



## AMERICAN CANYON FIRE PROTECTION DISTRICT BOARD MEETING

### AGENDA

City Hall - Council Chambers  
4381 Broadway, Ste. 201, American Canyon

**November 22, 2022**

**6:30 PM**

**Chair:** Leon Garcia  
**Vice Chair:** Mariam Aboudamous  
**Board Members:** Mark Joseph, David Oro, Pierre Washington

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*Consistent with Government Code Section 54953 and the American Canyon Board of Directors Resolution Declaring the Existence of a Local Emergency due to the COVID-19 Pandemic, Board of Directors and other public meetings will be conducted both in person at City Hall, 4381 Broadway, Suite 201, and also via Zoom Teleconferencing to promote local, state, and federal guidelines and social distancing recommendations for the containment of the coronavirus. District officials and members of the public are invited to attend the meeting either in person or via teleconference This meeting will be broadcast live to residents on Napa Valley TV [here](#) and on YouTube [here](#).*

**You may submit public comments for any Agenda Item, Non-Agenda Item or make general public comments by one of the following methods:**

**Written comments, Via eComments:** The eComments link is located on the Meetings & Agendas page of our website here. Comments received before the 3:00 p.m. day-of-meeting cutoff time will be routed to all Board Members at that time. eComments will remain open throughout the meeting, and all comments received will be posted online and become part of the meeting record.

**Oral comments, during the meeting:** A Zoom Meeting has been established for public participation during the meeting related to a specific agenda item, or matters not on the agenda. To give your public comment directly to the legislative body during the meeting, use the Register to Speak feature of [eComments](#) or connect via below Zoom link and follow the instructions or by calling 1-669-900-6833.

**Zoom Meeting Link:** [Click here](#)

**Meeting ID:** 849 5932 9245 **Passcode:** 472570

The above-identified measures exceed all legal requirements for participation in public comment, including those imposed by the Ralph M. Brown Act. For more information, please call the Office of the Fire Executive Assistant at (707) 551-0653 or email [here](#).

**AGENDA MATERIALS:** Board agenda materials are published 72 hours prior to the meeting and are available to the public via the City's website at [www.cityofamericancanyon.org](http://www.cityofamericancanyon.org).

**AMERICANS WITH DISABILITIES ACT:** The Board of Directors will provide materials in appropriate alternative formats to comply with the Americans with Disabilities Act. Please send a written

request to Fire Executive Assistant at 911 Donaldson Way E., American Canyon, CA 94503 or by email [here](#). Include your name, address, phone number and brief description of the requested materials, as well as your preferred alternative format or auxiliary aid, at least three calendar days before the meeting.

## **PUBLIC ADDRESS-CLOSED SESSION ITEMS**

*The Chairman will call the meeting to order and conduct role call. The Board of Directors will immediately convene into Closed Session after hearing any public comment on items agendized for Closed Session consideration. At 6:30 p.m. the Board of Directors will reconvene into Open Session and then resume Closed Session at the end of the meeting to address outstanding items, if necessary.*

## **6:30 P.M. OPEN SESSION - REGULAR MEETING**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

REPORT ON CLOSED SESSION/CONFIRMATION OF REPORTABLE ACTION

## **PROCLAMATIONS AND PRESENTATIONS**

1. **Certification of Appreciation** recognizing Firefighter Robert Rojas for 5 years of Public Service
2. **Oath of Office and Badge Pinning** for Firefighters Conner Alexander, Sarah Bayersdorfer, Eric Hanson, and Christopher Heim.
3. **Oath of Office** and Badge Pinning for Assistant Fire Chief Clifford Campbell.
4. **Oath of Office** and Badge Pinning for Mascot Marshal

## **PUBLIC COMMENT**

*This time is reserved for members of the public to address the American Canyon Fire Protection District Board on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the American Canyon Fire Protection District Board. It is recommended that speakers limit their comments to 3 minutes each and it is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the American Canyon Fire Protection District Board on items on the Agenda should comment via email prior to the start of the meeting. The American Canyon Fire Protection District Board is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the American Canyon Fire Protection Board does not respond to public comment at this time. Speakers are asked to please speak clearly, and provide their name. Any handouts for distribution to the American Canyon Fire Protection District Board must be emailed by 3:00 p.m. on meeting day.*

## **AGENDA CHANGES**

*The Chair/Board of Directors may change the order of the Agenda or request discussion of a Consent Item. A member*

of Public may request discussions of a Consent Item by completing a Speaker's Card and presenting it to the Fire Executive Assistant prior to Public Comment.

## CONSENT CALENDAR

5. **AB 361 In Person and Remote Teleconferenced Meetings - December 1, 2022 - February 28, 2023**

**Recommendation:** Adopt a Resolution due to continuing conditions of a state of emergency caused by the COVID-19 Pandemic, District meetings will be held as hybrid or in-person meetings with the option to attend by teleconference/video conference or in-person meetings of legislative bodies of the American Canyon Fire Protection District for the period of December 1, 2022 through February 28, 2023 pursuant to Brown Act Provisions.

6. **Proposed calendar of the American Canyon Fire Protection District Board of Directors meeting dates for the calendar year 2023.**

**Recommendation:** Approve Resolution 2022-30 regarding proposed calendar of the American Canyon Fire Protection District Board of Directors meeting dates for the calendar year 2023.

7. **Waive Second Reading by Title Only of an Ordinance Adopting by Reference the 2022 Edition of the California Code of Regulations Title 24 and Related Model Codes with Appendices and Amendments as Identified Herein through Express Findings of Local Necessity; Repealing Ordinance 2019-03 of the American Canyon Fire Protection District ("District") and all Other Ordinances and Parts of Ordinances in conflict therewith.**

**Recommendation:** Staff recommends that the Board of Directors adopt the following findings and introduce an Ordinance adopting the 2022 Editions of the California Code of Regulations Title 24, Part 9 and related model codes with appendices and amendments as identified through express findings of local necessity, repealing District Ordinance 2019-03 and applying the new Ordinance of the District with local amendments to those codes.

1. Adopt the findings in proposed Ordinance related to local climatic, geological and topographic conditions that make necessary local amendments to Title 24, Part 9 of the California Building Standards Code.

2. Adopt a finding that the proposed ordinance amendment is not a project that has the potential for causing a significant effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA). In addition, the proposed ordinance amendment is exempt under the definition of project in CEQA Guidelines Section 15378 (b)(3) in that it concerns general policy and procedure making.

- Climatic: The American Canyon Fire Protection District experiences periods of high temperatures, accompanied by low humidity and seasonal high winds. These conditions create an environment in which the Fire Department would need to fully commit available firefighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting resources may have greater difficulty in controlling fires in structures not having built-in fire protection.
- Geological: The American Canyon Fire Protection District is located in a region that contains active fault zones: The San Andreas, Hayward, Calaveras and Healdsburg-Rogers

Creek. Three active faults are located within Napa County: the Cordelia, Green Valley and West Napa. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Built-in fire protection will assist in extinguishing or controlling fires in structures, which will increase the availability of firefighting resources after a seismic event.

- **Topographical:** The American Canyon Fire Protection District is divided geographically in to three parts by the north/south orientation of State Highway 29. The east and west portions of the city contain steep hillsides with residential development intermixed. These natural and man-made barriers can serve as severe impediments to the delivery of public safety services due increased response times and delays in fire suppression efforts due to flooding or traffic congestion. An extended response time allows fires to grow beyond the control of initial attack fire suppression resources. Built in fire protection in the form of automatic fire sprinklers has proven effective in controlling and extinguishing fires in the incipient stages.

3. Adopt District Ordinance No. 2022-01 adopting the California Building Standards and the 2022 California Fire Code, California Code of Regulations Title 24, Part 9 with amendments thereto.

8. **Minutes of October 25, 2022**

**Recommendation:** Approve the Minutes of the Fire District Board Meeting of October 25, 2022.

9. **Dispatching Services Agreement between the City of Napa and the American Canyon Fire Protection District for the administration and operation of centralized emergency response dispatching services**

**Recommendation:** Adopt Resolution 2022-31 authorizing execution of Amendment No. 6 for FY 2020/2021 and FY 2021-2022 to the Cooperative Joint Powers Dispatching Services Agreement between the City of Napa and the American Canyon Fire Protection District for the administration and operation of centralized emergency response dispatching services.

## **PUBLIC HEARINGS**

None

## **BUSINESS**

10. **Approve two Battalion Chief positions effective January 1, 2023.**

**Recommendation:** Adopt Resolution No. 2022-31 approving two Battalion Chief positions for the Fiscal Year 2022-2023 mid-year budget effective January 1, 2023.

## **FIRE CHIEF ORAL REPORT**

## **CHAIR/BOARD COMMENTS, COMMITTEE REPORTS, AND FUTURE AGENDA ITEMS**

*The Chair and Board of Directors may comment on matters of public concern and announce matters of public interest; no collective Board action will be taken.*

## **ADJOURNMENT**

### **CERTIFICATION**

I, Geoff Belyea, District Fire Chief, do hereby declare that the foregoing Agenda of the American Canyon Fire District Board was posted in compliance with the Brown Act prior to the meeting date.

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Geoff Belyea, Fire District Chief

# *Certificate of Appreciation*

*This certificate is awarded to*

*Robert Rojas*

In recognition of 5 years of valuable service with the

*American Canyon Fire Protection District*



\_\_\_\_\_  
Leon Garcia  
Chairman of the Board

11/22/2022

Date

# Certificate of Appointment and Oath of Office

STATE OF CALIFORNIA    )  
County of Napa            )  
City of American Canyon    )

*I, Geoff Belyea, District Clerk of the American Canyon Fire Protection District, in the County of Napa, State of California, hereby certify that at a Board of Directors meeting for the American Canyon Fire Protection District, held at 4381 Broadway, American Canyon, in the Council Chambers, City Hall in said County, on the 22nd day of November, 2022, Conner Alexander was officially appointed as a Firefighter with the American Canyon Fire Protection District.*

*IN WITNESS WHEREOF, I hereunto affix  
my hand and official Seal this 22nd day  
of November, 2022*

By \_\_\_\_\_  
*District Clerk, American Canyon Fire Protection District*

STATE OF CALIFORNIA    )  
County of Napa            )  
City of American Canyon    )

*I, Conner Alexander, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.*

\_\_\_\_\_  
*Conner Alexander, Firefighter*

*Subscribed and sworn to before me, this 22<sup>nd</sup> day of November, 2022.*

\_\_\_\_\_  
*William D. Ross, District Counsel*



# Certificate of Appointment and Oath of Office

STATE OF CALIFORNIA    )  
County of Napa            )  
City of American Canyon    )

*I, Geoff Belyea, District Clerk of the American Canyon Fire Protection District, in the County of Napa, State of California, hereby certify that at a Board of Directors meeting for the American Canyon Fire Protection District, held at 4381 Broadway, American Canyon, in the Council Chambers, City Hall in said County, on the 22nd day of November, 2022, Sarah Bayersdorfer was officially appointed as a Firefighter with the American Canyon Fire Protection District.*

*IN WITNESS WHEREOF, I hereunto affix  
my hand and official Seal this 22nd day  
of November, 2022*

By \_\_\_\_\_  
*District Clerk, American Canyon Fire Protection District*

STATE OF CALIFORNIA    )  
County of Napa            )  
City of American Canyon    )

