



Legislation Text

File #: 20-0098, **Version:** 2

Chief Administrative Office, EMS and Emergency Preparedness & Response Division, recommending the Board approve **Final Passage** (Second Reading) of the amendments to the Vegetation Management and Defensible Space Ordinance ~~5449~~ **5101** as introduced by Chief Administrative Office, EMS and Emergency Preparedness & Response Division on February 11, 2020. (Cont. 2/11/20, Item 26)

FUNDING: General Fund, included in FY 2019-20 Budget.

DISCUSSION / BACKGROUND

At their meeting of February 11, 2020 (Item 26), the Board approved the amendments to the Vegetation Management and Defensible Space Ordinance ~~5449~~ 5101 and set Final Passage (Second Reading) for February 25, 2020.

The Board of Supervisors adopted the Vegetation Management and Defensible Space Ordinance on April 30, 2019 (Legistar #19-0630). The EMS and Emergency Preparedness Division of the Chief Administrative Office was tasked with program development and implementation.

On August 6, 2019, the Board approved the addition of one FTE Administrative Analyst I/II to assist with development of the program and to conduct public outreach and education in preparation for full enforcement of the ordinance beginning June 2020. The Analyst was hired in September and has been coordinating with multiple County departments and programs, including but not limited to the Assessor's Office, AQMD, Building and Planning, Environmental Management, Surveyor, Treasurer-Tax Collector, and Transportation, to gather input on the ordinance and how it should be implemented. A Vegetation Management hotline and email address were established as a means for residents to have questions answered. In addition, staff developed a flyer that was included in the mailed property tax bills notifying property owners of the ordinance and its requirements. Staff monitors legislation and consults with counterparts in neighboring counties in order to stay current on vegetation management and defensible space issues that could impact the implementation of El Dorado County's Ordinance.

Recognizing the multi-disciplinary ties to Vegetation Management, staff organized and established a quarterly Vegetation Management Collaborators Meeting. This allows fire officials, fire safe councils, County departments, other governmental agencies, PG&E and community organizations to stay informed on the Ordinance and discuss related plans.

Staff have also worked with County Counsel on some technical revisions and refinements to the ordinance and assisted with the revision of the Real Estate Transfer Disclosure Statement for Fire Prevention to include the Ordinance requirements.

In December, the Vegetation Management Program staff collaborated with the El Dorado County Department of Transportation to submit a CAL FIRE California Climate Investments Grant application. If successful, funding would be applied to DOT prioritized road projects which would clear

vegetation along certain County right-of-ways. A portion of the grant would pay for the outreach and education that staff would need to present to the community specific to the road projects. Staff continue to analyze grant and funding opportunities and have reached out to other jurisdictions to research their funding models.

Ordinance Revisions

A redline version of the proposed ordinance revisions is attached. Changes mainly include clarification to definitions, corrections to internal references, and the removal of specific dates in favor of references to dates established in hazard abatement notices.

Staff have also discussed with Counsel and the local fire agencies the need to better define the roles of the CAO and local fire agencies. Currently, the ordinance names both the CAO or designee and the fire chief of any local fire agency as an "Enforcement Official" with the power to fully enforce the ordinance, up to and including the abatement process. In order to ensure consistent treatment of property owners, staff recommend revising the ordinance to centralize the enforcement and abatement process with the County and designate the CAO or designated County employee(s) as the enforcement official as the default model. However, a fire agency could request the authority to enforce the ordinance pursuant to a memorandum of understanding (MOU) approved by the Board of Supervisors and the agency's governing body. The MOU would provide a means to clearly define roles and ensure proper data collection and sharing and consistent messaging. The MOU would also contain provisions for the fire agency to indemnify the County related to its actions to enforce the ordinance. As proposed, regardless of whether a local fire agency is granted enforcement authority, every local fire agency and CAL FIRE would be "Investigative Officials," whose defensible space inspection reports could be forwarded to the County for enforcement.

A working group of local fire agencies has been established to meet regularly with County staff to continue to develop a coordinated implementation plan.

Staffing Request

As noted above, staff is recommending the establishment of a new job classification of Defensible Space Inspector I/II to conduct inspections and coordinate with CAL FIRE and local fire agencies on the implementation of the ordinance. Staff recommends adding one permanent FTE Defensible Space Inspector I/II to the Division's allocation and hiring one additional Extra Help Defensible Space Inspector for the 2020 season. There is sufficient funding for these positions through the remainder of FY 2019-20; however, general fund support for FY 2020-21 will be requested through the Recommended Budget process.

