



San Miguel Fire & Rescue

Staff Report

Date: June 10, 2020
To: Board of Directors
From: W. Brent Napier, Deputy Fire Marshal
Subject: State Mandated Inspections per SB 1205 and California HSC 13146.4

Background

The California State Fire Marshal, through the California Health and Safety Code, mandates that certain occupancies be inspected annually. Sections 13146.2 and 13146.3 of the Health and Safety Code specifically mandate that every hotel, motel, lodging house, apartment building, certain residential care facilities, and public and private schools be inspected annually. Since the Ghost Ship Fire in Oakland, which killed 36 people, grand jury investigations revealed that the state required annual inspections on various occupancies, but the inspections were not mandated to be reported to any governing body.

Senate Bill 1205, authored by Senator Jerry Hill became effective September 27, 2018. It adds Section 13146.4 to the Health and Safety Code which, in part, reads:

- (a) Every city or county fire department, city and county fire department, or district required to perform an annual inspection pursuant to Sections 13146.2 and 13146.3 shall report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3.
- (b) The report made pursuant to subdivision (a) shall occur when the administering authority discusses its annual budget, or at another time determined by the administering authority.
- (c) The administering authority shall acknowledge receipt of the report made pursuant to subdivision (a) in a resolution or a similar formal document.
- (d) For purposes of this section, “administering authority” means a city council, county board of supervisors, or district board, as the case may be.

The San Miguel Fire Protection District has 445 state-mandated residential and educational occupancies, of which 370 have been inspected in the last twelve months from the period starting June 1, 2019 and ending May 31, 2020. That is a completion rate of 83%.

Due to vacant staffing positions, along with the recent safety precautions put in place due to COVID-19, the Fire Prevention Bureau was unable to complete all required inspections. The Bureau is now fully staffed, and with a return to “normal” operations post COVID, expects to be able to complete all state-mandated inspections in the next Fiscal Year.

Fiscal Impact

No fiscal impact.

Recommendation

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Approve Resolution 20-13 accepting the 2019-2020 California State Fire Marshal mandated inspection report.

Resolution 20-13

**A Resolution of the Board of Directors of the
San Miguel Consolidated Fire Protection District
Acknowledging Receipt of a Report Made by the Deputy Fire Marshal of the
San Miguel Consolidated Fire Protection District
Regarding the Inspection of Certain Occupancies Requiring
Annual Inspections Be Performed in Such Occupancies
Pursuant to Sections 13146.2 And 13146.3 of the
California Health and Safety Code**

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

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

WHEREAS, California Health & Safety Code Section 13146.4 requires all fire departments, including the San Miguel Consolidated Fire Protection District, that provide fire protection services to report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3 and,

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

NOW, THEREFORE, BE IT RESOLVED: That the Board of Directors hereby expressly acknowledges the measure of compliance of the San Miguel Consolidated Fire Protection District with California Health and Safety Code Sections 13146.2 and 13146.3 in the area encompassed by the District, as follows:

A. EDUCATIONAL GROUP E OCCUPANCIES:

Educational Group E occupancies are generally those public and private schools, used by more than six persons at any one time for educational purposes through the 12th grade. Within the San Miguel Consolidated Fire Protection District, there lie 42 Group E occupancies, buildings, structures and/or facilities.

During the period June 1st 2019 – May 31st 2020, the San Miguel Consolidated Fire Protection District completed the annual inspection of 9 Group E occupancies, buildings, structures and/or facilities. This is a compliance rate of 22% for this reporting period.

Additional items of note regarding this compliance rate can be found in the accompanying staff report for this resolution.

B. RESIDENTIAL GROUP R OCCUPANCIES:

Residential Group R occupancies, for the purposes of this resolution, are generally those occupancies containing sleeping units, and include hotels, motels, apartments (three units or more), etc. as well as other residential occupancies (including a number of residential care facilities). These residential care facilities have a number of different sub-classifications, and they may contain residents or clients that have a range of needs, including those related to custodial care, mobility impairments, cognitive disabilities, etc. The residents may also be non-ambulatory or bedridden. Within the San Miguel Consolidated Fire Protection District, there lie 445 Group R (and their associated sub-

categories) occupancies of this nature.

During the period June 1st 2019 – May 31st 2020, the San Miguel Consolidated Fire Protection District completed the annual inspection of 370 Group R occupancies, buildings, structures and/or facilities. This is a compliance rate of 83% for this reporting period.

Additional items of note regarding this compliance rate can be found in the accompanying staff report for this resolution.

STATE OF CALIFORNIA

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COUNTY OF SAN DIEGO) ss.
SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT)

I, Shayna Rians, Secretary of the San Miguel Consolidated Fire Protection District, County of San Diego, State of California, hereby certify that the foregoing Resolution No. 20-13 was adopted by the Board of Directors of said San Miguel Consolidated Fire Protection District at a regular meeting of said Board held on the 10th day of June, 2020, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Kim Raddatz, Chair of the Board of Directors

ATTEST:

District Secretary

APPROVED AS TO FORM:

Best Best & Krieger LLP
District Counsel