the belt entering the belt loops on the left side first.

Shoes - Black in color, plain toe dress style, lace up with high gloss shine. Solid black dress socks shall be worn under the dress shoes or high gloss duty boots

District Patch - To be centrally located on both sleeves of the coat, with the top of the patch to be 1" inch below the shoulder seam. Patches shall be sewn on with black thread.

Gloves -Gloves shall be white and the style used for Class A uniforms.



Uniform Standard for Administrative Staff

All administrative staff members will be expected to dress in an appropriate manner, convey a professional appearance or image, and are encouraged to be neat and clean. Clothing or accessories that are a safety concern on the apparatus floor such as open toed shoes, sandals or excessive jewelry are not permitted.

Clothing should be neat and clean, jewelry should be worn in moderation. Insignia or clothing that displays statements or profanity is not permitted.

Business Hours (Mon-Fri)

Slacks/Pants: Should not be "skin tight" and should look professional.

Jeans: Should fit appropriately, not be faded, not have frays or holes, and be worn with appropriate shoes (no athletic shoes or flip-flops).

Dresses/Shirts: No more than one inch above the knee, slits should be moderate. Denim dresses and skirts are permissible. No shorts or skorts.

Shirts/Blouses: No tank tops or spaghetti strap tops without another shirt, sweater or jacket worn over it. No see through materials. No non-collared attire (athletic type; t-shirts, sweatshirts or jerseys). Embroidered "Polo" type shirts (EPFD midnight blue).

Uniforms: Administrative Officers are to wear Class-B uniforms during business hours or when meeting with the public on behalf of the Fire District.

Soft Time (Weekends and after office hours)

Jeans and athletic shoes may be worn during soft time or when doing "dirty work" or certain events.

Administrative Officers may conform to the administrative staff dress code during soft time. Only EPFD embroidered "Polo" type shirts (white or midnight blue) are permitted.

Uniform Standard for Cadet Uniforms

Uniform Work Pant:

Manufacturer: Dickies or Ben Davis

Color: Midnight Blue, Navy Blue

Cadets may purchase career staff uniform pants if they desire

Uniform Class B (badge) shirt:

Manufacturer: Flying Cross; Tropical Blend Short Sleeve

Color: Light Blue

EPFD Shoulder Patches both sides 1" below sleeve seam

Badge: Left Breast above Pocket

Nameplate: Immediately Above Right Breast Pocket, centered

Service Stars: 1" Above Nameplate, Centered with Pocket

Uniform Sweatshirt: (Optional for Cadets)

Job style - Collar, 1/4 zipper, deep (radio capable) front pocket

Color: Dark Navy Blue

Left Breast Logo - Standardized Approved by EPFD Fire Chief

Right Breast Name - Last Name in 1/2" embroidery - Optional for Cadets

Uniform Tee Shirt:

Color: Gray (probationary Cadets are to wear the plain white Tee shirt)

Left Breast Logo - Standardized Approved by EPFD Fire Chief

Right Breast Name - Last Name in 1/2" embroidery - Optional for Volunteers

Back of Shift - Ebbetts Pass FIRE - Cadet

Uniform Rain/EMS Jacket:

Galls Waterproof Parka - Model JA281/ or individually approved by Fire Chief

Color: Navy Blue

Left Breast Logo: Standardized Approved by EPFD Fire Chief - embroidery

Inclement Weather Gear

As approved by the duty officer to be appropriate for both public appearance and/or functionality for a particular activity or shift requiring specialized gear temporarily during inclement weather

Ball Cap

Color - Navy Blue

Logo - Standardized Approved by EPFD Fire Chief - embroidery

Back of Cap - EPFD, Ebbetts Pass Fire or Last Name - embroidery

Physical Fitness & Soft Time Attire

Solid Color Navy Blue Sweatpants or Gym Shorts

EPFD Uniform Tee or Sweatshirt

EPFD Uniform Checklist

Class C Uniform

- Appropriate items according to Policy 6520 Appendix U
- Duty shirt in good repair (Minimum of 3)
- Pant in good repair (Minimum of 2)
- Duty boots in good repair
- Belt in good repair

Class B Uniform (In addition to Class C Uniform)

- Appropriate items according to Policy 6520 Appendix U
- Badge shirt in good repair (Minimum of 2)
- Brass present and in good repair

Class A Uniform

- Appropriate items according to Policy 6520 Appendix U
- Coat in good repair
- Dress shirt in good repair
- Hat in good repair
- Pant in good repair
- Shoes in good repair
- Belt in good repair
- Brass present and in good repair
- Gloves in good repair
- Uniform fits appropriately

Inclement weather gear

- Appropriate items according to Policy 6520 Appendix U
- Jacket in good repair
- 1/4 zip sweatshirt in good repair

Employee Name and Signature: _____ Date: _____

Supervisor Name and Signature: _____ Date: _____

Fire Ordinance ~~2012~~2020~~8~~

**EBBETTS PASS FIRE PROTECTION DISTRICT
FIRE ORDINANCE ~~2012~~2020~~8~~**

**AN ORDINANCE OF THE EBBETTS PASS FIRE PROTECTION DISTRICT
REPLACING ALL EXISTING EPFD FIRE ORDINANCES**

**EBBETTS PASS FIRE PROTECTION DISTRICT
FIRE ORDINANCE ~~2018~~20208**

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2018

INTRODUCTION

Within the boundaries of the Ebbetts Fire Protection District, fire and life safety regulations are enforced by:

1. The California Department of Forestry and Fire Protection, by the application and enforcement of regulations contained in Public Resources Code 4290 and 4291.
2. The County of Calaveras, by the application and enforcement of codes contained in the California Building Code, the California Fire Code and other such regulations as may be contained in the Calaveras County Code of Ordinances and
3. The Ebbetts Pass Fire Protection District by the application and enforcement of various amendments to the above-mentioned codes as contained in Ebbetts Pass Fire District Ordinance ~~201920208~~.

TITLE: Ebbetts Pass Fire District Ordinance ~~2018-2020~~

An ordinance of the Ebbetts Pass Fire Protection District (“EPFD”), hereinafter referred to as EPFD Ordinance ~~201920208~~, adopting the provisions, with certain amendments made based upon findings of fact, of the most recent editions of the California Fire Code, Calaveras County Fire and Life Safety Regulations and California Public Resources Code 4290 and 4291, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Ebbetts Pass Fire Protection District; providing for the issuance of permits and collection of fees therefor; and repealing Ordinance ~~20182~~ of the Ebbetts Pass Fire Protection District and all other ordinances and parts of ordinances in conflict therewith.

SECTION 1: ADOPTION

The Board of Directors of the **EBBETTS PASS FIRE PROTECTION DISTRICT** ordains as follows:

1.1. That a certain document, three (3) copies of which are on file in the office of EPFD Station One, being marked and designated as the California Fire Code, 2013 edition, including Appendix B, Appendix C, and Appendix D, as published by the International Code Council, is hereby adopted with certain amendments as specified below as the Ebbetts Pass Fire Protection District Fire Ordinance ~~2018-2020~~ in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in this office of the Ebbetts Pass Fire Protection District are hereby referred to and adopted and made part of, as fully set out in EPFD Ordinance ~~201920208~~, with the additions, amendments, insertions, deletions and changes, if any, as prescribed below.

1.2. That the geographic limits referred to in certain sections of the 2013 California Fire Code are established, unless

otherwise approved by the District's Fire Code Official, as being within the boundaries of the Ebbetts Pass Fire Protection District.

1.3. That the Ebbetts Pass Fire Protection District additionally adopts by reference the most current published version of the California Public Resources Codes (PRC), Section 8.10 of the Calaveras County Code of Ordinances, Ebbetts Pass Fire District Clearance Requirements for Unimproved Lots, and declares such codes are fully in force and in effect as though fully set forth herein except as the same may be modified by the amendments and additions thereto hereinafter set forth below.

1.4. That the California Fire Code, Calaveras County Code of Fire and Life Safety Regulations and the California Public Resources Code 4290 and 4291 as adopted by EPFD have been modified as described below in order to establish a more restrictive standard deemed reasonably necessary because of local climatic, geologic or topographical conditions.

Amendments to the above-referenced codes can be found in the Amendment and Addition Matrix below. A more detailed description can be found in Appendix A.