*I, Sarah Bayersdorfer, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.*

\_\_\_\_\_  
*Sarah Bayersdorfer, Firefighter*

*Subscribed and sworn to before me, this 22nd day of November, 2022.*

\_\_\_\_\_  
*William D. Ross, District Counsel*



# Certificate of Appointment and Oath of Office

STATE OF CALIFORNIA     )  
County of Napa            )  
City of American Canyon    )

*I, Geoff Belyea, District Clerk of the American Canyon Fire Protection District, in the County of Napa, State of California, hereby certify that at a Board of Directors meeting for the American Canyon Fire Protection District, held at 4381 Broadway, American Canyon, in the Council Chambers, City Hall in said County, on the 22nd day of November, 2022, Eric Hanson was officially appointed as a Firefighter with the American Canyon Fire Protection District.*

*IN WITNESS WHEREOF, I hereunto affix  
my hand and official Seal this 22nd day  
of November, 2022*

By \_\_\_\_\_  
*District Clerk, American Canyon Fire Protection District*

STATE OF CALIFORNIA     )  
County of Napa            )  
City of American Canyon    )

*I, Eric Hanson, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.*

\_\_\_\_\_  
*Eric Hanson, Firefighter*

*Subscribed and sworn to before me, this 22<sup>nd</sup> day of November, 2022.*

\_\_\_\_\_  
*William D. Ross, District Counsel*



# Certificate of Appointment and Oath of Office

STATE OF CALIFORNIA     )  
County of Napa             )  
City of American Canyon     )

*I, Geoff Belyea, District Clerk of the American Canyon Fire Protection District, in the County of Napa, State of California, hereby certify that at a Board of Directors meeting for the American Canyon Fire Protection District, held at 4381 Broadway, American Canyon, in the Council Chambers, City Hall in said County, on the 22nd day of November, 2022, Christopher Heim was officially appointed as a Firefighter with the American Canyon Fire Protection District.*

*IN WITNESS WHEREOF, I hereunto affix  
my hand and official Seal this 22<sup>nd</sup> day  
of November, 2022*

By \_\_\_\_\_  
District Clerk, American Canyon Fire Protection District

STATE OF CALIFORNIA     )  
County of Napa             )  
City of American Canyon     )

*I, Christopher Heim, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.*

\_\_\_\_\_  
*Christopher Heim, Firefighter*

*Subscribed and sworn to before me, this 22<sup>nd</sup> day of November, 2022.*

\_\_\_\_\_  
*William D. Ross, District Counsel*



# Certificate of Appointment and Oath of Office

STATE OF CALIFORNIA    )  
County of Napa            )  
City of American Canyon    )

*I, Geoff Belyea, District Clerk of the American Canyon Fire Protection District, in the County of Napa, State of California, hereby certify that at a Board of Directors meeting for the American Canyon Fire Protection District, held at 4381 Broadway, American Canyon, in the Council Chambers, City Hall in said County, on the 22nd day of November 2022, Clifford Campbell was officially appointed as Assistant Fire Chief with the American Canyon Fire Protection District.*

*IN WITNESS WHEREOF, I hereunto affix  
my hand and official Seal this 22nd day  
of November, 2022*

By \_\_\_\_\_  
*Geoff Belyea, District Clerk,  
American Canyon Fire Protection District*

STATE OF CALIFORNIA    )  
County of Napa            )  
City of American Canyon    )

*I, Clifford Campbell, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.*

\_\_\_\_\_  
*Clifford Campbell, Assistant Fire Chief*

*Subscribed and sworn to before me, this 22nd day of November, 2022.*

\_\_\_\_\_  
*William D. Ross, District Counsel*



# Certificate of Appointment and Oath of Office

STATE OF CALIFORNIA )  
County of Napa )  
City of American Canyon )

*I, Geoff Belyea, District Clerk of the American Canyon Fire Protection District, in the County of Napa, State of California, hereby certify that at a Board of Directors meeting for the American Canyon Fire Protection District, held at 4381 Broadway, American Canyon, in the Council Chambers, City Hall in said County, on the 22nd day of November, 2022, Marshal was officially appointed as a Mascot Firefighter with the American Canyon Fire Protection District.*

*IN WITNESS WHEREOF, I hereunto affix  
my hand and official Seal this 22<sup>nd</sup> day  
of November, 2022*

By \_\_\_\_\_  
*District Clerk, American Canyon Fire Protection District*

STATE OF CALIFORNIA )  
County of Napa )  
City of American Canyon )

*I, Marshal, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.*

\_\_\_\_\_  
*Marshal, Mascot Firefighter*

*Subscribed and sworn to before me, this 22<sup>nd</sup> day of November, 2022.*

\_\_\_\_\_  
*William D. Ross, District Counsel*





AMERICAN CANYON FIRE PROTECTION DISTRICT  
BOARD AGENDA  
NOVEMBER 22, 2022

STAFF REPORT  
CONSENT  
**ITEM NUMBER: 5.**

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**TITLE**

AB 361 In Person and Remote Teleconferenced Meetings - December 1, 2022 - February 28, 2023

**RECOMMENDATION**

Adopt a Resolution due to continuing conditions of a state of emergency caused by the COVID-19 Pandemic, District meetings will be held as hybrid or in-person meetings with the option to attend by teleconference/video conference or in-person meetings of legislative bodies of the American Canyon Fire Protection District for the period of December 1, 2022 through February 28, 2023 pursuant to Brown Act Provisions.

**CONTACT**

Geoff Belyea, Fire Chief  
William D. Ross, District Counsel

**BACKGROUND & ANALYSIS**

On May 24, 2022, the District Board of Directors voted to hold the Fire District Board Meetings on an in-person basis. However, due to the rise of the COVID-19 Pandemic, the District Board voted unanimously 5-0 at the June 28, 2022 Fire Board Meeting to return to a hybrid meeting format (both In-Person and Teleconference) effective immediately. Prior to the June 28th meeting the District had met by Zoom teleconference, as did the City of American Canyon as allowed by Executive Order N-29-20 which technically expired on September 30, 2021. Assembly Bill 361, which was approved by the Governor on September 16, 2021, allows local agencies such as the District to continue to meet by Zoom teleconference, provided that certain conditions are met.

The effect of Executive Order N-29-20 was to suspend certain provisions of the Ralph M. Brown Open Meeting Act (Government Code Section 54950 et seq.), which only allowed remote teleconference participation by District Board Members through a posting process at that Legislative body's physical location, with agenda provisions indicating that location with a requirement that it be accessible to the public.

Enclosed is a District Board Resolution which would comply with the provisions of AB 361 to reinstate Zoom meetings of the District Board, effective November 1, 2022 while also permitting in-person meetings. This "hybrid" style of meeting continues to promote social distancing by allowing

members of the Board and members of the public to participate in the manner in which the feel most safe, thereby promoting public participation while simultaneously protecting vulnerable members of the public, such as those with compromised immune systems.

The ability to continue to meet by Zoom, even in conjunction with Open Meetings, can be accomplished by the District Board provided that monthly resolutions, as amended are enacted with provisions referencing appropriate confirmation of declared emergencies are described.

Stated plainly, the Board must enact a "361 Resolution" at each meeting of the District Board to allow the Zoom teleconference procedure to continue with the scheduled in-person meetings.

Changes to the initial Agenda page of the Board will also change as the means for the public to participate via continued Zoom teleconference will have to be described consistent with the AB 361 procedures rather than Executive Order N-29-20. These changes indicate that, pursuant to this authority, members of the public and members of the District Board may continue to participate by Zoom video/teleconferencing, or alternatively participate in person at the designated physical meeting location.

## **COUNCIL PRIORITY PROGRAMS AND PROJECTS**

Public Safety: "Ensure American Canyon remains a safe community."

## **FISCAL IMPACT**

None

## **ENVIRONMENTAL REVIEW**

None

## **ATTACHMENTS:**

[1. Resolution 2022-29 Implementing AB 361](#)

## RESOLUTION NO. 2022-29

A RESOLUTION OF THE AMERICAN CANYON FIRE PROTECTION DISTRICT PROCLAIMING A LOCAL EMERGENCY EXISTS, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND AUTHORIZING IN-PERSON OR REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE AMERICAN CANYON FIRE PROTECTION DISTRICT FOR THE PERIOD DECEMBER 1, 2022 THROUGH FEBRUARY 28, 2023, PURSUANT TO BROWN ACT PROVISIONS

**WHEREAS**, the American Canyon Fire Protection District (“District”) is committed to preserving and nurturing public access and participation in meetings of the American Canyon Fire Protection District Board of Directors (“Board”);

**WHEREAS**, all meetings of the District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business;

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions;

**WHEREAS**, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558;

**WHEREAS**, that proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological, or human-caused disasters;

**WHEREAS**, that proclamation also requires that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees;

**WHEREAS**, emergency conditions exist in the District, specifically, a State of Emergency has been proclaimed by Governor Newsom on March 4, 2020, proclaiming a State of Emergency to exist in California as a result of the threat of COVID-19;

**WHEREAS**, during the COVID-19 pandemic, the District Board has conducted remote, teleconferenced, or socially distanced meetings, consistent with the Governor’s Executive Orders promoting social distancing, with an exception on June 28, 2022;

**WHEREAS**, consistent with AB 361, as a condition of extending the use of the provisions found in Government Code Section 54953(e), the District Board must reconsider the circumstances of the state of emergency that exists in the District, and the District Board has done so;

**WHEREAS**, due to the emergence of new variants of COVID-19, such as Delta Variant and the BA-5 Variant, followed by the surging of the Omicron Variant of COVID-19, not all members of the public may feel safe to participate personally at in-person meetings;

**WHEREAS**, the District Board has determined that conducting “hybrid” style meetings with the option for members of the public and members of the Board of Directors to attend either virtually or in person would allow participation in a manner in which individuals feel most safe, thereby promoting public participation while simultaneously promoting social distancing and protecting vulnerable members of the public, such as those with compromised immune systems;

**WHEREAS**, as a consequence of the local emergency, the District Board does hereby find that the legislative bodies of the District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and,

**WHEREAS**, the District is providing teleconference access via a conference phone-line number to the meetings to ensure public access.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF AMERICAN CANYON FIRE PROTECTION DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Exists. The District Board hereby proclaims that a local emergency now exists throughout the District, and the surging Delta Variant of COVID-19 followed by the surging of the Omicron and BA-5 Variant of COVID-19 would present an imminent risk to meeting in person.

Section 3. Ratification of Governor’s Proclamation of a State of Emergency. The District Board hereby ratifies the Governor of the State of California’s Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference and In-Person Meetings. The staff and legislative bodies of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings by remote teleconference and in-person in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of February 28, 2023 or such time the District Board adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**PASSED, APPROVED** and **ADOPTED** at a Special scheduled meeting of the District Board of the American Canyon Fire Protection District held on the 22nd day of November, 2022, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Leon Garcia, Chairman

ATTEST:

APPROVED AS TO FORM

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Geoff Belyea, Fire Chief  
Clerk to the Board

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William D. Ross, District Counsel



## **TITLE**

Proposed calendar of the American Canyon Fire Protection District Board of Directors meeting dates for the calendar year 2023.

