



# Tracy Rural County Fire Protection District

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**Board of Directors**

Pete Reece  
John Vieira  
Jeff Ramsey  
Matt Kopinski  
Craig Miller

**Clerk of the Board**

Raychel Jackson

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## Board of Directors - Special Meeting Agenda Thursday, November 10, 2022 at 2:00 PM PST

**Join Zoom Meeting**

<https://us06web.zoom.us/j/86549678287?pwd=T1QrR3hnQ3lGa0o1dkZrbTk4bUdNz09>

Call In Number: [1 \(669\) 900 6833](tel:16699006833)

Meeting ID: 865 4967 8287

Passcode: 993368

**Location: 835 N. Central Avenue  
Tracy, CA 95376  
2<sup>nd</sup> Floor**

***Notice to the Public: Pursuant to Assembly Bill 361, this meeting will be conducted via teleconference***

### 1. Roll Call and Pledge of Allegiance

### 2. Public Comment

Please, give your name, entity (if any), and address as well as what agenda item you wish to speak about to the Clerk of the Board so that your comments may be heard at the appropriate time. Comments must be limited to 3 minutes.

### 3. Consent Calendar

- 3.1 Adoption of the November 10, 2022 Agenda
- 3.2 Approval of the October 11, 2022 Minutes
- 3.3 Approval of November Warrant List
- 3.4 October Monthly Financials

### 4. Regular Agenda

- 4.1 Public Hearing of the Tracy Rural Fire Protection District Ordinance No. 2022-01  
2022 California Fire Code with Amendments
- 4.2 Review and Approve Proposal from Harris & Associates to Obtain a Nexus Study on  
the Impact Fees Tracy Rural County Fire District Currently Receives
- 4.3 Receive Updated Information Regarding Station Maintenance Issues
- 4.4 Approve Resolution 2022-11 to Apply for Technical Assistance Through the Energy  
Partnership Program with California Energy Commission

## **5. Committee Reports**

### 5.1 JPA Representative Report

## **6. Informational Update**

### 6.1 Fire Chief's Update

## **7. Public Comment**

For any items not on the agenda.

## **8. Board Member Comment**

For any items not on the agenda and requests for future agenda items. No action will be taken on any questions or matters raised by the Board at this time.

## **9. Closed Session**

9.1 Conference with Legal Counsel – Significant Exposure to Litigation (California Government Code sections 54956.9(d)(2), 54956.9(e)(2)): one matter based upon the facts and circumstances arising out of that certain Funding Agreement between the District and Ponderosa Homewood Partners, a California general partnership dated on or about June, 2020.

9.2 Consult with Legal Counsel – Existing Litigation (*Tracy Rural Fire District v. San Joaquin County*, San Joaquin Superior Court Case No. 2020-9831). (California Government Code section 54956.9). one case.

9.3 Consult with Legal Counsel – Existing Litigation (*Tracy Rural Fire District v. San Joaquin Local Area Formation Commission*, San Joaquin Superior Court Case No. 2019-9687). (California Government Code section 54956.9). one case.

9.4 Consult with Legal Counsel – Existing Litigation (*Garcia, et al. v. Tracy Rural Fire District., Case No. STK-CV-UBC-2022-2826*). (California Government Code section 54956.9). one case.

9.5 Conference with Legal Counsel – Significant Exposure to Litigation (California Government Code sections 54956.9(d)(2), 54956.9(e)(2)): one matter.

9.6 Conference with Real Property Negotiators (California Government Code section 54956.8)

Property: 22484 South 7<sup>th</sup> Street, Tracy, CA 95736

Under negotiation: Price and Terms

## **10. Adjournment until Next Regular Session – December 13, 2022**

Compliance with the Americans with Disabilities Act (US Code Title 42) – Assistance for Those with Disabilities: If you have a disability and need accommodation to participate in the meeting, please contact the Administration Office (209-834-7269) or email (raychel.jackson@tracyruralfire.org) at least 72 hours prior to the meeting to inform us of your needs and to determine if accommodation is feasible.



# Tracy Rural County Fire Protection District

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## Board of Directors – Regular Meeting Minutes Tuesday, October 11, 2022 2:00 PM

### 1. Roll Call and Pledge of Allegiance

Chairman Reece called the meeting to order at 2:00 pm. All Directors present.

### 2. Public Comment

No Public Comment.

### 3. Consent Calendar

3.1 Adoption of the October 11, 2022 Agenda

3.2 Approval of the September 13, 2022 Minutes

3.3 Approval of October Warrant List

3.4 September Monthly Financials

- Motion was made by Vice-Chair Ramsey, seconded by Director Miller to accept Consent Calendar. Motion passed unanimously.

### 4. Regular Agenda

4.1 Introduce & Waive First Reading of the Tracy Rural Fire Protection District Ordinance No. 2022-01 2022 California Fire Code with Amendments & Set Public Hearing Date

- Motion was made by Vice Chair Ramsey, seconded by Director Kopinski to move the Cancel the Regular Board Meeting Scheduled for November 8, 2022 and Move Meeting to November 10, 2022. Motion passed unanimously.
- Motion was made by Vice Chair Ramsey, seconded by Director Miller to Set the Public Hearing Date for the 2022 California Fire Code to November 10, 2022. Motion passed unanimously.

4.2 Receive Updated Information Regarding Station Maintenance Issues

- No Action Taken.

4.3 Approve Resolution 2022-11 to Apply for Technical Assistance Through the Energy Partnership Program with California Energy Commission

- Motion was made by Vice Chair Ramsey, seconded by Director Kopinski to postpone Agenda Item 4.3 until the next scheduled board meeting. Motion passed unanimously.

4.4 Discuss Hiring a Consultant to Prepare a Nexus Study on the Impact Fees Tracy Rural County Fire District Currently Receives

- Motion was made by Vice Chair Ramsey, seconded by Director Kopinski to have Chief Bradley and Clerk to connect provide proposals from consulting firms to provide a nexus study. Motion passed unanimously.

**5. Committee Reports**

5.1 JPA Representative Report

- Vice Chair Ramsey provided a report from the September 20, 2022 JPA Regular Board Meeting – board approved a resolution to engage Fechter & Company to conduct the SSJCFA annual audit ending June 30, 2022.

**6. Informational Update**

6.1 Fire Chief's Update

- Chief Bradley provided the monthly report based on the Fire Chief Update dated October 11, 2022, that was provided to the Board of Directors and staff at the meeting.

**7. Public Comment**

No Public Comment.

**8. Board Member Comment**

No Board Member Comment.

**9. Closed Session**

No Action Taken.

**10. Meeting Adjournment at 4:02 pm.**

*Raychel Jackson*

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Raychel Jackson, Clerk of the Board

September 30, 2022

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TRACY RURAL COUNTY FIRE PROTECTION DISTRICT -- 49501 -- November 10, 2022

GENERAL OPERATING FUND	AMOUNT	ACCOUNT	VENDOR #
PETE REECE 30421 KOSTER ROAD TRACY, CA 95304	\$ 200.00	6226010900	. 0000010849
MATT KOPINSKI 33969 S. KOSTER ROAD TRACY, CA 95304	\$ -	6226010900	. 0000101809
CRAIG MILLER 5336 W. DURHAM FERRY ROAD Tracy, CA 95304	\$ 100.00	6226010900	. 0000105820
JEFF RAMSEY 27722 S. Bird Road TRACY, CA 95304	\$ -	6226010900	. 0000098549
JOHN VIEIRA 19700 SOUTH LAMMERS ROAD TRACY, CA 95304	\$ 100.00	6226010900	. 0000010852
BOWMAN & BERRETH, LLP 1820 WEST KETTLEMAN LANE, SUITE F LODI, CA 95242	\$ 572.10 \$ 273.00 \$ 2,533.50	6221005100 6221005120 6221005130	. 0000078394 GOVERNANCE LAFCO
Total	\$ 3,378.60		
South County Fire Authority 835 N. Central Ave Tracy, CA 95376	\$ 3,112,920.35	6221005110	. 0000094467
MONAGAN, MILLER, & MCCREARY 1137 ADAM STREET, SUITE 450 TRACY, CA 95376	\$ 24,135.00	6236000000	. 0000064504
<b>TOTAL FOR GENERAL OPERATING FUND</b>	<b>\$ 3,140,833.95</b>		



## PAID Monthly Expenses - Bank of Stockton TRF Operating Account

<b>Description</b>	<b>Date Paid</b>	<b>Amt. Due</b>	
PG&E station 3	11/1/2022	\$ 1,115.89	
PG&E station 4	11/1/2022	\$ 1,051.54	
PG&E station 5	11/1/2022	\$ 1,031.19	
EcoWater System	11/2/2022	\$ 57.00	
ProTech - Station #5 - alarm	11/1/2022	\$ 70.00	
Patriot Pest Control	11/1/2022	\$ 238.00	
Delta Disposal	10/17/2022	\$ 289.86	
City of Tracy - Station 5	10/17/2022	\$ 332.32	
ATT - Station lines	10/17/2022	\$ 361.90	
CalPERS	11/1/2022	\$ 151.00	
Galt Sign & Screenprinting	10/28/2022	\$ 1,567.44	
Tracy Press	10/26/2022	\$ 71.60	
Costco Checks	11/3/2022	\$ 387.72	
Van Unen Miersma Propane - 93	10/17/2022	\$ 1,657.12	
Jeff Ramsey - Monthly Stipend	10/11/2022	\$ 300.00	
Matt Kopinski - Monthly Stipend	10/11/2022	\$ 400.00	
Special District Financial District	10/11/2022	\$ 4,593.75	
ATT - District Phone	10/24/2022	\$ 373.91	

<b>Total Paid</b>
<i>\$ 14,050.24</i>

## PAID Monthly Expenses - Bank of Stockton TRF Capital Outlay Account

Description	Date Paid	Amt. Due	
Ace Hardware - 95 air filters	10/17/2022	\$ 193.72	
Mountain Valley Pumping - 93 septic	10/20/2022	\$ 595.00	
My Door Sign - 93	10/18/2022	\$ 88.27	
Ace Hardware - 93	11/3/2022	\$ 10.80	
Premier Backflow & Pumping - 93	11/4/2022	\$ 2,777.91	

<b>Total Paid</b>
\$ 3,665.70

# PAID Monthly Expenses - Bank of Stockton TRF Medical Leave Bank Account

Description	Date Paid	Amt. Due
City of Tracy	11/2/2022	\$ 221,254.02

<b>Total Paid</b>
\$ 221,254.02

## TRACY RURAL COUNTY FIRE PROTECTION DISTRICT

**Balance Sheet**

11/04/22

As of October 31, 2022

Accrual Basis

	<u>Oct 31, 22</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Bank of Stockton-Capital Outlay	1,323,142.59
Bank of Stockton-Operating	800,570.25
Bank of Stockton-Retirement	186,058.62
Fund 49501 - Operations	-2,723,652.11
Fund 49512 - Retirement Buyout	18,893.92
Fund 49515 - Fire Facility Fees	462,353.11
Fund 49519 - Emergency Reserve	2,013,105.00
Fund 49591 - Capital Outlay Res	500,770.33
	<hr/>
<b>Total Checking/Savings</b>	2,581,241.71
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<b>Total Current Assets</b>	2,581,241.71
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<b>TOTAL ASSETS</b>	<b>2,581,241.71</b>
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<b>LIABILITIES &amp; EQUITY</b>	0.00