AMENDMENT SUMMARY MATRIX – See Appendix A for a more detailed description

<u>Referenced Code</u>	<u>Referenced Code Section</u>	<u>Title/Subject</u>	<u>EPFD Ordinance Section</u>
California Fire Code	104.2	Applications/Permits	4.1
Calaveras County Code	8.10.320	Fire Management Plans	4.3
California Fire Code	3404.1	Flammable Liquid Storage	5.1
California Fire Code	3804.2	Installation of LPG Tanks	5.2A
California Fire Code	3807	LPG Safety Devices	5.2.B - D
California Fire Code	3308	Fireworks	6
California Fire Code	907.2	Automatic Fire Detection Systems-New Buildings	7.1 and 7.5
California Fire Code	907.3	Automatic Fire Detection Systems-Existing Buildings	7.2 and 7.5
California Fire Code	907.7.5	Automatic Fire Detection and Automatic Fire Sprinkler Systems-Monitoring	7.4
California Fire Code	903.2	Automatic Fire Sprinkler Systems-New Buildings	7.8
California Fire Code	903.6	Automatic Fire Sprinkler Systems-Existing Buildings	7.8
California Fire Code	903.3	Automatic Fire Sprinkler Systems-Installation	7.9
California Fire Code	904.4	Automatic Fire Sprinkler Systems-Inspection/Testing	7.9/7.10
Calaveras County Code	8.10.340	Roads and Driveways	8.2
California Fire Code	Appendix D	Fire Apparatus Access Roads	8.2
Calaveras County Code	8.10.200	Premises Identification	8.5 - 8.7
Public Resources Code	4291 (a) and 4290	Defensible Space	9.4
California Fire Code	4601	Existing Buildings – Adequate Water Supplies	10.3
Calaveras County Code	8.10.520	Water Supply Systems	10.4 - 10.5
California Fire Code	Appendix C C105	Distribution of Fire Hydrants	10.10 - 10.12
California Fire Code	507.5.4/507.5.5/507.5.6	Hydrant Protection and Marking	10.19 - 10.28

1.5. That Ordinance 20182 of the Ebbetts Pass Fire Protection District entitled Ebbetts Pass Fire Protection District Fire

Ordinance 20182 is hereby repealed and replaced in its entirety.

1.6. That if any section, subsection, sentence, clause or phrase of EPFD Ordinance ~~2018-2020~~ is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of EPFD Ordinance ~~201920208~~. The Board of Directors of the Ebbetts Pass Fire Protection District hereby declares that it would have passed EPFD Ordinance ~~201920208~~, and each section, subsection, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

1.7. That nothing in EPFD Ordinance ~~2018-2020~~ or in the Fire Code hereby adopted by reference shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 1.5 of EPFD Ordinance ~~201920208~~; nor shall any just or legal right or remedy of any character be lost, impaired or affected by EPFD Ordinance ~~201920208~~.

1.8. That the Ebbetts Pass Fire Protection District is hereby ordered and directed to cause EPFD Ordinance ~~2018-2020~~ to be published and or posted in accordance with Government Code 25124.

1.9. That EPFD Ordinance ~~2018-2020~~ and the rules, regulations, provisions, requirements, orders and matters established and adopted shall take place and be in full force and effect 30 days from and after the date of its final passage and adoption.

SECTION 2: FINDINGS OF FACT AND AMENDMENTS TO ADOPTED CODES

Findings of Fact and Amendments to Adopted Codes

2.1. The Board of Directors of the Ebbetts Pass Fire Protection District finds that the unique characteristics of the topography, geography, and climatic conditions within the District, combined with the intermix of residential and commercial structures within the wildlands of the District, requires modifications/amendments of the California Fire Code, California Public Resources Codes and other such administrative codes in order to better protect the health, safety, welfare, material wealth, and economic well-being of the residents and property owners within the area known as the Ebbetts Pass Fire Protection District. These modifications/amendments to State and Local Government (County) adopted standards are found reasonably necessary because of the "Findings of Fact" adopted as part of EPFD Ordinance ~~201920208~~.

2.2. Within the adoptive ordinance, specific amendments have been established which are more restrictive in nature than those adopted by the State of California commonly referred to as the California Fire Code, and the Public Resources Codes, and the Calaveras County Fire and Life Safety Code. These amendments have been recognized by the Ebbetts Pass Fire Protection District to address the fire protection problems, concerns and future direction by which the District can establish and maintain an environment which will work toward affording a level of safety to all who live, work and visit within its boundary.

2.3. Pursuant to Section 4117 of the Public Resources Code, Section 13869.7 (A) of the Fire Protection District Law and Sections 17958.5 and 17958.7 of the Health and Safety Code, the report contained herein is submitted as the "Findings of Fact" document with regard to the adopting ordinance of the Ebbetts Pass Fire Protection District.

2.4. Under the provisions of Section 17958.5 of the Health and Safety Code, local amendments of State adopted standards shall be based on CLIMATE, GEOGRAPHICAL, and TOPOGRAPHICAL conditions. The Findings of Fact contained herein shall address each of these situations and shall present the local situation which, either singularly or in combination, caused the established amendments to be adopted. Additionally, the California Department of Forestry and Fire Protection (Cal-Fire) has determined that the State Responsibility Areas (SRA) within the County of Calaveras, where in which the Ebbetts Pass Fire Protection District is located, to be a "Very High Fire Hazard Zone.

Finding of Facts – Climatic Considerations

2.5. The Ebbetts Pass Fire Protection District is located within the heart of the Stanislaus National Forest. Elevations within the District range from 2,500 to 5,500 feet. The annual rainfall averages 21 inches; very often diminished rainfall amounts create a condition of drought and extreme fire danger. Most precipitation falls between the months of November and April. Snowfall can vary from an average of one to four feet in commercial areas of the District and between two to six feet in those residential areas at the higher elevations.

During dry periods of the year between May and November, high temperatures average 90-95 degrees. Low fuel moistures, relative humidity and high burn indexes are the norm for six months or more of each year. "Red flag" conditions are common. In combination, these conditions subject the District to severe and often critical fire seasons most every year.

The temperature and terrain features also blend to create gusty, prevailing winds and wind changes to occur regularly, further adding to the dry conditions and flammability of wildland fuels. During the winter season, snowfalls create problems in regard to access, response times and premises identification, with snowfall amounts varying from year to year. The Fire District is dependent upon local snow removal contractors for keeping access roads clear. Snow removal from private driveways and roadways is the responsibility of property owners.

Findings of Fact–Geographical and Topographical Considerations

2.6. The vast majority of structures within the Ebbetts Pass Fire Protection District lie upon moderate to steep sloping terrain features amid varying types of 10-hour, 100-hour and 1,000-hour fuel types. It is most common for residential structures to be built into, and blended in, with the timber and wildland vegetation common to these elevations. The District is a true example of mixing urban development within the wildlands that has commonly become known as the urban/wildland intermix. Fuel loads average 45 to 80 tons per acre in developed residential areas and 80-125 tons per acre in adjacent areas. Geographical and terrain features are such that residential structures have been built on slopes, in chimneys, and on ridge tops. Long, narrow, steep driveways are common, limiting access to individual properties and dwellings.

Ingress and egress from residential developments all originate from State Highway 4. Many of the ingress roads are narrow and substandard, built prior to the adoption of road standards. In the majority of residential developments, most subdivision streets converge onto one main artery which in turn, intersects with the State Highway. This creates the potential for heavy traffic congestion should the need for evacuation occur. Congestion is common during peak seasons when rentals and second homes are likely to be occupied. Peak seasonal periods coincide with the fire season.

Amendments to Adopted Codes

2.7. To mitigate the potential of devastating loss of property and life which can result from the wildland/intermix fire and the effect of the above-described combination of climatic, geographical and topographical factors on the ability of fire suppression forces to manage the wildland intermix fire, the Ebbetts Pass Fire Protection District has incorporated amendments and modification of the California Fire Code, Public Resources Code and other published fire and life safety standards.

2.8. **Building Fires:** The amendments and modifications to the aforementioned are deemed reasonably necessary to support the District's efforts to keep Building fires small so they can be controlled by a limited number of resources before spreading to the wildland. It is believed that more restrictive requirements pertaining to the installation of Automatic Fire Detection systems which provide for the early detection of fires, Automatic Fire Extinguishing Systems, and Automatic Fire Sprinkler Systems that suppress fires before they become large, the use of fire resistive building materials, the provision of adequate water supplies for fire suppression, and improved access support that effort.

2.9. **Wildland Fires:** The amendments and modifications to the aforementioned codes are deemed reasonably necessary to the District's efforts to keep wildland fires originating within the District's boundaries small so they too can be controlled by a limited number of resources before becoming a conflagration. It is believed that more

restrictive requirements pertaining to clearance of defensible space around structures and the reduction of fuel loads on unimproved properties within and adjacent to, residential and commercial developments support that effort.

2.10. Finding: It is the District's finding that the modifications to the adopted standards contained herein are reasonably necessary to:

1. Provide early detection of building fires which provides increased opportunity to contain the fire to the Building and help prevent spread to the wildland; and
2. Amendments related to fuel loads on lots and around structures also help provide increased opportunities for rapid control of a wildland fire and the prevention of a conflagration as well as provide added elements of safety for fire suppression forces.