## **RECOMMENDATION**

Approve [Resolution 2022-30](#) regarding proposed calendar of the American Canyon Fire Protection District Board of Directors meeting dates for the calendar year 2023.

## **CONTACT**

Geoff Belyea, Fire Chief

## **BACKGROUND & ANALYSIS**

In 2008, the City of American Canyon Governance Protocol Handbook was updated, adding a Fire District Board meeting on the fifth Tuesday of the month when there is a fifth Tuesday, in which the District Board conducts a standalone, non-joint meeting from the American Canyon City Council in order to focus on District-related items. (Section V 4.1.1. Meetings). Until a comprehensive revision is done to the Governance Handbook, the City Council of the City of American Canyon sitting ex officio as the Board of Directors for the American Canyon Fire Protection District ("District") approved Resolution 2021-14 on June 29, 2021, establishing a monthly stand-alone, non-joint meeting date to focus on District issues. The Board of Directors shall meet every fourth Tuesday.

Per this section, the Board of Directors may consider a meeting Calendar for each year. The proposed Calendar lists the 4th Tuesdays in 2023. Staff is proposing the Board of Directors consider cancelling the regular meeting scheduled for December 26, 2023.

Adoption of a Calendar of Regular Meetings does not prevent the Fire District Board from calling additional special meetings throughout the year or cancelling meetings when necessary.

## **COUNCIL PRIORITY PROGRAMS AND PROJECTS**

Public Safety: "Ensure American Canyon remains a safe community."

## **FISCAL IMPACT**

None

## **ENVIRONMENTAL REVIEW**

None

## **ATTACHMENTS:**

1. [Resolution 2022-30 Meeting Dates](#)
2. [2023 Calendar of Fire District Board Meetings](#)

**RESOLUTION 2022-30**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AMERICAN CANYON FIRE PROTECTION DISTRICT APPROVING THE CALENDAR OF THE BOARD OF DIRECTORS’ MEETING DATES FOR THE CALENDAR YEAR 2023**

**WHEREAS**, In 2008, the City of American Canyon Governance Protocol Handbook was updated, adding a Fire District Board meeting on the fifth Tuesday of the month when there is a fifth Tuesday, in which the District Board conducts a standalone, non-joint meeting from the American Canyon city Council to focus on District related items. (Section V 4.1.1 Meetings); and

**WHEREAS**, until a comprehensive revision is done to the Governance Handbook, the City Council of the City of American Canyon sitting *ex officio* as the Board of Directors for the American Canyon Fire Protection District (“District”) approved Resolution 2021-14 on June 29, 2021, establishing a monthly stand-alone, non-joint meeting date to focus on District issues. The Board of Directors shall meet every fourth Tuesday; and

**WHEREAS**, the 2023 Board of Directors’ Meeting Calendar lists the 4<sup>th</sup> Tuesdays in 2023 with the exception of the month of December. The Board of Directors shall cancel the regular meeting scheduled for December 26, 2023; and

**NOW THEREFORE BE IT RESOLVED** that the Board of Directors of the American Canyon Fire Protection District authorizes the Fire Chief to establish the following meeting dates:

<b>Month</b>	<b>Regular Meeting Date 4<sup>th</sup> Tuesday of Every Month</b>
January	24
February	28
March	28
April	25
May	23
June	27
July	25
August	22
September	26
October	24
November	28
December	27 (Cancelled)

**PASSED, APPROVED and ADOPTED** at a regularly scheduled meeting of the Board of Directors of the American Canyon Fire Protection District held on the 22nd day of November, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Leon Garcia, Chairman

ATTEST:

APPROVED AS TO FORM

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Geoff Belyea, Fire Chief  
Clerk to the Board

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William D. Ross, District Counsel

**2023 Calendar of Fire District Board Meetings**

<b>Month</b>	<b>Regular Meeting Date 4<sup>th</sup> Tuesday of Every Month</b>
January	24
February	28
March	28
April	25
May	23
June	27
July	25
August	22
September	26
October	24
November	28
December	26 (Cancelled)



## **TITLE**

Waive Second Reading by Title Only of an Ordinance Adopting by Reference the 2022 Edition of the California Code of Regulations Title 24 and Related Model Codes with Appendices and Amendments as Identified Herein through Express Findings of Local Necessity; Repealing Ordinance 2019-03 of the American Canyon Fire Protection District (“District”) and all Other Ordinances and Parts of Ordinances in conflict therewith.

## **RECOMMENDATION**

Staff recommends that the Board of Directors adopt the following findings and introduce an Ordinance adopting the 2022 Editions of the California Code of Regulations Title 24, Part 9 and related model codes with appendices and amendments as identified through express findings of local necessity, repealing District Ordinance 2019-03 and applying the new Ordinance of the District with local amendments to those codes.

1. Adopt the findings in proposed Ordinance related to local climatic, geological and topographic conditions that make necessary local amendments to Title 24, Part 9 of the California Building Standards Code.
2. Adopt a finding that the proposed ordinance amendment is not a project that has the potential for causing a significant effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA). In addition, the proposed ordinance amendment is exempt under the definition of project in CEQA Guidelines Section 15378 (b)(3) in that it concerns general policy and procedure making.
  - Climatic: The American Canyon Fire Protection District experiences periods of high temperatures, accompanied by low humidity and seasonal high winds. These conditions create an environment in which the Fire Department would need to fully commit available firefighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting resources may have greater difficulty in controlling fires in structures not having built-in fire protection.
  - Geological: The American Canyon Fire Protection District is located in a region that contains active fault zones: The San Andreas, Hayward, Calaveras and Healdsburg-Rogers Creek. Three active faults are located within Napa County: the Cordelia, Green Valley and West Napa. After a large

seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Built-in fire protection will assist in extinguishing or controlling fires in structures, which will increase the availability of firefighting resources after a seismic event.

- Topographical: The American Canyon Fire Protection District is divided geographically in to three parts by the north/south orientation of State Highway 29. The east and west portions of the city contain steep hillsides with residential development intermixed. These natural and man-made barriers can serve as severe impediments to the delivery of public safety services due increased response times and delays in fire suppression efforts due to flooding or traffic congestion. An extended response time allows fires to grow beyond the control of initial attack fire suppression resources. Built in fire protection in the form of automatic fire sprinklers has proven effective in controlling and extinguishing fires in the incipient stages.

3. Adopt District Ordinance No. 2022-01 adopting the California Building Standards and the 2022 California Fire Code, California Code of Regulations Title 24, Part 9 with amendments thereto.

## **CONTACT**

Geoff Belyea, Fire Chief

## **BACKGROUND & ANALYSIS**

### **EXECUTIVE SUMMARY**

The California State Building Standards Code Commission has released the 2022 Edition of the California Code of Regulations, which becomes effective January 1, 2023. This process represents the triennial code adoption updating the City and District Codes and provides an opportunity to incorporate local amendments for portions of the 2022 California Building Standards and the 2022 Fire Code, thereby, creating local editions. There is no fiscal impact associated with this item.

### **BACKGROUND AND ISSUES:**

The model codes that the State adopts are reviewed and updated every three years by various industry groups, including the International Code Council (ICC), the National Fire Protection Association (NFPA), and the International Association of Plumbing and Mechanical Officials (IAPMO). The publication of new code editions by these organizations triggers State consideration and adoption of the codes to be used by the state agencies, and all the city and county jurisdictions within the State. Once adopted by the State, local jurisdictions are required to enforce the California Building Standards Code.

The California Health and Safety Code contain provisions for local jurisdictions to modify the California Building Standards Code, and adopt different or more restrictive requirements under two conditions:

- The local modifications must be substantially equivalent to, or more stringent than, building standards published in the California Building Standards Code; and
- The local jurisdiction is required to make specific or express findings that such changes are reasonably necessary because of local climatic, geological or topographic conditions.

The American Canyon Fire Protection District last adopted the California Building Standards Code and local amendments in 2019. Staff recommends adopting the newly revised California Building Standards and Fire Codes, and approving local amendments to address the Fire District’s specific seismic safety and fire related hazards. If approved, the effective date of these new regulations will be January 01, 2023.

The building divisions and fire districts in the cities within Napa County and County of Napa have been working together to minimize local amendments and have consistent regulations throughout the area. As a result, the proposed amendments in the American Canyon Fire Protection District have been reduced to those deemed necessary due to the seismic and fire dangers present in our region, along with certain administrative provisions. A local jurisdiction must adopt the current California Building and Standards Code in order to also adopt local amendments.

## **COUNCIL PRIORITY PROGRAMS AND PROJECTS**

Public Safety: "Ensure American Canyon remains a safe community."

## **FISCAL IMPACT**

No fiscal impacts to the District are expected due to this Code adoption.

## **ENVIRONMENTAL REVIEW**

The adoption of this ordinance is exempt from review under the California Environmental Quality Act (Public Resources Code section 21000 et seq., “CEQA”) as the Ordinance is not a “Project” as defined under CEQA. Moreover, the Ordinance is exempt from review pursuant to the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3) consistent with, among other things, CEQA Guidelines Section 15061(b)(3) (proposed action has no potential for causing a significant impact on the environment), Section 15308 (action by regulatory agency for the protection of the environment), Section 15321 (enforcement actions by regulatory agency), and Section 15378 (general policy and procedure making).

**ATTACHMENTS:**

1. [2022 Fire Code Ordinance 2022-02](#)

**ORDINANCE 2022-02**

**AN ORDINANCE OF THE AMERICAN CANYON FIRE PROTECTION DISTRICT BOARD OF DIRECTORS ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9 AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS AS IDENTIFIED HEREIN THROUGH EXPRESS FINDINGS OF LOCAL NECESSITY, AND REPEALING ALL CONFLICTING ORDINANCES AND PARTS OF ORDINANCES, AND APPLYING THE NEW ORDINANCE OF THE DISTRICT, AND TITLE 24, 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE INCLUDING THE FOLLOWING PARTS:**

**PART 9 California Fire Code**

**WHEREAS**, the California Building Standards Commission (“Commission”) recently adopted the California Codes as part of the California State Building Standards Code; and

**WHEREAS**, Health and Safety Code Section 17958.5 authorizes cities, counties, and special districts to modify the California State Building Standards Code by adopting more restrictive standards if such entities determine that such standards are reasonably necessary because of local climactic, geological, or topographical conditions; and

**WHEREAS**, the American Canyon Fire Protection District (sometimes referred to herein after as the “District”) has reviewed each of the referenced California and model Codes and it has been determined that certain local amendments are necessary to protect the health, safety, and welfare of its residents; and

**WHEREAS**, Government Code section 50022 *et seq.*, empowers the District to adopt by reference various Codes, including the CALIFORNIA BUILDING CODE 2022, CALIFORNIA FIRE CODE 2022, CALIFORNIA CODE OF REGULATIONS TITLE 24, Part 9; and

**WHEREAS**, pursuant to the Government Code section 50022 *et seq.*, the District seeks to adopt by reference various provisions of the above referenced California Codes, subject to the additions, amendments, and deletions as set forth herein;

**NOW, THEREFORE THE AMERICAN CANYON FIRE PROTECTION DISTRICT BOARD OF DIRECTORS DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1:** That Ordinance 2022-01 entitled AN ORDINANCE OF THE AMERICAN CANYON FIRE BOARD OF DIRECTORS REPEALING FIRE DISTRICTS CURRENT ORDINANCES AND APPLYING THE NEW ORDINANCE OF THE DISTRICT, AND ADOPTING BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2022 EDITION OF THE CALIFORNIA BUILDING AND STANDARDS CODE INCLUDING THE FOLLOWING PARTS: Part 9 California Fire Code, and AMENDING THOSE PORTIONS OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24 AS IDENTIFIED HEREIN; and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 2: Purpose and Authority** The purpose of this Ordinance is to adopt by reference the 2022 edition of the California Building Standards Code, Title 24, Part 9 of the California Code of Regulations.

