Fire Service Challenges and Cooperative Solutions

A Workshop for LAFCo Commissioners, Staff, Local and Regional Agencies, and Consultants

13 April 2010
Santa Rosa

COURSE MANUAL
and MATERIALS
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**CALAFCO U:**

Fire Service Challenges and Cooperative Solutions

13 April 2010

Santa Rosa

Hyatt Vineyard Creek
Fire Service Challenges and Cooperative Solutions

Tuesday, April 13th
Hyatt Vineyard Creek Hotel and Spa
170 Railroad Street
Santa Rosa, California, USA 95401
12:30 pm – 5:00 pm

12:30 pm Networking

1:00 pm Welcome/Introductions/Overview of Class

Kate McKenna, AICP, Executive Officer, Monterey LAFCo and Deputy Executive Officer, CALAFCO

Marjorie Blom, Executive Office, Stanislaus LAFCo

1:15 pm Practical Considerations from Feasibility to Implementation

Stewart Gary, Fire Practice Principal of Citygate Associates LLP

2:00 pm Cooperative Solutions and the Cortese-Knox-Hertzberg Act

Paula de Sousa, Attorney at Best Best Krieger LLP

2:30 pm Break/Refreshments

2:45 pm Case Studies/Panelists:

1. Lake County: James Robbins, Fire Chief, Northshore Fire Protection District

2. El Dorado County: José C. Henríquez, Executive Officer, El Dorado LAFCo and Thomas Keating, Fire Chief, Rescue Fire Protection District, and President, El Dorado County Fire Chiefs Association

3. Humboldt County: George Williamson, AICP, Principal Planner, Planwest Partners, Inc.

4. Monterey Peninsula: Sam Mazza, Fire Chief, City of Monterey

5. Sonoma County: Doug Williams, Fire Chief, Rincon Valley Fire Protection District and James Hill, Fire Associate at Citygate Associates LLP and Director, Cloverdale Fire Protection District

6. Other Case Studies: Marjorie Blom, Executive Officer, Stanislaus LAFCo

4:00 pm Special Issues and Topics

An Interactive Discussion Led by Dwane Milnes, General Government Principal at Citygate Associates LLP, Beginning with Audience Questions to the Presenters

4:50 pm Next Steps/Evaluation

5:00 pm Adjourn
Fire Service Challenges and Cooperative Solutions

Panel Members
13 April 2010

Facilitator

Marjorie Blom, Executive Officer, Stanislaus LAFCO

Panel Members

Paula de Sousa, Attorney at Best Best Krieger LLP
Stewart Gary, Fire Practice Principal of Citygate Associates LLP
José C. Henriquex, Executive Officer, El Dorado LAFCo
James Hill, Fire Associate at Citygate Associates LLP and Director, Cloverdale Fire Protection District
Thomas Keating, Fire Chief, Rescue Fire Protection District and President, El Dorado County Fire Chiefs Association
Sam Mazza, Fire Chief, City of Monterey
Dwane Milnes, General Government Principal at Citygate Associates LLP
James Robbins, Fire Chief, Northshore Fire Protection District
Doug Williams, Fire Chief, Rincon Valley Fire Protection District
George Williamson, AICP, Principal Planner, Planwest Partners, Inc.

Coordinator

Kate McKenna, AICP, Executive Officer, Monterey LAFCo and Deputy Executive Officer, CALAFCO
Course Presenter Biographical Information

**Marjorie Blom**  
*Executive Officer, Stanislaus LAFCo*  
Marjorie Blom has worked for Stanislaus LAFCO for the past 9 years, the last 4 years as the Executive Officer. Marjorie previously worked in the community development field for over 12 years, where she worked for the Cities of Modesto, Newman, Oakdale (in Stanislaus County); and the City of Fort Worth, Texas. She also served as the Executive Director of Stanislaus County Affordable Housing Corporation (STANCO).

**Paula de Sousa**  
*Attorney at Best Best & Krieger LLP*  
Paula C. P. de Sousa is a Partner in the Special Districts Practice Group of Best Best & Krieger LLP, practicing in most areas of public agency representation, including the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Political Reform Act, Brown Act, and California Public Records Act. With regard to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Ms. de Sousa provides general and special counsel to LAFCOs throughout the state and regularly advises other public agency clients with respect to LAFCO-related issues. Ms. de Sousa advises the California Association of LAFCOs, assisting it in drafting legislation on CALAFCO's behalf and preparing CALAFCO "White Papers," utilized by LAFCOs throughout the state on issues related to changes in law impacting changes of organization and reorganizations. Ms. de Sousa is active in the San Diego community, both as a member of professional groups such as the San Diego County Bar Association, and the Lawyers Club, and through community service on the Board Development Committee of Susan G. Komen for the Cure, San Diego Affiliate. Ms. de Sousa graduated from the University of California, Santa Barbara with a degree in Political Science, and received her Law degree from the University of the Pacific, McGeorge School of Law, where she was a member of the Pacific Law Journal. She joined BB&K upon graduation from law school.

**Stewart Gary**  
*Fire Practice Principal of Citygate Associates LLP*  
Chief Gary is the Fire Practice Principal for Citygate Associates. Chief Gary is the recently retired Fire Chief of the Livermore-Pleasanton Fire Department in Alameda County, California. For the past fourteen years, he has been a lead instructor, program content developer and consultant for the Standards of Response Coverage process. For many years he annually taught a 40-hour course on this systems approach for fire deployment at the California Fire Academy and he teaches and consults across the United States and Canada on the Standards of Response Coverage process. Over the last nine years, he has performed organizational, consolidation and deployment studies on over 110 departments ranging in size from Minneapolis, Minnesota to San Jose, California, the Sacramento Metropolitan Fire District and the Santa Clarity Valley region in Los Angeles County. Currently he and the Citygate team are engaged with El Dorado and San Diego Counties looking at regional fire services re-organization. They have several active consolidation studies underway between cities and fire districts.
José C. Henríquez  
Executive Officer, El Dorado LAFCo  
José has served as the Executive Officer for the El Dorado County Local Agency Formation Commission since November 2005. José is also adjunct faculty for Sacramento City College. His career includes being a policy analyst for Yolo LAFCO and a project manager in the health care and telecommunications industries. Within the public sector, his experience has been a diverse one, including tackling the issues of affordable housing, agriculture protection, fire protection and water service. José earned a Bachelor of Arts degree in Political Science from California Polytechnic State University, San Luis Obispo and a Master’s in Public Policy and Administration from Sacramento State University. He is also an alumnus from the prestigious Jesse Marvin Unruh California State Assembly Fellowship Program. Currently José is on the Board of Directors for CASA El Dorado (Court Appointed Special Advocates) and on the Alumni Advisory Board for the Cal Poly Political Science Department. He lives in Folsom, California with his wife and a ridiculous amount of pets (in reality it is only four cats and two dogs, but the golden retriever makes it feel like there are more animals running around). His hobbies include scale model building, photography, hiking, reading, traveling and spending time with friends and family.

James Hill  
Fire Associate at Citygate Associates LLP and Director, Cloverdale Fire Protection District  
Mr. Hill has had a long career in the fire service beginning in 1964 with CAL FIRE in Humboldt County and retiring in 1998 from the U.S. Coast Guard Training Center in Petaluma, as a fire captain and training officer. He has a Bachelor of Science degree in Organizational Behavior from the University of San Francisco. Since his retirement, Mr. Hill has been a Fire Training Specialist for Sonoma County Department of Emergency Services, a fire science instructor for Santa Rosa Junior College and was Executive Director of the Fire Districts Association of California. He served on the board of the Forestville FPD for 11 years and later was elected to the Cloverdale FPD board and is now in his second term. Jim helped develop and write the Fire District Administration Handbook put out by the FDAC. He has delivered workshops and training in fire district governance and administration and facilitated team building for volunteer fire companies.

Thomas Keating  
Fire Chief, Rescue Fire Protection District and President, El Dorado County Fire Chiefs Association  
Thomas Keating is the Fire Chief for the Rescue Fire Protection District located in El Dorado County, a position he has held since April, 2006. Prior to accepting the position of Fire Chief, Chief Keating was employed by the City of Ceres as a Fire Captain and as a Battalion Chief for the Stanislaus Consolidated Fire Protection District. Since 2008, Chief Keating has served as the President of the El Dorado County Fire Chiefs Association and is the past Vice-Chairman of the El Dorado County Emergency Services Authority. In 2007, Chief Keating was appointed to the El Dorado County Fire Advisory Committee which advises the El Dorado County Board of Supervisors on Fire Service related issues. Chief Keating has an Associate's Degree in Fire Science and a Bachelor's Degree in Fire Administration. Chief Keating is married with five children and seven grandchildren and resides in Rescue, California.
Sam Mazza
Fire Chief, City of Monterey
Sam Mazza has been the Fire Chief for the City of Monterey since February 2006. Prior to that, Chief Mazza spent 32 years with the California Department of Forestry and Fire Protection (CalFIRE), where he was assigned to the Tulare and Fresno-Kings administrative units before moving to Monterey County as a Battalion Chief in 1991. He was assigned to the Monterey Peninsula as both a Battalion Chief and Division Chief before being promoted to Unit Chief in 2003. As Unit Chief, he was responsible for all CDF programs and operations within Monterey and San Benito Counties, including administration of the CDF contracts with Aromas, Cypress, Carmel Highlands, and South Monterey County Fire Protection Districts; the Pebble Beach Community Services District, and the San Benito County Fire Department. Chief Mazza has also served as the California Office of Emergency Services Fire and Rescue Coordinator for the Monterey County Operational Area, with responsibility for coordinating all Monterey County fire and rescue resources under the state Disaster and Mutual Aid Plans. He is a past president of the Monterey County Fire Chiefs Association, and a past Director for the Fire Agency Insurance Risk Authority (FAIRA). He is also a candidate for FEMA Executive Fire Officer Certification, and a volunteer with Lucille Packard Children’s Hospital in Palo Alto. Chief Mazza holds an Associate of Science degree in Fire Science from Fresno City College, and a Bachelor of Arts degree in Psychology from California State University Fresno. His family resides in Salinas.

Dwane Milnes
General Government Principal at Citygate Associates LLP
Dr. Milnes is the General Government Principal with Citygate Associates. Dr. Milnes has extensive experience in local government management having served as City Manager or Assistant City Manager for 24 years. He retired as the City Manager of Stockton, CA where he supervised an ISO Class 1 Fire Department. He earned a doctorate in Public Administration from the University of Southern California. His particular expertise is budgeting, fiscal analysis and intergovernmental relations. Dr. Milnes is a member of the International City Management Association and the American Society for Public Administration. He has worked with Chief Gary on a number of fire service organizational, consolidation and master plan studies.

James Robbins
Fire Chief, Northshore Fire Protection District
Chief Robbins started as a volunteer at the age of 16 years old in 1967 with Lucerne Fire Department. He worked his way through the ranks and was elected fire chief in 1973 and held that position until 2003. He then became fire chief of the Northshore Joint Power Authority. This authority was formed to consolidate the four north shore fire districts into one, over a three year period. They included from west to east Upper Lake Fire, Nice Fire, Lucerne Fire and Clearlake Oaks Fire. This project was completed November 8th, 2006. As head of the Northshore Fire Protection District, Chief Robbins is very proud of his staff of men and women he serves with that stuck out this long process. One of the quotes he used all through the consolidation was from Henry Ford: "Coming together is a beginning, keeping together is progress, working together is a success." Chief Robbins is very proud of all of the good people he’s had a chance to work with both volunteers and paid through the years that are in the fire service all over California. He is joined by his wife Leah who is also in the fire service and his three sons Jim, Brian and Michael. Jim Jr. and Brian both work for Cal-Fire and Michael works for the City of Mountainview Fire Department. Quite the family plan! He would
not let us forget his five very special Grandchildren Tif, Tay, Brody, JD and Cole Robbins. Chief Robbins enjoys fishing at the coast with his dad and sons when they get a chance or hunting somewhere around the lake, or just a good BBQ with friends and family. Oh! Don't forget a good game of golf and he's never passed up a good card game.

Doug Williams
Fire Chief, Rincon Valley Fire Protection District

Doug Williams is the Fire Chief of the Rincon Valley Fire Protection District, a position he has held since 1996, and prior to that was the District's Assistant Fire Chief/Fire Marshal for 11 years. Prior to joining the district, Chief Williams worked as an Industrial Engineer, and as a consultant to the Glen Ellen and Kenwood Fire Protection Districts. Chief Williams earned his Bachelor of Science in Industrial Engineering from the California Polytechnic State University, San Luis Obispo, in 1979 and an Associates of Science in Fire Science from the Santa Rosa Junior College in 1976. He has attended courses for California State Fire Marshal, Emergency Medical Technician, Uniform Fire Code Training, NFPA 13 Training, Hazardous Materials Training, and Various ICS Courses. He has also been the Instructor for Fire Protection Systems and Devices. He is affiliated with several organizations including: Member and Past President of the Sonoma County Fire Chiefs and Fire Prevention Associations; Vice Chair of Santa Rosa JC Fire Advisory Committee; Member and FPO Section Chief of the California Fire Chiefs Association; Member, Institute of Industrial Engineers; Director and Past President, Mark West Area Chamber of Commerce; Member, International Association of Fire Chiefs; Past President, Redwood Empire Association of Code Officials; Member and Past Chair, Cal Chiefs/CALBO Fire Advisory Committee; Past Council Member, International Fire Code Council; California Vice President – Western Fire Chiefs Association; Past President, Sonoma County Fire Districts Association; and Treasurer, West Camp of Gideons International. In 2002, Chief Williams was recognized as “Fire Official of the Year” by CALBO, and in 2004 he received the Charles H. Gray Award from Nor Cal Fire Prevention Officers. Chief Williams is a native of Sonoma County and lives there with his wife Jodie and son Johnathan. As an added note, Chief Williams’ Great-Great Grandfather, J.M. Williams, was the first Mayor of Santa Rosa.

George Williamson, AICP
Principal Planner, Planwest Partners, Inc.

George Williamson AICP, is Principal Planner and owner of Planwest Partners Inc., a community, environmental and economic planning consulting firm that specializes in providing services to agencies and districts in northern California. George currently serves as Executive Officer for both Humboldt and Del Norte LAFCos. Prior to starting Planwest in 1997, George worked as a public agency and private-sector planner for more than twenty years in California, Oregon, Washington, and Arizona. He is a twenty-year member of the American Institute of Certified Planners (AICP). His education includes a Master's Degree in City Planning (1988) from San Diego State University, and a Bachelor of Science with a Certificate in Urban Studies (1976) from Portland State University, Portland, Oregon.
CALAFCO U: Fire Service Challenges and Cooperative Solutions
Tuesday, April 13, 2010
Hyatt Vineyard Creek Hotel & Spa
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Fire Service Challenges and Cooperative Solutions

April 13, 2010
Santa Rosa

Welcome
Introductions
Overview of Course

Kate McKenna, AICP, Executive Officer, Monterey LAFCo and Deputy Executive Officer, CALAFCO
Marjorie Blom, Executive Officer, Stanislaus LAFCo

Practical Considerations from Feasibility to Implementation

Stewart Gary, Fire Practice Principal, Citygate Associates LLP
Key Questions

- Are there compelling reasons?
- Not all mergers save serious money
- Savings also are operational improvements
- If the parties are operationally co-dependent:
  - Is it most cost-effective for the parties to provide fire services in a partnership via either a full contract for service?
  - Or as a full merging of several agencies?

Key Questions

- How does each party continue to have input into service level and cost containment issues?
- Factor in political acceptance versus rationality
- Can the parties define what “control” is?
- Can a regional government provide “inducements” to encourage mergers:
  - Financing
  - Regional Dispatch support
  - On-going regional staff for coordination support
  - One time capital expense support

Five Major Steps of a Merger Study

1. Review fire agency services, future needs and costs
2. Identify fiscal condition of each partner
3. Assess forms of increased cooperation: annexation, consolidation, full or partial contract for service
4. Identify costs and savings of alternative arrangements
5. Review options and, if recommended, next steps
Study Components
Operational Review

- Review of both agencies’ master plans
- Identify existing deployment and map travel times to establish service levels
  - Stations
  - Staffing
  - Volunteers
  - Apparatus
- Identify risks and expectations
- Identify response statistics
- Analyze headquarters support service needs
  - Incident command
  - Fire prevention
  - Training

Study Components
Fiscal Review

- Detailed review of fire service costs
  - Minimum three years of actual expenditures and revenues
  - Annual Audited Statement
  - Long-Term Revenue Forecast including stability of revenue sources
- Apparatus
  - Number
  - Condition/age
  - Method of funding replacement
- Station condition and replacement cost liability

Study Components: Fiscal Review

- Labor agreement review
  - Comparison of provisions

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<th>District B</th>
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<td>Binding Arbitration</td>
<td>3% at 55 Retirement</td>
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<tr>
<td>3% at 50 Retirement</td>
<td>Higher Longevity</td>
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<tr>
<td>Paramedic Pay</td>
<td>Lower Educational Incentive</td>
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<td>Lower Longevity</td>
<td>Lower Medical Cost/Cap on Employer Contribution</td>
</tr>
<tr>
<td>Higher Educational Incentive</td>
<td>Employee pays 2% of PERS</td>
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<tr>
<td>Higher Medical Cost per Employee</td>
<td>Retiree Medical Liability Being Funded “Pay-as-you-go”</td>
</tr>
<tr>
<td>Being Fully Employee Funded</td>
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</tbody>
</table>

- 3% at 55 Retirement
- Higher Longevity
- Lower Educational Incentive
- Lower Medical Cost/Cap on Employer Contribution
- Employee pays 2% of PERS
- Retiree Medical Liability Being Funded “Pay-as-you-go”
Study Components
Fiscal Review

› Labor agreement review
  ◦ Salary and Benefit Cost comparison

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<tr>
<th></th>
<th>Fiscal Review</th>
<th>Labor Agreement Review</th>
<th>Benefit Comparison</th>
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<tr>
<td>Fiscal Review</td>
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<tr>
<td>Labor Agreement</td>
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<td>Benefit</td>
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<td>Comparison</td>
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<thead>
<tr>
<th>Annual Base Pay</th>
<th>FLSA</th>
<th>Longevity</th>
<th>Educational</th>
<th>Paramedic</th>
<th>Holiday</th>
<th>Clothing</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firefighter</td>
<td>51,600</td>
<td>1,382</td>
<td>1,548</td>
<td>3,745</td>
<td>320</td>
<td>58,595</td>
<td>24,157</td>
</tr>
<tr>
<td>PERS</td>
<td>3%@55</td>
<td>3%@50</td>
<td>WC</td>
<td>Medicare</td>
<td>Life Ins</td>
<td>Vision Ins</td>
<td>Dental Ins</td>
</tr>
<tr>
<td>Firefighter</td>
<td>3,767</td>
<td>845</td>
<td>96</td>
<td>1,186</td>
<td>14,568</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Study Components
Fiscal Review

› Retirement system provisions (CALPERS/37 Act County System)
  ◦ Unfunded liability
› Health system provisions and portability
› Retiree medical unfunded liability and method of payment (GASB 45)

Study Components: Fiscal Review

› Understanding the gap between current service, costs and master plan desired level of service
› Explore joint service delivery options—forms of cooperation
› Summary of overall fiscal standing
  ◦ Reserves—operating, apparatus and station replacement/repair
  ◦ Long-term revenue forecast
  ◦ Liabilities
  ◦ Comparison of pay and benefits to the market
Forms of Cooperation

Full Contract for Service

- One agency stops providing the service directly and contracts with a neighbor to provide the service at an annual cost
  - Management of employees is simplified under a single MOU and set of personnel rules
  - A single accounting system is maintained by District providing the service, avoiding duplication
  - One agency will no longer need to negotiate with Fire employees
  - Both agencies can adopt performance measures to gauge the delivery of services

Forms of Cooperation

Annexation or Consolidation of One Agency into Another Agency

- The boundaries of one agency are expanded to encompass the second agency
  - One agency no longer is fiscally responsible for fire services as regulations and needs change
  - Transfer of Property Tax allocation and possible extension of any special tax
  - There is a single layer of representation between the voters and the District Board, compared to a full contract for service or JPA arrangement that has an appointed governance committee

Forms of Cooperation

Annexation Rules

- The existing Fire District special tax could carry over and apply to property within the other agency—possibly creating zones of benefit
- For the ad valorem taxes, the tax sharing provisions apply requiring a tax sharing agreement accepted by LAFCO and the County that shifts sufficient revenue from the City to the District to pay for the extra District fire expenses after annexation
Forms of Cooperation
Stability and Governance Issues

- Annexation or Consolidation
  - Most stable long term
  - All residents and property subject to the same tax and fees
  - District Board is elected by residents of both the current District and the City

- Contract for Service
  - Governance Model requires Consensus Management, preferably with some form of JPA
  - Cost Sharing Formula must be fair and stable

Cost Sharing in Contract for Service Alternatives

- Cost share formulas that reflect all expenses and divide cost in proportion to workload and/or risks
- Typical formula components:
  - Assessed value
  - Population
  - Calls for service
  - Line firefighters on-duty per day
  - Number of fire stations

<table>
<thead>
<tr>
<th>Measures of Service</th>
<th>City or District A</th>
<th>City or District B</th>
<th>District B Share of the Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessed Value</td>
<td>$4,756,436,825</td>
<td>$2,416,374,432</td>
<td>33.8%</td>
</tr>
<tr>
<td>Population</td>
<td>21,500</td>
<td>7,532</td>
<td>25.9%</td>
</tr>
<tr>
<td>Calls for Service</td>
<td>1,259</td>
<td>762</td>
<td>37.7%</td>
</tr>
<tr>
<td>Line Staff on Duty</td>
<td>10</td>
<td>5</td>
<td>33.3%</td>
</tr>
<tr>
<td>Fire Stations</td>
<td>2</td>
<td>1</td>
<td>33.3%</td>
</tr>
<tr>
<td>Composite Measure</td>
<td></td>
<td></td>
<td>32.8%</td>
</tr>
</tbody>
</table>
### Cost of Alternatives

<table>
<thead>
<tr>
<th></th>
<th>Full Contract/JPA or Reinstate the Fire Department</th>
<th>Merge the City into the District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Taxes</td>
<td>3,794,136</td>
<td>3,794,136</td>
</tr>
<tr>
<td>Income from Fire</td>
<td>2,705,864</td>
<td>2,705,864</td>
</tr>
<tr>
<td>Ambulance Revenues</td>
<td>118,588</td>
<td>118,588</td>
</tr>
<tr>
<td>Special District Tax</td>
<td>560,000</td>
<td>560,000</td>
</tr>
<tr>
<td>All other revenues</td>
<td>7,500,000</td>
<td>7,500,000</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>14,118,588</td>
<td>14,118,588</td>
</tr>
<tr>
<td><strong>Expenses:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Department</td>
<td>2,854,925</td>
<td>2,854,925</td>
</tr>
<tr>
<td>All other Departments</td>
<td>11,294,136</td>
<td>11,294,136</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>14,149,051</td>
<td>14,149,051</td>
</tr>
<tr>
<td><strong>Fund Balance Impact</strong></td>
<td>(551,426)</td>
<td>(1,551,084)</td>
</tr>
</tbody>
</table>

### Two-Phased Study Process

**Phase I**
- Complete detailed analysis of “Study Components” at a level sufficient to make “fork in the road” policy choices
- Assess advantages and disadvantages of alternative organizations, including a single consolidated agency
- Recommend most feasible arrangement
- Suggest cost allocation and governance plans
- Outline technical steps to implement the preferred alternative
- Brief the partners to tailor the next phase

**Phase II**
- Provide additional detailed analysis of “Study Components” and implementation technical assistance as defined by the agencies following Phase I
- Consultant can provide as little or as much assistance as the agencies need
- It will depend upon the alternative(s) chosen by the agencies and your own capacity to implement desired choices
Factors for Sustaining Success

- Work the culture to one
- Educate, listen, educate some more
- Be willing to occasionally re-visit cost sharing formulas if in a contract for service
- Devise ways that those being served have input –
- Trapped parties who feel helpless will lash out irrationally, which leads to divorce
- This is more about relationships, than exact cost

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Phone: (916) 458–5100

Email: Stewart Gary – sgary@citygateassociates.com
Dwane Milnes – dmilnes@citygateassociates.com

www.citygateassociates.com

LAFCO PROCESS:

Cooperative Solutions and the Cortese–Knox–Hertzberg Local Government Reorganization Act of 2000, As Amended

Paula de Sousa
Attorney,
Best Best & Krieger LLP
Initiation by Petition

Landowner or voter signatures:
- District Consolidation – 5%
- District Dissolution – 10%
- District Annexation – 25%
- District Detachment – 25%
- District Formation – Principal Act

Initiation by Petition

Landowner or voter signatures:
- City annexation – 25%
- City-district merger – 5%
- Subsidiary district – 5%
- Reorganization: percent for each proposed change

Initiation by Resolution

Resolution from:
- Affected local agency
- County
- School District
- LAFCO
**Initiation by Resolution**

LAFCO-initiated proposals must be consistent with sphere of influence study, or municipal service review – and are limited to:
- District Consolidation
- District Dissolution
- District Formation
- Subsidiary District
- City/District Merger

**Initiation by Resolution**

A proposal to activate or divest a latent power must be initiated by the subject district.

**Mandatory Analysis**

- Certain factors *must* be considered when evaluating jurisdictional changes
  - Gov’t Code § 56668 (a through o)
- Local circumstances influence how factors are weighted
**Mandatory Analysis**

A plan for services ...
- *Must* provide information regarding the level, range, timing, financing, and necessary infrastructure

**Mandatory Analysis**

Proposal *must* be consistent with:
- Spheres of influence
- Service review
- Special studies

**Discretionary Analysis**

Reviews service needs relative to available resources
- Applicability of local policies
- Justification of proposed actions
- Boundary issues
- Special election requirements
Terms and Conditions

Are used to enforce approved actions:
› May impose broad range of conditions
› …but may not directly regulate land use

California Environmental Quality Act

A city, special district, the county, or LAFCO, performing as “lead agency” must make a determination for actions that constitute a “project” under CEQA

California Environmental Quality Act

CEQA determination categories:
› Exempt
› Negative Declaration
› Environmental Impact Report (EIR)
Commission Responsibilities

- Conduct Public Hearing:
  - Receive written and oral protests and consider Executive Officer’s report and Plan for Providing Services

Commission Responsibilities

- Adopt resolution
  - Approving, conditionally approving, or disapproving a proposal … EXCEPT

Commission Responsibilities

…Commission shall approve a consolidation or reorganization of districts…if a majority of directors from each agency adopt substantially similar resolutions of application
**Commission as Conducting Authority**

- Conduct protest proceedings – where registered voters and landowners may protest LAFCO decisions
  - Based on the value of written protest, the Commission must take one of three actions

**Commission as Conducting Authority**

- Terminate proceedings if majority protest exists;
- Order the reorganization without an election if insufficient protest is filed;
- Order reorganization subject to an election – according to specific protest and election situations

**Protest and Election Inhabited**

EXAMPLE 1: LAFCO-initiated proposal involving; district dissolution and formation

PROTEST: Ten percent within any district in affected territory

ELECTION: Within entire proposal area
**Protest and Election Inhabited**

**EXAMPLE 2:** Non LAFCO-initiated proposal; no objection from affected districts

**PROTEST:** Twenty-five percent within entire proposal area

**ELECTION:** Within entire proposal area

**Protest and Election Inhabited**

**EXAMPLE 3:** Non LAFCO-initiated proposal; objection from any affected district

**PROTEST:** Twenty-five percent within any affected district

**ELECTION:** Within each district that filed valid protest

**Protest and Election Inhabited**

**EXAMPLE 4:** Non LAFCO-initiated proposal involving district dissolution and annexation

**PROTEST:** Twenty-five percent within any affected district

**ELECTION:** Within each district that filed valid protest
Protest and Election Inhabited

EXAMPLE 5: Activation of new or different service; OR divestiture of a service within all or part of a multi-service district
PROTEST: Twenty-five percent within affected territory
EXAMPLE: Within affected territory

Protest and Election Inhabited

Special Note:
If consolidation is involved – a majority of votes cast in each district must favor consolidation

Recordation and Completion

LAFCO actions are not effective until certain filings are made
Before the effective date, LAFCO staff must work closely with affected agencies to ensure a smooth transition of responsibilities
Technical Issues

- Are legal descriptions necessary for consolidation?
- What boundary descriptions are required by BOE and Assessor?
- Are legal descriptions necessary for latent power proposals?

Break and Refreshments

Case Studies
Case Study: Northshore Fire Protection District Consolidation, Lake County

James Robbins, Fire Chief, Northshore Fire Protection District

Process

- Step 1: JPA for 4 Agencies (2003), Including a 3-Year Plan
- Observations
Case Study: El Dorado County

José C. Henríquez, Executive Officer, El Dorado LAFCo and Thomas Keating, Fire Chief, Rescue Fire Protection District and President, El Dorado County Fire Chiefs Association

El Dorado County Fire Experience

14 Agencies total
- One city department
- One CWD
- Two CSDs
- 10 FPDs
EMS services - Funded by County and administered through two fire agency-anchored JPAs

Two existing agencies were the result of consolidations
- Diamond Springs-El Dorado FPD (1979)
- El Dorado County Fire (1991)
Two recent merger attempts failed:
- City of South Lake Tahoe Fire Department and Lake Valley FPD (2006)

In 1998 the County Board of Supervisors began the process of supporting fire protection districts:
- Eight districts were identified as receiving less than 13% of property taxes
- Aid to Fire provided monies from the County General Fund at a level sufficient to bring these eight districts to 13% of property taxes collected within the service area
- Due to the County’s fiscal situation, the program was terminated in July 2009

The 2006 LAFCO MSR found that, as a whole, fire suppression agencies provided adequate services to the residents of the county; however, fiscal issues bring into question the long-term viability of some districts.
In addition, the MSR identified that the key service boundary–related issue facing these agencies was the provision of service without receiving revenues to offset the cost of providing fire/medical services. Specifically, this issue comes in two varieties:
1) Areas outside of any fire agency, and
2) Service boundaries not matching current resources

Another consequence of the MSR was that the topic of consolidation arose, not only among the fire agencies but among other governmental entities
- The El Dorado County Board of Supervisors (2008 and 2009)

Cooperation vs Consolidation
- 1996, The El Dorado County Emergency Services Authority (JPA) was formed.
  - Provides ALS ambulance and dispatching services through a contract with El Dorado County and Cal–Fire.
  - Ten Member Agencies, with services provided by five “provider” agencies.
  - Originally the JPA Board consisted of Fire District Board Members. In 2007, the Fire Chiefs assumed Director responsibility.
Cooperation vs Consolidation

- In 1997, all ten “West Slope” Fire Districts approved a “Closest Resource” response model.
  - All calls for service are handled by the “closest” available resource based on location.
  - Single Source Dispatch through Cal-Fire with any contract changes approved by the JPA Board.
  - Local jurisdiction still determines the level of response to their area.

- Other Areas of Local Cooperation
  - Annual Regional Fire Academy.
  - All Fire Agencies adopted the same Fire Code amendments.
  - Received a regional grant for $1,000,000.00 for MDCs and Mapping Programs.
  - Shared Chief Officer coverage.

Future Loss of Funding

- Loss of County Funding would affect all County Fire Agencies
  - Total loss of $1,300,000.00 to eight of ten Fire Agencies.
  - “Closest Resource” Model would be ineffective.
  - Loss of ALS Engine Companies.
  - Some Agencies would lose all full-time staff.
  - Building Moratorium.
**Future Loss of Funding**

- **Citygate Study**
  - First study to be recognized by all parties as an “accurate picture of reality”
  - Found that the loss of Aid to Fire would have a detrimental effect on fire and EMS service countywide
  - Recommended continued County financial support in the short term while encouraging the fire districts and the County to work towards long term solutions
  - Workshop to be held in May 24, 2010 to discuss fire district-developed long term plan

**Case Study: Humboldt County**

George Williamson, AICP
Principal Planner
Planwest Partners, Inc.

**Overview**

- Status of Organization and Reorganization Efforts
  - Countywide
  - Southern Humboldt County
Issues

- Fire district organizations/reorganizations involving developed land outside fire-related district boundaries (issues of level of service, funding)
- Fire district annexations of areas outside the boundaries that are already served by the district (issues of level of service, funding)
- Fire district organizations/reorganizations involving volunteer fire departments associated with districts

Issues, Continued

- Fire district organizations/reorganizations involving fire companies in unincorporated towns established pursuant to Health and Safety Code Sections 14825–14860
- Fire district formation/annexations including developed timber land and agricultural preserves
- How LAFCOs can facilitate property tax negotiations with existing agencies to support fire district annexation/formation in the above areas

Case Study:
Monterey Peninsula Fire Merger

Sam Mazza,
Fire Chief,
City of Monterey
Case Study: Reorganization with the Bellevue Fire Protection District, Sonoma County

Doug Williams,
Fire Chief,
Rincon Valley Fire Protection District

[Map of Rincon Valley Fire Protection District]
History
- SRVFPD created in 1948
- Several annexations
- Bellevue FPD created in 1960s
- Both districts subject to detachments from city annexations
- Both districts completed major annexations in the early 1990s that created a contiguous boundary

Consolidation Talks Begin
- Bellevue FPD having some financial challenges
- Bellevue had a roster of seven full-time employees
- Rincon Valley had a roster of 13 full-time employees
- Rincon Valley had three stations
- Bellevue had one station
- Bellevue dealing with some major detachments due to city annexations

Mechanics of Reorganization Process
- Determined that Bellevue would be dissolved and territory annexed to Rincon Valley
- Both boards pass substantially similar resolutions
- Special LAFCO meeting held (in conjunction with the reorganization of Hessel and Twin Hills FPDs)
- Board of Supervisors was the conducting authority
- Documents recorded immediately
Implementation

- Bellevue board dissolved upon recording
- Size of Rincon Valley board increased from five to seven per LAFCO condition
- Rincon Valley board (with prescribed noticing) appointed two former Bellevue board members to the two new positions
- All former Bellevue employees became Rincon Valley employees with similar positions
- Former Bellevue chief became Rincon Valley battalion chief

Observations

- Meetings were held with affected parties prior to filing the LAFCO application
- Some employees did not agree with each step of the process
- Rank questions continued to be debated after the consolidation
- Bellevue salaries were generally lower and most transferred employees started at lower steps with higher pay
- New uniforms and badges were provided

Observations, Continued

- All assets changed title over a period of time
- Apparatus and personnel were not rotated initially
- Appropriate dispatch modifications were made (the agencies had a common dispatch center)
- Both agencies had associations that were merged
- Rincon Valley inherited a tax exchange agreement Bellevue had in place with the City of Santa Rosa
Case Study: Failed Merger Attempt in the Russian River Area of Sonoma County: Lessons Learned

James Hill,
Fire Associate, Citygate Associates, LLP
Director, Claverdale Fire Protection District

Agencies Involved

- Forestville Fire Protection District
  - 25 sq. miles; 6,000 population; 3 FT; 20 volunteers

- Guerneville Fire Protection District
  - 18 sq. miles; 4,500 population; 10 FT; 12 volunteers

- Monte Rio Fire Protection District
  - All volunteers
Background and Process

› 1998: Informal discussions
› Joint board meetings
› Committees formed
› RFP – Proposals received, study not done
› Merger attempt failed

Issues that Contributed to Failure, and Lessons Learned

› Lack of a shared vision
› Lack of political will
› Different demographic cultures
› Different relationships between full-time and volunteers
› Lack of communication with volunteers and community members

Lessons, Continued

› Differences in revenue
› Not having a consultant earlier in process
› Personalities of some board members and chief officers
› Hidden agendas
Other Case Studies

Marjorie Bloom, Executive Officer, Stanislaus LAFCo

Examples…
- Contra Costa LAFCo Municipal Services Review of Fire and Emergency Medical Services
- City of Stockton/County of San Joaquin Agreement on Revenue upon Detachment of Rural Fire Districts Upon Annexations to City
- City of Oakdale/Oakdale Fire Protection District Agreement for Joint Staffing and Apparatus
- Monterey–San Benito CAL FIRE Unit Cooperative Fire Protection Agreements and Integrated Regional Fire Delivery System
- San Miguel Consolidated Fire Protection District (San Diego County)

Special Issues and Topics: An Interactive Discussion between the Audience and Presenters

Led by Dwane Milnes, General Government Principal, Citygate Associates LLP
LAFCo Legal Process:
Course Materials


2. Glossary of Terms (Courtesy of CALAFCO University, Fire District Consolidation, 5 June 2009, San Diego LAFCo)

3. Sample LAFCo Terms and Conditions for Fire District Consolidation (Courtesy of CALAFCO University, Fire District Consolidation, 5 June 2009, San Diego LAFCo)
1. Course Outline: Cooperative Solutions and the Cortese–Knox–Hertzberg Act, 13 April 2010

(Course Outline is courtesy of CALAFCO University, Fire District Consolidation, 5 June 2009, San Diego LAFCo)
PART II: LAFCO PROCESS: PROCEDURAL AND LEGAL ISSUES

A. Initiation

Introduction: There is no best procedure to reorganize fire protection providers into more efficient jurisdictions. Depending upon local circumstances and desired outcome, reorganization may involve district consolidation; district annexation, district dissolution; city annexation, city/district merger; establishment of a subsidiary district; and divestiture of a single service function from a multi-function district. A proposal to create efficiencies could also involve forming a new special district or activating latent powers for fire protection services within an established district. A summary of the primary steps involved in these actions follow.

