RESOLUTION NO. ___

RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS

COMPREHENSIVE STUDY OF FIRE PROTECTION SERVICES
MUNICIPAL SERVICE REVIEW

WHEREAS, the Local Agency Formation Commission of Napa County (hereinafter referred to as "the Commission") may conduct municipal service reviews of local agencies pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq., hereinafter referred to as "Act"); and

WHEREAS, the Commission adopted a schedule for municipal service reviews on October 11, 2001; and

WHEREAS, pursuant to Government Code Section 56430, the Executive Officer designated a countywide municipal service review of fire protection services in Napa County; and

WHEREAS, pursuant to its adopted schedule, the Commission held an intial discussion on the "Comprehensive Study of Fire Protection Services" at a public meeting on October 2, 2006; and

WHEREAS, the Executive Officer prepared a written report of this municipal service review that was presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at its public meeting on October d, 2006 and at meetings of the Commission on December 4, 2006 and February 5, 2007; and

WHEREAS, as part of this municipal service review, the Commission is required pursuant to Government Code Section 56430(a) to make a statement of written determinations with regards to certain factors.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

COMPREHENSIVE STUDY OF FIRE PROTECTION SERVICES
MUNICIPAL SERVICE REVIEW

1. In accordance with the adopted Local Agency Formation Commission Environmental Impact Report Guidelines, and applicable provisions of the California Environmental Quality Act (CEQA), the Commission hereby determines that this municipal service review is exempt from the provisions of CEQA under Section 15306 of the State CEQA Guidelines (Title 14 of the California Code of Regulations Section 15306). The municipal service review is a data collection and research study. The information contained within the municipal service review may be used to consider future actions that will be subject to environmental review.

2. The Commission adopts the written statement of determinations set forth in "Exhibit A," which is attached and hereby incorporated by reference.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of Napa County, State of California, at a regular meeting held on the 5th day of February, 2007, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

ATTEST: Keene Simonds
Executive Officer

Prepared by: _____
Kathy Mabry
Commission Secretary

EXHIBIT A

COMPREHENSIVE STUDY OF FIRE PROTECTION SERVICES MUNCIPAL SERVICE REVIEW

STATEMENT OF DETERMINATIONS

1. With respect to general policies (Government Code §56430(a)), the Commission determines that:

    a) The role of local fire protection providers has transformed significantly over the last several decades to include an expanded range of public safety activities. This expansion includes a greater emphasis on fire prevention, rescue, and emergency medical services. LAFCO incorporates the review of these expanded activities under the term "fire protection services."

2. With respect to infrastructure needs or deficiencies (Government Code §56430(a)(1)), the Commission determines that:

    a) Public infrastructure is generally adequate in providing an appropriate level of fire protection service in Napa County.

    b) There are distinct differences in the availability and capacity of fire protection services throughout Napa County. These differences, which are primarily drawn from variations in service and staff arrangements, reflect the independent practices and policies of the local agencies.

    c) Response times for fire protection services are important benchmarks in assessing performance and allocating resources. The National Fire Protection Association has established response time standards that serve as reasonable guidelines in measuring service in Napa County.

    d) In the year evaluated, the average response times for the American Canyon Fire Protection District and the Cities of Calistoga, Napa, and St. Helena for all service calls were less than six minutes, which is the standard recommended by the National Fire Protection Association. These average response times demonstrate that all four agencies are meeting their current service demands in an efficient and timely manner.

    e) Response times for fire protection services provided by the County of Napa, which includes the operations of nine independent volunteer organizations, have not been consistently recorded at all times. The absence of reliable response times makes it difficult to effectively measure the condition and level of service in the unincorporated areas.

f) Providing emergency medical services represents the largest demand for fire protection providers in Napa County. As life expectancies increase, local agencies will need to develop and dedicate additional resources to maintain existing service levels.

