

DEPARTMENT: Building Department

BY: Michael Kinslow

PHONE: 966-3934

RECOMMENDED ACTION AND JUSTIFICATION:

The 2010 California Residential Code section R313 mandates that residential fire sprinklers be installed in all new construction one and two family homes after January 1st 2011. The Building Director will brief the Board on the upcoming Residential Fire Sprinkler requirements and the probable impact to Mariposa County. The Building Director feels that this code section will create a disproportionate financial burden on the public and builders that build smaller homes that use well water as their source. It is also the Building Director's opinion that the State Fire Marshal's Office has not considered the financial impact on small rural counties and is therefore seeking direction from the Board in pursuing various courses of action at the state level.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Building Department routinely informs the Board of Supervisors of issues which arise and seeks direction as to the best course of action to remedy the situation. The Board customarily gives guidance regarding which alternative suggested is in the best interest of the County.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If nothing is done, the State Fire Marshal's Office will have no knowledge of the burden it has placed on the public and builders of smaller homes and will have no reason to reconsider the requirement.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		1 st letter requesting a stay to implementation
Source:		2 nd letter listing items not addressed
Internal Transfer		Letter from MPUD regarding issues not addressed
Unanticipated Revenue	4/5's vote	
Transfer Between Funds	4/5's vote	
Contingency	4/5's vote	
() General () Other		

CLERK'S USE ONLY:

Res. No.: 10-516 Ord. No. _____
 Vote - Ayes: 4 Noes: _____
 Absent: Bibby
 Approved
 Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California

By: _____
 Deputy

CAO: K9B



COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

KEVIN CANN, CHAIR
JIM ALLEN, VICE-CHAIR
BRAD ABORN
LYLE TURPIN
JANET BIBBY

DISTRICT IV
DISTRICT V
DISTRICT I
DISTRICT II
DISTRICT III



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE KINSLOW, Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Discussion and Possible Direction from the Board Regarding the 2010 California Residential Code Section R313 which Mandates that Residential Fire Sprinklers be Installed in all New Construction of One and Two Family Homes after January 1, 2011
RES. 10-516

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on November 9, 2010

ACTION AND VOTE:

10 **Building**
Discussion and Possible Direction from the Board Regarding the 2010 California Residential Code Section R313 which Mandates that Residential Fire Sprinklers be Installed in all New Construction of One and Two Family Homes after January 1, 2011

BOARD ACTION: Discussion was held with Mike Kinslow relative to sending letters expressing concern with the new regulations.

Input from the public was provided by the following:

Ron Iudice commended Mike Kinslow for his work; and stated he sees the new regulations as a detriment to real estate and growth. He supports the letters and suggested that a citizens committee be established to work on this.

Further discussion was held. Mike Kinslow clarified that the first letter is to ask for a 180-day delay in implementing the new regulations; and the second letter is asking for consideration of modifying the fire sprinkler requirements for the rural areas. Discussion was held relative to sending a letter from the Board as well.

(M)Turpin, (S)Aborn, Res. 10-516 was adopted authorizing the Building Director to send the two letters and to prepare and send a similar letter from the Board – signed by the Chair/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

Cc: File

Mariposa County Board of Supervisors

District 1BRAD ABORN
District 2 LYLE TURPIN
District 3 JANET BIBBY
District 4 KEVIN CANN
District 5 JIM ALLEN



RICHARD J. BENSON
County Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222
1-800-736-1252
FAX (209) 966-5147
www.mariposacounty.org/board

November 16, 2010

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol Building
Sacramento, California 95814

RE: 2010 California Residential Code

Dear Governor Schwarzenegger:

The State of California is implementing the new 2010 California Residential Code (CRC) on January 1, 2011. The Mariposa County Board of Supervisors believe that CRC section R313, Automatic Fire Sprinkler Systems, will have a substantial, negative impact on Mariposa County's residential construction industry. This additional burden of compliance will continue to push rural, entry level housing out of reach for those that can least afford this cost increase. **We are requesting emergency action from your office to delay the implementation of section R313 for 180 days.** This delay is necessary so that the true financial impact on our rural county and entry level home buyers may be determined, and to also allow the local construction industry to prepare for this change.