While it is clearly understood that the adoption of such regulations may not prevent the incidence of fire, the ongoing enforcement of the California Fire Code, Public Resources Codes, Calaveras County Fire and Life Safety Code, and the amendments to those Codes contained herein, may reduce the severity and potential loss of life and property within the boundaries of the Ebbetts Pass Fire Protection District

SECTION 3: DEFINITIONS

3.1. Access Ways and/or Roads: A road or means that provides fire apparatus and/or firefighting personnel access from a fire station to a Building, facility, or portion thereof. This is a general term inclusive of all other terms such as, but not necessarily limited to, fire lane, public street, private street, parking lot lane and access roadway.

3.2. Adequate Water Supply: Adequate Water Supply shall mean the available water flow (amount), supply (duration) and access (location) which the Fire Code Official or designee determines is necessary to protect any Building(s), structures, developments, or potential developments. This shall include private residential, commercial, and public Buildings on land to be developed or improved. This shall include adequate water flow and supply (duration) for potential Building/improvements on lots or parcels created for development as part of a subdivision of land.

3.3. Alternate Means of Compliance: An alternative method to meet the intent of a regulation or requirement allowed by the Fire Code Official which provides the same overall practical effect of the regulation or requirement.

3.4. Approved: Approved shall mean meeting all the requirements of the Fire Code Official as to the location, size, type of material and manner of installation.

3.5. Automatic Fire-Detection System: Approved heat or smoke detection devices, equipment and systems or combinations of systems used to detect a fire, activate an alarm, communicate the activation of a detection device to audible alarms and signal monitoring station, or any combination thereof.

3.6. Automatic Fire-Extinguishing System: An approved system of devices and equipment which automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of a fire.

3.7. Automatic Fire-Sprinkler System: An Automatic Fire Sprinkler System, for fire protection purposes, is an approved integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply. The portion above ground is a network of specially sized piping to which automatic sprinklers are connected in a systematic pattern. The system is usually activated by heat from a fire and discharges water over the fire area. The system may also include fire flow alarms which sound upon activation of a sprinkler head. The system may also include communications equipment which, upon activation of a fire flow alarm, sends a signal to a monitoring (signal) station.

The system may also include Post Indicator Valves (PIV) which can control the water which supplies various zones or areas of the extinguishing system. PIVs may also have communication devices which monitor whether the valve is opened or closed and sends a signal to a monitoring (signal) station should the valve be closed. A system may also include fire department connections for the purpose of adding additional water pressure to the system during a fire event by using fire apparatus pumps.

3.8. Board: Board shall mean the Board of Directors of the Ebbetts Pass Fire Protection District.

3.9. Building: Building shall mean any structure built upon any lot, parcel, or property within the jurisdiction of the Ebbetts Pass Fire Protection District including, but not limited to, any dwelling

classified as residential, commercial, and accessory.

3.10. Central Signal Station: An approved, certified and/or licensed location or facility staffed and equipped to monitor alarm systems and notify emergency services that a fire alarm system, Automatic Fire Protection System, Fire Sprinkler System, Automatic Fire Extinguishing System or other such fire protection devices have been activated.

3.11. Chief: Chief shall mean the Chief Officer of the Ebbetts Pass Fire Protection District having responsibility for the enforcement of this code and/or his/her authorized representative.

3.12. Commercial Building: Commercial Building shall mean any Building, dwelling, apartment, condominium, townhouse, motel, bed and breakfast or room used as a place of business, or any room, apartment, dwelling or Building rented or leased to others. Exception: Single Family Residential Dwellings having fewer than two dwelling units.

3.13. Developer: Developer shall mean any lot owner, parcel owner or other person, firm, corporation, association, partnership, trust, company, public or private, responsible for the improvement of land or project in question, be it for private or public use.

3.14. Development Project: Any project undertaken for the purpose of development, including a project involving the issuance of a permit for construction or reconstruction, but not a permit to operate.

3.15. Division of Land: A Division of Land shall mean the division, by any entity or developer, of any unit or units of improved or unimproved land or any portion thereof, shown on the most current equalized county assessment roll as a unit or contiguous units, for the purpose of sale, lease, financing, transfer, or building development, whether immediate or future. Property shall be considered as contiguous units even if separated by roads, streets, utility easements or railroad right-of-ways.

3.16. Facilities: Facilities shall mean such water mains, fire hydrants, appliances, appurtenances, Buildings, equipment, etc. thereto as are necessary for fire protection.

3.17. Fire Code Official: Fire Code Official shall mean the person(s) appointed by the Fire Chief to enforce the EPFD Fire Ordinance. The Fire Code Official may have various titles related to the specific duties to which they are assigned. The Fire Code Official is authorized by the Board of Directors of the Ebbetts Pass Fire District to enforce EPFD Ordinance ~~2018-2020~~ and issue citations and/or arrest persons for violations of EPFD Ordinance ~~20192020~~.

3.18. Fire Flow: Fire Flow shall include the amount of water in gallons per minute required for an individual structure, occupancy class or hazard, for more multiple structures, occupancies or hazards, total amount of water available in storage for fire protection of a structure, occupancy, or hazard, and/or total amount of water available in storage for fire protection of multiple structures, occupancies, or hazards. Fire flows shall be calculated above what is required/needed for domestic use.

3.19. Fire Hazard: Fire Hazard shall mean anything or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than is customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing, or extinguishing fires; or which may obstruct, delay, hinder or interfere with the operations of the fire district or the egress of occupants

or the access of emergency equipment in the event of fire.

3.20. Fire Management Plan: A plan that addresses the fire protection needs of a Development, with implementation methods necessary to achieve the standards of EPFD Ordinance ~~2018-2020~~ or having the same practical effect.

3.21. Fire Protection Water Supply Systems: Any combination of pipes, valves, appliances, devices, tanks, pumps, connections, etc. used to store or deliver water for the purpose of fire protection.

3.22. Judgment: Judgment shall mean the decision of the Fire Chief or designee based upon sound fire protection principles. Such judgment shall be conclusive unless overruled by the Board of Directors of the Ebbetts Pass Fire Protection District through a regular grievance or appeal process.

3.23. Relief: An exemption from all or part of a requirement or regulation approved by the Fire Code Official.

3.24. Subdivision: Subdivision shall mean the same as Division of Land. (3.14)

3.25. To Develop Land: To Develop Land shall mean any division or subdivision of land, change in zoning, improvement of land or change in permitted use of land.

3.26. To Improve Land: To Improve Land shall mean to make any improvements or do any work upon such land which would legally require the issuance of a building permit, whether actually issued or not, under the California Building Code or any other County or District Ordinance. It shall also be held to mean that to Divide Land is to Improve Land. This shall include properties zoned residential as well as commercial.

SECTION 4: SUBMISSION OF PLANS FOR REVIEW and FIRE MANAGEMENT PLANS

Submission of Plans for Review

4.1 Affected activities requiring the submittal of plans for review by the District's Fire Code Official include but are not limited to:

1. Permitting or approval of new parcels, including subdivisions and/or divisions of land but excluding lot line adjustments.
2. Application for a building permit for new, or additions to, any Building. Exception: R-3 Single Family Residential having less than two dwelling units.
3. Application for use permit, change of zoning or change of occupancy classification

4.2. Permission for occupancy of any Building, or permission to proceed with the development of any property created as a result of a subdivision and/or division of land shall not be granted until such Building or Development Project has met the conditions of the District's Fire Code Official.

Fire Management Plans

4.3. As a conditional requirement for approval of any subdivision of land, commercial development projects, and/or commercial Building project, the Calaveras County Fire Ordinance and/or the District's Fire Code Official may require a Fire Management Plan.

4.4. In order to meet the requirements of EPFD Ordinance ~~2018-2020~~ and the intent of its amendments made to other adopted ordinances or standards, the District may require provisions more stringent than those provisions and requirements of a Fire Management Plan required by the Calaveras County Fire Ordinance.

4.5. The Fire Management Plan shall be approved prior to the issuance of any building permit and shall address all aspects of fire protection requirements and mitigation measures.

4.6. A Fire Management Plan may, but is not necessarily limited to, address the following:

1. Impact on the existing fire service delivery system's (agency's) ability to provide and/or maintain a level of service reasonably equal to services being currently provided.
2. Availability of fire protection water, required fire flows and storage.
3. Problems associated with ingress/egress, circulation and the response times of emergency equipment.
4. Fire Hazards existing within the proposed project area or immediately adjacent to the area including vegetation and combustible fuels.
5. Requirements of EPFD Ordinance ~~2018-2020~~ which cannot be met due to project design or other constraints.
6. Fire protection measures which are consistent with provisions of EPFD Ordinance ~~2018-2020~~ and/or other recognized fire protection standards.