**SECTION 3:** Ordinance 2022-01 of the American Canyon Fire Protection District is adopted to read as follows:

**Adoption of the California Fire Code.**

The 2022 California Building Standards Code, Title 24, California Code of Regulations, Part 9, California Fire Code, and by reference the 2021 International Fire Code published by the International Code Council, Inc., including specifically appendices Chapters 4, A, B, BB, C, CC, E, F, G, H and K is adopted by reference the same as though fully set forth herein, save and except those portions hereinafter deleted, modified or amended by previous ordinances, of which one (1) copy is available in the Office of the District Clerk for inspection by the public.

**Amendments.**

The District Board of Directors hereby finds that due to local climatic, geologic and topographic conditions modifications and changes to the current California Fire Code are reasonably necessary to provide sufficient and effective protection of life, health and property. The following section and/or subsections of the California Fire Code (CFC), 2022 Edition, are hereby amended as follows:

**The California Fire Code, 2022 Edition, is amended as follows:**

**1. Chapter 1**

- A. **Chapter 1 Division I Section 1.11.2.1.1 Item 1** of Section 1.11.2.1(Enforcement) is repealed and replaced with the following: Section 1.11.2.1.1: Item 1 The City of American Canyon shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R, Division 3 dwellings, as described in Section 310.1 of Part 2 of the California Building Standards Code, to the Fire Code Official of the American Canyon Fire Protection District.
- B. **Chapter 1, Section 102.7.3** is added to Section 102.7 to read in full as follows: Section 102.7.3 Fire Extinguishing systems. Fire extinguishing systems shall comply with the applicable and most current codes and standards currently adopted within the 2022 CFC and published by the National Fire Protection Association (NFPA) and District policies. The location of fire sprinklers in a 13R system is described in NFPA 13.
- C. **Chapter 1, Section 103.3.1** is added to Section 103.3 to read in full as follows: Section 103.3.1 All sworn safety personnel assigned to the Fire Prevention Division, or such other full-time District officers or Fire Prevention personnel as may be authorized by

the Fire Chief or the Police Chief of the City of American Canyon or both, shall be peace officers as described in Section 830.37(b) of the California Penal Code and shall enforce the Penal Code, California Code, and where necessary and appropriate, any sections of the California Health and Safety Code, and any other county or state fire-related laws or codes not specifically covered in any part of this code. These police powers include the power to issue misdemeanor citations. When requested to do so by the Fire Chief, the Chief of Police of the City of American Canyon is authorized to assign such available police officers as necessary to assist the District in enforcing the provisions of this Code.

- D. **Chapter 1, Section 107.7** is added to Section 107.7 to read in full as follows: Section 107.7 Fire Service fees. Fire service fees may be charged to any person, firm, corporation, or business that through negligence, violation of the law, or as a result of carelessness is responsible for the cause of any District response.
  
- E. **Chapter 1, Section 104.12.2** is amended to read in full as follows: Section 104.12.2 Interference with the operations of the District in connection with extinguishing any fire or mitigating any other emergency, conducting inspections or investigations, or any other District operation is prohibited. Lawful commands of the Fire Chief or member of the District in charge at such a scene, or any part thereof, or any police or law enforcement officer assisting the District in charge at such a scene, or any part thereof, shall be obeyed. Any person violating this section shall be guilty of a misdemeanor.
  
- F. **Chapter 1, Section 107.4** is amended to read: Section 107.4 Work commencing before permit issuance. Any person who commences work on a building, structure or fire protection system regulated by this code before obtaining the necessary permits shall be subject to a fee established by the Fire Code Official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
  
- G. **Chapter 1, Section 107** is amended by adding Section 107.6 which reads in full as follows: Section 107.6 Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which the inspection is called is not complete or when corrections are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector or failure to provide access on the date for which the inspection is requested, or deviating from the plans requiring approval of the Fire Code Official. In

instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

- H. **Chapter 1, Section 111.1** is amended to read as follows: Section 111.1 Appeal Process. When a person claims that the provisions of this code do not apply, or that the intent, purpose, or meaning of this code has been misconstrued or wrongly interpreted by the Fire Code Official, such person may appeal to the Fire Chief. Within 30 days from the date of such decision of the Fire Chief, the matter may be appealed in writing to the Fire District Board of Directors who shall consider and render a decision on the appeal. Such decision of the Fire Board shall be final.

## 2. Chapter 3

- A. **Chapter 3, Section 307.1.2** is added to Section 307.1 to read in full as follows: Section 307.1.2 Open fires. No person may ignite, permit or maintain an open fire, including incinerators, open burning, bonfires and recreational fires, within the Districts limits. Bonfires are identified in Section 307 and are included as a type of outdoor fire.

### **Section 307.1.2 Exceptions:**

1. Fires permitted by the Fire Code Official for the burning of tree trimmings from commercial agricultural operations exceeding 5 acres in size.
  2. Fires properly contained in a barbecue pit, barbecue grill, approved outdoor fire pit, or approved outdoor fireplace when located in lawfully occupied premises or designated campsites.
  3. Fires set or permitted by the Fire Code Official in the performance of official duties, including, but not limited to, the following:
    - 3.1. Disease and pest control prevention in connection with agricultural activities.
    - 3.2. Improvement of wildlife habitat.
    - 3.3. The training of District members.
    - 3.4. Other special situations, as approved by the Fire Chief in his or her discretion, on a case by case basis.
- B. **Chapter 3, Subsection 308.1.4** of Section 308.1 is hereby amended by repealing the entire subsection. (Open flame cooking devices)

### 3. Chapter 4

- A. **Chapter 4, Section 401.3.3** of Section 401.3.3 is hereby amended to read in full as follows: Section 401.3.3 Delayed notification. A person, alarm company, remote, or central or proprietary station shall not, by verbal or written directive, require any delay in the reporting of a fire or fire alarm signal to the District. Upon receipt of a fire alarm signal, an alarm monitoring company shall first notify the District dispatch center prior to contacting the alarm subscriber.

### 4. Chapter 5

- A. **Chapter 5, Section 503.4** is hereby amended by repealing the entire section 503.4, and replacing it with the following: Section 503.4 Fire apparatus access roads, fire trail, fire lane, or driveway marked in accordance with section 503.3, shall not be obstructed in any manner, including, but not limited to, by vehicles that are parked or left standing. Minimum required widths and clearances established under this Section shall be maintained at all times. Any violations of this Section may result in the removal of the obstruction as determined by the Fire Chief. Allows the Fire Code Official the ability to remove obstructions to fire access in a timely manner.
- B. **Chapter 5, Section 505.1.1** is added to Chapter 5 Section 505.1 to read in full as follows: Section 505.1.1 Multiple dwellings or commercial complexes. At each main driveway entrance to a multiple dwelling or commercial complex, there shall be installed an illuminated diagram or map of the complex, which lists the individual addresses of all units in the complex. It shall thereafter be unlawful for any owner, lessee, or other person in charge to fail to update and maintain said diagram or map in legible condition.
- C. **Chapter 5, Section 507.2** is hereby amended by repealing the first sentence and replacing it with the following: Section 507.2 Type of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains, or other fixed systems connected to the municipal water system and capable of providing the required fire flow.

### 5. Chapter 6

- A. **Chapter 6, Section 606.2** is hereby amended by repealing the entire section 606.2 and replacing it with the following: Section 606.2 Where required. A Type 1 hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease laden vapors. Cooking

facilities in assembly occupancies, and congregate residences shall be considered commercial operations.

## 6. Chapter 9

- A. **Chapter 9, Section 901.2** is amended by repealing the entire subsection to read in full as follows: Section 901.2 Construction documents. The Fire Code Official shall have the authority to require construction documents and calculations for all fire protection systems and to require permits be issued for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted for review and approval prior to the issuance of a building permit.
- B. **Chapter 9, Section 903.2** is amended by repealing the entire subsection 903.2 (with the exception of Subsections 903.2.5, 903.2.11.1, 903.2.11.1.1, 903.2.11.1.2, 903.2.11.1.3, 903.2.11.2, 903.2.11.4, 903.2.11.5, 903.2.11.6, 903.2.12, 903.2.14, 903.2.15, 903.2.16, 903.2.17, 903.2.18, 903.2.19 which shall remain in effect), and replacing it with the following: Section 903.2 Where required. An automatic fire sprinkler system shall be installed and maintained in all newly constructed buildings or structures, and existing buildings shall be provided as described in this section:

**Section 903.2: Item 1 Additions** is added to Section 903.2 of Chapter 9 to read in full as follows: Section 903.2: Item 1, An automatic sprinkler system shall be installed throughout any existing commercial building when the floor area of the addition (including mezzanines) exceeds 50% of the existing floor area.

**Section 903.2: Item 2 Change of occupancy** is added to Section 903.2 of Chapter 9 to read in full as follows: Section 903.2: Item 2, Any change of occupancy when the proposed new occupancy classification is more hazardous based on a fire and life safety evaluation by the Fire Code Official and Building Code Official, including conversion of buildings to single family residences, accessory dwelling units, bed and breakfast, inns, lodging houses or congregate residences for or other similar uses an automatic fire sprinkler system shall be installed throughout.

**Section 903.2 Item 3 Manufactured Homes** is added to Section 903.2 of Chapter 9 to read in full as follows: Section 903.2 Item 3, Fire Sprinkler systems shall be installed in new manufactured homes and multifamily manufactured homes with two dwelling units in accordance with Title 25 of the California Code of Regulations. All homes in California are now required to be protected by automatic fire sprinklers.

**Section 903.2 Item 4 Exempt Locations** is added to Section 903.2 of Chapter 9 to read in full as follows: Section 903.2 Item 4, Exempt locations. The following locations shall be exempt from the requirements of Section 903.2 provided they meet the requirements established for each item.

1. Detached pool houses, workshops, Group U private garages, barns and similar structures, built in conjunction with existing non-sprinklered single family residences and provided the new structure is less than 1,000 square feet, not intended for use as a dwelling unit.
2. Detached non-combustible, limited combustible or fire-retardant treated wood canopies. The under certain conditions permits the use of fire-resistant construction materials in-lieu of fire sprinklers.
3. Group B or M occupancies less than 1,000 square feet.
4. Detached, unenclosed combustible gazebos or shade structures less than 1,000 square feet.
5. Detached restroom facilities associated with golf courses, parks and similar uses.
6. Shipping containers used for storage purpose and located not closer than 5 feet to a building, property line or other container.