An awareness level course on the 2010 CRC section R313 was recently presented by Cal Fire Division Chief Kevin Reinertson, and he believes that there are areas of financial impact for small rural homes that have not been addressed by the State. A few of these points are:

1. The cost per square foot for a sprinkler system increases as the size of the house decreases. This additional cost adversely affects the smaller, entry level homes and the buyers that purchase them. We consider this home size to be 1,500 square feet or less.
2. The majority of our homes are in a rural setting and the water needs are served by individual water wells. The cost to improve the water well system for fire sprinkler service is substantial and variable, and making this improvement for a small entry level home will sustainably push the cost per square foot far beyond the industry quoted cost for residential sprinkler systems.

3. As stated by Mr. Reinertson, these sprinkler systems are for "Life Safety" only and are not designed to protect property. The 2010 CRC requires that attic spaces containing heating equipment and attached garages have sprinkler systems. Since these are not considered "habitable areas" and the occupants are not directly exposed to these areas we feel the cost to protect these areas is excessive.
4. At this time the only option for professional sprinkler installation is for a C-16 fire sprinkler installation firm to do the work. Mariposa County does not currently have a resident C-16 contractor. To hire a C-16 contractor from out of the County increases the cost to all builders and home owners, not to mention the substantial construction delays that are expected as the new codes take effect.
5. Mr. Reinertson stated that Residential Fire Sprinklers would be required in all residential occupancies. This appears to be in direct conflict with CRC R301.1.1.1, "alternative provisions for limited-density owner-built rural dwellings."
6. At this time the mobile home industry is exempt from the requirement to install fire sprinkler units as of January 1, 2011. This is a serious threat to our weak home building industry and certainly cannot be considered equitable treatment and fair competition coming from a State regulated industry.

Many areas of Mariposa County are underserved and are already substantially burdened with complying with the California Building Code Chapter 7A [SFM] "Materials and Construction Methods for Exterior Wildfire Exposure." These extra requirements for fire resistant construction are once again disproportionately costly to smaller, entry level homes. Additionally Mariposa County is also subject to Cal Fire's requirements for fire hazard areas with large water storage tanks (2,500 gallons), fire department water connections, and substantial road and driveway improvements.

Given the above impacts and the relatively short time frame of notification, we believe it is reasonable and prudent to ask for a 180 day delay in implementing R313 to adequately address the above concerns. The economic future of our local home building industry is at stake. Thank you for your consideration of our request.

Sincerely,



KEVIN CANN
Chairman

cc: Tom Berryhill, California State Assembly Member
David Cogdill, California State Senator
Tonya Hoover State Fire Marshal,
Lynn Jacobs, Housing and Community Development

California Building Standards Commission
Senator Dianne Feinstein
Senator Barbara Boxer
California State Association of Counties
Regional County of Rural Counties



Mariposa County Building Department

Mike Kinslow, Building Director

5100 Bullion St., P.O. Box 1268, Mariposa, CA 95338

Phone (209)966-3934 Fax (209)742-5024

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

November 10, 2010

Dear Governor Schwarzenegger:

The State of California is implementing the new 2010 California Residential Code on January 1, 2011. We feel that CRC section R313, Automatic Fire Sprinkler Systems, will have a substantial, negative impact on Mariposa County's residential construction industry. We feel this additional burden of compliance will continue to push small, rural entry level housing out of the reach of those that can least afford the cost increase. **At this time we are requesting emergency action from your office to delay the implementation of section R313 for 180 days.** This delay is necessary so that the true financial impact maybe determined for our rural county and our entry level home buyers. This delay will also allow the local construction industry to gear up for this change.

I recently attended an awareness level course on the 2010 California Residential Code section R313 (residential fire sprinkler requirements) presented by Cal Fire Division Chief, Kevin Reinertson. I believe that there were areas of financial impact for the residential 13D sprinkler systems for small rural homes that have not been addressed by the State. Some of those points are as follows:

1. The cost per square foot for a sprinkler system increases as the size of the house decreases. This additional cost adversely affects the smaller, entry level homes and the buyers that purchase them. We consider this home size to be 1,500 square feet or less.
2. The majority of our homes are in a rural setting and the water needs are served by individual water wells. The cost to improve the water well system for fire sprinkler service is substantial and variable. Again making this improvement for a small entry level home will sustainably push the cost per square foot far beyond the industry quoted cost for residential sprinkler systems.
3. As stated by Mr. Reinertson these sprinkler systems are for "Life Safety" only and are not designed to protect property. The 2010 California Residential Code states that we shall sprinkle attic spaces that contain heating equipment and attached garages. Since these are not considered "habitable areas" and the occupants are not directly exposed to these areas we feel the cost to protect these areas is excessive. Given that these areas are usually not insulated or heated, it would require an increase in cost for the sprinkler

system to be protected in these areas that may be subject to freezing temperatures. Again this would be a noticeable additional cost increase to a small, rural entry level home.