## **Tracy Rural County Fire Protection District**

Agenda Item 4.1

### **STAFF REPORT**

**Meeting:** Regular Meeting  
**Date:** November 10, 2022  
**To:** Board of Directors  
**Prepared by:** Tim Spears, Fire Marshal  
**Approved by:** Pete Reece, Chairperson

**Re:** Introduce & Waive First Reading of the TRFPD Ordinance No 2022-01 2022 California Fire Code with Amendments & Set Public Hearing Date

### **RECOMMENDATION**

Action Item   X   Non-Action Item       

1. Read the title of Tracy Rural Fire Protection District (Fire District) Ordinance No. 2022-01: Ordinance for Adoption of the 2022 California Fire Code with Amendments, and waive further reading beyond the title;
2. Open the public hearing and take any public comment
3. Close the public hearing and consider for adoption of TRFPD Ordinance No. 2022-01 2022 California Fire Code with Amendments

### **BACKGROUND**

The California Building Standards Commission (CBSC) adopted the California Fire Code in July of this year (2022). Fire codes are adopted every three years. The CBSC does not mandate the adoption of certain sections or parts of the model codes. Local jurisdictions may adopt those sections not automatically adopted and/or may adopt amendments to building standards that are more restrictive to address local conditions.

### **DISCUSSION**

Fire districts, under the authority of Health and Safety Code Section 13869.7, are permitted to amend building standards found in the state codes related to fire safety due to local climatic, geological, or topographical conditions. Amendments of the 2022 California Fire Code are necessary so as to provide more stringent standards for fire extinguishing systems, fire hazard and hazardous materials controls as necessary to serve the public interest by



## **Tracy Rural County Fire Protection District**

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reducing the risk to life and property of the citizens of Tracy Rural Fire Protection District because of the following local conditions:

1. Summer weather conditions are very dry, hot and windy causing ordinary combustibles to be easily ignited and fires to be fast spreading;
2. Very dense fog conditions occur in winter. Reduced visibility causes delays in fire response; and
3. The coverage area is intersected by Interstates 5, 205, and 580. The area experiences a large volume of commuter traffic that can delay fire and emergency service response.

All proposed amendments are reflected in the attached 2022 California Fire Code Adoption Matrix. The proposed amendments address the following items: permits, violation penalties, administrative penalties and remedies, false alarms, open burning, idle pallet storage, fire apparatus access, address identification, key boxes for emergency access, fire control rooms, main electrical circuit disconnects, automatic fire sprinkler systems, fire protection system connections, fire pumps, emergency responder radio coverage in existing buildings, fire flow requirements, and fire hydrant locations and distribution. The proposed amendments also establish geographic limits for certain hazardous materials storage.

Additionally, the Fire District is a Member Agency of the South San Joaquin County Fire Authority (Fire Authority). The Joint Powers Agreement of the Fire Authority requires each Member Agency to adopt the California Fire Code with such modifications and amendments deemed appropriate by each Agency. As part of the code adoption process, each Agency is required to assign the Fire Authority as the "Authority Having Jurisdiction" (AHJ) for all fire protection matters within the Member Agency jurisdiction. The proposed ordinance also includes this text.

### **FISCAL IMPACTS**

There is no fiscal impact to the District. Additional plan review and inspection time is offset by the collection of fees included in the South San Joaquin County Fire Authority's Fee Schedule.

### **ATTACHMENTS**

1. Proposed TRFPD Ordinance No. 2022-01, 2022 California Fire Code with Amendments
2. TRFPD 2022 California Fire Code Adoption Matrix

TRACY RURAL FIRE PROTECTION DISTRICT  
ORDINANCE NO. 2022-01  
ORDINANCE FOR ADOPTION OF  
THE 2022 CALIFORNIA FIRE CODE  
AND PROVIDING THE MODIFICATION THEREOF

An ordinance of the Tracy Rural Fire Protection District adopting the 2022 edition of the California Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Tracy Rural Fire Protection District; providing for the issuance of permits and collection of fees therefore; repealing all other ordinances and parts of the ordinances in conflict therewith.

Findings and Adoption of the 2022 California Fire Code

The Board of Directors of the Tracy Rural Fire Protection District does ordain as follows:

1. That the International Code Council is a private organization, which has been in existence for at least three (3) years.
2. That the California Fire Code, 2022 Edition, and 2022 California Fire Code Standards, published by said organization, are nationally recognized compilation of proposed rules, regulations, and standards of said organization;
3. That said 2022 California Fire Code and Fire Code Standards have been printed and published as a code in book form within the meaning of Section 50022.2 et seq., of the Government Code;
4. That one (1) copy of the 2022 California Fire Code and one (1) copy of the International Fire Code Standards, certified by the Clerk to be true copies, have been filed for use and examination by the public in the office of the Clerk;
5. That the sections of said 2022 California Fire Code and California Fire Code Standards may be referred to by the number used in said published compilation, preceded by the words "California Fire Code Section" or "Fire Code Section" and may also be referred to by additional reference to Municipal Code and sections therein pertaining to said 2022 California Fire Code and Fire Code Standards;
6. That the additional requirements and standards established herein are needed to properly protect the health, safety, and welfare of the existing and future residents and workers of the Tracy Rural Fire Protection District;
7. Said requirements and standards are reasonably necessary because of local climatic, geological, and topographical conditions, and comply with existing state laws and regulations;
8. Amendment of the 2022 California Fire Code is necessary so as to provide more stringent standards for fire extinguishing systems, fire hazard and hazardous materials controls as necessary to serve the public interest by reducing the risk to life and property of the citizens of Tracy Rural Fire Protection District because of the following local conditions:
  - (a) Summer weather conditions are very dry, hot and windy causing ordinary combustibles to be easily ignited and fires to be fast spreading;
  - (b) Very dense fog conditions occur in winter. Reduced visibility causes delays in fire response; and
  - (c) The coverage area is intersected by Interstates 5, 205, and 580. The area experiences a large volume of commuter traffic that can delay fire and emergency service response.

Therefore, for the above reasons taken individually and cumulatively and in accordance with the authority granted in Sections 17958.5 and 17958.7 of the California Health and Safety Code, the Board of Directors of the Tracy Rural Fire Protection District expressly finds there are local climatic and topographical conditions that make the increased fire protection requirements set forth in this article reasonably necessary.

**Section 1** That a certain document, one (1) copy of which is on file in the office of the South San Joaquin County Fire Authority, being marked and designated as the California Fire Code, 2022 edition, including Chapters 1- 10 and 12 - 80, Appendix Chapter 4, Appendices B, BB, C, CC, D, F, H, L, N, O and Division I California Administration and Division II Administration as published by the International Code Council, be and is hereby adopted as the Fire Code of the Tracy Rural Fire Protection District, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and providing penalties for the violation thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Tracy Rural Fire Protection District are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertion, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2** That the following sections of the 2022 California Fire Code are hereby revised:

**CHAPTER 1:**

**Administration  
Scope and General Requirements**

**Title.**

Section 101.1 of the 2022 California Fire Code is hereby amended to read as follows:

These regulations shall be known as the Fire Code of: Tracy Rural Fire Protection District, hereinafter referred to as "this code."

**Administration  
Department of Fire Prevention**

**Authority.**

Section 103.1 of the 2022 California Fire Code is hereby amended to read as follows:

Section 103.1 Creation of agency. The South San Joaquin County Fire Authority is hereby created and the official in charge thereof shall be known as the fire code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

**Appointment.**

Section 103.2, Appointment of the 2022 California Fire Code is deleted.

## **Administration Permits**

### **Time limitation of application.**

Section 105.2.3 of the 2022 California Fire Code is amended to read as follows:

Section 105.2.3 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the fire code official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the fire code official, an application shall not be extended more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new application shall be submitted and corresponding fees shall be paid when an application has expired.

A new application shall be submitted and corresponding fees shall be paid when an application for a permit has expired.

### **Extensions:**

Section 105.3.2 of the 2022 California Fire Code is amended to read as follows:

Section 105.3.2 Extensions. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The fire code official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the fire code official, a permit shall not be extended more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new permit shall be obtained and corresponding fees shall be paid when a permit has expired.

## **Administration Operational Fire Permits**

### **Carnivals, Fairs, Festivals and Exhibitions.**

Section 105.5.5 of the 2022 California Fire Code is amended to read:

105.5.5 Carnivals, Fairs, Festivals and Exhibitions. A permit is required to operate a carnival, fair, festival, or exhibition.

Section 105.6 of the 2022 California Fire Code is amended by adding subsections 105.6.55 through 105.6.57, to read:

### **Christmas tree lots, haunted house or corn maze.**

105.5.55 Christmas tree lots, haunted house or corn maze. An operational permit is required to operate a temporary or permanent operation.

**Emergency Responder Radio Coverage.**

105.5.56 Emergency Responder Radio Coverage. A permit is required for facilities with Emergency Responder Radio Coverage Systems.

**Indoor Growing Operation.**

105.5.57 Indoor Growing Operation. A permit is required to operate an indoor growing operation.

Exception: Agricultural Greenhouses in an agricultural zone.

**Retail Cannabis Operation.**

105.5.58 Retail Cannabis Operation. A permit is required to operate a retail cannabis operation.

**Administration  
Construction Permits**

Section 105.6 of the 2022 California Fire Code is amended by adding subsection 105.6.18.1

105.6.18.1 Water supply for fire protection. Plans shall be submitted to the fire code official for the purpose of determining whether adequate water supplies, fire hydrants, and associated systems are provided for all facilities, buildings, or portions of buildings either constructed or moved into the District pursuant to Section 507.

**Administration  
Construction Documents**

**Information on Construction Documents.**

Section 106.2.1.1 of the 2022 California Fire Code is hereby added to read as follows:

106.2.1.1 Detail Page. An 8 ½” x 11” document and an electronically submitted “detail” page for emergency responder data files shall be submitted to and approved by the fire authority before final inspection. Detail page shall include a site plan showing:

- a. Property, site layout
- b. Roads, fire access lanes, and building access points
- c. Premises identification (Address, building identification, suites, room numbers, etc.)
- d. Fire Hydrant and Fire Department Connection (FDC) locations
- e. Knox product locations
- f. Fire alarm control locations

- g. Fire riser locations
- h. Hose valve locations
- i. “Main Electrical” and “Main Gas Disconnect” locations
- j. Hazardous materials storage

### **Administration Fees**

#### **Reinspection Fee.**

Section 107 of the 2022 California Fire Code is amended by adding subsection 107.7 to read as follows:

107.7 Reinspection Fee. A reinspection fee may be assessed for each inspection, test, or reinspection when such portion of work for which an inspection is requested is not complete or when corrections requested to be inspected are not made. This section is not to be interpreted as requiring reinspection fees the first time an inspection or test is rejected for failure to comply with the requirements of the code, but as controlling the practice of requesting inspections/tests before the job is ready for such inspection or test. Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which the inspection/test is requested, failure for those individuals conducting the test to show up at the scheduled time or deviating from the approved plans. The fee shall be equal to all incurred costs for inspection and administrative staff at the fully burdened rate.