3. With respect to growth and population projections (Government Code §56430(a)(2)), the Commission determines that:

   a) The population projections issued by the Association of Bay Area Governments are reasonable estimates of the current and future population of Napa County.

   b) The Association of Bay Area Governments projects an annual growth rate for Napa County of approximately 0.6 percent over the next 20 years. These projections indicate that more than four-fifths of new growth will occur in the Cities of American Canyon and Napa. This distribution of growth will generate considerable new demands for fire protection services in south Napa County.

   c) The Association of Bay Area Governments estimates that the largest percentage of new growth over the next 20 years in Napa County will occur in the City of American Canyon. As a separate legal entity, the American Canyon Fire Protection District will need to work closely with American Canyon to ensure that fire protection services can be extended efficiently and economically to new growth without diminishing existing service levels.

4. With respect to financing constraints and opportunities (Government Code §56430(a)(3)), the Commission determines that:

   a) Voter-approved initiatives in California have constrained the ability of governmental agencies to fund fire protection services through new assessments and taxes. These initiatives have engendered local agencies to emphasize economizing existing resources to address increases in service costs and demands.

   b) The principal cost underlying fire protection service is labor. Continued increases in labor-related costs and the constraints on developing new revenue sources will increasingly challenge local agencies in balancing future expenditures and revenues.

   c) The decision by the County of Napa to contract for fire protection services with the California Department of Forestry and Fire Protection reflects the financial constraints associated with developing and operating a fire department.

5. With respect to cost avoidance opportunities (Government Code §56430(a)(4)), the Commission determines that:

    a) Local agencies have made a concerted effort to avoid unnecessary expenditures by economizing existing resources and developing shared arrangements with other agencies to provide and coordinate fire protection services. These efforts have helped to control cost increases, establish economies of scale, and avoid duplication of services.

    b) The City of St. Helena and the County of Napa benefit from measurable cost-savings as a result of their arrangements for volunteer-based fire protection services.

6. With respect to opportunities for rate restructuring (Government Code §56430(a)(5)), the Commission determines that:

    a) Fire protection services in Napa County are principally funded through general tax revenues. Opportunities to restructure rates are primarily limited to impact fees charged to new development and would not have a measurable impact on overall revenues.

7. With respect to opportunities for shared facilities (Government Code 56430(a)(6)), the Commission determines that:

    a) Local agencies have partnered to establish an effective network of shared resources with respect to providing fire protection services in Napa County. These partnerships, which include a series of automatic and mutual aid agreements, help to ensure that an adequate level of fire protection service is available at all times within each agency's respective jurisdiction.

    b) All five local fire protection providers are signatories to the State of California's Master Mutual Aid Program, which establishes a formal process for these agencies to voluntarily receive and provide assistance during declared emergencies. This program expedites the delivery of additional resources to local agencies in need and fosters cooperative relationships throughout California.

    c) The County of Napa provides dispatch services involving fire protection for the American Canyon Fire Protection District and the Cities of Calistoga and St. Helena. This arrangement coordinates the efficient delivery of services within the affected jurisdictions and facilitates future opportunities to share additional resources between agencies.

8. With respect to government structure opportunities (Government Code §56430(a)(7)), the Commission determines that:

   a) Federal, state, and local agencies share proportional responsibility in providing fire protection services in Napa County. Local agencies, including the American Canyon Fire Protection District, the Cities of Calistoga, Napa, and St. Helena, and the County of Napa, assume the greatest role in fire protection service. Service boundaries for these local agencies are generally well-defined and do not overlap.

   b) The Cities of Calistoga and St. Helena and the County of Napa depend on volunteers to provide fire protection services within their respective jurisdictions. Increasing demographic changes will increasingly challenge these agencies to recruit and retain a sufficient number of volunteers to maintain adequate service levels in the future.

   c) Volunteer-based fire protection services have been effective and sources of community identity throughout Napa County. As an information tool, and in response to changing demographics, LAFCO should conduct a governance study to evaluate alternative government structure options involving the volunteer-based fire protection services of the 1) Cities of Calistoga and St. Helena and 2) the County of Napa. The focus of the study would be to identify and evaluate whether alternative government structures would help sustain the long-term effectiveness of fire protection services in these communities.

   d) California Government Code §56133 designates LAFCO as the governmental agency responsible for authorizing cities and special districts to provide new or extended services, including fire protection, by contract or agreement outside their jurisdictional or sphere boundaries. While certain exemptions exist, local agencies should request and, if necessary, receive approval from LAFCO before providing new or extended fire protection services outside their boundaries.