- D. **Chapter 9, Section 903.4.3** is amended by repealing the entire Subsection 903.4.3 and is replaced with the following: Section 903.4.3 Floor control valves. Approved supervised indicating control valves and flow switches shall be provided at the point of connection to the riser on each floor in buildings exceeding two stories in height.
- E. **Chapter 9, Section 907.1.1** is amended by repealing the entire Subsection 907.1.1, and is replaced with the following: Section 907.1.1 Construction documents for fire alarm systems shall be of sufficient clarity to indicate the location, nature and extent of work proposed and show in detail that it will conform to the provisions of this code, the California Building Code, and relevant laws, ordinances, rules and regulations, as determined by the Fire Code Official. Required plans shall be submitted and approved prior to the issuance of a building permit.
- F. **Chapter 9, Section 907.3.1** is amended by adding the following sentence to the end of the paragraph: Duct smoke detectors shall be capable of being reset by a readily accessible remote or push button or key activated switch as approved by the Fire Code Official.
- G. **Chapter 9, Section 907.8.5** is added to read in full as follows: Section 907.8.5 Fire Service Fees. Any person who causes the District to respond to a fire alarm in any building or structure under his or her control, and who has not provided or maintained required smoke detectors or fire alarm systems after having prior knowledge of such deficiencies, may be subject to the payment of fire service fees.

7. **Chapter 56, Section 5601.1.1 and Section 5601.1.2 are deleted and replaced with;** Storage of explosives and blasting agents within the District limits is prohibited unless specifically authorized by the Fire Code Official. This code amendment strictly prohibits the storage and use of explosives within the District unless approved by the Fire Code Official.

**Chapter 56, Section 5601.1.3 Fireworks** is amended by deleting exceptions 1, 2 and 4, and adding Exception 5 to read as follows; The Fire Code Official may issue Fireworks Display permits for the possession, storage, use, and handling of fireworks or pyrotechnics by state licensed contractors in compliance with Section 5608.

## 8. Chapter 57

- A. **Chapter 57, Section 5704.2.9.6.1** is hereby amended by repealing the first sentence of Section 5704.2.9.6.1 (thus, the provisions of Subsections 5704.2.9.6.1.1 through 5704.2.9.6.1.6 remain in effect), and replacing it with the following: Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I, II, and III liquids in above-ground tanks outside of buildings is prohibited for those areas not zoned IP (Industrial Park) and/or not specifically designated for such use in a District Policy Plan or Specific Plan:

**Exception:** For those protected above-ground tanks located outside the IP zone for the purpose of emergency power generator installations and for facilities on an individual basis as approved by the Fire Code Official. Tank size shall not exceed 1,000 gallons for Class I or II liquids and 2,000 gallons for Class III liquids.

- B. **Chapter 57 Section 5706.2.4.4** is hereby amended by repealing this section and replacing it with the following: Section 5706.2.4.4 Locations where above ground tanks are prohibited. Class I and II Liquids in Above-Ground Tanks. The limits referred to in Section 5706.2.4.4 of the Fire Code of the District in which the storage of Class I and Class II flammable or combustible liquids in above-ground storage tanks is restricted are hereby established as follows: areas not zoned IP (Industrial Park) and/or not specifically designated for such use in a District Policy Plan or Specific Plan.

## 9. Chapter 58

- A. **Chapter 58, Section 5806.2 Flammable Cryogenic Fluids in Stationary Tanks.** The limits referred to in Section 5806.2 of the Fire Code of the District in which storage of flammable cryogenic fluids in stationary tanks is restricted, are hereby established and is added to Section 5806.2 of Chapter 9 to read in full as follows: within 500 feet of any zoning district or area designated for residential use.

## 10. Chapter 61

- A. **Chapter 61, Section 6104.2** Maximum capacity within established limits. The limits referred to in Section 6104.2 of the Fire Code of the District in which storage of liquefied petroleum gas is restricted, are hereby established as follows: within 500 feet of any zoning district or area designated for residential use.

**SECTION 4 Findings** The American Canyon Fire Protection District Board of Directors finds and declares that the additions, modifications, and changes made to this code is necessary for the protection of public health, safety, and welfare due to climatic, geological, or topographical conditions. These amendments are authorized under Health and Safety Code Sections 18941.5 and 17958 and are identified as follows:

*A) Express Finding Number 1: Climatic. The American Canyon Fire Protection District experiences periods of high temperatures, accompanied by low humidity and seasonal high winds. These conditions create an environment in which the Fire District would need to fully commit available firefighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting resources may have greater difficulty in controlling fires in structures not having built-in fire protection.*

*B) Express Finding Number 2: Geological. The American Canyon Fire Protection District is located in a region that contains active fault zones: the San Andreas, Hayward, Calaveras and Healdsburg-Rogers Creek. Three active faults are located within Napa County: the Cordelia, Green Valley and West Napa. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Built-in fire protection will assist in extinguishing or controlling fires in structures, which will increase the availability of firefighting resources after a seismic event.*

*C) Express Finding Number 3: Topographical. The American Canyon Fire Protection District is divided geographically in to three parts by the north/south orientation of State Highway 29. The east and west portions of the District contain steep hillsides with residential development intermixed. These natural and man-made barriers can serve as severe impediments to the delivery of public safety services due increased response times and delays in fire suppression efforts due to flooding or traffic congestion. An extended response time allows fires to grow beyond the control of initial attack fire suppression resources. Built in fire protection in the form of automatic fire sprinklers has proven effective in controlling and extinguishing fires in the incipient stages.*

*D) Express Finding Number 4: The proposed Ordinance amendment is not a project that has the potential for causing a significant effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA). In addition, the proposed Ordinance amendment is exempt under the definition of Project in CEQA Guidelines Section 15378 (b)(3) in that it concerns general policy and procedure rule-making.*

**2022 California Fire Code**

Section	Title	Amended from CFC	Added to CFC	Deleted from CFC	Justification
1.11.2.1.1 Item 1	Enforcement		X		Administrative
102.7.3	Fire Extinguishing Systems	X			Administrative
103.3.1	Deputies		X		Administrative
104.12.2	Obstructing Operations	X			Administrative
107.4	Work commencing before permit issuance	X			Administrative
107.7	Re-Inspections		X		Administrative
111.1	Appeals Process	X			Administrative
307.1.2	Open Fires		X		Administrative, 1, 3
308.1.4	Open Flame Cooking Devices			X	Administrative
401.3.3	Delayed Notification		X		Administrative
503.4	Obstruction of Fire Apparatus Access	X			Administrative, 2, 3
505.1.1	Multiple dwellings or commercial complexes		X		Administrative
507.2	Type of Water Supply	X			1, 2, 3
606.2	Where Required	X			Administrative
901.2	Construction Documents	X			Administrative
903.2	Where Required	X			1, 2, 3
903.2 Item 1	Additions		X		1, 2, 3
903.2 Item 2	Change of occupancy		X		1, 2, 3

903.2 Item 3	Manufactured Homes		X		1, 2, 3
903.1.1.1	Exempt Locations		X		1, 2, 3
903.4.3	Floor control valves	X			1, 2, 3
907.1.1	Construction documents	X			Administrative
907.3.1	Duct Smoke Detectors	X			1, 2
907.8.5	Fire Service Fees		X		Administrative
5601.1.1 and 5601.1.2	Explosives	X			1, 2, 3
5601.1.3	Fireworks	X			Administrative, 1, 2, 3
5704.2.9.6.1	Flammable and Combustible Liquids	X			1, 2, 3
5706.2.4.4	Locations	X			1, 2, 3
5806.2	Flammable Cryogenic Fluids	X			2, 3
6104.2	Maximum capacity	X			2, 3

**SECTION 5 Severability.** If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Fire District Board of Directors hereby declares that it would have passed this Ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

**SECTION 6. Effective Date.** This Ordinance shall take effect thirty (30) days after passage thereof.

**SECTION 7. Publication.** The Clerk of the American Canyon Fire Protection District Board of Directors is ordered and directed to cause this Ordinance to be published in accordance with the provisions of Government Code Section 25124. The Clerk of the American Canyon Fire Protection District Board of Directors is also ordered and directed to cause this Ordinance to be filed with the California Building Standards Commission.

**I HEREBY CERTIFY** that this Ordinance was introduced at a regular meeting of the American Canyon Fire Protection District Board of Directors, held on the October, 25, 2022, and ADOPTED AND PASSED at a regular meeting of the American Canyon Fire Protection District Board of Directors, held on the 22<sup>nd</sup> day of November, 2022, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Leon Garcia, Chairman

ATTEST:

APPROVED AS TO FORM

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Geoff Belyea, Fire Chief  
Clerk to the Board

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William D. Ross, District Counsel

# American Canyon Fire Protection District

## Board Meeting

### ACTION MINUTES

October 25, 2022

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#### **PUBLIC ADDRESS – CLOSED SESSION 5:30 P.M.**

#### **CLOSED SESSION ROLL CALL**

**Present:** Chairman Leon Garcia, Vice-Chair Mariam Aboudamous, and Board Member Mark Joseph

**Absent:** David Oro and Pierre Washington

#### **5:30 P.M. CLOSED SESSION**

- 1. Conference with Legal Counsel – Anticipated Litigation Pursuant to Government Code Section 54956.9 (d) (2); One Matter, and**
- 2. Matters Relating to Public Employment - Pursuant to Government Code Section 54957 (b) Position: Assistant Fire Chief**

#### **6:30 P.M. OPEN SESSION**

#### CALL TO ORDER

Chairman Garcia called the Meeting to Order at 6:32 p.m.

#### PLEDGE OF ALLEGIANCE

Chairman Garcia led the Pledge of Allegiance

#### ROLL CALL

**Present:** Chairman Leon Garcia, Vice-Chair Mariam Aboudamous, Board Members Mark Joseph, and David Oro

**Absent:** None

**Excused:** None

#### REPORT ON CLOSED SESSION/CONFIRMATION OF REPORTABLE ACTION

District Counsel, William D. Ross, provided an oral report on Closed Session. The Board convened in Open Session at 5:37 p.m. to address the matters in Closed Session consideration and after ascertaining there were no comments on the matters agendaized for Closed Session consideration, Closed Session began at 5:38 p.m. With respect to Closed Session item number one, there was no reportable action under the Common Law Attorney-Client Privilege provided

by Government Code Section 54956.9(d)(2). With respect to Closed Session item number two, there was no reportable action under the Common Law Attorney Client Privilege provided by Government Code Section 54957 (b). Closed Session concluded at 6:12 p.m.

## **PROCLAMATIONS AND PRESENTATIONS**

**None**

### **Public Comment**

Chair Garcia called for public comments. Written comments: none. Oral Comments: The public comments period was closed.

## **AGENDA CHANGES**

There were no agenda changes.

## **CONSENT CALENDAR**

**Action:** Motion to approve CONSENT CALENDAR made by Board Member Mark Joseph, seconded by Vice Chair Aboudamous, and CARRIED by roll call vote.

**Ayes:** Chairman Leon Garcia, Vice-Chair Mariam Aboudamous, and Board Member Mark Joseph

**Nays:** None

**Abstain:** None

**Absent:** David Oro and Pierre Washington

**Excused:** None

### **3. [AB 361 In Person and Remote Teleconferenced Meetings - November 1, 2022 - November 30, 2022](#)**

**Action:** Adopted Resolution approving District meetings to be held as hybrid or in-person meetings with the option to attend by teleconference/video conference or in-person meetings of legislative bodies of the American Canyon Fire Protection District for the period of November 1, 2022 through November 30, 2022, pursuant to Brown Act Provisions.

