

**REPORT TO THE  
CITY COUNCIL**  
*City of Salinas, California*

DATE: August 19, 2014

FROM: Kelly J. McMillin, Chief of Police  
Edmond A. Rodriguez, Fire Chief

BY: Edmond A. Rodriguez, Fire Chief

SUBJECT: **2014 FIREWORKS SEASON ADMINISTRATIVE REPORT**

**RECOMMENDATION:**

It is recommended that the City Council accept this Administrative Report and recommendations presented by the Salinas Police Department (SPD) and Salinas Fire Department (SFD) and that the City Council direct staff to take action on the following:

1. A gradual phase-out of the sale of Safe and Sane Fireworks (SSF) over the next two (2) fiscal years with the permissible sale of SSF to end on June 30, 2016.
2. A review of the block party ordinance to include increased outreach to stakeholders, fines and Staff time reimbursement for non-compliance.
3. Increase the SSF Surcharge from seven percent (7%) to ten percent (10%), for the period through June 30, 2016, to cover additional costs for enforcement and a proposed community fireworks show.

**DISCUSSION:**

At the May 5, 2009 City Council Meeting, the City Council adopted a resolution adding Chapter 13A (Fireworks) to the Salinas City Municipal Code. This code addition was adopted as a two-year pilot program to allow the sale of SSF by non-profits in the City of Salinas. It was formally adopted as an annual program in late 2010 by Council action(s).

By ordinance, the sale of Safe and Sane Fireworks (SSF) within our jurisdiction is permitted for local non-profit organizations to raise funds through a complex governance process handled by multiple city departments. A seven percent (7%) surcharge is levied for all SSF sales, which is designated for costs incurred for enforcement and administration of Chapter 13A. For the 2014 season, this surcharge generated a funding of \$48,410.12 to the City.

SFD Staffing Report

The following is a breakdown of 2014's Fourth of July staffing costs:

SFD Costs -	\$ 14,500
SFD Equipment	\$ 13,623
County Comm -	\$ 200
SPD Costs -	\$ 6,452
Total Costs -	\$ 34,775

In anticipation of greater response needs for July 4, 2014, the following 17 personnel were hired for an operational period commencing at 1700 hours through 0100 hours the following morning. During the July 4<sup>th</sup> weekend, SFD personnel responded on 70 incidents to include these specific fireworks caused emergencies:

- 1 Structure fire
- 1 Wildland fire
- 3 Dumpster/Outdoor fires

**Additional Staffing**

- Fire Chief
- 1 Deputy Chief
- 1 Battalion Chief
- Fire Captains - 3
- Fire Engineers - 2
- Firefighters - 5
- Dispatcher – 1
- SPD Officers – 3 (Violent Suppression Unit (VSU))
- Fire Prevention Inspectors - 2

**Equipment Staffed:**

- 2 Reserve Paramedic Engines with 3
- 1 Reserve Truck Company with 4
- 1 Type III (Wildland) Engine with 3
- 1 Patrol (Brush Unit) with 1
- 2<sup>nd</sup> Battalion Chief

**SPD Staffing Report**

SPD reported 21 five-hour overtime shifts were allotted from 6/23 through 7/13. 14 shifts were worked:

No. of dispatched fireworks calls for service: 72  
 No. of self-initiated citizen contacts: 70  
 No. of confiscations (bulk, not individual items): 2  
 No. of Felony Arrests: 1  
 No. of Misdemeanor Arrests: 2  
 Citations Issued: 13 for gross fines of \$16,250  
 July 4<sup>th</sup> total calls for service: 220

It is important to note that the Police Department’s ability to safely cite violators and confiscate illegal fireworks is severely hampered by the well-known staffing reductions at SPD. Because of the tremendous amount of overtime required to staff basic patrols, the available pool of officers to work specialized “fireworks overtime” is greatly diminished. Chief McMillin is confident that a well-staffed SPD/SFD task force could be very effective in significantly increasing citations and seizures, which he believes could be very effective in preventing future violations; however, until such time as staffing in both Departments allows for such a well-staffed task force, enforcement efforts will be token at best.

Operational Priorities - Life Safety, Property Conservation and Incident Stabilization

In addition to the above listed response costs, Fire and City staff perform a variety of functions to initiate, track, inspect and ensure enforcement of the SSF Ordinance annually. The below items detail specifics performed during the 2014 Fireworks Season:

- Fire Prevention Inspections - 18 SSF booths and 4 Storage locations were inspected daily (22 separate locations);
- Over 90 hours of Fire Prevention staff time was committed to the Fireworks Program starting in February. Fire Prevention staff reviewed 52 applicants, organized and conducted the selection lottery, processed the 18 selected/qualified applicants, processed the necessary booth/storage fire permits, reviewed booth and storage site plans with the City Planning Department, conducted required fire safety education training for all 18 applicants and committed staff for the 4<sup>th</sup> of July illegal fireworks enforcement operations.
- 13 illegal fireworks Administrative Citations were issued in 2014
- Number of illegal fireworks confiscated – Approximately 131.8 pounds were confiscated over the July 4<sup>th</sup> weekend. In addition, SPD and SFD Staff seized 1,647 pounds from an illegal vendor in June. A total of 1,778.8 pounds for 2014.