9. With respect to the evaluation of management efficiencies (Government Code §56430(a)(8)), the Commission determines that:

   a) All five local agencies providing fire protection services in Napa County prepare summaries of past and projected revenues and expenditures involving fire protection services as part of their annual or biannual budgets. These collective budget processes are conducted in an open and transparent manner and provides a clear directive towards staff in prioritizing local resources.

b) All five local agencies providing fire protection services in Napa County maintain adequate reserves to help support their current service levels. These reserves reflect prudent management as they help to ensure that each agency has sufficient working capital to protect against unanticipated costs or shortfalls in revenues.

c) The American Canyon Fire Protection District and the Cities of Calistoga, Napa, and St. Helena have adopted response time standards with respect to providing fire protection services. These standards provide each agency with effective performance measures that promotes efficiency and accountability.

d) The County of Napa would benefit from adopting response time standards involving fire protection services in the unincorporated areas. The adoption of response time standards would provide the County with an effective tool to measure performance and standardize service levels.

10. With respect to local accountability and governance (Government Code §56430(a)(9)), the Commission determines that:

a) Each of the five local agencies providing fire protection services in Napa County are governed by elected officials that are accountable to their jurisdictional constituents.

b) The administration and staff of the five local agencies providing fire protection services in Napa County demonstrate a commitment to public outreach and communication. These efforts facilitate local accountability and participation in local governance.

Local Agency Formation Commission
LAFCO of Napa County

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MEMORANDUM

February 5, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: ***Comprehensive Study of Fire Protection Services***
The Commission will review comments received from the City of Calistoga regarding the draft written determinations that were prepared by staff as part of the municipal service review portion of the study.

As part of the municipal service review portion of the *Comprehensive Study of Fire Protection Services*, staff prepared and presented draft written determinations at the Commission's December 4, 2006 meeting for discussion. Following the meeting, staff circulated the draft determinations to the five affected local agencies and interested parties for review and comment. Comments were received from Fire Chief Gary Kraus with the City of Calistoga and are summarized below. (Mr. Kraus has since resigned as Calistoga Fire Chief to assume elected office with the City of Calistoga. Mr. Kraus' comments were e-mailed directly to then-Mayor Alexander and copied to LAFCO.)

Comment No. 1:
Mr. Kraus asks why the *Comprehensive Study of Fire Protection Services* does not include a review of the Town of Yountville.

Staff Response: As noted on page 1-3 of municipal service review report, the study was organized to examine the five local agencies that have elected to provide fire protection services directly. Yountville does not have a fire department and elects to contract with the County of Napa for all fire protection related services. Staff will evaluate this contractual relationship as part of LAFCO's *Comprehensive Study of the Town of Yountville*, which is scheduled to commence in March 2007.

Comment No. 2:
Mr. Kraus disagrees with the determination made by LAFCO that a governance study should be conducted to evaluate alternate government structure options involving the volunteer-based operations of the City of Calistoga and the City of St. Helena. Mr. Kraus notes that current services are operating efficiently and effectively and that an outside effort to consolidate these agencies could be contentious.

Jack Gingles, Chair
Mayor, City of Calistoga

Cindy Coffey, Commissioner
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Vice-Chair
County of Napa Supervisor, 1st District

Bill Dodd, Commissioner
County of Napa Supervisor, 4th District

Mark Luce, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner
Representative of the General Public

Vacant, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Staff Response: Staff agrees with Mr. Kraus that the fire protection services of the Cities of Calistoga and St. Helena are being provided effectively and efficiently. The determination to conduct a governance study as an informational tool is drawn from LAFCO's mandate under California Government Code to plan for the present and future needs of the community and is in response to changing demographics that will increasingly challenge both agencies to recruit and retain a sufficient number of volunteers to maintain current service levels in the future.

Comment No. 3:
Mr. Kraus notes that the determination made by LAFCO stating that local agencies should request and, if necessary, receive approval to provide new or extended fire protection services under Government Code §56133 would create an additional and unnecessary layer of bureaucracy.