SECTION 5: STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS and LIQUEFIED PETROLEUM GAS

Storage of Flammable or Combustible Liquids

5.1. The storage of Class 1, II and III liquids in above-ground tanks must be approved by the District's Fire Code Official.

Storage of Liquefied Petroleum Gas

5.2. The installation of storage containers for liquefied petroleum gas shall be restricted as follows:

1. The installation of storage tanks in excess of 500 gallons either singly or in multiple of tanks with an aggregate capacity in excess of 500 gallons shall require approval of the Fire Code Official.
2. Any tanks or aggregates of tanks in excess of 500 gallons shall be enclosed by a fence at least 6 feet in height and located a minimum of 3 feet from the tank(s). The fence shall have a gate on the side which faces the access route to the tank and shall be kept locked when unattended.
3. All metering devices and shutoff valves to individual apartments, suites, dwellings, etc., that are serviced by one tank shall be marked in a manner that corresponds to the address, apartment or suite number that is served by that metering device and shutoff valve.
4. Additional fire protection requirements may be established as a condition of approval in consideration of special features such as topographical conditions, nature of the occupancy, response distances, proximity to Buildings and the degree of life safety protection deemed needed.

These additional fire protection requirements include, but are not limited to, fire appliances, hydrants, Automatic Fire Detection, Automatic Fire Sprinkler System, and Automatic Fire Extinguishing System.

SECTION 6: FIREWORKS

6.1. The provisions of this section are not to be construed as all inclusive. References shall be made to the most recent standards, suggestions and procedures recommended by the California State Fire Marshal's Office in regard to the regulation of fireworks.

6.2. All definitions of fireworks, dangerous fireworks, and safe and sane (private use) fireworks shall have respective meanings ascribed to them in the California Health and Safety Code, or their most recent amendments or changes.

6.3. It shall be unlawful for any person to possess, store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks, dangerous fireworks or safe and sane (private use) fireworks within the jurisdiction of the EBBETTS PASS FIRE PROTECTION DISTRICT.

6.4. Public displays of safe and sane (private use) fireworks shall be allowed on a limited permit basis only.

SECTION 7: AUTOMATIC FIRE DETECTION AND AUTOMATIC FIRE SPRINKLER SYSTEMS

Automatic Fire Detection Systems:

7.1. Any Building constructed within the Ebbetts Pass Fire Protection District shall have an approved Automatic Fire Detection System. ~~Exception: Unless otherwise required by the CFC, Single Family Residential having less than two dwelling units.~~

7.2. As part of any renovation and or addition to any Building in which the total value of renovations and/or repairs or additions exceeds 50% of the assessed value ~~(cumulative renovation value within a 36 month period)~~ of the Building prior to renovation and/or repair, or additions to, an approved Automatic Fire Detection System shall be installed throughout. ~~Assessed value is the Calaveras County Assessors Office value at time of project permit issuance by the building department. Exception: Unless otherwise required by the CFC, Single Family Residential having less than two dwelling units.~~

7.3. Any Automatic Fire Detection System installed within the Ebbetts Pass Fire Protection District shall be installed and certified by a licensed installer/contractor.

7.4. All Automatic Fire Detection System shall be monitored by a certified "Central Signal Station".

7.5. The Fire Code Official may require additional components such as bells, pull stations, detectors, outside indicating lights and other devices.

7.6. The Fire Code Official requires that alarm systems and Central Signal Stations be inspected and maintained in accordance with CFC and National Fire Protection Association (NFPA) standards and that inspections and maintenance be performed by a licensed alarm system installer/contractor.

7.7. With the exception of dwelling units and where it may be otherwise required by the CFC, the installation of an Automatic Fire Detection System may be waived by the Fire Code Official in structures with Automatic Fire Sprinkler Systems installed throughout.

Automatic Fire Sprinkler Systems:

7.8. An approved Automatic Fire Sprinkler Systems shall be installed and maintained as set forth below: Unless otherwise required by the CFC, any commercial/industrial Building having a total floor area which exceeds 3,600 square feet, or is otherwise required to do so by the CFC, shall have an Automatic Fire Sprinkler Systems installed throughout.

In lieu of an Automatic Fire Sprinkler Systems, commercial structures having a total floor area in excess of 3,600 square feet but less than 5,000 square feet may be divided into areas less than 3,600 square feet if separated by a two-hour fire/area separation.

All Indoor Cannabis or Cannabis Derivative cultivation facilities shall have an approved Automatic Fire Sprinkler Systems (adequate fire system flow and water source) installed throughout. * Cannabis processing is prohibited in any form.

Existing: Additions or alterations to existing Buildings having a total floor area in excess of 3,600 square feet in which the total value of renovations/repairs or additions exceeds 50% of the assessed value ~~(cumulative renovation value within a 36 month period)~~ of the Building prior to renovation/repair or additions, shall have an approved Automatic Fire Sprinkler

Systems installed throughout.

In lieu of an Automatic Fire Sprinkler Systems, additions to existing Buildings which increase the total floor area above 3,600 square feet but less than 5,000 square feet may be divided into areas less than 3,600 square feet by two-hour fire/area separations.

System Requirements

7.9. Anyone who installs an automatic fire detection or Automatic Fire Sprinkler Systems shall be a licensed and/or certified installer of automatic fire detection and/or fire extinguishing systems and such installers shall be able to provide by contract, services for the maintenance and testing of such systems.

7.10. Maintenance and testing of automatic fire detection and fire extinguishing systems shall be the responsibility of the building owner and certification of testing shall be provided by the owner upon request of the Fire Code Official.

SECTION 8: FIRE EQUIPMENT ACCESS, ROADS AND DRIVEWAYS, and PREMISES IDENTIFICATION

8.1. It shall be the responsibility of property owners and/or property developers to make such provisions that may be deemed necessary by the Fire Code Official in regard to roadways, streets, driveways and Access Ways that will provide a reasonable means of safe, timely egress for evacuation of residents and safe access for fire suppression equipment and personnel utilizing that equipment. These provisions may include, but are not necessary limited to additional ingress/egress routes or changes in road design.

Fire Lanes and Emergency Equipment Access

8.2. The Fire Code Official is given the authority to require areas, roads, driveways, to be cleared of obstructions and maintained as "FIRE LANES" or for emergency access. Such access may be required at any location where it is determined that without such emergency access for firefighting equipment, the entry by and use of fire apparatus and/or other emergency equipment would be obstructed or otherwise rendered unduly difficult.

8.3 As part of any development or Building project, the Fire Code Official is given authority to require provision for access and maneuvering of fire apparatus. Such provisions may include, but is not necessarily limited to, the provision of designated fire lanes, no parking areas, minimum turning radius and width of access ways, and emergency access roads.

Roads and Driveways

8.4. Roadway and Driveway standards to be in conformance with, and enforced by, Calaveras County through application of standards outlined in Section 8.10.340 of the CALAVERAS COUNTY FIRE AND LIFE SAFETY REGULATIONS.

Premises Identification and Signing

8.5. Premises identification and signing shall be in conformance with standards outlined in Section 8.10.340 of the CALAVERAS COUNTY FIRE AND LIFE SAFETY REGULATIONS and the regulations specified below.

8.6. Structures not readily visible from the roadway shall have premises identification numbers posted at the driveway/access entrance visible from both directions of roadway travel.

8.7. Numbers posted at driveway or other access entrances shall be posted at such a height above the ground to remain clear of snow.

8.8. Cannabis cultivation area registration will be clearly visible within ten feet of the property ingress. It shall be posted between four and six feet above the ground on a durable, rigid, and rectangular signboard of no less than eighteen inches per side with four-inch font containing reflective material sufficient to allow an enforcement official to readily locate it with a flashlight after dark.

SECTION 9: FIRE HAZARD ABATEMENT, FUEL MODIFICATION and DEFENSIBLE SPACE

Purpose, Scope and Intent – Fire Hazard Abatement – Fuel Modification

9.1. Fire hazard abatement regulations pertaining to fuel modification are based upon the premise that:

1. People inhabiting structures and their associated activities in around their homes are the primary source of potential ignition of a fire within the inhabited subdivisions of the District and
2. That fuel loading on improved or unimproved lots and/or parcels of land within, or adjacent to, inhabited areas can significantly contribute to the intensity and spread of a wildfire making it more difficult to control.

In an effort to reduce the chance of a structure (Building) fire spreading to the wildland and growing into a conflagration and in support of efforts to control a wildfire once an ignition occurs, it has been determined that modification and reduction of flammable vegetation within hillside developments and the provision of defensible space around structures is critical.