### **4. [Employer's contribution under Public Employees' Medical and Hospital Care Act \(PEMHCA\) for FY 2022-2023.](#)**

**Action:** Adopted a Resolution fixing the Employer's contribution under Public Employees' Medical and Hospital Care Act (PEMHCA) for FY 2022-2023.

### **5. [Minutes of September 27, 2022](#)**

**Action:** Approved the Minutes from the Fire District Board meeting of September 27, 2022.

## **PUBLIC HEARINGS**

### **6. Introduction and First Reading by Title Only of an Ordinance Adopting by Reference the 2022 Edition of the California Code of Regulations Title 24 and Related Model Codes with Appendices and Amendments as Identified Herein through Express Findings of Local Necessity; Repealing Ordinance 2019-03 of the American Canyon Fire Protection District (“District”) and all Other Ordinances and Parts of Ordinances in conflict therewith.**

1. Adopt the findings in proposed Ordinance related to local climatic, geological and topographic conditions that make necessary local amendments to Title 24, Part 9 of the California Building Standards Code.

2. Adopt a finding that the proposed ordinance amendment is not a project that has the potential for causing a significant effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA). In addition, the proposed ordinance amendment is exempt under the definition of project in CEQA Guidelines Section 15378 (b)(3) in that it concerns general policy and procedure making.

- Climatic: The American Canyon Fire Protection District experiences periods of high temperatures, accompanied by low humidity and seasonal high winds. These conditions

create an environment in which the Fire Department would need to fully commit available firefighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting resources may have greater difficulty in controlling fires in structures not having built-in fire protection.

- Geological: The American Canyon Fire Protection District is located in a region that contains active fault zones: The San Andreas, Hayward, Calaveras and Healdsburg-Rogers Creek. Three active faults are located within Napa County: the Cordelia, Green Valley and West Napa. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Built-in fire protection will assist in extinguishing or controlling fires in structures, which will increase the availability of firefighting resources after a seismic event.

- Topographical: The American Canyon Fire Protection District is divided geographically in to three parts by the north/south orientation of State Highway 29. The east and west portions of the city contain steep hillsides with residential development intermixed. These natural and man-made barriers can serve as severe impediments to the delivery of public safety services due increased response times and delays in fire suppression efforts due to flooding or traffic congestion. An extended response time allows fires to grow beyond the control of initial attack fire suppression resources. Built in fire protection in the form of automatic fire sprinklers has proven effective in controlling and extinguishing fires in the incipient stages.

3. Introduction and First Reading by Title Only of District Ordinance No. 2022-01

adopting the California Building Standards and the 2022 California Fire Code, California Code of Regulations Title 24, Part 9 with amendments thereto.

The Board of Directors received a staff report from Fire Chief Geoff Belyea.

Chair Garcia called for public comment. Written comments: none. Oral comments: none. The public comment period was closed.

**Action:** Motion to adopt Resolution 2022-2025 adopting the following findings and introduce an Ordinance adopting the 2022 Editions of the California Code of Regulations Title 24, Part 9 and related model codes with appendices and amendments as identified through express findings of local necessity, repealing District Ordinance 2019-03 and applying the new Ordinance of the District with local amendments to those codes made by Board Member Mark Joseph, seconded by Vice-Chair Aboudamous and CARRIED by roll call vote.

**Ayes:** Chairman Leon Garcia, Vice-Chair Mariam Aboudamous, and Board Member Mark Joseph

**Nays:** None

**Abstain:** None

**Absent:** David Oro and Pierre Washington

**Excused:** None

## BUSINESS

### 7. Proposed Long-Range Master Plan

Kurt Latipow from AP Triton presented an analysis of the Master Plan and provided a summary of the incident data. Short -Term, Mid-Term, and Long-Range recommendations were provided.

**Action:** Adopted Resolution No. 2022-26 Approving the Proposed Long-Range Master Plan inclusive of a Center for Public Safety Excellence, 6th Edition Compliant, Community Risk Assessment: Standards of Cover Report made by Board Member Joseph, seconded by Board Member Aboudamous and CARRIED by roll call vote.

**Ayes:** Chairman Leon Garcia, Vice-Chair Mariam Aboudamous, and Board Member Mark Joseph

**Nays:** None

**Abstain:** None

**Absent:** David Oro and Pierre Washington

**Excused:** None

Board Member Joseph inquired about reducing the response time. Chief Belyea stated the District and City of Napa Fire Department will be working closely with the Dispatch Center to address the call processing times. Chief Belyea also stated there are many variables regarding the impacts of our response times, for example, traffic, additional

stop signs, and additional traffic calming devices. The District will review opportunities to decrease response times. Relocation of station 211 will decrease response time. Chair Garcia opened Public Comment.

Beth Marcus spoke. Justin Hamilton Hole spoke. Written comments: none.

**8. Establishment of Battalion Chief positions**

The Board of Directors received a staff report from Fire Chief Geoff Belyea.

Chair Garcia called for public comment. Written comments: none. Oral comments: none. The public comment period was closed.

**Action:** Adopted Resolution No. 2022-27 approving the establishment of Battalion Chief positions made by Vice-Chair Aboudamous, seconded by Board Member and Board Member Joseph CARRIED by roll call vote.

**Ayes:** Chair Leon Garcia, Vice-Chair Mariam Aboudamous, and Board Member Mark Joseph

**Nays:** None

**Abstain:** None

**Absent:** David Oro and Pierre Washington

**Excused:** None

**9. Amendment to Professional Services Agreement between American Canyon Fire Protection District and CSG Consultants**

The Board of Directors received a staff report from Fire Chief Geoff Belyea.

Chair Garcia called for public comment. Written comments: none. Oral comments: none. The public comment period was closed.

**Action:** Approved District Resolution 2022-28 confirming Amendment of Professional Services Agreement with CSG Consultants made by Board Member Mark Joseph, seconded by Vice-Chair Aboudamous and CARRIED by roll call vote.

**Ayes:** Chairman Leon Garcia, Vice-Chair Mariam Aboudamous, and Board Member Mark Joseph

**Nays:** None

**Abstain:** None

**Absent:** David Oro and Pierre Washington

**Excused:** None

**10. Memorandum of Understanding between the American Canyon Fire Protection District and Buzz Oats, LLC.**

The Board of Directors received a staff report from Fire Chief Geoff Belyea.

Chair Garcia called for public comment. Written comments: none. Oral comments: none. The public comment period was closed.

**Action:** Approved District Resolution 2022-29 confirming the Memorandum of Understanding (MOU) between the American Canyon Fire Protection District (District) and Buzz Oats, LLC (Applicant) made by Board Member Joseph, seconded

by Board Member Aboudamous, and CARRIED by roll call vote.

**Ayes:** Chairman Leon Garcia, Vice-Chair Mariam Aboudamous, and Board Member Mark Joseph

**Nays:** None

**Abstain:** None

**Absent:** David Oro and Pierre Washington

**Excused:** None

### **FIRE CHIEF ORAL REPORT**

Fire Chief Belyea acknowledged and thanked Laura Provencher for organizing Open House in early October. Chief Belyea stated that the new probationary firefighters would complete the Fire Academy on October 28<sup>th</sup>. They attended live fire evolutions in Sonoma last week. He also acknowledged Captain Diede for leading and facilitating the academy. All the crews have supported the training of the new probationary firefighters.

### **CHAIR/BOARD COMMENTS, COMMITTEE REPORTS, AND FUTURE AGENDA ITEMS**

Board Member Joseph stated that he attended the Open House and thanked Laura for putting together the event.

Chair Garcia stated that he would like to see the Explorer Program start again. Chief Belyea stated that Firefighter/Paramedic Robert Rojas is a product of the Explorer Program and will be leading the Explorer Program.

### **ADJOURNMENT**

Meeting was adjourned at 8:08 p.m.

### **CERTIFICATION**

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Geoff Belyea,  
District Fire Chief/District Clerk



## **TITLE**

Dispatching Services Agreement between the City of Napa and the American Canyon Fire Protection District for the administration and operation of centralized emergency response dispatching services

## **RECOMMENDATION**

Adopt Resolution 2022-31 authorizing execution of Amendment No. 6 for FY 2020/2021 and FY 2021-2022 to the Cooperative Joint Powers Dispatching Services Agreement between the City of Napa and the American Canyon Fire Protection District for the administration and operation of centralized emergency response dispatching services.

## **CONTACT**

Geoff Belyea, Fire Chief

## **BACKGROUND & ANALYSIS**

On July 1, 2011 the City of Napa Central Dispatch commenced emergency dispatch services for the District subsequent to approval of the original agreement by the District Board of Directors on December 21, 2010.

The Agreement has been amended annually to extend the term for additional one-year periods and to update the annual fee to reflect the increased costs for dispatch services. Both parties must complete approvals before Fiscal Year 2022-2023 be presented to the Board of Directors. The annual fees have been comprised of \$35,774 for Fiscal Year 2013/14 and \$53,847 for Fiscal Year 2014/15 pursuant to the original Agreement; \$54,952 for Fiscal Year 2015/16 by Amendment No 1; \$64,351 for Fiscal Year 2016/17 by Amendment No. 2; \$67,569 for Fiscal Year 2017/18 by Amendment No 3; \$69,596 for Fiscal Year 2018/19 by Amendment No. 4; \$72,032 for Fiscal Year 2019/20 by Amendment No 5; and 150,612 for Fiscal Year 2020/2021 and Fiscal Year 2021-2022 by Amendment No 6; and

Utilizing Napa Central Dispatch as the Districts emergency call dispatcher has benefitted the District in numerous ways including: reduced costs through economy of scale, reduced call processing time through the Public Safety Answering Point ("PSAP") being the primary dispatcher, enabling the use of Mobile Data Computers ("MDC's"), Computer Aided Dispatch ("CAD") to Record Management System ("RMS") interface, Automatic Vehicle Locaters ("AVL"), and streamlining Chief Officer

response to major incidents as per the Joint Powers Agreement (“JPA”) between the District and the City of Napa Fire Department.

### **COUNCIL PRIORITY PROGRAMS AND PROJECTS**

Public Safety: "Ensure American Canyon remains a safe community."

### **FISCAL IMPACT**

The two-year amendment has been budgeted in the District’s budget.