### **Administration Means of Appeals**

#### **Board of Appeals established.**

Section 111.1 of the 2022 California Fire Code is hereby amended to read as follows:

111.1 Board of Appeals established. In order to hear and decide appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of this Code, there is hereby created a board of appeals. The board of appeals is comprised of the Board of Directors.

#### **Qualifications.**

Section 111.3 Qualifications of the 2022 California Fire Code is deleted.

### **Administration Violations**

#### **Violation Penalties.**

Section 112.4 of the 2022 California Fire Code is hereby amended to read as follows:

**112.4 Violation penalties.** Every person who violates any provision of this fire code is guilty of an infraction or misdemeanor in accordance with Health and Safety Code Section 13871 and Government Code Section 53069.4. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the aforesaid penalty shall not be held to prevent the enforced removal of prohibited conditions.

## **Administration Administrative Penalties and Remedies**

### **Applicability.**

Section 112.5 is hereby added to the 2022 California Fire Code to read as follows:

**Applicability.** In addition to any other remedies set forth in this ordinance, administrative penalties may be imposed against any person or any responsible party as defined herein for violating any of the requirements set forth in this ordinance. Use of this section is at the sole discretion of the Fire Authority. The imposition of administrative citations is authorized under Government Code Sections 53069.4 and Health and Safety Code Sections 13861(h), 13870 and 13871.

### **Continuing violations.**

Section 112.5.1 is hereby added to the 2022 California Fire Code to read as follows:

**Continuing violations.** If a violation is continuing one and pertains to Fire or Life Safety issue that does not create an immediate danger to health or safety, The South San Joaquin County Fire Authority shall provide a reasonable period of time for the responsible person to correct or otherwise remedy the violation before the imposition of an administrative citation or penalty.

### **Administrative citation.**

Section 11.5.2 is hereby added to the 2022 California Fire Code to read as follows:

**Administrative citation. Authority.** Whenever an enforcement officer determines that a violation of this code has occurred the enforcement officer has the authority to issue an administrative citation to the person responsible for the violation.

### **Contents of citation.**

Section 112.5.2.1 is hereby added to the 2022 California Fire Code to read as follows:

**Contents of citation.** Each administrative citation shall contain the following information:

- a. The date of the violation.
- b. The address or a definite description of the location where the violation occurred.
- c. The section of this code violated and a description of the violation.
- d. The amount of the fine for the code violation.

- e. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid.
- f. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation.
- g. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained.
- h. The name and signature of the citing enforcement officer.

**Responsible Party.**

Section 112.5.2.2 is hereby added to the 2022 California Fire Code to read as follows:

**Responsible party.** For the purposes of section 112, the term “responsible party” means any person or persons with the right of possession of the residence or other private property includes but is not limited to:

- a. Any owner of the residence or other private property who occupies the residence or private property (hereinafter “owner-occupant”), meaning the record owner of real property as listed in the most current equalized assessment roll as maintained by the San Joaquin County Assessor at the time of the violation;
- b. Any owner-occupant, lessee, licensee, or other person having control over a property, structure or parcel of land at the time of the violation.
- c. Any person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for the violation;

**Responsibility for Proper Property Management.**

Section 112.5.2.2.1 is hereby added to the 2022 California Fire Code to read as follows:

**Responsibility for Proper Property Management.** Every owner, occupant, lessee, tenant, or holder of any possessory interest of a residence or other private property within the Tracy Rural Fire Protection District is required to maintain, manage and supervise property and all persons thereon in a manner so as not to violate the provisions of this ordinance.

**Delivery of citation.**

Section 112.5.2.3 is hereby added to the 2022 California Fire Code to read as follows:

**Delivery of citation.** The administrative citation shall be delivered personally or sent by first class mail or certified mail to the person responsible for the violation.

**Dismissal of citation.**

Section 112.5.2.4 is hereby added to the 2022 California Fire Code to read as follows:

**Dismissal of citation.** At any time before the hearing, if the Fire Marshal determines that there was no violation as charged in the administrative citation or that the citation should be dismissed in the interest of justice, the Fire Marshal shall dismiss the administrative citation, cancel the hearing, and refund any administrative citation fine.

**Amount of fine.**

Section 112.5.3 is hereby added to the 2022 California Fire Code to read as follows:

**Amount of fine.** For violations of this ordinance, the administrative penalty shall be one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for a second violation within any twelve (12) month period, and five hundred dollars (\$500.00) for any subsequent violations within any twelve (12) month period.

**Additional Amounts.**

Section 112.5.3.1 is hereby added to the 2022 California Fire Code to read as follows:

**Additional Amounts.** Administrative costs, interest, late payment charges, costs of compliance reinspections, and collection costs are in addition to the fine. These include:

- a. Administrative costs: based on time spent by code enforcement staff, supervisors and TRFPD attorney's office, at the full cost hourly rate of each employee, including salary, benefits and overhead.
- b. Late payment charges: due at the rate established in the South San Joaquin County Fire Authority Fee Schedule.
- c. Compliance reinspections: based on the South San Joaquin County Fire Authority Fee Schedule.
- d. Collection costs: actual collection costs.

**Discretion of Hearing Officer.**

Section 112.5.3.2 is hereby added to the 2022 California Fire Code to read as follows:

**Discretion of Hearing Officer - Factors in Establishing Fine.** In determining the amount of the fine and additional amounts, hearing officer has the discretion to set the fine lower than the maximum amount, or to reduce the additional costs, based on any or all of the following factors:

- a. The duration of the violation;
- b. The frequency, recurrence and number of violations, related or unrelated, by the same violator;
- c. The seriousness of the violation;
- d. The good faith efforts of the violator to come into compliance;
- e. The economic impact of the fine on the violator;
- f. The impact of the violation on the community; and
- g. Such other factors as justice requires.

**Payment of the fine.**

Section 112.5.4 is hereby added to the 2022 California Fire Code to read as follows:

**Payment of the fine. Due date.** The fine shall be paid to the South San Joaquin County Fire Authority within 30 days from the date of the administrative citation. The Fire Authority may suspend the imposition of fines for any period of time during which the violator has filed for

necessary permits, and such permits are required to achieve compliance, and the permit applications are actively pending before the appropriate governmental agency.

**Refund.**

Section 112.5.4.1 is hereby added to the 2022 California Fire Code to read as follows:

**Refund.** The South San Joaquin County Fire Authority shall refund a fine paid if the hearing officer determines, after a hearing held under section 112.5.5, that the person charged in the citation was not responsible for the violation or that there was no violation as charged.

**Further violations not excused.**

Section 112.5.4.2 is hereby added to the 2022 California Fire Code to read as follows:

**Further violations not excused.** Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation.

**Hearing request.**

Section 112.5.5 is hereby added to the 2022 California Fire Code to read as follows:

**Hearing request.** A person who receives an administrative citation may contest the citation on the basis that there was no violation of the code or that he or she is not the responsible party. To contest the citation, the person shall submit a request for hearing to the South San Joaquin County Fire Authority within 30 days from the date of the administrative citation. The request form may be obtained from the Administrative Office of the South San Joaquin County Fire Authority. The completed request must be submitted together with either an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed under section 110.5.6.

**Notice of hearing.**

Section 112.5.5.1 is hereby added to the 2022 California Fire Code to read as follows:

**Notice of hearing.** The person requesting the hearing shall be notified of the time and place set for the hearing at least 10 days before the date of the hearing.

**Additional reports.**

Section 112.5.5.2 is hereby added to the 2022 California Fire Code to read as follows:

**Additional reports.** If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be provided to the person requesting the hearing at least five days before the date of the hearing.

**Advance deposit hardship waiver.**

Section 112.5.6 is hereby added to the 2022 California Fire Code to read as follows:

**Advance deposit hardship waiver. Request for waiver.** A person who intends to contest an administrative citation under section 112.5.5. and who is financially unable to make the required advance deposit of the fine may file a request for an advance deposit hardship waiver under this section.

**Filing.**

Section 112.5.6.1 is hereby added to the 2022 California Fire Code to read as follows:

**Filing.** An advance deposit hardship waiver shall be filed with the South San Joaquin County Fire Authority on a form provided by the Fire Authority. The application submitted shall include an affidavit, together with any supporting documents or materials, demonstrating the person's actual financial inability to deposit with the Fire Authority the full amount of the fine. The waiver form shall be filed within 10 calendar days of the date of the administrative citation.

**Deposit requirement stayed.**

Section 112.5.6.2 is hereby added to the 2022 California Fire Code to read as follows:

**Deposit requirement stayed.** The requirements of depositing the fine shall be stayed unless or until the South San Joaquin County Fire Authority makes a determination not to issue the advance deposit hardship waiver.

**Standard waiver.**

Section 112.5.6.3 is hereby added to the 2022 California Fire Code to read as follows:

**Standard waiver.** The South San Joaquin County Fire Authority may waive the requirement of an advance deposit under section 112.5.5. and issue the waiver only if the evidence submitted demonstrates to the satisfaction of the Fire Authority the person's actual financial inability to deposit with the Fire Authority the full amount of the fine in advance of the hearing.

**Written determination**

Section 112.5.6.4 is hereby added to the 2022 California Fire Code to read as follows:

**Written determination.** The South San Joaquin County Fire Authority shall issue a written determination listing the reasons for his or her determination to issue or not issue the advance deposit hardship waiver. The written determination of the Fire Authority is final. The written determination shall be served upon the person who applied for the waiver.

**Deposit required if waiver denied.**

Section 112.5.6.5 is hereby added to the 2022 California Fire Code to read as follows:

**Deposit required if waiver denied.** If the South San Joaquin County Fire Authority determines not to issue a waiver, the person cited shall deposit the fine with the Fire Authority within 10 days of the date of that decision or 30 days from the date of the citation, whichever is later.

**Hearing officer.**

Section 112.5.7 is hereby added to the 2022 California Fire Code to read as follows:

**Hearing officer.** The Fire Marshal of the Fire Authority shall designate the hearing officer for the administrative citation hearing. The hearing officer shall be an impartial person such as:

- a. A city or special district employee from another city or district which has no involvement in South San Joaquin County Fire Authority (SSJCFA) code enforcement nor is from a division of SSJCFA; or
- b. A person selected randomly from a panel of local attorneys who have been admitted to practice before the courts of this state for at least 5 years willing to volunteer as a hearing officer.