It has also been determined that modification and reduction of vegetation along roadways, driveways and on unimproved properties adjacent to structures reduce radiant heat and fire intensity, providing an increased margin of safety for fire suppression personnel, provides a point of attack and place of defense for the protection of structures and increased safety for evacuating civilians during a wildland fire.

FUEL MODIFICATION REGULATIONS

9.2. Regulations pertaining to fire safe clearance on properties within the District originate from two different ordinances which are enforced by two different agencies.

Improved Properties – Public Resources Code 4291

9.3. The California Public Resources Code 4291, enforced by the California Department of Forestry and Fire Protection (Cal Fire), requires homeowners to provide vegetation clearance and fuel reduction around homes and Buildings. These regulations require:

1. A “Defensible Space Zone” 30 feet around the structure and
2. A “Reduced Clearance Zone” between 30 feet and 100 feet (or to the property line) of additional clearance.

Unimproved Properties – Ebbetts Pass Fire District Ordinance ~~2018-2019~~ 2020

9.4. It is the purpose and intent of the regulations and requirements specified below to be used in support of PRC 4290 and 4291 and the Districts overall efforts to mitigate to some degree the potential for conflagration resulting from a wildland/intermix fire. This is accomplished by:

1. Extending the “Reduced Fuel Zone” concept found in PRC 4291 to the entire unimproved lot or parcel privately owned unimproved lots or parcels within and/or adjacent to subdivisions or developments and
2. By extending the “Reduced Fuel Zone” concept in support of PRC 4290, to the perimeters and Access Ways to all residential, commercial, and industrial Buildings.

The modification and reduction of fuels on unimproved lots or parcels located adjacent to lots or parcels with structures will help keep a wildfire from intensifying as it moves by reducing heat intensity, reducing flame lengths and help keep flames from spreading from the ground to the trees.

In combination, PRC 4291 and PRC 4290 regulations enforced by Cal Fire and the requirements of Ordinance ~~2018-2020~~ work together to provide a greater margin of safety for the evacuation of civilians and enhance the effectiveness of firefighting efforts to protect homes and property should a wildfire occur.

Scope of Enforcement Efforts – EPFD Ordinance 2018

9.5. It is the intent of EPFD Ordinance ~~2018-2020~~ that, over time, ~~most dangerous~~ unimproved lots or parcels will be addressed providing equal benefit to all similarly situated lot or parcel owners. It is also recognized, however, that because of the vast number of unimproved lots and parcels and the vast amount of combustible vegetation that would be required to be removed within the District, it is neither practical nor reasonable to expect that all ~~dangerous~~ unimproved lots or parcels be identified and addressed within any one calendar year or inspection/cleanup cycle.

Therefore, the provisions and requirements contained within this section shall be enforced on a priority basis. The focus of, and number of, inspections and requests for compliance shall be established by the Fire Code Official based upon the degree allowable by available funding and staffing.

Unimproved Properties – Reduced Clearance Zone Standards

9.6. Regulations pertaining to fuel modification and fuel reduction on unimproved lots and parcels shall be in accordance with standards contained within a separate ~~STANDARDS AND DETAIL~~ document entitled: Ebbetts Pass Fire District Clearance Requirements for Unimproved Lots and Parcels. (See Appendix B)

Waste Material

9.7. Disposal of waste material caused by site development, construction, fuel modification or reduction shall be in accordance with ~~8.10.24~~ of the CALAVERAS COUNTY REGULATIONS ~~Calaveras County Fire Ordinance~~.

SECTION 10: FIRE PROTECTION WATER SUPPLY SYSTEMS

Existing Buildings

10.1. Section 4601 of the CFC allows Fire Code Officials to require modifications to certain existing Buildings that do not comply with the minimum requirements of the CFC and EPFD Ordinance ~~2019~~2020~~8~~. The intent of this section is to provide a minimum degree of fire and life safety to persons occupying existing Buildings.

10.2. EPFD Ordinance ~~2018~~-2020 amends CFC Section 4601 to include Buildings which may not be in compliance with current requirements relating to water supplies for fire protection.

10.3. When an existing Building is to be renovated and/or modified and is found to be in excess of a reasonable working distance from an adequate water supply as defined within Appendix C of the CFC, the Fire Code official may require the owner to install an approved Automatic Fire Detection System or Automatic Fire Sprinkler System and/or Fire Protection Water System and/or provide a water supply capable of supplying the required fire flow within a reasonable working distance.

Where Required-Existing Parcels Within Existing Residential Subdivisions

10.4. At such time as any part of an existing Fire Protection Water Supply System is modified or improved including water mains, fire hydrants, storage capacity, valves, appliances, pressures, etc. the modifications, additions, improvements, etc. shall be reviewed and approved by the Fire Code Official.

In such cases where an existing Fire Protection Water Supply System is being improved in phases or parts, the Fire Code Official may allow reasonable exceptions to the requirements of EPFD Ordinance ~~1011, 2019~~2020, the CFC, and Section 8.10.520 of the Calaveras County Fire and Life Safety Code in order to accommodate existing geographical and topographical conditions that would otherwise impose unreasonable or prohibitive financial costs.

Where Required-New Residential Subdivisions

10.5. Any developer, divider or sub divider of land, who in so doing creates new parcels or lots that allows or creates a potential to increase Building density within the boundaries of the original parcel of land to exceed one house/Building per five acres of land, shall provide a Fire Protection Water Supply System which meets the standards of EPFD Ordinance 2018.

10.6. All facilities, which are part of any Fire Protection Water Supply System or other such fire protection/extinguishing devices or systems required to be installed by EPFD Ordinance ~~2019~~2020~~8~~, shall meet the specifications and standards designated by the Fire Code Official.

10.7. All facilities or other such fire protection/extinguishing devices or systems required to be installed by EPFD Ordinance ~~2018~~-2020 which are component parts tying the system into, or will receive water from, the Calaveras County Water District shall meet the standards and specifications designated by that agency.

Plan Review and Inspection

10.8. The Calaveras County Water District and/or the developer of any land and/or the builder of any Building that initiates construction of, or improvement to, any portion of a Fire Protection Water Supply System shall submit plans to the Fire Code Official for approval.

10.9. The Fire Code Official or designee shall approve the location for installation of any fire hydrant or other such water supply appliance or source.

Standards and Specifications

10.10. Fire hydrants serving residential structures/developments shall be spaced every 500 feet, as measured along the street, roadway, or approved means of access. The Fire Code Official may increase/decrease distance requirements in order to place hydrants in a more functional location.

10.11. Fire hydrants serving commercial/industrial developments and/or Buildings shall be spaced every 250 feet. The Fire Code Official may increase/decrease distance requirements in order to place hydrants in a more functional location.

10.12. Additional fire hydrants may be required to meet the criteria of having an adequate source of water within a "reasonable working distance" from facilities/Buildings.

10.13. No fire hydrant shall be served by a main of less than six inches and each main shall be part of a looped system where practical. The Fire Code Official may require 8" mains to enhance fire flows or provide for future expansion of the system.

10.14. Minor distribution lines supplying residential areas shall be no less than six inches in diameter and, when practical, arranged so they form a gridiron in all areas of the distribution system. The Fire Code Official may require 8" mains to enhance fire flows or provide for future expansion of the system.

10.15. Eight-inch or larger distribution mains shall be used in commercial/industrial areas for all long runs of pipe, for dead ends, or where the topography of the land or layout of the streets is not well adapted to looping, forming a gridiron, or where future expansion of the system has the potential to occur.

Types of Hydrants

10.16. Hydrants shall be "DRY BARREL", breakaway type with full 5-1/4" valve opening. Inlet construction shall be hub or flanged 6-inch inside diameter pipe and the direction of opening shall be counter clockwise.

10.17. The hose connections for each hydrant shall be National Standard Fire Hose Threads, and each hydrant shall have two (2) 2-1/2" outlets and one (1) 4-1/2" steamer outlet.

Hydrant On/Off Valve and Discharge Risers (Extensions)

10.18. The Fire Code Official may require the provision of hydrant on/off valve and discharge risers to allow hydrants to be used when buried in snow. Any such device, including the height of risers, fire department connections, etc. must have the approval of the Fire Code Official before installation.

Snow Markers

10.19. Snow markers (stakes) shall be provided as part of the installation of each hydrant.

10.20. Snow markers, unless otherwise specified, shall be constructed of 2" X 2" X 1/8" angle iron of sufficient length to project 8 feet above the ground, shall be cemented into the thrust block, and shall be at least 18 inches from the hydrant.

10.21. Snow markers shall be painted with yellow enamel paint to match the color of the hydrant.

10.22. Snow markers shall have the topmost 12" painted red, orange, green or blue, whichever color corresponds with the hydrant's tested/calculated fire flow.