### **ENVIRONMENTAL REVIEW**

None

### **ATTACHMENTS:**

1. [Resolution 2022-31 \(Amendment 6 to Dispatch Agreement\)](#)
2. [C2013-298.pdf](#)

**Resolution 2020-31**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AMERICAN CANYON FIRE PROTECTION DISTRICT APPROVING AMENDMENT NO. 6 TO THE COOPERATIVE JOINT POWERS DISPATCHING SERVICES AGREEMENT WITH THE CITY OF NAPA**

**WHEREAS**, on June 24, 2013 the American Canyon Fire Protection District (“District”) and the City of Napa entered into a Cooperative Joint Powers Dispatching Services Agreement (“Agreement”) for dispatching services; and,

**WHEREAS**, pursuant to the Agreement, the City of Napa Central Dispatch has operated emergency dispatch services for the District; and,

**WHEREAS**, the District’s use of the Napa Central Dispatch for emergency dispatching has benefited the District in several ways, including reduced costs through economy of scale, reduced call processing time, technological improvements, and streamlining response to major incidents, among other benefits; and,

**WHEREAS**, the Agreement has been amended annually to extend the term for additional one-year periods and to update the annual fee to reflect the increased costs for dispatch services. The annual fees have been comprised of \$35,774 for Fiscal Year 2013/14 and \$53,847 for Fiscal Year 2014/15 pursuant to the original Agreement; \$54,952 for Fiscal Year 2015/16 by Amendment No 1; \$64,351 for Fiscal Year 2016/17 by Amendment No. 2; \$67,569 for Fiscal Year 2017/18 by Amendment No 3; \$69,596 for Fiscal Year 2018/19 by Amendment No. 4; \$72,032 for Fiscal Year 2019/20 by Amendment No 5; and \$150,612 for Fiscal Year 2020/2021 and Fiscal Year 2021-2022 by Amendment No 6; and

**NOW THEREFORE, BE IT RESOLVED** by the Board of Directors of the American Canyon Fire Protection District that Amendment No. 6 to the Cooperative Joint Powers Dispatching Services Agreement with the City of Napa is hereby approved, and the District Fire Chief is hereby authorized to take all necessary and incidental actions to finalize and execute the Agreement; and,

**APPROVED AND ADOPTED** at the American Canyon Fire Protection District Board of Directors Meeting held on the 22nd day of November 2022 by the following:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Leon Garcia, Chairman

ATTEST:

APPROVED AS TO FORM

\_\_\_\_\_  
Geoff Belyea, Fire Chief  
Clerk to the Board

\_\_\_\_\_  
William D. Ross, District Counsel

**COOPERATIVE JOINT POWERS DISPATCHING SERVICES AGREEMENT**  
Between the American Canyon Fire Protection District and the City of Napa  
American Canyon Fire Protection District Contract Number 2013-04  
City of Napa Contract Number C2013 298

This Cooperative Joint Powers Dispatching Services Agreement between the City of Napa and the American Canyon Fire Protection District for the administration and operation of centralized emergency response dispatching services ("Agreement") is made and entered into under the joint exercise of powers provisions of the Government Code of the State of California, California Government Code Section 6500-6536, as of this 24<sup>th</sup> day of June 2013 by and between the City of Napa, a California charter city and municipal corporation ("City"), and the American Canyon Fire Protection District, a subsidiary special district of the City of American Canyon of the State of California ("American Canyon"). City and American Canyon are public entities organized and operating under the laws of the State of California and each is a public agency as defined in California Government Code Section 6500. City and American Canyon may be referred to collectively as "the parties."

**RECITALS**

- A. The City and have agreed that a centralized service for dispatching certain emergency vehicles and related services within the City and American Canyon will eliminate duplication of services and will achieve cost savings and operational efficiencies to the benefit of both parties and all residents within the City and American Canyon Fire Protection District.
- B. The City and American Canyon have previously executed a Dispatching Services Contract (American Canyon Contract Number 2011-04 and City Contract Number C2011-49, executed by the parties on or about March 15, 2011) concerning the operation of a centralized service for dispatching emergency vehicles and related services within American Canyon Fire Protection District.
- C. The Prior Agreement apportioned the annual costs of such centralized dispatching service between the parties, and the parties now desire to update the provisions for apportionment of costs, including maintenance and one time system capital improvements under the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions identified herein, the parties hereby agree as follows:

1) SCOPE OF WORK.

a) The parties hereby terminate and supersede (by this Agreement) all previous provisions of the Prior Agreement; provided, however, that the obligations of either party under this Agreement paragraphs 12 and 15 shall continue in full force and effect in relation to acts or omissions occurring during the term of the Prior Agreement (prior to effective date of this Agreement).

b) The City shall provide the Participating Agencies (as identified on Exhibit "A," attached hereto and incorporated herein by reference) the services identified in this Agreement, with the goal of providing all services customarily necessary for the efficient operation of a 911/Emergency Call Receiving Center and Emergency Dispatch and Communications Center by a city or county. These services shall include the receipt of 911 and all other emergency calls for service, and the dispatch of fire, police, sheriff, emergency medical and other needed emergency services for the benefit of the Participating Agencies. 911 calls for fire services for the Napa County Fire Department shall be forwarded immediately to California Department of Forestry and Fire Protection, hereinafter referred to as "Cal FIRE," for dispatching. 911 calls for medical emergencies occurring in the County ) shall be relayed to CAL FIRE for dispatching of fire units, while the City's Central Communications Center, hereinafter referred to as

"Communications Center," will maintain contact with the caller and provide emergency medical and ambulance dispatch.

2) LEVEL OF SERVICE. All emergency telephone lines and other approved methods of emergency notification of City and American Canyon shall terminate at the Communications Center. Communications Center staff shall answer all such emergency calls for service and dispatch, or notify the appropriate emergency services provider according to the policies and procedures of the Communications Center. The City shall maintain no fewer than three (3) Public Safety Dispatchers scheduled at the Communications Center at all times, including one (1) Supervisor or Acting Supervisor.

3) JURISDICTIONAL COORDINATION. The City, through the Communications Center, shall make every reasonable effort to:

a) Dispatch all emergency services according to the policies and procedures of the Communications Center. The policies and procedures of the Communications Center shall incorporate the policies and procedures of each Participating Agency and the requirements of the County Emergency Medical Services Agency; provided that a copy of any such policies and procedures are provided to the City.

b) Dispatch emergency medical services only in accordance with the respective operating boundaries of each emergency medical service provider, as approved in writing by the County Emergency Medical Services Agency.

c) Each Participating Agency shall keep the Communications Manager (as defined in Section 8 of this Agreement) informed of the applicable policies and procedures (including terms and conditions of any relevant contracts) relative to dispatching emergency units.

4) COMPENSATION.

a) American Canyon shall pay City, as compensation in full for services during the term of this Agreement at the rate identified in Exhibit "B," attached hereto and incorporated herein by reference.

b) In addition to the rate to be paid by the American Canyon pursuant to Agreement paragraph 4(a), the American Canyon shall also separately pay its pro rata share of the cost of capital system improvements to equipment, software or other system upgrades to the Communication Center's Computer Aided Dispatch (CAD) system. An estimate of the total costs for these capital system improvements is attached hereto as Exhibit "D" and incorporated herein by reference. The American Canyon's pro rata share of such costs shall not exceed .79% (the agreed upon .79% share is based on an estimate of the volume of calls received for the American Canyon Agencies compared to the volume of calls for the City Agencies as set forth in the table of benefitting agencies in the NBS "Final Report on the 911 Center Cost Allocation Study," attached hereto as Exhibit "C" and incorporated herein by reference) of the estimated total system costs as set forth in Exhibit "D." In the event that capital system improvement costs exceed the estimate on Exhibit "D," City shall notify American Canyon and obtain American Canyon's written consent for the estimated expenditures that exceed the estimate set forth on Exhibit "E." American Canyon shall pay City for all undisputed costs related to such capital system improvements incurred by City in any fiscal year during the term of this Agreement

d) In the event that City identifies unanticipated requirements for capital improvements, unanticipated emergency repairs or maintenance costs during the course of this Agreement, City and American Canyon agree to meet and discuss the need and financial ability to fund such capital improvements, unanticipated repairs or maintenance costs. If the parties agree upon the need and financial ability to incur these costs, the American Canyon agrees to pay .79% of the total cost of the additional capital improvements, unanticipated emergency repairs or maintenance costs (in addition to the rate to be paid by the American Canyon pursuant to Agreement paragraph 4(a)). Any such modification to add such additional costs shall be effective only if ratified by the Governing Bodies of the City and the American Canyon by Amendment.

e) City and American Canyon agree to meet and discuss the need and financial ability to add staff to the Communications Center. If the parties agree upon the need and financial ability to add staff, the American Canyon agrees to pay .79% of the total cost of the additional staff (in addition to the flat rate to be paid by the American Canyon pursuant to Agreement paragraph 4(a)). Any such modification to add such additional costs shall be effective only if ratified by the Governing Bodies of the City and the American Canyon by Amendment.

f) City and American Canyon will meet and agree on an adjusted yearly base rate if a tax or bond measure is passed, or a grant is awarded, that off sets the required budget for the Communications Center.

5) **TERM.** The term of this Agreement shall be from July 1, 2013 until June 30, 2015 unless terminated earlier as provided herein; except that the obligations of the parties under Paragraph 12 (Insurance) and Paragraph 13 (Indemnification) shall continue in full force and effect after said expiration date or early termination in relation to acts or omissions occurring prior to such dates during the term of this Agreement.

6) **METHOD OF PAYMENT.** American Canyon agrees to pay City in two equal payments per fiscal year during the term of this Agreement. Such payments will be made within 30 days after billing by the City and as follows:

a) City agrees to bill American Canyon for July 1 through December 31 services during the first week of July of each year for the term of this Agreement and to bill American Canyon for January 1 through June 30 services during the first week of January of each year for the term of this Agreement.

b) American Canyon agrees to not seek from City any State reimbursement funds made to the City for training (California Peace Officers Standards and Training or other), equipment or other reimbursements customarily received by 911 Centers.

7) **TERMINATION OF AGREEMENT.** This Agreement may be terminated by either party in the following manner only: The party desiring to terminate this Agreement must give not less than six (6) months written notice of its intent to terminate. The starting date for calculating the six (6) month period shall be June 30 or December 31, which ever first occurs following the effective date of the written notice (under Agreement Paragraph 11).

8) **OPERATIONS.** The Communications Center shall be administrated and operated by the City of Napa Police Department. A Communications Manager, responsible for day-to-day administration and management of the Communications Center, shall be appointed by the City of Napa Chief of Police. In the carrying out of his/her duties, the Communications Manager will communicate regularly and in a timely manner with the appropriate American Canyon personnel regarding operational issues and any problems that may arise.

9) **LOCATION.** The Communications Center shall be in a facility that is appropriate for the efficient operation of the Communications Center, as determined by the City.

10) **PERSONNEL.** All personnel assigned to the Communications Center shall be hired and salaried under policies and procedures of City and shall be City employees.

11) **NOTICES.** All notices required or authorized by this Agreement shall be in writing and shall be delivered in person or by deposit in the United States mail, by certified mail, postage prepaid, return receipt requested. Any mailed notice, demand, request, consent, approval or communication that either party desires to give to the other party shall be addressed to the other party at the address set forth below. Any notice sent by mail in the manner prescribed by this paragraph shall be deemed to have been received on the date noted on the return receipt or five days following the date of deposit, whichever is earlier.

AMERICAN CANYON  
Glen E. Week, Fire Chief  
American Canyon Fire Protection District  
911 Donaldson Way East  
American Canyon, CA 94503

CITY  
Mike Parness, City Manager  
City of Napa  
P.O. Box 660  
Napa, CA 94559

12) **INSURANCE.** City shall maintain in full force and effect throughout the term of this Agreement and thereafter as to matters occurring during the term of this Agreement, the following insurance coverage:

a) **Workers' Compensation Insurance.** City shall provide, to the extent required by law, workers' compensation insurance in the performance of all duties under this Agreement.

b) **General Liability Insurance.** Dispatch shall be covered by City's general liability coverage and City shall maintain adequate liability coverage during the term of this Agreement. American Canyon acknowledges that City maintains a self-insured retention of \$150,000 which amount is subject to change at any time by action of the City of Napa City Council.

