



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
H-4

For the meeting of: December 2, 2014

Date: November 5, 2014
To: Board of Supervisors
From: Phillip Smith-Hanes, County Administrative Officer *PSH*
Subject: Resolution for the Loan of Federal Excess Personal Property Agreement for the Loleta Fire Protection District

RECOMMENDATION(S):

1. Adjourn as the Board of Supervisors and reconvene as the Board of the Loleta Fire Protection District (LFPD);
2. Approve a resolution authorizing the LFPD, Fire Chief to enter into an agreement with the State of California, Department of Forestry and Fire Protection for the loan of Federal Excess Personal Property for the purpose of emergency response; and
3. Adjourn as the Board of LFPD and reconvene as the Board of Supervisors.

SOURCE OF FUNDING:

Loleta Fire Protection District

Prepared by Amy S. Nilsen CAO Approval *Chief Dillingham*
REVIEW: Auditor _____ County Counsel *we* Human Resources _____ Treasurer _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor *Sundberg* Seconded by Supervisor *Bass*
Ayes *Sundberg, Lovelace, Bohn, Fennell, Bass*
Nays _____
Abstain _____
Absent _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____
Meeting of: _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *Dec. 2, 2014*
By: *[Signature]*
Kathy Hayes, Clerk of the Board

DISCUSSION:

The Federal Excess Personal Property Program (FEPP) was enacted by Congress under the Federal Property and Administrative Services Act of 1949 and the Cooperative Forestry Assistance Act of 1978. The Act directs the Secretary of Agriculture to encourage the use of FEPP to assist in reducing state fire budgets by loaning federal-owned property to state foresters and their cooperators. To qualify for this program, a fire department must meet a number of requirements, one being a responsibility for providing fire protection on wild lands within the department's jurisdiction. The U.S. Forest Service monitors the use of loaned property to ensure that all FEPP acquired is used 90 percent for fire protection support and only 10 percent for other support. This program enables the California Department of Forestry and Fire Protection (CAL FIRE) to acquire, on loan from the federal government, property that assists local fire protection districts in emergency response. That property includes such items as trucks, fire tools, hoses, vehicle parts, nozzles, generators, air compressors, fire protection clothing, aircraft, and aircraft parts.

Of all state fire agencies, CAL FIRE acquires approximately one-third of all FEPP nationwide with acquisitions exceeding over \$200 million since 1978. FEPP is used to support local department units and programs statewide. Approximately 70 percent of the property involved in the FEPP program is sub-loaned to local fire departments. The agreement to receive this excess equipment is for 5 years and is automatically extended if no changes in signature authority or violations have occurred.

Therefore, it is recommended that your Board, as the governing body for the LFPD, approve the resolution authorizing the LFPD to execute an agreement with the CAL FIRE for the FEPP program.

FINANCIAL IMPACT:

There is no financial impact, other than staff time to prepare this agenda item, to the County by adopting the attached resolution.

OTHER AGENCY INVOLVEMENT:

State of California, Department of Forestry and Fire Protection
United States Forest Service

ALTERNATIVES TO STAFF RECOMMENDATIONS:

To not approve the resolution. This is not recommended because this would leave the LFPD without needed equipment for fire suppression services.

ATTACHMENTS:

Resolution
Agreement #991210

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of December 2, 2014

RESOLUTION NO. 14-100

RESOLUTION OF THE LOLETA FIRE PROTECTION DISTRICT OF THE COUNTY OF HUMBOLDT FOR AUTHORIZING APPLICATION FOR FEDERAL EXCESS PERSONAL PROPERTY IN ACCORDANCE WITH THE UNITED STATES FOREST SERVICE COOPERATIVE FORESTRY ASSISTANCE ACT (CFAA) OF 1978

WHEREAS, there is a need for federal excess personal property to help fight wild land, rural, structure or other fires in the County of Humboldt; and

WHEREAS, the loan of certain federal excess personal property as described in California Department of Forestry and Fire Protection, Materials Management Handbook, section 2700 & 2782, in accordance with the United States Forest Service CFAA of 1978 is available for local agencies; and

NOW, THEREFORE, BE IT RESOLVED that the Humboldt County Board of Supervisors, as the Loleta Fire Protection District's governing body, authorizes Ken Nielsen, Fire Chief for the Loleta Fire Protection District, to enter into an agreement with the State of California, Department of Forestry, for the loan of Federal Excess Personal Property. A copy of said Agreement (No. 991210) is attached as Exhibit A hereto and made a part hereof, and said Fire Chief is hereby authorized to sign the Agreement on behalf of the Humboldt County Board of Supervisors.