Implementation Plan

In August, the Board authorized the CAO to solicit proposals from CAL FIRE and local fire agencies for assistance with defensible space inspections. The local CAL FIRE Unit expressed interest in submitting a proposal; however, their request to submit a formal proposal to the County was not supported at the CAL FIRE regional level. As a result, the implementation plan has shifted from contracting out inspection services to hiring County personnel to perform the inspections.

CAL FIRE is still very committed to assisting the Vegetation Management program and has agreed to: provide training to County defensible space inspectors on conducting defensible space inspections, provide access to the Collector App data tool, and identify the County Emphasis Areas (CEAs) to be inspected annually. The County Emphasis Areas are determined using criteria

established by CAL FIRE and are parcels within the State Responsibility Area (SRA), identified in El Dorado County's Fire Hazard Severity Zones as outlined in the Fire & Resource Assessment Program (FRAP). Annual inspections in the CEAs will be coordinated with local fire agencies.

The major focus of County staff in this first year of implementation will be proactive inspections of properties within the County Emphasis Areas; however, local fire agencies have expressed interest in doing additional inspections in their jurisdictions. Staff will actively work with the agencies and CAL FIRE to coordinate our efforts, with the goal of centralized enforcement and uniform data collection and reporting. CAL FIRE has provided three potential emphasis areas; two on the West Slope and one in the Tahoe Basin. There are approximately 900 parcels in the three areas combined. After discussions with CAL FIRE and the Lake Valley Fire Chief, staff recommends focusing on the two CEAs on the West Slope, where the need for the program's limited resources is more critical. The two areas combined contain approximately 600 parcels. Maps of the CEAs are attached for reference.

The following is an overview of the defensible space program activities for the 2020 season:

1. County Emphasis Areas (CEA) have been identified by CAL FIRE.
2. County staff will send out notifications to all parcel owners in the CEA that their property may be inspected ("Initial Notice of Duty to Remove and Abate Waste, Hazardous Vegetation and Combustible Material"). The draft packet that will be sent to residents in the two West Slope CEAs is attached.
3. County staff will promote voluntary compliance with the Ordinance through ongoing education to all residents regarding defensible space requirements, with particular attention focused on those identified for inspection.
4. In coordination with County GIS, IT, local fire agencies and CAL FIRE, County staff will obtain access to and receive training on the Collector App in order to document County defensible space inspections.
5. County staff will conduct defensible space inspections in the CEAs. This may require up to three (3) inspections per parcel.
6. County staff will initiate the Meet and Confer process with parcel owners that are demonstrating progress to meet defensible space requirements (potentially similar to the Mutual Settlement process used by AQMD).
7. County staff, in coordination with CAL FIRE and the local fire agencies, will develop defensible space education curriculum to be used in lieu of a fine for the first violation.
8. County staff will establish regular meetings with CAL FIRE and the local fire agencies to coordinate inspections, complaints and enforcement issues.
9. County staff will work with local fire agencies and CAL FIRE to develop criteria to prioritize referrals and complaints from Inspection Officials and from the public.
10. County staff will revise the hearing officer contract for the appeal process outlined in the

Ordinance.

11. County staff will develop a Request for Qualifications (RFQ) for abatement contractors.
12. County staff will track all costs related to parcel inspections and abatement of parcels.
13. County staff will continue facilitation of quarterly Vegetation Management Collaborators meetings.
14. County staff will participate in and provide educational presentations to community groups.
15. County staff will develop and track evaluation measures.
16. County staff will provide evaluation data to the Board and stakeholders on a regular basis.
17. County staff will work with CAL FIRE and local fire agencies to establish the criteria a local agency must meet in order to be designated as an Enforcement Official and draft an MOU template.

Following the 2020 season, staff will evaluate the program and seek input from all collaborators. It is anticipated that the program will evolve each year, based on lessons learned in the previous season, changes in legislation, and subject to available resources.

ALTERNATIVES

The Board could choose not to revise the ordinance or direct a different implementation plan.

PRIOR BOARD ACTION

April 30, 2019 (Legistar #19-0630): The Board adopted Chapter 5101, Vegetation Management and Defensible Space.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Local fire agencies, County Counsel, Air Quality Management District, Environmental Management, El Dorado County Fire Safe Council

FINANCIAL IMPACT

The FY 2019-20 Budget included \$291,000 for the Vegetation Management program. This is anticipated to cover the cost of the program in this fiscal year, including the additional personnel. Continuation of the program will likely require additional General Fund support for FY 2020-21. which will be requested through the annual budget process.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Provide a copy of the executed resolution to Jordan Meyer in Human Resources

STRATEGIC PLAN COMPONENT

Public Safety

CONTACT

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