1. Consolidation, city or district annexation, dissolution, merger, establishment of a subsidiary district, district formation, or reorganization, may be initiated by:
   a. Petition: registered voter or landowner
      i. District consolidation: 5 percent
      ii. District dissolution: 10 percent
      iii. District annexation: 25 percent
      iv. District detachment: 25 percent
      v. City annexation: 5 percent
      vi. City/District merger: 5 percent
      vii. Establishment of a subsidiary district: 5 percent
   viii. District formation: signature requirement varies according to principal act for proposed district
   ix. Reorganization [any two or more changes of organization initiated in a single proposal (Govt.Code § 56073)]; signatures must comply with applicable signatures requirements for each proposed change of organization (Govt.Code § 56864.1)

b. Resolution: from affected local agency, county, school district, or LAFCO
   i. LAFCO initiated proposals must be consistent with a recommendation or conclusion from a sphere-of-influence study, special study, or municipal service review (Govt.Code § 56425, 56378 and 56430) and are limited to district consolidation, district dissolution, merger, establishment of a subsidiary district, or district formation
CO U R S E  O U T L I N E
Fire District Consolidation

ii. A proposal to provide new or different services through activation of latent powers or to divest a single service from a multi-service district may be initiated only by subject districts (Govt.Code § 566824.12)

B. Mandatory Areas of Analysis

Introduction: State statute requires that certain mandatory factors be considered when evaluating jurisdictional changes. Local conditions and circumstances play a significant role in the weight placed on these factors.

1. Factors that must be considered in review of a proposal (Govt. Code § 56688 (a through o)):
   a. Population and population density; land areas and land use; assessed valuation; topography, the likelihood of significant growth in the area, and in adjacent areas; the need for organized community services, the present cost and adequacy of governmental services in the area; the probable effect of the proposed action or alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas; conformity of proposal with commission policies; effect on agricultural lands; matters affecting the proposed boundaries; consistency with general plans and spheres of influence and comments from local agencies.
   ALSO, the ability of receiving entity to provide proposed services; timely availability of water supplies; effects on regional housing needs; information or comments from landowners and residents; information relating to existing land use designations; and extent to which the proposal will promote environmental justice. ("... fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and provision of public services.").

2. Plan for providing services (Govt. Code § 56653 (a, b))
   a. Description of level, range, timing, financing, and needed infrastructure for planned services; an indication of when those services can feasibly be extended to the affected territory; indication of any improvement or upgrading of structures, roads, facilities, etc., which the local agency would impose; and information concerning how those services will be financed

3. Review for consistency with relevant spheres-of-influence (Govt. Code § 56425); service review (Govt. Code § 56430); and special studies (Govt. Code § 56378)

C. Special areas of discretionary analysis—in accordance with local circumstances

Introduction: LAFCOs function in a unique quasi-legislative environment and must weigh community service needs against financial resources available to secure community services. Special areas of discretionary analysis cover applicability of local policies; justification of proposed actions; review of boundary issues and terms and conditions; special election requirements; and legal issues.

1. Review of applicability and consistency with local policies and procedures
2. Evaluation of overall justification, costs and benefits, effects on facilities, issues related to local agency personnel, such as wages, benefits, and salary equalization

3. Review of boundaries

4. Review of proposed terms and conditions

5. Analysis of specific election requirements

6. Legal Issues

D. Terms and Conditions

Introduction: Terms and conditions solidify, and in some cases, enforce actions approved by LAFCO. While terms and conditions cannot directly regulate land use, state statutes permit a broad range of allowable conditions that can be imposed.

1. **Govt. Code § 56886**: General authorization for LAFCO to impose terms and conditions on any change of organization or reorganization. Terms and conditions imposed under this section constitute the exclusive terms and conditions, notwithstanding the general provisions commencing with section 57300. **Note: None of the conditions authorized by 56886 may directly regulate land use, property development, or subdivision requirements.**

2. **Govt. Code § 56890**: Terms and conditions imposed under 56886 may be made applicable to improvements districts (ID).

3. **Govt. Code § 5687.5** Terms and conditions imposed under 56886 may be made applicable to cities or counties—except for indebtedness or liability that is subject to the requirements of an election, under the provisions of Section 18 of Article XVI of the California Constitution.

4. **Govt. Code § 57302**: General provisions regarding terms and conditions in 57300 et seq. apply if specific terms and conditions are not imposed under 56886.

5. **Govt. Code § 56815**: Imposes revenue neutrality provisions, which are applicable to subject agencies affected by incorporation.

6. **Govt. Code § 57135**: Applies to ballot questions that include terms and conditions. If any term or condition has the effect of imposing or increasing liability for payment of taxes, assessments, service charges, rentals, or rates, a brief summary of the purpose, nature and extent of liability must be provided in the ballot.

7. **Govt. Code § 57303**: If a determination is not made under 56886 regarding bonded indebtedness, the principal amount of bonded indebtedness shall not be affected by the change of organization.
8. Govt. Code § 55122: Pertains to enforceability of Section 55886 and effect on bondholders.

9. Govt. Code § 55855: Pertains to annexation of territory to a Fire Protection District and the affected territory is or is proposed to be all or part of a city. Contracts may be entered into to require that affected territory remains within the district for at least 10 years.


E. CEQA Compliance

Introduction: LAFCO must comply with provisions of the California Environmental Quality Act (CEQA). CEQA requires public agencies to assess the potential environmental impact of their actions. LAFCO is responsible for complying with CEQA when it considers an action that constitutes a "project" as defined by CEQA. These projects typically involve jurisdictional changes (e.g., district and city annexations, detachments, incorporations, etc.), and the adoption of or amendments to spheres of influence.

1. CEQA Determinations: One of the following environmental determinations must be made by either a city, a special district, the county, or LAFCO for actions that constitute a project under CEQA:
   a. Exemption: If the project is exempt from the provisions of CEQA, a Notice of Exemption will be prepared by the lead agency. If LAFCO is the lead agency, the Executive Officer will determine which projects are exempt. Some LAFCO activities may be exempt under various sections of the State CEQA Guidelines. These sections include: [Public Resources Code § 15061(b)(3), 15262, 15303, 15306, 15319(a), 15319(b), and 15320].
   b. Negative Declaration: A Negative Declaration (ND) will be prepared by the lead agency if an initial study finds that no significant impact will occur to the environment.
   c. Environmental Impact Report: If an initial Study reveals that significant impacts will occur, an Environmental Impact Report (EIR), which identifies mitigation measures and alternatives, is prepared and certified.

F. Commission responsibilities

Introduction: LAFCO responsibilities must be carried out in a manner that is based on public notification and consideration of facts that are presented. All commission actions need to be supported by evidence in light of the whole record pursuant to (Govt. Code § 56116). Furthermore, all LAFCO determinations are final and conclusive. Landowners or voters that oppose a LAFCO determination may protest a LAFCO decision and either cause the decision to be set aside via majority protest, or force the decision to an election.

1. Conduct public hearing:
COURSE OUTLINE
Fire District Consolidation

1. A public hearing to consider the completed Executive Officers Report will be scheduled [Govt. Code § 56666 (a)]

b. Notice of the hearing and the Executive Officer’s Report will be furnished to affected agencies, including the State Director of Forestry and Fire Protection if SRA lands are involved, persons designated in the application, and others according to [Govt. Code § 56661 and 56665]

c. At the hearing, the Commission shall hear and receive oral and written protests or evidence and consider the Executive Officer’s Report and plan for providing services [Govt. Code § 56666(b)]

2. Adopt resolution making determinations:

a. Not later than 35 days after the hearing, the Commission shall adopt determinations to:

   i. Approve, conditionally approve, or disapprove a proposal

      (a) Except the Commission shall approve or conditionally approve a consolidation or reorganization of districts that results in a single agency if a majority of the directors of each subject agency adopt substantially similar resolutions of application (Govt. Code § 56853)

      (b) If initiated by LAFCO—determinations of consistency with requirements for special studies, spheres-of-influence and municipal service reviews must be included (Govt. Code § 55378, 56425, and 56430)

      (c) If initiated by LAFCO—additional determinations are required to assess whether (1) public service costs are likely to be less or substantially similar to alternative means of providing services; and (2) proposed actions will promote public access and accountability [Govt. Code § 56881 (b)]

3. Conduct protest proceedings:

a. Affected landowners and registered voters may protest LAFCO decisions at a noticed protest hearing

   i. Protest proceedings for LAFCO-initiated proposals must be held in the affected territory (Govt. Code § 57008)

   ii. The Commission, as the Conducting Authority for protest proceedings, must adopt a resolution making findings regarding the value of written protest filed at the protest hearing and take one of three possible actions

      (a) Terminate proceedings if a majority protest exists (Govt. Code § 57078)

      (b) Order the reorganization without an election if insufficient protest is filed (Govt. Code § 56853 and 57081); or

      (c) Order the reorganization subject to confirmation by voters according to specific protest and election situations
COURSE OUTLINE
Fire District Consolidation

(1) Protest and election requirements are very complicated; great care should be taken to correctly implement appropriate provisions of C-K-H. The protest threshold for triggering an election—or determination of which electors will be qualified to vote can vary according how proposals are initiated and what actions are proposed.

The following examples apply to inhabited territory

**EXAMPLE ONE** LAFCO-initiated proposal: involves district dissolution and district formation
Protest 10% protest within any district in the affected territory (Govt. Code § 57113)
Election Held within entire proposal area (Govt. Code § 57113)

**EXAMPLE TWO** Non LAFCO-initiated proposals: no objection from affected districts
Protest 25% protest within entire proposal area [Govt. Code § 56854, 57081(b)(c)]
Election Held within entire proposal area (Govt. Code § 56854)

**EXAMPLE THREE** Non LAFCO-initiated proposals: objection from any affected district
Protest 25% protest within any affected district [Govt. Code § 56854, 57114(1)(2)(a)(b)]
Election Held within each district that filed valid protest [Govt. Code § 56114(b)]

**EXAMPLE FOUR** Non LAFCO-initiated proposals: involves district dissolution and annexation
Protest 25% protest within any affected district (Govt. Code § 57114)
Election Held within each district that filed valid protest (Govt. Code § 57114)

**EXAMPLE FIVE** (1) Activation of new or different services; or (2) divestiture of power to provide a service within all or part of a multi-service district
Protest 25% protest within the affected territory (Govt. Code § 57075)
Election Held within affected territory (Govt. Code § 57075)

**Special Note** For any example, which involves a consolidation: a majority of votes cast in each district must favor consolidation (Govt. Code § 57177.5)
COURSE OUTLINE
Fire District Consolidation

iii. Special Election Provisions

(a) When a reorganization includes annexation of inhabited territory and the assessed value of land within proposal equals one-half or more of the assessed value of land within the district, or the number of registered voters residing within the proposal territory equals one-half of the registered voters residing within the district; LAFCO may determine as a condition of approval, that the reorganization shall also be subject to an election—regardless of protest. Elections are held within the district to which annexation is proposed (Govt. Code § 56877).

(b) LAFCO may determine that any election to confirm an annexation or detachment from a district may be held (1) only within the territory ordered to be annexed or detached; or (2) Both within the territory order to be annexed or detached and within all or any part of the district which is outside the territory (Govt. Code § 56876).

G. Recordation and completion of proceedings

Introduction: LAFCO actions are not effective until certain filings are made. Prior to the effective date, it is necessary for LAFCO staff to work closely with affected agencies to ensure a smooth transition of responsibilities.

1. A change of organization is deemed completed upon execution of a certificate of completion (Govt. Code § 58102)

   a. Prior to issuing a certificate of completion, LAFCO staff needs to work closely with successor agency staff to ensure the agency is ready to assume additional responsibilities

H. Technical Issues

1. Are legal descriptions necessary for consolidation?

2. What boundary descriptions are required by the State Board of Equalization and county assessor?

3. Are legal descriptions necessary for latent power proposals?

4. Who is the contact at the State Board of Equalization?
2. Glossary of Terms

(Courtesy of CALAFCO University, Fire District Consolidation, 5 June 2009, San Diego LAFCo)
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Life Support (ALS)</td>
<td>See Emergency Medical Services.</td>
</tr>
<tr>
<td>Affected District</td>
<td>A special district, as defined by G.C. § 56036, that contains, or whose sphere of influence contains, any territory for which a reorganization or a change of organization is proposed or ordered (G.C. § 56013).</td>
</tr>
<tr>
<td>Affected Local Agency</td>
<td>Any local agency that contains, or would contain, or whose sphere of influence contains, any territory within any proposal or study to be reviewed by the commission (G.C. § 5601).</td>
</tr>
<tr>
<td>Affected Territory</td>
<td>Any territory for which a change of organization or reorganization is proposed or ordered (G.C. § 56015).</td>
</tr>
<tr>
<td>Amador Plan</td>
<td>A contract between a local government and the State to keep a CALFIRE facility staffed and ready for response during the non-fire season. The local government must reimburse CALFIRE for any added costs associated with this service (Public Resources Code § 4144). The Amador Plan maintains CALFIRE presence in the local community year-round; it does not transform the CALFIRE mission from wildland to structural fire protection, nor does it increase the level of service beyond CALFIRE's normal operation. Under the Amador Plan, contracted CALFIRE resources are still under State control and subject to redeployment in other locations; however, CALFIRE is obligated to backfill vacated Amador Plan stations as a priority (see Schedule A Program).</td>
</tr>
<tr>
<td>Assessment</td>
<td>Levies against real property, based on special benefit conferred upon the property. In 1996, Prop 218 introduced extensive substantive and procedural requirements for imposing new assessments, increasing existing assessments, and even for continuing some existing assessments (see Prop 218).</td>
</tr>
<tr>
<td>Automatic Aid</td>
<td>A contract agreement among local jurisdictions to automatically dispatch assistance to emergency incidents.</td>
</tr>
<tr>
<td>Basic Life Support (BLS)</td>
<td>See Emergency Medical Service</td>
</tr>
<tr>
<td>Battalion Chief</td>
<td>A supervising chief officer, who oversees a specific number of fire stations or emergency response unity.</td>
</tr>
<tr>
<td>Boundary Drop</td>
<td>An agreement among local jurisdictions to dispatch response to an incident from the nearest available emergency response unit without regard to jurisdictional boundaries.</td>
</tr>
</tbody>
</table>
## Glossary of Terms

**Fire District Consolidation**

<table>
<thead>
<tr>
<th>Term</th>
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</tr>
</thead>
<tbody>
<tr>
<td>California All Incident Reporting System (CAIRS)</td>
<td>A statewide emergency incident data program that collects, compiles, analyzes, and distributes statistical information reported by the California Fire Service. CAIRS information is integrated into the National Fire Incident Reporting System.</td>
</tr>
<tr>
<td>California Department of Forestry and Fire Prevention (CALFIRE)</td>
<td>CALFIRE is responsible for prevention and suppression of wildland fire in areas that the State declares State Responsibility Areas (SRA) and assumes financial responsibility (Public Resources Code 4000 et seq.). CALFIRE will respond to structure, vehicle, and other fires and urgent situations within SRAs—if CALFIRE resources are not otherwise engaged; nevertheless, CALFIRE’s statutory mission is wildland fire suppression and the agency has no obligation to respond to other emergencies. Public awareness of the limitations of the CDF function is emphasized in State Law, which requires every real property transfer within an SRA to disclose that property located within a wildland area may contain substantial risks and hazards...and shall also disclose that it is not the State’s responsibility to provide fire protection services to any building or structure located within wildlands (Public Resources Code § 4136).</td>
</tr>
<tr>
<td>California Division of Occupational Safety and Health (Cal/OSHA)</td>
<td>Cal/OSHA, under the California Department of Industrial Relations, protects workers and the public from safety hazards through its Cal/OSHA, elevator, amusement ride, aerial tramway, ski lift and pressure vessel programs, and provides consultative assistance to employers. <a href="http://www.dir.ca.gov/default.html">http://www.dir.ca.gov/default.html</a></td>
</tr>
<tr>
<td>Call Stacking</td>
<td>Two or more emergency calls dispatched either at the same time or while the engine company is committed to another incident.</td>
</tr>
<tr>
<td>Code 3</td>
<td>Traveling to an emergency incident location with lights and siren.</td>
</tr>
<tr>
<td>Community Emergency Response Team (CERT)</td>
<td>A Federal Emergency Management (FEMA) supported program that trains citizens to safely respond to disasters. The goal is to prepare communities for disasters and to help serve neighborhoods when emergency services are overwhelmed.</td>
</tr>
<tr>
<td>Company</td>
<td>Two or more firefighters organized as an emergency response team and equipped to perform certain operational functions.</td>
</tr>
</tbody>
</table>
Conducting Authority: The conducting authority is the commission of the principle county of the entity proposing a change of organization or reorganization, unless another conducting authority is specified by law (G.C. § 56029). If protest proceedings have not been waived by the commission, notice is given and a date is set for a public hearing where affected landowners and registered voters may protest the LAFCO decision. Written protests must be filed with the commission prior to the conclusion of the hearing and the commission, as conducting authority, must adopt a resolution making finding regarding the value of written protest. The value of written protest must be determined as described in G.C. § 56707, 56708, and 56710.

Containment: Fire spread minimized under prevailing conditions.

Control (under): Sufficient suppression action has been taken to ensure no further spread of the fire.

County Service Area (CSA): See Fire District

Dependent Special District: A special district whose board of directors is another legislative body such as a city council or board of supervisors (see independent special district).

Education Revenue Augmentation Fund (ERAF): In 1992-93 and 1993-94, as the State faced severe budget deficits, the Legislature shifted approximately $3.6 billion in property tax revenues away from counties, cities, special districts, and redevelopment agencies to schools. The property tax shift was a strategy to reduce demands upon the State General Fund. Constitutionally mandated levels of spending for schools are financed with local property taxes and State General Fund monies. The State provides General Fund revenues to school districts sufficient to close any gap between the amount of local property tax revenue and mandated levels of school spending. With the property tax shift, county auditors are required to deposit into a county-wide fund for schools—the Educational Revenue Augmentation Fund—portions of local property tax revenue, which had previously been allocated to non-school local agencies. ERAF monies are subsequently distributed to local schools, thereby offsetting the need for State aid. Shifting property tax revenues from local governments to schools did not affect the overall level of school funding; however, the State's General Fund obligation to schools was diminished.
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<th>Glossary of Terms</th>
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<tr>
<td>Emergency Medical Dispatch (EMD)</td>
<td>Certified individuals who provide pre-arrival assistance for the care of ill or injured persons. EMDs may need to give over-the-phone instructions to callers, prior to the arrival of emergency service professionals; for example, instructing in CPR, emergency child birth procedures, or stopping life-threatening bleeding.</td>
</tr>
<tr>
<td>Emergency Medical Services (EMS)</td>
<td>Emergency service that is dedicated to providing out-of-hospital acute medical care and/or transport to definitive care facilities. Training and certification of emergency medical personnel define the level of emergency medical assistance that is available within communities. Local agencies, as well as volunteer fire protection companies, can be authorized to provide medical assistance anywhere from basic first-aid to advanced life support.</td>
</tr>
<tr>
<td>Emergency Medical Technician (EMT)</td>
<td>Individuals trained in basic life support procedures and techniques and possessing an EMT-1 certificate.</td>
</tr>
<tr>
<td>Emergency Medical Technician - Paramedic (EMT-P)</td>
<td>An EMT with additional training in advanced life support (ALS) procedures and techniques and possessing an EMT-P certificate or license.</td>
</tr>
<tr>
<td>Exclusive Operating Area (EOA)</td>
<td>Health and Safety Code § 1797.224 requires the emergency medical services authority in each county to delineate a competitive process for awarding an exclusive operating area for emergency transport ambulance providers.</td>
</tr>
<tr>
<td>Fees</td>
<td>Fees can be imposed for a variety of services including issuing service availability letters and plan checks. The California Constitution defines fees as charges that do not exceed the reasonable cost for providing the regulation, product, or service for which fees are charged. Proposition 218 introduced procedural requirements on fees imposed as an incidence of property ownership.</td>
</tr>
<tr>
<td>Fire Captain</td>
<td>Fire officer in charge of a response unit or fire station.</td>
</tr>
</tbody>
</table>
### Glossary of Terms

#### Fire District Consolidation

<table>
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<tr>
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<tbody>
<tr>
<td><strong>Fire Flow</strong></td>
<td>The amount of water being pumped into a fire; or, the amount of water required to extinguish a hypothetical fire. Calculation of fire flow is critical in light of the axiom that an ordinary fire will not be extinguished unless there is sufficient water to remove the fire's heat.</td>
</tr>
<tr>
<td><strong>Fire Protection District Law</strong></td>
<td>See Fire District.</td>
</tr>
<tr>
<td><strong>Hazardous Materials (HAZMAT)</strong></td>
<td>Materials, including solids, liquids, or gases that may cause injury, death, or damage if released or triggered.</td>
</tr>
<tr>
<td><strong>Inhabited territory</strong></td>
<td>Territory where 12 or more registered voters reside (see uninhabited territory).</td>
</tr>
<tr>
<td><strong>Independent Special District</strong></td>
<td>A special district that has a directly elected board of directors or whose managers are appointed to fixed terms (see dependent special district).</td>
</tr>
<tr>
<td><strong>Initial Attack</strong></td>
<td>First point of attack on a fire where hose lines or fuel separation are used to prevent further extension of the fire.</td>
</tr>
<tr>
<td><strong>Insurance Service Office (ISO)</strong></td>
<td>The ISO supplies statistical, actuarial, and claims information to the nation's insurance industry concerning more than 45,000 fire protection districts. The ISO evaluates a community's public fire-protection capability and assigns a protection-class rating from 1 to 10. Insurance companies use the ISO information to determine risk and make decisions regarding availability of property insurance coverage. Before a community can receive an ISO classification, the community must have at least the following minimum facilities and practices: (1) The community must have a fire department and be organized permanently under applicable State or local laws; (2) The fire department must serve an area with definite boundaries; (3) The department must have sufficient membership to assure the response of at least four members to a structure fire; (4) At least two hours of training must be provided every two months; (5) A system must be in place that allows no delay in dispatch of firefighters and apparatus; and (6) The department must house apparatus to provide protection from the weather. If a community does not meet the minimum criteria, ISO will assign a Class 10 rating. <a href="http://www.isoriskassessment.com">www.isoriskassessment.com</a></td>
</tr>
<tr>
<td><strong>Interested Agency</strong></td>
<td>Each local agency which provides facilities or services in the affected territory that a subject agency would provide (G.C. § 56047.5).</td>
</tr>
</tbody>
</table>
# Glossary of Terms

## Fire District Consolidation

<table>
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<tr>
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<tbody>
<tr>
<td><strong>Local Responsibility Area (LRA)</strong></td>
<td>Land where the responsibility for fire protection lies with local governments. (see State Responsibility Area—SRA).</td>
</tr>
<tr>
<td><strong>Mello-Roos Community Facilities Act of 1982 (Mello-Roos)</strong></td>
<td>The 1982 Mello-Roos Community Facilities Act enables cities, counties, special districts and school districts to establish community facilities districts (CFD) and to levy special taxes to fund a wide variety of facilities and services. Under the Fire Protection District Law of 1987, fire protection districts are specifically authorized to finance any capital facility or pay for fire protection services a special tax under the Mello-Roos Act. A Mello-Roos allows fire protection agencies to issue bonds, backed by voter-approved special taxes. A Mello-Roos tax is not affected by the requirements of Prop 218; however, the Act has its own specific requirement for two-thirds voter approval (G. C. § 53311 et seq.).</td>
</tr>
<tr>
<td><strong>Mitigation Fees</strong></td>
<td>Typically, fees imposed by local code or ordinance that establish a fund for additional fire protection facilities and equipment, which is necessary to meet the increased demand created by new development.</td>
</tr>
<tr>
<td><strong>Mutual Aid</strong></td>
<td>An agreement among federal, state and all political subdivisions, to enter to collectively share resources to prevent and combat the effect of large scale emergencies and disasters, which may result from such incidents as flood, fire, earthquake, or other widespread threats of destruction to life and property.</td>
</tr>
<tr>
<td><strong>National Fire Protection Association (NFPA)</strong></td>
<td>The world’s leading advocate for fire prevention. In its role as a source of public safety information, NFPA develops and publishes more than 300 consensus codes and standards intended to minimize the likelihood and mitigate effects from fire and other risks.</td>
</tr>
<tr>
<td><strong>NFPA 1500</strong></td>
<td>Standard on Fire Department Occupational Safety and Health Program.</td>
</tr>
<tr>
<td><strong>NFPA 1720</strong></td>
<td>Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations and Special Operations to the Public by Volunteer Fire Departments.</td>
</tr>
</tbody>
</table>
OSHA—Occupational Health and Safety Administration

OSHA was created by Congress under the Occupational Safety and Health Act, which was signed by President Richard M. Nixon on December 29, 1970. OSHA's mission is to prevent work-related injuries, illnesses, and deaths. In 2005, there were 4.2 million occupational injuries and illnesses among U.S. employees. Approximately 4.6 of every 100 employees experienced a job-related injury or illness, and in 2006, 5,703 employees lost their lives on the job. [http://www.osha.gov/as/cpa/osha-faq.html](http://www.osha.gov/as/cpa/osha-faq.html)

Petition

A proposal for a change of organization or reorganization may be initiated by a petition of either landowners or registered voters, or in the case of a landowner-voter district, exclusively landowners. Petitions must conform to requirements of State Law concerning form, content, circulation, time limits, and certification (G.C. § 5600 et seq.).

Property Tax

All property is taxable unless determined otherwise by the California Constitution or Federal laws. Real property—that is—land and attached improvements and tangible personal property such as boats, portable machinery, and office equipment are subject to annual assessment and taxation. Also subject to annual taxation are: private possessory interest in publicly owned lands, for example, contractual use of U.S. Forest Service property for ski resort or cabins; and property owned by local governments but located outside their boundaries—if the property was subject to taxation when acquired by the local government.¹

The classification of property tax as either real or personal is significant because tax assessment procedures vary depending on the type of classification. The Legislature may exempt personal property from taxation or provide for differential taxation; the Legislature does not have this power over real property. In addition, personal property is not subject to the valuation limitations created by Proposition 13.


Proposition 13

Property tax limitation initiative, approved by voters on June 6, 1978. Prop. 13 fundamentally changed the manner in which property was assessed, taxes were levied, and property tax revenue was allocated to local governments. Prior to 1978, local governments in California could set property tax rates independent of the rates set by other local governments; property tax bills reflected the aggregate of each tax rate levied within the TRA where property was located. Prop. 13 limited the aggregate property tax rate to a constitutional maximum of one percent of assessed value and assigned responsibility for allocating property tax revenue to the State.
GLOSSARY OF TERMS
Fire District Consolidation

Proposition 172—Local Public Safety Protection and Improvement Act of 1993
Prop. 172 placed an additional one-half percent state Sales and Use Tax rate in the State Constitution effective January 1, 1994. Revenues from the additional tax are be used exclusively for local public safety activities, including police and sheriff departments, fire protection, county district attorneys, county probation and county jail operations. Counties are eligible to participate if boards of supervisors adopted a resolution in support of the measure by August 1, 1993, or alternatively, if a majority of voters have approved the measure.

Revenue from the one-half percent tax is intended to offset part of the revenue loss that cities and counties experienced from a shift of property tax to schools. Implementing legislation provides specific criteria for how the revenues will be allocated to cities and counties. Briefly, funds are deposited to a Public Safety Augmentation Fund in each county and distributed to eligible cities that provide public safety, based on the amount of revenues that each city shifted to the ERAF. Monies not distributed to cities are allocated to the county.

Proposition 218
The Right to Vote on Taxes Act is a constitutional amendment passed by voters in 1996. Prop. 218 requires voter approval prior to imposition or increase of general taxes, special taxes, assessments, and certain user fees. Section 4, Article XIII A of the California Constitution authorizes cities, counties, and special districts to impose non-ad valorem special taxes with a two-thirds approval of the electors. After property tax, special taxes are the principal revenue source for funding fire protection operations. Through a series of court cases, the California Supreme Court found all taxes levied by special purpose districts to be special taxes—even if proceeds are used for general purposes. Accordingly, the primary alternative, which fire protection districts can use to generate revenue, requires two-thirds approval of voters. The two-thirds requirement was reinforced in 1986 by Prop. 62 and again in 1996 by Prop. 218.

Protest
LAFCO decisions may be subject to a landowner or registered voter protest. If protest proceedings are not waived by LAFCO, the commission gives notice and sets the proposal for hearing. The Conducting Authority hears the proposal at the noticed time and determines the value of written protests as described by G.C. § 56707, 56708, and 56710. The Conducting Authority must either: (1) order the change; (2) order the change subject to an election; or (3) terminate proceedings, depending upon the value of written protest that is received.
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<tr>
<th>Glossary of Terms</th>
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</thead>
<tbody>
<tr>
<td>Resolution of Application</td>
<td>A proposal for a change of organization or a reorganization may be made by the adoption of a resolution of application by the legislative body of an affected local agency; EXCEPT that a proposal for a change of organization that involves the exercise of new or different functions or classes of services, within all or part of the jurisdictional boundaries of a special district, shall only be initiated by the legislative body of that special district [G.C. § 56654 (a),(b)].</td>
</tr>
<tr>
<td>Schedule A Program</td>
<td>The Schedule A Program provides full service fire protection at facilities typically owned by the contracting local agency. CALFIRE will staff engines, truck companies, paramedic units, hazardous materials units, etc. as stipulated by the contractor. Stations and equipment are owned by the contracting agency; CALFIRE provides staffing. Under a Schedule A Program, CALFIRE resources become tied to the contracting agency and are not subject to redeployment around the State to respond to incidents in other locations. All costs for providing these services are reimbursed to CALFIRE by the local agency, including an administrative overhead rate to cover indirect costs associated with the contract (Public Resources Code § 4142) (see Amador Plan).</td>
</tr>
<tr>
<td>Special District Consolidation</td>
<td>The uniting or joining of two or more districts into a single new successor district (G.C. § 56030). Consolidating districts do not need to be formed under the same principal act [G.C. § 560700(b)]. If a majority of the members of each of the governing bodies of two or more districts adopt substantially similar resolutions of application for a consolidation, LAFCO shall approve, or conditionally approve, the proposed consolidation (G.C. § 56853).</td>
</tr>
<tr>
<td>Special District—Dependent</td>
<td>A local government formed under general law or special act that has a board of directors, which is another legislative body, such as a city council or board of supervisors.</td>
</tr>
<tr>
<td>Special District—Independent</td>
<td>A local governmental agency formed under general law or special act that has a directly elected board of directors.</td>
</tr>
<tr>
<td>Special District—Merger</td>
<td>Extinguishment, termination, and cessation of the existence of a district of limited powers by the merger of such a district with a city (G.C. § 56056). In a merger, the territory of a district must be included entirely within the boundaries of a city (G.C. § 57104).</td>
</tr>
<tr>
<td>Special Tax</td>
<td>After the property tax, special taxes are the principal revenue source for funding fire protection operations. Section 4, Article XIII A of the California Constitution authorizes cities, counties, and special districts</td>
</tr>
</tbody>
</table>
to impose non-ad valorem special taxes with a two-thirds approval of the electors. Through a series of court cases, the California Supreme Court found all taxes levied by special districts to be special taxes—even if proceeds are used for general purposes. Accordingly, the primary alternative that fire protection districts can use to generate revenue requires two-thirds approval of the voters. The two-thirds requirement was reinforced in 1986 by Prop. 62 (a statutory initiative intended to close Prop. 13 loopholes) and again in 1996, by Prop. 218, the Right to Vote on Taxes Act.

**Sphere-of-Influence (SOI)**

State Law requires LAFCOs to develop a sphere-of-influence (SOI) for cities and special districts. Spheres represent a plan for the probable physical boundary and service area of a local agency (G.C. § 56076). LAFCOs shall, as necessary, review and update each sphere every five years. 56425(g).

**State Mutual Aid Program**

See Mutual Aid

**State Responsibility Area (SRA)**

Approximately 31 million acres where the State through the California Department of Forestry and Fire Protection (CALFIRE) is responsible for wildland firefighting. SRA lands are primarily privately-owned woodland, rangeland, and watersheds (Public Resources Code § 4126). Lands owned by the federal government or incorporated within city limits are excluded from SRA. Additionally, if the housing density is greater than three units per acre, the Board of Forestry generally removes these lands from SRA to local responsibility area (LRA) and local governments become responsible for fire protection (Public Resources Code 4127).

**Strike Team**

A group of five similar fire apparatus commanded by a chief officer (strike team leader). The strike team operates with a focused goal in a large fire situation. The term is commonly used for structure protection teams during wildland fire operations.

**Subsidiary District**

A district of limited powers for which a city council is designated as the ex-officio board of directors of the district. At least 70 percent of district territory and 70 percent of the district’s registered voters must be within the city limits for a district to become a subsidiary district.
Glossary of Terms
Fire District Consolidation

Tax Rate Area (TRA) To facilitate compilation of county tax rolls, geographic areas that contain specific combinations of public agencies are grouped together as Tax Rate Areas. Individual jurisdictions generally contain multiple TRAs to reflect the different combinations of public services provided to various areas within each jurisdiction. Property taxes generated within each TRA are allocated to the public agencies within the TRA according to formulas contained in State Law.

