

MY HISTORY OF OAKLAND'S WILDFIRE PREVENTION BENEFICIAL DISTRICT

Submitted by Dinah Benson at WPAD Committee Meeting February 16, 2017

Since the creation of the current Wildfire Prevention District (WPAD), I have attended at least 95% of its meetings either as a commissioner or an interested observer. I hope my observations of the WPAD's creation and operation will be beneficial as I am certain that as the WPAD sunsets the City of Oakland will have to continue dealing with the disaster potential for our Wild Fire Urban Interface.

Why was the WPAD created?

The City of Oakland would have and continues to this day to be responsible for maintaining City open space properties as required by the State of California and City of Oakland's Fire Code. The creation of the WPAD did not change that legal and fiduciary obligation. Funding to meet this obligation would be required to come out of the City's general fund whether there was a WPAD or not. After the current WPAD sunsets the City will have to appropriate funds to continue fire prevention vegetation management.

Ask yourself, why would hundreds of concerned citizens donate thousands of dollars to create a ballot measure that brought the WPAD into existence then spend hundreds hours on the phone seeking support for the WPAD, when on the surface it would seem redundant to the City's existing budgetary obligations? My reasons for supporting the creation of the WPAD follow. First, when the City's budget was tight, and it was highly competitive to secure appropriations for vegetation management, we would have a secure source of funding in bad times for the removal fire prone and dangerous vegetation on City Properties. But, we wanted more, that is why we supported the creation of WPAD.

Our goals included managing our vegetation removal contracts into an efficient, effective and environmentally correct operation. We also wanted to educate the public, teach city employees and our contractors on best practices for fire safe vegetation management. We further wanted to incentivize removal of dangerous vegetation on non-city properties, private and public. We wanted to facilitate better fire inspections of all properties in the WPAD boundaries.

The advisory commission was to provide financial and operational oversight. It was a public forum where the public could come to tell us how to do a better job of vegetation management. We wanted to do a better, more competent job of vegetation management in fire prone areas. And so, the Wild Fire Prevention District came into existence. We expected the funding source for the current WPAD to primarily be fees assessed to each property owner, public or private, located within the District. Occasionally grant funds were to be used to supplement these moneys. Also, hard cash did not flow from East Bay Regional Park. The fees they would have paid and much more, they spent directly on Wild Fire Prevention projects. Other large public property owners in the WPAD boundaries did not have similar programs, so they had to pay fees annual WPAD budget came into existence.

The failure to renew the District, came about I believe, because the public confused fire suppression with fire prevention. It did not help when the Fire Chief promised at a public meeting, with the Mayor and several Councilmembers present; she would post online the WPAD financial audits. Of course, she did not follow through with her promise. At this meeting, the public brought to our attention, that the Fire Department was not collecting WPAD fees from public property owners, like the School District.

The WPAD Budget

First, the WPAD commission would prepare a budget to be submitted to the City Council for actual appropriation of the funds. The budget submitted by the WPAD was usually built after looking at the previous year's budget and allocations. We later learned that Fire Department management practices often hindered how monies were spent.

Most of the funds were spent on actual vegetation removal contracts. Most of these contracts were smaller than \$20,000. The big ticket items included the bi-annual goat grazing contracts, (over \$100,000.00) and setting aside a \$500,000 match for a FEMA grant. A small sum was spent to borrow money for operation of the WPAD until moneys were collected by the County from Property Owners. Administrative costs included paying for one employee (2 different positions), for good part of the time the WPAD was in existence. Administrative costs also included paying for annual financial audits and one performance audit. The County of Alameda took a cut for transferring funds from property owners in the district to the WPAD.

During high fire risk days, monies were transferred to the City of Oakland to cover salaries for personnel doing extra fire patrols. Monies were also spent to cover the cost of mailing fire inspection notices to property owners. The WPAD covered the cost of data input and collection of inspection results. Monies were used to incentivize private property owners to reduce fuel loads by providing free chipping services. Sometimes monies were allocated to match grant funds from outside entities, like Diablo Fire Save Council. Public and private properties benefitted. No money was ever allocated by the WPAD to actually inspect properties within the District.

