

22-2

MEMORANDUM

TO: WALTER J. SLIPE, CITY MANAGER
FROM: LORRAINE MAGANA, CITY CLERK
SUBJECT: REFERRAL OF ITEM NO. 22-2, COUNCIL
AGENDA OF FEBRUARY 7, 1984
DATE: FEBRUARY 8, 1984

Pursuant to Council action, the following matter is referred to you:

Nick Barrett regarding shelter for tent people.

LM/km/22-2

cc:

Photocopy:

223

Mayor Rudin

February 7, 1984

Jack Polans
19 Milwaukee Court
Sacramento, CA 95823

City Council
City Hall
915 I Street
Sacramento, CA 95811

Honorable Members in Session:

Please be advised that a Legal Search has been instituted concerning my letters to you during the month of January 1984.

Concerning February 6, 1984 Natomas Community Meeting at the Peace Lutheran Church, half of some 70-participants left during the break period due to a "very light productivity response" from the City Planning Department on Natomas problems. At the end of the meeting, there were some 20-people left. Several committee persons put forth good public imp-ut. I have taken some pictures & tape-recordings of the meeting. The people did object to a Community Meeting being held inside the Chapel because of its religious significance.

I received a letter on February 7, 1984 from the assistant director of parks & community services informing me that the Planning & Community Development Committee of the City Council has POSTPONED REVIEW of THE QUIMBY ACT STATUS REPORT until Wednesday, March 14, 1984 at 3:00 P.M.

My question to City Council Members is:..."What has this to do with my 'MOTION' (Ehrhardt Estates Parkland Dedication)...put forth before the Sacramento City Council Hearing on September 6, 1983 ?"

Respectfully submitted:

Jack Polans
Jack Polans
Writer, Public Interest
Jack Polans

J.P./jl:

- cc ✓ M - Mayor Rudin
- D1 - Shore
- D2 - Johnson
- D3 - Pope
- D4 - China

- D5 - Serna
- D6 - Smallman
- D7 - Kastanis
- D8 - Robie

FILED
By the City Council
Office of the City Clerk

FEB 7 1984

CITY OF SACRAMENTO



DEPARTMENT OF LAW
812 TENTH STREET SACRAMENTO, CA 95814
SUITE 201 TELEPHONE (916) 449-5346

JAMES P. JACKSON
City Attorney
THEODORE H. KOBAY, JR.
Assistant City Attorney
LELIAND J. SAVAGE
SAMUEL L. JACKSON
WILLIAM P. CARNAZZO
DIANE B. BALTER
RICHARD F. ANTOINE
Deputy City Attorneys

January 25, 1984

CITY MANAGER'S OFFICE
RECEIVED
JAN 25 1984

Honorable City Council
City of Sacramento
City Hall
Sacramento, Ca 95814

In re: Board Up Program

Dear Councilmembers:

At its meeting on January 19, 1984, the Law and Legislation Committee unanimously recommended that the City Council approve the attached ordinance, resolution, and agreement relating to a program providing for the boarding up of private buildings which have been damaged by fire, etc. The new program would provide that the work be performed by private contractors.

It is recommended that the attached ordinance be passed for publication at the Council meeting on January 31, 1984, and that the ordinance, resolution and agreement be approved at the meeting on February 7, 1984.

Very truly yours,

James P. Jackson
JAMES P. JACKSON
City Attorney

JPJ:kn

Attachments

RECOMMENDATION APPROVED:

Walter J. Slize
CITY MANAGER

APPROVED
BY THE CITY COUNCIL

PASSED FOR
PUBLICATION
& CONTINUED
TO 2-7-84

FEB - 7 1984

OFFICE OF THE
CITY CLERK

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CITY OF SACRAMENTO

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DEPARTMENT OF FIRE

915 "H" STREET SACRAMENTO, CALIF. 95814
CITY HALL - ROOM 3 TEL. (916) 449-5267

WILLIAM R. POWELL
FIRE CHIEF

"SMOKE DETECTORS SAVE LIVES"

January 3, 1984

Law and Legislative Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: BOARD UP PROGRAM

SUMMARY

The proposed Board Up Program will replace the work now performed by the fire service at a much higher level of efficiency due to the resources available to the contractors performing the service.

BACKGROUND

The concept known as board-up, is used in several communities and fire districts in California in an effort to provide better protection for the property owner's belongings, increased exposure to the elements and theft. It is also seen as a budget savings for fire departments currently providing this service and generates an overall savings to insurance carriers and claimants alike.

The Board-Up Program is premised upon the concept that the fire department maintain a list of licensed contractors willing to perform salvage operations on short notice. These operations would include the boarding and securing of doors and windows, roof covering, electrical restoration, plumbing restoration, water removal, etc..