10.23. Snow markers shall have a 4" reflective stripe or tape 13" below the top of the stake.

Color Coding

10.24. Each fire hydrant shall be given three (3) coats of metal paint, color yellow, in compliance with Federal Color Specifications TT-C-595, Color No. 1305.

10.25. The fire hydrant's top and the three outlet caps shall be color coded to correspond with the calculated/tested GPM flow from that hydrant. Color coding of hydrants shall be as follows:

1. 1500 GPM or greater shall be **BLUE**.
2. 1000-1500 GPM shall be **GREEN**.
3. 500-1000 GPM shall be **ORANGE**.
4. Less than 500 GPM shall be **RED**.

Hydrant Installation/Protection

10.26. Unless otherwise approved by the Fire Code Official, no hydrant shall be installed in excess of 10 feet from the roadway edge.

10.27. Unless otherwise approved by the Fire Code Official, no hydrant shall be installed with the bottom edge of any outlet closer than 15 inches from the surrounding ground level and the outlets shall be positioned for best access by fire apparatus utilizing the roadway.

10.28. The Fire Code Official may require the installation of retaining walls, barriers, additional excavating or other such means as a way to protect a hydrant from becoming buried by soil erosion and/or conditions which may cause a hydrant to become inaccessible over time. Any such installation shall be engineered and meet the approval of the Fire Code Official and the Calaveras County Department of Public Works.

Valves and Connections

10.29. All hydrant laterals shall have a shutoff valve between the main and the hydrant.

10.30. In residential districts, valves shall be placed in the main distribution lines so as to not have more than two fire hydrants between valves or to exceed a linear distance of 800 feet between valves.

10.31. In commercial/residential districts, valves shall be placed in the main distribution lines so as to have not more than two fire hydrants between valves not to exceed a linear distance of 500 feet between valves.

10.32. The connection to the street main shall not be less than 6" inside diameter for hydrants that serve residential districts.

10.33. The connection to the street main shall not be less than 8" inside diameter for hydrants that serve commercial/industrial districts.

SECTION 11: INSPECTIONS, APPROVALS, CERTIFICATION FOR OCCUPANCY

11.1. No final inspection as required by EPFD Ordinance ~~2018-2020~~as to all or any portion of the Building and/or Development Project, Access Ways, installation of Automatic Fire Detection Systems, Automatic Fire Sprinkler Systems, Automatic Fire Extinguishing Systems, and/or Fire Protection Water Supply Systems shall be deemed completed until the installation of the required Automatic Fire Detection Systems, Automatic Fire Sprinkler Systems, Automatic Fire Extinguishing Systems, and/or Fire Protection Water Supply System, or Access Way and/or Road for that Building and/or Development Project has been inspected and approved by the Fire Code Official.

11.2. Final inspection of the requirements specified within EPFD Ordinance ~~2018-2020~~ for any development/Building project shall be conducted solely to implement the enforcement of such provisions of EPFD Ordinance ~~2018-2020~~ and shall in no manner be deemed assurance on the part of any agency that said requirements are or will continue to remain in good working order.

SECTION 12: RELIEF, ALTERNATE MEANS OF COMPLIANCE, and APPEALS

12.1. With approval of the Fire Chief, the Fire Code Official shall have the authority to allow Relief from compliance with a section or sections of EPFD Ordinance ~~2018-2020~~ or an Alternate Means of Compliance to sections of the CFC and the amendments herein. Granting Relief and/or allowing an Alternate Means of Compliance shall be allowed only when based upon special circumstances and/or findings as described below.

The granting of Relief shall be based upon the following:

1. A finding that the Building and or Development Project cannot comply to the requirements because of special circumstances applicable to the property or Building such as when the physical characteristics of the property or engineering issues related to the design and construction of a Building.
2. A finding that an Alternate Means of Compliance cannot be provided.
3. A finding that providing Relief does not jeopardize life safety.
4. Financial hardship, community benefit, or the worthiness of a project are not considerations in determining whether to grant relief.

Allowing an Alternate Means of Compliance:

1. An Alternative Means of Compliance may be allowed only when based upon a finding that the purpose and intent of the requirement from which the Alternate Means of Compliance is granted will be substantially achieved by an alternative means or method.

12.2. Nothing in the sections above shall be interpreted or implied that an owner and or Developer has the right to Relief and/or the allowance of an Alternate Means of Compliance.

12.3. The Fire Chief, Fire Code Official, or his/her designee may impose conditions or improvements not specifically delineated within EPFD Ordinance ~~2018-2020~~ that it finds necessary to implement the intent and purpose of EPFD Ordinance ~~2019-2020~~.

Appeals

The Board of Directors of the Ebbetts Pass Fire District shall act as the final appellate body in matters regarding the implementation of requirements outlined in EPFD Ordinance ~~2019-2020~~.

12.4. Any decision or requirement placed or made by the Fire Chief, Fire Code Official or his/her designee may be appealed in writing to the Ebbetts Pass Fire District Board of Directors within 15 days of the applicant's receipt of notice of the requirements. The written appeal shall state the requirements being appealed and the basis for which the appeal is being submitted. The written appeal may request deletion of a requirement, reduction in requirements, or a request for consideration of Relief or Alternate Means of Compliance.

12.5. The Appeal shall be agendized for hearing at a regular monthly Board meeting within 60 days following the date the appeal request was received. The appeal hearing may be postponed and rescheduled for a future Board meeting at the request of the applicant.

12.6. The applicant shall be notified as to the date and time of the regular Board meeting at which his/her request shall be considered.

12.7. The Board shall hear testimony by any and all parties involved and then make a determination to sustain, modify, overrule any condition or requirement, address any oversight, provide Relief, allow an Alternate Means of Compliance or any combination thereof.

12.8. The Board may postpone the final decision to gather more facts and/or hear additional testimony.

12.9. If new facts are presented during the appeal process, the matter shall be referred back to the Fire Chief and/or Fire Code Official for review, reconsideration and recommendations.

12.10. All actions taken by the Board regarding the granting or denial of the final appeal shall be documented as part of the minutes of the meeting during which the appeal was heard. Within ten days of a final decision being made, Board action shall be reported in writing to the applicant and any other affected person.

12.11. Any action taken by a Board, by the Fire Code Official or by the Fire Chief pursuant to EPFD Ordinance ~~2018-2020~~ regarding appeals, Relief or Alternate Means of Compliance shall not necessarily be deemed as a precedent for the granting of appeals, Relief or Alternate Means of Compliance subsequent to that action.

12.12. The Fire Chief and/or Fire Code Official maintain the authority to impose temporary requirements, impose restrictions and/or take necessary actions to ensure the safety of the public during the appeals process.

12.13. The filing of an appeal regarding any of the requirements of EPFD Ordinance ~~2018-2020~~ shall not stay (postpone):

1. Proceedings for criminal prosecution for violations of EPFD Ordinance ~~2019-2020~~.
2. An order for correction of a matter which, in the judgment of the Fire Code Official poses a serious and immediate threat to life or property.

SECTION 13: PENALTIES

Fines Enforcement and Penalties

13.1. Any person who violates any of the provisions of EPFD Ordinance ~~2018~~ 2020 shall be guilty of an infraction ~~and it shall be punishable by a fine, not exceeding one thousand dollars for the first infraction and fine not exceeding fifteen hundred dollars for a second violation within a year.~~

~~13.2. The third and each successive violation of EPFD Ordinance 2018 2019 in the period of one year shall constitute a misdemeanor and shall be punishable by a minimum of one thousand dollars, or cost of work plus administrative costs, or by imprisonment not to exceed six months, or by combination of such fine and imprisonment.~~ **13.2.** Fines imposed under this chapter shall be as set forth in Government Code Section 25132(c) and any amendments thereto.

13.3. Each and every day of which any violation of EPFD Ordinance ~~2018~~ 2020 is committed, continued or permitted by any person shall constitute a separate violation hereof.

13.4. Pursuant to Penal Code Section 836.5 ~~Government Code 25132~~, the Board of Directors of the Ebbetts Pass Fire District authorizes the following officer positions and employees to enforce EPFD Ordinance ~~2018~~ 2020 as provided under Penal Code Section 836.5 ~~Government Code 25132~~.

- Full-time paid Chief Officers (Fire Chief, Assistant Chief(s), Battalion Chiefs)
- Full-time paid Fire Captains or Acting Captains
- Fire Code Official whose primary duty is the enforcement of requirements related to fire prevention contained in EPFD Ordinance ~~2018~~ 2020.

13.5. Proceedings against persons for violations of EPFD Ordinance ~~2018~~ 2020 shall not serve as a bar to civil enforcement proceedings.