Truck Company (ladder company) A group of firefighters who are assigned to a fire apparatus that has a large fixed ladder or a platform of 75-feet or more and also carries a large number of ground ladders and other specialized equipment to perform rescue, ventilation, and other specialized functions at an emergency scene.

Two-in / Two-Out Standard fire ground safety tactic of having one team of two firefighters enter a hazard zone, while at least two others stand by outside in case the first two need to be rescued.

Type I Engine Engine company with a standard complement of components and equipment and with a minimum of 1000 gallons-per-minute (GPM) pump and 400 gallon water tank.

Type II Engine Engine company with a standard complement of components and equipment and with a minimum of 500 gallons-per-minute (GPM) pump and 400 gallon water tank.

Type III Engine Engine company with a standard complement of components and equipment and with a minimum of 120 gallons-per-minute (GPM) pump and 300 gallon water tank.

Uninhabited Territory Territory which contains less than 12 registered voters (see inhabited territory).

Volunteer Fire Company Volunteer companies are autonomous private organizations authorized to adopt bylaws and elect officers according to State Health and Safety Codes. Volunteer companies are not public agencies and State Law for dissolving or consolidating special districts do not extend to private organizations. Many volunteer operations incorporate as 501(C)(3) non-profit organizations and title to volunteer assets are held by the corporation.

The term volunteer refers to citizens who provide unpaid services to volunteer fire organizations; volunteers may be community residents or may commute from other areas. Reserves are temporary community residents who work as unpaid or partially-paid volunteers.
Glossary of Terms

Fire District Consolidation

in order to receive the training and experience needed to qualify for paid fire positions at career fire protection agencies.

Wildland-Urban Interface (WUI) A classification, line, area, or zone where structures and other human occupations meet or intermingle with undeveloped wildland or unmodified vegetative fuels. The expansion of WUI in recent decades has significant implications for wildfire management and impact.
3. Sample LAFCo Terms and Conditions
   For Fire District Consolidation

   (Courtesy of CALAFCO University, Fire District Consolidation, 5 June 2009, San Diego LAFCo)
§ 56122. Enforcement of terms and conditions

Section 56886 and any term and condition provided by, or made pursuant to, that section shall be enforceable by, between, among, and against any public agency or agencies designated in the term and condition, but shall not constitute, or be given effect as, a limitation upon the power of any bondholder or other creditor to enforce his or her rights, particularly any rights provided for by Part 5 (commencing with Section 57300), as if Section 56886 had not been enacted or the term and condition had not been made or provided pursuant to that section.

§ 56815. Approval of proposals

(a) It is the intent of the Legislature that any proposal that includes an incorporation should result in a similar exchange of both revenue and responsibility for service delivery among the county, the proposed city, and other subject agencies. It is the further intent of the Legislature that an incorporation should not occur primarily for financial reasons.

(b) The commission shall not approve a proposal that includes an incorporation unless it finds that the following two quantities are substantially equal:

(1) Revenues currently received by the local agency transferring the affected territory that, but for the operation of this section, would accrue to the local agency receiving the affected territory.

(2) Expenditures, including direct and indirect expenditures, currently made by the local agency transferring the affected territory for those services that will be assumed by the local agency receiving the affected territory.

(c) Notwithstanding subdivision (b), the commission may approve a proposal that includes an incorporation if it finds either of the following:

(1) The county and all of the subject agencies agree to the proposed transfer.

(2) The negative fiscal effect has been adequately mitigated by tax sharing agreements, lump-sum payments, payments over a fixed period of time, or any other terms and conditions pursuant to Section 56886.

(d) Nothing in this section is intended to change the distribution of growth on the revenues within the affected territory unless otherwise provided in the agreement or agreements specified in paragraph (2) of subdivision (c).

(e) Any terms and conditions that mitigate the negative fiscal effect of a proposal that contains an incorporation shall be included in the commission resolution making determinations adopted pursuant to Section 56880 and the terms and conditions specified in the questions pursuant to Section 57134.

§ 56855. Annexation to fire district

(a) This section shall apply to any proposal which contains the annexation of territory to a fire protection district which is organized pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code, and the affected territory is or is proposed to be all or part of a city which is within the fire protection district.

(b) Prior to the adoption by the local agency formation commission of a resolution making determinations, the district may request and the commission shall impose, as a term and condition, a requirement that the legislative body of the city shall enter into a contract with the district. The contract shall require:

(1) That the affected territory shall remain part of the district for a period of at least 10 years.

(2) That the city shall pay the cost of services provided by the district. This payment shall be in amounts and on terms specified in the contract.

(3) Any other conditions to which the city and the district mutually agree.
CALAFCO University: Fire District Consolidation
Handout on LAFCO Terms and Conditions
(Government Code section 56000 et seq.)

§ 56885.5. Conditional approval factors

(a) In any commission order giving approval to any change of organization or reorganization, the commission may make that approval conditional upon any of the following factors:

(1) Any of the conditions set forth in Section 56886.

(2) The initiation, conduct, or completion of proceedings for another change of organization or a reorganization.

(3) The approval or disapproval, with or without election, as may be provided by this division, of any resolution or ordinance ordering that change of organization or reorganization.

(4) With respect to any commission determination to approve the disincorporation of a city, the dissolution of a district, or the reorganization or consolidation of agencies which results in the dissolution of one or more districts or the disincorporation of one or more cities, a condition prohibiting an agency being dissolved from taking any of the following actions, unless it first finds that an emergency situation exists as defined in Section 54956.5:

   (A) Approving any increase in compensation or benefits for members of the governing board, its officers, or the executive officer of the agency.

   (B) Appropriating, encumbering, expending, or otherwise obligating, any revenue of the agency beyond that provided in the current budget at the time the dissolution is approved by the commission.

(b) If the commission so conditions its approval, the commission may order that any further action pursuant to this division be continued and held in abeyance for the period of time designated by the commission, not to exceed six months from the date of that conditional approval.

(c) The commission order may also provide that any election called upon any change of organization or reorganization shall be called, held, and conducted before, upon the same date as, or after the date of any election to be called, held, and conducted upon any other change of organization or reorganization.

(d) The commission order may also provide that in any election at which the questions of annexation and district reorganization or incorporation and district reorganization are to be considered at the same time, there shall be a single question appearing on the ballot upon the issues of annexation and district reorganization or incorporation and district reorganization.

§ 56886. Terms and conditions

Any change of organization or reorganization may provide for, or be made subject to one or more of, the following terms and conditions. If a change of organization or reorganization is made subject to one or more of the following terms and conditions in the commission’s resolution making determinations, the terms and conditions imposed shall constitute the exclusive terms and conditions for the change of organization or reorganization, notwithstanding the general provisions of Part 5 (commencing with Section 57300). However, none of the following terms and conditions shall directly regulate land use, property development, or subdivision requirements:

(a) The payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of any city, county, or district.

(b) The levying or fixing and the collection of any of the following, for the purpose of providing for any payment required pursuant to subdivision (a):

   (1) Special, extraordinary, or additional taxes or assessments.

   (2) Special, extraordinary, or additional service charges, rentals, or rates.

   (3) Both taxes or assessments and service charges, rentals, or rates.

(c) The imposition, exemption, transfer, division, or apportionment, as among any affected cities, affected counties, affected districts, and affected territory of liability for payment of all or any part of principal, interest, and any other amounts which shall become due on account of all or any part of any outstanding or then authorized but thereafter
issued bonds, including revenue bonds, or other contracts or obligations of any city, county, district, or any improvement district within a local agency, and the levying or fixing and the collection of any (1) taxes or assessments, or (2) service charges, rentals, or rates, or (3) both taxes or assessments and service charges, rentals, or rates, in the same manner as provided in the original authorization of the bonds and in the amount necessary to provide for that payment.

(d) If, as a result of any term or condition made pursuant to subdivision (c), the liability of any affected city, affected county, or affected district for payment of the principal of any bonded indebtedness is increased or decreased, the term and condition may specify the amount, if any, of that increase or decrease which shall be included in, or excluded from, the outstanding bonded indebtedness of that entity for the purpose of the application of any statute or charter provision imposing a limitation upon the principal amount of outstanding bonded indebtedness of the entity.

(e) The formation of a new improvement district or districts or the annexation or detachment of territory to, or from, any existing improvement district or districts.

(f) The incurring of new indebtedness or liability by, or on behalf of, all or any part of any local agency, including territory being annexed to any local agency, or of any existing or proposed new improvement district within that local agency. The new indebtedness may be the obligation solely of territory to be annexed if the local agency has the authority to establish zones for incurring indebtedness. The indebtedness or liability shall be incurred substantially in accordance with the laws otherwise applicable to the local agency.

(g) The issuance and sale of any bonds, including authorized but unissued bonds of a local agency, either by that local agency or by a local agency designated as the successor to any local agency which is extinguished as a result of any change of organization or reorganization.

(h) The acquisition, improvement, disposition, sale, transfer, or division of any property, real or personal.

(i) The disposition, transfer, or division of any moneys or funds, including cash on hand and moneys due but uncollected, and any other obligations.

(j) The fixing and establishment of priorities of use, or right of use, of water, or capacity rights in any public improvements or facilities or any other property, real or personal. However, none of the terms and conditions ordered pursuant to this subdivision shall modify priorities of use, or right of use, to water, or capacity rights in any public improvements or facilities that have been fixed and established by a court or an order of the State Water Resources Control Board.

(k) The establishment, continuation, or termination of any office, department, or board, or the transfer, combining, consolidation, or separation of any offices, departments, or boards, or any of the functions of those offices, departments, or boards, if, and to the extent that, any of those matters is authorized by the principal act.

(l) The employment, transfer, or discharge of employees, the continuation, modification, or termination of existing employment contracts, civil service rights, seniority rights, retirement rights, and other employee benefits and rights.

(m) The designation of a city, county, or district, as the successor to any local agency that is extinguished as a result of any change of organization or reorganization, for the purpose of succeeding to all of the rights, duties, and obligations of the extinguished local agency with respect to enforcement, performance, or payment of any outstanding bonds, including revenue bonds, or other contracts and obligations of the extinguished local agency.

(n) The designation of (1) the method for the selection of members of the legislative body of a district or (2) the number of those members, or (3) both, where the proceedings are for a consolidation, or a reorganization providing for a consolidation or formation of a new district and the principal act provides for alternative methods of that selection or for varying numbers of those members, or both.

(o) The initiation, conduct, or completion of proceedings on a proposal made under, and pursuant to, this division.

(p) The fixing of the effective date or dates of any change of organization, subject to the limitations of Section 57202.

(q) Any terms and conditions authorized or required by the principal act with respect to any change of organization.

(r) The continuation or provision of any service provided at that time, or previously authorized to be provided by an official act of the local agency.
CALAFCO University: Fire District Consolidation
Handout on LAFCO Terms and Conditions
(Government Code section 56000 et seq.)

(s) The levying of assessments, including the imposition of a fee pursuant to Section 50029 or 66484.3 or the approval by the voters of general or special taxes. For the purposes of this section, imposition of a fee as a condition of the issuance of a building permit does not constitute direct regulation of land use, property development, or subdivision requirements.

(t) The extension or continuation of any previously authorized charge, fee, assessment, or tax by the local agency or a successor local agency in the affected territory.

(u) The transfer of authority and responsibility among any affected cities, affected counties, and affected districts for the administration of special tax and special assessment districts, including, but not limited to, the levying and collecting of special taxes and special assessments, including the determination of the annual special tax rate within authorized limits; the management of redemption, reserve, special reserve, and construction funds; the issuance of bonds which are authorized but not yet issued at the time of the transfer, including not yet issued portions or phases of bonds which are authorized; supervision of construction paid for with bond or special tax or assessment proceeds; administration of agreements to acquire public facilities and reimburse advances made to the district; and all other rights and responsibilities with respect to the levies, bonds, funds, and use of proceeds that would have applied to the local agency that created the special tax or special assessment district.

(v) Any other matters necessary or incidental to any of the terms and conditions specified in this section. If a change of organization, reorganization, or special reorganization provides for, or is made subject to one or more of, the terms and conditions specified in this section, those terms and conditions shall be deemed to be the exclusive terms and conditions for the change of organization, reorganization, or special reorganization, and shall control over any general provisions of Part 5 (commencing with Section 57300).

§ 56886.3. Duties of commission
If the terms and conditions of any change of organization provide for the formation of a new improvement district, or the annexation or detachment of territory to, or from, an existing improvement district, the commission shall do all of the following:

(a) Exclude any lands proposed to be formed into, or to be annexed to, the improvement district which the commission finds will not be benefited by becoming a part of the improvement district.

(b) Exclude any lands proposed to be detached from an improvement district which the commission finds will be benefited by remaining a part of the improvement district.

§ 56886.5. Formation of new district or incorporation of a city in proposal; Need for single-purpose local agency; Proposal including two or more districts not formed pursuant to same principal act

(a) If a proposal includes the formation of a district or the incorporation of a city, the commission shall determine whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner. If a new single-purpose local agency is deemed necessary, the commission shall consider reorganization with other single-purpose local agencies that provide related services.

(b) If a proposal includes the consolidation of two or more special districts not formed pursuant to the same principal act, the commission shall determine whether any service provided at that time could be discontinued due to a lack of authority under the principal act of the successor. If a new single-purpose local agency is deemed necessary to provide the needed service or services, the commission shall consider the formation of a new district that is authorized to provide the service or services.

§ 56887.5. Indebtedness or liability
If any change of organization or reorganization pertains to city or district territory which is located, in whole or in part, within the boundaries of any city or county, any terms and conditions authorized by Section 56886 may be made applicable to that city or county. However, no indebtedness or liability which is subject to the requirement of an election, under the provisions of Section 18 of Article XVI of the California Constitution, shall be incurred or assumed by any city or county, except as provided in Section 18 of Article XVI of the California Constitution.
§ 56890. Applicable terms

Any of the terms and conditions authorized by Section 56886 may be made applicable to all or any part of any city or district or any improvement district within that local agency or any territory annexed to, or detached from, any city or district or improvement district within that local agency.

57135. Ballot description of taxes or charges

(a) If any of the terms and conditions have the effect of imposing or increasing liability for payment of (1) taxes or assessments to be levied and collected, (2) service charges, rentals, or rates to be fixed and collected, or (3) both, upon or within all or any part of the territory affected by the proposed change of organization or reorganization, the question shall contain a very brief summary of the purpose, nature, and extent of the liability and shall refer to the order ordering the change of organization or reorganization for particulars. The legislative body may include in the question a summary of any of the other terms and conditions.

(b) No reference need be made to any liability for payment of any of the following to be imposed for the usual and ordinary support, management, and operation of any district:

1. Annual taxes or assessments.
2. Ordinary service charges, rentals, or rates.
3. Both taxes or assessments and service charges, rentals, or rates.

(c) Where a summary is included in a question, there shall be added to the clause set forth in Section 57134 words substantially as follows:

"Such terms and conditions including (set forth very brief summary), all as more particularly described and set forth in the order."

57302. Specific terms and conditions to control over general provisions

The general provisions of this part shall apply only if the commission does not impose terms and conditions on any change of organization or reorganization pursuant to Section 56886. If a change of organization or a reorganization specifically provides for, and is made subject to any of, the terms and conditions authorized by Section 56886, the specific terms and conditions shall be deemed to be the exclusive terms and conditions of the change of organization or reorganization and shall control over the general provisions of this part. Any of those terms and conditions may be provided for, and be made applicable to, any affected county, affected city, or affected district, to all or any part of the territory of the county, city, or district, to any territory proposed to be annexed to the county, city, or district and to the owner or owners of property within that territory. The general provisions of this part shall not be construed as limiting in any manner the authority of the commission to impose one or more of the terms and conditions set forth in Section 56886.

57303. Effect of change of organization or reorganization on bonded indebtedness

If no determination is made pursuant to subdivision (d) of Section 56886, the principal amount of bonded indebtedness which may be incurred or assumed by any city, county, or district, under any statute or charter provision imposing a limitation on bonded indebtedness, shall not be affected by any change of organization or reorganization.
Case Studies

1. Northshore Fire Protection District JPA and Reorganization (Lake County) – *Materials Enclosed*

2–5. El Dorado, Humboldt, Monterey, Sonoma – *Materials Available Upon Request to Presenters*

6. Other Case Studies (Brief Mention) – *Materials Enclosed*

   a. Contra Costa LAFCo Municipal Services Review of Fire and Emergency Medical Services (Contra Costa County)

   b. City of Stockton/County of San Joaquin Agreement on Revenue upon Detachment of Rural Fire Districts at Time of Annexations of Property to City (San Joaquin County)

   c. City of Oakdale/Oakdale Fire Protection District Agreement for Joint Staffing and Apparatus (Stanislaus County)

   d. Monterey–San Benito CAL FIRE Unit Cooperative Fire Protection Agreements and Integrated Regional Fire Delivery System (Monterey County)

   e. San Miguel Consolidated Fire Protection District (San Diego County) (Courtesy of CALAFCO University, Fire District Consolidation, 5 June 2009, San Diego LAFCo)
1. Northshore Fire Protection District
Reorganization
(Lake County)

- Joint Exercise of Powers Agreement (3-Year Plan)
- Sample District Resolution Requesting LAFCo to Initiate the Consolidation
- Application to LAFCo
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**LAFCO**

**MAR 25 2010**

March 22, 2010

To: Kate McKenna

Re: Information for the CALAFCO class

Dear Kate,

I have included the information you have requested. I used the list of attachments from our reorganization application and have marked what I have sent. I also included our Application Form.

Sincerely,

James C. Robbins
District Fire Chief
Northshore Fire Protection District
# NORTHSHELL FIRE REORGANIZATION
## List of Attachments

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## NORTHSHORE FIRE REORGANIZATION
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Concept Proposal

Northshore Fire Authority

As everyone is aware, the fire districts of Lake County have spent the last 2-3 years reviewing the feasibility of consolidating into one operating fire district. As talk and discussions have progressed, perceived needs of individual districts have come into play, and some districts have deemed themselves not ready or not interested in a consolidation effort. These districts have slowly withdrawn from the discussions.

In October of 2002, it was determined that it was going to be difficult, if not impossible, to bring all of the remaining districts into parity with salary and benefits and still have enough left over for any sort of operating budget. At the same meeting, it was discussed that the four districts along the north shore had enough similarities in salaries and benefits that a successful merger would still likely be achievable.

In the meantime, the Clearlake Oaks Fire Protection District, which has not had a permanent Fire Chief since his retirement last summer, found themselves in the position of needing to make a positive step forward to meet the management needs of their district. They have begun talks with the Lucerne Recreation and Park District (Lucerne Fire Department) regarding a Joint Powers Authority which would place the Lucerne Fire Chief in charge of both fire departments.

At the October consolidation planning meeting, the participating fire chiefs put forth the plan that a JPA could be formatted along the same lines as that which Clearlake Oaks and Lucerne were working on, with the inclusion of the Nice Community Services District (Nice Fire and Rescue Department) and the Upper Lake Fire Protection District. It was pointed out, in fact, that a JPA already is in existence among the four agencies for a different purpose, and that it could be modified with much less effort than starting a new one from the beginning.

CONSOLIDATION vs. JOINT POWERS AUTHORITY

The difference between consolidation and a JPA is one of permanence (or lack thereof). A consolidation is a merger... a union of multiple agencies joining to work together as one. When districts consolidate, they would form one new district, which would have all of the same powers, duties and responsibilities as the each individual district had before. In this case, they would be managed as a single district by one board, which would have an elected or appointed voice of each community plus, perhaps, one member at large that would represent the entire consolidated district.

A Joint Powers Authority is a legal contract between agencies. The existing districts remain in existence, along with their governing boards of directors. An agreed upon board will be selected by the participating agencies to serve as the governing board for
the JPA. The JPA would have such authority and responsibilities as agreed upon by the participating boards. This could be as simple as the joint ownership and operation of a specialized piece of equipment (as exists with the current JPA), or as complex as the complete administration, staffing, and operation of a fire department for the area.

Why a JPA is Recommended Over a Consolidation

The concept of a JPA was discussed as one of the options when all of the county-wide consolidation discussions were going on. The reason that it was not pursued as the best option has to do with the stability and permanence of the decision. The disadvantage of a JPA is that its inherent temporary nature looms over the internal decision-making process, including strategic planning and long term goal setting. In short, it's hard to project very far into the future when the knowledge exists that any participating district can withdraw from the alliance at any time. Additionally, each member district board of directors would still be in existence, and could conceivably have a conflicting agenda with the JPA board. As a result, it was felt that using the JPA concept to merge the operation of the fire districts could easily result in a management process focused only on short-range goals.

However, it cannot be ignored that the JPA process is far easier and much faster to implement than a full consolidation. In fact, its primary weakness as listed above could also be construed as an advantage in the short term.....it gives the participants an idea if the merger concept is going to work before they are irrevocably committed. With this in mind, it would appear that a phased process, utilizing the JPA concept to get started, with an ultimate goal of full consolidation, may well be an expedient and efficient way to begin the merger.

WHY MERGE?

The reasons for pursuing consolidation of fire protection in Lake County were covered in the consultant study, and were included in the 2001 report. Although the scale has diminished somewhat, the reasons for merging still apply.

As a brief review, the advantages of merging fire departments are both administrative and operational. From an administrative standpoint:

♦ There is only the need for one fire chief. This not only saves a certain amount of money in terms of salaries, but it also standardizes the "management philosophy" which is inherent in each individual. While subordinate chief officers which may be needed to operate the new department, they will all be guided by the management philosophy of the chief.

♦ All personnel become part of one larger entity, instead of multiple smaller ones. This can result in monetary savings in terms of group insurance plans and other personnel issues.
The needs of the communities served can be combined into one large picture. The result of this should be better utilization of resources and the elimination of duplicative services. This serves two important purposes: First of all, it will allow for an enhanced response to emergency incidents, which is safer and more efficient for both the public and the firefighters. Secondly, as this process streamlines, fleet size can be reduced for efficiency, which would allow the department to keep and maintain newer equipment.

Apparatus and equipment needs can be coordinated into one plan, and one larger purchase can be made, which usually results in monetary savings. Additionally, like all larger businesses, salespersons often tend to give more attention and better deals to larger buyers.

From an operational standpoint:

One fire chief and one governing board of directors will result in standard policies and procedures for all of the involved firefighters. From an operational point of view, having everyone trained at the same level and operating in the same fashion at an emergency scene is one of the most efficient types of fire department operation. While existing separate departments generally operate in a similar fashion to each other due to the nature of the job, there are still enough differences that occasionally there are minor difficulties or confusion during an emergency.

A single agency concept allows for the ranking fire officer to make more efficient and effective decisions regarding the use of equipment and personnel. This is due to the fact that he/she has a much larger pool of resources in their direct command and control, and doesn't have to rely so much on mutual-aid from other agencies. This allows for better pre-planning for dispatching resources.

Fire code and other enforcement is now standardized. As need develops, fire planning/code enforcement personnel can be hired. However, due to the combined nature of the department, one person may well be able to handle the whole area instead of each previously existing department having to hire their own.

Training is standardized. Again, even though the departments often train together, it still takes the tremendous coordination and cooperation of existing training officers to make it work. A consolidated department would have a consolidated training program, with one person in charge.
Introduction

One of the primary tasks of the JPA Working Committee is to develop a plan that would identify not only the overall goal of the JPA, but also a logical sequence of objectives to be met along the way, and to do so in such a manner to be cost efficient and with minimal disruption and confusion to day-to-day district operations.

A key element of this first plan proposal is the concept of built-in flexibility. Though this plan identifies a framework of a three-year JPA which concludes with a merging of the four districts, specific points have been identified each year wherein the whole process can be evaluated and adjusted as needed. Another key component is developing and maintaining a 5-year plan beginning the first year of the JPA and updated each year. This is another valuable planning tool for both the JPA and the four districts to evaluate the effectiveness and efficiency of the JPA and make corresponding decisions.

In short, the proposal as presented may fall into place so smoothly and work so well that there will be little need to change a thing. However, one of the most valuable uses of a Joint Powers Agreement for a venture of this magnitude is its flexibility. The districts can remain in a JPA as long as necessary to make sure that merging is a practical and achievable course. And although the working group feels that merging is the logical option at this point, it may turn out that the districts may never want to progress beyond the JPA.
Northshore Fire Authority

Year 0 - Prior to Implementation of Services

This part of the plan is involved with getting the JPA up and running to begin consolidated administration, command and control. The time frame to accomplish these objectives runs from right now until the beginning of service, preferably July 1, 2003.

Specific Objectives:

1. JPA Working Committee must develop a suitable working plan concept and budget information for presentation to the four districts.
2. Districts must adopt the JPA plan.
3. Existing Northshore JPA must be re-organized for expanded service.
4. JPA Board needs to be selected.
5. Budget to be submitted.
6. Appropriate contracts/agreements must be initiated between the JPA and the districts.

Responsibility of the JPA Working Committee:

1. Identify primary reasons for and potential problems with consolidating services, and be able to present them in a professional manner to the involved district boards
2. Develop the goals and preliminary mission statement of the JPA
3. Develop an implementation plan outline
4. Develop recommended personnel agreements (See Staffing Plan Rational below)
5. Develop draft budget for the first year and recommended funding formulas for the JPA
Responsibility of the District Boards of Directors:

1. Evaluate information presented by the JPA Working Committee and make the decision whether or not to participate in a JPA.

For participating districts:

2. Select a member to serve on the JPA Board of Directors
3. Develop personnel agreements with the JPA Board of Directors
4. Approve a budget allocation for JPA services
5. Adopt a formal agreement for services between the district and the JPA

Responsibility of the JPA Board of Directors:

1. Once members are identified, work with the JPA Working Committee to finalize the process of making the JPA an official entity
2. Establish board protocols
3. Finalize a mission statement for the JPA
4. Formally adopt a budget
5. Enter into a contractual agreement with the four districts wherein the JPA would provide chief officers necessary for command/control and day-to-day administration of the four fire departments.

Staffing Plan Rational

The recommendation of the JPA Working Committee is to utilize James Robbins (currently chief of Lucerne Fire Department) in the role of Chief of the North Shore JPA, Gary Saylor (currently chief of the Nice Fire/Rescue Department) in the role of Assistant Chief, Lou Dukes (currently a Fire Captain with the Clearlake Oaks Fire Department) in the role of Battalion Chief, and Ken Petz (currently Chief of the Upper Lake Fire Department) in the role of Battalion Chief on a part-time basis. Longer-range plans will include reducing the Assistant Chief position to Battalion Chief, and the elimination of the part-time Battalion Chief. These position changes would take place by attrition.

Ideally, at this point the JPA would hire these employees away from their respective districts in order to quantify the single-agency management concept which they are expected to work by. However, due to issues with the Public
Employees Retirement System (PERS), it appears that extra expense would be generated as the "new" employer (the JPA) would have to go through the whole process of becoming a PERS employer and bringing its employees in at the rates set by PERS.

If the ultimate goal is to have a single "merged" fire district, it seems an unnecessary expenditure of funds to convert the JPA to an employer. The "employees" would just have to be transferred again when the JPA dissolves. To avoid these expenses, the committee recommends that the JPA enter into agreements with each district in regards to the above mentioned officers. These agreements would stipulate that the individuals would remain employees of their respective districts for the time being, but their services would belong to the JPA. The JPA would be responsible for the balancing of costs between the four districts for these personnel services.
Year 1 - Implementation of Services

The primary focus of Year 1 will be to identify and evaluate existing differences in the four districts, and to develop and recommend plans to reconcile them. Heavy involvement will be in the area of salary and benefit parity for paid personnel. Year 1 is targeted for the fiscal year running from July 1, 2003 to June 30, 2004.

Specific Objectives:

1. Identify operational and administrative differences between the four districts
2. Develop plans to mitigate differences
3. Develop a staffing plan
4. Develop a 5-year plan

Responsibility of the JPA Chief Officers:

(Note: some of these tasks may be assigned to committees or working groups. The responsibility of the JPA Chief would be to make sure that these groups produced a product)

1. Review Memorandums of Understanding (MOU's) and other pertinent policies regarding all paid personnel, both rank and file as well as clerical, and identify salary and benefit parity issues, work standards, position descriptions and duty statements. Develop a staffing plan recommendation and submit to the JPA Board of Directors for review and recommendation to the four districts.

2. Review all personnel rules, regulations, and policies to identify differences. Develop a recommended standard set of policies and procedures to be adopted by each district for use until such time as all personnel are contracted to the JPA or a full merger takes place.

3. Identify and review all operational policies and procedures, both published and inferred, and adopt one standard set of operational SOP's for the four districts.

4. Review all remaining administrative rules, regulations, and policies to identify differences and recommend a standard set of administrative rules, regulations, and policies. These rules would include, but are not limited to, standards for
admission to the department, standards for retention, training requirements, and volunteer firefighter wages and stipends.

5. Inventory the skill and experience levels of all fire/rescue personnel.

6. Perform a comprehensive equipment inventory

7. Facilitate the formation of a working group from the four districts to study and review current ambulance billing procedures and make a recommendation for a standardized procedure.

8. Develop a 5-year plan recommendation for the joint-operation and submit to the respective district boards for approval.

9. Based upon the 5-year plan, develop a recommended budget proposal for the JPA for the second year, which would include increased services.

Responsibility of the District Boards of Directors:

1. As all rank-and-file personnel are still employed by their respective districts, work with the JPA Chief on any personnel management issues.

2. Continue to administer the district budget and assure fiscal responsibility.

3. Boards must work closely with the JPA Chief and any assigned working committees to resolve problems and standardize administrative policies and procedures among the four districts.

Responsibility of the JPA Board of Directors:

1. Oversee the JPA budget, including coordinating the balancing of funds for personnel services between the four districts.

2. Submit a proposed budget to the four districts for the second year of the JPA based upon the 5-year plan. (This must be done in a timely enough manner for the districts and the JPA to meet county budgeting deadlines.)

3. Develop and coordinate all personnel service agreements

4. Work closely with the JPA Chief on providing input into the various recommendations and plans being submitted to the individual district boards.
5. Individual members must serve as the primary liaison to their respective district boards and assist the JPA Chief in making sure that the boards are kept apprised of appropriate issues.
Year 2 - Standardization of Services

The primary focus of Year 2 will be to continue to develop an of the various standardization plans not completed in Year 1, and to implement them as soon as practical. Year 2 is targeted for the fiscal year running from July 1, 2004 to June 30, 2005.

Specific Objectives:

1. Finalize and streamline identified policy and procedure standards.
2. Review effectiveness of JPA.
3. Update 5-year plan.
4. Implement standard equipment and training programs.

Responsibility of the JPA Chief Officers:

1. Along with a working group selected by the four district boards, perform a comprehensive review of the JPA-process to date, evaluate its effectiveness, identify problems, and make recommendations to the boards.

2. Implement the appropriate phase of any staffing plan approved in Year 1.

3. Implement standardized policies and procedures as adopted.

4. Implement standardized administrative rules, regulations, and policies as adopted.

5. Based upon the inventory the skill and experience levels and the standardized adopted policies, develop and implement a comprehensive training program.

6. Based upon the 5-year plan and other operational considerations, develop an equipment utilization plan recommendation for the four districts.

7. Along with a working group selected by the four district boards, review and update the 5-year plan.

8. Based upon the 5-year plan, develop a recommended budget proposal for the JPA for the third year.
Responsibility of the District Boards of Directors:

1. As all rank-and-file personnel are still employed by their respective districts, continue to work with the JPA Chief on any personnel management issues.

2. Continue to administer the district budget and assure fiscal responsibility.

3. Based upon the decision reached regarding ambulance billing, modify existing procedures as indicated.

4. Select responsible members to serve on various working groups, such as the 5-year plan and the JPA effectiveness review.

5. Boards must continually monitor the JPA process to assure that the needs of their district are being met in a cost-efficient as well as operationally-effective manner.

Responsibility of the JPA Board of Directors:

1. Administer the JPA budget and assure fiscal responsibility.

2. Provide policy and administrative oversight for the JPA.

3. Submit a proposed budget to the four districts for the third year of the JPA based upon the 5-year plan. (This must be done in a timely enough manner for the districts and the JPA to meet county budgeting deadlines.)

4. Continue to coordinate all personnel service agreements.

5. Continue to work closely with the JPA Chief on providing input into the various recommendations and plans being submitted to the individual district boards.

6. Work with the JPA Chief to streamline the standardization process of the four districts.

7. Individual members must continue to serve as the primary liaison to their respective district boards and assist the JPA Chief in making sure that the boards are kept apprised of appropriate issues.
Year 3 – Finalization Toward District Mergers

The primary focus of Year 3 will be to complete any remaining personnel salary and parity planning issues, to develop a final merger plan for the consideration of the four districts, and if approved, complete the LAFCO process for the merging of the districts. Year 3 is targeted for the fiscal year running from July 1, 2005 to June 30, 2006.

Specific Objectives:

1. Review effectiveness of JPA.
2. Update 5-year plan.
3. Bring all personnel into parity in accordance with the JPA staffing plan.
4. Finalize decision to merge and complete LAFCO process.

Responsibility of the JPA Chief Officers:

1. Along with a working group selected by the four district boards, perform a comprehensive review of the JPA process to date, evaluate its effectiveness, identify problems, and make recommendations to the boards.
2. Implement the appropriate phase of any staffing plan approved in Year 2.
3. Along with a working group selected by the four district boards, review and update the 5-year plan.
4. Work with the JPA board and the individual district boards on completing the various requirements of the LAFCO process for the merging of the districts.
5. Based upon the 5-year plan, work with the JPA Board of Directors and the new fire district board of directors to develop a preliminary budget for the new fire district.
Responsibility of the District Boards of Directors:

1. Transition as much personnel administration as possible to the JPA Board of Directors.

2. Continue to administer the district budget and assure fiscal responsibility.

3. Based upon the JPA review and the proposal submitted by the JPA Chief and JPA Board of Directors, analyze whether or not to pursue the merger. This will include the necessary public input into the process.

4. If the merger concept is approved, work closely with the JPA Board of Directors on the LAFCO process, including setting the terms and conditions for the district’s participation in the merger.

5. Based upon the agreed procedure, assist with the selection process of a local board member for the new district.

6. At the appropriate time adopt the final resolution to make the merger take place.

Responsibility of the JPA Board of Directors:

1. Administer the JPA budget and assure fiscal responsibility.

2. Provide policy and administrative oversight for the JPA.

3. If the districts agree to the merger concept, work closely with the JPA Chief and the selected representatives to the new district board to prepare a preliminary budget for the new fire district.

4. Work closely with the district boards on completing the LAFCO process.

5. At the appropriate time, complete the necessary steps to dissolve the JPA.
JOINT EXERCISE OF POWERS AGREEMENT CREATING AN
AGENCY TO BE KNOWN AS THE
NORTH SHORE FIRE DEPARTMENTS J.P.A.

THIS AGREEMENT made and entered into by and between the Clearlake Oaks Fire Protection
District, Lucerne Recreation and Park District, Nice Community Services District, and Upper Lake
Fire Protection District who have become signatories to the establishment of a Joint Powers entity
which shall be called the:

NORTH SHORE FIRE DEPARTMENTS J.P.A.