The contractors involved would agree to non-selective performance of these duties as required by the fire department and would further agree not to bill the owner, his tenant, agent or representative nor the City of Sacramento or its' agents and employees for the services rendered under this program; but rather look solely to insurance for payment. The contractor would if necessary absorb any and all costs of services not recoverable from insurance.

The cities and fire districts presently using this program have experienced a very positive response from the insurance industry which has responded favorably to the payment of contractors doing the work.

ANALYSIS

Under the program the fire department would maintain the list of qualified contractors. Each listed contractor would experience, on rotation, a period of time wherein it would be on call 24 hours a day, seven days a week. At any time during that period that the fire department experienced an emergency requiring such commercial salvage, the on-call contractor would be summoned. The contractor would perform such services as the fire department deemed necessary. If the involved property was subsequently found to be uninsured, the contractor would absorb his costs. If the property was insured, the contractor would look to the insurance company for payment of his services.

Attached hereto are the following documents:

1. An Ordinance proposed by the fire department to authorize the implementation of a Board-Up Program in the City of Sacramento along the lines of programs in effect elsewhere.
2. A Council Resolution establishing the standards for selecting contractors and the rules under which said contractors should perform the services therein described.
3. The Agreement to be signed by those contractors selected for the program.
4. Statement of the duties and responsibilities of contractors participating in the program.
5. A list of tools and equipment that program contractors would be required to have with them upon arrival at an assignment.

FINANCIAL

The financial impact on the fire department is nil and for the most part administrative costs can be absorbed by existing personnel. Occasional advertising for contractors to apply would be the only direct cost related to the program.

Cost savings would be generated by the elimination of fire department purchase of plastic film for roof opening and elimination of wear and tear and reduce replacement of tools and equipment used by the fire department to do some of these tasks.

In addition, fire department personnel will be more quickly available after a fire to go back in service for other responses, reducing somewhat the impact of fire companies that have been eliminated.

RECOMMENDATION

I recommend the proposed Ordinance be adopted along with the accompanying Resolution and that the "Board-Up Program" be initiated as soon as possible.

Respectfully submitted,

William R. Powell
WILLIAM R. POWELL
Chief

Recommendation Approved:

Solon Wiseman, Jr.
For: Walter J. Slipe, City Manager

Attachments

ORDINANCE NO. 84-012

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTION 15.10 TO THE SACRAMENTO CITY CODE RELATING TO EMERGENCY REPAIRS OF FIRE-DAMAGED BUILDINGS BY LICENSED CONTRACTORS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 15.10 is hereby added to the Sacramento City Code to read as follows:

Sec. 15.10 Emergency repairs by licensed contractors.

The Chief of the Fire Department is hereby authorized to allow qualified licensed contractors to enter upon any property within the City of Sacramento in order to make emergency repairs and furnish materials to protect buildings, structures, dwellings, and their contents and surrounding premises that have been damaged or placed at risk by fire, explosion, flood or other casualty from further loss or damage, or to eliminate any hazard to the public health or safety that exists by reason of such damage or risk to such property; provided, however, that the foregoing shall not authorize the payment of any public monies by or on behalf of the City of Sacramento for the performance by any contractor or person of the services hereinabove described.

The Chief of the Fire Department shall promulgate standards for selecting qualified contractors and rules under which said contractors shall perform the services hereinabove described. Said standards and rules shall be adopted by and may be amended by resolution of the City Council.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

APPROVED BY THE CITY COUNCIL

FEB - 7 1984

OFFICE OF THE CITY CLERK

MAYOR

ATTEST:

CITY CLERK

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PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

RESOLUTION NO. 84-097

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

A RESOLUTION ADOPTING STANDARDS FOR SELECTION AND RULES OF PERFORMANCE FOR CONTRACTORS PERFORMING EMERGENCY REPAIRS OF FIRE-DAMAGED BUILDINGS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Pursuant to Section 15.10 of the Sacramento City Code, the following standards for selection and rules of performance for contractors performing emergency repairs of fire-damaged buildings are hereby adopted.

(1) The Chief of the Fire Department shall advertise periodically the invitation to contractors to apply for placement on an "On Call" list to effect emergency repairs and protection to property within the City of Sacramento upon request of the Chief.

(2) The Chief of the Fire Department shall compile and maintain a list of contractors which in the discretion of the Chief are found best qualified to perform emergency repair and property protection services.

(3) Each contractor selected shall meet the following standards and requirements:

(a) Shall be a general contractor, holding a valid State of California B-1 license.

(b) Shall supply the Chief of the Fire Department with updated information stating the job classification and hourly pay rate of all employees who will perform emergency repair and property protection services.

