



# FRESNO COUNTY FIRE

PROTECTION DISTRICT

*Honor, Integrity, Cooperation & Professionalism*

## MEMORANDUM

**Date:** 08/04/2023

**To:** Board Directors

**Attn:** Matt Furrer  
President

**From:** Fire District Staff

**Subject:** Resolution 2023-08 Mandated Fire Inspection Compliance

## **BOARD OF DIRECTOR'S BRIEFING PAPER**

### **ISSUE:**

The Fresno County Fire Protection District (District), in accordance with the California Health and Safety Code §13146.4 and Senate Bill 1205, shall report annually to the administering authority (Fire District Board of Directors) regarding compliance of State Mandated Fire Inspections required by California Health and Safety Code §13146.2 and §13146.3.

### **BACKGROUND:**

The California Health and Safety Code §13146.4 was amended and became effective into law on September 27, 2018. In addition to Senate Bill 1205, this section was created in response to numerous inquiries by the state legislature regarding the 2016 "Ghost Ship Fire" that occurred in the city of Oakland. The fire occurred in a warehouse that was illegally converted into a housing complex. As a direct result of the fire, 36 people were killed.

### **DISCUSSION:**

The District has opted to enforce building standards and other regulations adopted by the State Fire Marshal. These mandated fire inspections include: HSC §13146.1 (Jails and Detention Centers), HSC §13146.2 (Apartments, Hotels, and Motels), and HSC §13146.3 (Public and Private Schools). HSC §13146.4 requires the District to accept a report of compliance via resolution or other similar method.

**ALTERNATIVES:**

As an alternative, The Fresno County Fire District may relinquish the enforcement of these inspections to the Office of the State Fire Marshal. The State Fire Marshal may charge and collect a fee for the inspection from the owner of the structure. The State Fire Marshal may also charge and collect a fee from the owner of the structure for related fire and life safety activities such as: plan review, construction consulting, fire watch, and investigation. Any fee collected pursuant to subdivision (b) §17921 shall be in an amount, as determined by the State Fire Marshal, sufficient to pay the costs of that inspection or those related fire and life safety activities.

**IMPACTS** *(Consider potential consequences related to each of the following areas of concern for proposed alternatives):*

- Fiscal - No generation of revenue from the Protection and Planning Bureau for conducting these inspections.
- Operational – Negative effect to the Protection and Planning Bureau operational workload.
- Legal - No Known Impact.
- Labor - No Known Impact.
- Sociopolitical – The Fire District has had positive professional development with all of the cities and unincorporated areas in our jurisdiction.
- Policy - No Known Impact.
- Health and safety - Target hazards at each facility may not be communicated to personnel on duty, affecting engine crew safety.
- Environmental - No Known Impact.
- Interagency - No Known Impact.

**RECOMMENDATION:**

Staff is recommending that the Board of Directors approves Resolution 2023-08 Mandated Fire Inspection Compliance. Staff also asks that any Board of Director make a motion to approve Resolution 2023-08 as presented.

**APPROVED:**

  
\_\_\_\_\_  
Josh I. Chrisman, Administrative Officer

August 4, 2023  
\_\_\_\_\_  
Date



# FRESNO COUNTY FIRE

PROTECTION DISTRICT  
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## RESOLUTION No. 2023-08

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FRESNO COUNTY FIRE PROTECTION DISTRICT, ACKNOWLEDGING RECEIPT OF A REPORT ON THE DISTRICT'S COMPLIANCE WITH SB1205 AND SECTION 13146.4 OF THE CALIFORNIA HEALTH AND SAFETY CODE.

**WHEREAS**, Section 13146.4 was added to the California Health & Safety Code in 2018, and became effective September 27, 2018; and

**WHEREAS**, California Health & Safety Code Sections 13146.2 and 13146.3 requires all fire departments, including the Fresno County Fire Protection District (District), that provide fire protection services to perform annual inspections in every building used as a public or private school, hotel, motel, lodging house, apartment house, and certain residential care facilities for compliance with building standards, as provided and,

**WHEREAS**, the Board of Directors of the Fresno County Fire Protection District intends this Resolution to fulfill the requirements of the California Health & Safety Code regarding acknowledgment of the District's compliance with California Health and Sections 13146.2 and 13146.3.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Fresno County Fire Protection District expressly acknowledges the measure of compliance of the District with California Health and Safety Code Sections 13146.2 and 13146.3 in the jurisdictional area of the District, as follows:

**A. EDUCATIONAL GROUP E OCCUPANCIES:**

Educational Group E occupancies are generally those public and private schools, used by more than six persons at any one time for educational purposes through the 12th grade. Within the District, there lie 60 known Group E occupancies, buildings, structures and/or facilities.

During fiscal year 22/23, the District completed the annual inspection of 57 Group E occupancies, buildings, structures and/or facilities. This is a compliance rate of 95% for this reporting period.

**B. RESIDENTIAL GROUP R OCCUPANCIES:**

Residential Group R occupancies, for the purposes of this resolution, are generally those occupancies containing sleeping units, and include hotels, motels, apartments (three units or more), etc. as well as other residential occupancies (including a number of residential care facilities). These residential care facilities

have a number of different sub-classifications, and they may contain residents or clients that have a range of needs, including those related to custodial care, mobility impairments, cognitive disabilities, etc. The residents may also be non-ambulatory or bedridden. Within the District, there lie 65 known Group R (and their associated sub-categories) occupancies of this nature.

During fiscal year 22/23, the District completed the annual inspection of 46 Group R occupancies, buildings, structures and/or facilities. This is a compliance rate of 71% for this reporting period.

C. INSTITUTIONAL GROUP I OCCUPANCIES:

Institutional Group I occupancies, for the purpose of this resolution, are generally care or supervision to persons who are incapable of self-preservation without physical assistance or in which persons are detained for penal or correctional purposes or in which the liberty of the occupants is restricted. Within the District, there lies 3 known Group I occupancies, buildings, structures and/or facilities. Group I occupancies are inspected bi-annually within the District.

During fiscal year 22/23, the District completed the bi-annual inspection of 3 Group I occupancies, buildings, structures and/or facilities. This is a compliance rate of 100% for this reporting period.

The foregoing Resolution was duly PASSED and ADOPTED on this 16<sup>th</sup> day of August, 2023, by the following roll call vote of the Board of Directors:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Matt Furrer, Board President

**Certification of Resolution**

ATTEST:

I **Bailey Castaneda** duly appointed as the Clerk of the Board of the Fresno County Fire Protection District do hereby certify that the above is a true and correct copy of District **Resolution No. 2023-08**.

WITNESS MY HAND OF THE FRESNO COUNTY FIRE PROTECTION DISTRICT, on the 16<sup>th</sup> day of August 2023.

\_\_\_\_\_  
Signature  
Clerk of the Board, Fresno County Fire Protection District