4. At this time the only option for professional sprinkler installation is for a C-16 fire sprinkler installation firm to do the work. We do not have a C-16 contractor in Mariposa County. To hire a C-16 contractor from out of the County increases the cost to all builders and home owners, not to mention the substantial construction delays that are expected as the new codes take effect.

5. Mr. Reinertson stated that Residential Fire Sprinklers would be required in all residential occupancies. This appears to be in direct conflict with the California Residential Code R301.1.1.1, "alternative provisions for limited-density owner-built rural dwellings".

6. It appears at this time that the State of California regulated, inspected and approved mobile home industry will not be required to produce fire sprinkler installed units as of January 1, 2011. This issue alone is a serious threat to our weak home building industry. It certainly cannot be considered equitable treatment and fair competition coming from a State regulated industry. How can we possibly explain to the local construction industry that the State is mandating fire sprinklers for "stick built" homes but their immediate competition, factory built homes that are state regulated, are not required to comply on the same time table of code implementation?

Please keep in mind that many areas of Mariposa County are underserved and are already substantially burdened with complying with the California Building Code Chapter 7A [SFM] "Materials and Construction Methods for Exterior Wildfire Exposure". These extra requirements for fire resistant construction are once again disproportionately costly to smaller, entry level homes. Additionally we are also subject to Cal Fire's requirements for fire hazard areas with large water storage tanks (2,500 gallons), fire department water connections, substantial road and driveway improvements and a host of other issues. Hopefully you can see that small rural homes already carry a tremendous burden from California State Fire Regulations. The additional burden from Residential Fire Sprinklers may well push the small affordable home out of the reach of the entry level home buyer. This of course will dramatically affect our already depressed home building industry.

Given the above impacts and the relatively short time frame of notification, we feel it is reasonable and prudent to ask for a 180 day delay in implementing R313 to adequately address the above concerns. We believe the economic future of our local home building industry is at stake. Thank you for your consideration.

Sincerely,



Mike Kinslow
Mariposa County Building Director
Certified Fire Code Official

CC

State Fire Marshal, Tonya Hoover
PO Box 944246
Sacramento, CA 94224

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Housing and Community Development, Lynn Jacobs
1800 Third Street
Sacramento, CA 95811

Tom Berryhill Assembly 25 District
PO Box 942849
Sacramento, CA 94249

David Cogdill 14th State Senate District
State Capitol Room 5097
Sacramento, CA 95814

California State Association
of Counties
1100 K Street, Suite #101
Sacramento, CA 95814

Brent Harrington, President
Regional Council of Rural Counties
1215 K Street, Suite 1650
Sacramento, CA 95814



Mariposa County Building Department

Mike Kinslow, Building Director

5100 Bullion St., P.O. Box 1268, Mariposa, CA 95338

Phone (209)966-3934 Fax (209)742-5024

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

December 10, 2010

Dear Governor Schwarzenegger:

Thank you for implementing the 180 day delay for the California Residential Code section R313 (Automatic Fire Sprinkler Systems). This will give our local construction industry much needed breathing room before the implementation of R313. In researching the issues encountered in Mariposa County, as well as many other small counties around the State, we respectively submit the following excerpt from our letter of 10/6/10 with our recommendations.