(c) Shall have minimum of two years experience as a licensed B-1 contractor.

(d) Shall have a current City business operations tax certificate and a permanent business address.

(e) Each contractor shall maintain insurance coverage during his participation in the program as follows:

APPROVED
BY THE CITY COUNCIL

FEB - 7 1984

OFFICE OF THE
CITY CLERK

1. Workers' Compensation

Full Workers' Compensation Insurance and Employer's Liability policy, or provide evidence of ability to undertake self-insurance. Workers' Compensation in compliance with California statutes and Employer's Liability coverage of at least \$1 million per occurrence. In the event the contractor is self-insured, he shall furnish a Certificate of Permission to Self-Insure by the Department of Industrial Relations Administratin of Self-Insurance, Sacramento, and evidence of at least \$1 million per occurrence excess Workers' Compensation limit combined with the Self-Insurance Retention.

2. Comprehensive Auto and General Liability Insurance

The contractor must provide sufficient broad coverage to include:

- Comprehensive Auto and General Liability Insurance
- Products and Completed Operation Liability
- Broad Form Property Damage Liability
- Contractual Liability
- Personal Injury Liability

The amount of the policy shall be no less than \$1 million Single Limit per occurrence, issued by an admitted insurer or insurers as defined by the California Insurance Code, providing that the City of Sacramento, its officers, employees and agents are to be named as additional insured under the policy, and the policy shall stipulate that this insurance will operate as Primary insurance and that no other insurance effected by the City or other Named Insured will be called on to contribute to a loss covered thereunder.

3. Certificate of Insurance

The contractor will have the City's standard Certificate of Insurance completed and filed with the City's Risk Management and Insurance Division prior to engaging in any operation or activity under this program. Said policies shall provide that no cancellation, change in coverage, or expiration by the insurance company or the insured shall occur, without 30 days written notice to the City prior to the effective date of such cancellation or change in coverage.

(f) Each contractor and each employee of contractor shall be bonded for the faithful performance of his duties in the amount of not less than \$25,000.00, and provide proof of such bonding at the time of inclusion on the On Call list.

(g) Each contractor must possess and maintain a vehicle containing a specified inventory of supplies and equipment sufficient to perform the functions of the program.

(h) Each contractor selected shall sign a waiver and indemnity agreement approved by the City Attorney in connection with his participation in the program.

(i) In consideration for inclusion in the program each contractor shall agree to bill neither the citizen/owner, or his tenant, agent, employee or representative nor the City of Sacramento or its agents and employees for services rendered under this program, but rather agrees to look solely to insurance for payment and to absorb any and all cost of services where insurance is non-existent or insurance payment is denied.

(j) In consideration for inclusion in the program, each contractor shall agree to be governed by the instructions of the Fire Chief or his representative in connection with the extent of services to be performed and shall agree to not perform selectively or refuse performance where compensation is in doubt.

(k) Contractors selected for inclusion in the program shall be required during those periods when on call, to respond upon request 24 hours a day, seven days a week with maximum arrival time at incident scene no later than 1 hour after notification to respond by Fire Department, and to work expeditiously and continuously on the project until all required work is completed and thereafter stay on the premises until such work is inspected by authorized representatives of the Fire Department.

(4) A contractor shall be removed from the list of qualified contractors for cause when the Chief determines either that the contractor no longer meets all of the qualifications for inclusion on the list, or that the contractor has failed to perform emergency repairs in a satisfactory manner when requested to do so. Any contractor removed from the list for cause may appeal the decision of the Chief to the City Council by filing a written notice of appeal with the City Clerk not later than twenty (20) days after the date of mailing of the Chief's decision. The City Council may appoint a hearing examiner as set forth in Sections 2.320 to 2.328 of the City Code.

MAYOR

ATTEST:

CITY CLERK

SACRAMENTO FIRE DEPARTMENT
EMERGENCY REPAIR AND PROPERTY PROTECTION PROGRAM
("BOARD-UP PROGRAM")
CONTRACTOR'S AGREEMENT

In consideration for inclusion in the Sacramento Fire Department's Board-Up Program, _____,

hereafter referred to as Contractor, agrees as follows:

1. Compliance with City Council Resolution. Contractor shall comply with all applicable provisions of City Council Resolution No. _____, attached hereto.

2. Required Insurance Coverage. Contractor agrees to maintain insurance coverage and bonds as required by City Council Resolution No. _____.

3. Payment for Services. Contractor agrees that he shall not bill the owner of any premises, or his tenant, agent, employee or representative, nor the City of Sacramento or its agents or employees for services rendered under this program; that he shall look solely to insurance for payment; and that he shall absorb all of his costs of operation where insurance is non-existent or insurance payment is denied.