~~13.6. It is unlawful~~ **13.6.** Any person who shall build a Building or improve land in violation of any conditional requirement imposed by the Fire Code Official, or who fails to submit plans for review as required by Section 5 of EPFD Ordinance 2018, or who fails to meet conditions and/or requirements agreed upon by the builder/developer and the Fire Code Official and by which a certificate or approval of occupancy was conditionally granted, shall be guilty of an infraction.

~~13.7. It is unlawful for a~~ **13.7.** Any person who to violates or omits any of the requirements under which a permit, certificate or approval for occupancy was granted, shall be guilty of an infraction.

~~13.8. It is unlawful for~~ **13.8.** Any person to who fails to comply with any order as affirmed or modified by the Board of Directors, Fire Code Official, or and the District Chief or by a court of competent jurisdiction within the time frame indicated upon notice and/or fixed herein, shall be guilty of a misdemeanor n infraction.

13.9. The application and payment of fines and/or imprisonment shall not be held to prevent compliance with required corrections and or provision of requirements that initiated action against the developer/builder/owner.

Date of Effect

EPFD Ordinance ~~2019~~20208, having gone through the process of ordinance adoption as required by law, shall take effect and be in force thirty (30) days after duly being passed and adopted by the Board of Directors of the EBBETTS PASS FIRE PROTECTION DISTRICT and Calaveras County Board of Supervisors.

THE FOREGOING ORDINANCE WAS DULY PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE EBBETTS PASS FIRE PROTECTION DISTRICT ON:

THE ____ DAY OF _____, BY THE FOLLOWING VOTE:

- AYES:
- NOES:
- ABSENT:

President, Board of Directors

BOARD OF SUPERVISORS RATIFICATION

THE FOREGOING ORDINANCE WAS DULY PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF CALAVERAS COUNTY ON THE ____ DAY OF _____, _____ BY THE FOLLOWING VOTE:

- AYES:
- NOES:
- ABSENT:

Chairperson, Board of Supervisors

APPENDIX A - SUMMARY EXPLANATION OF AMENDMENTS

CFC= California Fire Code CCC=Calaveras County Fire and Life Safety Ordinance

PRC= Public Resources Code

CODE	Code Section	Title/Subject	EPFD Ordinance Section	Intent and Summary Requirements of Amendment
CFC	104.2	Applications/Permits	4.1	To define which Building and development activities require submission of plans for District review.
CCC	8.10.320	Fire Management Plans	4.2	To allow the District to impose more stringent mitigations if found necessary.
CFC	3404.1	Flammable Liquid Storage	5.1	Requires District approval for the installation of any aboveground tank for the storage of Class I, II and III flammable liquids
CFC	3804.2	Installation of LPG Tanks	5.2A	Requires District approval for the installation of LPG tanks in excess of 500 gallons.
CFC	3807	LPG Safety Devices	5.2.B-D	Requires the addition of additional fire protection/safety measures for the protection of larger propane tanks
CFC	3308	Fireworks	6	Bans the sale and use of all fireworks within District boundaries
CFC	907.2	Fire Alarm Systems-Automatic Fire Detection Systems-New Buildings	7.1 and 7.5	Requires the installation of a monitored fire detection system in newly constructed commercial/industrial Buildings
CFC	907.3	Fire Alarm Systems-Automatic Fire Detection Systems-Existing Buildings	7.2 and 7.5	Requires the installation of a monitored fire detection system in existing commercial/industrial Buildings that are renovated
CFC	907.7.5	Automatic Fire Detection and Automatic Fire Sprinkler Systems-Monitoring	7.4	Requires the monitoring of all fire detection systems.
CFC	903.2	Automatic Fire Sprinkler Systems-New Buildings	7.8	Requires the installation of a fire extinguishing system in any new commercial or industrial Building in excess of 3600 square feet
CFC	903.6	Automatic Fire Sprinkler Systems-Existing Buildings	7.8	Requires the installation of a fire extinguishing system in any commercial or industrial Building in excess of 3600 square feet which is renovated
CFC	903.3	Automatic Fire Sprinkler Systems-Installation	7.9	Requires installers of fire alarm and fire extinguishing systems be licensed/certified.
CFC	904.4	Automatic Fire Sprinkler Systems-Inspection/Testing	7.9/7.10	Places responsibility for the testing and maintenance of fire alarm/extinguishing systems with the owner.

CODE	Code Section	Title/Subject	EPFD Ordinance Section	Intent of Amendment
CCC	8.10.340	Roads and Driveways	8.2	Gives authority to the District's Fire Code Official to require that fire access roads, driveways and areas be cleared of obstructions.
CFC	Appendix D	Fire Apparatus Access Roads	8.2	Gives authority to the District's Fire Code to require

				the provision of fire lanes, no parking areas, etc., found necessary but not otherwise required by the CFC or CCC.
CCC	8.10.200	Premises Identification	8.5 - 8.7	Gives authority to the District's Fire Code Official to modify the requirements contained within the CCC to accommodate local climactic and topographical conditions.
PRC	4291 (a) and 4290	Defensible Space	9.4	Extends the defensible space requirements contained in the reduced clearance zone to unimproved lots/parcels.
CFC	4601	Existing Buildings – Adequate Water Supplies	10.3	Gives authority to the District's Fire Code Official to require the installation of an adequate water supply when an existing Building is renovated.
CCC	8.10.520	Water Supply Systems	10.4 - 10.5	Requires that the District's Fire Code Official approve any modifications, additions, and improvements to existing water systems including the installation of additional hydrants. Allows the District's Fire Code Official to allow reasonable exceptions to required hydrant spacing and fire flow requirements to accommodate a phased improvement program of an existing water system. Requires the installation of a water distribution system for fire protection within any new subdivision.
CFC	Appendix C C105	Distribution of Fire Hydrants	10.10 - 10.12	Gives authority to the District's Fire Code Official to increase/decrease hydrant spacing in order to put hydrants in a more functional location.
CFC	507.5.4/507.5.5/507.5.6	Hydrant Protection, Marking and Access	10.19 - 10.28	Gives authority to the District's Fire Code Official to require additional means for protecting and marking hydrants and to require discharge risers.

APPENDIX B

Ebbetts Pass Fire District

Ebbetts Pass Fire District Clearance Requirements For Unimproved Lots and Parcels



Regulations pertaining to fire safe clearance on properties within the boundaries of the Ebbetts Pass Fire District originate from two different ordinances which are enforced by two different agencies.

Regulations Pertaining to Improved Properties

In January 2005, new regulations under Cal Fire's Public Resources Code 4291 became effective. These regulations require that homeowners provide additional clearance around buildings and structures built within the wildland/intermix areas of the state. This law requires homeowners provide a 30-foot Defensible Space Zone with an additional 70-foot Reduced Fuel Zone around structures. Cal Fire has primary responsibility for inspection and enforcement of fire hazard reduction regulations around homes and buildings. See Cal Fire's form for detailed information.

Regulations Pertaining to Unimproved Properties

In order to help enhance the effectiveness of PRC 4291 requirements and add to the safety of our homes, families, communities and the safety of Firefighters trying to protect homes and property from wildfires, **Ebbetts Pass Fire District Ordinance 201920208, Section 9 extends the Reduced Fuel Zone concept to the unimproved (vacant) subdivision parcels or lots.**

The purpose of extending the Reduced Fuel Zone concept to unimproved lots and parcels is based on the premise that modifying the fuel load on a vacant lot or parcel will help keep a wildfire from intensifying as it moves. This modification on a vacant lot or parcel reduces heat intensity, reduces flame length and helps keep flames from spreading from the ground to the tree tops.

Ebbetts Pass Fire District Ordinance ~~2018-2020~~ Section 9 covers:

- Unimproved lots or parcels within established subdivisions.
- An unimproved lot or parcel that is outside the boundaries of a subdivision but adjacent to improved parcels within the subdivision.
- Modification requirements for unimproved parcels or lots are the same as Cal-Fire's PRC 4291 requirements for the Reduced Fuel Zone.

The following criteria/explanation has been established so the property owner and the hired worker will know what is required to bring an unimproved lot or parcel into compliance with Ebbetts Pass Fire District Ordinance 201920208, Section 9.

The primary goal of our fuel reduction program is to keep fire from going from the GROUND to the CROWN of trees. Information below will help you achieve that goal.

1. Cut down and remove dead trees. Remove limbs on cut and already downed trees and dispose of both properly. If there are standing dead trees, they must be cut down. Newly cut trees and those which have fallen must be cut up and stacked or removed from the lot entirely. Do not stack next to or under live trees. Branches from these trees may NOT be left on the ground – they must be removed from the lot. Dead trees are both a fire and safety hazard. Contact your local forester for details about bug infested trees.

