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From: Tony <trtahoe@charter.net>
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To: BOS-Clerk of the Board
Subject: EDCC 8.09

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Honorable Supervisors,

At the June 18th 2024 BOS meeting Supervisor Turnboo and Supervisor Parlin voted against supporting 8.09 EDCC which deals directly with defensible space.

Supervisor Turnboo, your reasoning behind such a no vote is that you felt that the County needs less government involvement in its citizens life's, and that you felt that the ordinance may put an undue financial burden on some of your constituents, as well as concerns over our Federal and State partners who have not lived up to their responsibilities regarding this exact issue in their areas of responsibility.

Supervisor Parlin, you advised that you hoped that such a program could just be voluntary, and that the enforcement aspect of this code should be severely restricted and used only in the most egregious and dire of cases, after ALL other voluntary efforts had failed to bare fruit.

I have a differing opinion from the two dissenting supervisors, as I believe 8.09 EDCC needs to be unanimously supported, promulgated, and even strengthened in certain areas to protect all the County's constituents and their communities against the effects of wildfires.

One doesn't have to look far to see that El Dorado County is just waiting to burn, as evident by the recent Lockie, Pay, Creek, Moccasin, and other smaller fires that have occurred throughout the County. Fortunately for those affected, conditions were favorable and fire fighting efforts were quick and successful catching these fire when they were relatively small. Unfortunately, for the County and its residents as the fire season drags on, conditions will deteriorate, and fire resources will continue to be dawn down to critical levels based on other wildfire events that occur throughout the State. Based on such circumstances, El Dorado County might not continue to be so fortunate, as demonstrated by past fires like the King, Mosquito, Caldor and other such fires.

Supervisor Parlin, I presently live in a Firewise Community in South Lake Tahoe. Unfortunately, the Firewise program is a voluntary program. The problem with any voluntary programs is residents have to want to buy into such programs. Ask the subject matter experts (Fire Officials, OWPR, Fire Safe Councils, etc.) and they will tell you, that making any program voluntary, you are only going to attract those who have an interest in such efforts! On my street alone we only had 5 households out of 23 homes participate in the program. While individual defensible space was achieved at those 5 homes, the rest of the street, and even those 5 homes still remain vulnerable because the other 18 homes refused to participate in such efforts. Outreach was repeatedly conducted outlining the incentives and benefits of such a program. Benefits like homes being less vulnerable to wildfire, helping the neighborhood possibly survive such an inevitable event, helping fire agencies and structure protection units defend homes in a safe and efficient manner, creating defensible space that guards against wildfire starts on a property which could then affect or spread to other properties, and even the hopes that by creating such defensible space, Insurance companies would be less likely to cancel policies or raise

rates astronomically on such policies, was not a large enough incentive, (*or carrot*) to get residents to participate, or buy into the program.

Supervisor Parlin, you have a trained professional firefighting-based work force who are exceptionally knowledgeable on wildfire issues addressed in 8.09. I am in complete agreement that no one wants to see immediate, harsh, enforcement efforts (*or the Stick*) to be used initially when assessing a properties defensible space! Having personally encountered this exact issue on several occasions, I can attest to the fact that the agencies and their trained personnel are actually quite reluctant to use the enforcement aspect of any law to accomplish the end goals required in any defensible space inspection and abatement program. Please allow your trained, and professional organizations and personnel, the opportunity to show you that just because the term "*enforcement*" is used throughout the ordinance, doesn't mean that is going to be the primary or only tool used to achieve compliance. Be aware that without enforcement, the scales of compliance will dramatically tip towards non-compliance, as homeowners look at factors like associated costs to comply, aesthetics or perceived curb appeal of their property even with known violations, and known lack of punitive actions taken by inspecting agencies. As one resident put it after receiving a violation notice from CAL FIRE in 2021, "why would I go out of my way to comply, when absolutely nothing bad [punitive] is going to occur." "They don't even follow up on these things [Violation Notices] and even when they do, they often see you rake some needles or cut a branch and all is forgiven."

Supervisor Turnboo, I am a retired public safety officer and have witnessed first hand the tragic, dangerous, and even deadly consequences of what happens when government fails to intercede in public safety issues. The days of finger pointing, blaming our problems on other entities or individuals, needs to come to abrupt stop! I understand and agree with your frustration regarding the Federal Government (National Forests and BLM Lands) and State Government (State Responsibility Areas [SRA's]), failing to maintain or deal with their areas of responsibility in a timely manner. I also clearly see that these areas fall well within the Counties boundaries and jurisdictional areas, making these issues, not just their issues, but our issues as well! I know that is an overly simplistic view of our fire issues, but to make any progress we have to be willing to start somewhere and fast, as the clock is ticking. If progress can not be achieved through our Federal or State partners, then we must be prepared to take action on a County level and hold such agencies accountable for their inaction later. Simply throwing our hands up and saying, we did all we can do, is not an effective strategy that combats such bureaucratic malfeasance or wildfire, and is exactly what got us into this situation in the first place. When government fails to act in the best interest of the citizens it serves, then it is high time we as citizens and you as our elected representatives take action to change such broken practices and policies.

You also showed great concern regarding the cost to your constituents to create such defensible space stating that some of your constituents simply cannot incur the extra cost burden. I have only one question for you regarding both your concern and the costs to your constituents. Which do you think will be costlier, creating defensible space, or going through the extreme expense it takes to relocate, of purchasing everything that was lost to a fire, and the cost it takes to rebuild entire structures from the ground up lost to a fire? You only need to speak with some of your constituents from Grizzly Flats as I have, and they will flat out tell you defensible space could have saved some of them, and some of their community. Based on inaction on so many different levels these same residents and constituents, are now paying a much higher price. Not creating such defensible space is not a viable solution to dealing with the cost issues you are concerned about. There are programs in place, or are still evolving, to offset such costs through grants and other help available to home owners who apply and qualify (veterans, disabled, seniors, fixed and low income households, etc.).

There are two concepts guiding any law. The concept of "*Letter of the Law*", simply means that law is strictly followed and enforced, with NO exceptions being made or allowed for. The "*Spirit*" of the law means that the law is followed and enforced with standards that are not heavy handed, accomplishes the laws objectives and goals, while allowing for both reasonable time and rational action to take place in order to achieve the goals of the law. I am positive that NOT a single fire agency, OWPR, or the CAO's office, wants to achieve the goals set forth in 8.09 EDCC via the *letter of the law*.

I ask both Supervisor Parlin and Turnboo to reconsider their decision not to support the purposed ordinance. I am positive that if language contained in 8.09 regarding enforcement were to be removed, that such a removal would only hamstring the agencies and officials required to inspect for such conditions, which would effectively create an ordinance

that serves as only a suggestion, and would never accomplish its goal of creating actionable working defensible space! Please listen to the subject matter experts, and understand that by voting NO on July 16, all you will stand to accomplish is to weaken a law meant to protect the public. By weakening the law you are sending a message, that defensible space really doesn't matter! A No vote will also be seen as a lack of concern by our elected government officials for their constituents, or their property, by not standing behind a law meant to protect their constituents, visitors, and perhaps entire communities, against the effects of such dangerous and deadly conflagrations.

Thank you for your time.

Respectfully,
Tony Risso
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