RESOLUTION - ACTION REQUESTED 2013-147

MEETING: April 16, 2013

TO: The Board of Supervisors

FROM: Rick Benson, County Administrative Officer

RE: MPUD Fire Inspections

RECOMMENDATION AND JUSTIFICATION: Authorize the Building Director to conduct Fire Inspections on Behalf of the Mariposa Public Utility District (MPUD) Effective Immediately.

The Board of Directors of the Mariposa Public Utility District has requested, effective immediately, that the Mariposa County Building Director conduct inspections for compliance with fire regulations on construction projects within the boundaries of the District. Currently, MPUD inspections are conducted by CalFIRE/State Marshall personnel operating out of the Fresno. This has resulted in delays and increased costs for projects in the town of Mariposa.

The Health & Safety Code allows the Fire Chief of the District responsible for providing fire protection services (MPUD) to delegate inspection duties to the building official. The Building Director has the all of the necessary certifications to perform inspections of this type.

It will be necessary to enter into a formal agreement with MPUD in order to clarify the terms and conditions. However, MPUD has expressed that in order to serve our mutual constituents it is urgent that the Building Director assume these duties as soon as possible.

Therefore, it is recommended that your Board authorize the Building Director to conduct fire inspections on behalf of the Mariposa Public Utility District, effective immediately, for a period of 90 days. This will allow the County to provide the service while a formal agreement is negotiated. Until a formal agreement is approved by both your Board and the Board of the MPUD the MPUD fee schedule will apply and the receipts will be forwarded to the County.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
ATTACHMENTS:
MPUD Inspection request (PDF)

CAO RECOMMENDATION
Requested Action Recommended

RESULT: ADOPTED AS AMENDED [UNANIMOUS]
MOVER: Janet Bibby, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Stetson, Bibby, Cann, Carrier, Jones
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LEE STETSON, CHAIR
KEVIN CANN, VICE-CHAIR
JANET BIBBY
MERLIN JONES
JOHN CARRIER

DISTRICT I
DISTRICT IV
DISTRICT III
DISTRICT II
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO: RICK BENSON, CAO
FROM: RENE’ LaROCHE, Clerk of the Board
SUBJECT: Authorize the Building Director to Conduct Fire Inspections on Behalf of the Mariposa Public Utility District (MPUD) Effective Immediately

RES. 13-147

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on April 16, 2013

ACTION AND VOTE:

6. Administration RES-2013-147
   Authorize the Building Director to Conduct Fire Inspections on Behalf of the Mariposa Public Utility District (MPUD) Effective Immediately
Rick Benson gave the staff presentation, with Mike Kinslow/Building Department Director, and Mark Rowney/MPUD on hand to answer questions. Mr. Benson assured the Board that there would be no cost to the County, which will actually be collecting a small amount for processing.
Board comment: Supervisor Bibby requested assurance from Mr. Kinslow that he is in agreement with undertaking these additional duties. Mr. Kinslow responded affirmatively, noting that he thinks the change will actually free up some time for him, as he won’t have to go back and forth with the CAL FIRE inspector.
Supervisor Bibby requested assurance from Mr. Rowney that the County can stop doing the inspections if it doesn’t work, or becomes too time intensive. Mr. Rowney responded that he thinks so, and that it would just go back to CAL FIRE.
CAO noted that this item authorizes only a 90 day period, and that any agreement that he brings back to the Board will have a provision for Mariposa County to end the agreement with reasonable notice.
Mr. Kinslow assured that this won’t take away from his main responsibilities. He also noted that the County has overall responsibility for the results of the fire inspection, and this way it assures that we have more local control over it.
Supervisor Bibby noted Mr. Rowney’s letter and requested clarification as to what is not consistent. Mr. Rowney explained that the previous State Fire Marshall had written a memorandum about using building officials, and she
was in disagreement. However, he feels that Mr. Kinslow’s qualifications meet all of the required Health and Safety Code requirements. Discussion ensued between Mr. Rowney and Supervisor Bibby regarding Ernie Paez. Supervisor Bibby requested something in writing to clarify that issue. She also requested a clause in the agreement to indicate that the County can get out of it if needed. Supervisor Jones commented that he thinks this is a win-win situation for everyone; that there would be no extra cost to the County; is a good example of people working together; will make our builders a lot happier; and he supports it fully.

Supervisor Cann thanked Mr. Kinslow and Mr. Rowney for the efforts they have expended in this regard; feels this is a tremendous service to our business owners, building owners, and contractors.

Supervisor Bibby noted that she thinks it is important that the public be made aware that we cannot charge to make a profit, only to cover costs; and that Mr. Kinslow will have to enforce the rules, whether they are from the State Fire Marshall, or from the County, and there can be no deals for not complying with the rules.

Public Comment: None.

Supervisor Bibby moved that the Board approve this; that we get verification from MPUD regarding the State Fire Marshall before it comes back for a final agreement; and that there be a clause in that final agreement that will allow the County to terminate should it not work for the Building Department.

Supervisor Jones seconded with a comment thanking Mr. Kinslow and everyone for their hard work in this matter.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Stetson, Bibby, Cann, Carrier, Jones

Cc: Mike Kinslow, Building Director
File
I hope to provide an opportunity for the SFPD to comment.

You should be aware that the NPPD request is not consistent with the proposal provided by Chief Press and Information to proceed with the NPPD request.

If you are willing to consider the request, I assume action from the Mayor's County Board of Supervisors.

The NPPD Board took action to request the Mayor's County Chief Building Official to assume the role of Director of Directors considered several options including the SFPD.

March 11, 2013, I sent Rick Benson a letter discussing the process for enforcement of building standards.

March 11, 2013
Chairman, Board of Directors

Adopted and adopted this 3rd day of March 2013 by the following vote:

NOW, THEREFORE, BE IT RESOLVED that the Mariposa Public Utility District Board of Directors request the Mariposa County Chief Building Official to assume jurisdiction for the enforcement of building standards adopted by the State Fire Marshal for the Mariposa Public Utility District, and hereby declare state law and other resources to enforce building standards adopted by the State Fire Marshal and Building Standards adopted by the State Fire Marshal, and the State Fire Marshal is responsible for seeing that building standards adopted by the Mariposa Public Utility District (MPUD) are enforced within Mariposa County boundaries.

WHEREAS, the Mariposa County Chief Building Official has the appropriate training,

WHEREAS, the Mariposa Public Utility District does not maintain a staff to enforce the enforcement of building standards adopted by the State Fire Marshal, and

WHEREAS, the Authority General of the State of California has determined that the enforcement of building standards adopted by the State Fire Marshal are enforced within Mariposa County boundaries,

WHEREAS, the Authority General of the State of California has determined that the enforcement of building standards adopted by the State Fire Marshal are enforced within Mariposa County boundaries,

WHEREAS, the Authority General of the State of California has determined that the