

El Dorado County Board of Supervisors' Response

Case 21-09: Ordinance 5101 - Vegetation Management and Defensible Space

The Grand Jury has requested responses from the Board of Supervisors to Findings 1 - 7 and Recommendations 1-5.

Consistent with previous practice and pursuant to Board Policy A-11, the Chief Administrative Office is responsible for coordinating the County's response to the Grand Jury. Responses to the Grand Jury Report are directed by Board Policy A-11 and Penal Code 933.05. Accordingly, the Chief Administrative Office has reviewed and compiled the responses from all non-elected department heads into this Initial Draft Response for the Board's consideration.

FINDINGS

- Fl. The Vegetation Management Office, tasked with the implementation and management of County Ordinance 5101, lacked expertise and adequate resources to meet the objectives of the Ordinance.

The Board of Supervisors disagrees wholly with the finding.

It is unclear what the Grand Jury views as the "objectives of the ordinance;" however, the ordinance implementation plan presented by program staff to the Board of Supervisors on February 11, 2020, identified the program focus areas as outreach and education, with systematic inspections of hazard areas identified by CAL FIRE (County Emphasis Areas, or "CEAs "). In the first two years of the program, 1,147 inspections were completed and compliance among properties inspected increased during this period. In 2020, compliance in the CEAs was approximately 35% on first inspection, increased to 64% by December of that year. In the Rescue CEA in 2021, compliance increased from 50% to 80%. In addition, 10 public meetings were held during this period. In year one of the program, Defensible Space Inspectors with experience in code compliance and defensible space inspections were hired by the County and were provided with additional training by CAL FIRE. These inspectors conducted inspections in the CEAs and responded to complaints. In addition, staff from local fire districts assisted with complaint investigations. In year two of the program, the County contracted with El Dorado Hills Fire Department to conduct CEA inspections. El Dorado Hills Fire Department has a Community Risk Reduction Division with trained inspectors.

With regard to resources, while the County program had sufficient resources to conduct the inspections identified in each of the first two years, the resources needed for property owners to reach compliance are another story. One of the reasons the County's focus is on outreach and education is our awareness of the fact that many homeowners will struggle with finding the financial resources to comply. The program staff has, and will continue, to work with the Fire Safe Council to link homeowners with assistance programs to prove their defensible space, but these programs are grant-funded and often run out of funding before meeting all needs.

- F2. As of May 2022, the County's Vegetation Management Office has transitioned under the new Wildfire Resiliency Office.

The Board of Supervisors agrees with the finding.

- F3. There has been no comprehensive County plan to implement Ordinance 5101, which includes defensible space inspections.

The Board of Supervisors disagrees wholly with the finding.

As stated above, the County's plan was to focus on outreach and education and conduct systematic inspections in CEAs.

- F4. The new Wildfire Resiliency Office has been given the responsibility to develop a comprehensive County plan.

The Board of Supervisors disagrees partially with the finding.

The Grand Jury appears to be conflating the Countywide Wildfire Protection Strategy, identified in the County's Strategic Plan in March, with the Vegetation Management Program. While the Vegetation Management Program is under the Office of Wildfire Preparedness and Resilience, and the Vegetation Management Ordinance is one tool to be used to meet the County's Strategic Plan goal to "Lead and facilitate the creation and maintenance of fire-adapted communities, " it is important to note that the scope of the plan with which the Office of Wildfire Preparedness and Resilience encompasses much more than the Vegetation Management Program.

The Office has already begun reviewing the Vegetation Management Program and will be reaching out to stakeholders for suggestions on potential revisions to the ordinance and ways to structure the program to more fully support the County's Strategic Plan goal.

- F5. The enforcement component of Ordinance 5101 has not been implemented.

The Board of Supervisors disagrees wholly with the finding.

As stated above, 1,147 inspections have been conducted, 10 community workshops have been held, and notices have gone out to homeowners making them aware of their duty to comply with the ordinance. While no fines have been levied, fining is not the only measure of enforcement, and has not been the goal of the County program. As previously stated, the program's focus has been on encouraging voluntary compliance through outreach, education, and inspections that serve to inform homeowners of the importance of compliance, what they need to do to bring their properties into compliance, and where possible, link them with additional resources.

F6. There are County properties in violation of its own Ordinance 5101.

The Board of Supervisors agrees with the finding.

F7. Availability and affordability of fire insurance is an ongoing issue in the County.

The Board of Supervisors agrees with the finding.

RECOMMENDATIONS

R1. The BOS should provide the new Wildfire Resiliency Office with appropriate staffing, resources, and funding, to meet its goals by December 31, 2022.

The recommendation has been implemented.

When the Board approved the concept of the Office of Wildfire Preparedness and Resilience, it was understood that the Office would begin with limited staff which would likely need to be augmented depending upon the determination of the full workplan and needs of the Office. The Board remains committed to hearing the recommendations of the CAO with regards to the needs of the office and prioritizing those needs.

R2. The BOS should follow up with the newly formed Wildfire Resiliency Office and receive updates on a quarterly basis from the CAO by December 31, 2022.

The recommendation requires further analysis.

The CAO will direct the Office of Wildfire Preparedness and Resilience to provide another update to the Board before December 31, 2022. At that point the Board will determine how often it would like to receive reports from the Office and whether a regular reporting schedule is necessary.

R3. The BOS should direct appropriate County departments to comply with Ordinance **5101** by clearing County properties that violate the Ordinance by June 30, 2023.

The recommendation has not been implemented but will be implemented in the future.

The CAO has already begun the process of identifying the barriers that have prevented some County properties from becoming compliant with the ordinance, A plan for ensuring compliance of County properties will be developed no later than June 30, 2023.

R4. The BOS should decide whether the enforcement component of Ordinance 5101 needs to be amended by December 31, 2022.

The recommendation will not be implemented because it is not feasible.

The Board of Supervisors looks forward to considering any recommendations from the Office of Wildfire Preparedness and Resilience with regard to the Vegetation Management Program; however, it is not feasible at this point for the Board to set a time frame for one specific aspect of the program.

- R5. The BOS should send a letter by December 31, 2022, to the State Insurance Commissioner advocating that insurance companies provide or continue to provide insurance for rural areas.

The recommendation has not been implemented but will be implemented by December 31, 2022.

Additionally, the Board of Supervisors have been, and will continue, advocating that insurance companies provide or continue to provide insurance for rural areas with the State Insurance Commissioner and other appropriate venues.