

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works *AM*

BOARD AGENDA # *B-7 (b)

Urgent Routine

AGENDA DATE March 16, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on April 27, 2010 at 9:10 a.m., to Introduce and Waive the First Reading of an Ordinance to Amend Existing Fees for the Department of Public Works Engineering Division

STAFF RECOMMENDATIONS:

Set a Public Hearing on April 27, 2010 at 9:10 a.m to introduce and waive the first reading of an ordinance to amend existing fees for the Department of Public Works Engineering Division.

FISCAL IMPACT:

The proposed fee increase will enable the Department of Public Works to recover more of the cost of providing construction inspection, plan review, and project review services. The proposed fees will generate approximately an additional \$36,000. This revenue will be used to offset the staffing and operational costs associated with these services. Staffing costs to provide these services for Fiscal Year 2009-2010 were approximately \$495,000. Revenues for the same time period, based on the existing fee schedule, are projected to be \$225,000, a deficit of \$270,000. The proposed increase will result in a deficit of \$234,000.

BOARD ACTION AS FOLLOWS:

No. 2010-131

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-L-8

Approval to Set a Public Hearing on April 27, 2010 at 9:10 a.m., to Introduce and Waive the First Reading of an Ordinance to Amend Existing Fees for the Department of Public Works Engineering Division

DISCUSSION:

The Public Works Department provides services as required by law to the public and the development community. Some of these services encompass construction inspection, plan review, and project review. Public Works charges fees to recoup the costs of providing these inspection and review services. The cost of providing these services has increased, but the fees have not been fully recovered.

Last year on May 19, 2009, the Board approved an adjustment to the fees to recoup the cost associated with providing Engineering Services such as construction inspection, plan review and project review. The proposed adjustments were staged to gradually increase the fees in five annual increments. Public Works' plan check, encroachment permit, excavation permit, street improvement construction permit, and construction inspection fees were increased effective July 1, 2009. Last year was the first year of implementing the fee adjustments based on a per hour baseline rate of \$60/hour. Staff is now recommending to implement the second year base line rate of \$70/hour.

Public Works realized that in the current economic environment, it would have been unreasonable to propose to increase fees in one year to cover the deficit between the current fees charged and the cost of delivering the services that has developed over the last 18 years since the previous fees were set in 1991. Therefore, Public Works proposed to increase the fees incrementally over a five-year period. The remaining adjustments will be returned to the Board for approval on an annual basis throughout the five-year cycle as shown in the following table:

Proposed Increases Over Five Years				
*Year 1 2009-2010	Year 2 2010 - 2011	Year 3 2011 - 2012	Year 4 2012-2013	Year 5 2013-2014
\$60	\$70	\$80	\$90	\$95

*The first year increase was approved by the Board on May 19, 2009.

Public Works proposes to use \$70 per hour as a baseline for setting inspection services and permit fees. The proposed fees are based on the average amount of time it normally takes to perform the various inspections. Public Works is submitting for approval of Year 2 (2010 – 2011) of the five-year cycle.

Staff's current average weighted hourly rate is \$89. Based upon the current weighted rate and the proposed fee in year two, Public Works will continue to subsidize these services. With projected equity increases and cost of living increases, it is anticipated that the Department will be able to eliminate the deficit by year five.

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Fee Review Process

In order to determine proposed fee increases in five yearly increments, Public Works used the following process:

- In reviewing the fee structure, Public Works staff believed that the fees had fallen behind what is customarily and routinely charged by other San Joaquin Valley governmental entities for the same types of services.
- Public Works' Engineering staff contacted Fresno County, Merced County, and San Joaquin County, and the cities of Ceres, Fresno, Merced, Modesto, and Oakdale to obtain information about the fees they charged for plan checks, encroachment permits, excavation permits, street improvement construction permits, and construction inspections.

A spreadsheet was developed listing the fees charged by those government entities along with the current Stanislaus County Public Works fees (Exhibit C).

