



**Local Agency Formation Commission**  
**LAFCO of Napa County**

1700 Second Street, Suite 268  
Napa, CA 94559  
(707) 259-8645  
FAX (707) 251-1053  
<http://napa.lafco.ca.gov>

**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.

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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.

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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.