SSF Sales/Proceeds/Trends 2009-2014

	2009	2010	2011	2012	2013	2014
Gross SSF Sales	\$477,766	\$645,021	\$659,358	\$704,871	\$673,567	\$691,575
SSF 7% Surcharge	\$33,377	\$45,151	\$46,157	\$49,341	\$46,149	\$48,410
SSF Lottery Entry Fees	\$7,600	\$6,160	\$7,320	\$7,195	\$7,000	\$7,202
Fire Enforcement Costs	\$1,083	\$1,880	\$320	\$2,381	\$9,604	\$28,323
Police Enforcement Costs	\$3,951	\$10,776	\$2,339	\$531.31	\$698.62	\$6,452
Non-Profit Proceeds	\$187,703	\$292,050	\$308,509	\$327,310	\$322,310	\$398,431

Enhancements for 2014

As a result of collaboration with the City Council’s Fireworks Subcommittee and other City Staff, several new/expanded processes were implemented to enhance community safety for the 2014 year. They are as follows:

- Large Signboards were placed (In Spanish and English) at

North Main/Gabilan Library  
Fire Station No. 3/S. Abbott Street  
Bataan Park  
Cesar Chavez Library  
W. Laurel/Tyler

- Advertising, in English/Spanish to school age children beginning in April
- Increased radio announcements
- Fireworks safety materials displayed in PSA's, City and SFD Website
- 3 community meetings on Fireworks safety
- 2 large secure metal containers, scale and locks were purchased for confiscated fireworks storage
- 6 News media stories
- 4 newsprint stories in the Californian

### Current SFD Issues/Concerns

It is difficult to understand the magnitude of illegal fireworks activities experienced in our community without being present with fire and police crews on the 4<sup>th</sup> July. Smoke conditions were sometimes so thick that responding fire crews had difficulty finding the exact fire location and police officers had extreme difficulty determining the exact location where illegal fireworks were discharged from. Often emergency responders were called into areas where multiple persons were gathered with multiple uses of both SSF and illegal fireworks being discharged along with the consumption of alcohol.

For both fire and law enforcement safety, it is imperative that officer safety take precedence in these circumstances. As such, legally identifying a person using illegal fireworks, a misdemeanor, is problematic and costly to prosecute through our current overburdened judicial system. On a more graphic level, the sounds of gunfire are masked by illegal fireworks activities and this also presents considerable officer safety issues. Both SSF and illegal fireworks can be used as weapons against emergency responders if a situation rapidly escalates within a confined area.

Current SFD staffing is at an all-time critical low. Of the 69 total positions needed to staff community fire stations today, only 65 total personnel are available to be assigned. With rare exception, SFD personnel working on July 4<sup>th</sup> were under mandatory hire-back.

### SPD Officer Safety Issues & Other Concerns

Understaffing - At current staffing levels, there are many more calls for service related to fireworks than officers can handle given their primary duties. Most fireworks calls are put out to officers as beat information only.

Hostile Crowds/Block Parties - Many of the illegal fireworks are being set off by persons attending large parties to include organized block parties. Alcohol is a main staple at most of these gatherings. Many of these crowds are hostile and confrontational when addressing their use of fireworks. In early 2014, Staff held several meetings with neighborhood associations encouraging them to apply for City issued block permits. For the 2014 Season, no entities applied for block permits through the City process.

Identifying Specific Perpetrators - It is often very difficult to identify the person who actually set off the illegal fireworks. Officers must personally view the act to cite a specific person for setting off the device. Large uncooperative crowds and smoke make this even more difficult.

Other Safety Concerns - Officers are on guard for the potential of having fireworks (bottle rockets, mortars, etc.) launched at their patrol cars or at them personally.

**ISSUE:**

Shall the City Council accept this Administrative Report and direct Staff to take action on the following recommendations?

1. A gradual phase-out of the sale of SSF over the next two (2) fiscal years with the permitted sale of SSF to end on June 30, 2016.
2. A review of the block party ordinance to include increased outreach to stakeholders, fines and Staff time reimbursement for non-compliance.
3. Increase the SSF Surcharge from seven percent (7%) to ten percent (10%), for the period through June 30, 2016, to cover additional costs for enforcement and a proposed community fireworks show.

**FISCAL IMPACT:**

The current SSF seven percent (7%) surcharge covers the costs associated with providing some enforcement and emergency response services. If both the SPD/SFD were funded to reasonable and safe levels of staffing to ensure a high degree of enforcement/emergency response capable of mitigating and having an impact on illegal fireworks and funds were allocated for a City sponsored Fireworks event, the current fee surcharge is not sustainable to cover these expenses. Staff recommends increasing the surcharge to ten percent (10%) of the gross sales of SSF.

**TIME CONSIDERATIONS:**

Staff will need time to update the relevant portions of the City of Salinas Municipal Code and bring back the completed changes for Council approval prior to the start of the 2015 SSF process.

**ALTERNATIVES/IMPLICATIONS:**

1. Council may accept this Administrative Report and direct staff to take action on the recommendations.
2. Council may take no action on this Administrative Report and recommended actions.
3. Council may direct Staff to provide additional information outside of this Administrative Report.

**CITY COUNCIL GOALS:**

Ensuring our community is free from hazards caused by illegal and SSF support the following City Council goals:

- Safe Livable Community
- Quality of Life

## **CONCLUSIONS:**

Our community deserves the right to celebrate our Nation's birthday as a community. Staff believes that the sale of SSF in Salinas has brought about a marked increase in the usage of illegal fireworks which threaten the health and safety of our City.

Distribution  
City Council  
City Manager  
City Attorney  
Department Directors

Attachments  
2014 Fireworks PPT  
The Toxic Elements of Fireworks