**Rejection of hearing officer.**

Section 112.5.7.1 is hereby added to the 2022 California Fire Code to read as follows:

**Rejection of hearing officer.** Should the person seeking the hearing reject the hearing officer selected by the South San Joaquin County Fire Authority, then the hearing officer shall be hired from an organization which provides such hearing officer services and the cost therefore shall be shared equally by the Fire Authority and the person cited.

**Performance.**

Section 112.5.7.2 is hereby added to the 2022 California Fire Code to read as follows:

**Performance.** The employment, performance evaluation, compensation and benefits of the hearing officer shall not be directly or indirectly conditioned upon or affected by decision rendered or the amount of administration citation fines upheld by the hearing officer, if any.

**Setting the hearing.**

Section 112.5.8 is hereby added to the 2022 California Fire Code to read as follows:

**Setting the Hearing.** A hearing before the hearing officer shall be set for a date that is not less than 15 days nor more than 60 days from the date that the request for hearing is filed. The person requesting the hearing shall be notified of the time and place set for the hearing as soon as it is set, and at least 10 days before the hearing. If the enforcement officer submits a written report concerning the citation to the hearing officer for consideration at the hearing, then a copy of the report shall be served on the person requesting the hearing at least five days before the hearing. No hearing shall be held unless the fine has been deposited in advance, under 112.5.5, or an advance deposit hardship waiver has been issued under 112.5.6.

**Failure to appear.**

Section 112.5.8.1 is hereby added to the 2022 California Fire Code to read as follows:

**Failure to appear.** The failure of the person requesting the hearing to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust his or her administrative remedies.

**At the hearing.**

Section 112.5.8.2 is hereby added to the 2022 California Fire Code to read as follows:

**At the hearing.** The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents. At the hearing, the party contesting the citation shall be given the opportunity to testify and to present evidence concerning the citation.

**Continuances.**

Section 112.5.8.3 is hereby added to the 2022 California Fire Code to read as follows:

**Continuances.** The hearing officer may continue the hearing and may request additional information for the enforcement officer or the person receiving the citation before issuing the decision.

**Hearing officer's decision.**

Section 112.5.9 is hereby added to the 2022 California Fire Code to read as follows:

**Hearing officer's decision.** After considering the testimony and evidence presented at the hearing, the hearing officer shall issue a written decision to uphold, dismiss or modify the administrative citation. The hearing officer shall state the reasons for the decision and shall send a copy of the decision to the person requesting the hearing and to the enforcement officer. The decision of the hearing officer is final, and may not be appealed.

**Status of fine.**

Section 112.5.9.1 is hereby added to the 2022 California Fire Code to read as follows:

**Status of fine.** If the citation is upheld, then the fine amount on deposit with the South San Joaquin County Fire Authority shall be retained by the Fire Authority. If the fine has not been deposited because there was an advance deposit hardship waiver, the hearing officer shall set forth in the decision a payment schedule for the fine. If the citation is dismissed, the Fire Authority shall promptly refund the amount of any fine deposited.

**Late payment charges.**

Section 112.5.10 is hereby added to the 2022 California Fire Code to read as follows:

**Late payment charges.** A person who fails to pay the South San Joaquin County Fire Authority the fine imposed under this chapter on or before the date that fine is due is also liable for the payment of the applicable late payment charges set forth in section 112.5.3.

**Recovery of administrative citation fines and costs.**

Section 112.5.11 is hereby added to the 2022 California Fire Code to read as follows:

**Recovery of administrative citation fines and costs.** A person who fails to pay any fine or other charge owed to the South San Joaquin County Fire Authority under this chapter is liable in any action brought by the Fire Authority for all costs incurred in securing payment of the delinquent

amount, including but not limited to administrative costs and attorney's fees. Such collection costs are in addition to any fines, interest, and late charges.

**Other costs.**

Section 112.5.11.1 is hereby added to the 2022 California Fire Code to read as follows:

**Other costs.** In addition to the administrative citation fine, the South San Joaquin County Fire Authority may collect its administrative costs, interest, late payment charges, costs of compliance reinspections, and collection costs.

**Collection.**

Section 112.5.11.2 is hereby added to the 2022 California Fire Code to read as follows:

**Collection.** The South San Joaquin County Fire Authority may collect any past due administrative citation fine and other costs and charges by any available legal means.

**Right to judicial review.**

Section 112.5.12 is hereby added to the 2022 California Fire Code to read as follows:

**Right to judicial review.** A person aggrieved by the hearing officer's decision on an administrative citation may obtain review of the decision by filing a petition for review with the Superior Court in San Joaquin County within 20 days after service of the final decision in accordance with the timelines and provisions set for in California Government Code Section 53069.4.

**Method of service.**

Section 112.5.13 is hereby added to the 2022 California Fire Code to read as follows:

**Method of service.** The administrative citation and all notices required to be given by this ordinance shall be served on the responsible party either by personal service, by first class mail, or by certified mail, return receipt requested.

**Real property.**

Section 112.5.13.1 is hereby added to the 2022 California Fire Code to read as follows:

**Real property.** When real property is involved in the violation, the original notice, the administrative citation and all notices required to be given by this ordinance shall be served on the responsible party and, if different, to the property owner at the address as shown on the last equalized county assessment roll. If personal service or service by mail on the property owner is unsuccessful, a copy of each notice and the citation shall be conspicuously posted at the property which is the subject of the violation. The South San Joaquin County Fire Authority may, in its discretion, also serve notice on a tenant, a mortgagor or any other person having an interest in the property.

**Failure to receive notice.**

Section 112.5.13.2 is hereby added to the 2022 California Fire Code to read as follows:

**Failure to receive notice.** The failure of a person to receive a required notice shall not affect the validity of any proceedings taken under this chapter.

**Violation penalties.**

Section 112.5.14 is hereby added to the 2022 California Fire Code to read as follows:

**Violation penalties.** Every person who violates any provisions of TRFPD Ordinance or any provision of the California Fire Code or International Fire Code or California Health and Safety Code, as adopted by reference is guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained may constitute a separate offense.

**CHAPTER 2:**

Chapter 2 of the 2022 California Fire Code is adopted in its entirety as amended below:

**Definitions**

**FALSE ALARM**

Section 202 subsection FALSE ALARM of the 2022 California Fire Code is amended to read as follows:

FALSE ALARM shall mean the giving, signaling or transmission to any public fire station or company or to any officer or employee thereof, whether by telephone, spoken word or otherwise, information to the effect that there is a fire, medical emergency, rescue request, or other need for emergency service at or near the place indicated by the person giving, signaling, or transmitting such information, and there is found to be no need for emergency services.

**CHAPTER 3:**

Chapter 3 of the 2022 California Fire Code is adopted in its entirety as amended below:

**General Requirements  
Open Burning, Recreational Fires  
And Portable Outdoor Fireplaces**

**Open Burning.**

Section 307.1 of the 2022 California Fire Code is hereby amended by adding the following:

Open burning. No person shall kindle, conduct, or maintain any burning of grass, weeds, agricultural trimmings, or other combustibles or authorize any such fire to be kindled, conducted, or maintained without a permit as required by the San Joaquin Valley Unified Air Pollution Control District and compliance with all safeguards pursuant thereto. Any such permitted burning shall

be restricted to agricultural purposes and confined to areas of the Tracy Rural Fire Protection District in which agricultural uses are lawful.

## **General Requirements General Storage**

### **Outdoor Storage of Pallets.**

Section 315.7 of the 2022 California Fire Code is amended to read as follows:

Pallets, palletized packing boxes, bin boxes and other combustibles shall comply with Sections 315.7 through 315.7.7. Pallets stored within a building shall be protected in accordance with Chapter 32.

### **Distance to lot line:**

Section 315.7.2 of the 2022 California Fire Code is amended to read as follows:

Where pallets, palletized packing boxes, bin boxes or other combustibles are piled or stored adjacent to a property line, the distance from such storage or pile shall not be less than 20 feet to the property line.

### **Storage Height:**

Section 315.7.3 of the 2022 California Fire Code is amended to read as follows:

Pallets, palletized packing boxes, bin boxes and other combustible materials shall be stored or piled with due regard to stability but in no case greater than 15 feet in height.

Exception: Bin boxes may be stacked to a maximum height of 20 feet.

### **Proximity to Other Combustible Yard Storage:**

Section 315.7.8 is hereby added to the 2022 California Fire Code to read as follows:

Pallets, palletized packing boxes and bin boxes shall be stored within the limitations to other combustible yard storage as per Table 315.7.8(a).

Table 315.7.8(a)  
Minimum distance of piled storage to other combustible yard  
storage

# of Pallets Bin or Boxes	Min. Feet
<50	20 feet
50-200	30 feet
>200	50 feet

### **Operational Permit Required.**

Section 315.7.9 is hereby added to the 2022 California Fire Code to read as follows:

Operational permit required. An operational permit shall be obtained to store pallets, palletized packing boxes, bin boxes and other combustible materials in excess of 2500 cubic feet.

**Fire Access:**

Section 315.7.10 is hereby added to the 2022 California Fire Code to read as follows:

Fire access driveways between and around pallets, palletized packing boxes, bin boxes or other combustibles shall be a minimum of 20 feet in width and maintained free from accumulation of rubbish, weeds, machinery, equipment or other obstructions that may block access or add to the fire hazard. Driveways shall be spaced so as to establish a maximum grid of storage not to exceed 50 feet by 50 feet and no pile shall exceed 2500 square feet in dimension or more than 50 feet in any one dimension. An approved turning radius around such piles shall be maintained at all times.

**Fencing:**

Section 315.7.11 is hereby added to the 2022 California Fire Code to read as follows:

Outside storage of pallets, palletized packing boxes, bin boxes or other combustibles operating under a permit shall be enclosed by a suitable fence not less than 6 feet in height.

**Water Supply:**

Section 315.7.12 is hereby added to the 2022 California Fire Code to read as follows:

An approved water supply and hydrants capable of supplying the required fire flow shall be provided within 400 feet or all portions of the storage area in accordance with section 507 of the 2022 California Fire Code or NFPA 1142 (where municipal water supplies are not available).

**CHAPTER 4:**

Chapter 4 of the 2022 California Fire Code is adopted in its entirety as amended below:

**Emergency Planning and Preparedness  
General**

**Cost Recovery:**

Section 401.5 of the 2022 California Fire Code is amended by adding subsection 401.5.1 to read as follows:

All costs incurred by the Fire Authority to any response to a false alarm will be charged to that person, property owner, firm or corporation causing the transmission of the false alarm.