WITNESSETH

WHEREAS, within the County of Lake there are four fire protection agencies with
contiguous boundaries which form the entire geographical area of the North Shore; and

WHEREAS, the need for adequate rescue equipment exists in all four agencies; and

WHEREAS, the cost of purchasing this rescue equipment for each individual agency would
be exorbitant; and

WHEREAS, the increase in the number of calls requiring this type of equipment demands that
we provide our taxpayers with a cost effective method of meeting these needs; and

WHEREAS, by forming a J.P.A. all four agencies would have the benefit of a vehicle
equipped and staffed which would respond to needs of any J.P.A. member; and

WHEREAS, this specialized rescue unit could respond on mutual aid requests from other
agencies within the county; and
NOW, THEREFORE, the parties hereto, for and in consideration of the mutual benefits, promises and agreements set forth herein, agree as follows:

Section 1: Purpose

This agreement is made pursuant to the provisions of Article 1, Chapter 5, Division 7, Title 1 of the Government Code of the State of California, commencing with Section 6500 (the "Act") relating to the joint exercise of powers common to public agencies. All of the parties hereto possess the powers referred to in the above recitals. The purposes of this agreement are as follows:

1. To establish and maintain a rescue unit which will be beneficial to all four J.P.A. members.

2. To establish and maintain a training program for all J.P.A. members.

3. To utilize skills, facilities, and equipment available within the member entities to optimize the combined efforts and thereby provide a superior form of service to each individual member entity.

Such purposes will be accomplished and said common powers exercised in the manner set forth in this agreement.

Section 2: Definitions

As used in this Agreement:

(a) "Board of Directors" or Board means the multi-agency governing body of this joint powers Agreement.

(b) "Member Entities" means all of the public agencies hereto, and such additional agencies as may become parties to this agreement in the future.

(c) "Rescue Unit 1" means a vehicle appropriately equipped for operation of various types of rescue situations beyond the ordinary capabilities of first in fire rescue company.

Section 3: Term

This Agreement shall become effective as of the date of approval of all public entities named herein and shall continue in full force and effect until terminated as set forth in Section 8.
Section 4: Creation of Authority.

Pursuant to the Act, there is hereby created a public entity, separate and apart from the parties hereto, to be known as the North Shore Fire Departments J.P.A. (hereinafter known as NSFD J.P.A.). The debts, liabilities, and obligations of the NSFD J.P.A. shall not constitute debts, liabilities, or obligations of any of the member entities.

Section 5: Organization and Procedures.

(a) The NSFD J.P.A. shall be governed by a Board of Directors ("Board"). The Board shall be the agency which administers this Agreement and which shall be constituted as follows:

(1) One board member appointed from and by each member entity.

(2) Each member entity shall designate an Alternate board member who shall attend meetings in the absence of the appointed Board Director. At any meeting at which the alternate director represents an agency, he or she shall exercise all of the responsibilities of the position of board member, and shall, for the purposes of the provisions of this agreement, be considered a member of the board during that meeting.

(b) The members of the Board shall serve without compensation, but the expenses of each member shall be met by their appointive body or other body which he or she represents in accordance with the law of that body. All other expenses incurred by the Board in the course of exercising the powers conferred upon it by this Agreement, unless met in some other manner specifically provided, shall be paid by the Board out of its own funds.

(c) The term of office of the Directors shall be at the pleasure of the appointing body in each case but each appointment shall be reviewed annually by the appointing agency.

(d) The Board shall select a Chairperson and Vice-chairperson whose term shall be for one year and who may be re-elected, at the first meeting of each calendar year.

(e) Meetings of the Board.

The board shall provide for its regular meetings provided that it shall hold at least one regular meeting each month for the first year, and at least quarterly thereafter. The dates upon which and the hour and place at which any regular meeting shall be fixed by resolution.
(f) **By-Laws.**

The NSFD J.P.A. may adopt such By-Laws as are deemed necessary and may from time to time adopt such policies and procedures for the conduct of meetings and affairs as may be required. Any By-Laws or policies and procedures adopted by the NSFD J.P.A. may be amended at any time by a majority vote.

(g) **Committees.**

The Chairperson may appoint such committees as are necessary.

(h) The position of Director shall be considered vacant upon his or her unexcused absence from three (3) consecutive meetings or upon his or her loss of qualifications as required by their appointing body. In such an event, a successor shall be appointed by the appointing body or other body as soon as possible.

(i) A simple majority of all directors shall constitute a quorum for the transaction of business of the board. A majority vote of all Directors who are members party to this Agreement shall be necessary for the board to take action with respect to any matter.

(j) The Board shall have all those powers set forth in §6508 of the Act and may use those set powers to accomplish the purposes, goals, and objectives for which NSFD J.P.A. was formed.

(k) Any additional public entity which wishes to become a party hereto shall be permitted whenever a majority of the Board favors such admission after petitions by the public entity wishing membership or by nomination of an established member with concurrence from the entering public entity.

(l) In accordance with Section 6509 of the Act the NSFD J.P.A.'s power is subject to the restrictions upon the manner of exercising such powers as are imposed upon Fire Protection Districts in the exercise of similar powers.
Section 6. Administration and Organization.

(a) The Board shall establish and maintain an office in an area encompassed by the NSFD J.P.A.

(b) The day to day administration of the Agreement shall be by the Director (Fire Chief) appointed by a majority vote of the Board. That person shall be responsible to the Board to carry out programs in accordance with the aforesaid goals and objectives.

(c) The Board shall have the power to retain and pay for legal counsel.

(d) The Treasurer of the NSFD J.P.A. shall be designated from Fire Protection District as the depository for all monies of the board, and shall perform such duties and possess such powers as specified by Government Code Section 6500 and 6505.5 in conjunction with the Auditor-Controller with the County of Lake.

(e) The Board shall designate the officers or persons who have charge of, handle, or have access to any property of the Board. These officers or persons shall be responsible to the Board for an annual property inventory as part of the audited report required pursuant to Section 6505 of the Act. These officers or persons shall be bonded by the Board in an amount to be fixed by the Board.

Section 7. Contributions and Liabilities.

(a) Contributions in the form of a total membership assessment of not more than ____________, less amounts covered by grants, shall be made annually by the parties to the Agreement in accordance with the formula defined in Section 7, paragraph (b). Said contributions may come from the party's treasury, other available public funds, or may take the form of personnel, equipment or property in lieu or funds determined to be acceptable by the Board. Said contribution shall be for the purpose of defraying all costs of operating the NSFD J.P.A. All payments of funds shall be paid to and disbursed by the Board, which shall be accountable for all funds and responsible for reporting annually to the parties hereto concerning all receipts and disbursements. The Board shall maintain books in accordance with currently acceptable accounting procedures.
(b) Each member shall contribute an equal amount. Such allocation may be revised annually at the first annual meeting of the Board, if necessary, and at the time of the addition of another party or parties to this Agreement; and the adjustments would have to be ratified by the parties to this Agreement.

(c) Liability, as between the parties hereto, for damages from injury caused by a negligent or wrongful act or omission occurring in the performance of this Agreement shall be as provided to compensate under Article 1, Section 19, of the Constitution of the State of California. Each party hereto agrees to indemnify, defend and save harmless the other parties, their officers, agents and employees form any and all claims and losses proximate caused by the former party's solely negligent or wrongful acts or omission.

(d) Pursuant to the provisions of Government Code Section 6508.1, the signatories to this Agreement shall bear no liability whatsoever for the acts or omissions of the Board, and the debts, liabilities and obligations of the Joint Powers Agency shall be the debts, liabilities and obligations of the NSFD J.P.A. and not of the parties to this Agreement.

(e) The Board shall, if available, purchase insurance policies to cover all reasonable liability caused by the negligent or wrongful act or omission of any officer, agent or employee of one of the parties to this Agreement.

Section 8. Termination.

(a) Termination of this Agreement shall be by agreement of a majority of the parties to the Agreement. Unilateral withdrawal of one member of the NSFD J.P.A. shall not constitute termination of the Agreement. In the event that a majority of the parties hereto which to terminate this Agreement, the Board shall take immediate steps to terminate all business and distribute property and funds on a pro rata basis in accordance with their total contributions to the date of termination.

(b) Upon termination of this Agreement, any property acquired by the Board pursuant to this Agreement shall be distributed among the then existing parties hereto in accordance with the respective total contributions of each of said parties.
(c) Upon termination of this Agreement, any money in possession of the NSFD J.P.A. after the payment of all costs, expenses, and charges validly incurred under this Agreement, shall be returned to the then existing parties in proportion to their total contributions in accordance with Section 7.

(d) Upon termination, the debts, liabilities, and obligations of the Board shall be the debts, liabilities, and obligations of the parties hereto in direct proportion to the total contributions made in accordance with Section 7.

Section 9: Withdrawal of Parties.

(a) Any party hereto may, on or before 180 days before the end of any fiscal year, notify the Board in writing of its desire to terminate its participation in this Agreement effective at the conclusion of the fiscal year in which notice is served on the Board.

(b) In the event of such withdrawal, the withdrawing party shall have no further obligation under this Agreement and shall not be entitled to participate in any subsequent distribution of assets, with the exception of items loaned but owned prior to the formation of this J.P.A.

Section 10: Adoption and Amendment.

(a) This Agreement shall be effective upon its execution by all the member entities named herein.

(b) This Agreement may be amended by the written agreement of a majority of the parties hereto. In the event of a tie vote, the Agreement shall stand as written.

(c) The Board shall prepare and file a statement with the Secretary of State which complies with Government Code Section 6503.5 within 30 days of formation.
IN WITNESS WHEREOF, the parties have caused this instrument to be duly executed.

25 day of June, 1996.

CLEARLAKE OAKS FIRE PROTECTION DISTRICT

ATTEST: [Signature]

NICE COMMUNITY SERVICES DISTRICT

ATTEST: [Signature]

LUCERNE RECREATION & PARK DISTRICT

ATTEST: [Signature]

UPPER LAKE FIRE PROTECTION DISTRICT

ATTEST: [Signature]
FIRST AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT CREATING THE
NORTH SHORE FIRE DEPARTMENT J.P.A.

This Amendment to the North Shore Fire Department J.P.A. is made this __________ day of __________, 2003, by and between the Clearlake Oaks Fire Protection District, Lucerne Recreation and Park District, Nice Community Services District, and the Upper Lake Fire Protection District.

WITNESSETH

WHEREAS, on June 25, 1996 the North Shore Fire Department J.P.A. was established to provide for and maintain a rescue unit which would be beneficial to all four J.P.A members; and

WHEREAS, due to the retirement of existing personnel there is an opportunity to streamline and economize the administrative staff of the participating agencies; and

WHEREAS, the parties hereto desire to amend the existing joint powers agreement to provide for a unified administrative staff serving all four member agencies.

NOW, THEREFORE, the parties hereto, for and in consideration of the mutual benefits, promises and agreements set forth herein, agree to amend the Joint Exercise of Powers Agreement creating the North Shore Fire Department J.P.A. (hereinafter AGREEMENT) as follows:

Section 1. Subsection (4) is hereby added to Section 1 of the AGREEMENT and it shall read as follows:

"(4) To establish a unified administrative staff for the member agencies."

Section 2. Subsection (d) of Section 6 of the AGREEMENT, which is entitled "Administration and Organization", is hereby amended to read as follows:
“(d) The Treasurer of the NSFD J.P.A. shall be designated from the Lucerne District as the depository for all monies of the Board, and shall perform such duties and possess such powers as specified by Government Code Section 6500 and 6505.5 in conjunction with the Auditor-Controller of the County of Lake.”

Section 3: Subsection (b) of Section 7 of the AGREEMENT, which is entitled “Contributions and Liabilities”, is hereby amended to read as follows:

“(b) Each member shall contribute an equal amount with respect to the operation and maintenance of the rescue unit. Each member shall pay for the establishment and maintenance of unified administrative staff based on the following percentages:

1) Clearlake Oaks Fire Protection District – 36.01%; 2) Lucerne Recreation and Park District – 25.59%; 3) Nice Community Services District – 25.03%; and the 4) Upper Lake Fire Protection District – 13.37%. Such allocations may be revised annually at the first meeting of the Board, if necessary, and at the time of the addition of another party or parties to this agreement; and the adjustments shall not be effective until they have been ratified by each party to this agreement.”

Section 4: Paragraph (f) is hereby added to Section 7 of the AGREEMENT, which is entitled “Contributions and Liabilities”, and it shall read as follows:

“(f) Cost Sharing Semi-annually the member agencies shall pay the shared costs associated with the management, administration and operational services provided for by this agreement. Payment is due at the end of each semi-annual period of June 30 and December 31.
The formula for cost sharing shall be reviewed by the Board on an annual basis and adjusted, if warranted, based on changes in personnel, relative population size, number of structures, assessed value, service calls, or other relevant factors.

Any changes to the cost sharing formula, as recommended by the Board, shall be ratified by all member agency governing boards prior to implementation."

Except as specifically modified herein, all other terms and conditions of the AGREEMENT shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this First Amendment to the AGREEMENT to be duly executed this 28TH day of MAY, 2003.

CLEARLAKE OAKS FIRE PROTECTION

DISTRICT

Michael Brink

ATTEST: Mary A. McElroy

LUCERNE RECREATION & PARK

DISTRICT

Marilyn Ziegler (chair)

ATTEST: Juli Lindblad

NICE COMMUNITY SERVICES DISTRICT

Lisa Bell

ATTEST: Mary Bell

UPPER LAKE FIRE PROTECTION

DISTRICT

Eric Hikes (chair)

ATTEST: Diana Lippke

Secretary
RESOLUTION 2006-6

RESOLUTION OF APPLICATION BY THE BOARD OF DIRECTORS OF THE CLEARLAKE OAKS FIRE PROTECTION DISTRICT REQUESTING THE LOCAL AGENCY FORMATION COMMISSION OF LAKE COUNTY TO INITIATE PROCEEDINGS FOR THE REORGANIZATION OF CERTAIN TERRITORY TO FORM THE NORTHSHELL FIRE PROTECTION DISTRICT

Resolved, by the board of directors of the Clearlake Oaks Fire Protection District District, that

WHEREAS, as a member of the North Shore Fire Department Joint Powers Authority (JPA) formed June 25, 1996, this district concurred with amending its purposes on May 28, 2003, to add to Section 1 (4) “To establish a unified administrative staff for the member agencies.” and set terms and conditions for sharing the cost of this administrative structure with the participating agencies; and

WHEREAS, the JPA then implemented a three-year plan to standardize administrative duties and public services within the subject territory, with the ultimate goal, should these efforts prove successful, of pursuing a merger or reorganization of its member agencies into a single successor fire protection district during fiscal year 2005-2006; and

WHEREAS, the aforementioned plan was deemed by the JPA member boards to have met its goals, and a determination was then made by the affected agencies to proceed with merging, consolidating, or reorganizing their member districts into one successor district; and

WHEREAS, since the JPA member districts were originally established under diverse enabling acts, thus precluding a consolidation or merger proceeding by resolution of application, it was determined that proceedings for a reorganization of the four districts into one successor fire protection district be requested pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code; and

WHEREAS, the Clearlake Oaks Fire Protection District now desires to initiate said reorganization proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, as shown on Exhibit A and Exhibit B, for the concurrent reorganization of JPA member territory as follows:

1. Amend the Sphere of Influence boundaries for all participating districts;
2. Dissolve the Clearlake Oaks Fire Protection District;
3. Dissolve the Lucerne Recreation and Parks District;
4. Dissolve the Nice Community Services District;
5. Dissolve the Upper Lakes Fire Protection District;
6. Establish a sphere of influence for the Northshore Fire Protection District;
7. Form the Northshore Fire Protection District; and
WHEREAS, notice of intent to adopt this resolution of application has been given, and this Board has conducted a public hearing based upon this notification, and has received and considered comments presented at that hearing; and

WHEREAS, the territory proposed to be reorganized is considered to be inhabited (more than 12 registered voters) and a description of the boundaries of the territory as set forth in Exhibit A, and a map of the proposed boundary designated as set forth in Exhibit B, are attached hereto and by this reference incorporated herein; and

WHEREAS, the principal reasons for the proposed reorganization are as follows:

1. To combine four of Lake County's most similar fire agencies, currently providing essentially the same services, into a single successor fire protection district.
2. To develop a phased plan for bring existing levels of service within the new territory to a more uniform status throughout current service areas.
3. To better meet the emergency fire, rescue and medical needs of its historically-related communities.
4. To afford better utilization of resources.
5. To provide enhanced response to emergency incidents that is both safer and more efficient for both the public and emergency response personnel.
6. To provide principal fire and emergency services to areas historically served by these agencies, but currently beyond existing district boundaries, by bringing these territories within the boundaries of a reorganized fire protection district.
7. To efficiently manage emergency services within the subject territory.
8. To provide for greater depth in the organizations and their activities of these agencies.
9. To reduce duplication of administrative services, and increase the opportunity for economy of scale savings on future purchases.
10. To streamline fleet operations for efficiency and to coordinate apparatus and equipment needs.
11. To afford emergency response personnel a wider opportunity to expand and/or specialize their skills, helping to produce superior internal programs.
12. To enhance community participation in fire service organizations and activities; and

WHEREAS, the following agencies would be affected by the proposed jurisdictional changes:

1. County of Lake
2. Clearlake Oaks Fire Protection District
3. Lucerne Recreation and Park District
4. Nice Community Services District
5. Upper Lake Fire Protection District; and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

1. The successor district shall be named the Northshore Fire Protection District, and shall include all territory identified in Exhibit A, legal description, and Exhibit B, map.
2. The effective date of the reorganization shall be July 1, 2006, or as soon thereafter as possible.

3. The sphere of influence for the Northshore Fire Protection District shall be coterminous with the approved Northshore Fire Protection District boundary, described above.

4. The Northshore Fire Protection District shall be the successor agency to all rights, responsibilities, properties, contracts, assets and liabilities, and functions of the Clearlake Oaks Fire Protection District, the Lucerne Recreation and Parks District, the Nice Community Services District, and the Upper Lake Fire Protection District. Professional service agreements and individual employment contracts will be evaluated consistent with the provisions of paragraph 5 below.

5. All full-time employees of the dissolved Clearlake Oaks Fire Protection District, the Lucerne Recreation and Parks District, the Nice Community Services District, and the Upper Lake Fire Protection District shall become full-time employees of the successor agency with retention of salaries, seniority rights, vacation/sick leave accruals and accrual rates, retirement and other employee benefits applicable to the dissolved districts. Contract employees and professional service agreements will be evaluated, at the sole and exclusive discretion of the governing body of the newly formed Northshore Fire Protection District, to determine whether they are essential to the ongoing operation of the District.

6. The successor agency shall function under and carry out all authorized duties and responsibilities assigned to a Fire Protection District as outlined in the Division 12, Part 2.7, Chapter 1, Health & Safety Code, Fire Protection District Law of 1987 (commencing with Section 13800 et seq.) and other applicable laws.

7. Upon reorganization, the successor agency succeeds to all properties, rights, contracts, obligations of each of the four (4) Districts; and any funds to which it succeeds may be expended and properly disposed of as provided by Division 12, Part 2.7, Chapter 1, Health & Safety Code, Fire Protection District Law of 1987 (commencing with Section 13800 et seq.).

8. All income, from taxes or any other source, which has been a continuing right to tax distribution, or historical distribution or allocation of funds to each of the Districts to be reorganized, shall continue to be distributed to the successor district.

9. The appropriation limit of the Northshore Fire Protection District shall be set in the amount of $3,641,690.
10. Zone of Benefit 1 shall be established for the territory of each district proposed for dissolution, as shown on Exhibit C Northshore Fire Protection District and Zone Map, and shall be subject to existing taxing structures which shall continue with the successor Northshore Fire Protection District as a zone of benefit relating to that dissolved district, to wit:

a. Clearlake Oaks FPD: Clearlake Oaks Zone 1
b. Lucerne R&PD; Lucerne Zone 1
c. Nice CSD: Nice Zone 1
d. Upper Lake FPD: Upper Lake Zone 1; and

11. Zone of Benefit 2 shall be established for territory adjacent to each dissolved district, as shown on Exhibit C Northshore Fire Protection District and Zone Map, will be subject to the same taxing structures established for that dissolved district, and will be identified in the successor Northshore Fire Protection District as a zone of benefit relating to that dissolved district, to wit:

a. Clearlake Oaks FPD: Clearlake Oaks Zone 2
b. Lucerne R&PD; Lucerne Zone 2
c. Nice CSD: Nice Zone 2
d. Upper Lake FPD: Upper Lake Zone 2; and

12. All previously authorized charges, fees, assessments, and/or taxes currently in effect, now levied or collected by each district, including improvement or assessment districts thereof, shall continue to be levied and collected by the successor Northshore Fire Protection District; and.

13. Indebtedness of each District shall remain the legal obligation of only the lands and areas which incurred such indebtedness; however, the outstanding indebtedness of each district at the time of consolidation shall remain the obligation of the successor Northshore Fire Protection District; and.

14. Reorganization of these four (4) districts shall not change the rights of the lands in the respective districts as they existed immediately prior to the consolidation; and.

15. The population of the component districts being substantially comparable, it is determined that the initial board of directors of the North Shore Fire Protection District shall number five (5), shall be selected as provided by Division 12, Part 2.7, Chapter I, Health & Safety Code: Fire Protection District Law of 1987, (commencing with Section 13834), and shall consist of one director from each zone of benefit area representing the dissolved districts (to wit, Clearlake Oaks Zone, Lucerne Zone, Nice Zone, and Upper Lake Zone), for a total of four directors, and shall have one public member who will serve at-large. All directors shall reside within the Northshore Fire Protection District boundaries; and.
16. The Lake County Board of Supervisors is requested, upon approval of this proposal, to appoint the five (5) sitting members of the board of the Northshore Fire Authority seated at the time the reorganization is approved, as the first board of directors of the Northshore Fire Protection District. At its first meeting, the Northshore Fire Protection District board of directors shall draw lots to determine the length of their term of office, with two (2) members each serving two (2) year terms and three (3) members each serving four (4) year terms, and will also select its officers and form its initial committees. Thereafter, each member of the board of the Northshore Fire Protection District will be elected by the registered voters for a four (4) year term at a regularly scheduled or special election, pursuant to the Uniform District Election Law, Part 4 (commencing with Section 10500) of Division 10 of the Elections Code; and.

WHEREAS, this Board has determined to request, pursuant to Section 99 et seq. of the California Revenue and Taxation Code, that negotiations for a property tax exchange agreement be initiated between the districts and the County of Lake; and.

WHEREAS, this proposal (1) includes all of the areas within the proposed spheres of influence for each affected district, (2) includes territory outside existing district boundaries but substantially surrounded by any of the said boundaries, (3) includes additional rural areas outside the current district boundaries which have historically been served by the districts proposed for dissolution, and will be consistent with the amended spheres of influence for said districts; it is proposed that the sphere of influence for the Northshore Fire Protection District be established coterminous with the new district boundaries; and.

WHEREAS, the Lucerne Recreation and Park District assumed Lead Agency status for this project under the California Environmental Quality Act (CEQA) on behalf of the four component districts; and

WHEREAS, the Lead Agency caused an initial study of this proposal to be prepared and circulated to affected agencies and interested parties, recommending adoption of a Negative Declaration for this project with the finding that no adverse environmental impacts would result from this proposal, and the Lead Agency did not receive any comments identifying new environmental issues, nor comments opposing utilization of a negative declaration for this project; and.

WHEREAS, this board has determined that since majority of the members of each of the legislative bodies of the four local agencies are adopting substantially similar resolutions of application for this reorganization, the proposal does meet the criteria for requesting a waiver of election proceedings and a waiver of the final Conducting Authority hearing, as set forth in Government Code Section 56853.

NOW THEREFORE BE IT RESOLVED,

1) This board concurs with the Lead Agency that this project will not have a significant effect on the environment, finds that a Negative Declaration is the appropriate
determination for this project, that availability of this document has duly noticed in a
ewspaper of general circulation in the subject territory, and now therefore approves a
Negative Declaration for this proposal and directs that a Notice of Determination to that
effect be filed with the County of Lake in compliance with provisions of the California
Public Resources Code.

2) This Resolution of Application is hereby adopted and approved by the Board of
Directors of the Clearlake Oaks Fire Protection District District, and the Local Agency
Formation Commission of Lake County is hereby requested to take proceedings for the
reorganization of territory described in Exhibit A, according to the terms and conditions
stated above, and in the manner provided by the Cortese-Knox-Hertzberg Local

PASSED AND ADOPTED by the Board of Directors of the Clearlake Oaks Fire Protection
District at a special meeting thereof held on the 25th day of March, 2006, by the following vote:

AYES: Curtis Winters, Delane Lerner, Lynn Kincaide Clark Richards

NOES: None

ABSTENTIONS: None

ABSENT: None

[Signature]
Chairman of the Board
Clearlake Oaks Fire Protection District

ATTEST:

[Signature]
District Secretary

Attachments: Exhibit A, Legal Description
Exhibit B, Map of proposed district

CERTIFICATION

I, Julie Lindeblad, Secretary of the Clearlake Oaks Fire Protection
Board, DO HEREBY CERTIFY that the forgoing is a true and correct
copy of Resolution NO.: 2006-6 which was adopted by the Board of
Directors of the Clearlake Oaks Fire Protection District at their
special meeting held March 29, 2006, the original of which is on
file in the office of the Clearlake Oaks Fire Protection District.

DATED: 4-5-06

[Signature]
Julie Lindeblad/Secretary

Clearlake Oaks Fire Protection District
LOCAL AGENCY FORMATION COMMISSION
Of Lake County

Application Form

— LAFCo use only —

<table>
<thead>
<tr>
<th>AGENCY-PROJECT</th>
<th>SHORT FORM DESIGNATION</th>
</tr>
</thead>
</table>

— to be completed by applicant —
Use supplemental pages as necessary, and reference all attachments on the attachment list.

1. \textit{Subject Property}

<table>
<thead>
<tr>
<th>Project Title:</th>
<th>Address or Location:</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTHSHORE FIRE REORGANIZATION</td>
<td>Upper Lake, Nice, Lucerne, Clearlake Oaks and adjacent sphere of influence and service areas, Lake County, California</td>
</tr>
<tr>
<td>Acreage: 228,309 acres (357 square miles)</td>
<td></td>
</tr>
</tbody>
</table>

2. \textit{Proposal}

Applicants request the following change of organization: A reorganization of four special districts resulting in the formation of the Northshore Fire Protection District. Actions requested include:

- Amend the sphere of influence for each participating district;
- Dissolution of the Clearlake Oaks Fire Protection District;
- Dissolution of the Lucerne Recreation and Park District;
- Dissolution of the Nice Community Services District;
- Dissolution of the Upper Lake Fire Protection District;
- Establishment of the Northshore Fire Protection District sphere of influence coterminous with the proposed district boundaries; and
- Formation of the Northshore Fire Protection District.

3. \textit{Applicants}

LAFCo will send copies of the staff report on the proposal to the following (maximum of 3):

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Contact Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Mr. James C. Robbins, Chief Lucerne Recreation and Fire District &amp; Administrative Chief of Northshore JPA P.O. Box 1199, Lucerne, CA 95458</td>
<td>707.274.3100</td>
</tr>
<tr>
<td>b. Mr. Michael Kirch, Chairman Northshore Joint Powers Authority P.O. Box 1199, Lucerne, CA 95458</td>
<td>707.274.3100</td>
</tr>
</tbody>
</table>

April 6, 2006
LAFCo Application Form (rev. 4/02)
Project: NORTHSHORE FIRE REORGANIZATION

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Contact Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan Lopez</td>
<td>530.396.2685</td>
</tr>
<tr>
<td>Consultant to Northshore JPA</td>
<td>530.524.1298 (cell)</td>
</tr>
<tr>
<td>P.O. Box 374, Igo, CA 96047</td>
<td></td>
</tr>
</tbody>
</table>

4. **Authority to File Application**

✓ Resolutions of Application (4) adopted by affected agencies at duly noticed concurrent public hearings on Wednesday, March 29, 2006, at 7:00 p.m., at the Lucerne Fire Station, Lucerne, California, are included as ATTACHMENTS A through D.

5. **Statement of Justification**

The purposes for which this reorganization is proposed are:

a. To combine four of Lake County’s most similar fire agencies, currently providing essentially the same services, into a single successor fire protection district.

b. To develop a phased plan to bring existing levels of service within the new territory to a more uniform status throughout current service areas.

c. To better meet the emergency fire, rescue and medical needs of its historically-related communities.

d. To afford better utilization of resources.

e. To provide enhanced response to emergency incidents that is both safer and more efficient for both the public and emergency response personnel.

f. To provide principal fire and emergency services to areas historically served by these agencies, but currently beyond existing district boundaries, by bringing these territories within the boundaries of a reorganized fire protection district.

g. To efficiently manage emergency services within the subject territory.

h. To provide for greater depth in the organizations and their activities of these agencies.

i. To reduce duplication of administrative services, and increase the opportunity for economy of scale savings on future purchases.

j. To streamline fleet operations for efficiency and to coordinate apparatus and equipment needs.

k. To afford emergency response personnel a wider opportunity to expand and/or specialize their skills, helping to produce superior internal programs.

l. To enhance community participation in fire service organizations and activities; and.

- A Statement of Justification for this proposal is included as ATTACHMENT E.
- A Plan for Services is included as ATTACHMENT F.
- Sphere of influence criteria are discussed in ATTACHMENT I.

6. **Boundaries**

a. A legal description of the boundaries of the subject territory is included as ATTACHMENT H (also known as Exhibit A of the resolution of application).
b. An 8.5 x 11 inch map of the subject territory, meeting the specifications listed in the Application Instructions, is included as ATTACHMENT G (also known as Exhibit B of the resolution of application). Three larger copies of this attachment are also submitted with the LAFCO Executive Officer’s package. Large display maps will be available for the public hearing.

c. The proposed boundaries were determined by using existing district boundaries, sphere of influence boundaries of each district, and addressing areas surrounded or substantially surrounded by district boundaries and/or sphere of influence boundaries. Areas outside the districts which historically received services, but may have been outside the sphere of influence of the districts, were also included, as were agency-recommended areas experiencing an increase in permit activity.

d. This proposal includes areas with the sphere of influence of each affected district. Additionally, areas which have historically received fire and emergency services from these districts, but are located in relative proximity to district sphere of influence boundaries, have been included. The proposed sphere of influence boundary will need to be adopted prior to taking action to form the new Northshore Fire Protection District, and this proposed boundary will include all areas requested for inclusion in the new district.

The Zone 2 areas of each district reflect proposed sphere of influence boundary being requested for each district. These boundaries will then be coterminal with the new district boundaries. ATTACHMENT I contains maps identifying the new sphere of influence for each participant district. Development is scattered throughout these areas. Changes proposed:

1. Clearlake Oaks: One section of land at the north end of Indian Valley Reservoir is being added to provide coverage for the entire lake area.
2. Lucerne: Fifteen sections of land, totally surrounded by the existing Lucerne and Clearlake Oaks districts, is being added in order to provide coverage to a currently unprotected island.
3. Nice: No change is being requested. It already has approximately four sections of land within its sphere of influence boundary.
4. Upper Lake: Approximately eleven sections of land to the north of the district and 3 sections immediately south of the district are being added. These areas are identified for growth, and development is expected to increase over the next 20 years.

e. The area of this reorganization encompasses territory along State Highway 20 and north to federally-owned lands; east to the Colusa County line; south to boundary of Cache Creek; along the northern boundary of Clear Lake, excluding territory within the Lake County Fire Protection District; and west to the Mendocino County line, including territory both north and south of Highway 20. ATTACHMENT G. - Map demonstrates the new Northshore Fire Protection District boundaries
7. **Neighboring Properties**

Territory within this reorganization are either within an existing fire and emergency services district, within their respective spheres of influence, or have historically received services from these districts. The majority of territory to the north contains federal lands. Areas to the south border other fire protection districts and the lake. The east and west boundaries abut adjacent counties. All known adjacent agencies were given mailed notice of this proposal in February 2006, requesting submission of comments. There are no known surrounding property owners adjacent to the proposed boundaries that might be eligible for inclusion into the new district since the proposed sphere of influence will be coterminous with the new district boundary. A list of agencies and interested parties who have been notified is included as ATTACHMENT L.

8. **Land Use**

a. **Describe land use within the subject property:**

Land use maps and categories are included as ATTACHMENT K. Because of its size and the historic concentration of people and businesses along the lakeshore, the territory in this project includes almost all of the zoning and land use categories used in Lake County.

The Upper Lake-Nice area plan is available for review at the Lake County website, and certain maps from that plan are included in ATTACHMENT K. An area plan is being developed for the Lucerne-Clearlake Oaks area, but is not anticipated to be in draft form and available for public review for another 6 months. The information compiled for these plans will play an important role in guiding future land use development. Additional discussion of development issues will be found in the Statement of Justification and the Plan for Services, ATTACHMENTS E and F, respectively.

b. **Conformity with General Plan designations?**

This proposal will not affect any existing or planned general plan designations. It proposes to change the administrative vehicle operating fire and emergency response services from four (4) independent special districts, into one (1) successor independent special district.

The County of Lake administers zoning and general plan regulations, notifying special districts of proposed projects that may affect their provision of services, and requesting comments and recommendation of conditions as part of the county’s normal permit review process. The new district will continue to participate in this process. Fire Mitigation Fees, ATTACHMENT P, are tied to the permit process, and have been established by the Board of Supervisors and adopted by the boards of each district.
c. **Have any zone changes, General Plan amendments, subdivision maps, or conditional use permits applied for on the subject property?**

No such requests have been made by the applicants or the participant districts. There are a number of public and private projects, both approved and pending, submitted by other individuals and agencies. The Northshore Redevelopment Plan, which includes the core community areas of each district, includes numerous projects. These areas along the shoreline are targeted for increased development, both residential and commercial, in an ongoing effort to address blight, tourism, recreational, and low-income housing needs previously identified by the redevelopment agency.

d. **Will any such applications be made after approval of this proposal?**

It is likely growth will continue in these areas, but the applicants are not in the business of property development; they provide fire and emergency response services to the subject territory. Any future development of sub-stations or other structures will be processed through the Lake County permitting authorities. The redevelopment agency has numerous projects identified within each of the districts' core communities.

e. **This proposal does not include a request for annexation of territory to any city. A prezone map is not required for this reorganization.**

f. **This project does include agricultural and open space lands, but since fire and emergency services are currently provided to these areas, these land uses will not be adversely affected by the proposed action. Inclusion within an agency authorized to provide structural and wildland fire services provides a distinct benefit to these areas.**

Approval of this reorganization will not in itself contribute to the conversion of agricultural and open space lands to urban uses. Lake County retains ultimate control over what type of use is permitted in these areas, holding individual applications for such changes to compliance with provisions of its general plan and zoning ordinance, including individual impact review under the California Environmental Quality Act and other applicable rules, regulations, and laws.