I recently attended an awareness level course on the 2010 California Residential Code section R313 (residential fire sprinkler requirements) presented by Cal Fire Division Chief, Kevin Reinertson. I believe that there were areas of financial impact for the residential 13D sprinkler systems for small rural homes that have not been addressed by the State. Some of those points are as follows:

- 1. The cost per square foot for a sprinkler system increases as the size of the house decreases. This additional cost adversely affects the smaller, entry level homes and the buyers that purchase them. We consider this home size to be 1,500 square feet or less.*
- 2. The majority of our homes are in a rural setting and the water needs are served by individual water wells. The cost to improve the water well system for fire sprinkler service is substantial and variable. Again making this improvement for a small entry level home will sustainably push the cost per square foot far beyond the industry quoted cost for residential sprinkler systems.*
- 3. As stated by Mr. Reinertson these sprinkler systems are for "Life Safety" only and are not designed to protect property. The 2010 California Residential Code states that we shall sprinkle attic spaces that contain heating equipment and attached garages. Since these are not considered "habitable areas" they should be removed from the protected area requirements. Additionally, given that these areas are usually not insulated or heated, it would require an increase in cost for the sprinkler system to be protected in these areas that may be subject to freezing temperatures. Again this would be a noticeable additional cost increase to a small, rural entry level home.*

4. At this time the only option for professional sprinkler installation is for a C-16 fire sprinkler installation firm to do the work. We do not have a C-16 contractor in Mariposa County. To hire a C-16 contractor from out of the County increases the cost to all builders and home owners, not to mention the substantial construction delays that are expected as the new codes take effect.

5. Mr. Reinertson stated that Residential Fire Sprinklers would be required in all residential occupancies. This appears to be in direct conflict with the California Residential Code R301.1.1.1, "alternative provisions for limited-density owner-built rural dwellings".

6. It appears at this time that the State of California regulated, inspected and approved mobile home industry will not be required to produce fire sprinkler installed units as of January 1, 2011. This issue alone is a serious threat to our weak home building industry. It certainly cannot be considered equitable treatment and fair competition coming from a State regulated industry. How can we possibly explain to the local construction industry that the State is mandating fire sprinklers for "stick built" homes but their immediate competition, factory built homes that are state regulated, are not required to comply on the same time table of code implementation?

Please keep in mind that many areas of Mariposa County are underserved and are already substantially burdened with complying with the California Building Code Chapter 7A [SFM] "Materials and Construction Methods for Exterior Wildfire Exposure". These extra requirements for fire resistant construction are once again disproportionately costly to smaller, entry level homes. Additionally we are also subject to Cal Fire's requirements for fire hazard areas with large water storage tanks (2,500 gallons), fire department water connections, substantial road and driveway improvements and a host of other issues. Hopefully you can see that small rural homes already carry a tremendous burden from California State Fire Regulations. The additional burden from Residential Fire Sprinklers may well push the small affordable home out of the reach of the entry level home buyer. This of course will dramatically affect our already depressed home building industry.

Our primary recommendation would be a change in the California Residential Code, Section R313 to allow local jurisdictions the option of how to apply R313. This method is currently used in Washington State with great success and certainly demonstrates a spirit of cooperation between the State and local Jurisdictions. Given that this recommendation may require modification, we recommend the following:

1. Waive the requirements for Residential Fire Sprinklers in rural areas that comply with all of the following:
 - A. Home is on two acres or more.
 - B. Home is 1,500 square feet or less.
 - C. Home is in the SFM Wildland Urban Interface area.

- D. Home is supplied with its own water well.
 - E. Home is protected with interconnected smoke detectors that are placed in all areas in the home that would be served by a required sprinkler head.
2. Direct the California State Contractor's License Board to implement a special C-16-D license category for current plumbers (C36) to install Residential 13D systems only. This will serve to assist small Counties that do not have a C-16 contractor within their area.
 3. If the waiver of item #1 is not possible provide a State of California grant from the State Fire Marshal's Office for all houses described in item #1 to cover the cost of the sprinkler system. We estimate the cost to be approximately \$10,000.00. This is a sizeable additional cost to the entry level home buyer that is in an underserved area.

Please seriously consider the above options. Mariposa County's affordable home and construction industry is teetering in the balance. Thank you for your consideration.