## **CHAPTER 5:**

Chapter 5 of the 2022 California Fire Code is adopted in its entirety as amended below:

### **Fire Service Features Fire Apparatus Access Roads**

#### **Security Gates:**

Section 503.6 of the 2022 California Fire Code is amended to read as follows:

The installation of security gates across a fire apparatus access road shall require, prior to installation, approval by the fire code official. Where security gates are installed they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. All electrically operated automatic gates across fire apparatus access roads shall be equipped with traffic preempting optical signal receivers compatible with the emitters utilized by the Fire Authority, which will activate the gate and override all command functions of the gate controller. Knox Switches shall be provided at automatic gates. The traffic preemptive optical signal receiver and key switch shall be provided on both sides of an automatic access gate where an exit loop is not provided. The automatic gate shall have a battery backup or manual mechanical disconnect readily accessible to emergency personnel in case of power failure. All gates must meet Fire Authority standards deemed necessary by the fire code official for rapid, reliable access. Electric gate operators, where provided, shall be listed in accordance with UL 325.

Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. All manual gates shall be equipped with a Knox-Box containing a key to the gate, or an approved Knox- Padlock.

#### **Address Identification.**

Section 505.1 of the 2022 California Fire Code is hereby amended to read as follows:

New and existing buildings shall be provided and maintained with approved address identification. The identification shall comply with all of the following:

1. Not less than 4" high with a 1/2" stroke width
2. Located minimum of 6' above grade
3. Illuminated at night. Illumination shall be either internally or externally at an intensity of 5.0 foot-candles
4. Numbers shall contrast with the background.
5. Numbers shall be placed on a portion of the building that is both legible and visible from the street that fronts the property
6. Numbers shall not be placed on a moveable door and shall not be obstructed from view from the street.
7. Addresses shall be Arabic numbers or alphabetical letters and conventional in form

Additionally, where access is by means of a private road and/or the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used

to identify the structure. Where required by the fire code official, address numbers/figures shall be provided in additional approved locations to facilitate emergency response.

Multiple tenant spaces serviced by vehicular access to the rear of the building through any driveway, alleyway, or parking lot shall have numbers or addresses placed prior to occupancy on all new and existing buildings as to be plainly visible and legible from the rear access way.

Multiple tenant spaces serviced by rear access through a corridor, exit court, or exit yard shall have approved numbers or addresses displayed on the rear of the tenant space.

Multiple tenant spaces that front on interior walkways or pedestrian malls shall have approved numbers or addresses placed over the entrance door in all new and existing buildings. An illuminated annunciator or directory board shall be required at every entrance where deemed necessary by the fire code official.

### **Fire Service Features Key Boxes**

#### **Where required.**

Section 506.1 of the 2022 California Fire Code is hereby amended to read as follows:

Section 506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life safety or firefighting purposes, the fire code official is authorized to require a key box in which all keys necessary for entering any portion of the property, building or area shall be contained. The key box shall be manufactured by Knox (listed in accordance with UL 1037) and as a minimum size, shall be a Knox-Box 3200 series box with exterior dimensions of 5"x4"x3 3/4". Larger boxes will be required dependent upon the number of keys to be set within the box. The Knox-Box shall be installed at a height of 72" above finished grade in an accessible location approved by the fire code official. Keys within the box shall be permanently and readily identified.

#### **Hazardous materials management plan box.**

Section 506 of the 2022 California Fire Code is amended by adding subsection 506.3 to read as follows:

When a facility stores or uses hazardous materials, the fire code official may require the installation of a secured box manufactured by KNOX and located at the facilities primary entrance or fire control room. The plan box shall contain up-to-date hazardous materials inventory sheets (HMIS) of all of the hazardous materials stored or used within the facility, hazardous materials management plan (HMMP) and contact information of the company liaison to the fire authority. The plan box shall be water proof and of sufficient size to contain HMMP and HMIS information without the need to fold the documentation.

#### **Fire Control Room:**

Section 509 of the 2022 California Fire Code is amended by adding subsection 509.3 to read as follows:

509.3 Fire Control Room. All new buildings protected with an automatic fire extinguishing system shall be provided with a Fire Control Room in which shall contain system control valves and where practical, fire alarm panel, smoke exhaust controls and all other equipment (excluding fire pump) as designated by the fire code official. If the electrical power equipment is not located within the Fire Control Room, then, it shall be located in a room immediately adjacent thereto or as approved by the fire code official. The fire control room shall be located so as to be directly accessible from the exterior of the building and provided with a durable and permanent sign on the exterior of the access door to identify the space as the fire control room.

## **Chapter 6:**

Chapter 6 of the 2022 California Fire Code is adopted in its entirety as amended below:

### **Building Services and Systems Electrical Equipment, Wiring and Hazards**

#### **Main Disconnects.**

Section 603.1.3 is added to the 2022 California Fire Code to read as follows:

The main electrical service to any commercial building shall be accessible for emergency shut off from the outside of the building. This may be accomplished by providing one (1) main disconnect, a Knox disconnect or shunt trip device. If, out of necessity, there is more than one main service disconnect, these disconnects shall be located in close proximity to each other as approved by the fire code official. If a generator system activates automatically when a shunt trip or main disconnect shuts down, a control to stop the generator must be located with the main disconnect or shunt trip. Shunt trips, main disconnects and generator controls shall be identified by signs approved by the fire code official.

#### **EXCEPTION:**

1. Fire Control Room with a marked door that is directly accessible from the outside of the building.

## **CHAPTER 9:**

Chapter 9 of the 2022 California Fire Code is adopted in its entirety as amended below:

### **Fire Protection Systems Automatic Sprinkler Systems**

Section 901.6.3.2, is added to the 2022 California Fire code to read as follows:

901.6.3.2 Records Reporting. Fire detection, alarm and extinguishing systems, shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Non-required fire protection systems and equipment shall be inspected, tested, and maintained or removed. All inspection, testing and maintenance reports shall be forwarded to the Fire Authority using electronic media to the designated third party as selected by the Fire Authority. Paper (hard copy) reports are not permitted.

#### **New Construction.**

Section 903 of the 2022 California Fire Code is amended by adding Section 903.2.22 to read as follows:

In addition to the requirements specified in Section 903 of this code, an automatic fire sprinkler system shall be installed throughout and maintained in operable condition in the following buildings.

1. Every building hereafter constructed in which the total area of the building is greater than 6,000 square feet including overhangs. Area separation walls shall not be used for the purpose of eliminating automatic fire sprinkler systems.
2. Every building hereafter constructed of three or more stories in height as defined in the building code.
3. Every building hereafter remodeled or improved within a three-year period of time when the cost of improvements (alterations and/or structural repairs to the building) requiring permits exceeds a valuation threshold as specified below and the total area of the building exceeds 6,000 square feet.

The calculation is determined using a valuation threshold of \$100,000 based on the 1985 "ENR US20 Cities" Average Construction Cost Index of 4195 adjusted by area cost factors. The City will annually update the valuation threshold to a current amount based on the increase in the index since the last figure used.

4. Every building hereafter changed in occupancy classification and the total area is greater than 6,000 square feet, and the proposed use is deemed to be more hazardous based on risk analysis by the fire code official.
5. Every building hereafter in which square footage is increased by 50% or more within a three- year period and the total square footage of the building exceeds 6000 square feet. If the additional square footage added to a building creates a total that exceeds the minimum code requirement for sprinklers for that occupancy type, then automatic sprinklers shall be required.

**EXCEPTIONS:**

1. Minor additions; not greater than 500 square feet in area to existing non-sprinklered buildings and the purpose of the addition is for accessory storage or disabled access upgrades.
2. Buildings and structures classified as F-1 Nut Hullers less than 12,001 square feet and unattached U occupancies as defined in Section 202 of the California Fire Code.
3. If the provisions of the 2022 California Fire Code Section 903.2.1 through 903.2.20 are more restrictive, then the more restrictive requirement shall apply.

**Hose Threads.**

Section 903.3.6 of the 2022 California Fire Code is amended to read as follows:

Fire hose threads and fittings used in connection with automatic sprinkler systems shall be "National Hose" (NH).

### **Fire Protection Systems Fire Department Connections**

#### **Visible location.**

Section 912.2.1 of the 2022 California Fire Code is amended to add:

Fire department connections shall be within one hundred (100) feet of a fire hydrant.

#### **Signs.**

Section 912.5 of the 2022 California Fire Code is amended to read as follows:

A metal sign with raised letters at least 1 inch (25 mm) in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable. Where the fire department connection serves a portion of a building or a specific building among multiple buildings a sign shall be provided to reflect the appropriate building or portion of a building served.

### **Fire Protection Systems Fire Pumps**

#### **Meters and testing devices.**

Section 913 of the 2022 California Fire Code is amended by adding Section 913.7 to read as follows:

Section 913.7 Meters and testing devices. Where fire pumps are provided, they shall have a test loop installed in accordance with the applicable portions of NFPA 20 Section 4.21.2.

#### **CHAPTER 11:**

Chapter 11 of the 2022 California Fire Code is partially adopted with adopted sections listed below (sections adopted by the State Fire Marshal remain unchanged unless modified below):

### **Construction Requirements for Existing Buildings**

## Fire Safety Requirements for Existing Buildings

### Emergency responder radio coverage in existing buildings.

Section 1103.2 of the 2022 California Fire Code is amended to read as follows:

Existing buildings that do not have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction shall be equipped with such coverage when any of the following conditions apply:

1. Where the use or occupancy group of the building has been changed and the use or occupancy is more hazardous.
2. Where the addition of metal racking systems, equipment, or interior walls utilizing metal, masonry or concrete materials that interfere with emergency responder radio coverage within the building as noted below:
  - a. Where multiple tenant spaces exist within a single structure, only the tenant space where improvements are made that trigger radio coverage shall have radio coverage. The improvements made to provide adequate radio coverage shall be designed, however, to have the capability to expand indoor radio coverage to all other areas of the building by adding cable and antennas if needed for subsequent improvements in these other areas of the building. Survivability of the cable pathway and "junction" locations between tenant spaces shall be addressed.
  - b. New metal racks (including required aisle and flue space) or equipment installed that increase existing metal racks (including required aisle and flue space) or equipment by 40% or greater of tenant spaces up to 100,000 square feet, 35% or greater of tenant spaces up to 400,000 square feet and 25% or greater of tenant spaces greater than 400,000 square feet shall require radio coverage.
  - c. New metal racks (including required aisles and flue spaces) or equipment that cover 30% or greater area of the tenant space where no such improvements previously existed shall require radio coverage in tenant spaces up to 100,000 square feet; 25% or greater of tenant spaces up to 400,000 square feet and 20% or greater of tenant spaces greater than 400,000 square feet.
  - d. New masonry or concrete walls and elevated floor/ceilings and metal- framed walls or floor/ceilings installed that increase existing masonry or concrete walls and elevated floor/ceilings and metal-framed walls and floor/ceilings (area calculation) by 40% or greater of tenant spaces up to 100,000 square feet, 35% or greater of tenant spaces up to 400,000 square feet and 25% or greater of tenant spaces more than 400,000 square feet shall require radio coverage.
  - e. New masonry or concrete walls and elevated floor/ceilings and metal-framed walls or floor/ceilings installed that cover 30% or greater area of the tenant space (area calculation) where no such improvements previously existed shall require radio coverage

in tenant spaces up to 100,000 square feet, 25% or greater of tenant spaces up to 400,000 square feet and 20% or greater of tenant spaces more than 400,000 square feet.