9. **Public Services**

   a. **Agencies presently providing public services to the subject territory:**

<table>
<thead>
<tr>
<th>Service Provided</th>
<th>Present Service Provider</th>
<th>Proposed Service Provider</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Protection</td>
<td>Lake County Sheriff</td>
<td>Same as current provider.</td>
</tr>
<tr>
<td>Domestic Water Service</td>
<td>Upper Lake County Water District, Nice Mutual Water Company</td>
<td>Same as current provider.</td>
</tr>
</tbody>
</table>

April 6, 2006
LAFCo Application Form (rev. 4/02)
Project: NORTHSHORE FIRE REORGANIZATION

<table>
<thead>
<tr>
<th>Service Provided</th>
<th>Present Service Provider</th>
<th>Proposed Service Provider</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lucerne-California Water Service Company</td>
<td>Same as current provider.</td>
</tr>
<tr>
<td></td>
<td>Clearlake Oaks County Water District</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Glenhaven Mutual Water Company</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CSA #1-Clear Lake Keys</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CSA #2-Spring Valley</td>
<td></td>
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<td></td>
<td>CSA #13-Kono Tayee</td>
<td></td>
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<tr>
<td></td>
<td>CSA #16-Paradise Valley</td>
<td></td>
</tr>
<tr>
<td>Agricultural Water Service</td>
<td>Tule Irrigation District</td>
<td>Same as current provider.</td>
</tr>
<tr>
<td>Sewer Service</td>
<td>Lake County Sanitation</td>
<td>Same as current provider.</td>
</tr>
<tr>
<td></td>
<td>Clearlake Oaks Water District</td>
<td></td>
</tr>
<tr>
<td>Solid Waste</td>
<td>Timberline Disposal</td>
<td>Same as current provider.</td>
</tr>
<tr>
<td></td>
<td>County of Lake</td>
<td></td>
</tr>
<tr>
<td>Road/Street Maintenance</td>
<td>County of Lake</td>
<td>Same as current provider.</td>
</tr>
<tr>
<td>Snow Removal</td>
<td>County of Lake</td>
<td>Same as current provider.</td>
</tr>
<tr>
<td>Power</td>
<td>Pacific Gas &amp; Electric</td>
<td>Same as current provider.</td>
</tr>
<tr>
<td>Highway Lightning</td>
<td>County of Lake: Clearlake Oaks, Glenhaven, Lucerne, Upper Lake</td>
<td>Same as current provider.</td>
</tr>
<tr>
<td>Planning &amp; Zoning Authority</td>
<td>County of Lake</td>
<td>Same as current provider.</td>
</tr>
<tr>
<td>Schools</td>
<td>Lucerne Elementary School</td>
<td>Same as current provider.</td>
</tr>
<tr>
<td></td>
<td>East Lake Elementary School</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Upper Lake Elementary School</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Upper Lake Middle School</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Upper Lake Union High School</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lake County Office of Education</td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td>Upper Lake Cemetery District</td>
<td>Same as current provider.</td>
</tr>
<tr>
<td>Resource Conservation</td>
<td>Eastlake Resource Conservation District</td>
<td>Same as current provider.</td>
</tr>
</tbody>
</table>

b. What effect will approval of this proposal have on the type or level of services within the subject property?

The level of services to the territory within this project will remain at essentially the same level for the near future, with provisions to upgrade service levels in all four areas a part of its growth plan. ATTACHMENT N-3 more fully describes these plans. The Northshore Fire Authority is currently upgrading all memoranda of understanding, insurance, and other organizational and administrative tasks to meet the goals of establishing parity of service and employment within the new district.

The following attachments provide detailed information on existing services:

- ATTACHMENT S: Inventories of fixed assets and equipment for each district are found in.
- ATTACHMENT T: Fire Facilities Plans adopted by each district, which are updated on a regular schedule.
- ATTACHMENT Z: Service calls by district, and other organization information.
c. **What effect will approval of this proposal have on public services outside the subject property?**

Changing administrative operations from four independent special districts to one successor district will not negatively impact areas outside the proposed district territory. Coordination of services with other agencies will be improved, and duplication of contracts, agreements, and services will be reduced, providing one district organization instead of four separate organizations.

d. **Will approval of this proposal place additional burdens on a public service provider?**

No. The proposal’s 10-year plan anticipates improving services and establishing parity on a number of levels throughout the new district.

e. **Have the affected agencies been notified of this proposal (per G.C. 56654(b))?**

Yes, several pre-application meetings were held where citizens, agencies, and interested persons could come, present ideas and comments, and voice concerns. Pre-application meetings with agencies and county departments were held workshop style and open to the public. All meetings of the district boards on this matter were given public notice, by posting notice at the meeting location in each community. A public hearing notice was published and posted in Clearlake Oaks, Lucerne, Nice, and Upper Lake.

1. December 6, 2005: A meeting with potentially affected and interested agencies was held at the Lucerne Fire Station. Suggestions, recommendations, and comments in support of the project were presented.

2. January 19, 2006: A meeting with Lake County Departments was held at the Board of Supervisors meeting room to discuss the project and LAFCO processes. Several recommendations were made to include areas experiencing an increase in permit activity, and those areas where development was likely to continue to occur.

3. February 8, 15, 21, 22, 2006: Public comment meetings were held by the board of directors of each district at their regular meetings in the month of February. Each board received a presentation on the proposal, received questions and recommendations from the public, and voiced continued support of the project.

4. February 16 - March 10, 2006: A proposed negative declaration describing the project was prepared and circulated to 58 agencies and interested parties. Only one response addressing issues relevant to the proposal was received: the Lucerne Elementary School sent a message of support.

5. March 23, 2006: An informational meeting was held at the Spring Valley Community Center to discuss the project and how citizens could organize volunteer support of fire and emergency response services in their area. Forming auxiliaries, seeking grants, working with other agencies, and finding ways to volunteer on all levels were discussed by participants. Plans were made by participants to schedule future local meetings on these matters.
6. March 29, 2006: Concurrent public hearings, a published and posted special meeting of all four district boards, were held at the Lucerne Fire Station. The project and the resolution of application were reviewed in detail, and public comment was invited. No comments, questions, or objections were received at this hearing. Each board affirmed use of a negative declaration for the project, and adopted a substantially similar resolution to request Lake County LAFCO to initiate proceedings for the Northshore Fire Reorganization. These Resolutions are included as ATTACHMENTS A-D.

All comments and recommendations received were given serious consideration and, where possible, were included in the final proposal. Comments received have been included in ATTACHMENT X. A list of agencies and interested parties who were sent mailed notice of this reorganization is included as ATTACHMENT L.

10. Population

The territory contains more than twelve registered voters and is considered inhabited. Estimated population of the new district will be 12,000, or about 19% of the current population of Lake County, and encompasses 29% of the land mass in Lake County. Approximately 9,500 registered voters currently reside in the territory proposed for reorganization.

11. Property Tax Exchange

This application includes a Resolution of Application from each district, found in ATTACHMENTS A-D, which includes a request for LAFCO to notify affected public agencies in order to initiate tax exchange negotiations.

To assist with preparations for these negotiations, the applicants have prepared a CD listing all affected assessor’s parcels to be included within the district boundaries, the assessed value of those parcels, and the Tax Rate Area codes applicable to those parcels. Four CDs have been prepared and available to the Lake County Assessor, Lake County Auditor, Lake County Registrar of Voters, and the California Board of Equalization.

ATTACHMENT J, along with the assessor’s parcels CD, provides the following documents which can be used to develop necessary information regarding tax negotiation and registered voter reports:

a. Distribution of Parcels, Values & Fire Tax Fees shown by Zone
b. Clearlake Oaks Zone 2 parcels
c. Lucerne Zone 2 parcels
d. Nice Zone 2 parcels
e. Upper Lake Zone 2 parcels
Once negotiations are concluded and the terms are adopted by all affected agencies, copies of the property tax exchange resolutions adopted by each affected agency for this negotiated action will be included as ATTACHMENT M.

Negotiations will begin after the LAFCO Executive Officer has issued a notice requesting the initiation of this process. The county assessor and auditor must generate reports identifying affected agencies, before actual negotiations can begin. It is recognized that LAFCO cannot set a hearing date until after the conclusion of this process.

12. *Feasibility of Proposal*

a. *What revenue will this proposal require for the accomplishment of its goals and what are the prospective sources of such revenues?*

After developing a comprehensive action plan, the Northshore Fire Authority (JPA) officially assumed administrative management of the four participant districts on May 38, 2003. ATTACHMENT N contains the JPA agreements and its proposal and plan for services.

Documents relating to fiscal operation of these districts, both prior to placing administration under the JPA and to the present, are included in ATTACHMENT Q. Also included in this attachment are projections of expenses and income for the new district for the next 10 years.

Revenues currently collected by the existing districts include property tax base revenues, a special fire tax, and Prop 4 incremental growth pass-through dollars. These are just sufficient to maintain current levels of service, but will not address the type of growth projected for the core communities within the district.

Territories adjacent to the existing districts, that now receive fire and emergency response services, are being brought into each related district under its current special fire tax structure so they may contribute their fair share in support of those services they have historically received. As development continues in those areas, each district's assigned percentage of the incremental increase of the tax base will be going to the successor district.

However, as of FY 2002-2003, the apportioned incremental growth revenues generated from parcels located within established redevelopment agency project areas no longer pass fully to the districts. The redevelopment agency currently retains better than 80% of the pass-through revenues generated by incremental growth in these areas.

This 80% drop in special district revenues has severely reduced growth revenues available to these local districts for fire and emergency response services, in spite of a concurrent increased demand for services resulting from the growth-inducing nature of redevelopment projects and county approvals of increased development.
Initial estimates of impacts to districts provided by the redevelopment agency indicated a more gradual, and therefore more workable, revenue pass-through program. However, instead of the proposed 2% to 5.5% take projected for the redevelopment agency in these areas during the first 5 years of redevelopment, the agency has passed less than 20% of these revenues through to the districts during each of its four years of operation. Documents relating to the fiscal impacts of current redevelopment takings are found in ATTACHMENT W.

The Prop 4 limit requested to be established for the Northshore Fire Protection District is $3,641,690. Projecting operations and growth over the next 10 years, this amount will accommodate the ability to establish parity of services and personnel in the new district during this period. Prop 4 funds only include fire assessment taxes, property taxes and incremental growth taxes.

Projected budget for the new district by FY 2014-15 is anticipated to be $5,347,849. This anticipates establishing parity on the fire tax issue by 2010, and accommodates a conservative growth rate of 6% per year. The current actual combined income for all four districts under the administration of the Northshore Fire Authority for FY 2004-05 was $2,714,737. The approved revenue estimate for FY 2005-06 is conservatively estimated at $2,559,995. Revenues that supply additional funds to this budget include ambulance service fees, grants, mitigation fees, fire permits, fire and emergency response services, weed abatement fees, donations, and other non-tax revenues.

It is expected, during this ten-year plan, to take about five years to implement parity on the current fire tax schedule for all zones of benefit of the new district. Any increase of the fire tax will require voter participation. Establishment of fire tax parity will be dependent upon the voters understanding and supporting a balanced approach to providing fire and emergency response services within the district. Once fire tax parity is established throughout the district, the board of directors will be able to address and justify any future increases for service needs with its electorate.

Included as ATTACHMENT Q are the following documents:

- Budget History Income 1994-95 through 2004-2005 (all districts)
- Total Budget Next 10 Years as Northshore Fire Protection District (includes estimated Prop 4 calculations)
- Northshore Fire JPA Expense FY 2002-03 through FY 2005-06 (by stations)
- Northshore Fire JPA Expenses FY 2001-02 through FY 2005-06 (5 year totals)
- Northshore Fire Protection District Next 10 Years Projections

b. Is a new tax or assessment being proposed as a part of this project?

Each participant district has adopted different fire tax rates and limits according to what was found to be acceptable to the voters within their respective districts.
ATTACHMENT O contains the differing ordinance provisions. Areas within the existing districts already have an approved tax or assessment in place. The new district will inherit these areas as a Zone 1, named for each community area, and continue receiving this previously approved tax.

Zone 2 areas include territory coming into the new district. Identified areas adjacent to each district shall be subject to the same fire tax rate as its neighboring Zone 1, and will be identified as Zone 2 of that community area. The zones of benefit and the associated fire tax applicable to parcels within each zone are listed as follows:

<table>
<thead>
<tr>
<th>Zone of Benefit</th>
<th>Single Family Residential</th>
<th>Vacant Land</th>
<th>Ag Use w/structures</th>
<th>Current Taxing Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clearlake Oaks</td>
<td>$60/year</td>
<td>$20/year</td>
<td>$20/year</td>
<td>$60/year</td>
</tr>
<tr>
<td>Zone 1 and Zone 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lucerne</td>
<td>$45/year</td>
<td>$15/year</td>
<td>$15/year</td>
<td>$60/year</td>
</tr>
<tr>
<td>Zone 1 and Zone 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nice</td>
<td>$52.50</td>
<td>$17.50</td>
<td>$17.50</td>
<td>$52.50/year</td>
</tr>
<tr>
<td>Zone 1 and Zone 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper Lake</td>
<td>$45/year</td>
<td>$15/year</td>
<td>$15/year</td>
<td>$45/year</td>
</tr>
<tr>
<td>Zone 1 and Zone 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Commercial property within all areas is calculated by square footage, with a set maximum tax limit. Calculations for commercial rates for each community zone are identified ordinances adopted by each board, and found in ATTACHMENT O. Maps of the community zones of benefit boundaries are found in ATTACHMENT R.

Mitigation funds, which are collected during the Lake County permitting process, are limited to certain uses and cannot be utilized as general funds. Specifically, mitigation funds are restricted to

"the acquisition of capital facilities in order to ensure the provision of capital facilities necessary to maintain current levels of fire protection services necessitated by new Development." (Section 27-2, Lake County Ordinance)

Mitigation ordinances adopted by each district are found in ATTACHMENT P.

c. Have agreements to mitigate the financial effects of this proposal been established with present service providers?

Yes. All current local fire and emergency response providers servicing this territory are participants in this application, and have authorized submitting this reorganization proposal to the Lake County LAFCO.

Mutual aid agreements with the Lake County Fire Chiefs Association will continue, and are included as ATTACHMENT U.
13. **Environmental Compliance**

The Lucerne Recreation and Park District assumed Lead Agency status for the purposes of compliance with the California Environmental Quality Act (CEQA). A Negative Declaration has been adopted for this project, and a Notice of Determination has been filed with the Lake County Clerk, and posted in all four districts. LAFCo is requested to participate as a Responsible Agency for the purposes of CEQA on this project. A copy of the completed environmental documentation prepared by the Lead Agency, and a copy of the Notice of Determination are included as ATTACHMENT Y. Written comments received in response to this review are found in ATTACHMENT X.

14. **Disclosure Requirements**

Pursuant to Government Code Sections 56700.1 and 81000 et seg., any person or group of persons acting in concert who directly or indirectly contribute $1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Lake County LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660.

15. **Certification**

The participant districts have requested by resolution of application that proceedings as described in this application be taken in accordance with the provisions of Government Code sections 56000 et seg. Signatures are affixed to the following approved resolutions of application, duly adopted after a public hearing on March 29, 2006, at Lucerne, California. A certified true copy of each signed resolution is included as ATTACHMENTS A-D:

<table>
<thead>
<tr>
<th>Date</th>
<th>Resolution</th>
<th>Printed Name</th>
<th>Title/Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/29/2006</td>
<td>Resolution of Application No. 2006-6 (Attachment A)</td>
<td>Lynn Ringuette</td>
<td>Chair, Clearlake Oaks Fire Protection District</td>
</tr>
<tr>
<td>03/29/2006</td>
<td>Resolution of Application No. 2006-3 (Attachment B)</td>
<td>Carleen Willard</td>
<td>Chair, Lucerne Recreation &amp; Park District</td>
</tr>
<tr>
<td>03/29/2006</td>
<td>Resolution of Application No. 2006-4 (Attachment C)</td>
<td>Dara Phillips</td>
<td>President, Nice Community Services District</td>
</tr>
<tr>
<td>03/29/2006</td>
<td>Resolution of Application No. 2006-2 (Attachment D)</td>
<td>Janet Green</td>
<td>Chair, Upper Lake Fire Protection District</td>
</tr>
</tbody>
</table>
Resolution 2006-10 of the
Local Agency Formation Commission
of
Lake County, California

A Resolution Making Determinations and Approving the dissolution of the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Park and Recreation District and the Clearlake Oaks Fire Protection District and the Formation of the Northshore Fire Protection District

WHEREAS, Resolutions of Application from the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Park and Recreation District and the Clearlake Oaks Fire Protection District for the dissolution of the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Park and Recreation District and the Clearlake Oaks Fire Protection District and the formation of the Northshore Fire Protection District, as defined in the California Health and Safety Code Section 13800 et seq., have been filed with the Executive Officer of the Local Agency Formation Commission of Lake County, California and said application complied with all the requirements of law and the Commission; and,

WHEREAS, the proceedings for the district dissolutions and formations are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act, Section 56000 et seq. of the Government Code; and

WHEREAS, it is the desire of the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Park and Recreation District and the Clearlake Oaks Fire Protection District that additional territory currently served yet not within the boundaries of the existing districts be included into the newly formed Northshore Fire Protection District; and

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission upon said application; and

WHEREAS, the Local Agency Formation Commission of Lake County has adopted a Sphere of Influence coterminous with the boundary of the proposed Northshore Fire Protection District.

WHEREAS, the Executive Officer has reviewed the application and has prepared a report including staff recommendations thereon within the time required by law and has furnished copies of said report to the Commission and to all other persons required by law to receive it; and

WHEREAS, at a hearing on October 18, 2006, the Commission considered the proposal and the report of the Executive Officer; the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government
Resolution 2006-10
Formation of the Northshore Fire Protection District
LAFCO of Lake County

Code Section 56688; and all other relevant evidence and information presented at said hearing, including the comments of all interested parties desiring to be heard; and

WHEREAS, the Lucerne Park and Recreation District on behalf of the four districts prepared and certified as the Lead Agency a Negative Declaration for LAFCO # 2006-0001 on March 30, 2006 for the affected territory pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code).

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the Lake Local Agency Formation Commission as follows:

1. The foregoing recitals are true and correct.

2. The territory comprises approximately 228,300 acres more or less and is found to be inhabited.

3. The change of organization is assigned the following distinctive short-term designation: Northshore Fire Protection District—Formation

4. The Commission has reviewed and considered the information contained in the Initial Study and Negative Declaration prepared by the Lucerne Park and Recreation District for this change of organization and makes a specific determination that the issues and findings as adopted by the lead agency adequately address this change of organization. The Commission hereby adopts and incorporates by reference the findings of the lead agency as part of the findings for this resolution.

5. The Commission directs the Executive Officer to file a Notice of Determination as provided under Section 15094 of Title 14 of the California Code of Regulations upon completion of the LAFCO proceedings. Applicant shall be responsible for payment of any documentary handling fees required by the Lake County Clerk/Auditor.

6. The proposed Northshore Fire Protection District is consistent with and coterminous with the adopted sphere of influence for the Northshore Fire Protection District and does not conflict with any other agency providing similar services.

7. The Commission adopts the determinations regarding consistency with LAFCO policies contained in the staff report for this project and incorporates them by reference herein.

8. The Upper Lake Fire Protection District formed pursuant to Section 13800 of the Health and Safety Code), the Nice Community Services District (Formed pursuant to 61000 et.seq. of the Government Code), the Lucerne Park and Recreation District (formed pursuant to Section 5780 of the Public Resources Code) and the Clearlake Oaks Fire Protection District (formed pursuant to
Section 13800 of the Health and Safety Code) are hereby dissolved and the successor district shall be the Northshore Fire Protection District.

9. This change of organization includes all the parcels within the boundaries as shown in Exhibit "A" Proposed Northshore Fire Protection District Map and Exhibit "B" Boundary Description for the Northshore Fire Protection District. The boundaries of the district, as set forth in the proposal, are hereby approved as described in Exhibits A and B attached hereto and by this reference incorporated herein.

10. The effective date of formation shall be upon the recordation of the Certificate of Completion and after the completion of all proceedings.

11. The Northshore Fire Protection District shall be the successor agency to all rights, responsibilities, properties, contracts, assets and liabilities, and functions of the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Park and Recreation District and the Clearlake Oaks Fire Protection District. Professional service agreements and individual employments contracts will be evaluated consistent with the provisions as follows:

All full-time employees of the dissolved Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Park and Recreation District and the Clearlake Oaks Fire Protection District shall become full-time employees of the successor agency with retention of salaries, seniority rights, vacation/sick leave accruals and accrual rates, retirement and other employee benefits applicable to the dissolved districts. Contract employees and professional service agreements will be evaluated, at the sole and exclusive discretion of the governing body of the newly formed Northshore Fire Protection District, to determine whether they are essential to the ongoing operation of the District.

12. The successor agency shall function under and carry out all authorized duties and responsibilities assigned to a Fire Protection District as outlined in the Division 12, part 2.7, Chapter 1, Health and Safety Code, Fire Protection District Law of 1987 (commencing with Section 13800 et seq.) and other applicable laws.

13. Upon reorganization, the successor agency succeeds to all properties, rights, contracts, obligations of each of the four (4) Districts; and any funds to which it succeeds may be expended and properly disposed of as provided by Division 12, Part 2.7, Chapter 1, Health and Safety Code, Fire Protection District Law of 1987 (commencing with Section 13800 et seq.).

14. All income from taxes or any other source, which has been a continuing right to tax distribution, or historical distribution or allocation of funds to each of the
Districts to be reorganized, shall continue to be distributed to the successor district.

15. The appropriation limit of the Northshore Fire Protection District shall be set in the amount of $3,641,690 for the first full fiscal year.

16. Zone of Benefit one (1) is hereby established for the territory of each district proposed for dissolution, as shown on Exhibits C1 through C4 Northshore Fire Protection District and Zone Maps and shall be subject to existing taxing structures which shall continue with the successor Northshore Fire Protection District as a zone of benefit relating to the dissolved district, to wit:

   a. Clearlake Oaks FPD
   b. Lucerne R&PD
   c. Nice CSD
   d. Upper Lake FPD

   Clearlake Oaks Zone 1
   Lucerne Zone 1
   Nice Zone 1
   Upper Lake Zone 1; and

17. Zone of benefit two (2) is hereby established for territory adjacent to each dissolved district, as shown on Exhibits C1 through C4 Northshore Fire Protection District and Zone Map, will be subject to the same taxing structures established for that dissolved district, and will be identified in the successor Northshore Fire Protection District as a zone of benefit relating to that dissolved district, to wit:

   a. Clearlake Oaks FPD
   b. Lucerne R&PD
   c. Nice CSD
   d. Upper Lake FPD

   Clearlake Oaks Zone 2
   Lucerne Zone 2
   Nice Zone 2
   Upper Lake Zone 2; and

18. All previously authorized charges, fees, assessments, and/or taxes currently in effect, now levied or collected by each district, including improvement or assessment districts thereof, shall continue to be levied and collected by the successor Northshore Fire Protection District.

19. Indebtedness of each District shall remain the legal obligation of only the lands and areas, which incurred such indebtedness; however, the outstanding indebtedness of each district at the time of consolidation shall remain the obligation of the successor Northshore Fire Protection District.
20. Reorganization of these four (4) districts shall not change the rights of the lands in the respective district as they existed immediately prior to the consolidation.

21. The population of the component districts being substantially comparable, it is determined that the initial and subsequent boards of directors of the Northshore Fire Protection District shall number five (5) shall be selected as provided by Division 12, part 2.7, Chapter 1, Health and Safety Code: Fire Protection District law of 1987, (commencing with Section 13834), and shall consist of one director from each zone of benefit area (including zone 1 and zone 2, if applicable) representing the dissolved districts and surrounding territory (as depicted in Exhibits C-1 through C-4) (to wit, Clearlake FPD Zones 1 and 2, Lucerne Zones 1 and 2, Nice CSD Zones 1 and 2 and Upper Lake Zones 1 and 2), for a total of four directors, and shall have one public member who will serve at-large. All directors shall reside within the Northshore Fire Protection District Boundaries and be registered to vote.

22. The Lake County Board of Supervisors is requested, upon completion of LAFCO proceedings, to appoint the initial five (5) sitting members of the board of Directors of the North shore Fire Authority seated at the time the reorganization is approved by LAFCO, as the first board of directors of the Northshore Fire Protection District. At its first meeting, the Northshore Fire Protection District Board of Directors shall draw lots to determine the length of their term of office, with two (2) members each serving two (2) year terms and three (3) members each serving four (4) year terms, and will also select its officers and form its initial committees. Thereafter, each member of the Board of Directors of the Northshore Fire Protection District will be elected by the registered voters for a four (4) year term at a regularly scheduled or special election pursuant to the Uniform District Election Law, Part 4 (commencing with Section 10500) of Division 10 of the Election Code) in precincts as stated in this resolution.

23. The district shall provide the range of services authorized by the Fire Protection District Law, commencing at Section 13800 of the California Health and Safety Code.

24. As stated in the LAFCO Staff Report of October 18, 2006, Board of Supervisor's Resolution 2006-172, Upper Lake FPD Resolution 0906-1, Nice CSD Resolution 2006-17, Lucerne Park and Recreation District Resolution 2006-16 and Clearlake Oaks FPD Resolution 2006-16, the amount of base property tax revenue currently allocated to the Upper Lake FPD, the Nice CSD, the Lucerne Recreation and Park District and the Clearlake Oaks FPD shall be re-allocated to the Northshore Fire Protection District and the entire amount of tax increment that would have otherwise been allocated to the Upper Lake FPD, the Nice CSD, the Lucerne Recreation and Park District and the Clearlake Oaks FPD will be allocated to the Northshore Fire Protection District pursuant to Section 56842 of the California Government
Code shall be zero. (See Exhibits D-1 through D-5 Resolutions regarding tax revenue exchange.

25. LAFCO is the conducting authority for this formation. In accordance with the provisions of Section 56000 et.seq. of the Government Code and with Lake LAFCO Policies, The Commission finds, pursuant to Government Code Section 56663(d), that no written protests were submitted to the Commission prior to the close of the public hearing on October 18, 2006, and the protest-hearing requirement pursuant to Government Code Section 57000 is waived and the reorganization is ordered complete.

26. Ten sets of copies of all exhibit maps, two 8 1/2 reductions of all maps and electronic copies shall be submitted to LAFCO prior to the recordation of the Certificate of Completion.

27. The boundary description, fees and maps shall meet the requirements in 54902 and 54902.5 of the Government Code and as stated in the State Board of Equalization Change of Jurisdictional Boundary Requirements for Statements, Boundary Descriptions, Maps and Schedule of Processing Fees. If rejected by the State Board of Equalization, Maps and Legal Descriptions will be revised at the expense of the applicant prior to recordation of the Certificate of Completion.

28. Approval of this reorganization is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Lake Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this annexation. The Local Agency Formation Commission of the County of Lake shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.

29. All LAFCO, Lake County and State of California fees must be paid in full prior to filing the Certificate of Completion. LAFCO will forward invoices and (or) a list of estimated required fees or deposits to the agency prior to filing the Certificate of Completion.

30. The Executive Officer is hereby directed to transmit a certified copy of this resolution to each affected agency, as provided in G.C. Section 55882.

31. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings.

32. Completion of proceedings shall be concluded within one year after adoption of this resolution. If the proceedings are not concluded within one year after passage of this resolution, all proceedings shall be terminated.
Resolution 2006-10
Formation of the Northshore Fire Protection District
LAFCO of Lake County

The foregoing resolution was duly passed by the Local Agency Formation Commission of Lake County at a regular meeting held on October 18, 2006 by the following roll call vote:

Commissioners

Nees: None

Abstains: None

Absent: None

Signed and approved by me after its passage this 18th day of October, 2006.

Elizabeth Davis, Chair
LAFCO of Lake County

Attest:

John Benoit, Executive Officer
EXHIBIT "A"

Northshore Fire Protection District
County of Lake, State of California

All that portion of the County of Lake, State of California being all of Township 14 North, Range 7 West, Township 15 North, Range 7 West, and Township 15 North, Range 8 West and portions of Township 13 North, Ranges 4, 5, 6 and 7 West, Township 14 North, Ranges 5, 6, and 8 West, Township 15 North, Ranges 6, 9, 10 and 11 West and Township 16 North, Ranges 6, 7, 8, 9, 10 and 11 West, Mount Diablo Base and Meridian described as follows:

Beginning at the Southwest corner of Section 25, Township 15 North, Range 10 West, Mount Diablo Base and Meridian, thence

1) North along the West lines of Sections 25 and 24 of Township 15 North, Range 10 West, 2 miles to the Southeast corner of Section 14 Township 15 North, Range 10 West; thence
2) West along the South lines of Sections 14, 15, 16 and 17 Township 15 North, Range 10 West, 3-1/2 miles to the Southwest corner of the Southeast Quarter of said Section 17; thence
3) South along the West line of the Northeast Quarter of Section 20 Township 15 North, Range 10 West, 1/4 mile to the Northwest corner of the East half of the Southeast Quarter of said Section 20; thence
4) East along the North line of said Southeast Quarter 1/4 mile to the Northwest corner of the East half of the Southeast Quarter of said Section 20; thence
5) South along the West line of said East half of the Southeast Quarter of said Section 20, 3/4 mile to the Southeast corner of said Section 20; thence
6) West along said South line of said Section 20, 3/4 mile to the Southwest corner of said Section 20; thence
7) West along the South line of Section 19 of Township 15 North, Range 10 West, 5,500 feet, more or less to the line common to Township 15 North, Range 10 West, and Township 15 North, Range 11 West; thence
8) South along said common Township line 1000 feet, more or less to the Southeast corner of Section 25 of Township 15 North, Range 11 West; thence
9) West along the South line of said Section 25 and the South lines of Sections 26, 27 and Section 28 of Township 15 North, Range 11 West 19,000 feet, more or less to the Western boundary of said County of Lake; thence
10) Northeasterly along said Western boundary following the Section lines and Sectional subdivision lines of said Northwest boundary 15-1/2 miles, more or less to the Northwest corner of Section 8, Township 16 North, Range 10 West; thence
11) East along the North line of said Section 8 and the North lines of Sections 9, 10, 11 and Section 12 of Township 16 North, Range 10 West, 25,000 feet, more or less to the line common to said Township and Township 16 North, Range 9 West; thence
12) Southerly along said common Township line 22,000 feet, more or less to the Southwest corner of Section 30 of said Township 16 North, Range 9 West; thence
13) East along the South line of said Section 30, 1/4 mile to the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 30; thence (not continued)
RESOLUTION PERTAINING TO TAX REVENUE EXCHANGE
FOR THE NORTHSHORE FIRE ANNEXATION/REORGANIZATION (LAFCO PROJECT #2006-001)

WHEREAS, Section 99 of the Revenue and Taxation Code requires, before the LAFCO Executive Officer issues a certification of filing for a proposed jurisdictional change, that an exchange of property tax revenue be negotiated between the affected agencies; and

WHEREAS, a proposed jurisdictional change has been filed with the LAFCO Executive Officer to annex certain properties to the Northshore Fire Protection District, LAFCO Project #2006-001, and negotiations have taken place between the County and the District; and

WHEREAS, during these negotiations, questions have arisen regarding the current allocation of property taxes from certain tax rate areas and additional time will be required to clarify and resolve those issues; and

WHEREAS, in order to proceed with the proposed reorganization without further delay, an agreement has been reached relative to an exchange of property tax that will allow the reorganization to continue, with the understanding that additional property tax exchanges or adjustments may be agreed to at a future date after additional information is made available to the County and District, and this resolution may be amended at that time.

NOW, THEREFORE, BE IT RESOLVED that:

1. Upon finalization of the LAFCO Project #2006-001 - Northshore Fire Annexation, property tax revenues generated from within the annexed area shall be allocated as follows:

   a. **Base Property Tax**: The base property tax revenue currently allocated to the County General Fund and all local agencies shall not be changed as a result of this annexation, except that all property taxes currently allocated to the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Recreation and Park District and the Clearlake Oaks Fire Protection District shall be re-allocated to the Northshore Fire Protection District.

   b. **Future Property Tax Increment**: The entire amount of tax increment that would have otherwise been allocated to the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Recreation and Park District and the Clearlake Oaks Fire Protection District, will be allocated to the Northshore Fire Protection District.

2. The Clerk of the Board is directed to file a certified copy of this resolution with the State Board of Equalization, the Auditor-Controller of the County of Lake, the LAFCO Executive Officer and the Upper Lake Fire Protection District, Nice Community Services District, Lucerne Recreation and Park District and the Clearlake Oaks Fire Protection District.

THIS RESOLUTION was passed and adopted by the Board of Supervisors of the County of Lake at a regular meeting thereof on the 5th day of September, 2006, by the following vote:

AYES: Supervisors Smith, Lewis, Brown and Farrington

NOES: None

ABSENT OR NOT VOTING: Supervisor Robey Absent

ATTEST: Kelly F. Cox
          Clerk of the Board

By: [Signature]

APPROVED AS TO FORM:
ANITA L. GRANT, County Counsel

COUNTY OF LAKE

Chair, Board of Supervisors

[Signature]
Exhibit D-2 Resolution 2006-0010

BOARD OF DIRECTORS
UPPER LAKE FIRE PROTECTION DISTRICT
COUNTY OF LAKE, STATE OF CALIFORNIA

RESOLUTION NO. 0906-1

RESOLUTION PERTAINING TO TAX REVENUE EXCHANGE
FOR THE NORTHSHORE FIRE REORGANIZATION (LAFCO PROJECT #2006-001)

WHEREAS, Section 99 of the Revenue and Taxation Code requires, before the LAFCO Executive Officer issues a certification of filing for a proposed jurisdictional change, that an exchange of property tax revenue be negotiated between the affected agencies; and

WHEREAS, a proposed jurisdictional change has been filed with the LAFCO Executive Officer to reorganize certain properties into Northshore Fire Protection District, LAFCO Project #2006-001, and negotiations have taken place between the County and the affected Districts; and

WHEREAS, during these negotiations, questions have arisen regarding the current allocation of property taxes from certain tax rate areas and additional time will be required to clarify and resolve those issues; and

WHEREAS, in order to proceed with the proposed reorganization without further delay, an agreement has been reached relative to an exchange of property tax that will allow the reorganization to continue, with the understanding that additional property tax exchanges or adjustments may be agreed to at a future date after additional information is made available to the County and Districts, and this resolution may be amended at that time.

NOW, THEREFORE, BE IT RESOLVED that:

1. Upon finalization of the LAFCO Project #2006-001 - Northshore Fire Reorganization, property tax revenues generated from within the annexed area shall be allocated as follows:
   a. All local agencies shall not be changed as a result of this annexation, except that all property taxes currently allocated to the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Recreation and Park District and the Clearlake Oaks Fire Protection District shall be re-allocated to the Northshore Fire Protection District.
   b. Future Property Tax Increment: The entire amount of tax increment that would have otherwise been allocated to the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Recreation and Park District and the Clearlake Oaks Fire Protection District, will be allocated to the Northshore Fire Protection District.

THIS RESOLUTION was passed and adopted by the Board of Directors of the Upper Lake Fire Protection District of the County of Lake at a special meeting thereof on the 6th day of September, 2006, by the following vote:

AYES: COBURN, GREEN, CRABTREE, HOYT

NOES: NONE

ABSENT OR NOT VOTING: STILLMAN

ATTEST: John Tomkins

By: John Tomkins
   Clerk to the Board

   Janet B. Moss
   Chair, Upper Lake Fire Protection District
LUCERNE RECREATION AND PARK DISTRICT
COUNTY OF LAKE, STATE OF CALIFORNIA

RESOLUTION NO. 2006-16

RESOLUTION PERTAINING TO TAX REVENUE EXCHANGE
FOR THE NORTHSHORE FIRE REORGANIZATION (LAFCO PROJECT #2006-001)

WHEREAS, Section 99 of the Revenue and Taxation Code requires, before the LAFCO Executive Officer issues a certification of filing for a proposed jurisdictional change, that an exchange of property tax revenue be negotiated between the affected agencies; and

WHEREAS, a proposed jurisdictional change has been filed with the LAFCO Executive Officer to reorganize certain properties to the Northshore Fire Protection District, LAFCO Project #2006-001, and negotiations have taken place between the County and the affected Districts; and

WHEREAS, during these negotiations, questions have arisen regarding the current allocation of property taxes from certain tax rate areas and additional time will be required to clarify and resolve those issues; and

WHEREAS, in order to proceed with the proposed reorganization without further delay, an agreement has been reached relative to an exchange of property tax that will allow the reorganization to continue, with the understanding that additional property tax exchanges or adjustments may be agreed to at a future date after additional information is made available to the County and Districts, and this resolution may be amended at that time.