Sincerely,



Mike Kinslow
Building Director
Mariposa County

CC

State Fire Marshal, Tonya Hoover
PO Box 944246
Sacramento, CA 94224

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Housing and Community Development, Lynn Jacobs
1800 Third Street
Sacramento, CA 95811

Tom Berryhill Assembly 25 District
PO Box 942849
Sacramento, CA 94249

David Cogdill 14th State Senate District
State Capitol Room 5097
Sacramento, CA 95814

California State Association
of Counties
1100 K Street, Suite #101
Sacramento, CA 95814

Brent Harrington, President
Regional Council of Rural Counties
1215 K Street, Suite 1650
Sacramento, CA 95814

Tracy Gauthier

From: Debbie Willis
Sent: Wednesday, March 02, 2011 1:08 PM
To: Tracy Gauthier
Subject: RE: question

Tracy,

No we did not send out the second letter. Mike talked to Kevin Cann and the RCRC is working on changing the code. Mike was told that the code is what the code is. So the second letter would not have done any good.

Debra Willis

Development Services Technician

Mariposa County Building Department

(209) 966-3934

From: Tracy Gauthier
Sent: Wednesday, March 02, 2011 12:09 PM
To: Debbie Willis
Subject: question

Debbie,

I am following up with you regarding the 2nd letter that you were going to send out after Jan. 2011 regarding the discussion on the sprinkler code. Did you ever send the 2nd letter out? If so can I get a copy for our files?

Tracy Gauthier
Deputy Clerk of the Board
Mariposa County Board of Supervisors
tgauthier@mariposacounty.org
(209) 966-3222

DEPARTMENT: Building Department

BY: Michael Kinslow
PHONE: 966-3934

RECOMMENDED ACTION AND JUSTIFICATION:

*follow up w/ Bobbi W.
in mid Jan. to see if
3rd letter
was
made
then
note
w/ her*

The 2010 California Residential Code section R313 mandates that residential fire sprinklers be installed in all new construction one and two family homes after January 1st 2011. The Building Director will brief the Board on the upcoming Residential Fire Sprinkler requirements and the probable impact to Mariposa County. The Building Director feels that this code section will create a disproportionate financial burden on the public and builders that build smaller homes that use well water as their source. It is also the Building Director's opinion that the State Fire Marshal's Office has not considered the financial impact on small rural counties and is therefore seeking direction from the Board in pursuing various courses of action at the state level.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Building Department routinely informs the Board of Supervisors of issues which arise and seeks direction as to the best course of action to remedy the situation. The Board customarily gives guidance regarding which alternative suggested is in the best interest of the County.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If nothing is done, the State Fire Marshal's Office will have no knowledge of the burden it has placed on the public and builders of smaller homes and will have no reason to reconsider the requirement.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		1st letter requesting a stay to implementation
Source:		2nd letter listing items not addressed
Internal Transfer _____		Letter from MPUD regarding issues not addressed
Unanticipated Revenue _____ 4/5's vote		
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		
() General () Other		

CLERK'S USE ONLY:

Res. No.: 10-516 Ord. No. _____
 Vote Ayes: 4 Noes: _____
 Absent: Bobbi
 Approved
 Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

CAO: *K9B*



Mariposa County Building Department

Mike Kinslow, Building Director

5100 Bullion St., P.O. Box 1268, Mariposa, CA 95338

Phone (209)966-3934 Fax (209)742-5024

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

December 10, 2010

Dear Governor Schwarzenegger:

Thank you for implementing the 180 day delay for the California section R313 (Automatic Fire Sprinkler Systems). This will give the industry much needed breathing room before the implementation of the issues encountered in Mariposa County, as well as many other counties in the State, we respectfully submit the following excerpt from our recommendations.

I recently attended an awareness level course on the 2010 section R313 (residential fire sprinkler requirements) presented by Chief, Kevin Reinertson. I believe that there were areas of fire code that are not practical for residential 13D sprinkler systems for small rural homes throughout the State. Some of those points are as follows:

- 1. The cost per square foot for a sprinkler system increase or decreases. This additional cost adversely affects the smaller, entry level homes and the buyers that purchase them. We consider this home size to be 1,500 square feet or less.*
- 2. The majority of our homes are in a rural setting and the water needs are served by individual water wells. The cost to improve the water well system for fire sprinkler service is substantial and variable. Again making this improvement for a small entry level home will sustainably push the cost per square foot far beyond the industry quoted cost for residential sprinkler systems.*
- 3. As stated by Mr. Reinertson these sprinkler systems are for "Life Safety" only and are not designed to protect property. The 2010 California Residential Code states that we shall not sprinkle attic spaces that contain heating equipment and attached garages. Since these are not considered "habitable areas" they should be removed from the protected area requirements. Additionally, given that these areas are usually not insulated or heated, it would require an increase in cost for the sprinkler system to be protected in these areas that may be subject to freezing temperatures. Again this would be a noticeable additional cost increase to a small, rural entry level home.*