- The fees charged by other government entities were averaged and compared with the Stanislaus County fees. In addition, the variation in methods for charging the fees was also evaluated. Variations included a flat rate, charging actual time taken to perform the services, and requiring deposits based on a percentage of the engineer's estimated cost to complete the project.
- Based on the above analysis and evaluation Public Works has arrived at a proposed change in construction review and inspection fees.

Proposed Fee Changes

Excavation Permit (for any excavation occurring in a County right-of-way): The basic permit fee is proposed to remain at \$20. This fee includes \$5 each for Flood Plain Administrator review and Geographic Information System (GIS) updates as related to the improvements and \$10 for administrative fees. An additional fee for the inspection of the excavation work would change from a \$120 flat fee per 250 or 500 lineal feet of excavation of paved or unpaved area respectively to a \$140 flat fee. The fee is based on the average inspection time of two hours per project.

Encroachment Permit: The flat rate fee that has been charged for an encroachment permit (for construction that occurs in a County right-of-way) for driveway construction has been \$120. The proposed fee increase is to \$140. Inspection for a concrete driveway takes a minimum of 3 inspections totaling on average 2 hours. With an hourly charge of \$70, 2 hours of inspection time equals \$140.

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Construction Permits: Permits for street improvements have been charged at a flat rate fee of \$40 for the basic permit and an additional fee of \$60 per 250 lineal feet for inspection of curb and gutter work, sidewalks, and matching pavement construction, and a flat fee of \$60 for drywell inspections. Using a baseline of \$70 per hour and the average inspection time for the listed services of two hours, the proposed fee is \$140 per 250 lineal feet plus base permit fee of \$40. This fee includes \$5 each for Flood Plain Administrator review and Geographic Information System (GIS) updates as related to the improvements and \$30 for administrative fees. Fees are to be paid in advance of the inspection.

Re-inspections will be increased to \$70 per hour from the current \$60 per hour. A deposit of 10% of the engineer's estimate is required based on cost of the construction. Inspection time would be charged at the rate of \$70 per hour, the charge being drawn down against the deposit. At the completion of the project, the balance of the deposit would be remitted to the customer. If the deposit is not sufficient to cover all inspection charges, the customer will be billed separately for additional charges. The standard rate per hour for construction inspection is proposed at \$70 per hour.

Improvement plan checking is proposed to increase to \$90 per hour from the current \$80. However, an initial one-time fee of \$10 will also be charged to offset the staffing and operation costs associated with flood plain review and GIS updates as related to the improvements. As with large construction projects, a deposit of 10% of the engineer's estimate for the off site improvement cost of the project would be required, and review time would be charged back against the deposit.

The flat rate fee of \$85 for an annual transportation permit is proposed to be increased to \$90 per California Code of Regulations, Title 21 (Public Works), Division 2, Section 1411.3. Single Trip transportation permit (under the above code) is proposed to be increased from \$15 to \$16. These small increases to the transportation fees will not cover the cost of providing this service, however, the State Code limits these fees to the proposed amount.

The proposed new fee schedule is shown as Exhibit "A" in this document.

POLICY ISSUES:

Authority for the Department of Public Works to charge fees for use of County roads and inspection of constructions, excavations, and installations occurring in Stanislaus County streets is granted in California Street and Highways Code, Division 2, Chapter 2, Section 982, and Chapter 5.5, Article 2, Section 1464. The Board should consider if the recommended action is consistent with its priorities of a well-planned infrastructure system and the efficient delivery of public services.

Approval to Set a Public Hearing on April 27, 2010 at 9:10 a.m., to Introduce and Waive the First Reading of an Ordinance to Amend Existing Fees for the Department of Public Works Engineering Division

STAFFING IMPACT:

The proposed increases will enable Public Works staff to continue to provide construction inspection, plan review, and project review services in a timely manner.

CONTACT PERSON:

Matt Machado, Director. Telephone: 209-525-6550

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ORDINANCE NO. C.S. _____

**AN ORDINANCE ADOPTING NEW FEES AND INCREASING EXISTING FEES
COLLECTED BY THE DEPARTMENT OF PUBLIC WORKS**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE
OF CALIFORNIA ORDAINS AS FOLLOWS:

Section 1. Fees to be collected by the Department of Public Works are adopted and amended as set forth in the Department of Public Works Fee Schedule attached hereto as Exhibit A and incorporated by reference, copy of which is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act.