NOW, THEREFORE, BE IT RESOLVED that:

1. Upon finalization of the LAFCO Project #2006-001 - Northshore Fire Reorganization, property tax revenues generated from within the annexed area shall be allocated as follows:

   a. Base Property Tax: The base property tax revenue currently allocated to the County General Fund and all local agencies shall not be changed as a result of this annexation, except that all property taxes currently allocated to the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Recreation and Park District and the Clearlake Oaks Fire Protection District shall be re-allocated to the Northshore Fire Protection District.

   b. Future Property Tax Increment: The entire amount of tax increment that would have otherwise been allocated to the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Recreation and Park District and the Clearlake Oaks Fire Protection District, will be allocated to the Northshore Fire Protection District.

THIS RESOLUTION was passed and adopted by the Board of the Lucerne Recreation and Park District of the County of Lake at a regular meeting thereof on the 5th day of September, 2006, by the following vote:

AYES: Carlene Wellard, Nick Kadinger, Mike Kirch, Larry Harris

NOES:

ABSENT OR NOT VOTING: John Hancock

ATTTEST: Julie Lindesblad

By: Julie Lindesblad

Clerk to the Board

Chair, Lucerne Recreation and Park
Exhibit D-4 Resolution 2006-0010

BOARD OF DIRECTORS
CLEARLAKE OAKS FIRE PROTECTION DISTRICT
COUNTY OF LAKE, STATE OF CALIFORNIA

RESOLUTION NO. 2006-19

RESOLUTION PERTAINING TO TAX REVENUE EXCHANGE
FOR THE NORTHSORE FIRE REORGANIZATION (LAFCO PROJECT #2006-001)

WHEREAS, Section 99 of the Revenue and Taxation Code requires, before the LAFCO Executive Officer issues a certification of filing for a proposed jurisdictional change, that an exchange of property tax revenue be negotiated between the affected agencies; and

WHEREAS, a proposed jurisdictional change has been filed with the LAFCO Executive Officer to reorganize certain properties into Northshore Fire Protection District, LAFCO Project #2006-001, and negotiations have taken place between the County and the affected Districts; and

WHEREAS, during these negotiations, questions have arisen regarding the current allocation of property taxes from certain tax rate areas and additional time will be required to clarify and resolve those issues; and

WHEREAS, in order to proceed with the proposed reorganization without further delay, an agreement has been reached relative to an exchange of property tax that will allow the reorganization to continue, with the understanding that additional property tax exchanges or adjustments may be agreed to at a future date after additional information is made available to the County and Districts, and this resolution may be amended at that time.

NOW, THEREFORE, BE IT RESOLVED that:

1. Upon finalization of the LAFCO Project #2006-001 - Northshore Fire Reorganization, property tax revenues generated from within the annexed area shall be allocated as follows:
   a. Base Property Tax: The base property tax revenue currently allocated to the County General Fund and all local agencies shall not be changed as a result of this annexation, except that all property taxes currently allocated to the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Recreation and Park District and the Clearlake Oaks Fire Protection District shall be re-allocated to the Northshore Fire Protection District.
   b. Future Property Tax Increment: The entire amount of tax increment that would have otherwise been allocated to the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Recreation and Park District and the Clearlake Oaks Fire Protection District, will be allocated to the Northshore Fire Protection District.

THIS RESOLUTION was passed and adopted by the Board of Directors of the Clearlake Fire Protection District of the County of Lake at a special meeting thereof on the 6th day of September, 2006, by the following vote:

AYES: Luther Winter, Bruce Lerner, Clark Richards, Lynn Bignotti, Pat Nason

NOES: None

ABSENT OR NOT VOTING: None

ATTEST: Julie Lindblad

Clerk to the Board

[Signature]

Chair, Clearlake Oaks Fire Protection District
BOARD OF DIRECTORS
NICE COMMUNITY SERVICES DISTRICT
COUNTY OF LAKE, STATE OF CALIFORNIA

RESOLUTION NO. 2006-17

RESOLUTION PERTAINING TO TAX REVENUE EXCHANGE
FOR THE NORTHSHORE FIRE REORGANIZATION (LAFCO PROJECT #2006-001)

WHEREAS, Section 99 of the Revenue and Taxation Code requires, before the LAFCO Executive Officer issues a certification of filing for a proposed jurisdictional change, that an exchange of property tax revenue be negotiated between the affected agencies; and

WHEREAS, a proposed jurisdictional change has been filed with the LAFCO Executive Officer to reorganize certain properties into Northshore Fire Protection District, LAFCO Project #2006-001, and negotiations have taken place between the County and the affected Districts; and

WHEREAS, during these negotiations, questions have arisen regarding the current allocation of property taxes from certain tax rate areas and additional time will be required to clarify and resolve those issues; and

WHEREAS, in order to proceed with the proposed reorganization without further delay, an agreement has been reached relative to an exchange of property tax that will allow the reorganization to continue, with the understanding that additional property tax exchanges or adjustments may be agreed to at a future date after additional information is made available to the County and Districts, and this resolution may be amended at that time.

NOW, THEREFORE, BE IT RESOLVED that:

1. Upon finalization of the LAFCO Project #2006-001 - Northshore Fire Reorganization, property tax revenues generated from within the annexed area shall be allocated as follows:

   a. **Base Property Tax:** The base property tax revenue currently allocated to the County General Fund and all local agencies shall not be changed as a result of this annexation, except that all property taxes currently allocated to the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Recreation and Park District and the Clearlake Oaks Fire Protection District shall be re-allocated to the Northshore Fire Protection District.

   b. **Future Property Tax Increment:** The entire amount of tax increment that would have otherwise been allocated to the Upper Lake Fire Protection District, the Nice Community Services District, the Lucerne Recreation and Park District and the Clearlake Oaks Fire Protection District, will be allocated to the Northshore Fire Protection District.

THIS RESOLUTION was passed and adopted by the Board of Directors of the Nice Community Services District of the County of Lake at a special meeting thereof on the 6th day of September, 2006, by the following vote:

AYES: Fabisch, Bell, Phillips
NOES: None

ABSENT OR NOT VOTING: Maintz, Benson

ATTEST: Lani Bell
By: Clerk to the Board

Chair, Nice Community Services District
**UPPER LAKE FIRE PROTECTION DISTRICT**

**APPOINTED DIRECTORS**

<table>
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<tr>
<th><strong>MEMBERS</strong></th>
<th><strong>ADDRESS</strong></th>
<th><strong>Re-appt thru</strong></th>
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<tbody>
<tr>
<td>Charles Coburn</td>
<td>P O Box 485</td>
<td>1-1-07</td>
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<td></td>
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<tr>
<td>James Crabtree</td>
<td>12032 Elk Mountain Rd</td>
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<td></td>
<td>Witter Springs, CA</td>
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<tr>
<td>Margot Silvahoyt</td>
<td>592 1st Street</td>
<td>AOS 1-11-05</td>
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<td></td>
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<td>appt thru 1-1-07</td>
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<tr>
<td>Jim Stillman</td>
<td>P O Box 1352</td>
<td>Re-appt thru</td>
</tr>
<tr>
<td></td>
<td>Upper Lake, CA</td>
<td>1-1-07</td>
</tr>
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</table>

FIRE CHIEF – JIM ROBBINS (Jim is fire chief for Lucerne Rec & Park Dist. On 7-1-03 he was appt Fire Chief for COAKS Fire and ULAK Fire, he was also appt Admin Fire Chief for Nice CSD (Gary Saylor is Fire Chief for Nice CSD). – These districts possible future consolidation as Northshore Fire Dept)

DISTRICT ADDRESS – P O BOX 481, UPPER LAKE, CA  95485
SECRETARY – JOHN H. TOMKINS
OFFICE PHONE - 2741843
CLOSED SESSION

1. Conference with Legal Counsel - Anticipated Litigation - (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: One Potential Case
2. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: SDA
3. Conference With Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9)
   Name of Case: Dahl v. County of Lake

CONSENT AGENDA

C-1 Board of Supervisors

APPROVE MINUTES OF THE BOARD OF SUPERVISORS MEETINGS HELD ON OCTOBER 17 and 24, 2006.

C-2 Board of Supervisors

ADOPT PROCLAMATION DESIGNATING THE MONTH OF NOVEMBER 2006, AS NATIONAL HOSPICE MONTH IN LAKE COUNTY.

C-3 Board of Supervisors

ADOPT PROCLAMATION DESIGNATING NOVEMBER 5 THROUGH 11, 2006, AS IN-HOME SUPPORTIVE SERVICES CAREGIVER RECOGNITION WEEK.

C-4 Board of Supervisors

APPOINT GREG HANSON TO THE AGRICULTURAL ELEMENT ADVISORY COMMITTEE, GRAPE INDUSTRY CATEGORY (AD HOC COMMITTEE).

C-5 Board of Supervisors

APPOINT MIKE KIRCH, LYNN RINQUETTE, DARA PHILLIPS, JAMES CRABTREE AND JAMES BURTON TO THE NORTHSHORE FIRE PROTECTION DISTRICT BOARD OF DIRECTORS.

C-6 Administrative Office

ADOPT RESOLUTION NO. ______, AMENDMENT NO. 1 TO RESOLUTION NO. 2006-166 ESTABLISHING SALARIES AND BENEFITS FOR MANAGEMENT EMPLOYEE FOR FISCAL YEAR 2006-2007 (AMENDING SECTION M "SALARY ON PROMOTION" OF THE MANAGEMENT RESOLUTION).

C-7 Administrative Office

APPROVE AMENDMENT NO. 20 TO AGREEMENT BETWEEN THE COUNTY OF LAKE AND THE CITY OF LAKEPORT, FOR THE PROVISION OF ANIMAL CONTROL SERVICES, AND AUTHORIZING THE CHAIR TO SIGN.

C-8 Clearlake Oaks County Water District

APPROVE CLEARLAKE OAKS COUNTY WATER DISTRICT'S CONFLICT OF INTEREST CODE, PURSUANT TO DISTRICT'S RESOLUTION NO. 06-12, ADOPTED ON SEPTEMBER 20, 2006.

C-9 Community Development - Code Enforcement Division

APPROVE AMENDMENT TO THE ORDER TO ABATE NUISANCE APPROVED ON SEPTEMBER 12, 2006, LOCATED AT 23878 MIRABEL ROAD, MIDDLETOWN, CA - APN 014-200-36-00 - CORA CLARK and DAVID CLARK (ADD "DILAPIDATED TRAILERS" THAT WAS INADVERTENTLY OMITTED FROM THE ORDER TO ABATE NUISANCE, BUT WAS INCLUDED ON THE POSTED NOTICE TO ABATE NUISANCE), AND AUTHORIZE THE CHAIR TO SIGN.

C-10 Elections


C-11 Elections

ADOPT RESOLUTION NO. ______, APPOINTING DIRECTORS OF CERTAIN SPECIAL DISTRICT BOARDS IN LIEU OF HOLDING A GENERAL DISTRICT ELECTION ON NOVEMBER 7, 2006.

C-12 Personnel

ADOPT RESOLUTION NO. ______, ADOPTING RESTATEMENT OF PLAN DOCUMENT FOR THE VARIABLE ANNUITY LIFE INSURANCE COMPANY (VALIC) DEFERRED COMPENSATION PLAN.

C-13 Public Works

APPROVE GRANT DEED AND DIRECT CLERK TO CERTIFY FOR RECORDATION (A PORTION OF APN 008-019-06 - GERTRUDE WOOLDRIDGE, TRUSTEE); and APPROVE PURCHASE AGREEMENT BETWEEN THE COUNTY OF LAKE AND GERTRUDE WOOLDRIDGE, TRUSTEE, FOR TIMBERLINE DISPOSAL, SODA BAY ROAD LEFT TURN LANE, AND AUTHORIZE THE CHAIR TO SIGN.
District Board Members FY 2006-2007

Chairman:  
Mike Kirch  
3526 Country Club Drive  
PO Box 1168  
Lucerne Ca 95458  
Phone 274.8998

Vice Chair:  
Lynn Rinquette  
11569 Lakeview Drive  
PO BOX 1215  
Clearlake Oak Ca 95423  
Phone 998.3102

Clerk:  
Dara Phillips  
7220 Tehama Street  
PO BOX 1  
Nice, Ca 95464  
Phone 274.7789

Members:  
James Crabtree  
12032 Elk Mountain Road  
Upper Lake  CA 95485  
Phone 275.2651

James Burton  
13160 1st Street  
PO BOX 441  
Clearlake Oaks, Ca 95423  
Phone 998.3355

Chief James Robbins  
PO BOX 676  
Lucerne Ca 95458  
Phone 274.4450

Secretary Julie Lindeblad  
6085 Scotts Valley Road  
Lakeport, CA 95453  
Phone 263.5519
CERTIFICATE OF COMPLETION
(of Boundary Change)

I, JOHN BENoit, the Executive Officer of the LAke Local Agency Formation Commission, hereby certify that the Clearlake Oaks Fire Protection District, the Lucerne Recreation and Park District, the Nice Community Services District and the Upper Lake Fire Protection District have completed a change of organization pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as follows:

This Change of Organization consists of the dissolution and consolidation of the Clearlake Oaks Fire Protection District, the Lucerne Recreation and Park District, the Nice Community Services District and the Upper Lake Fire Protection District and the formation of the Northshore Fire Protection District located in and around the communities of Upper Lake, Nice, Lucerne and Clearlake Oaks in Lake County.

The short title, if any, of the above-mentioned proceeding is:

Northshore Fire Protection District—Formation

The names of the agencies involved are:

Simultaneous Dissolution and Consolidation of the following districts:

Clearlake Oaks Fire Protection District,
Lucerne Recreation and Park District,
Nice Community Services District and
Upper Lake Fire Protection District

Simultaneous Formation of the

Northshore Fire Protection District

The name of the County or Counties in which the entire Reorganization is located is:

Lake County

The change of organization completed is:

X Inhabited

Uninhabited

The Resolution (LAFCO Resolution #2006-0010 including the boundary description and map of territory) ordering the change of organization for which this Certificate is being written is set forth in the attached Exhibit "A"

The change of organization was:

X Ordered without an election and the Resolution ordering the change of organization (Resolution 2006-0010) was adopted by the Local Agency Formation Commission on October 18, 2006.

N/A Confirmed by the voters and the resolution confirming the change of organization after confirmation by the voters was adopted by the governing Board of the ______________ on ____________.

Local Agency Formation Commission

Dated: 11-07-06

By: John Benoit
6a. Contra Costa LAFCo Municipal Services
Review of Fire and Emergency Medical Services
(Contra Costa County)
CONTRA COSTA LAFCO
MUNICIPAL SERVICES REVIEW - FIRE AND EMERGENCY MEDICAL SERVICES

In 2009, Contra Costa LAFCo completed a countywide Municipal Services Review (MSR) covering fire/emergency medical services. The MSR is a state required comprehensive study of services within a specific geographic region.

The fire/emergency medical MSR assessed services provided by three cities and eight special districts. Included in the MSR report were a number of governance structure and sphere of influence (SOI) options as summarized in the Executive Summary (attached).

The major outcomes of the MSR report included the following:

- Provided a comprehensive overview of fire/emergency medical services
- Identified resource sharing and showcased best practices relating to municipal services
- Identified service, infrastructure, fiscal and other challenges
- Provided a basis for SOIs updates and future boundary changes
- Served as a catalyst for further discussions and activities

In conjunction with the MSR, LAFCo formed an ad hoc fire committee. The committee held five meetings to facilitate discussion and receive additional public input regarding the governance and SOI options.

The MSR report has served as a vehicle for ongoing discussions. Since the MSR report was released, the following have occurred:

- The F.A.I.R. (Fire And Infrastructure Renewal) group formed. FAIR is a group of concerned Orinda residents who are advocating an examination of their local fire district (Moraga-Orinda Fire District - MOFD) to determine if the District can operate more efficiently, and free up funding to address critical community challenges, including crumbling roads, storm drains and a deficient water delivery system.
- The Orinda CARES group formed. This is a citizens group concerned with the possible dismantling of the MOFD and potential impacts to the delivery of fire/emergency medical services to their community.
- In October 2009, the East Contra Costa Fire Protection District (ECCFPD) reconstituted its Board. The governing Board was previously the Board of Supervisors. The new Board is comprised of representatives from the City of Brentwood, City of Oakley, and unincorporated County at large.
- A West County Fire Task Force (WCFTF) was formed. The focus of the group is to address short term (staffing and cost issues) and long term goals (consolidation and global vision).
- Contra Costa LAFCo hosted a Fire Workshop in February 2010, which was well attended by County, city and special district officials and staff, fire commissioners, representatives from labor, the Grand Jury, members of the public and the media. The workshop, facilitated by Bill Chiat, included small and large group discussions, information sharing, problem identification, and discussion of potential opportunities and next steps. In addition, LAFCo staff provided a brief overview of the MSR process and outcomes; officials from City of Orinda, ECCFPD, and the WCFTF provided updates regarding activities in their communities; and Bill McCammon, former Alameda County Fire Chief, presented case studies. Contra Costa LAFCo plans to host a second workshop in May 2010.

The MSR process has been an interactive, productive experience. The MSR report is a wealth of information and provides LAFCo, the affected local agencies, other stakeholders and the public an opportunity to visit the range of municipal services provided in our County.
Municipal Service Review: Fire and Emergency Medical Service Providers

Accepted by LAFCO August 12, 2009

Contra Costa Local Agency Formation Commission

Burr Consulting
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1. EXECUTIVE SUMMARY

This report is a countywide Municipal Service Review (MSR) report on fire protection and emergency medical services (EMS) prepared for the Contra Costa Local Agency Formation Commission (LAFCO). An MSR is a State-required comprehensive study of services within a designated geographic area, in this case, Contra Costa County. The MSR requirement is codified in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.). Once MSR findings are adopted, the Commission will update the spheres of influence (SOIs) of fire protection districts in Contra Costa County. This report identifies and analyzes SOI options for the Commission’s consideration.

SERVICE PROVIDERS

This report focuses on those cities and special districts that both provide fire and EMS services in Contra Costa County and are under LAFCO jurisdiction, as shown in Table 1-1. This report is the sole MSR in this cycle for each of the seven fire protection districts (FPDs) and the EMS County Service Area (CSA); LAFCO will update these agencies’ spheres of influence (SOIs) at the completion of this review. The three cities and East Bay Regional Park District (EBRPD) provide services besides fire and EMS. LAFCO is conducting a separate sub-regional MSR covering all services provided by the cities in west County, which will culminate in the city SOI updates. Alameda LAFCO has jurisdiction over EBRPD, and has reviewed all its services.

This MSR also includes information on other governmental service providers, such as California Department of Forestry and Fire Protection, and private providers, such as American Medical Response, to the extent necessary to establish relationships, quantify services, and provide a comprehensive overview of fire and EMS services in Contra Costa County.

GROWTH AND SERVICE DEMAND

Each fire department considers its customer base to be the residents, businesses, visitors, structures and open spaces in its service area, as well as those traveling through the area. There were 78 fire and EMS service calls made annually for each 1,000 people countywide in 2007. Service

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1 In Table 1-1, an agency is described as providing a service if that is accomplished by that agency’s staff, and not if it is accomplished by a contract service provider.
demand was above-average in Richmond, El Cerrito and Crockett-Carquinez FPD, below-average in San Ramon Valley FPD, East Contra Costa FPD and Kensington FPD, and average elsewhere in 2007. Population growth and job creation will affect both the volume and location of service calls in the future, creating needs for new facilities and staff resources in order to sustain service levels.

There were approximately 1.1 million residents of Contra Costa County in 2008. Since 2000, the number of residents grew by 103,000, or 11 percent. Among the nine Bay Area counties, Contra Costa experienced the fastest residential growth since 2000. Population in the County is projected to grow by 9,000-10,000 residents annually over the next 20 years, according to the Association of Bay Area Governments (ABAG). More rapid growth of 15,000-18,000 new residents annually over the next 20 years is projected by the California Department of Finance. Population growth is expected to be most rapid in Brentwood, San Ramon, Oakley, Richmond, and Hercules in the next 10-20 years, according to ABAG projections. Moderate population growth is projected in Pittsburg, Antioch and Concord. Slower population growth in projected elsewhere in the County.

There were approximately 394,000 jobs in the County in 2008. The job base is projected to grow by 7,000-8,000 jobs annually over the next 20 years, according to ABAG. There was about one job per housing unit in 2008. Job creation is projected to outpace residential growth in the County in the next 20 years, and result in 1.2 jobs per housing unit by 2030. Some communities have higher concentrations of jobs than others. The job-housing ratio is highest in San Ramon and Walnut Creek, and is above-average in Concord, Martinez, Pleasant Hill and Lafayette. The pace of job creation over the next 20 years is projected to be most rapid in Oakley, Brentwood, Pittsburg, Hercules and Antioch. Job creation at a moderate pace is projected in San Pablo, El Cerrito, San Ramon, and Martinez, with a slower pace anticipated elsewhere.

Planned or proposed developments are most concentrated in the cities of Brentwood, Oakley, San Ramon, Concord, Richmond, and Hercules. For the most part, the fire districts or cities in growth areas collect development impact fees to finance new facilities. To ensure that growth does not reduce service levels, fire departments experiencing growth should charge appropriate fees and conduct growth planning. San Ramon Valley FPD relies on development conditions, and could improve growth planning by implementing development impact fees. Moraga-Orinda FPD and the City of El Cerrito do not impose development impact fees, and do anticipate some growth in the coming years. Fees are relatively low in the City of Richmond. East Contra Costa FPD is studying its fees, which are relatively low in the unincorporated areas.

**Service Levels**

Urban and suburban areas are mostly served from fire stations staffed 24 hours a day with at least three full-time personnel certified as firefighters and emergency medical technicians, except in Brentwood and Oakley where stations are staffed by two-person crews. Low-density and outlying areas are often served from unstaffed fire stations by on-call personnel with training but not necessarily certification. Most outlying and isolated areas lack the financial resources to staff fire stations 24 hours a day. On-call fire stations are the closest resources in Crockett (daytime hours), Port Costa, Clyde, Morgan Territory, and the Briones area, although more distant staffed fire stations may also be deployed to incidents in outlying areas. The Bethel Island, Knight'sen and Byron areas are served by fire stations staffed with two-person, full-time crews.

All areas are served by ambulances staffed with two full-time personnel at least one of whom is certified as a paramedic and qualified to deliver advanced life support (ALS) services. Ambulances
tend to be stationed strategically in higher-density areas to deliver the fastest response times to the most populated areas, and response times tend to be longer in low-density, outlying and isolated areas. Fire departments operated by the City of Richmond, East Contra Costa FPD and Crockett-Carquinez FPD offer basic life support (BLS) services but do not offer ALS services directly. In these areas, ALS services are typically available several minutes after the fire department arrives at an incident; privately-owned American Medical Response (AMR) delivers ambulance services. To compensate, the EMS Agency sets higher ambulance response standards (Richmond) and has provided a paramedic in a quick-response vehicle (Crockett, Bethel Island, Discovery Bay/Byron and Oakley/Brentwood). In all other areas of the County, fire departments offer ALS services directly when the first unit arrives at an incident. Two of the first responders—San Ramon Valley FPD and Moraga-Orinda FPD—staff their own ambulance companies directly with certified paramedics, and all others rely on AMR.

National and state guidelines call for urban fire departments to respond within five to six minutes of receiving an emergency call to best promote life-saving and contain fires at least 90 percent of the time. Fire departments in the County are typically unable to respond within these time frames due in part to the length of time involved in dispatching emergency calls. Industry guidelines call for dispatching of emergency calls within 60 seconds at least 95 percent of the time. Actual dispatching times are substantially longer. If dispatch times were able to conform to the 60-second standard, fire departments would need to arrive at an emergency four to five minutes after being dispatched at least 90 percent of the time to conform to guidelines. Although such response times are achieved in many of the urban areas at least 50 percent of the time, fire departments in the County are not able to do so 90 percent of the time. Ambulances are required to respond within 10 minutes in Richmond, Danville and San Ramon, less than 12 minutes in other urban areas, and 20 minutes in rural areas at least 90 percent of the time. AMR and San Ramon Valley FPD responded within required time frames in 2007. Moraga-Orinda FPD ambulance response times fell short due to data reporting problems rather than compliance problems.

Within the County, staffing levels are relatively high at Kensington FPD, Moraga-Orinda FPD and the City of El Cerrito, relatively low in East Contra Costa FPD and Contra Costa County FPD, and average elsewhere.

**Infrastructure Needs**

Public agencies serving the County operate 79 fire stations. Of these, 34 are classified as in either good or excellent condition by their agencies, 34 stations are in fair condition, two are in fair-poor condition, and nine are in poor condition and need repairs or replacement. At least 36 of the stations are more than 40 years old. The City of Richmond, ConFire, East Contra Costa FPD and Moraga-Orinda FPD reported significant facilities needs for which repairs have neither been funded nor scheduled. There were fewer facilities needs in the cities of El Cerrito and Pinole, Rodeo-Hercules FPD, San Ramon Valley FPD, and Crockett-Carquinez FPD.

There are areas where additional fire stations are needed or existing fire stations are not strategically located due to growth, changing traffic patterns, funding constraints, boundaries, or other reasons. Such issues were identified in ConFire, City of Pinole, East Contra Costa FPD, and San Ramon Valley FPD. In order to meet response time guidelines, a fire station needs to be located within a 3-4 minute driving distance from 90 percent of emergency incidents in urban areas. In some cases, fire departments plan station locations by interpreting this driving distance to be 1.5-2.5 miles from a fire station. Best practices are for fire departments to conduct response time and
spatial analysis to analyze optimal fire station locations, to conduct long-term capital improvement planning, and to implement adequate impact fees to ensure that future facility needs in growth areas are funded.

In some areas, fire stations are located in close proximity to another fire station. Given the high cost of operating a fire station, it is not efficient for fire stations to be located in close proximity to each other. There are four cases where full-time fire stations are located less than two miles apart from each other: along the boundary between Richmond and El Cerrito, along the boundary between Moraga-Orinda FPD and ConFire, and in Martinez and Discovery Bay.

Fire dispatch operations are substantially slower than is desirable. Technology and/or facilities may be needed to reorganize dispatch functions to ensure more timely 911 call processing times. The public safety providers in Contra Costa and Alameda counties are collaborating to develop an interoperable communication system.

FINANCING

There are tremendous differences among the fire departments in funding sources, funding adequacy, and expenditure levels.

For the most part, the fire service providers have the financial ability to deliver appropriate service levels. The City of Pinole lacks the financial ability to sustain existing service levels in the city limits and adjacent unincorporated communities. East Contra Costa FPD lacks the financial ability to provide appropriate service levels to urban areas. ConFire's financial ability to provide services is limited by funding levels, particularly in San Pablo and Pittsburg.

The fire protection districts are funded primarily by property taxes. When California voters approved Proposition 13 in 1978, property tax rates were frozen as were the allocations of property taxes among cities, the County, special districts under LAFCO jurisdiction, and school districts under state jurisdiction. Fire district property tax shares are substantially higher in Kensington, Moraga, and Orinda where higher-cost fire departments were operating at the time Proposition 13 was adopted. In East Contra Costa FPD and Rodeo-Hercules FPD areas with low-cost volunteer fire departments in place at that time, property tax allocations for fire districts remain relatively low today. In some areas, cities have implemented extensive redevelopment projects, and growth in property taxes has accrued over the years to the redevelopment agency rather than the fire district. For this reason, property tax shares for ConFire in San Pablo and Pittsburg are substantially lower than in other areas, and ConFire revenues in these areas do not cover operating costs.

The three cities fund fire department operations primarily from their general fund revenues. Funding levels are determined there primarily by property, sales and utility tax revenues.

The median fire department in the County spent $209 per capita on fire and EMS costs in Fiscal Year 07-08, which is comparable to the median among Bay Area fire departments. Spending levels per capita were highest in Moraga-Orinda FPD ($566), Kensington FPD ($563) and San Ramon Valley FPD ($393). Costs were somewhat above the median in the cities of Richmond ($262) and El Cerrito ($220), and somewhat below the median in ConFire ($198) and Rodeo-Hercules FPD ($170). Expenditures per capita were relatively low in East Contra Costa FPD ($137), Crockett-Carquinez FPD ($145) and the City of Pinole ($145).
Employee compensation composed four-fifths of expenditures in the median fire department. The median fire department paid its experienced firefighters $83,362 in salary including planned overtime. Salaries paid by East Contra Costa FPD, California Department of Forestry and Fire Protection (CAL FIRE) and East Bay Regional Park District were substantially lower. City of Pinole salaries are somewhat below the median, and City of El Cerrito salaries are at the median. ConFire, Moraga-Orinda FPD and San Ramon Valley FPD salaries are somewhat above the median. City of Richmond salaries are highest. Most of the fire departments offer pension and health insurance to retired employees. Unfunded liabilities for future retirement benefits were more than double the fire districts' total annual expenditures as of mid-2008, and have since increased due to pension fund investment losses. The City of El Cerrito has the lowest unfunded liabilities for retiree benefits, and Moraga-Orinda FPD has the highest. Best practices among service providers are preparation of long-term financial projections, and incorporation of fiscal impact and sustainability analysis into negotiation of compensation terms.

Financial reserves were adequate for each of the service providers except the City of Pinole where there were no financial reserves of consequence as of mid-2008.

ACCOUNTABILITY

Each of the cities and special districts demonstrated accountability based on the measures of contested elections, constituent outreach efforts, transparency, and disclosure practices.

The County Board of Supervisors is the governing body of the three county-dependent districts: ConFire, Crockett-Carquinez FPD and East Contra Costa FPD. Although there is no direct local control over governance at these districts, there are appointed local advisory bodies with input for ConFire and Crockett-Carquinez FPD. East Contra Costa FPD has not succeeded in implementing governance changes, specifically an independent governing body representative of the community, as had been recommended by LAFCO at the time of its 2002 formation.

Each fire department demonstrated accountability and transparency by disclosing financial and service-related information in response to LAFCO requests. In some cases, requested information was not available. The County EMS Agency could improve accountability of public ambulance service providers at San Ramon Valley FPD and Moraga-Orinda FPD by regularly reporting response time outcomes, and ensuring that public ambulance providers are subject to incentives for meeting response time standards.

Accountability for community service needs is constrained by existing funding and governance schemas in Kensington, Orinda, Brentwood and Oakley. Kensington FPD and Moraga-Orinda FPD receive relatively high property tax shares, while there are significant funding shortfalls at the Kensington Community Services District and the City of Orinda. East Contra Costa FPD governing body members are not representative of the community; fire stations in the cities of Brentwood and Oakley have smaller crews than in urban areas elsewhere, and a substantial portion

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1 LAFCO resolution 02-24 stated “By December 2004, the question of governance shall be resolved and submitted for approval of the electorate within the boundaries of the consolidated East Contra Costa Fire Protection District, if necessary.” The cities of Brentwood and Oakley and Discovery Bay Community Services District (CSD) had requested a governing body representative of the area’s demographics as a consolidation condition (Letter from City of Brentwood Mayor Michael A. McPoland, City of Oakley Mayor Tinker Vanek and Discovery Bay CSD to LAFCO, July 29, 2002).
of tax revenues generated in the cities is expended on operating fire stations in outlying areas. Revenues generated in the cities of San Pablo and Pittsburg do not cover the costs of staffing stations to respond to incidents in these cities, primarily due to a substantial portion of property tax revenues being diverted from the fire district to the local redevelopment agency.

Accountability for community service needs could be improved by consolidating City of Richmond and ConFire dispatch operations, and by a coordinated effort among primary (law enforcement) dispatch and fire dispatch operations to implement technology and operational improvements to provide the public with more timely 911 call processing.

**Policy Options**

The report identifies and describes a number of policy options for the Commission to consider as it updates the spheres of influence of the fire districts, including the following, among others:

- Consolidation among west county fire providers is an option to improve the efficiency of service areas, promote facility-sharing and improve service levels.

- Formation of subsidiary fire districts in the City of El Cerrito and in the City of Richmond are options whereby the respective cities could more strategically establish fire service areas, formalize associated property tax transfers, and maintain City Council control over fire operations. This option would be accompanied by detachment of affected ConFire areas in East Richmond Heights, El Sobrante, Tara Hills, Bayview, and/or Alhambra Valley.

- Annexation of unincorporated areas in the fire service areas of the cities of El Cerrito, Pinole and Richmond to the city boundaries are options.

- Annexation of Pinole to ConFire or Rodeo-Hercules FPD are options that would allow for reconfiguration of fire stations in west County, and fiscal relief for the City of Pinole.

- Reorganization of Rodeo-Hercules FPD and Crockett-Carquinez FPD so that boundaries align with current service areas is an option.

- Consolidation of Kensington FPD with the Kensington Community Services District is an option.

- Detachment of Orinda and perhaps other areas from Moraga-Orinda FPD may be an emerging government structure option.

- Annexation of territory served in Alameda County is an option. San Ramon Valley FPD provides service to the northern part of Crow Canyon and to northern Dublin, but does not receive compensation for these services.

- Detachment of ConFire’s service area in north Alamo is an option if Alamo voters approve incorporation on March 3, 2009. Annexation of this area to San Ramon Valley FPD would allow for the entire Alamo community to be served by the same provider.
EXECUTIVE SUMMARY

- Annexation of southern Antioch, including the proposed Roddy Ranch development, to ConFire and detachment of the area from East Contra Costa FPD is an option to allow the entire City of Antioch to be within the bounds of a single fire provider.

- Annexation of Brentwood and Oakley to ConFire, consolidation of the entire East Contra Costa FPD area with ConFire, and consolidation of all fire providers within the County are options.

SPHERE OF INFLUENCE UPDATES

This report identifies alternatives for LAFCO to consider as it updates the spheres of influence (SOIs) of the six fire districts, and offers preliminary recommendations. An SOI is a LAFCO-approved plan that designates an agency’s probable future boundary and service area. The SOI essentially defines where and what types of government reorganizations, such as annexation, detachment, dissolution or consolidation, may be initiated. The governing bodies of local agencies and voters may initiate reorganizations so long as they are consistent with the SOIs. An SOI change neither initiates nor approves a government reorganization. If and when a government reorganization is initiated, there are procedural steps required by law, including a protest hearing and/or election by which voters may choose to approve or disapprove a reorganization.