*This letter is to
be mailed only
if letter # 1
is enacted*

Mike

DEPARTMENT: County Counsel

BY: Steve Dahlem
PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Consider approval of publication of summary ordinances where applicable and designate preparation of summary ordinances for publication to County Counsel.

BACKGROUND AND HISTORY OF BOARD ACTIONS

Government Code Section 25124 requires the publication of County Ordinances in a local newspaper within fifteen days after passage.

Government Code Section 25124, subdivision (b)(1) allows the Board of Supervisors to publish a summary of a proposed ordinance or proposed amendment to an existing ordinance at least five days prior to adoption of the ordinance and again prior to the expiration of fifteen days after the ordinance has passed. The code requires that the summary be prepared by an official designated by the Board of Supervisors. In addition, there are requirements for the full text of the ordinance to be posted in the office of the Clerk of the Board.

The Board has two lengthy ordinances in the process (adoption of Building Codes and the agritourism policy). Using the publication of summary ordinance process would greatly reduce the publication costs for those ordinances and future ordinances where applicable. County Counsel will review each ordinance that is prepared for the Board, determine whether the publication of summary ordinance process is applicable, and prepare the summaries in collaboration with the respective department(s).

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Continue publishing the full text of each ordinance and realize a savings in publication costs.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively _____
Additional Funding Needed: \$ _____		Government Code Section 25124 _____
Source:		_____
Internal Transfer _____		_____
Unanticipated Revenue _____	4/5's vote	_____
Transfer Between Funds _____	4/5's vote	_____
Contingency _____	4/5's vote	_____
() General () Other _____		_____

CLERK'S USE ONLY:

Res. No.: 10-515 Ord. No. _____
Vote - Ayes: 4 Noes: _____

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion

MW Absent: *1/10/04*

Approved

() Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

Comments:

CAO: *[Signature]*

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 25120-25132

25120. The enacting clause of all ordinances of the board of supervisors shall be as follows: "The Board of Supervisors of the County of _____ ordains as follows."

25121. Every ordinance shall be signed by the chairman of the board and attested by the clerk.

25122. On the passage of all ordinances the votes of the several members of the board shall be entered on the minutes, and all ordinances shall be entered at length in the ordinance book.

25123. All ordinances shall become effective 30 days from the date of final passage, except the following ordinances, which shall take effect immediately:

- (a) Those calling or otherwise relating to an election.
- (b) Those specifically required by this **code** or by any other law to take immediate effect.
- (c) Those fixing the amount of money to be raised by taxation, or the rate of taxes to be levied.
- (d) Those for the immediate preservation of the public peace, health, or safety, which shall contain a declaration of the facts constituting the urgency, and shall be passed by a four-fifths vote of the board of supervisors.
- (e) Those specifically relating to the adoption or implementation of a memorandum of understanding with an employee organization.
- (f) Those relating to salaries and other compensation of officers, other than elected officers, and employees.

25123.5. Notwithstanding the provisions of Section 25123, that portion of any ordinance which changes supervisorial salaries shall become effective 60 days after its adoption.

25124. (a) Except as provided in subdivision (c), before the expiration of 15 days after the passage of an ordinance it shall be published once, with the names of the members voting for and against the ordinance, in a newspaper published in the county if there is one, and if there is no newspaper published in the county, the ordinance shall be posted in a prominent location at the board of supervisors' chambers within the 15-day period and remain posted thereafter for at least one week. The local agency, at its option, may include in an ordinance reclassifying land either a brief description accompanied by a map of the boundaries of the property,

as recited in the notice of hearing, or a complete metes and bounds description accompanied by a map depicting the reclassified property and adjacent properties. Except for maps, any exhibit attached to and incorporated by reference in an ordinance need not be published in its entirety if the publication lists all those exhibits by title or description and includes a notation that a complete copy of each exhibit is on file with the clerk of the board of supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1. A certificate of the clerk of the board of supervisors or order entered in the minutes of the board that the ordinance has been duly published or posted is prima facie proof of the publication or posting.