Section 2. This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____ seconded
by Supervisor _____, the foregoing Ordinance was
passed and adopted at a regular meeting of the Board of Supervisors of the
County of Stanislaus, State of California, this ____ day of _____,
2010, by the following called-vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Jeff Grover, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

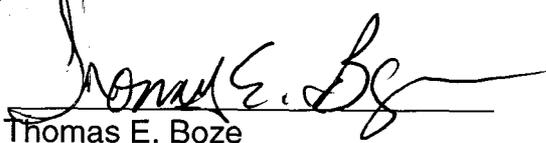
ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By _____
Liz King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By: 

Thomas E. Boze
Deputy County Counsel

EXHIBIT "A"			
Public Works Inspection Fees			
Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Excavation Permits			
California Street & Highways 1464; California Code of Regulations, Division 2, Chapter 5.5, Article 2			
Permit	\$ 20.00	2009	\$ 20.00
	includes \$5 ea FPA&GIS		includes \$5 ea FPA&GIS
Inspection fee per 500 ft of trench in unpaved areas	\$ 120.00	2009	\$ 140.00
Inspection fee per 250 ft of trench in paved area	\$ 120.00	2009	\$ 140.00
Encroachment Permits-Driveway construction	\$ 120.00	2009	\$ 140.00
Construction Permits - Street Improvements			
California Street & Highways 1464			
Permit	\$ 40.00	2009	\$ 40.00
	includes \$5 ea FPA&GIS		includes \$5 ea FPA&GIS
Curb & Gutter - for each 250 lineal feet	\$ 120.00	2009	\$ 140.00
Sidewalks - for each 250 lineal feet	\$ 120.00	2009	\$ 140.00
Matching Pavement for each 250 lineal feet	\$ 120.00	2009	\$ 140.00
Drywell Inspection	\$ 120.00	2009	\$ 140.00
Re-inspections (hourly rate)	\$ 60.00	2009	\$ 70.00
Construction Inspection (hourly rate)*	\$ 60.00	2009	\$ 70.00
Improvement Plan Checking (hourly rate)*	\$ 80.00	2009	\$ 90.00
	+ \$10 one-time chg		+ \$10 one-time chg
*Actual inspection time to be charged against deposit of 10% of engineer's estimate of total cost of construction/improvement for large projects and subdivisions.			
Road Use Permit			
California Street & Highways 982; California Code of Regulations, Division 2, Chapter 2			
Parade Permit	\$ 50.00	2009	\$ 50.00
Transportation Permit			
Annual	\$ 85.00	2009	\$ 90.00
Daily	\$ 15.00	2009	\$ 16.00
Land Survey			
Subdivision Map Act 66451.2, Chapter 3, Article 1			
Subdivision Map Processing (per map)	\$ 1,390.00	2004	\$ 1,390.00
Plus additional per lot and block	\$ 10.00		\$ 10.00
Parcel Map Processing (per map)	\$ 1,390.00	2004	\$ 1,390.00
Plus additional per parcel	\$ 10.00		\$ 10.00
Survey Map Processing (per request)	\$ 565.00	2004	\$ 565.00
Certificate of Compliance Processing (per request)	\$ 695.00	2004	\$ 695.00
Road Abandonment Processing (per request)	\$ 1,110.00	2004	\$ 1,110.00
Lot Line Adjustment Processing			
A2 Zoning District (per lot line application)	\$ 695.00	2004	\$ 695.00
All Other Zoning Districts (per lot line application)	\$ 210.00	2004	\$ 210.00

EXHIBIT "B"

FEE ANALYSIS – FEBRUARY 2010

DETERMINING WEIGHTED RATES FOR VARIOUS TASKS

1. Weighted Rate for Construction Inspection

Hourly rate charged by the construction inspector shall be \$89.00 per hour.

