



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Fire  
Department No.: 031  
For Agenda Of: Jan. 9, 2007  
Placement: Administrative  
Estimated Tme: 30 Minutes  
Continued Item: No  
If Yes, date from:  
Vote Required:

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**TO:** Board of Supervisors  
**FROM:** Fire Chief John Scherrei, x5500  
Contact Info: Randy Coleman, Fire Marshal x5554 or  
Chris Hahn, Deputy Fire Marshal x5525  
**SUBJECT:** **Set a Hearing to Consider an Ordinance to amend Santa Barbara County Code,  
Chapter 15, Fire Prevention, Section 15-9**

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**County Counsel Concurrence**

As to form: Concurrence

**Other Concurrence:** County Executive Office

As to form: Concurrence

**Auditor-Controller Concurrence**

As to form: Concurrence

**Recommended Actions:**

- a) Set a hearing for January 16, 2007, to consider the introduction (first reading) of an urgency ordinance amending Section 15-9 of Chapter 15 of the Santa Barbara County Code regarding California Fire Code Section 103.1.4.1, Appeals. (Proposed ordinance and red lined attached)
- b) Set a hearing for January 23, 2007, to consider the adoption (second reading) of an urgency ordinance adding language to Section 15-9 of Chapter 15 of the Santa Barbara County Code regarding California Fire Code Section 103.1.4.1, Appeals.
- c) On January 23, 2007 appoint five (5) members to County Fire's Board of Appeals.
- d) On January 23, 2007, adopt by resolution the operating rules and regulations for County Fire's Board of Appeals. (Proposed resolution attached)

**Summary Text:**

The California Fire Code as adopted in Chapter 15 of the Santa Barbara County Code establishes an appeals board (CFC Sec.103.1.4) to determine the suitability of alternate means of protection and to provide for reasonable interpretations of the provisions of the Fire Code. The text in the Fire Code does not specifically address the needs of Santa Barbara County. As such, the Fire Department proposes to

amend the Fire Code by adding language to Section 15-9 of Chapter 15 of the Santa Barbara County Code.

Adding this language and appointing a board of appeals will provide the county's clients and customers with a formal and decisive means of addressing Fire Code issues and will promote public safety, health and welfare. To eliminate any perception of bias, the board of appeals will consist of five (5) members qualified by experience and training and will be selected by the Board of Supervisors.

The proposed amended ordinance provides that prospective board members shall consist of active or retired representatives from the following fields: Building Official, Fire Marshal, Fire Protection Engineer, or other persons that the Board of Supervisors deems are qualified by education, training or experience for membership on the appeals board.

The proposed ordinance also provides that the appeals board's decisions are final and only subject to review by writ of mandate in superior court.

The County Executive Office will serve as the clerk of the board of appeals. Hearings will be held before a three-member panel of the board, selected at random by the clerk, with the two remaining board members as alternates. The amendment also provides for the adoption, by a resolution of the Board of Supervisors, of procedural rules and regulations for conducting the board of appeals' hearings and investigations.

**Background:**

In the past the Fire Department has been able to work closely with our clients to resolve any issues with regard to alternative means of protection and there was no real need or desire for a formal appeals process. The impact on staff was minimal due to the relatively low number of requests for alternative means of protection. Recently, however, there has been an increase in the volume and complexity of issues concerning alternate means of protection and Fire Code interpretation. This, in turn, is having a negative effect on the availability of time and resources that the Fire Department, as well as other county departments, can dedicate to their clientele. The appeals board will allow these issues to be addressed in an equitable and timely manner. The Fire Department will continue to work closely with our clients and customers to solve these issues and the appeals board will be available for those issues that come to impasse.

**Performance Measure:**

N/A

**Fiscal and Facilities Impacts:**

No fiscal or facilities impacts projected.

**Fiscal Analysis:**

N/A

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative:

**Staffing Impacts:**

None

**Legal Positions:**

**FTEs:**

**Special Instructions:**

Section 6062a. Ten days; optional publications

Publication of notice pursuant to this section shall be for 10 days in a newspaper regularly published once a week or oftener. Two publications, with at least five days intervening between the dates of the first and last publication not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the tenth day, including therein the first day.

**Attachments:**

Proposed Ordinance, Proposed Resolution, Proposed Rules and Regulations, Public Notice

**Authored by:**

Chris Hahn, Deputy Fire Marshal x5525

**cc:**