

**RESOLUTION NO. 2023-XX****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ACCEPTING A REPORT ON THE STATUS OF 2022 STATE MANDATED ANNUAL FIRE INSPECTIONS IN THE CITY OF COSTA MESA PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 13146.4.**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, California Health & Safety Code Sections 13146.2 and 13146.3 require all fire departments, including the Costa Mesa Fire & Rescue Department, that provide fire protection services to perform annual inspections in every building used as a public or private school, hotel, motel, lodging house, apartment house, and certain residential care facilities for compliance with building standards, as provided; and

WHEREAS, these annual inspections are required of specified Educational Group E occupancies and Residential Group R occupancies as classified in the California Building Code; and

WHEREAS, Educational Group E occupancies are generally those public and private schools, used by more than six persons at any one time for educational purposes through the 12th grade. Within the City of Costa Mesa, there lie 56 Group E occupancy campuses; and

WHEREAS, Residential Group R occupancies are generally those occupancies containing sleeping units, and include hotels, motels, apartments (three units or more), etcetera, as well as other residential occupancies (including a number of residential care facilities). These residential care facilities have a number of different sub-classifications, and they may contain residents or clients that have a range of needs, including those related to custodial care, mobility impairments, cognitive disabilities, etcetera. The residents may also be non-ambulatory or bedridden. Within the City of Costa Mesa, there lie 1162 Group R (and their associated sub-categories) occupancies of this nature; and

WHEREAS, Section 13146.4 was added to the California Health & Safety Code by Senate Bill 1205 (Hill, 2018), and became effective on January 1, 2019; and

WHEREAS, California Health & Safety Code Section 13146.4 requires all fire departments, including the Costa Mesa Fire & Rescue Department, that provide fire protection services to report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3; and

WHEREAS, the Costa Mesa Fire & Rescue Department has presented its report to the City Council on the status of all 2022 state-mandated annual fire inspections in the City as required by SB 1205 and California Health and Safety Code Section 13146.4; and

WHEREAS, the City Council of the City of Costa Mesa intends this Resolution to fulfill the requirements of the California Health & Safety Code Section 13146.4 regarding compliance with California Health & Safety Code Sections 13146.2 and 13146.3 and desires to accept the Costa

Mesa Fire & Rescue Department's report thereon as its Report on the status of all 2022 state-mandated annual fire inspections in the City; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa that said City Council expressly acknowledges the measure of compliance of the Costa Mesa Fire & Rescue Department with California Health & Safety Code Sections 13146.2 and 13146.3 in the area encompassed by the City of Costa Mesa, as follows:

1. Educational Group E Occupancies:

During 2022, the Costa Mesa Fire & Rescue Department completed the annual inspection of 56 Group E occupancies. This is a compliance rate of 100% for this reporting period.

2. Residential Group R Occupancies:

During 2022, the Costa Mesa Fire & Rescue Department completed the annual inspection of 1162 Group R locations, occupancies, buildings, structures and/or facilities. This is a compliance rate of 100 % for this reporting period.

BE IT FURTHER RESOLVED as follows:

1. That the above recitations are true and correct.

2. That this Resolution, and all actions taken subsequent hereto in connection herewith, are taken pursuant to the provisions of California Health & Safety Code Section 13146 et seq.

4. The City of Costa Mesa is in compliance with 100% of the state-mandated fire inspection requirements contained within California Health & Safety Code Sections 13146.2 and 13146.3.

5. The City Council accepts the Costa Mesa Fire & Rescue Department's Report on the status of all 2022 state-mandated annual fire inspections in the City, and determines that the Costa Mesa Fire & Rescue Department has met its mandatory reporting requirements to the City Council as the administering agency, pursuant to California Health and Safety Code Section 13146.4.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this Resolution, or the documents in the record in support of this Resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

The City Clerk shall certify to the passage and adoption of this Resolution and shall enter it into the book of original resolutions.

**PASSED AND ADOPTED this 6th day of June, 2023.**

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda Green, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

**THIS PAGE IS RESERVED FOR THE CITY CLERK'S OFFICE.**

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     )     ss  
CITY OF COSTA MESA     )

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2023-xx and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 6<sup>th</sup> day of June, 2023, by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 7th day of June, 2023.

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Brenda Green, City Clerk