<table>
<thead>
<tr>
<th>District</th>
<th>Existing SOI</th>
<th>Consultant Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crockett-Carquinez FPD</td>
<td>Includes boundary area and C&amp;H sugar refinery outside bounds.</td>
<td>Reduce SOI to zero to allow consolidation to be initiated.</td>
</tr>
<tr>
<td>Contra Costa County FPD (&quot;ConFire&quot;)</td>
<td>Includes central portion of boundary area and Avon/Tesoro area outside bounds. Excludes areas annexed in 1994: Antioch, Pittsburg, San Pablo, El Sobrante, and other western service areas.</td>
<td>Expand SOI to include Antioch and Pittsburg within bounds, Roddy Ranch project, and Marsh Creek Road service area. Reduce SOI to exclude Tice Valley part of Alamo community, and 101-acre Orinda area detached in 1998. Continue to exclude western service areas to allow consolidation or subsidiary district formation to be initiated.</td>
</tr>
<tr>
<td>East Contra Costa FPD</td>
<td>Coterminal with District bounds. Excludes service area on outlying islands.</td>
<td>Expand SOI to include islands outside bounds and within service area. Reduce SOI to exclude Roddy Ranch project in Antioch, and Marsh Creek Road area served by ConFire. Designate SOI as provisional, and require the District and affected cities to report back to LAFCO on governance, funding and service level solutions within 1 year. Provide that provisional SOI reverts to zero, allowing detachment or consolidation to be initiated after the 1-year period.</td>
</tr>
<tr>
<td>Kensington FPD</td>
<td>Coterminal with District bounds. Excludes service area at EBMUD reservoir.</td>
<td>Consider zero SOI to allow consolidation with Kensington CSD to be initiated after west County MSR is completed.</td>
</tr>
<tr>
<td>Moraga-Orinda FPD</td>
<td>Includes boundary area except 101-acre area annexed in 1998.</td>
<td>Expand SOI in the short-term to include 1998 annexation area. Require the District and affected cities to report back to LAFCO on funding solutions within 1 year.</td>
</tr>
<tr>
<td>District</td>
<td>Existing SOI</td>
<td>Consultant Recommendation</td>
</tr>
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</tr>
<tr>
<td>Rodeo-Hercules FPD</td>
<td>Cotermious with District bounds.</td>
<td>Expand SOI to include Pinole, western ConFire service areas, and Crockett-Carquinez FPD to allow consolidation of the &quot;Battalion 7&quot; service area to be initiated. Reduce SOI to exclude off-shore areas served by the U.S. Coast Guard.</td>
</tr>
<tr>
<td>San Ramon Valley FPD</td>
<td>Includes western portion of boundary area. Excludes boundary areas formerly in the Tassajara FPD and in the Bogue Ranch annexation area.</td>
<td>Expand SOI to include areas formerly in the Tassajara FPD, the Bogue Ranch annexation area, and the Tice Valley part of the Alamo community.</td>
</tr>
</tbody>
</table>
6b. City of Stockton/County of San Joaquin Agreement on Revenue Upon Detachment of Rural Fire Districts at Time of Annexations of Property to the City (San Joaquin County)
AGREEMENT BETWEEN THE CITY OF STOCKTON AND THE COUNTY OF SAN JOAQUIN REGARDING DETACHMENT OF RURAL FIRE DISTRICTS UPON ANNEXATION OF PROPERTY TO THE CITY OF STOCKTON

This Agreement is made and entered into this 7th day of June, 2005, by and between the CITY OF STOCKTON, a municipal corporation ("CITY"), and the COUNTY OF SAN JOAQUIN, a political subdivision of the State of California ("COUNTY").

WITNESSETH

WHEREAS, various property owners, from time to time, desire to annex their property into the CITY; and

WHEREAS, upon annexation, a detachment of that property from the rural fire district that serves the property occurs, because CITY will provide fire services once the property is annexed; and

WHEREAS, upon annexation, the rural fire districts lose their share of the property tax previously allocated to them by COUNTY; and

WHEREAS, CITY and COUNTY desire to ease the transition of the rural fire districts who suffer lost revenues.

NOW, THEREFORE, it is mutually agreed by and between CITY and COUNTY as follows:

1. Upon annexation of property to CITY and the detachment of the property from the rural fire district, CITY and COUNTY shall continue to pay to the rural fire district the amount of property tax it received, attributable to the annexing property, prior to the annexation based upon the percentage split of property tax revenue agreed to between CITY and COUNTY pursuant to their Master Tax Allocation Agreement.

2. The amount of property tax revenue to the rural fire district shall be based upon what is received for the year immediately preceding the annexation and detachment of the property with no increases in the future. The annual payments shall be made for the term of this Agreement or until the rural fire district is dissolved or consolidated, whichever occurs first.

3. The term of this Agreement shall be five (5) years from the date of its execution. No payments shall be made to any rural fire district for property that has
been annexed to City and detached from the rural fire district beyond the term of this Agreement, no matter when such annexation/detachment occurs.

4. Any notices required by this Agreement shall be in writing and delivered, postage prepaid, as follows:

TO CITY
Mark Lewis, Esq.
City Manager
City of Stockton
425 N. El Dorado Street
Stockton, California 95202

TO COUNTY
Manuel Lopez
County Administrator
County of San Joaquin
222 E. Weber Avenue
Stockton, California 95202

5. This Agreement may be amended in writing by the mutual agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement by their authorized representatives the day and year first above written.

CITY OF STOCKTON
BY
MARK LEWIS, ESQ.
CITY MANAGER

ATTEST:
BY
KATHERINE GONG MEI
CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY
BY
GUY D. PETZOLD
DEPUTY CITY ATTORNEY

COUNTY OF SAN JOAQUIN
BY
CHAIRMAN
BOARD OF SUPERVISORS

RECOMMENDED FOR APPROVAL:
BY
MANUEL LOPEZ
COUNTY ADMINISTRATOR

ATTEST:
BY
LOIS M. SAHYOUN
CLERK OF THE BOARD OF SUPERVISORS

APPROVED AS TO FORM:
COUNTY COUNSEL
BY
DAVID WOOTEN
ASSISTANT COUNTY COUNSEL
6c. City of Oakdale/ Oakdale Fire Protection District Agreement for Joint Staffing and Apparatus (Stanislaus County)
CITY OF OAKDALE
CITY COUNCIL STAFF REPORT

Date: February 8, 2010
To: Mayor and City Council
From: Michael Botto, Fire Chief
Subject: Oakdale City / Oakdale Fire Protection District Joint Staffed Engine Company and Chief Officers authorization to represent each jurisdiction in the capacity as a Fire Chief Officer.

I. Background

A comprehensive Fire Master Plan Study was concluded in November and accepted by City Council in December of 2009. Recommendation #14 of the Study suggested that the District and the City should consider jointly staffing a single three to four-person engine company from an east Oakdale fire station.

The continuous decline in revenue for the City of Oakdale and the inadequate funding for the Oakdale Fire Protection District has created a position where both fire departments are unable to sustain existing staffing levels and levels of service, and must reduce expenses. In October 2009, the District reduced staffing from 18 to 15 line members through layoffs of three-limited term Firefighters. Effective March 1st, the District will lay off three-full time career Firefighters reducing the line staffing to 12 members serving the District's territory from two stations.

The City also continues to experience loss of general fund revenue. Additionally, the Fire Department has experienced retirements of three members resulting in unplanned and unfunded payouts of $180,000. These payouts were charged to the Department's salary account and directly impacted this year's budget and the ability to sustain existing staffing levels. The Department cannot backfill the 16th and 17th line positions lost due to the retirements and can no longer sustain the agreed upon labor agreement of three-member minimum staffing at Fire Station #1.

II. Discussion

In response to the current economic realities, and in light of the recommendations of the Fire Master Plans, both fire agencies initiated meetings in December to explore new partnership options. The option pursued as a proposed solution to both agencies is the concept of a Joint Staffed Engine Company (Attachment B) serving both the City and District from City Fire Station #1. This Engine Company will be maintained at a minimum staffing level of three-members. The details of this operation are included in the Memorandum of Understanding (Attachment C).
The operational design of this Joint Staffed Engine Company was developed by a committee made up of administration and labor from each agency. The Oakdale Firefighters Association and Oakdale Rural Firefighters Association have officially endorsed this concept, agreement, and MoU and are included as signee's on the Agreement and MoU. The City of Oakdale and the District Board of Directors members of the Fire Ad-Hoc Committee have met and agreed to the concept and details of this partnership.

With the limited depth in Administration for both agencies, it is requested that Fire Chief Officer responsibilities be granted to the District Chief to serve in the capacity as Fire Chief Officer for the City of Oakdale when requested by the City Fire Chief and/or the City Manager. This is a reciprocal request by the District for the City Fire Chief and Division Chief/Fire Marshal to serve as Fire Chief Officers for the District at the request of the District Chief.

The agreement and MoU presented are for a six-month term with the intent to establish and initiate the Joint Staffed Engine Company on March 1, 2010.

There will be a continued effort to look at all options that will provide the most effective delivery services to the City and Community of Oakdale and presentation of those options will be made to City Council and the District Board of Directors as they are investigated and developed.

III  Fiscal Impact

The savings to the City of Oakdale is approximately $170,000 to $255,000 (cost of two to three line positions required to maintain minimum staffing) annually. The District will reimburse the City for the cost of fuel for the additional responses. The City will experience additional wear on City equipment for the increase in responses; however, a reduction to the life expectancy of the equipment is not expected.

IV.  Recommendation

That City Council adopt the attached resolution authorizing the formation of a Joint Staffed Engine Company between the City of Oakdale and the Oakdale Fire Protection District for a six month term commencing on March 1, 2010 and authorize Chief Officers of each agency full authority to serve as Chief Officers for each jurisdiction in the absence or request of the jurisdictional Fire Chief and/or for the City of Oakdale City Manager.

Attachments
Attachment A: Draft City Council Resolution
Attachment B: Joint Staff Agreement
Attachment C: Memorandum of Understanding
IN THE CITY COUNCIL
OF THE CITY OF OAKDALE
STATE OF CALIFORNIA
CITY COUNCIL RESOLUTION 2010-__

RESOLUTION OF THE CITY OF OAKDALE CITY COUNCIL AUTHORIZING THE FORMATION OF A JOINT STAFFED ENGINE COMPANY BETWEEN THE CITY OF OAKDALE AND THE OAKDALE FIRE PROTECTION DISTRICT FOR A TERM OF SIX MONTHS COMMENCING MARCH 1, 2010 AND AUTHORIZES CHIEF OFFICERS OF EACH AGENCY FULL AUTHORITY TO SERVE AS CHIEF OFFICERS FOR EACH JURISDICTION IN THE ABSENCE OR REQUEST OF THE JURISDICTIONAL FIRE CHIEF AND/OR FOR THE CITY OF OAKDALE CITY MANAGER.

WHEREAS, the continuous decline in revenue for the City of Oakdale and Oakdale Fire Protection District has created a position where both fire departments are unable to sustain existing staffing levels and levels of service and must reduce expenses; and,

WHEREAS, the comprehensive Master Fire Plan Study that was accepted by City Council in November 2009 recommended that the City of Oakdale and Oakdale Fire Protection District consider jointly staffing a single three to four person engine company from an east Oakdale fire station and;

WHEREAS, a Fire Ad-Hoc Committee was formed between the City of Oakdale and the District Board of Directors and both have agreed, along with the Oakdale Firefighters Association and Oakdale Rural Firefighters Association, to the concept and details of a partnership and in doing so, have created a formal agreement and MoU with the intent to establish and initiate a joint staffed engine for a six month term, and;

WHEREAS, the joint staffed engine would be located out of Oakdale City Fire Station #1, serving both the City of Oakdale and district and provide a cost savings to the City of Oakdale by augmenting daily staffing maintaining a three-member minimum staffed engine, and;

WHEREAS, Fire Chief Officer responsibilities will be granted to the District Chief to serve in the capacity as Fire Chief Officer for the City of Oakdale when requested by the City Fire Chief and/or the City Manager and will be reciprocated by the District for the City Fire Chief and Division Chief/Fire Marshal to serve as Fire Chief Officers for the District at the request of the District Chief.

NOW, THEREFORE, BE IT RESOLVED that the CITY COUNCIL authorizes the formation of a Joint Staffed Engine Company between the City of Oakdale and the Oakdale Fire Protection District for a term of six months commencing March 1, 2010 and authorizes Chief Officers of each agency full authority to serve as Chief Officers for each jurisdiction in the absence or request of the jurisdictional Fire Chief and/or for the City of Oakdale City Manager.

THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 16th DAY OF FEBRUARY, 2010 by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:

Farrell Jackson
Mayor

Attest:
Nancy Lilly
City Clerk
AGREEMENT FOR JOINT STAFFING AN APPARATUS FOR ALL RISK SERVICES PROVIDED BY THE FIRE DEPARTMENT AND FIRE DISTRICT, AUTHORIZING CHIEF OFFICERS OF EACH AGENCY FULL AUTHORITY TO SERVE AS CHIEF OFFICERS FOR EACH JURISDICTION IN THE ABSENCE OR REQUEST OF THE JURISDICTIONAL FIRE CHIEF AND/OR FOR THE CITY OF OAKDALE THE CITY MANAGER

This "Agreement" is made and entered into this day of February____, 2010, by and between the City of Oakdale, hereinafter referred to as "City" and the Oakdale Fire Protection District, organized under the Fire Protection District Law of 1987, Health and Safety Code, section 13800 et seq., hereinafter referred to as "District," (collectively, the "Parties").

RECITALS

WHEREAS, the Parties provide all risk, fire protection, emergency and rescue services within their respective territorial limits; and

WHEREAS, it is in the best interest of the citizens of the District and the City to provide the most expeditious and weighted response to all risk needs and to suppress fire and render emergency and rescue assistance.

NOW, THEREFORE, in considerations of these mutual covenants, the Parties agree as follows:

AGREEMENT

1. District Obligations. The District agrees to provide a qualified, career, full-time employee, line member to augment City staffing on an engine or other apparatus 24 hours a day, seven days a week, 365 days a year. The District will back-fill this position in the event of an unplanned or planned absence.

2. City Obligation.

2.1. In return for the augmented staffing the City will respond to all calls for service in the District which has been traditionally served from District Fire Station #1. Details as to the weight of the City response above the one joint staffed apparatus, methods of dispatching, minimum qualifications of personnel staffing the City engine, training requirements, and chain of command for supervision shall be identified or developed by the Fire Chiefs of the District and the City. Such details shall be recorded in a Memorandum of Understanding attached here as Exhibit "A," which may be amended in writing from time to time by agreement of both Chiefs of the District and City.

2.2. The minimum daily staffing level of the City shall be five-members, staffing Fire Station #1 with three-members and Fire Station #2 with two-members. If additional staffing is
realized for a shift (24 hours) or tour (48 hours) the member(s) may be reassigned to open the browned-out District station.

3. **Mutual Indemnification.** Each Party shall indemnify, defend, and hold harmless the other Party to the extent allowed by law and in proportion to fault, against any and all third-party liability for claims, demands, costs or judgments (direct, indirect, incidental, or consequential) involving bodily injury, personal injury, death, property damage or other costs and expenses (including reasonable attorneys’ fees, costs and expenses) arising or resulting from the acts or omissions of its own officers, agents, employees or representatives carried out pursuant to the obligations of this Agreement.

4. **General Liability and Property Insurance.** Each Party shall maintain in effect, at its own cost and expense, the following insurance coverage provided either through a bona fide program of self-insurance, commercial insurance policies, or any combination thereof:

4.1. Commercial general liability or public liability with minimum limits of $1,000,000.00 per occurrence and $2,000,000.00 in the aggregate.

4.2. Comprehensive Automobile liability including owned, leased, non-owned, and hired vehicles used to provide services under this Agreement, with a combined single limit of not less than $1,000,000.00 per occurrence and $2,000,000.00 in the aggregate.

4.3. Workers’ Compensation in accordance with California Labor Code, section 3700 with Employer Liability limits not less than $1,000,000.00 per person, $1,000,000.00 per occurrence, and $1,000,000.00 per disease.

4.4. All risk property insurance coverage, excluding earthquake and flood, for all permanent property of an insurable nature in an amount sufficient to cover at least 100% of the replacement costs of said property. In any event, each Party shall maintain property insurance coverage for all real property and buildings on which the jointly staffed engine or other apparatus may be stored or operated.

4.5. All insurance required by this Agreement shall be place (1) with companies admitted to transact insurance business in the State of California and with a current A.M. Best rating of no less than A:VI or with carriers with a current A.M. Best rating of no less than A:VII; or (2) disclosed self-insurance with limits acceptable to the other Party.

4.6. Prior to March 1, 2010, each Party shall provide copies of certificates of insurance to the other Party evidencing that the required insurance is in effect.

4.7. All general liability, automobile, and property insurance coverage shall include endorsements as follows:

4.7.1. Naming the other Party as additional insured;

4.7.2. Providing a waiver of subrogation in favor of the other Party;
4.7.3. Stating that the other Party shall be provided written notification at least thirty (30) days in advance of any change, cancellation, or non-renewal of any insurance coverage thereof.

4.8. Any general liability and automobile insurance coverage shall be primary and non-contributing insurance to:

4.8.1. Include a separation of insurance provision; and

4.8.2. Any insurance coverage or self insurance coverage maintained by the Parties.

4.8.3. Prior to execution of this Agreement, a certificate of insurance with applicable endorsements shall be provided by each party to the other Party, or in the event the Party is self-insured, a letter certifying the limits and types of coverage provided.

4.8.4. Each Party shall provide a new or amended certificate of insurance with applicable endorsements to the other Party immediately upon any change in insurance coverage or carrier, consistent with the notice requirements provided in Section 14.

5. Authority. In the absence of the jurisdictional Chief Officer(s) or at the discretion or request of the jurisdictional Fire Chief and/or for the City the Oakdale the City Manager the Chief Officers including both Fire Chiefs and the City’s Division Chief/Fire Marshal will be fully authorized to represent each other’s agency in the capacity of Fire Chief Officer.

6. Term. This Agreement shall remain operative and effective for a six-month period from date of implementation. It is further agreed that either party may terminate the Agreement at any time by giving written notice to the other party at least sixty 60 days prior to the date of termination, consistent with the notice requirements provided in section 14.

7. Fees. Costs associated with District responses for fuel will be determined and charged to the District for reimbursement.

8. Administration. This Agreement shall be jointly administered by the parties. Day to day administration of the Memorandum of Understanding shall be effected through the parties’ respective Fire Chiefs.

9. Amendments. No part of this Agreement shall be altered or amended except by written, mutual consent of the Parties.

10. Assignment. The rights and obligations of the Parties under this Agreement are not assignable and shall not be delegated without the prior written approval of the other Party.

11. Dispute Resolution. The Parties recognize that this Agreement cannot represent a complete expression of all issues, which may arise during the performance of the Agreement.
Accordingly, the Parties agree to meet and confer in good faith over any issue not expressly described herein. In the event of litigation arising out of or relating to this Agreement, including but not limited to a dispute regarding the terms of this Agreement, the City and District (collectively, the “Parties”) hereby agree to first engage in good faith informal negotiations to resolve the dispute. If the Parties are unable to resolve the dispute informally, then the Parties shall submit the dispute to mediation before a mutually-agreed upon mediator, unless both Parties elect not to mediate. If the Parties elect to mediate, the Parties shall share the cost of mediation. If the parties are unable to resolve the dispute after mediation, or in the event of a joint election not to mediate, the Parties agree: (a) to submit any and all claims to a court of competent jurisdiction, either State or Federal, as appropriate, having jurisdiction in the County of Stanislaus, State of California; (b) the sole and proper venue for any litigation arising out of or relating to this Agreement shall be an appropriate court(s) having jurisdiction in the County of Stanislaus, State of California; and (c) the prevailing party in any such matter shall be entitled to recover its attorneys’ fees and costs.

12. Captions. The captions in this Agreement have been inserted solely for convenience of reference and are not a part of this Agreement and shall have no effect upon its construction or interpretation.

13. Entire Agreement. This document (including the attached Memorandum of Understanding) sets forth the entire Agreement of the Parties with respect to joint staffing and supersedes all prior discussions, negotiations, understandings, or agreements of the Parties relating to joint staffing. No alteration or variation of this Agreement shall be valid or binding unless contained in an amendment in accordance with Section 9.

14. Notices. All notices required or permitted by the terms of this Agreement shall be deemed sufficiently given if delivered by hand, electronic mail, or by United States mail, postage prepaid, addressed to the Parties set forth below or to such other address as may, from time to time, be designated in writing:

Oakdale Fire Protection District
1389 East F Street
Oakdale, CA 95361

City of Oakdale
280 North Third Avenue
Oakdale, CA 95361

IN WITNESS WHEREOF, this Agreement has been executed by each party on the day and year written below, and is effective and operative upon the date that it is fully executed by both parties, whichever date of execution by either party is later.
Dated: February __, 2010

OAKDALE FIRE PROTECTION DISTRICT

By: ____________________________
    Chair, Board of Directors

By: ____________________________
    Lee Winton, Fire Chief

Approved as to Form

By: ____________________________
    William D. Ross, District Counsel

Dated: February __, 2010

CITY OF OAKDALE

By: ____________________________
    Mayor, City of Oakdale

By: ____________________________
    Steve Hallam, City Manager

Approved as to Form

By: ____________________________
    City Attorney

Dated: February __, 2010

OAKDALE RURAL FIREFIGHTERS
ASSOCIATION

By: ____________________________
    Adam French, President

By: ____________________________
    Jered Eckle, Vice-President

Dated: February __, 2010

OAKDALE FIREFIGHTERS
ASSOCIATION

By: ____________________________
    Kevin Wise, President

By: ____________________________
    Matt Severson, Vice-President
JOINT STAFFING AN APPARATUS FOR ALL RISK SERVICES AND CHIEF OFFICER MULTI-JURISDICTIONAL AUTHORITY
Memorandum of Understanding
Oakdale Fire Protection District
Oakdale Fire Department

February 2010

This document describes and details the Operational directives and procedures for the Joint Staffed Apparatus and Fire Chief Officer authorization.

Joint Staffed Engine

A. The District to provide a qualified career full time employee line member to augment City staffing on an engine or other apparatus 24 hours a day, seven days a week, 365 days a year. The District will back-fill this position in the event of an unplanned or planned absence. Position certification and qualifications will be based on performance, training and completion of task book requirements for each and all ranks. The Operational Ad-Hoc Committee will meet every two weeks to review this MoU and development and modify implementation strategies.

B. The minimum daily staffing level of the City will be three-members at City Fire Station #1, and two-members at City Fire Station #2.

C. The minimum daily staffing level of the District is three-members, one of which is assigned to the City.

D. If daily staffing levels exceed in both departments combined the minimums by two or greater then personnel may be assigned to staff an additional resource to meet needs of the District. The City’s on-duty senior Company Officer coordinating with the senior District Company Officer will manage this. The extra employee will be reassigned to the employee’s agency.

E. Tour start times will be 8 AM for District members and 7:30 AM for City members regardless of station or engine staffer.

F. City qualified line members may be requested to staff a District engine to facilitate training, orientation, and resource staffing needs.

G. Interagency trades are allowed between qualified members.

H. The joint staffed apparatus company will be housed at the City’s Fire Station #1. Prior to implementation a Committee will meet and determine the “Best” location of equipment meeting both City and District needs. It is understood that District equipment will be housed in City facilities and City equipment will be housed in District facilities.

I. The Company Officer of this joint staffed company will be the Supervisor in charge of all personnel assigned to the company.
J. The District member will be working under the City's Standard Operating Procedures ("SOPs") while assigned to the City apparatus/company.

K. The City's member will be working under the District's Standard Operating Procedures ("SOPs") while assigned to the Districts apparatus/company.

L. All assigned station, equipment maintenance and response duties to the position filled will be the responsibility of the member filling the position.

M. Informal disciplinary actions will be facilitated by the Company Officer.

N. Formal disciplinary actions will be by the employee's agency Fire Chief or designee.

O. The District member assigned to the City apparatus/company will be wearing the Districts duty uniform and will be provided with and maintain all the necessary personal protective equipment ("PPE") for wildland and structural fires, and medical aids. All uniforms and PPE will be provided and maintained by the member's agency.

P. The City's member assigned to the Districts apparatus/company will be wearing the City's duty uniforms and will be provided with and maintain all the necessary personal protective equipment ("PPE") for wildland and structural fire, and medical aids. All uniforms and PPE will be provided and maintained by the member's agency.

Q. Respiratory protection physicals will be the member's agency responsibility.

R. Self contained breathing apparatus fit testing will be the responsibility of the agency that is the member's employer.

S. Reimbursement from the State of California through the Office of Emergency Services will be credited to the members agency for the position filled.

T. Authorization from the member's agency must be approved prior to filling any State-wide Engine Strike Team or Task Force request. Authorization is not required for request to Contiguous Counties. Request for authorization will be directed to and the responsibility of the senior Company Officer

U. Training for personnel must meet the agency's requirements. District and City personnel filling positions of the other agency must meet the minimum training requirements of that agency. The Training Officers will review, track and manage this requirement.

Apparatus and Responses

1. The City will respond to all calls for service in the District, which has been traditionally served from the Districts Fire Station #1. This includes emergency and non-emergency calls for service. The closest resource regardless of agency responsibility responds to the incident.

2. Agency support needs such as Public Education, Code Enforcement, Hydrant Maintenance will be coordinated with the joint staffed engine Company Officer and the District's
representative. All efforts will be given to accommodate both agencies' needs but may be limited due to a total reduction in staffing. Any conflict resolution will be resolved by both agencies' Fire Chiefs pursuant to the terms provided by Section 11 of the Agreement to which this Memorandum of Understanding is attached.

3. The Company Officer of the joint staffed engine will have the responsibility to monitor and ensure a response to an alarm for either agency takes place immediately after a dispatch. If the joint staffed engine is assigned then this responsibility defaults to the City's Fire Station #2 Company Officer and then to the District's staffed station Company Officer.

4. The City and District will commit all resources to an incident if the incident requires it. A stand-by engine request shall be made to Dispatch for a single engine to cover the District and City. If the incident has an extended duration then an "Off Duty Call Back" alarm for the City and District will be requested to dispatch (this is the responsibility of the Incident Commander or the first-due Company Officer).

5. Fuel used for Districts responses by the joint staffed engine will be estimated and charged to the District for reimbursement to the City. This is an administrative responsibility. Line staff will not be required to track mileage.

Fire Chief Officer

6. In the absence of the jurisdictional Chief Officer(s) or at the discretion or request of the jurisdictional Fire Chief and/or for the City the Oakdale the City Manager the Chief Officers including both Fire Chiefs and the City's Division Chief/Fire Marshal will be fully authorized to represent each other's agency in the capacity of Fire Chief Officer.

Definitions

Qualified Member: Members meeting the minimum position requirements of the Oakdale Fire Department or Oakdale Fire Protection District as identified in the adopted Job Descriptions. The minimum qualifications must be at an Engineer level or higher.

Extended Duration: An incident where the assigned resources will be unavailable after arrival for 30 minutes or greater.
Date: February ___, 2010

OAKDALE FIRE PROTECTION DISTRICT

By: __________________________
   Chair, Board of Directors

By: __________________________
   Lee Winton, Fire Chief

Approved as to Form

By: __________________________
   William D. Ross, District Counsel

Dated: February ___, 2010

CITY OF OAKDALE

By: __________________________
   Mayor, City of Oakdale

By: __________________________
   Steve Hallam, City Manager

Approved as to Form

By: __________________________
   City Attorney

Dated: February ___, 2010

OAKDALE RURAL FIREFIGHTERS
ASSOCIATION

By: __________________________
   Adam French, President

By: __________________________
   Jered Eckle, Vice-President

Dated: February ___, 2010

OAKDALE FIREFIGHTERS
ASSOCIATION

By: __________________________
   Kevin Wise, President

By: __________________________
   Matt Severson, Vice-President
Joint Staffing –

Fire Agencies Fuse
By Kim Van Meter

The two local fire agencies — Oakdale Rural Fire Protection District and Oakdale City Fire — are blending families as of March 1 in a joint staffing agreement that will run on a trial basis for six months.

Oakdale City Council members agreed unanimously with the proposal given by the joint chiefs, Lee Winton for the rural district and Mike Botto representing City Fire, at the Tuesday, Feb. 16 council meeting.

The recent meeting-of-the-minds represents a major shift in attitude as the current financial climate has squeezed city and rural resources to the point of pain, necessitating a different approach to traditional staffing methods. "We're taking a unified approach," Botto said. "We are unable to backfill our retired positions due to lack of funding. Our problem is real and we have to deal with it."

Under the agreement, the minimum daily staffing level of the City will be three members at City Fire Station No. 1 and two members at the City Station No. 2; the minimum daily staffing level at the District is three members, one of which will be assigned to the City.

The savings to the City represents approximately $170,000 to $255,000 (the cost of two to three line positions required to maintain minimal staffing) annually. Without this agreement, City Fire was looking at laying off a firefighter.

In addition to easing line staffing issues, the agreement will allow for both chiefs to fill in for one another in times of crisis. "Who covers for me when I go off?" Winton said. "This is a huge hole for us. This agreement is kind of like an insurance policy and we want to solidify these relationships."

The rural station located in town will no longer be staffed (as previously reported in the Feb. 17 issue), but will remain as a hub for administration, maintenance, and volunteers.

"This is a big step for everyone involved," Botto acknowledged. "With crisis comes opportunity. But this will help reduce the fear of the unknown. We are looking forward to whatever the future may hold. I honestly believe we'll be back to our governing boards for a long-term agreement."

Winton shared Botto's enthusiasm, saying, "We know there are things we'll have to massage but I'm 100 percent sold on the concept. It's going to be a great marriage."

While the long-range plan may involve complete unification, from training to employment, right now the fire agencies are taking strong baby steps toward, what they believe, is the right direction.

Kevin Wise, President of the Oakdale City Fire Association, addressed the council, saying the proposed agreement represented, "A great deal of work in a short amount of time" but everyone involved was poised to move forward. "We're willing to work together," he said.

Micah Huson, representing the rural district, said, "The relationship with Oakdale City has changed 180 degrees. We're looking forward to the change. I think it's a step in the right direction."
Don Armario, an ORFD board member, echoed Botto's sentiment, as he said, "Tough times are bringing us great opportunities. What's good for the City is good for the District."

Mayor Farrell Jackson, along with council members, appeared pleased with the shift in dynamics, seeing the change as positive. "We've actually been batting this proposal around for a few years," the mayor noted. "We are more than just the City of Oakdale ... we're a community. I'm all in favor of trying this for six months."

Councilmember Tom Dunlop agreed, putting his stamp of approval on it as well. "In Oakdale, hard times bring out the best in our leaders," Dunlop said. "I know this will be a successful operation."
6d. Monterey–San Benito CAL FIRE Unit Cooperative Fire Protection Agreements and Integrated Regional Fire Delivery System (Monterey County)
California Department of Forestry and Fire Protection
San Benito / Monterey Unit
2221 Garden Road Monterey, CA 93940 (831) 333-2600

Carmel Highlands Fire Station
73 Fern Canyon Rd
Carmel, CA 93921
831-624-2374

Carmel Hill Fire Station
4180 17 Mile Dr
Pebble Beach, CA 93953
831-625-6415

Pebble Beach Fire Station
3101 Forest Lake Road
Pebble Beach, CA 93953
831-375-4204

Rio Road Fire Station
3775 Rio Road
Carmel, CA 93923
831-624-4511

Cypress Fire Protection District
Board Members
President
Denver Dale
Vice President
Donel Geisen
Director
Patric Anderson
Director
David T. Bates
Director
Edgar Dally

Carmel Highlands
Fire Protection District
Board Members
President
Jim Rossen
Vice President
Bill Herbert
Director
John Hudson
Director
Marc Davidian
Director
Deryl Moses

Pebble Beach Community Services
District Board Members
President
Jeffrey B. Froke, Ph.D.
Vice President
Gerald F. Verhasselt
Director
Gary D. Hornbuckle, Ph.D.
Director
Leo M. Laska
Director
Richard D. Verbanec

Dedicated to Cooperative
Fire Protection

Richard C. Hutchinson Jr.
Fire Chief
Staffing

There are a total of 19 Firefighters on duty 24 hrs a day.

2 Chief Officers On duty 24 Hrs a day

Pebble Beach Fire Station
Staffed 24 Hours a day
3 Person Ladder Truck

Carmel Hill Fire Station
Staffed 24 Hours a day

Rio Road Fire Station
Staffed 24 Hours a day

Carmel Highlands Fire Station
Staffed 24 Hours a day

The California Department of Forestry and Fire Protection CAL FIRE in cooperation with the Pebble Beach Community Services District, Cypress Fire Protection District and the Carmel Highlands Fire Protection District provides emergency services to the citizens of the Monterey Peninsula that includes:

Advanced Life Support (Paramedic) Services

Fire Suppression

Fire Prevention & Planning

Disaster Planning Services

Community Emergency Response Training (CERT)

Integrated Regional Fire

Delivery System

The services below are provided in a cost share manner. This reduces the need for duplicated services in adjoining Districts. Examples are:

One Fire Chief for all 3 Districts

One Assistant Fire Chief for all 3 Districts

2 Battalion Chiefs for all 3 Districts

1 Fire Marshal for 2 Districts

1 Training Officer for all 3 Districts

1 Paramedic Coordinator for all 3 Districts

Cost Sharing the Fire Engine located at Carmel Hill Fire Station between PBCSD and Cypress Fire
Emergency Command Center Staffed with Fire Captains
CAL FIRE / Cooperative Fire Protection Agreements

Pebble Beach Station - 3-Person Ladder Truck
4-Person Paramedic Engine

Carmel Hill Station - 4-Person Paramedic Engine

Rio Road Station - 4-Person Paramedic Engine

Carmel Highlands Station - 3-Person Paramedic Engine

Legend

© Fire Station
- Highway
- Road
Contract FD
- Carmel Highlands FPD
- Cypress FPD
- Pebble Beach CSD
6e. San Miguel Consolidated Fire Protection District (San Diego County)  
(Courtesy of CALAFCO University, Fire District Consolidation, 5 June 2009, San Diego LAFCo)

- Sample Resolution of Application to LAFCo to Initiate Consolidation
- LAFCo Resolution Approving Resolution
- LAFCo Resolution Adopting Sphere of Influence
RESOLUTION NO. 08-4

A Resolution of Application of the Board of Directors of the San Miguel Consolidated Fire Protection District requesting the Local Agency Formation Commission to take proceedings for the Consolidation of the San Miguel Consolidated Fire Protection District and the East County Fire Protection District and to Update the Applicable Spheres of Influence to Reflect the Proposed Consolidation

WHEREAS, the San Miguel Consolidated Fire Protection District is a Fire Protection District existing and operating pursuant to the Fire Protection District Law of 1987 (California Health and Safety Code section 13800 et seq.), encompassing the territory depicted in Exhibit “A” attached hereto; and

WHEREAS, the East County Fire Protection District is also a Fire Protection District existing and operating pursuant to the Fire Protection District Law of 1987 (California Health and Safety Code section 13800 et seq.), encompassing the territory depicted in Exhibit “B” attached hereto; and

WHEREAS, San Miguel Consolidated Fire Protection District and East County Fire Protection District desire to initiate, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 56000 et seq.), a consolidation of the two districts and an update of the applicable spheres of influence to reflect the proposed Consolidation (collectively, the “Consolidation”); and

WHEREAS, the proposed Consolidation is not consistent with the spheres of influence of San Miguel Consolidated Fire Protection District and East County Fire Protection District, therefore, it is proposed that applicable spheres of influence be concurrently updated, to reflect the proposed Consolidation; and

WHEREAS, the reason(s) for this proposed Consolidation are as follows:

1. Ensure the long term security of fire and EMS services to the communities of Crest and Bostonia.

2. Provide the expanded San Miguel Consolidated Fire Protection District with a larger and deeper pool of human resources to meet overall District goals and objectives.

3. Eliminate duplication of management, be more cost effective, improve administration and oversight of the expanded fire district.

4. Create more opportunity for expanded community outreach, education, and preparedness programs.
5. Provide continuity of Human Resource Services, training, equipment, education, and personnel development.