I was disappointed with the money spent on outside Financial Audits. The contract for these audits was let by another city department other than the Fire Department. I still do not understand why an annual audit which covered a couple of hundred transactions, most of these transactions were less than \$10,000, could annually cost the district about \$20,000. None of these audits caught the fact that no one was collecting fees from public property owners within the district. I think we overpaid.

ROUGH SPOTS

Along the way, we had problems with the WPAD employee positions. The first employee slot was supposed to further our educational goals. The last person to fill that position did a good job of properly noticing the meetings and preparing the minutes. However, WPAD's

educational programs were not pursued. This was very problematic for many of the strongest WPAD advocates. I had asked for the proper city personnel description for this position, but was not allowed to see it by the Fire Chief. I had hoped a review of the job description would offer an opportunity for better employee supervision and growth. Instead, the only choice given to us by the Fire Chief was new employee category which would be created once we eliminated the current position. When filling this new position took over two years more problems arose. Again, I was never successful in reviewing the official City Personnel employment description for the new position, either.

My biggest beef was, despite the fact the City Attorney told the WPAD they could hire an interim contractor to take minutes and properly post meetings, the Fire Chief refused to let this happen. This caused the WPAD meetings and commissioners to be in conflict with the Brown Act and the City's Sunshine Ordinance. Commissioners could have had to pay substantial fines under the Brown Act because meetings were not properly noticed Under the Brown Act. City employees were not exposed to fines if meetings were not correctly noticed.

Administrative support from the various Fire Chiefs during the life of the WPAD went from warm and hopeful to downright hostile with the current Fire Chief. In addition to the position situation described above, shortly after the arrival of our current Fire Chief, the WPAD found itself unable to let contracts for properly allocated projects. At one meeting, we were told contracts were not let because they were not sure of how much money was available in the account. My memory is these contracts were for less than \$20,000 and we had over a million dollars available to spend.

My most difficult meeting, was the one were the WPAD approved a contract for a Broom Removal and Pilot Program stopping the regrowth of broom, I think it was about \$20,000. The Fire Chief flat out refused to let out the contract. Since those proposing the project were among the most ardent of WPAD supporters, I was thoroughly embarrassed.

Contractor Problems

We also had contractor problems. We had hoped to create a large list of qualified contractors. The contractors were to be trained to respect and protect endangered species of clarkia and manzanita. Supervision of these contractors was not always done to make sure the best vegetation removal practices were used. Slowly, the available numbers of contractors dwindled probably because they were paid months late.

Inspection Problems

Inspections of private and public property continue to be a big problem. The fire department will tell us how many private properties are in compliance. The Fire Department will not tell us the level of compliance for City owned property. Lastly, we do not know if the City has in place protocols for collecting fines for code violations. I know there was a time when no one collected these fines.

When Chief Reed first learned, the WPAD had allocated funds for a performance audit of inspections at one of the WPAD meetings, she became visibly upset. She told the WPAD commission they had no right to do the performance audit, since WPAD money was not used to pay salaries for the inspectors. WPAD money was used to pay to mail out inspection notices and for data entry of inspection results.

Keep in mind; fire inspectors do a public safety function, like the police. If need be, to access a property they can get search warrant from a Judge. Somehow, I think our inspectors probably do not know how to do this. Probable cause is probably a mystery.

The Road Ahead

Lofty ideas are not enough to further the goals sought by the creation of the current WPAD. It is certain, the fire danger that existed 25 years ago, will still be our constant companion. The completion of a comprehensive vegetation management plan is essential. The plan will take into consideration the type of vegetation, the geological conditions and geographical location. In the years ahead, wild fire prevention, and fire inspections could be done by another City Department, or another District, or a Regional Consortium. Until the vegetation management plan is done, there is no appetite for supporting one of these solutions. In the meantime, the City will continue paying for vegetation management on City Property. The City still will continue to have Fire Prevention Inspectors for both public and private property.

Respectfully submitted,
Dinah Fischbach-Benson