Dated: December 2, 2014



REX BOHN, Chair
Loleta Fire Protection District

Adopted on motion by Supervisor Sundberg, seconded by Supervisor Bass, and the following vote:

AYES: Supervisors Sundberg, Lovelace, Bohn, Fennell, Bass
NAYS: Supervisors --
ABSENT: Supervisors --
ABSTAIN: Supervisors --

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By ANA HARTWELL
Deputy Clerk of the Loleta Fire Protection District

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION

COOPERATIVE AGREEMENT FOR THE LOAN OF
FEDERAL EXCESS PERSONAL PROPERTY (FEPP)

Under the United States Forest Service Cooperative Forestry Assistance Act (CFAA) of 1978

This agreement is entered into by and between

THE STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION

AND

LOLETA FIRE PROTECTION DISTRICT

This agreement for the **LOAN** of Federal Excess Personal Property (FEPP) through the US Forest Service made and entered into this **13th** day of **May, 2014**, by and between the State of California acting by and through the Director of the Department of Forestry and Fire Protection, hereinafter called the STATE, and the Loleta Fire Protection District, hereinafter called the Local Fire Department, covenants as follows:

- A. WHEREAS, the State has been approved as an agent of the US Forest Service for the purpose of administering the Cooperative Forestry Assistance Act of 1978 (PL 95-313) Rural Fire Protection Program, hereinafter referred to as CFAA, and
- B. WHEREAS, the control of timber, grass and wild land fires in, and adjacent to, suburban areas is essential to an effective forest fire control program, and
- C. WHEREAS, the Local Fire Department is actively engaged in the prevention and suppression of all fires in and adjacent to suburban areas, and
- D. WHEREAS, the CFAA provides for the loan of FEPP available for use by the Local Fire Department to carry out this function if additional property is available, and
- E. WHEREAS, it has been determined to be advantageous to the STATE in the proper discharge of its responsibilities, to make certain FEPP available to the Local Fire Department.

NOW, THEREFORE, it is mutually agreed that, effective as the date shown above:

1. The STATE will **LOAN** to the Local Fire Department FEPP described in **Attachment A** under the following terms and conditions:
 - A. FEPP primary use must be 90% for fire. The Forest Service FEPP program is not intended for Urban Safety and Rescue (USAR), medical or hazardous material responses on a daily basis.
 - B. All such FEPP loaned shall be for an indefinite period of time, unless cooperator is negligent of program regulations. The agreement may be terminated by either party after giving notice 180 days in advance of such termination to the other party.
 - C. Ownership shall remain with the US Forest Service; DMV registered owner shall be the Local Fire Department and lien holder to all vehicles and rolling stock shall be registered as USDA Forest Service, PO Box 944246, Sacramento, CA 94244-2460.
 - D. The Local Fire Department shall complete a resolution of incorporation or non-incorporation, or a statement from their governing board approving participation, **and** proof of insurance in the form of an insurance policy or a self-insured statement on Board of Supervisors letterhead. Drivers shall take the necessary equipment training and have a valid California operator license to operate the loaned vehicle(s).