Staff Response: Government Code §56133 was enacted in 1994 to require that all local agencies receive approval from LAFCO before providing new or extended services by contract or agreement outside their jurisdictional boundaries. This section does provide an exemption for contracts or agreements that involve two or more agencies where the services to be provided are alternatives or substitutes for services already being provided by an existing agency, and it is determined that the alternate or substitute service is consistent with existing service provision to the affected area. Staff presumes that the majority, if not all, of the agreements or contracts between local agencies to provide new or extended fire protection services outside their boundaries would qualify for this exemption. Nonetheless, LAFCO should still be notified and provided an opportunity to comment on the application of G.C. §56133 if and when an agency seeks to serve outside its jurisdictional boundary.

Comment No. 4:
Mr. Kraus notes that LAFCO does not address the future relationship between the California Department of Forestry and Fire Protection (CDF) and the County of Napa with respect to the possibility that the State may seek additional funding to provide fire protection services. Mr. Kraus suggests that LAFCO consider encouraging the County to evaluate its service alternatives.

Staff Response: The County's current agreement for fire protection services from CDF was signed in 2004 and provides for automatic one-year extensions. The costs of services provided by CDF are determined annually based upon a mutually accepted format. This arrangement for fire protection services appears to provide adequate controls for both CDF and the County to adjust the cost and level of service to reflect each agency's needs and preferences.

Attachment: as stated

Simonds, Keene

From: Simonds, Keene
Sent: Monday, December 04, 2006 12:07 PM
To: 'Gary Kraus'
Subject: RE: Dec. 4 LAFCO Meeting

Thanks Chief – all very good comments that I will work on addressing during the public review period for the study. I will follow up with you soon.

Keene

From: Gary Kraus [mailto:GKraus@ci.calistoga.ca.us]
Sent: Monday, December 04, 2006 11:48 AM
To: Simonds, Keene
Subject: FW: Dec. 4 LAFCO Meeting

-----Original Message-----
From: Gary Kraus
Sent: Sunday, December 03, 2006 2:35 PM
To: Andrew Alexander
Subject: Dec. 4 LAFCO Meeting

Dr. Alexander,
I offer these comments with respect to the Fire Protection Study, Supplemental Report Draft Written Determinations

- Why is Yountville completely left out of the report? Cannot their stats be broken out by CDF? I bet they can, but for some reason they chosen not to.
- On page 5, c) the suggestion is made that a study should be undertaken to consider what might be construed as consolidation of Calistoga and St. Helena and 2) Napa County. I believe such an undertaking would be foolish at this time for several reasons. 1) The fire services are currently operating fairly efficiently and should do so into the future, it could well be that by the time such a consolidation might be needed, a study undertaken today, would likely be out of date. 2) St. Helena and Calistoga and CDF are geographically miles apart, making it unlikely that consolidation would result in any significant savings such as equipment or stations. 3) Issues such as consolidations are potentially contentious, especially when spearheaded by an outside agency such as LAFCO. All of the successful consolidations that I am aware of (including the ones I have been personally involved with) have sprung from the agencies themselves. I can think of two, Covina/West Covina that was dissolved after a few years, as was the Chino/San Bernardino Co. merger both were costly mistakes, supported by a study.
- Also on page 5, d) It suggests that LAFCO approve any external extension of services. This could easily interfere with the implementation of Mutual Aid Pacts such as the one we recently implemented with Sonoma County for assistance to Mountain FD. Why require an additional layer of bureaucracy in matters of public safety?
- The Draft is silent with regard to the future of CDF's role with the County. Given the State's ongoing multi billion dollar structural deficit it is inevitable that at some point the State will seek full cost reimbursement for their service to local agencies. Tulare County has recently formed their own County Dept., rather than continue with CDF. Riverside Co. continued their contract, but may not renew when it comes up in a few years. If LAFCO really wanted to be pro-active they should encourage the County to look into alternatives to a CDF/County FD.

If you like I am available at home [redacted] or via cell [redacted] s you would liketo further discuss this matter.

Gary Kraus,