(b) The publication or posting of ordinances, as required by subdivision (a), may be satisfied by either of the following actions:

(1) The county board of supervisors may publish a summary of a proposed ordinance or proposed amendment to an existing ordinance. The summary shall be prepared by an official designated by the board of supervisors. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the clerk of the board of supervisors at least five days prior to the board of supervisors meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, the board of supervisors shall publish a summary of the ordinance or amendment with the names of those supervisors voting for and against the ordinance or amendment and the clerk shall post in the office of the clerk of the board of supervisors a certified copy of the full text of the adopted ordinance or amendment along with the names of those supervisors voting for and against the ordinance or amendment.

(2) If the county official designated by the board of supervisors determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, and if the board of supervisors so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the county shall be published at least five days prior to the board of supervisors meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information about, the proposed or adopted ordinance or amendment, including information sufficient to enable the public to obtain copies of the complete text of such ordinance or amendment, and the names of those supervisors voting for and against the ordinance or amendment.

(c) If the clerk of the board of supervisors fails to publish an ordinance within 15 days after the date of adoption, the ordinance shall not take effect until 30 days after the date of publication.

25125. No county ordinance passed prior to September 13, 1941, is void solely by reason of the fact that it was not published for a full week within 15 days after its passage, if the first actual publication of the ordinance was within the 15-day period, and thereafter actual publication was made for a full week.

25126. Any or all ordinances of any county which have been enacted and published in accordance with the provisions of its charter or this article, and which have not been repealed, may be compiled, consolidated, revised, indexed, including such restatement and substantive change as is necessary in the interest of clarity, and arranged as a comprehensive ordinance **code**.

25127. The ordinance **code** may be adopted by reference by the passage of an ordinance for the purpose, which shall be adopted and approved in the manner provided by charter or this article for the passage of ordinances for the county.

25128. The ordinance **code** itself need not be published in the manner required for other ordinances, but not less than three copies of the **code** shall be filed for use and examination by the public in the office of the clerk of the county prior to the adoption thereof.

25129. After the **code** has been adopted all ordinances thereafter adopted pertaining to the subjects in the **code** shall be amendatory or revisory of the **code**. No section or subsection of the **code** shall be revised or amended by reference. The ordinance section or subsection revised or amended shall be adopted and published in the manner prescribed in Section 25124. Nothing in this section shall preclude repealing or rendering inoperative by reference any section or subsection if language in the ordinance fairly identifies the subject matter of the sections or subsections which would be repealed or rendered inoperative by the ordinance.

25130. An ordinance **code** adopted and fully published, or adopted by reference as provided in this article, may be subsequently recompiled, recodified and indexed, including such restatement and substantive change as is necessary in the interest of clarity, in the same manner as prescribed by this article for the original adoption by reference of an ordinance **code**.

25131. Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by majority vote, all ordinances shall be read in full either at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section. This section shall not apply to ordinances which by statute can be passed only after notice and a public hearing.

25132. (a) Violation of a county ordinance is a misdemeanor unless by ordinance it is made an infraction. The violation of a county ordinance may be prosecuted by county authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year.

(c) Notwithstanding any other provision of law, a violation of local building and safety codes determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding five hundred dollars (\$500) for a second violation of the same ordinance within one year; (3) a fine not exceeding one thousand dollars (\$1,000) for each additional violation of the same ordinance within one year of the first violation.

Tracy Gauthier

From: Debbie Willis
Sent: Monday, April 04, 2011 7:04 AM
To: Tracy Gauthier
Subject: RE: scanned document

You are correct. The second letter will not be sent.

Debra Willis
Development Services Technician
Mariposa County Building Department
(209) 966-3934

-----Original Message-----

From: Tracy Gauthier
Sent: Friday, April 01, 2011 3:36 PM
To: Debbie Willis
Subject: RE: scanned document

So basically this means a second letter probably won't be sent?

-----Original Message-----

From: Debbie Willis
Sent: Friday, April 01, 2011 3:21 PM
To: Tracy Gauthier
Subject: RE: scanned document

My response was that the second letter was never sent. Mike and Kevin Cann started working with the RC something or other. He didn't get much of a response to the first letter. Actually he was told to go away (politely). So that did not work very well. Got it???