13) **INDEMNIFICATION.**

a) American Canyon shall hold City harmless from all loss, claims or liability asserted against or incurred by City by reason of any action of American Canyon or of any employees of American Canyon during the term of this Agreement. City shall hold American Canyon harmless from all loss, damage, claims or liability asserted against or incurred by American Canyon by reason of any action of City or any employee of City during the term of this Agreement.

14) **INDEPENDENT ENTITIES**

Although this Agreement is a Joint Powers Agreement as authorized by California Government Code 6500 *et seq*, City and American Canyon are independent entities, and City and American Canyon and the respective officers, agents and employees of City and American Canyon are not, and shall not be deemed, employees of the other agency for any purpose, including but not limited to worker's compensation and employee benefits.

15) **PRIVILEGES, IMMUNITIES AND OTHER BENEFITS**

In accordance with California Government Code section 6513, all of the privileges and immunities from liability, all exemptions from laws, ordinances and rules, and all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of the trustees, officers, employees or agents of the parties when performing their functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties associated with performance of this Agreement.

16) **BEST EFFORTS.** City and American Canyon shall use their best efforts to provide the services called for in this Agreement in a reasonable prompt manner. However, due to the emergency nature of the services provided and the number of calls received, all parties to this Agreement understand and agree that no guarantee can be made, or is intended to be made, as a result of the execution of this Agreement, as to the nature of timing of the response by City or American Canyon to any specific emergency.

17) **THIRD PARTY BENEFICIARIES.** Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

18) **GENERAL PROVISIONS.**

a) **Headings.** The heading titles for each paragraph of this Agreement are included only as a

guide to the contents and are not to be considered as controlling, enlarging, or restricting the interpretation of the Agreement.

b) **Severability**. If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the parties' intent under this Agreement.

c) **Governing Law, Jurisdiction, and Venue**. The interpretation, validity, and enforcement of this Agreement shall be governed and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the American Canyon Fire Protection District.

d) **Attorney's Fees**. In the event any legal action is commenced to enforce or interpret this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred, whether or not such action proceeds to judgment.

e) **Assignment and Delegation**. This Agreement, and any portion thereof, shall not be assigned or transferred, nor shall any of the duties be delegated without the written consent of the other party to this Agreement. Any attempt to assign or delegate this Agreement without the written consent of the other party shall be void and of no force or effect. A consent to one assignment shall not be deemed to be a consent to any subsequent assignment.

f) **Modifications**. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

g) **Waivers**. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

h) **Entire Agreement**. This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the services described herein. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

i) **Each Parties' Role in Drafting the Agreement**. Each party to this Agreement has had an opportunity to review the Agreement, confer with legal counsel regarding the meaning of the Agreement, and negotiate revisions to the Agreement. Accordingly, neither party shall rely upon Civil Code Section 1654 in order to interpret any uncertainty in the meaning of the Agreement.

j) **Signatures**. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the City and the American Canyon.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF NAPA:

  
\_\_\_\_\_  
(Signature)

Mike Parness, City Manager  
(Type name and title)

ATTEST:

  
\_\_\_\_\_  
(Signature)

Dorothy Roberts, City Clerk  
(Type name and title)

AMERICAN CANYON FIRE PROTECTION DISTRICT:

  
\_\_\_\_\_  
(Signature)

Leon Garcia, Chairman, Board of Directors  
(Type name and title)

ATTEST:

  
\_\_\_\_\_  
(Signature)

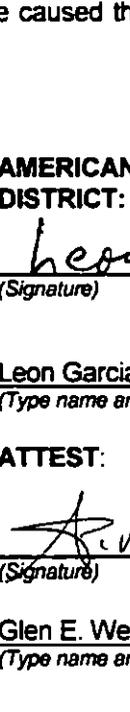
Glen E. Weeks, District Clerk  
(Type name and title)

COUNTERSIGNED:

  
\_\_\_\_\_  
(Signature)

Desiree Brun, City Auditor  
(Type name and title)

APPROVED AS TO FORM:

  
\_\_\_\_\_  
(Signature)

Michael W. Barrett, City Attorney  
(Type name and title)

APPROVED AS TO FORM:

  
\_\_\_\_\_  
(Signature)

William D. Ross, District Counsel  
(Type name and title)  
American Canyon Fire Protection District

**Exhibit "A"**  
**List of Participating Agencies**

Benefitting Agency:	Distribution %	Total Allocated Costs
Napa County	38.51%	\$1,739,796
Napa City	53.19%	\$2,402,727
American Canyon	0.79%	\$35,774
AMR Ambulance	7.50%	\$338,951
<b>Total Allocated Costs for 911 Dispatch Center</b>	<b>100%</b>	<b>\$4,517,249</b>

**Calls for Service Defined as:**

The Calls for Service total is calculated by the number of CAD events by CAD agency where the CAD event occurred.

The CAD Agencies are allocated as below –

- Napa City CAD Agencies: NPD, NFD, NVR
- Napa County CAD Agencies: ACPD, NSD, YPD, NCF, SHPD, CPD
- American Canyon Fire CAD Agency: AFD
- American Medical Response CAD Agencies: EMS CAD events from NFD and AFD

CAD agencies are subtracted from those agencies and added to CAD Agency AMB Calls for Service.

- Animal Services: ASO Events are subtracted from NPD agency and added to Napa County CAD Agencies Calls for Service.
- Support Agency CAD events are CAD events created to support City and County government agencies. Primarily, these events are after hour requests for Public Works Services. The events are currently not cost allocated to any agency; these CAD events account for about 3–4% of the total Calls For Service.

**Exhibit "B"**  
Rate for service per year

<u>Fiscal Year</u>	<u>Rate</u>
FY 2013/2014	\$35,774
FY 2014/2015	\$36,847

**Exhibit C**

**NBS Final Report on the 911 Center Cost Allocation Study**

**Exhibit D**

**Computer Aided Dispatch (CAD) System  
Capital system improvements to equipment, software or other system upgrades**

<b>CAD/RMS/Mobile Future Upgrade (Updated: 2/6/3013)</b>		
<b>Project Costs (I/LEADS/CAD/Mobile)</b>	<b>Cost</b>	
Total Upgrade Cost	\$ 482,205.00	
<b>Implementation Costs in 12/13</b>	<b>Cost</b>	
I/LEADS Upgrade (P118137)	\$ 96,900.00	
Servers	\$ 30,000.00	
<b>Grand Total</b>	<b>\$ 126,900.00</b>	
<b>CAD Implementation in 13/14</b>		<b>Cost</b>
CAD Upgrade Services		\$ 116,881.00
Project Management Services		\$ 49,900.00
I/LEADS RMS Implementation Services		\$ 6,647.00
Mobile to MPS Upgrade Services		\$ 9,971.00
CAD Interfaces Implementation Services		\$ 66,381.00
I/CAD Delta Training		\$ 13,500.00
MPS Workflow and Configuration Workshop		\$ 11,280.00
MPS Trainers		\$ 9,060.00
BI SysAdmin Training		\$ 14,610.00
BI User Training		\$ 19,050.00
BI Direct for CAD		\$ 18,000.00
Insurance and Shipping		\$ 25.00
Servers		\$ 20,000.00
<b>Grand Total</b>		<b>\$ 355,305.00</b>
<b>Funding:</b>		
<b>Beginning Balance</b>		\$ 25,451.15
11/12 Contribution to CIP Project		\$ 75,000.00
12/13 Contribution to CIP Project		\$ 75,000.00
<b>Total Funding:</b>		<b>\$ 175,451.15</b>
<b>Total Upgrade Cost</b>		<b>\$ 482,205.00</b>
<b>Total Cost Unfunded</b>		<b>\$ 306,753.85</b>
<b>Unfunded Balance</b>		<b>\$ 306,753.85</b>
AMR (7.50%)		\$ 23,006.54
ACFPD (.79% )		\$ 2,423.36*
Napa County (38.51%)		\$ 118,130.91
City (53.19%)		\$ 163,162.37
<b>Total</b>		<b>\$ 306,723.17</b>

Additional cost to American Canyon will be the cost for a backup power supply and emergency generator at the Oat Hill radio site not to exceed \$17,000 per year.



## **TITLE**

Approve two Battalion Chief positions effective January 1, 2023.

## **RECOMMENDATION**

Adopt Resolution No. 2022-31 approving two Battalion Chief positions for the Fiscal Year 2022-2023 mid-year budget effective January 1, 2023.

## **CONTACT**

Geoff Belyea, Fire Chief

## **BACKGROUND & ANALYSIS**

During the FY23 Budget Process, the Fire Chief proposed an organizational restructuring that involved the establishment of Battalion Chief (BC) positions to enhance daily operations and on-scene command presence. The Battalion Chief classification is a mid-level managerial position responsible for the direct supervision of personnel assigned to their assigned shift. The restructuring would ultimately result in the establishment of three (3) Battalion Chief positions (one for each 24-hour shift), although only two are being proposed at this time due to funding constraints.

On September 27, 2022, the Board of Directors approved the Final Budget for Fiscal 2022-2023; however, it was requested the District provide the Board of Directors with an update on the Budget supporting the two Battalion Chief positions prior to the recruitment process. On October 25, 2022, the Board of Directors approved the establishment of the Battalion Chief positions and Salary Survey.

A Financial Overview/Forecast will be presented including a ten-year General Operating Fund Financial Forecast with an overview of the projected property tax revenue, and projected sales of homes in American Canyon.

## **COUNCIL PRIORITY PROGRAMS AND PROJECTS**

Public Safety: "Ensure American Canyon remains a safe community."

## **FISCAL IMPACT**

The FY23 budget contains funding for two BC positions for six months beginning January 1, 2023. We anticipate that the third BC being added when there is sufficient revenue growth to support the added cost.

### **ENVIRONMENTAL REVIEW**

None

### **ATTACHMENTS:**

[Resolution 2022-32- Battalion Chief Positions](#)

**RESOLUTION 2022-32**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AMERICAN CANYON FIRE PROTECTION DISTRICT APPROVING TWO BATTALION CHIEF POSITIONS FOR FISCAL YEAR 2022-2023 MID YEAR BUDGET EFFECTIVE JANUARY 1, 2023.**

**WHEREAS**, the Fire Chief proposed an organizational restructuring establishing a new job classification of Battalion Chief to enhance daily operations and on-scene command presence; and

**WHEREAS**, the Battalion Chief classification is a mid-level managerial position responsible for the direct supervision of personnel assigned to their assigned shift; and

**WHEREAS**, the Battalion Chief position is also responsible for planning, organizing, managing, and supervising personnel, stations, equipment, emergencies, incidents and will directly supervise their respective assigned shifts; and

**WHEREAS**, the Board of Directors approved the restructuring and establishment of the Battalion Chief positions and Salary Survey at the Board of Director’s Meeting on October 25, 2022; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the American Canyon Protection District, hereby approves the two Battalion Chief positions effective January 1, 2023.

**PASSED, APPROVED AND ADOPTED** this 22nd day of November, 2022, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Leon Garcia, Chairman

ATTEST:

APPROVED AS TO FORM

\_\_\_\_\_  
Geoff Belyea, Fire Chief  
Clerk to the Board

\_\_\_\_\_  
William D. Ross, District Counsel