Assistant Engineer	1.1 hr @ \$ 63.11 = \$69.30
Clerical	0.1 hr @ \$ 34.40 = \$ 3.44
County Traffic Engineer	0.1 hr @ \$ 80.84 = \$ 8.08
Deputy Director	0.1 hr @ \$ 87.44 = <u>\$ 8.74</u>
	<u>\$89.56</u>

All work by others, including traffic engineering and additional inspectors, shall be charged at each individual's weighted labor rate. Per Stanislaus County Subdivision Ordinance 20.58.070, Inspection Fees shall be based on the actual costs incurred plus a reasonable sum for overhead and supervision.

2. Weighted Rate for Project Review

Hourly rate charged by the construction inspector shall be \$89.00 per hour.

Assistant Engineer	1.0 hr @ \$ 63.11 = \$63.11
Clerical	0.1 hr @ \$ 34.40 = \$ 3.44
County Traffic Engineer	0.1 hr @ \$ 80.84 = \$ 8.08
Deputy Director	0.1 hr @ \$ 87.44 = \$ 8.74
Director	0.1 hr @ \$133.94 = <u>\$13.39</u>
	<u>\$96.76</u>

All work by others, including traffic engineering and additional inspectors, shall be charged at each individual's weighted labor rate. Per Stanislaus County Subdivision Ordinance 20.58.070, Inspection Fees shall be based on the actual costs incurred plus a reasonable sum for overhead and supervision.

EXHIBIT "C"

Stanislaus County		Fee Comparison	January	2009	Municipalities					
	Proposed	Stan Co	Ceres	Fresno Co	Fresno	Modesto	Merced Co	Merced	Oakdale	
Excavation Permit	Effective Date	12/17/1991	9/11/2006	6/5/2007	1/7/2009	7/1/2007	9/11/2007	1/1/2007	5/21/2007	
Permit	No Change	\$10	\$100	\$25	\$175.00	\$50	\$54	\$25	\$150	
Inspection fee per 500 feet of trench in unpaved areas	\$60/hour	\$60	\$55	\$125+.21 LF	\$7.48 LF	\$20 LF	\$96	\$1 LF	\$115	
Inspection fee per 250 feet of trench in paved areas	\$60/hour	\$60	\$55	\$125+.77 LF		\$2.50 SF	\$138	\$1 LF	\$20/100 LF	
Pipelines under County Road (Requires Maintenance Agmnt)	\$60/hour	\$60	\$100.00	\$125	\$150.00	\$70	\$138	\$75	\$75	
Manholes, drain inlets	\$60/hour	\$60	\$100.00		\$104.00 ea					
Utility Company Excavation Permit										
Bellholes for new or cut off service	Deleted, will use excavation Permit	\$20.00	\$50.00	\$125	\$150.00	\$245	\$96	\$75	\$80	
Encroachment Permit										
Commercial or Residential Driveway Permit	\$60/hour	\$35	\$50.00	\$275+.23 SF	\$3.43 LF	\$198	\$96	\$35	\$80	
Plancheck fee										
Improvement Plan Checking (hourly rate)	No change + \$10 charge	\$80 HR	\$255	\$640	\$750.00	1.6% of ee	\$250	\$250	TBD	
Construction Permits – Street Improvements										
Permit	\$10 charge + \$60/hour	\$30	\$50.00	\$25		\$50	\$96	3%		
Curb and Gutter- for 250 LF	\$60/hour	\$60	\$200.00	\$275+.77 LF	\$0.85 LF	\$198	.05 x EE	\$1 LF	\$80	
Sidewalks - for each 250 LF	\$60/hour	\$60	\$200.00	\$10+.10 SF	\$0.69 LF	\$198	.05 x EE	\$1 LF	\$80	
Matching Pavement	\$60/hour	\$260	\$100.00	\$275+1.15SY	\$0.07 SF	\$439	.05 x EE	\$1 LF		
Drywell Inspection	\$10 charge + \$60/hour	\$60	\$100.00	\$68	\$100.00	\$245	.05 x EE	\$35		
Re-inspections (hourly rate)	\$60/hour	\$60	\$150.00	\$25	\$100.00	\$35	\$96	\$110		
Construction Inspection (hourly rate)	\$10 charge + \$60/hour									
Parade Permit										
	\$50	\$25	\$50.00	\$77	\$250.00	\$245	\$35	\$50	\$150	

