

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

May 23, 2023

FROM

LEONARD X. HERNANDEZ, Chief Executive Officer, County Administrative Office

SUBJECT

Ratify San Bernardino County Fire Protection District Ordinance No. FPD 23-01 Related to the Adoption and Amendment of the 2022 Edition of the California Fire Code

RECOMMENDATION(S)

1. Find the proposed ordinance that repeals Chapter 1 of Division 3 of Title 2 of the San Bernardino County Code, relating to the Uniform Fire Code, and the resolution that ratifies San Bernardino County Fire Protection District Ordinance No. FPD 23-01, repealing San Bernardino County Fire Protection District Ordinance No. FPD 20-01 and adopting the San Bernardino County Fire Protection District Fire Code, which adopts by reference the 2022 Edition of the California Fire Code, along with certain changes, modifications, amendments, additions, deletions, and exceptions to the 2022 Edition of the California Fire Code, relating to fire regulations, are exempt under the California Environmental Quality Act Guidelines, Title 14 of the California Code of Regulations Section 15061(b)(3).
2. Consider proposed ordinance that repeals Chapter 1 of Division 3 of Title 2 of the San Bernardino County Code, relating to the Uniform Fire Code.
3. Make alterations, if necessary, to proposed ordinance.
4. Approve introduction of proposed ordinance.
 - An ordinance of San Bernardino County, State of California, to repeal Chapter 1 of Division 3 of Title 2 of the San Bernardino County Code, relating to the Uniform Fire Code.
5. SCHEDULE ORDINANCE FOR FINAL ADOPTION ON TUESDAY, JUNE 13, 2023, on the Consent Calendar.
6. Adopt **Resolution No. 2023-65** that ratifies San Bernardino County Fire Protection District Ordinance No. FPD 23-01 repealing San Bernardino County Fire Protection District Ordinance No. FPD 20-01 and adopting the San Bernardino County Fire Protection District Fire Code, which adopts by reference the 2022 Edition of the California Fire Code, along with certain changes, modifications, amendments, additions, deletions, and exceptions to the 2022 Edition of the California Fire Code, relating to fire regulations.
7. Delegate enforcement of San Bernardino County Fire Protection District Ordinance No. FPD 23-01 to the San Bernardino County Fire Protection District Fire Chief, or the Fire Chief's authorized representative, pursuant to Health and Safety Code section 13869.7(h)(1)(A).
8. Direct the Clerk of the Board of Supervisors to take the following actions within 15 days pursuant to Health and Safety Code section 13869.7(c):
 - a. Transmit a copy of the executed Board Item to the San Bernardino County Fire Protection District.

**Ratify San Bernardino County Fire Protection District Ordinance No. FPD 23-01 Related to the Adoption and Amendment of the 2022 Edition of the California Fire Code
May 23, 2023**

- b. File a copy of this item, the Resolution, and San Bernardino County Fire Protection District Ordinance No. FPD 23-01 with the California Department of Housing and Community Development.
9. Direct the Clerk of the Board of Supervisors to file and post the Notice of Exemption.
(Presenter: Scott Tuttle, Interim Deputy Chief, 387-5779)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of the recommended actions will not result in the use of Discretionary General Funding (Net County Cost) as there is no financial impact associated with the ratification of San Bernardino County Fire Protection District Ordinance No. FPD 23-01 and repeal of Chapter 1 of Division 3 of Title 2 of the San Bernardino County Code.

BACKGROUND INFORMATION

On February 28, 2023 (Item No. 79), the Board of Directors of the San Bernardino County Fire Protection District adopted Ordinance No. FPD 23-01. This ordinance adopts by reference the 2022 Edition of the California Fire Code, along with certain changes, modifications, amendments, additions, deletions, and exceptions to the 2022 Edition of the California Fire Code, relating to fire regulations.

Pursuant to California Health and Safety Code section 13869.7, the San Bernardino County Fire Protection District submitted its adopted and approved local fire code ordinance, including its amendments to the California Fire Code, to San Bernardino County (County) for ratification by the Board of Supervisors (Board). The County may ratify, modify, or deny San Bernardino County Fire Protection District Ordinance No. FPD 23-01. If ratified, the County is required to file a copy of the findings of the San Bernardino County Fire Protection District and any findings of the County, together with the adopted ordinance with the California Department of Housing and Community Development within 15 days of its determination.

The County's Land Use Services Department has reviewed San Bernardino County Fire Protection District Ordinance No. FPD 23-01 and resolution and has no comments or concerns.

San Bernardino County Fire Protection District Ordinance No. FPD 23-01 will only apply to the unincorporated region of the County that falls within the San Bernardino County Fire Protection District. Pursuant to Health and Safety Code section 13869.7(h)(1)(A), enforcement of San Bernardino County Fire Protection District Ordinance No. FPD 23-01 will be by the San Bernardino County Fire Protection District Fire Chief, or the Fire Chief's authorized representative.

Health and Safety Code section 13869.7(c) requires the transmittal of this item to the San Bernardino County Fire Protection District, as well as filing the item, which includes the Resolution, and San Bernardino County Fire Protection District Ordinance No. FPD 23-01 with the California Department of Housing and Community Development within 15 days of the Board's determination.

**Ratify San Bernardino County Fire Protection District Ordinance No. FPD 23-01 Related to the Adoption and Amendment of the 2022 Edition of the California Fire Code
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Pursuant to Government Code section 50020 et seq. and Health and Safety Code section 13869.7, after the San Bernardino County Fire Protection District adopted and approved the local fire code ordinance, including its amendments to the California Fire Code, the local fire code ordinance shall be submitted for ratification to the governing body for the county in which the local fire code will apply.

By ratifying San Bernardino County Fire Protection District Ordinance No. FPD 23-01 pursuant to California Health and Safety Code section 13869.7, Chapter 1 of Division 3 of Title 2 of the San Bernardino County Code, relating to the Uniform Fire Code, is no longer necessary or required. Therefore, this item also recommends that the Board consider a proposed ordinance that repeals this Chapter of the County Code, make alterations, if necessary, to the proposed ordinance, introduce the proposed ordinance, and schedule the ordinance for final adoption on Tuesday, June 13, 2023, on the Consent Calendar.

The proposed ordinance and resolution were reviewed pursuant to California Environmental Quality Act (CEQA) and found to be categorically exempt from further environmental review in accordance with Title 14 of the California Code of Regulations, Section 15061(b)(3). The proposed ordinance and resolution result in administrative changes that will not have potential for causing significant effect on the environment.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by San Bernardino County Fire Protection District (Tom Strong, Interim Deputy Fire Marshal, 386-8410) on April 17, 2023; County Counsel (Scott Runyan, Principal Assistant County Counsel, 387-5455) on May 18, 2023; Land Use Services (Jevin Kaye, Assistant Director, 387-4431) on April 21, 2023; Finance (Tom Forster, Administrative Analyst, 387-4635) on May 2, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on May 4, 2023.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Col. Paul Cook (Ret.)

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 23, 2023



cc: SBCFPD - Vargas w/ NOE & Rec.
California Department of Housing w/ BAI, Resolution &
Ordinance
File - Final BAI
JLL 05/24/2023