3. Every building hereafter in which square footage of the building is increased by 50% or more within a three-year period and the total square footage of the building exceeds 10,000 square feet.

**Exception:**

- 1). Group R Division 3 Occupancies and buildings constructed entirely of structural members made of wood.

**Chapter 25, Fruit and Crop Ripening:**

Chapter 25 of the 2022 California Fire Code is adopted in its entirety without amendment.

**Chapter 26, Fumigation and Insecticidal Fogging:**

Chapter 26 of the 2022 California Fire Code is adopted in its entirety without amendment.

**Chapter 57, Flammable and Combustible Liquids:**

Chapter 57 of the 2022 California Fire Code is adopted in its entirety as amended below:

That the geographic limits referred to in Chapter 57 of the 2022 California Fire Code are hereby established as follows:

Section 5704.2.9.6.1 is amended to include the geographical areas such storage is prohibited:

Locations where above-ground tanks are prohibited. Storage of class 1 and 2 liquids in above-ground tanks is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural use.

Exception: Above ground tanks located at public safety facilities.

Section 5706.2.4.4 is amended to include the geographical areas such storage is prohibited:

Locations where above-ground tanks are prohibited. Locations where above-ground tanks are prohibited. Storage of class 1 and 2 liquids in above-ground tanks is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural use

**Chapter 58, Flammable Gases and Flammable Cryogenic Fluids:**

Chapter 58 of the 2022 California Fire Code is adopted in its entirety as amended below:

That the geographic limits referred to in Chapter 58 of the 2022 California Fire Code are hereby established as follows:

5806.2 Limitations. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

## **Chapter 61, Liquefied Petroleum Gases.**

Section 6104.2 of the 2022 California Fire Code is amended to include the geographical areas restricting the storage of liquefied petroleum gas:

6104.2 Maximum capacity within established limits. The storage of liquefied petroleum gases prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses.

### **APPENDIX B:**

Appendix B, of the 2022 California Fire Code is adopted in its entirety as amended below:

#### **Fire-flow Requirements for Buildings**

##### **B103.3**

Section B103.3 of the 2022 California Fire Code is amended to read as follows:

B103.3 Areas without water supply systems. For information regarding water supplies for fire-fighting purposes in rural and suburban area in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize NFPA 1142. Systems designed in accordance with NFPA 1142 may follow the South San Joaquin County Fire Authority's Above Ground Stationary Static Water Supply System Guide or provisions in NFPA 1142.

##### **B105.2.**

Section B105.2 of the 2022 California Fire Code is amended by adding the following text to the end of the section: Exception:

5. A maximum reduction in required fire-flow of up to 50 percent, as approved by the fire code official, is allowed when the building is provided with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 as opposed to the 75% reduction values given for minimum fire flows in Table B105.2. A reduction in required fire-flow of up to 75 percent, as approved by the fire code official, is allowed for warehouse buildings of Type I, Type II, and Type III construction provided with ESFR automatic fire sprinkler systems. The resulting fire-flow for any of these reductions shall not be less than 1500 gallons per minute for the prescribed duration according to Table B105.1(2). Reduction of fire-flow applies to the fire hydrants requirements as specified in Appendix C.

### **APPENDIX BB:**

Appendix BB, of the 2022 California Fire Code is adopted in its entirety as amended below:

#### **Fire-flow Requirements for Buildings**

##### **BB105.1.**

Section BB105.1 of the 2022 California Fire Code is hereby amended to read as follows:

The minimum fire-flow and flow duration for school buildings shall be as specified in Table BB105.1.

Exception: A reduction in required fire flow of up to 50 percent is allowed when the building is provided with an approved automatic sprinkler system. When a reduction in fire flow is used, fire flow shall not be less than 1500 gallons per minute for the prescribed duration as specified in Table BB105.1. Reduction of fire-flow applies to the fire hydrants requirements as specified in Appendix CC.

**APPENDIX C:**

Appendix C, of the 2022 California Fire Code is adopted in its entirety as amended below:

**Fire Hydrant Locations and Distribution**

Appendix C of the 2022 California Fire Code is hereby amended by adding section C106 to read as follows:

Section C106 Hydrant type. The fire code official shall approve the type of fire hydrants to be installed in the public right of way or on private property prior to any such installation.

Table C102.1 Number and Distribution of Fire Hydrants, footnote “b” of the 2022 California Fire Code is hereby repealed and amended to read as follows:

Table C102.1 footnote “b”

b. Where streets are provided with median dividers that make access to hydrants difficult, cause time delay, or create undue hazard or both, or where arterial streets are provided with four or more traffic lanes, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis.

**APPENDIX CC:**

Appendix CC, of the 2022 California Fire Code is adopted in its entirety as amended below:

**Fire Hydrant Locations and Distribution**

Appendix CC of the 2022 California Fire Code is hereby amended by adding section CC106 to read as follows:

Section CC106 Hydrant type. The fire code official shall approve the type of fire hydrants to be installed in the public right of way or on private property prior to any such installation.

Table CC105.1 Number and Distribution of Fire Hydrants, footnote “b” of the 2022 California Fire Code is hereby repealed and amended to read as follows:

Table CC105.1 footnote “b”

b. Where streets are provided with median dividers that make access to hydrants difficult, cause time delay, or create undue hazard or both, or where arterial streets are provided with four or more traffic lanes, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis.

**APPENDIX D Fire Apparatus Access Roads:**

Appendix D, of the 2022 California Fire Code is adopted in its entirety without amendment.

**APPENDIX F Hazard Ranking:**

Appendix F, of the 2022 California Fire Code is adopted in its entirety without amendment.

**APPENDIX H Hazard Materials Management Plans and Hazardous Materials Inventory Statements:**

Appendix H, of the 2022 California Fire Code is adopted in its entirety without amendment.

**APPENDIX L Requirements for Fire Fighter Air Replacement Systems:**

Appendix L, of the 2022 California Fire Code is adopted in its entirety without amendment.

**APPENDIX N Indoor Trade Shows and Exhibitions:**

Appendix N, of the 2022 California Fire Code is adopted in its entirety without amendment.

**APPENDIX O Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses:**

Appendix O, of the 2022 California Fire Code is adopted in its entirety without amendment.

**Section 3** That Ordinance No. 2022-01 of the Tracy Rural Fire Protection District entitled Ordinance for Adoption of the 2022 California Fire Code and Providing for the Modification Thereof and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4** That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5** That nothing in this legislation or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

**Section 6** That the Tracy Rural Fire Protection District is hereby ordered and directed to cause notification of this proposed ordinance to be published.

**Section 7** That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect ON January 1, 2023 from and after the date of its final passage and adoption.

**Section 8** The Board of Directors of the Tracy Rural Fire Protection District finds its adoption of the 2022 Edition of the California Fire Code as set forth in this ordinance to be exempt from review under provisions of the California Environmental Quality Act (Public Resources Codes Section 21000 et seq., "CEQA") consistent with, among other things, the provisions of CEQA guidelines Section 15321 (Class 21) which exempts review of the adoption of a general rule of enforcement under CEQA.

I HEREBY CERTIFY that the foregoing Ordinance was duly adopted by the Tracy Rural Fire Protection District Board of Directors by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Dated:

\_\_\_\_\_  
Pete Reece, Chairperson  
Board of Directors

ATTEST:

The foregoing is certified to be a correct copy of the original on file in this office which has not been revoked and is now in full force and effect.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

\_\_\_\_\_  
Raychel Jackson, Board Clerk

\_\_\_\_\_  
Kevin Berreth, District Counsel

California Fire Code 2022 Adoption							
Section	Title	Chapter/Appendix adopted	Geographical limits established	Added to CFC	Deleted from CFC	Amended from CFC	Justification for building standards (See below for key justification)
101.1	Title					X	
103.1	Authority					X	
103.2	Appointment				X		
105.2.3	Time Limitation of Application					X	
105.3.2	Extensions					X	
105.5.5	Carnivals, Fairs, Festivals and Exhibitions					X	
105.5.55	Christmas tree lots, haunted house or corn maze			X			
105.5.56	Emergency Responder Radio Coverage			X			
105.5.57	Indoor Growing Operation			X			
105.5.58	Retail Cannabis Operation			X			
105.6.25	Water Supply for Fire Protection			X			
106.2.1.1	Detail Page			X			
107.2.3	Reinspection Fee			X			
111.1	Board of Appeals					X	
111.3	Qualifications				X		
112.4	Violation Penalties					X	
112.5 – 112.5.14	Administrative Penalties and Remedies			X			
202	FALSE ALARM – Definition					X	
307.1	Open Burning					X	A, B, & C
315.7	Outdoor Storage of Pallets					X	A, B, & C
315.7.2	Distance to Lot Line					X	A, B, & C
315.7.3	Storage Height					X	A, B, & C
315.7.8	Proximity to Other Combustible Yard Storage			X			A, B, & C

California Fire Code 2022 Adoption							
Section	Title	Chapter/Appendix adopted	Geographical limits established	Added to CFC	Deleted from CFC	Amended from CFC	Justification for building standards (See below for key justification)
315.7.9	Operational Permit Required – Pallet Storage			X			A, B, & C
315.7.10	Fire Access			X			A, B, & C
315.7.11	Fencing			X			A, B, & C
315.7.12	Water Supply			X			A, B, & C
401.5.1	Cost Recovery			X			A, B, & C
503.6	Security Gates					X	A, B, & C
505.1	Address Identification					X	A, B, & C
506.1	Key Boxes - Where Required					X	A, B, & C
506.3	Hazardous Materials Management Plan Box			X			A, B, & C
509.3	Fire Control Room			X			A, B, & C
604.3.2	Main Disconnects			X			A, B, & C
901.6.3.2	Records Reporting			X			A, B, & C
903.2.22	New Construction			X			A, B, & C
903.3.6	Hose Threads					X	A, B, & C
912.2.1	Visible Location					X	A, B, & C
912.5	Signs					X	A, B, & C
913.7	Meters and Testing Devices			X			A, B, & C
1103.2	Emergency Responder Radio Coverage in Existing Buildings					X	A, B, & C
Chapter 25	Fruit and Crop Ripening chapter adopted in its entirety without amendment	X					A, B, & C
Chapter 26	Fumigation and Insecticidal Fogging chapter adopted in its entirety without amendment	X					A, B, & C

California Fire Code 2022 Adoption							
Section	Title	Chapter/Appendix adopted	Geographical limits established	Added to CFC	Deleted from CFC	Amended from CFC	Justification for building standards (See below for key justification)
5704.2.9.6.1	Locations where above-ground tanks are prohibited		X				A, B, & C
5706.2.4.4	Locations where above-ground tanks are prohibited.		X				A, B, & C
5806.2	Flammable Cryogenic Fluids - Limitations		X				A, B, & C
6104.2	Liquefied Petroleum Gases - Maximum capacity within established limits		X				A, B, & C
B103.3	Areas Without Water Supply Systems					X	A, B, & C
B105.2	Buildings Other Than One- and Two-family Dwellings, Group R-3 and R-4 Buildings and Townhouses			X			A, B, & C
BB105.1	Fire-Flow Requirements for Buildings					X	A, B, & C
C106	Hydrant Type			X			A, B, & C
Table C102.1	Number and Distribution of Fire Hydrants					X	A, B, & C
CC106	Hydrant Type			X			A, B, & C
Table CC105.1	Number and Distribution of Fire Hydrants					X	A, B, & C
APPENDIX D	Fire Apparatus Access Roads	X					A, B, & C
APPENDIX F	Hazard Ranking	X					A, B, & C
APPENDIX H	Hazard Materials Management Plans and Hazardous Materials Inventory Statements	X					A, B, & C
APPENDIX L	Requirements for Fire Fighter Air Replacement Systems	X					A, B, & C
APPENDIX N	Indoor Trade Shows and Exhibitions	X					A, B, & C
APPENDIX O	Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses	X					A, B, & C

The preceding listed amendments are necessary to adequately protect the community on the basis of specific, local geologic, topographic and climatic conditions. The conditions are listed below and referenced as the justification for amending the building standards.

