

RESOLUTION NO. 20-15

**A RESOLUTION OF THE MORAGA-ORINDA FIRE DISTRICT
REQUIRING INSURANCE COMPANY COMPLIANCE WITH THE PUBLIC
RESOURCES CODE AND GOVERNMENT CODE**

WHEREAS, The Moraga-Orinda Fire Protection District ("District") is the sole and exclusive provider of fire protection, prevention, and suppression services within its jurisdictional territory, as determined by the Contra Costa County Local Agency Formation Commission and in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code § 56000 et seq.); and,

WHEREAS, The District adopted and amended the 2019 California Fire Code with Ordinance 20-01; and

WHEREAS, Ordinance 20-01 includes requirements for the creation and maintenance of defensible space through exterior hazard abatement which meet or exceed the requirements in Public Resource Code 4291; and,

WHEREAS, Government Code section 51182(a)(3) states the following shall apply to Local Responsibility Areas "An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under paragraph (1) if a fire expert, designated by the fire chief or fire official from the authority having jurisdiction, provides findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation." and,

WHEREAS, Public Resources Code section 4291(a)(1)(C)(3) states the following shall apply to State Responsibility Areas "An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under paragraph (1) if a fire expert, designated by the director, provides findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation."; and,

WHEREAS, the District has determined, that insurance company compliance with the relevant sections of the Government Code and Public Resources Code is in the interest of the residents of this jurisdiction; and,

NOW THEREFORE BE IT RESOLVED that insurance companies operating within the District shall comply with Government Code section 51182(a)(3) and Public Resources Code section 4291(a)(1)(C)(3).

PASSED, APPROVED and ADOPTED by the Board of Directors of the Moraga-Orinda Fire District at the regular meeting of the District Board held virtually on the 18th day of November 2020, on a motion made by Director Jorgens, seconded by Director Donner, and duly carried with the following roll call vote:

AYES: DIRECTORS DONNER, JEX, JORGENS AND DANZIGER


NOES: NONE

ABSENT: DIRECTOR BAITX


ABSTAIN: NONE

Resolution 20-15

Dated: November 18, 2020


Steven Danziger, President
Board of Directors

ATTEST:


Marcia Holbrook
District Secretary/District Clerk