2. Remove dead branches and trees which are leaning into or against larger trees.

If dead branches or dead trees are leaning into or against live trees, they must be removed. Any trees, live or dead, that have fallen into other trees, (ex: "leaners") must be dropped to the ground, cut up and stacked or removed from the lot. Dead branches and trees ignite quickly. If the "fire ladder" has not been eliminated, a fire within those trees will quickly "climb" the ladder of limbs and begin spreading faster, gaining heat and momentum with every tree consumed.

3. Remove and dispose of all dead tree limbs within 15 feet of the ground. Remove live branches to 6 feet (if tree height is 6 feet or less, remove 1/3 of the branches p live or dead). You may be required to limb higher depending on slope of land.

The primary goal of our fuel reduction program is to keep fire from going from the GROUND to the CROWN (top) of trees. Remove ALL dead tree limbs that are within 15 feet of the ground. Live branches must be removed to give 6 feet of clearance from the ground. This means that if ANY PORTION of the dead limb HANGS within six feet of the ground, the limb MUST be removed. If there is a slope to the property, you may be requested to limb higher, so there are six feet of clearance between the ground and the first set of branches. If you are six feet tall and can walk under the tree without bending, you have limbed high enough. If a tree is six feet or less, remove 1/3 of the branches. Properly dispose of limbs by hauling, chipping or by burning following legally established burning restrictions. A FIRE LADDER is the means by which a fire travels from the ground via flammable material, into a tree. Fire traveling to the top of a tree is called "crowning". Remove ladder fuels such as live tree limbs, to a height of at least six feet. A SIX FOOT TALL PERSON SHOULD BE ABLE TO WALK FREELY UNDER YOUR TREES. If the limbs are dead, remove to 15 feet.

4. Remove dead branches on ground.

During most winters, dead branches are blown from trees. These must be removed from the ground so that they do not help fuel a fire and for the safety of the firefighter.

5. Remove all dead brush and brush growing under trees and bushes, such as manzanita, buck brush, wild lilac, etc.

Dead brush, whether under trees, bushes, or lying on the ground, is fire fuel. The more fire fuel, the hotter the fire and more damage to trees and nearby structures will occur. Maintain a vertical clearance space of at least 3 times the height of a shrub between any shrub and overhanging tree branch.

As an example, if an entire Manzanita or lilac bush is dead, REMOVE THE ENTIRE BUSH. If a portion of the bush is dead, you may opt to remove only the dead portion. If a few limbs are dead, removal of those dead limbs from that bush may be sufficient, depending on what is around or above the brush/bush.

6. Remove accumulations of dead materials and/or flammable ground vegetation from underneath and within manzanita and other brush.

This type of debris occurs because of weather. Wind causes limbs to break, dead pine needles to blow off the trees. This is typical "winter fall". If this debris is not removed yearly, it continues to accumulate and cause a fire hazard. If this is removed yearly, it is usually not much of a chore to keep the fire fuel controlled on your lot. Piles of debris must not be left on your lot – they must be removed.

Dead or live brush removal and removal of debris from under trees slows the progression of fire.

7. Thin manzanita bushes. Remove all dead wood from the plant. Remove all dead manzanita bushes.

Manzanita is highly flammable and volatile. If you wish to keep your manzanita, you must: remove all dead branches; clear around the bush or clump of bushes. A simple guideline is to create space between plants equal to their height.

If manzanita is growing under a tree, and it wereas to catch on fire, the flames would be three times the height of the plant. If a plant is 6 feet tall, the flame length would be 18 feet! In that situation, the manzanita should be removed, or the tree limbed at least 18 feet. If a manzanita bush is dead – remove the entire bush.

8. Accumulations and/or piles of dead and dying material must be removed.

Remove all debris lying on ground. When needles, grass, cones and leaves are raked into piles, the piles must be removed. Piles of debris are fuels that will carry a small, manageable fire and spread it throughout a lot and into the trees very rapidly. Downed wood and debris become kindling for a fire. Limbs will create flame lengths that carry fire into brush and trees. 3" – 4" of accumulated pine needles may be left on the lot forming a "carpet of needles" which helps hold moisture in the ground and helps prevent soil erosion. If the "fire ladder" has been removed, the pine needles are more easily managed because there is no fire ladder to carry the flames into the trees. ~~A FIRE LADDER is the means by which a fire travels from the ground via flammable material, into a tree. Fire traveling to the top of a tree is called "crowning". Remove ladder fuels such as tree limbs, to a height of at least six feet. A SIX FOOT TALL PERSON SHOULD BE ABLE TO WALK FREELY UNDER YOUR TREES.~~

9. Remove dead and/or dying smaller trees growing under and/or within the limbs of taller healthy trees.

This could act as a "fire ladder". These small, dying or dead trees are extremely flammable. If they are ignited, they carry fire very quickly into the trees, gaining heat and momentum with every tree consumed.

10. Thin saplings and/or small trees.

All of these saplings will not grow to maturity and they create ladder fuels that endanger the health of mature trees.

11. Cut bear clover and/or ground cover vegetation to a height of 34 inches or lower.

Bear clover, also known as mountain misery is highly flammable. The taller this native plant grows, the more flammable it becomes. If you wish to keep the mountain misery, it should be maintained to be no higher than 34 inches. If the bear clover is growing underneath low-growing green bushes, or under saplings, the bear clover should be removed, or remove the bush and/or sapling.

12. Cut ALL dead and/or dying grass and weeds.

Dry, cut grass, leaves and pine needles may stay on the ground, but may be no more than 3 – 4 inches deep.

13. No Cannabis cultivation on unimproved lots in areas zoned R1, RR, GF, and unimproved commercial property under 6 acres.

Cannabis is a form of vegetation that contributes to fire loading.

~~Thin saplings and/or small trees.~~

~~All of these saplings will not grow to maturity and they create ladder fuels that endanger the health of mature trees.~~

~~Cut bear clover and/or ground cover vegetation to a height of 4 inches or lower.~~

~~Bear clover, also known as mountain misery is highly flammable. The taller this native plant grows, the more flammable it becomes. If you wish to keep the mountain misery, it should be maintained to be no higher than 4 inches. If the bear clover is growing underneath low-growing green bushes, or under saplings, the bear clover should be removed, or remove the bush and/or sapling.~~

~~On parcels with uninterrupted low growing vegetation, create a fuel break around the perimeter of the parcel by cutting the ground vegetation to a height of no more than 4" from within 20 feet of the property line(s).~~

~~On parcels with "uninterrupted" ground cover vegetation, an area of at least twenty feet along each property line must be cut to a height not to exceed 4 inches, especially along property lines adjacent to other properties with a house and/or properties that are upslope. If the ground cover is growing uninterrupted, you should create "islands" of groupings with areas cleared of ground cover between each grouping.~~

~~Cut ALL dead and/or dying grass and weeds.~~

~~Dry, cut grass, leaves and pine needles may stay on the ground, but may be no more than 3-4 inches deep.~~

IN ADDITION TO THE FOREGOING CRITERIA, large areas of brush MUST be reduced. This can be accomplished in several ways:

- Create cleared areas or “spaces” around individual bushes. The size of the cleared area around the bush needs to equal the height of the bush that will remain. All flammable debris in that area must be removed. Leaving a pattern of bushes with space between them can be done throughout an entire parcel.
- Create “islands” of bushes. Numerous bushes can remain on the parcel in a group (no larger than ten feet in diameter) with a cleared area around the grouping. The cleared area must equal the diameter of the grouping or “island” of bushes.
- Create fuel breaks along property lines and within properties, especially along property lines which are adjacent to property with a home, properties which are upslope or properties adjacent to forest lands. These fuel breaks can be accomplished by removing all brush along a 15 to 20 foot strip, property line to property line. Properly dispose of all cut brush by hauling, chipping or by burning following legally established burning restrictions.

All cut and/or downed debris shall be disposed of by Hauling, Chipping, Burning (following legally established burning restrictions) or other methods of disposal approved by the property owner and by Ebbetts Pass Fire District or Cal Fire. At NO TIME shall debris be buried on the parcel, deposited on the property of another, dumped into holes on the parcel or covered by pine needles.

If a canopy exists (tops of trees touching or intertwined), the canopy must be interrupted.

Before burning always call the Air Quality Control number in San Andreas to ascertain if it is a “burn day”.
Burn Information Line: 209-754-6600.

Under certain conditions, i.e. topography or fuel type, the Ebbetts Pass Fire District may require more or less fuel reduction on one parcel than on another.

Fire safety/prevention is every property owner’s responsibility. Please help us keep your property safe.

Thank you. Ebbetts Pass Fire District

For more information or assistance please call
Ebbetts Pass Fire District Fire Prevention
Joan Lark, Prevention Officer
209-795-7393
joanlark@epfd.org

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