Key to Justification for Amendments to Title 24 of the California Code of Regulations

- A. Summer weather conditions are very dry, hot and windy causing ordinary combustibles to be easily ignited and fires to be fast spreading;
- B. Very dense fog conditions occur in winter. Reduced visibility causes delays in fire response; and
- C. The coverage area is intersected by Interstates 5, 205, and 580. The area experiences a large volume of commuter traffic that can delay fire and emergency service response.



## **Tracy Rural County Fire Protection District**

Agenda Item 4.2

### **STAFF REPORT**

**Meeting:** Regular Meeting  
**Date:** November 10, 2022  
**To:** Board of Directors  
**Prepared by:** Raychel Jackson, District Clerk  
**Approved by:** Pete Reece, Chairperson

**Re:** Review and Approve Proposal from Harris & Associates to Obtain a Nexus Study on the Impact Fees Tracy Rural County Fire District Currently Receives

### **RECOMMENDATION**

Action Item  Non-Action Item

It is recommended that the Board of Directors review and approve a proposal from Harris & Associates to obtain a nexus study relating to the impact fees and provide staff with further instructions.

### **BACKGROUND**

On September 24, 1991, the Board of Supervisors of San Joaquin County approved Resolution 91-785 establishing Fire Protection Fees for New Development within the Tracy Rural Fire Protection District at the rate of \$0.15 per square foot for residential, mobile home, agriculture buildings and commercial/industrial.

On October 10, 2022, the Board of Directors discussed hiring a consulting firm to develop an impact fee nexus study as new development continues within the TRFD jurisdiction, additional capital facilities will be required to meet the service needs of future development. The Board of Directors directed Chief Brandley and Board Clerk to connect with Harris & Associates since they have worked recently with the City of Tracy to establish a new Fire Impact Fee.

### **DISCUSSION**

Special districts are allowed to charge and collect development impact fees, or development impact mitigation fees, under the Mitigation Fee Act (Gov. Code §66000, et seq.) The fees are imposed by public agencies to mitigate the costs of providing infrastructure and facility



## **Tracy Rural County Fire Protection District**

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improvements needed to serve new development. Development impact fees are implemented to ensure that new development pays a proportionate share for infrastructure and facilities required to serve such new development. Special districts may consider and adopt development impact fees programs, but only public agencies with land use authority (San Joaquin County) may adopt and collect such fees.

The nexus study evaluates the nexus (reasonable relationship) between projected development in the fee program and the necessary fire facilities that will be funded by the revised development impact fee program.

Once a special district proposed fee program is vetted with enabling land use agencies, the development industry and other local agencies should be consulted before the adoption of a development impact fee program. A public hearing is required before the approval of a development impact fee program.

### **FISCAL IMPACTS**

Proposed fees for the Fire Facility Fee Nexus Study, not to exceed \$22,095.00.

### **ATTACHMENTS**

1. Harris & Associates Proposal for Fire Facility Fee Nexus Study



**Harris & Associates®**

November 4, 2022

Chief Bradley  
Tracy Rural Fire District  
793 S. Tracy Blvd., #298  
Tracy, CA 95376

**RE: Fire Facility Fee Nexus Study**

Dear Chief Bradley,

We appreciate the opportunity to provide a proposal to perform an update to your Fire Facility Fee. Having worked recently with the City of Tracy to establish a new Fire Impact Fee, we are well positioned and uniquely qualified to help with this endeavor.

Given the rising costs of construction and planned new development in the County, the need to update this study is evident. In addition, the state continues to pass new legislation each year that sets additional regulations and reporting requirements for impact fee programs and it is becoming increasingly important that agencies meet annual and five-year reporting requirements. A new bill implemented this year states that impact fee studies must be updated every eight years and sets additional regulations that must be followed.

## **PROJECT UNDERSTANDING**

Tracy Rural Fire collects a Fire Fee through the County of San Joaquin that was adopted in 1991. The fee was set at \$0.15 per building square foot and has not been updated since adoption. Tracy Rural wishes to update the fee that will be collected on new Development in the County that falls within Tracy Rural's jurisdiction. The study will build off the work already completed.

The Mitigation Fee Act, commonly known as Assembly Bill 1600 (AB1600), was enacted by the state of California in 1987 and created Section 66000 et. seq. of the California Government Code. AB1600 was enacted to ensure that new development mitigates its impact on the agency's infrastructure. The Act sets requirements for establishing fees as well as annual reporting requirements. In addition, every five years the agency must make findings that demonstrate the continuing need for the fee and show that there is an expenditure plan for all fee revenues. The governor signed AB 602 which updates and expands on several requirements for Nexus Studies. Harris' scope includes additional work related to these new requirements.

## **SCOPE OF SERVICES**

Harris has prepared the following scope of work to prepare an update to the Fire Facility Fee.

### **TASK 1 – PROJECT MANAGEMENT**

Harris will attend teleconferences and coordinate with staff via email as needed to obtain information and move the project forward. It is assumed that up to six teleconferences will be attended as part of this task and that the total project duration will be six months.

## **TASK 2 – LAND USE ASSUMPTIONS**

Harris will coordinate with San Joaquin County and review available documents to determine development potential in the County. Harris will utilize the same persons per household assumptions used in the City of Tracy Fire Fee Study.

## **TASK 3 – CALCULATE FEES**

Based on the estimated development in the County, the estimated new development in the City, and the costs and fire stations identified in the City of Tracy's Fire study (plus the addition of one new fire station and related vehicles and equipment), Harris will determine the methodology for proportioning the costs of the fire stations between all new development and will calculate a fee for new Development in the County. It is anticipated that the fee will mimic the City fees to the extent possible.

## **TASK 4 – PREPARE FEE JUSTIFICATION STUDY**

Once all parties agree on the fees, Harris will prepare a Fire Facility Fee Nexus Study that summarizes the fees, assumptions, cost estimates, land uses, projected revenues, funded facilities, existing level of service, and all other related assumptions. The report will make the required nexus findings, discuss annual fee update procedures, outline reimbursement and credit policies, and discuss the required administrative procedures. The Nexus Study will be prepared in an organized fashion with an executive summary and will contain all required legal and technical documentation. Harris will participate in a call with the staff to discuss the report and will incorporate comments into the final draft report.

## **TASK 5 - STAKEHOLDER MEETINGS**

Harris will prepare and make presentations on the revised impact fees at up to three stakeholder meetings. It is anticipated that this would include a meeting with the BIA/Development Community, one Tracy Rural Board Meeting and one County Board of Supervisor's meeting. The presentations will be prepared in a clear and concise manner. Harris will review the agenda reports and resolutions prior to each meeting.

Harris will address concerns and modify the analysis and the report as necessary following each meeting.

Staff Responsibilities include but are not limited to:

- Review all documents and provide comments.
- Notice all meetings.
- Prepare staff reports and resolutions as needed.
- Provide necessary back-up documentation.

## PROJECT SCHEDULE

Harris has prepared the following schedule based on experience in performing these types of studies.

	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6
Task 1: Project Management	■	■	■	■	■	■
Task 2: Land Use Assumptions	■	■				
Task 3: Calculate Fees		■	■			
Task 4: Prepare Fee Justification Study			■			
Task 5: Stakeholder Meetings (3 assumed)				■	■	■

Note: Fees Effective 60 days after adoption.

## PROJECT EXPERIENCE

Following is a list of some recent development impact fee projects. We have included reference names and contact information.

### Community Facilities and Transportation Facilities Impact Fee Update

Mountain House CSD

**Location:** Mountain House, CA

**Reference:** Sarah Ragsdale, Administrative Services Director

**Contact:** 209.831.5645 | sragdale@sjgov.org

**Team:** Alison Bouley, Project Director. Megan Quinn, Project Manager. Joel Nagamine, Project Engineer.

Harris performed two updates of the Community Facilities Fee (CFF) and Transportation Improvement Fee (TIF) fees for the Mountain House Community Services District (CSD) and is currently performing another fee update. The CFF fee funds parks, public buildings, and public safety facilities and the TIF fee funds roads and intersections. Harris was responsible for reviewing the projects to determine project status, updating project costs, updating land use information, confirming outstanding developer liability, calculating new fees, and preparing new Nexus Studies. Harris created a reimbursement policy to summarize the process for reimbursements and credits. In addition, Harris calculated the annexation fee for reimbursement to the master developer for the construction of initial infrastructure and created a policy document for annexation into the CSD. Harris is assisting the CSD with the management of the CSD's cost certification process, coordinating with staff and the development community, and maintaining tracking spreadsheets. Harris has presented at Board meetings and developer meetings as part of the impact fee update.

### Development Impact Fees and Ongoing Program Management

City of Tracy

**Location:** Tracy, CA

**Reference:** Veronica Child, Management Analyst II

**Contact:** 209.831.6487 | Veronica.Child@ci.tracy.ca.us

**Team:** Alison Bouley, Project Manager/Director. Adam Marston, Senior Analyst. Joel Nagamine, Project Engineer.

Harris has been managing the City's development impact fee programs for over 20 years. This included the development and administration of fees for over ten specific plan areas. Harris assisted the City in consolidating the different specific plan areas into a Core Fee Program Area. In addition, Harris was instrumental in helping the City adopt its first set of Citywide Master Plans and Development Impact Fees. Harris also assists the City in negotiating Development Agreements with developers,

developing and monitoring credit and reimbursement agreements, and assists in preparing fee calculations for new development projects. In addition, Harris assists the City with its annual fee report. Harris is currently assisting the City with the development of new Citywide fees in conjunction with their master plan updates including the City's Public Safety Fee.

