

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL
LAW ENFORCEMENT DIVISION
FIREWORKS PROGRAM**



P.O. Box 997446
SACRAMENTO, CA 95899-7446
Website: www.fire.ca.gov

(916) 445-8373



**GENERAL FIREWORKS COMMITTEE
MEETING MINUTES
March 3, 2008**

Members Present

George Apple - Consumnes Fire Department
Gary Brown - Pyro Spectaculars, Inc
Linda Hass - Phantom Fireworks
Don Petro - An American Tradition
Dennis Revell - Revell Communications
Tad Trout - TNT Fireworks
Joseph Bartolotta
Tony Guevara - SFM
Tom Hoffman - SFM
Yevonne Costa -SFM

DRAFT

Members Not Present

Thaine Morris -Roger George Rentals
Dennis King - MPA

Guests

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Call to Order

Chief Hoffman called the meeting to order at 10:00 a.m. in the main conference room of the State Fire Marshal's Office located in Sacramento. Hoffman made announcements on the following miscellaneous items:

- Marc Yopez, former fireworks program manager has retired
- David Hillman was originally scheduled to brief the committee on the overhead issue; instead, Tonya Hoover will brief the committee
- The entire SFM office will be painted and re-carpeted over a 5 week period; hence there will be staff disruptions
- Cal Fire, like all State agencies has had mandatory budget reductions; only "mission critical training, travel, and other expenditures will be authorized
- Staff is working on developing accelerant detection canine standards

Approval of Minutes 12/05/2007

Minutes from the December 5, 2007, which had been held open were approved as corrected during the January 15, 2008 meeting.

Minutes from the January 15, 2008 meeting were approved as drafted.

Fiscal Update/Fee Increase

Tom Hoffman refreshed the committee on the SFM Special Fund 0102 revenue and expenditure budget analysis. He passed out a spreadsheet showing last years income and expenses, which shows an apparent \$85,000 surplus. There was discussion on whether or not this "surplus" should be spent on SB839-related activities. Another spreadsheet was passed out that contained a very rough spending plan for SB839-related activities under the new Special Fund 3120. Until criminal and civil fines start coming into Special Fund 3120, or until fees are increased to go into Special Fund 3120, no spending can occur.

Regarding fiscal management of special funds, a major unknown is how overhead will be charged to the fireworks portion of Special Fund 0102. In past years a flat fee of \$421,000 was charged to Special Fund 0102 and all of it was paid out of the fire extinguisher PCA.

Cal Fire Overhead working group

Assistant State Fire Marshal Tonya Hoover briefed the committee on what Cal Fire is doing to revamp the methodology on how overhead charges are calculated. She has assembled a team of subject matter experts to develop a logical, fair, and explainable methodology for determining overhead charges. The team has met twice and is nearing completion of a product.

Model Ordinance for administrative fines

Dennis Revell passed out a first draft of a model ordinance for administrative fines for possession of small quantities of dangerous fireworks. He asked that Cal Fire's legal office review the document. Some of the items discussed included: a "buffet" of choices for local government, a block party permitting process, and "landowner liability." Mr. Revell suggested Cal Fire enter into MOU's with local governments for monies to come to Cal Fire for disposal of seized contraband until such time that regulations are in place that will specify fine money to go to SFM for disposal. Hoffman stated that that would be cumbersome and extremely time consuming. It was then agreed that additional language would be added to the model ordinance as follows:

"Unless and until said regulations have been adopted by the state of California, the city shall hold in trust \$250 or 25% of any fine collected, which ever is greater, to cover the cost reimbursement to the State Fire Marshal for said cost of transportation and disposal of the "dangerous fireworks."

Dennis Revell was going to make these and a few other minor changes to the draft and get it distributed to the committee. The next step will be to convene a conference call amongst a core group of city attorneys that have existing ordinances to seek their advice and counsel. Mr. Revell suggested the following local governments: Bakersfield, Folsom, Chino, Palmdale, and County of Kern.

ACTION ITEM: Dennis Revell to schedule and coordinate conference call.

Brochure – "WHY SHOULD I CARE? NEW LAW = BIGGER FINES"

Dennis Revell passed out the brochure titled, "Why Should I care? New Law = Bigger Fines. After some discussion, there were suggestions for minor wording changes. Tony Guevara and George Apple agreed to provide editing suggestions to Dennis Revell.

ACTION ITEM: Tony Guevara and George Apple to provide edits to Dennis Revell on brochure.

Fireworks disposal

The committee discussed the SFM's responsibility for disposal of seized contraband fireworks and what other options may exist. Tad Trout suggested the state auction it off.

Disposal Rulemaking

SB839 added Section 12557(c) to the Health and Safety Code:

HS 12557(c) The State Fire Marshal shall, in consultation with local jurisdictions, develop regulations to specify a procedure on how to cover the cost to the Office of the State Fire Marshal for the transportation and disposal of dangerous fireworks that are seized by local jurisdictions. The regulations shall include, but are not limited to, all of the following:

- (1) A cost recovery procedure to collect, as part of an administrative fine, the actual cost for transportation and disposal of dangerous fireworks from any person who violates a local ordinance related to dangerous fireworks.
- (2) The method by which the actual cost for transportation and disposal by the Office of the State Fire Marshal will be calculated.
- (3) The method, manner, and procedure the local jurisdiction is required to follow to forward the amounts collected pursuant to paragraph (1) to the State Fire Marshal.

It was suggested that on the conference call concerning the model ordinance, we solicit input from callers on how to approach rulemaking for HS 126557(c). In any event, SFM agreed to have draft language for review at the next committee meeting.

ACTION ITEM: SFM staff to develop proposed rules for HS 12557(c)

Next Meeting

Next meeting will be held April 28, 2008 in Sacramento at 10:00a.m in the SFM main conference room.