6. Improve medical oversight, Quality Assurance and Improvement programs and reduce risk and liability by incorporating the expanded district into the Regional Cooperative Care Partnership.

7. Merge fleet repair and service programs to improve overall fleet dependability, and cost efficiency.

8. Improve facility maintenance and long term capital improvement programs by providing direct leadership and administrative support.

WHEREAS, the territory subject to the proposed Consolidation is inhabited as defined in Government Code section 56046; and

WHEREAS, the San Miguel Consolidated Fire Protection District, as the lead agency under the California Environmental Quality Act (CEQA), has prepared a Preliminary Exemption Assessment for the Consolidation to evaluate potential environmental impacts; and

WHEREAS, the Board of Directors received and carefully reviewed the Preliminary Exemption Assessment; and

WHEREAS, the Board of Directors has considered all comments received at the public meeting on March 27, 2008, prior to the adoption of this Resolution; and

WHEREAS, the Preliminary Exemption Assessment reflects the Board of Director’s independent judgment and analysis; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have been met; and

WHEREAS, San Miguel Consolidated Fire Protection District and East County Fire Protection District request that the proposed Consolidation be subject to the following terms and conditions:

1. Subject to the limitations of Government Code section 57202, the effective date of the Consolidation shall be September 11, 2008.

2. The East County Fire Protection District shall be consolidated with dissolved, terminated, disincorporated, and extinguished, and all of its corporate powers shall cease.

3. The San Miguel Consolidated Fire Protection District shall be dissolved,
terminated, disincorporated and extinguished and all of its corporate powers shall cease.

4. A newly consolidated district, to be known as the San Miguel Consolidated Fire Protection District, which shall be formed, and shall exist and operate, pursuant to the Fire Protection District Law of 1987 (Health and Safety Code section 13800 et seq.) and shall include all territory formerly in the East County Fire Protection District and original San Miguel Consolidated Fire Protection District (hereinafter the “Consolidated District”).

5. The Consolidated District shall be the successor to the dissolved San Miguel Consolidated and East County Fire Protection Districts (together the “Dissolved Districts” and individually the “Dissolved San Miguel Consolidated FPD” or the “Dissolved East County FPD”) for the purpose of succeeding to all rights, duties, and obligations of the Dissolved Districts with respect to enforcement, performance, or payment of any outstanding bonds, including revenue bonds or other contracts and obligations of the Dissolved Districts.

6. The Board of Directors for the Consolidated District shall be composed of the seven existing members of the San Miguel Consolidated Fire Protection District. These Directors shall continue to serve and be subject to reelection pursuant to all applicable provisions of law.

7. All property, whether real or personal, including all monies (including cash on hand and monies due to uncollected) of the Dissolved Districts shall be transferred to and vested in the Consolidated District.

8. All assets and liabilities of the Dissolved San Miguel Consolidated FPD’s contract with Cal PERS will be transferred to the Consolidated District, and all assets and liabilities of the Dissolved East County FPD’s contract with Cal PERS will be transferred into the Consolidated District’s contract with Cal Pers.

9. Employees:

a. The current full-time and permanent employees of the Dissolved Districts shall be transferred to, and become employees of the Consolidated District. The terms and conditions of employment for the rank and file employees will be contained within the Memorandum of Understanding of the San Miguel Consolidated Fire Protection District in effect upon the effective date of consolidation. Seniority for all uniformed employees of the Dissolved East County FPD shall be established as agreed upon with Locals 3745 and 1434, attached hereto as Exhibit “C.” All
employees of the Dissolved San Miguel Consolidated FPD shall retain seniority with the Consolidated District as though no interruption in service had occurred. Seniority shall be used to determine rates for annual leave and sick leave and to establish lay off lists. Time and rate shall be used to determine or establish vacation selection.

Seniority will follow the years needed in service per rank. If the service years of a former employee of the Dissolved East County FPD do not meet the Dissolved San Miguel Consolidated FPD’s requirements for the particular rank the employee currently holds, that time will be added to their seniority.

b. Probationary employees of both the Dissolved Districts will continue in a probationary status with the Consolidated District until completion of their remaining probationary period.

c. The Administrative Aide position of the Dissolved East County FPD will transfer to the Consolidated District.

d. New hires and promotions will be conducted by the Consolidated District pursuant to the current system and lists of the Dissolved San Miguel Consolidated FPD. Eligible personnel from the Dissolved Districts may take upcoming promotional exams with the Consolidated District if they meet all posted requirements.

e. Salary levels for the Dissolved East County FPD employees will be in accordance with the salary schedule attached hereto as Exhibit “D.” In addition, and subject to the availability of funding from any special, extraordinary, or additional taxes, assessments, benefit fees, service charges, rentals or rates or any combination of the above, previously approved and/or levied by the Dissolved East County FPD, including, but not limited to, the special taxes adopted and levied pursuant to Proposition E by the Dissolved East County FPD, an annual stipend will be provided, as also identified in the attached salary schedule. Salary levels for the Dissolved San Miguel Consolidated FPD employees shall be continued by the Consolidated District.

f. All existing annual leave and sick leave accrued by former employees of the Dissolved East County FPD prior to consolidation will be frozen at the applicable hourly rate for each employee prior to the consolidation. Employee frozen annual leave and sick leave may be converted at the hourly rate of pay of the Dissolved East County FPD applicable to the employee and may be used to purchase annual leave or sick leave time in the
Consolidated District or other approved uses pursuant to the Consolidated District’s policies.

g. The former Deputy Fire Chief of the Dissolved East County FPD shall be transferred to the Consolidated District and return to fire operations in his former position as Fire Captain.

h. Should due to economic or other catastrophic fiscal conditions a station closure be necessary during the first six (6) years of the consolidation, the following process will be utilized to determine force reduction:

i. If a former Dissolved East County FPD fire station is affected, those former Dissolved East County FPD employees would be affected in reverse seniority, including post consolidation new hires.

ii. If a Dissolved San Miguel Consolidated FPD fire station is affected, that employee base would be affected in reverse seniority, including post consolidation new hires.

iii. After the six (6) year period from consolidation, force reduction issues will be performed by reverse seniority (last hired, first fired).

i. The labor Executive Board of Local 1434 will stay intact until the end of the current election period (1-1-09). A liaison from the Dissolved East County FPD Local 3745 Executive Board will be added to the Local 1434 Executive Board until the next election cycle.

10. The Dissolved East County FPD shall be required to retire all capital debt prior to the effective date of the Consolidation.

11. Any and all capital debt of the Dissolved San Miguel Consolidated FPD will become the capital debt of the Consolidated District.

12. The Consolidated District shall be liable for payment of principal, interest, and any other amounts which shall become due on account of any outstanding or authorized but hereafter issued bonds, including revenue bonds and contracts, annexation agreements, and any other obligations of the Dissolved Districts.

13. The Consolidated District shall be authorized and entitled to continue to levy or fix and collect any special, extraordinary, or additional taxes, assessments, benefit fees, service charges, rentals or rates or any
combination of the above previously approved and/or levied by the
Dissolved Districts, including, but not limited to, the special taxes adopted
and levied pursuant to Proposition E by the Dissolved East County FPD.
For the first 7 years following consolidation, the Board of the
Consolidated District will not seek any additional special taxes from the
territory of the Dissolved East County FPD.

14. Costs associated with any challenge to the funding structures of either of
the Dissolved Districts shall be funded by the respective operating revenue
sources.

15. Any pending annexation proceedings submitted to or by either of the
Dissolved Districts at any stage of said proceedings shall be assumed and
continued by the Consolidated District as successor agency to the
Dissolved Districts with no change of status or consideration.

16. Any benefit fees and/or special taxes generated by the Dissolved East
County FPD, including, but not limited to, the special taxes adopted and
levied pursuant to Proposition E, will be maintained by the Consolidated
District to ensure that Stations 18 and 19 are fully staffed, maintained and
operational.

17. Community organizations and events within the communities of the Crest
and Bostonia within the Dissolved East County FPD will be supported by
staff of the Consolidated District and/or funding via programs such as the
Speakers Bureau, Fire Safety Trailer Team, Special Events Team, and/or
Fire Chief attendance at requested meetings and functions.

WHEREAS, the Board of Directors of the East County Fire Protection District
have adopted, or intend to adopt, a substantially similar resolution in support of the
proposed Consolidation.

NOW THEREFORE, the Board of Directors of San Miguel Consolidated Fire
Protection District hereby resolves as follows:

1. The above recitals are true and correct.

2. As the decision making body for the San Miguel Consolidated Fire
Protection District, the Board of Directors has reviewed and considered
the information contained in the Preliminary Exemption Assessment set
forth in Exhibit “E” and the administrative record.

3. The Preliminary Exemption Assessment prepared for the Project has been
completed in accordance with CEQA and the Guidelines for the
Implementation of the CEQA (“Guidelines”), Title 14 of the California
Code of Regulations, sections 15000-15387, with appendices.
4. The Board of Directors finds that the Preliminary Exemption Assessment prepared for the Consolidation has identified and evaluated all potentially significant environmental effects of the Consolidation.

5. The Board of Directors finds that the Preliminary Exemption Assessment contains a complete and accurate reporting of the environmental impacts associated with the Consolidation and reflects the independent judgment of the Board of Directors.

6. The Board of Directors hereby approves the Preliminary Exemption Assessment determining that the geographic area in which previously existing powers are exercised under the collective powers/jurisdiction of San Miguel Consolidated Fire Protection District and East County Fire Protection District will not change as a result of the Consolidation, thus exempting the proposed Consolidation from environmental review pursuant to the categorical exemption in Section 15320 of the Guidelines.

7. The Board of Directors hereby approves the Preliminary Exemption Assessment determining that the Consolidation is an organizational or administrative activity that will not result in any direct or indirect physical changes in the environment, thus exempting the proposed Consolidation from environmental review pursuant to Section 15378(b)(5) of the Guidelines.

8. The Board of Directors hereby approves the Preliminary Exemption Assessment determining that the Consolidation does not have the potential for causing a significant effect on the environment, thus exempting the Consolidation from environmental review pursuant to Section 15061(b)(3) of the Guidelines.

9. The Board of Directors hereby directs that all documents and other materials constituting the record of proceedings for the Consolidation be maintained by the Fire Chief of the San Miguel Consolidated Fire Protection District, or his designee, on file at the San Miguel Consolidated Fire Protection District, located at 2850 Via Orange Way Spring Valley, California, 91978-1746.

10. The Board of Directors directs Staff to file a Notice of Exemption with the County Clerk for the County of San Diego within five (5) working days of the date of this Resolution.

11. The Board of Directors directs staff to submit an application to the Local Agency Formation Commission of San Diego County initiating the Consolidation as set forth in this Resolution of Application, which includes the related Sphere of Influence Update, pursuant to the

12. The Fire Chief, or his designee, is hereby authorized and directed to prepare the necessary LAFCO Application documents, conduct investigations, file such application, as applicable, and is authorized and directed to file the Notice of Exemption set forth in Exhibit "F" in accordance with applicable law.

**Passed and Adopted**, by the Board of San Miguel Consolidated Fire Protection District, on this 27th day of March 2008.

Ayes:

Noes:

Absent:

Abstain:

Attest:

__________________________  ____________________________
Patrick J. Briggs            Karrie Johnston
Board Secretary             Board President
Exhibit “A”: Map of San Miguel Consolidated Fire Protection District Boundaries
Exhibit “B”: Map of East County Fire Protection District Boundaries
Exhibit “C”: Agreement between Locals 3745 and 1434 Regarding Seniority for Uniformed Employees of the Dissolved East County FPD
Exhibit “D”: Salary Schedule
Exhibit “E”: Preliminary Exemption Assessment
Exhibit “F”: Notice of Exemptin
RESOLUTION OF THE
LOCAL AGENCY FORMATION COMMISSION
OF SAN DIEGO COUNTY
ORDERING THE
"CONSOLIDATION OF THE EAST COUNTY AND SAN MIGUEL CONSOLIDATED
FIRE PROTECTION DISTRICTS"
(EAST COUNTY FIRE PROTECTION DISTRICT AND SAN MIGUEL CONSOLIDATED
FIRE PROTECTION DISTRICT)

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization
Act of 2000 (Government Code §56000 et seq.) preliminary proceedings were commenced by
resolution of the San Diego Local Agency Formation Commission on June 2, 2008, for the
Consolidation of the East County and San Miguel Consolidated Fire Protection Districts; and

WHEREAS, the San Diego Local Agency Formation Commission adopted its Resolution
(Minute Item Nos. 7A, 7B, 7C and 7D) on June 2, 2008 making determinations and approving
the proposed Consolidation of the East County and San Miguel Consolidated Fire Protection
Districts; and

WHEREAS, pursuant to Government Code §57000, the Local Agency Formation
Commission on June 2, 2008, delegated to the Executive Officer the responsibility for holding
conducting authority protest proceedings; and

WHEREAS, the terms and conditions of the proposed sphere amendments, sphere
adoption, and consolidation are as approved in Exhibit A, attached hereto; and

WHEREAS, pursuant to Government Code §57002, the Executive Officer of the Local
Agency Formation Commission of San Diego County on June 12, 2008, gave notice of the
protest hearing, said hearing to be held on July 3, 2008; and

NOW THEREFORE, BE IT RESOLVED, ORDERED AND DETERMINED as follows:

(1) The Consolidation of the East County and San Miguel Consolidated Fire Protection
Districts was initiated by unanimous resolutions of application, which was adopted and submitted
by the Board of Directors of said East County Fire Protection District as Resolution No. 07-08-06,
dated April 1, 2008 and by San Miguel Consolidated Fire Protection District as Resolution No.
08-04, dated March 27, 2008, pursuant to Title 5, Division 3, commencing with Section 56000 of
the Government Code.

(2) The reasons for the proposed sphere amendments, sphere adoption, and
consolidation is that the consolidation of the two fire districts will result in a single fire protection
district that can ensure structural fire protection and emergency medical services within an unincorporated area; the successor agency would create efficiencies by eliminating duplicated functions and staff positions between the two current districts, centralize command and administration of sub-regional resources, provide strategic planning and create a broader, emergency workforce to provide first-responder service within the urban/wildland interface. Liabilities and assets from both districts will transfer to the successor agency.

(3) The East County Fire Protection District and San Miguel Consolidated Fire Protection District are amended to transitional sphere designations (zero spheres).

(4) The East County Fire Protection District has been conditionally approved for inclusion in Phase I of the Reorganization of Structural Fire Protection and Emergency Medical Services in Unincorporated San Diego County; however, the Commission has approved removal of the East County Fire Protection District from Phase I, and removal will not affect proceedings for the reorganization.

(5) Pursuant to Government Code Section §56427 and 57500, the Executive Officer of the Commission set a public hearing on the proposed sphere amendments, sphere adoption, and consolidation for June 2, 2008, and gave notice of the date, time, and place of said hearing in accordance with Government Code Sections 56834 and 56835; and

(6) At that hearing, the Commission concurred that the determination by the San Miguel Consolidated Fire Protection District that the proposed consolidation is not subject to the environmental impact evaluation process under State CEQA Guidelines Section 15320 because the geographic area in which previously existing powers are exercised under the collective posers or jurisdiction of the San Miguel Consolidated Fire Protection District and the East County Fire Protection District will not change as a result of the consolidation CEQA; and consolidation does not have potential for causing a significant effect on the environment (§ 15061(b)(3)).

(7) The Commission finds that the successor San Miguel Consolidated Fire Protection District would be providing all services previously provided by the East County Fire Protection District and the San Miguel Consolidated Fire Protection District and determine therefore, that the property tax allocation of the East County Fire Protection District and San Miguel Consolidated Fire Protection District shall be transferred to and become the base property tax for the successor district.

(8) At that hearing, the Commission called for testimony, considered the Executive Officer's report, approved the sphere amendments, sphere adoption, and consolidation, and delegated to the Executive Officer the responsibility for holding this protest hearing.

(9) In accordance with State Law, the Executive Officer mailed copies of the resolution of approval to the affected agencies, and is directed to execute and record a Certificate of Completion and make all filings should protest be insufficient to terminate this consolidation.

(10) Pursuant to Government Code §57050, the protest hearing on the proposed reorganization was held on the date and at the time specified in the notice given by the Executive Officer. At the hearing the Executive Officer heard and received all oral and written protest, objections or evidence, which were made, presented, or filed, as required by Government Code §57050.
(10) Pursuant to Government Code §§56853, 56854, 57081, 57102, and 57114, the Executive Officer found that the Boards of Directors of the subject agencies have consented by unanimous resolution to the Consolidation of the East County and San Miguel Consolidation Fire Protection Districts and since insufficient protest has been filed, the Executive Officer of the San Diego Local Agency Formation Commission hereby orders the Consolidation of the East County and San Miguel Consolidation Fire Protection Districts without an election subject to the aforementioned terms and conditions.

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

I, MICHAEL D. OTT, Executive Officer of the Local Agency Formation Commission of the County of San Diego do hereby certify the foregoing Resolution, Minute Item No. 3, was duly adopted by the Local Agency Formation Commission at a public hearing held on the 3rd day of July, 2008.

Witness my hand this 3rd day of July, 2008.

[Signature]

MICHAEL D. OTT, Executive Officer
San Diego Local Agency Formation Commission
1. Subject to the limitations of Government Code section 57202, the effective date of the Consolidation shall be July 3, 2008 or the date of recordation. [Government Code Section 56886(p)]

2. The East County Fire Protection District shall be consolidated with the San Miguel Consolidated Fire Protection District and the successor district shall succeed to all of the powers, rights, duties, obligations, functions, and properties of the predecessor districts which have been united or joined into the single new consolidated district, known as the San Miguel Consolidated Fire Protection District (hereinafter the "Consolidated District"). [Government Code Section 57500]

3. A newly consolidated district, to be known as the San Miguel Consolidated Fire Protection District, which shall be formed, and shall exist and operate, pursuant to the Fire Protection District Law of 1987 (Health and Safety Code section 13800 et seq.) and shall include all territory formerly in the East County Fire Protection District and original San Miguel Consolidated Fire Protection District. [Government Code Section 56886(m)]

4. The Consolidated District shall be the successor to the predecessor districts which have been united or joined into the consolidated district for the purpose of succeeding to all rights, duties, and obligations of the predecessor districts with respect to enforcement, performance, or payment of any outstanding bonds, including revenue bonds or other contracts and obligations of the predecessor districts. [Government Code Section 56886(g-i)]

5. The Board of Directors for the Consolidated District shall be composed of the seven existing members of the San Miguel Consolidated Fire Protection District. These Directors shall continue to serve and be subject to reselection pursuant to all applicable provisions of law. [Government Code Section 56886(n)]

6. All property, whether real or personal, including all monies (including cash on hand and monies due to uncollected) of the predecessor districts shall be transferred to and vested in the Consolidated District. [Government Code Section 56886(h)]

7. All assets and liabilities of the San Miguel Consolidated FPD's contract with Cal PERS will be transferred to the Consolidated District, and all assets and liabilities of the predecessor East County FPD's contract with Cal PERS will be transferred into the Consolidated District's contract with Cal PERS. [Government Code Section 56886(k-m)]

8. Employees:

   a. The current full-time and permanent employees of the predecessor districts shall be transferred to, and become employees of the Consolidated District. The terms and conditions of employment for the rank and file employees will be contained within the Memorandum of Understanding of the San Miguel Consolidated Fire Protection District in effect upon the effective date of consolidation. Seniority for all uniformed employees of the predecessor East County FPD shall be established as agreed upon with Locals 3745 and 1434, (attached hereto as Attachment "1.") All
employees of the San Miguel Consolidated FPD shall retain seniority with the Consolidated District as though no interruption in service had occurred. Seniority shall be used to determine rates for annual leave and sick leave and to establish lay off lists. Time and rate shall be used to determine or establish vacation selection. [Government Code Section 56886(k-m)]

Seniority will follow the years needed in service per rank. If the service years of a former employee of the predecessor East County FPD do not meet the San Miguel Consolidated FPD's requirements for the particular rank the employee currently holds, that time will be added to their seniority. [Government Code Section 56886(k-m)]

b. Probationary employees of both the predecessor districts will continue in a probationary status with the Consolidated District until completion of their remaining probationary period. [Government Code Section 56886(k-m)]

c. The Administrative Aide position of the predecessor East County FPD will transfer to the Consolidated District. [Government Code Section 56886(k-m)]

d. New hires and promotions will be conducted by the Consolidated District pursuant to the current system and lists of the San Miguel Consolidated FPD. Eligible personnel from the predecessor districts may take upcoming promotional exams with the Consolidated District if they meet all posted requirements. [Government Code Section 56886(k-m)]

e. Salary levels for the predecessor East County FPD employees will be in accordance with the salary schedule (attached hereto as Attachment "2.") In addition, and subject to the availability of funding from any special, extraordinary, or additional taxes, assessments, benefit fees, service charges, rentals or rates or any combination of the above, previously approved and/or levied by the predecessor East County FPD, including, but not limited to, the special taxes adopted and levied pursuant to Proposition E by the predecessor East County FPD, an annual stipend will be provided, as also identified in the attached salary schedule. Salary levels for the San Miguel Consolidated FPD employees shall be continued by the Consolidated District. [Government Code Section 56886(k-m)]

f. All existing annual leave and sick leave accrued by former employees of the predecessor East County FPD prior to consolidation will be frozen at the applicable hourly rate for each employee prior to the consolidation. Employee frozen annual leave and sick leave may be converted at the hourly rate of pay of the predecessor East County FPD applicable to the employee and may be used to purchase annual leave or sick leave time in the Consolidated District or other approved uses pursuant to the Consolidated District's policies. [Government Code Section 56886(k-m)]

g. The former Deputy Fire Chief of the predecessor East County FPD shall be transferred to the Consolidated District and return to fire operations in his former position as Fire Captain. [(Government Code Section 56886(k-m)]

h. Should due to economic or other catastrophic fiscal conditions a station closure be necessary during the first six (6) years of the consolidation, the following process will be utilized to determine force reduction:
i. If a former predecessor East County FPD fire station is affected, those former predecessor East County FPD employees would be affected in reverse seniority, including post consolidation new hires. [Government Code Section 56886(k-m)]

ii. If a San Miguel Consolidated FPD fire station is affected, that employee base would be affected in reverse seniority, including post consolidation new hires. [Government Code Section 56886(k-m)]

iii. After the six (6) year period from consolidation, force reduction issues will be performed by reverse seniority (last hired, first fired). [Government Code Section 56886(k-m)]

i. The labor Executive Board of Local 1434 will stay intact until the end of the current election period (1-1-09). A liaison from the predecessor East County FPD Local 3745 Executive Board will be added to the Local 1434 Executive Board until the next election cycle. [Government Code Section 56886(k-m)]

9. The predecessor East County FPD shall be required to retire all capital debt prior to the effective date of the Consolidation. [Government Code Section 56886(b,f,v)]

10. Any and all capital debt of the San Miguel Consolidated FPD will become the capital debt of the Consolidated District. [Government Code Section 56886(b,f,v)]

11. The Consolidated District shall be liable for payment of principal, interest, and any other amounts which shall become due on account of any outstanding or authorized but hereafter issued bonds, including revenue bonds and contracts, annexation agreements, and any other obligations of the predecessor districts. [Government Code Section 56886(b,f,v)]

12. The Consolidated District shall be authorized and entitled to continue to levy or fix and collect any special, extraordinary, or additional taxes, assessments, benefit fees, service charges, rentals or rates or any combination of the above previously approved and/or levied by the predecessor districts, including, but not limited to, the special taxes adopted and levied pursuant to Proposition E by the predecessor East County FPD. For the first 7 years following consolidation, the Board of the Consolidated District will not seek any additional special taxes from the territory of the predecessor East County FPD. [Government Code Section 56886(b,f,q,v)]

13. Costs associated with any challenge to the funding structures of either of the predecessor districts shall be funded by the respective operating revenue sources. [Government Code Section 56886(v)]

14. Any pending annexation proceedings submitted to or by either of the predecessor districts at any stage of said proceedings shall be assumed and continued by the Consolidated District as successor agency to the predecessor districts with no change of status or consideration. [Government Code Section 56886(m,v)]

15. Any benefit fees and/or special taxes generated by the predecessor East County FPD, including, but not limited to, the special taxes adopted and levied pursuant to Proposition E, will be maintained by the Consolidated District to ensure that Stations 18 and 19 are fully staffed, maintained and operational. [Government Code Section 56886(b,v)]
16. Community organizations and events within the communities of the Crest and Bostonia within the predecessor East County FPD will be supported by staff of the Consolidated District and/or funding via programs such as the Speakers Bureau, Fire Safety Trailer Team, Special Events Team, and/or Fire Chief attendance at requested meetings and functions. [Government Code Section 56886(v)]

17. Unless otherwise specified in the Proposed Terms and Conditions for Consolidation, all policies, procedures, regulations, resolutions, and ordinances that have previously been adopted by the San Miguel Consolidated FPD will remain in effect and apply to the Consolidated District, including, but not limited to: Ordinance No. 2007-02 adopting the California Fire Code, 2007 Edition and the 2006 International Fire Code as amended by the San Miguel Consolidated FPD; Ordinance No. 2007-03 adopting the California Urban-Wildland Interface Code, 2006 edition as amended by the San Miguel Consolidated FPD; and Ordinance No. 2006-01 adopting a schedule of fees and services. [Government Code Section 56886(v)]

18. The Consolidated District will continue to participate in the existing Mutual and Auto Aid Agreements with all signatory agencies. [Government Code Section 56886(b,f,v)]

19. The Consolidated District will continue to consult with all neighboring fire agencies when any fire station is relocated to ensure the best service for the District and to identify and minimize impacts to those agencies where possible. [Government Code Section 56886(v)]

20. The Consolidated District will award any contract to provide structural fire protection and emergency medical services through a competitive process that encourages local agencies to submit bids. [Government Code Section 56886(v)]

21. The initial appropriation limit for the Consolidated District shall reflect the combined appropriation limits of the predecessor East County FPD and the San Miguel Consolidated FPD for the year in which the consolidation become effective [Calif. Constitution Article 13B, § 3(a)]. [Government Code Section 56886(v)]

22. Pursuant to the conflicting proposal provisions in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the Commission hereby determines that the East County FPD shall be removed from the Reorganization of Structural Fire Protection and Emergency Medical Services in Unincorporated San Diego County – Phase I (RO05-10 and DF05-10) and the Consolidation of the East County FPD and the San Miguel Consolidated FPD shall be finalized and recorded prior to said Reorganization. [Government Code Section 56655 and 56886(v)]
RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF SAN DIEGO
ADOPTING AMENDMENTS TO THE SPHERES OF INFLUENCE
FOR THE EAST COUNTY FIRE PROTECTION DISTRICT
AND THE SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT
AND
ESTABLISHING A SPHERE OF INFLUENCE FOR THE
SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT
AND
MAKING DETERMINATIONS AND APPROVING THE
"CONSOLIDATION OF THE EAST COUNTY AND THE SAN MIGUEL
CONSOLIDATED FIRE PROTECTION DISTRICTS"
(EAST COUNTY AND SAN MIGUEL CONSOLIDATED
FIRE PROTECTION DISTRICTS)

On motion of Commissioner Jacob, seconded by Commissioner Menshek, the
following resolution is adopted:

WHEREAS, pursuant to Government Code Section 56425, the San Diego Local
Agency Formation Commission is required to develop and determine a sphere of
influence for each local governmental agency within the County; and

WHEREAS, said Section 56425 further provides that a sphere of influence, after
adoption, shall be used by the Commission as a factor in making regular decisions over
which it has jurisdiction; and

WHEREAS, the Commission's Sphere of Influence Guidelines provide that the
sphere of influence provides guidance in reviewing jurisdictional proposals and
promotes efficient provision of organized services; and

WHEREAS, the Commission originally adopted the sphere of influence for the
East County Fire Protection District on May 2, 1994; affirmed it on August 6, 2007, and
amended it on June 7, 1999 and May 7, 2007; and

WHEREAS, the Commission originally adopted the sphere of influence for the
San Miguel Consolidated Fire Protection District on November 2, 1987 and June 2,
2008 (as the new successor district); affirmed it on May 7, 2007; August 6, 2007, and
amended it on July 1, 1991; July 6, 1992; February 3, 1997; April 6, 1998; October 4,
1999; June 5, 2000; August 7, 2000; February 5, 2001; June 4, 2001; February 4, 2002;
July 7, 2003; August 2, 2004; October 4, 2004; May 2, 2005; November 7, 2005 and
May 1, 2006; and

WHEREAS, the Commission approved amendments to the spheres of influence
for the East County Fire Protection District and the San Miguel Consolidated Fire
Protection District to transitional sphere designations (zero spheres) on June 2, 2008; and
WHEREAS, the Commission transferred the sphere designations of the two predecessor districts (East County and San Miguel Consolidated Fire Protection Districts) to the successor district on June 2, 2008 and the sphere for the successor district is identical to the designated spheres re-affirmed by the San Diego Local Agency Formation Commission on August 6, 2007 for the East County and San Miguel Consolidated Fire Protection Districts; and

WHEREAS, unanimous resolutions of application were adopted and submitted to this Commission for consolidation of the East County Fire Protection District and the San Miguel Consolidated Fire Protection District, which resolutions were adopted by the Board of Directors of said East County Fire Protection District as Resolution No. 07-08-06, dated April 1, 2008 and by San Miguel Consolidated Fire Protection District as Resolution No. 08-04, dated March 27, 2008, pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

WHEREAS, the reason for the proposed sphere amendments, sphere adoption, and consolidation is that the consolidation of the two fire districts will result in a single fire protection district that can ensure structural fire protection and emergency medical services within an unincorporated area; the successor agency would create efficiencies by eliminating duplicated functions and staff positions between the two current districts, centralize command and administration of sub-regional resources, provide strategic planning and create a broader, emergency workforce to provide first-responder service within the urban/wildland interface. Liabilities and assets from both districts will transfer to the successor agency; and

WHEREAS, the East County Fire Protection District has been conditionally approved for inclusion in Phase I of the Reorganization of Structural Fire Protection and Emergency Medical Services in Unincorporated San Diego County; however, the Commission has approved removal of the East County Fire Protection District from Phase I, and removal will not affect proceedings for the reorganization; and

WHEREAS, upon Commission approval, the consolidation could proceed without an election unless voters or landowners file protests at a subsequent protest hearing; and

WHEREAS, the territory proposed for sphere amendments, sphere adoption, and consolidation is as described in the application on file with the Local Agency Formation Commission; and

WHEREAS, the Executive Officer of the Commission has filed his report on said sphere amendments, sphere adoption, and consolidation, which report was received and considered by the Commission; and

WHEREAS, pursuant to Government Code Section 56427, the Executive Officer of this Commission set a public hearing on the proposed sphere amendments, sphere adoption, and consolidation for June 2, 2008, and gave notice of the date, time, and place of said hearing in accordance with Government Code Sections 56834 and 56835; and
WHEREAS, it has been determined the proposed area is inhabited; therefore, conducting authority proceedings may not be waived.

NOW THEREFORE, BE IT RESOLVED, that this Commission hereby finds, and determines as follows:

(1) The sphere amendments, sphere adoption, and consolidation hearing was held on the date set therefore, and due notice of said hearing was given in the manner required by law.

(2) At that hearing the Commission called for, heard, and considered all interested parties and considered the report of the Executive Officer.

(3) In accordance with Government Code Section 57050, the Commission hereby declares that this action requires a noticed public protest hearing by the Local Agency Formation Commission, which hearing will be heard on July 3, 2008.

(4) The Commission hereby delegates to the Executive Officer the responsibility for holding the public protest hearing.

(5) The Commission concurs that the determination by the San Miguel Consolidated Fire Protection District that the proposed consolidation is not subject to the environmental impact evaluation process under State CEQA Guidelines Section 15320 because the geographic area in which previously existing powers are exercised under the collective posers or jurisdiction of the San Miguel Consolidated Fire Protection District and the East County Fire Protection District will not change as a result of the consolidation CEQA; and consolidation does not have potential for causing a significant effect on the environment (§ 15061(b)(3).

(6) The Commission has considered the factors enumerated in Section 56425 prior to adopting these amendments to the spheres of influence for the East County Fire Protection District and the San Miguel Consolidated Fire Protection District to transitional spheres.

(7) The Commission hereby re-affirms the Special Districts Municipal Service Review and Sphere of Influence Data Summary that was adopted by the Commission on August 6, 2007 and amends the spheres of influence for the East County Fire Protection District and the San Miguel Consolidated Fire Protection District to transitional spheres (zero spheres), adopts a sphere of influence for the consolidated district identical to the spheres of the predecessor districts as territory shown on the Map B; attached hereto for reason set forth in the Executive Officer's report and adopt the Statement of Determinations as provided in Exhibit B pursuant to Section 56425 of the Government Code.

(8) The Commission finds that the successor San Miguel Consolidated Fire Protection District would be providing all services previously provided by the East County Fire Protection District and the San Miguel Consolidated Fire Protection District and determine therefore, that the property tax allocation of the East County Fire Protection District and San Miguel Consolidated Fire Protection District shall be transferred to and become the base property tax for the successor district.
(9) The Commission hereby approves the sphere amendments, sphere adoption, and consolidation with boundaries as described in Exhibit A attached hereto for the reasons set forth in the Executive Officer’s report, delegating to the Executive Officer’s responsibility for holding the conducting authority proceedings, and approves the following action:

(a) Consolidation of the East County Fire Protection District and the San Miguel Consolidated Fire Protection District, as shown on the attached map and described in Exhibit A.

(10) The Commission determines that modifications to the terms and conditions are technical and not material as described in Exhibits C1 thru C3 attached hereto.

(11) The Commission hereby approves the consolidation with boundaries as described in Exhibit A attached hereto.

(12) The boundaries of the territory as described in Exhibit A are definite and certain.

(13) The territory to be consolidated is hereby designated the “Consolidation of the East County and the San Miguel Consolidated Fire Protection Districts” (East County and San Miguel Consolidated Fire Protection Districts), and the exterior boundaries of such territory, as approved by the Commission, are as described in Exhibit A attached hereto.

(14) The territory includes 29,734.45± acres and the boundaries do conform to lines of assessment and ownership.

(15) These districts are registered-voter districts.

(16) The regular County assessment role is utilized by these districts.

(17) *The affected territory will not be taxed for existing general bonded indebtedness of any agencies whose boundaries are changed.

(18) The effective date for this consolidation shall be the date of recordation but not before July 3, 2008.

(19) The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Section 56880-56882 of the Government Code.

*NOTE: According to the fire Chiefs of both Districts, this statement will be revised from “will" to “will not” to reflect the correct Terms and Conditions and Indebtedness.
Passed and adopted by the Local Agency Formation Commission of the County of San Diego this 2nd day of June, 2008, by the following vote:

AYES: Commissioners Frye, Hilliard, Horn, Jacob, Menshek, Pocklington, Rexford, and Vanderlaan

NOES: None

ABSENT: None

ABSTAINING: None

STATE OF CALIFORNIA)

COUNTY OF SAN DIEGO)

I, MICHAEL D. OTT, Executive Officer of the Local Agency Formation Commission of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original resolution adopted by said Commission at its regular meeting on June 2, 2008, which original resolution is now on file in my office; and that same contains a full, true, and correct transcript therefrom and of the whole thereof.

Witness my hand this 2nd day of June 2008.

[Signature]

MICHAEL D. OTT, Executive Officer
San Diego Local Agency Formation Commission