NOTICE OF PUBLIC HEARING REGARDING
THE AMENDMENT OF EXISTING FEES
FOR THE DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION

NOTICE IS HEREBY GIVEN that on April 27, 2010, at the hour of 9:10 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th Street, Modesto, California, to consider the Introduction and Waiver of the First Reading of an Ordinance to Amend Existing Fees for Department of Public Works Engineering Division.

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinance and Fee Schedule will be available for review on April 16, 2010 in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, contact Diane Haugh in the Public Works Department at (209) 525-6550 or at 1010 Tenth Street, Suite 3500, Modesto, CA.

NOTICE IS FURTHER GIVEN that at the above time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 16, 2010

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY: _____
Elizabeth A. King, Assistant Clerk

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that on April 27, 2010, at 9:10 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the introduction and waiving of the first reading of the following proposed ordinances:

- A. An ordinance to amend existing fees to include a new fee to charge for the implementation of the Aboveground Petroleum Storage Act (APSA) Program (for further information, contact Sonya K. Harrigfeld, Director for the Department of Environmental Resources at 209-525-6770 or at 3800 Cornucopia Way, Suite C, Modesto, CA).
- B. An ordinance to amend existing fees for Department of Public Works Engineering Division (for further information, contact Diane Haugh in the Public Works Department at 209-525-6550 or at 1010 Tenth Street, Suite 3500, Modesto, CA).
- C. An ordinance to adopt a Parking Penalties Schedule and adjust existing parking penalties collected by the Sheriff's Department (for further information, contact Captain Tim David in the Sheriff's Department, Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA).
- D. An ordinance to adopt a Fee Schedule and increase existing fees collected by the Sheriff's Department for Carry Concealed Weapons Permits and Livescan/Fingerprint Fees (for further information, contact Captain Tim David in the Sheriff's Department, Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA).

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinances and Fee Schedules will be available for review on April 16, 2010, in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to one or more of the above items is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 16, 2010

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:



Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Apr 16, 2010, Apr 22, 2010

NOTICE OF PUBLIC HEARINGS
NOTICE IS HEREBY GIVEN that on April 27, 2010, at 9:10 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the introduction and waiving of the first reading of the following proposed ordinances: A. An ordinance to amend existing fees to include a new fee to charge for the implementation of the Aboveground Petroleum Storage Act (APSA) Program (for further information, contact Sonya K. Harrigfeld, Director for the Department of Environmental Resources at 209-525-6770 or at 3800 Cornucopia Way, Suite C, Modesto, CA). B. An ordinance to amend existing fees for Department of Public Works Engineering Division (for further information, contact Diane Haugh in the Public Works Department at 209-525-6550 or at 1010 Tenth Street, Suite 3500, Modesto, CA). C. An ordinance to adopt a Parking Penalties Schedule and adjust existing parking penalties collected by the Sheriff's Department (for further information, contact Captain Tim David in the Sheriff's Department, Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA). D. An ordinance to adopt a Fee Schedule and increase existing fees collected by the Sheriff's Department for Carry Concealed Weapons Permits and Livescan/Fingerprint Fees (for further information, contact Captain Tim David in the Sheriff's Department, Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA). **ADDITIONAL NOTICE IS GIVEN** that the proposed Ordinances and Fee Schedules will be available for review on April 16, 2010, in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. **NOTICE IS FURTHER GIVEN** that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to one or more of the above items is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors. **BY ORDER OF THE BOARD OF SUPERVISORS. DATED: March 16, 2010. ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California.**
BY: Elizabeth A. King, Assistant Clerk
Pub Dates **APRIL 16, 22, 2010**

I certify (or declare) under penalty of perjury
That the foregoing is true and correct and that
This declaration was executed at

MODESTO, California on

April 23rd, 2010

(Signature)

Marie Dieckmann