## Development Impact Fee Update

### City of Lodi

**Location:** Lodi, CA

**Reference:** Charles Swimley, Director of Public Works

**Contact:** 209.333.6706 | cswimley@lodi.gov

**Team:** Alison Bouley, Project Director. Adam Marston, Project Manager.

Harris assisted the City of Lodi with creating new master plans for storm drainage, water, wastewater, traffic, police, fire, general facilities, parks, bike paths, public art, and electrical utility. Harris developed cost estimates and calculated the development impact fees under AB1600 and created a finance plan that summarized the fees, prepared cash flow projections, and documented important implementation measures. Harris held monthly meetings with the development community and gave monthly City Council presentations to confirm collaboration on the project.

Harris is in the process of a 5-year update to the fee program. Harris met with the City to validate assumptions, update land use information, review updated master plans and project lists, and has prepared new cost estimates for the facilities being funded. Harris is also calculating a new recycled water fee for inclusion in the program. Harris is anticipating the adoption of the updated fees in March of 2020.

## PROJECT TEAM

Harris has assembled the following project team to work on the development of your Fire Facilities Update. Alison Bouley, PE, will serve as the project director and will collaborate with the team to make sure the project runs smoothly, provide quality control and assurance, and attend meetings with staff. Alison has been developing impact fee programs for 21 years. The team will be supported by Adam Marston who will serve as the project manager and the day-to-day point of contact. The team will also be supported by other staff as assigned who will provide technical support and will assist in preparing the impact fee calculations and reports.

## Alison Bouley, PE

### Project Director

Alison has 21 years of experience providing program management and financial engineering services to cities, counties, and special districts on a wide variety of project types, including AB1600 development impact fees.

She has facilitated the development of a variety of Finance Plans, Fee Studies, and Nexus Studies. Alison is a Vice President in our public finance group and head of Harris' Municipal and District Finance Group. She is a true team-player, thriving in environments where she can accomplish the challenges presented by her clients through collaboration and problem-solving.

- **City of Tracy**, *Citywide Master Plans, AB1600 Fee Studies, and Ongoing Program Management*. Project Manager.
- **Mountain House CSD**, *CFF & TIF Update & Annexation Fee Calculation*. Project Manager.
- **City of Manteca**, *Park Impact Fee*. Project Manager.
- **City of Lodi**, *Infrastructure Master Plan and Impact Fees and Impact Fees Update*. Project Manager/Project Director.
- **City of Millbrae**, *Comprehensive Development Impact Fee Study and maintenance CFD*. Project Director.
- **City of Rancho Cordova, Zone 11a** *Development Impact Fee Study*. Project Manager.
- **City of Oxnard**, *Impact Fee Implementation and Action Plan, Impact Fee Update, Affordable Housing Fee Study, Parking in-lieu fee, and Annual Report*. Project Manager.
- **City of Sacramento**, *Jacinto Creek Development Impact Fee Update*. Project Director.
- **City of Novato**, *Development Impact Fee Study*. Project Director.
- **City of El Cajon**, *Development Impact Fee Study*. Project Director.
- **City of Costa Mesa**, *Development Impact Fee Update*. Project Director.

## Adam Marston

### Project Manager

Adam has been involved in preparing finance and implementation plans and calculating development impact fees including the City of Gustine, City of Lodi, City of Tracy, and the City of Sacramento and has been involved in a number of utility undergrounding districts. In addition, he has extensive experience in GIS and can extract land use data and prepare maps.

Adam has direct experience working as an integral part of a city's Community Development Department. He is a versatile team-player, focused on connecting with clients and stakeholders alike to deliver a final product reflective of a collective vision of the community.

- **City of Tracy**, *Public Safety Impact Fee Update*. Project Manager.
- **City of Lodi**, *Impact Fees Update*. Project Manager.
- **City of Gustine**, *Development Impact Fee Update*. Project Analyst.
- **City of Sacramento**, *Jacinto Creek Development Impact Fee Update*. Project Manager.
- **City of Oxnard**, *Impact Fee Update*. Project Analyst.
- **City of Tracy**, *Tracy Hills Acquisition Audits*. Project Analyst.
- **City of Rancho Cordova**, *Zone 11 Storm Drainage Fee*. Project Analyst.
- **City of Coronado**, *Utility Undergrounding Master Plan and Funding Study*. Project Analyst.
- **City of Laguna Beach**, *Utility Undergrounding Master Plan and Funding Study*. Project Analyst.
- **City of Newport Beach**. *Utility Undergrounding Districts*. Project Manager.

## PROPOSED FEES

Harris has prepared the following not to exceed fee proposals for this work. The fee includes all indirect expenses such as travel, meals, and reproduction.

	Project Director \$265/hr Hours	Project Manager \$170/hr Hours	Project Engineer/ Senior Analyst \$155/hr Hours	Total Estimated Hours	Total Estimated Fee
Task 1: Project Management	6	12		18	\$ 3,630.00
Task 2: Land Use Assumptions	2	8	6	16	\$ 2,820.00
Task 3: Calculate Fees	3	10	10	23	\$ 4,045.00
Task 4: Prepare Fee Justification Study	4	12	16	32	\$ 5,580.00
Task 5: Stakeholder Meetings (3 assumed)	10	18	2	30	\$ 6,020.00
<b>Total</b>	<b>25</b>	<b>60</b>	<b>34</b>	<b>119</b>	<b>\$ 22,095.00</b>

We appreciate the opportunity to assist with the update of Tracy Rural's Fire Facilities Fee.

Please feel free to give me a call if you have any questions.

Sincerely,  
**Harris & Associates, Inc.**



**Alison Bouley, PE**  
Vice President, Municipal and District Finance  
(949) 536-2513 ■ Alison.Bouley@WeAreHarris.com



## **Tracy Rural County Fire Protection District**

Agenda Item 4.3

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### **STAFF REPORT**

**Meeting:** Regular Meeting  
**Date:** November 10, 2022  
**To:** Board of Directors  
**Prepared by:** Raychel Jackson, District Clerk  
**Approved by:** Pete Reece, Chairperson

**Re:** Update Information Regarding Station Maintenance Issues

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#### **RECOMMENDATION**

Action Item \_\_\_\_ Non-Action Item X\_\_

Receive an update on Station 93, Station 94 and Station 95 maintenance issues and modifications and provide direction to staff concerning future projects.

#### **BACKGROUND**

Station 93, located at 1400 W Durham Ferry Road, was constructed and occupied in 2006. Station 94, located at 16502 West Schulte Road, was remodeled from an existing 20+ year old ranch house into a fire station in 1995. Over the years, both stations have experienced maintenance issues that can be attributed to their age and the normal wear and tear related to fire station operations.

#### **DISCUSSION**

Ongoing maintenance and repairs at all stations. Update on solar at Station 93; update on Cost for maintaining property; update on the punch list for Station 95;

#### **FISCAL IMPACTS**

None.

#### **ATTACHMENTS**

None.



## **Tracy Rural County Fire Protection District**

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Agenda Item 4.4

### **STAFF REPORT**

**Meeting:** Regular Meeting  
**Date:** November 10, 2022  
**To:** Board of Directors  
**Prepared by:** Raychel Jackson, District Clerk  
**Approved by:** Pete Reece, Chairperson

**Re:** Approve Resolution 2022-11 to Apply for Technical Assistance Through the Energy Partnership Program with California Energy Commission

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### **RECOMMENDATION**

Action Item   X   Non-Action Item       

It is recommended that the Board of Directors consider applying for the Energy Partnership Program with California Energy Commission.

### **BACKGROUND**

The Board of Directors have inquired about seeking ways to be more energy efficient at Station 93 and Station 94, and therefore would like to entertain the idea of an energy audit. The District would like to lower the monthly utility bills, lower electric rates and lowering the environmental impact of energy.

### **DISCUSSION**

The California Energy Commission's Energy Partnership Program offers services to help identify the most cost-effective, energy-savings opportunities for buildings and new construction. Cost-saving measures are needed with increasing operating costs. Reducing energy costs is one way to save money. In most cases, there is no cost for the Energy Partnership Program. The CEC provides technical assistance services up to \$20,000 of a consultant's costs, per entity, via a grant and no contract is required. The cost of the study depends on the facility size, type, and scope of project. The CEC contracts with experienced engineering and architectural consultants who provide the technical assistance.

The CEC wants a commitment from the District to implement any or all of the energy efficiency measures recommended in the energy audit report. To show commitment, the Board would need to approve the resolution and funds set aside for improvements.



## **Tracy Rural County Fire Protection District**

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The CEC requests 12 months of utility bills for each station, past energy audits and any preliminary plans or proposals, such as solar. From the time the CEC authorizes work, the consultant has 4-6 months to complete the work (site visits, analyze the data, draft the report, CEC and applicant review of the report, finalize the report). The District must provide access to the facilities for an energy audit. The report will have a facility description, utility summary/benchmarking, energy efficient measures and analysis and recommendations. After the District receives the report, the Board can decide what recommendations to proceed with and the District can use it's own vendors.

### **FISCAL IMPACTS**

None to submit application. However, depending on the recommendations from the consultant report, this project will be funded from the Capital Outlay Fund account.

### **ATTACHMENTS**

1. Resolution 2022-11 – Approve to Apply for Technical Assistance Through the Energy Partnership Program with California Energy Commission



## Tracy Rural County Fire Protection District

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### Resolution No. 2022-11

#### A RESOLUTION TO APPLY FOR TECHNICAL ASSISTANCE THROUGH THE ENERGY PARTNERSHIP PROGRAM WITH CALIFORNIA ENERGY COMMISSION

**WHEREAS**, the Tracy Rural County Fire Protection District ("District"), Board of Directors desires professional assistance relating to energy audit services at Station 93, located at 1400 W. Durham Ferry Road, Tracy and Station 94, located at 16502 W. Schulte Road, Tracy;

**WHEREAS**, the California Energy Commission has developed the Energy Partnership Program to provide technical assistance in identifying energy efficiency improvements;

**WHEREAS**, the Board of Directors recognizes that the California Energy Commission has limited funds for technical assistance and that primary consideration will be given to those that are committed to implementing the recommended projects;

**WHEREAS**, the Board of Directors authorizes the Board Clerk to apply for technical assistance with California Energy Commission;

**WHEREAS**, the District understands this is a grant program provided by California Energy Commission and no contract is required;

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Directors of Tracy Rural County Fire Protection District that:

The District will seek funding, if necessary, to implement the recommended feasible energy efficiency project identified through the Energy Partnership Program.

Motion passed.

Passed, approved, and adopted this 10<sup>th</sup> day of November, 2022.

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Pete Reece, Chairman of the Board

ATTEST:

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Raychel Jackson, Clerk of the Board