

**PLACER COUNTY  
OFFICE OF EMERGENCY SERVICES**

**M E M O R A N D U M**

Approved  
NOV 27 2007  
Placer County  
Board of Supervisors

**To: Honorable Board of Supervisors**  
**From: Thomas Miller, County Executive Officer**  
**by: Rui Cunha, Emergency Services Program Manager**  
**Date: November 27, 2007**  
**Subject: Amendment of Article 2 of the Placer County Code creating a County Fire Warden as an unpaid County officer.**

**ACTION REQUESTED**

That your Board waive reading and approve introduction of the attached ordinance amending Chapter 2 §2.08.010 of the Placer County Code and adding Chapter 2 §2.26 which, combined, reflect:

- (1) Creating a County Fire Warden as an unpaid County officer; and,
- (2) Providing your Board authority to appoint the fire warden, set the term of office, delineate duties and provide for administration and oversight.

This item is a necessary companion action to your Board's October 23, 2007, adoption of the Hazardous Vegetation Abatement (HVA) Ordinance.

**BACKGROUND**

Your Board has consistently supported the need for active wildland fire prevention and suppression in Placer County. In the more recent past, your Board promoted increased fire awareness as well as fuels reduction and a biomass reduction program. Combined, these will help reduce the occurrence of and damage from wildland fires. However, even with your Board's continual support and focus, damaging fires such as the recent Angora Fire in El Dorado County and the Washoe Fire in the Tahoe Basin will continue to occur.

**Recent Ordinance – Hazardous Vegetation Abatement**

To further reduce the fuels load and intensity of wildland fires, your Board adopted the HVA Ordinance on October 23 of this year which assists Tahoe-based fire protection agencies through partial clearing of flammable vegetation on unimproved parcels.

**Establishment of a Placer County Fire Warden**

Today's action, a companion piece to the HVA ordinance, establishes and staffs the fire warden position and delineates responsibilities, administration and support and remuneration. This action formally establishes the fire warden position as a County officer whose operational role and responsibilities are delineated in County Code and referenced in the HVA ordinance. To date, no such designation or position exists in the County. Although the local fire agency Chief Officer (or designee) has typically executed similar responsibilities, this ordinance provides a more reaching, coordinated and delineated process.

The HVA ordinance goes into effect February 1, 2008, and tasks the County Fire Warden with implementing a new, inspections-based program of fire prevention efforts specifically targeting unimproved parcels, convening the appeal body as required, and providing the overall inspections and mitigation program guidance and direction.

#### Legal Authority

The appointment of a County Fire Warden is authorized by California Government Code §24008 which provides for an appointment by the Board of Supervisors (included in section §2.26.020). As delineated in the ordinance, routine oversight and administration of the fire warden (a fire agency chief officer) falls under the County Executive Officer or his designee.

#### **PROPOSED ORDINANCE**

The County Fire Warden or designee is responsible for ensuring and enforcing the abatement of vegetation on unimproved parcels if some or all of that vegetation is proven hazardous to an adjoining improved parcel. The requirement for abatement is identified through regularly scheduled Public Resources Code (PRC) 4291 fire inspections.

The Fire Warden is a fire professional and agency chief officer who serves without compensation, who acts after close coordination and in cooperation with County staff, and:

- Represents the county with the powers of a peace officer in enforcing all County fire laws, ordinances, rules and regulations.
- Provides an annual report to the Board of Supervisors on the status of fire prevention and fire protection within the county.

#### **FISCAL IMPACT**

There is no direct impact to the General Fund as a result of this action. However, it is noted your Board previously approved funding for the Hazardous Vegetation Abatement ordinance that is a companion piece to this action.

#### **Attachment:**

Proposed Ordinance

**Before the Board of Supervisors  
County of Placer, State of California**

In the matter of:  
**AN ORDINANCE AMENDING ARTICLE  
2 OF THE PLACER COUNTY CODE BY ADDING  
SUB PARAGRAPH 2. 08.010 U: FIRE WARDEN, AND  
BY ADDING PARAGRAPH 2.26 ENTITLED COUNTY  
FIRE WARDEN**

Ord No. \_\_\_\_\_

First Reading: 11-27-07

The following **ORDINANCE** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held \_\_\_\_\_ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chairman, Board of Supervisors

**Attest:**

**Clerk of said Board** \_\_\_\_\_

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES  
HEREBY ORDAIN as follows:**

**Section 1:** That Article 2.08, Section 2.08.010 of the Placer County Code is hereby amended by adding sub paragraph U and shall read as follows:

**ARTICLE 2.08 COUNTY OFFICERS GENERALLY**

**2.08.010 Officers Created**

**U. County Fire Warden**

**Section 2:** That Article 2 of the Placer County Code is hereby amended by adding Paragraph 2.26 and shall read as follows:

**ARTICLE 2.26 COUNTY FIRE WARDEN**

**2.26.010 Office Created**

There is hereby created in the County the office of County Fire Warden.

**2.26.020 Appointment – Term of Office**

The County Fire Warden shall be appointed by the Board of Supervisors and shall serve at the pleasure of said board.

**2.26.030 Compensation**

The county fire warden shall serve without compensation.

**2.26.040 Duties and Administration**

The Fire Warden shall have the following duties and responsibilities:

- A. The County Fire Warden has the powers of a peace officer to make arrests without warrant for violation of any county fire laws, and is not liable to civil action for trespass committed in the discharge of duties. In making any arrest, the fire warden shall follow procedures prescribed in Sections 4157 and 4158 of the Public Resources Code.
- B. Provide an annual report to the board of supervisors on the status of fire prevention and fire protection within the county.
- C. Administration and oversight of all actions undertaken by the county fire warden is by the Office of the County Executive.