4. Contractor Not Agent of City. Contractor is an independent contractor, is not an employee of the City and is not authorized to and shall not represent himself as an agent of the City.

5. Indemnity and Hold Harmless. Contractor shall assume all responsibility for his activity and operation; shall bear all losses

and damages directly or indirectly resulting to Contractor, to the City of Sacramento and to City of Sacramento employees that are the result of the performance or character of the operation, unforeseen difficulties, accidents, occurrences, or other causes not predicated on active negligence of the City of Sacramento.

Contractor shall assume the defense of and indemnify and hold harmless the City of Sacramento and its officers and employees from all claims, loss, damage, injury, and liability of every kind, nature and description, including punitive damages and attorney's fees reasonably incurred, directly or indirectly arising from the performance of Contractor's operations under this agreement.

DATED:

CONTRACTOR

By: _____

Title: _____

PROPOSED STATEMENT OF DUTIES AND RESPONSIBILITIES
TO BE IMPOSED UPON CONTRACTORS

The following constitutes a proposed statement of duties and responsibilities to be imposed upon contractors in compliance with the ordinance and resolution (Exhibits "A" and "B").

(1) The Chief at the Fire Department or his representative shall compile and maintain a list of contractors participating in the Board-up program.

(2) The list of contractors shall be placed "On Call" on a rotating basis.

(3) Each contractor will be On Call for 7 consecutive days and on standby thereafter until such time as the other contractors selected have all participated.

(4) When On Call the contractor shall be required to stand ready to respond to calls with an arrival time of no more than 1 hour after notification.

(5) The contractor shall work expeditiously and continuously on the project until all work is completed and hazards eliminated. And thereafter to stay upon the premises until such work is inspected and approved by representatives of the Fire Department.

(6) All work to be performed shall be in a workmanlike manner.

(7) The contractor and his employees shall at all times be under the authority of and comply with the requirements of any individual representing the Sacramento Fire Department and identified as the Incident Commander.

(8) The initial response of the contractor On Call shall be with a truck containing an agreed inventory of tools and materials to perform the functions required.

(9) The contractor's services shall include:

(a) Board-up; Plywood cover-up of all openings such as doors, windows, vent holes and fire openings to protect and secure property.

(b) Roof Coverings: Plastic and tarp cover-up of roof and ceiling openings to prevent inclement weather damage.

(c) Electrical Restoration: Identify hazardous circuits and restore power when and as required.

(d) Plumbing Restoration: Including the capping of broken water lines, sprinkler systems, sewage and gas lines.

(e) Water Removal: The extraction of water from carpets, hardwood floors, etc. including the taking up of carpets and pads if necessary.

(f) Debris Removal: The cleanup of debris as required, and the removal of debris from adjacent properties, streets, and sidewalks.

(10) Breach of any requirement of the agreement shall be cause for removal of the contractor from the program at the discretion of the Fire Chief.

MINIMUM TOOL AND SUPPLY REQUIREMENTS

ALL MATERIAL AND EQUIPMENT TO BE MAINTAINED IN GOOD ORDER.

- New plywood - minimum 12 full sheets, 4 half sheets, minimum 1/2" thick
- New plastic film - minimum 1,000 sq. feet, 6 mil.
- 2 x 4's
- 1 x 4's
- Duplex nails - 8's, 16's, furring nails
- Bailing wire
- Wire nuts, assorted sizes
- Electrical tape
- Duct tape
- 100 ft. 3/8" line
- 150 ft/ #12 extension cord
- Clamp on 110 volt flood light
- 2 - hand held battery powered spot lights
- Chain saw in case with extra chain
- Gasoline, in explosive-proof can and oil for chainsaw
- Hydraulic jack
- 2 - hammers
- 1 - 36" wrecking bar
- 1 - 24" bolt cutters
- 1 - compound leverage metal shears
- 1 - hack saw with assorted blades
- 1 - set pipe wrenches
- 8" and 12" crescent wrench
- 1 - vise grip
- 1 - set screw drivers
- 1 - lineman's pliers
- 2 - utility knives with extra blades
- 1 ton come-a-long
- 1 - set jumper cables
- 1 - mop
- 1 - 16 ft. extension ladder
- 1 - 6 ft. step ladder
- 1 - generator, minimum 2500 watts
- 1 - portable electric circular saw
- 1 - 8 point hand saw
- 1 - nail puller (crows foot)
- 1 - 5# sledge hammer
- 1 - 1/2", and 1 - 1" wood chisel
- 1 - sawsall with assorted blades
- 1 - circuit tester
- 1 - water vacuum

SAFETY SHOES AND HARD HATS FOR ALL PERSONNEL WORKING ON SITE