FYI: There is new bill in the senate that would delay the implementation of the fire sprinklers until 2014 but I haven't heard if it became law or not. It is still in committee.

Debra Willis
Development Services Technician
Mariposa County Building Department
(209) 966-3934

-----Original Message-----

From: Tracy Gauthier
Sent: Friday, April 01, 2011 2:23 PM
To: Debbie Willis
Subject: FW: scanned document

Hi Debbie,

See attached for details.. I don't remember what your response was a month ago??

-----Original Message-----

From: BOSminolta@mariposacounty.org [mailto:BOSminolta@mariposacounty.org]
Sent: Friday, April 01, 2011 2:11 PM
To: Tracy Gauthier
Subject: scanned document

scanned document

Tracy Gauthier

From: Tracy Gauthier
Sent: Thursday, November 18, 2010 9:39 AM
To: Debbie Willis
Subject: Sprinkler item

*follow up w/ Debbie after
Jan to see if 2nd letter
was sent & get a copy
if it was.*

Hi Debbie,

Could I please get a copy of the 2 letters you sent or are sending out regarding the discussion on the sprinkler code?

Also Margie added a note to make sure all 3 letters are copied to the following:

California State Association
of Counties
1100 K Street, Suite #101
Sacramento, CA 95814

Brent Harrington, President
Regional County of Rural Counties
1215 K Street, Suite 1650
Sacramento, CA 95814

*Sent Debbie an
email 3-1-11
for copies letters if
sent out.
* see attached response*

And our legislative Reps. Could you confirm that this is done.

Any questions just let me know ☺

Thank you

Tracy Gauthier
Deputy Clerk of the Board
Mariposa County Board of Supervisors
tgauthier@mariposacounty.org
(209) 966-3222

MARIPOSA COUNTY

AGENDA TRANSMITTAL FORM

Instructions: Please complete this form as applicable to your agenda item. Items requiring staff review must be submitted to the appropriate county department within their review time-line before submitting the item to the Clerk of the Board. Incomplete material will be returned. Submit the original of the Transmittal and Action forms to the Clerk of the Board along with thirteen, 3-hole punched, paper clipped copies of supporting documents. Supporting documents should be numbered consecutively with page numbers circled at the bottom of the page. Agenda Items are due by 12 Noon on the Friday eleven days before the Tuesday of the intended Board meeting.

REQUESTED AGENDA OF: November 9, 2010
DEPARTMENT: Building Department

APPROVED BY DEPT. HEAD: MK
BY: Michael Kinslow

AGENDA TITLE (REQUESTED ACTION):

Discussion and possible direction from the Board regarding the 2010 California Residential Code section R313 which mandates that residential fire sprinklers be installed in all new construction one and two family homes after January 1st 2011. This is brought to the Board at the request of Supervisor District V Jim Allen.

REQUESTED TO AGENDIZE AS:

Rea 10-516

IF TIMED:

Consent Agenda _____
Information _____
Attention _____
Timed _____ X

() Public Hearing at: _____
Copy of Public Notice Attached _____
() Indicate Time Required 30 mins.

STAFF REVIEW REQUIRED:

CHECK BOX
FOR ROUTING

Yes (X) No () County Counsel
Yes () No () Auditor
Yes () No () Personnel
Yes () No () Data Processing
Yes () No () Public Works/Facilities
Yes (X) No () Other CAO

APPROVED

SWD

REMARKS

SPECIAL INSTRUCTIONS TO CLERK:

*Blgs to send 2x to 5 + one from 6/5 -
1 now + 1 later
file copies of all 3 blgs w/ Rea.*

CAO Office Use Only:

4/5's Vote Required: () Yes () No
Change in Policy: () Yes () No
Additional Personnel: () Yes () No

cc: all blgs to CAC, RCRC + own St. leg. rpt.

CLERK OF THE BOARD'S USE ONLY:

RECEIVED:

10-29-10

By: T6

AGENDIZED FOR: 11-9-10

Agenda Item No.: 10

Consent Agenda

Information

Attention:

Timed At:

Tracy Gauthier

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To: Tracy Gauthier
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