- E. Ownership of all accessories, tools, light bars, sirens and equipment which is added to the loaned property remains with the Local Fire Department and must be removed prior to return of the property to the US Forest Service.
 - F. The Local Fire Department shall paint all rolling stock to match existing department equipment and apply their department logo.
 - G. The Local Fire Department shall identify the property with a National Finance Center (NFC) property tag, provided by your sponsoring unit, so as to identify and trace it as Federal owned property.
 - H. The Local Fire Department shall be responsible for the proper care, maintenance, security, and storage of the property.
 - I. Amendments to this agreement must be submitted to your sponsoring unit, listed below, within 30 days of acquisition or disposal of loaned property listed on Attachment A.
 - J. FEPP cannot be sold, loaned, traded, cannibalized, modified, transferred or disposed of in any manner without the State and US Forest Service Property Management Officer (PMO) approval.
 - K. The State and the Local Fire Department shall maintain formal accountability records for all FEPP on loan to the Local Fire Department; such property shall be made available at all times for a physical inventory by State and US Forest Service personnel.
 - L. When any FEPP is loaned to the Local Fire Department hereinafter, is lost, stolen, worn out, not needed, or involved in an accident, the sponsoring **CAL FIRE Humboldt-Del Norte Unit**, located at **118 S. Fortuna Boulevard, Fortuna, CA 95540**, shall be contacted for proper documentation and handling.
2. In the event that all of, or any one or more pieces of FEPP; provided to the Local Fire Department hereunder assigned, is lost, stolen, sold, damaged, destroyed or unavailable for its purposes intended hereunder, and is clearly established that such assignment or loss occurred while or as a result of a use other than stated in the terms and conditions above, then the State shall have the right and the obligation to retake such FEPP and/or assess the Local Fire Department for damages; if gross negligence is declared, up to the current market value immediately prior to such assignment, loss or destruction, established by the US Forest Service, for each piece of FEPP.
3. In the event of any dispute over FEPP **loaned** equipment or any terms or conditions contained herein, the dispute shall be decided by the State and its decision shall be binding and final.
4. The parties hereto agree that the Local Fire Department, their officers, employees, agents, servants, contractors, volunteers, paid firefighters, and all others acting on behalf of the Local Fire Department, performing under the terms of this agreement, are not acting as officers, employees or agents of the State or the Federal Government.
5. The Local Fire Department agrees to defend, indemnify, save and hold harmless the State as defined herein, and the Department of Forestry and Fire Protection, their officers, agents and employees against any and all claims, demands, causes of action or liability of any kind whatsoever arising out of the acts of the Local Fire Department, its agents or employees in the performance of any function provided for under the terms of this agreement or the use of property furnished.
6. The period of this agreement is for five (5) years from the date of last signature on page three (3) and entered on page one (1), if no violations or signatory changes occur. The agreement shall be **reviewed** biennially (every two years) for compliance by a CAL FIRE Administrative Officer during the physical inventory process and automatically extended if no violations or changes have occurred, not to exceed the five (5) year term.

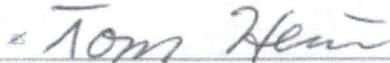
- 7. During the five (5) year term of this agreement, at the option of the State, it may be terminated for any material breach by the Local Fire Department for any terms herein.
- 8. The mailing address of the parties hereto, for all notices, payments, repayments or any other activity required or contemplated under the terms of this agreement, except for eventual disposition of property in Attachment A, Item No. 1 are:

LOCAL FIRE DEPARTMENT: **Loleta Fire Protection District**
 Contact:
 Physical Address:
 Mailing Address: **P.O. Box 119**
 City: **Loleta** Zip: **95551**
 Telephone: **(707) 733-5407**
 Cell: **(707) 845-3090**
 Fax:
 Email Address: **kennielsen@chevron.com**

Department of Forestry and Fire Protection (CAL FIRE)
 PO BOX 944246
 SACRAMENTO, CA 94244-2460
 Attn: Business Services Office – Federal Property Unit
 (916) 324-1177

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year of the last signature below.

LOCAL FIRE DEPARTMENT	
NAME OF FIRE DEPARTMENT: LOLETA FIRE PROTECTION DISTRICT	
BY (Authorized Signature): 	DATE SIGNED: 5-13-14
PRINTED NAME AND TITLE OF PERSON SIGNING: KEN NIELSEN, Fire Chief	

STATE OF CALIFORNIA Department of Forestry and Fire Protection	
BY (CAL FIRE Unit Chief): 	DATE SIGNED: 5/28/14
PRINTED NAME AND TITLE OF PERSON SIGNING: TOM HEIN, Unit Chief, Humboldt-Del Norte	
BY (CAL FIRE HQ FEPP Property Manager): 	DATE SIGNED: 6-10-14
PRINTED NAME AND TITLE OF PERSON SIGNING: Marie Ramos, FEPP Property Manager	

Rev. January 14, 2014

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

COOPERATIVE AGREEMENT FOR THE LOAN OF
FEDERAL EXCESS PERSONAL PROPERTY (FEPP)
Under the United States Forest Service Cooperative Forestry Assistance Act (CFAA) of 1978

ATTACHMENT A

LOLETA FIRE PROTECTION DISTRICT

	ITEM:	SERIAL #:	PROPERTY #
1.	TRUCK, FIRE, IHC, 1990	1HTSCNEN8MH332215	AG0001562445
2.			
3.			
4.			
5.			
6.			
7.			

Rev. January, 2014