

**SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
March 1, 2004**

There being a quorum present, the meeting was convened at 9:06 a.m. by Chairwoman Patty Davis. Also present were: Regular Commissioners – Councilmember Donna Frye, Councilmember Jill Greer, Supervisor Dianne Jacob, Bud Pocklington, Andrew Vanderlaan, and Ron Wootton; Alternate Commissioners – Harry Mathis, Andy Menshek, and Betty Rexford; LAFCO and County Staff – Executive Officer Michael Ott, and LAFCO Counsel William Smith. Absent were: Regular Commissioner – Supervisor Bill Horn; Alternate Commissioner – Supervisor Greg Cox.

Item 1

**Approval of Minutes
of Meeting Held February 2, 2004**

With Commissioner Greer abstaining, on motion of Commissioner Pocklington, seconded by Commissioner Wootton, the commissioners dispensed with reading the minutes of February 2, 2004, and approved said minutes.

Item 2

Executive Officer's Recommended Agenda Revisions

Michael Ott said that a Plaque of Appreciation would be presented to Chief Karl Bauer, Executive Director of the Task Force on Fire Protection and Emergency Medical Services.

Item 3

Presentation of Plaques of Appreciation

Chairwoman Patty Davis presented members of the Municipal Service Review Working Group with a Plaque of Appreciation for their dedicated services from the duration of December 2001 to February 2004, which also included her as one of the recipients. In addition, a Plaque of Appreciation was presented to Chief Karl Bauer for his dedicated service as a member and the Executive Director of the Task Force on Fire Protection and Emergency Medical Services from the duration of 1999 to 2004.

In response to a question from Chairwoman Davis, Chief Karl Bauer said he has resigned as the Executive Director of the Task Force due to an employment opportunity. He indicated that his last day would be March 5, 2004.

Item 4

Commissioner/Executive Officer Announcement

Michael Ott introduced and welcomed LAFCO's new Administrative Aide, Tamaron Luckett, to the Commission. He said that Ms. Luckett was a former employee of the County of San Diego, Department of Public Works Department. In addition, Michael Ott reported that he had received a request from the Grand Jury for him to respond to their

report dated February 23, 2004 entitled: "Is there a Need For a Regional Fire Authority and Rescue Helicopters In San Diego County?" Mr. Ott provided a copy of the report to the Commission and asked that they keep it confidential. He indicated that he would prepare an official response to the Grand Jury in the upcoming weeks, and that he would provide any updates to the Commission regarding the subject matter.

Item 5
Public Comment

No members of the public requested to speak.

Item 6
Proposed "Ponderosa Estates Annexation" to the Alpine Sanitation District (DA03-31)

On motion of Commissioner Greer, seconded by Commissioner Jacob, and carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Certified that the information contained in the Negative Declaration prepared by the County of San Diego has been reviewed and considered; and
- (2) Adopted the form of resolution approving this annexation for the reasons set forth in the Executive Officer's Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordered the annexation subject to the following condition:

Payment by the property owner of District annexation fees, San Diego LAFCO processing fees, and State Board of Equalization charges.

Item 7
Proposed "Taylor-Wake Annexation" to the Spring Valley Sanitation District (DA03-34)

On motion of Commissioner Greer, seconded by Commissioner Jacob, and carried unanimously by the Commissioners present, the Commission took the following actions:

- (1) Found in accordance with the Executive Officer's determination, that pursuant to Section 15319(a) of the State CEQA Guidelines, the annexation is not subject to the environmental impact evaluation process because the proposal area involves annexation to a special district of an area containing existing private structures developed to the density allowed by the current zoning, and that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities; and
- (2) Adopted the form of resolution approving this annexation for the reasons set forth in the Executive Officer's Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordered the annexation subject to the following condition:

Payment by the property owner of District annexation fees, San Diego LAFCO processing fees, and State Board of Equalization charges.

Item 8

Proposed FY 2004-05 LAFCO Budget

Michael Ott provided a PowerPoint presentation of the Proposed FY 2004-05 LAFCO Budget. He indicated that the Proposed FY 2004-04 LAFCO Budget was based on four basic principles, which were: 1) the ability of the Commission to adapt to changing circumstances dealing with workload and staffing; 2) capitalizing on opportunities caused by change (e.g. opportunity to refocus the Task Force to a higher level group); 3) maintaining LAFCO's responsiveness to the public and other local agencies; and 4) containing LAFCO's net cost for agencies who contribute to the budget. Mr. Ott said that due to statutory requirements, the Commission must adopt LAFCO's Budget by June 7, 2004. Mr. Ott said that in order for him to meet the statutory requirement, he recommended that the Commission adopt the Proposed FY 2004-05 LAFCO Budget by May 2004 and direct him to prepare the Final FY 2004-05 LAFCO Budget by June 2004.

Chairwoman Davis opened the public hearing.

In response to a question from Commissioner Dianne Jacob, Michael Ott indicated that \$160,000 would be left in the Contingency Reserve Fund for FY 2004-05 due to the allocation of \$50,000 (FY 2004-05) for the Task Force on Fire Protection and Emergency Medical Services Municipal Service Review (MSR), which would allow for the completion of both Volumes II and III of the MSR.

Commissioner Jacob said that the allocation for the Task Force's MSR Volumes II and III is important because it would be a useful tool for fire agencies and fire agencies within cities that have an interest to separate themselves out and become part of a regional agency. She said that there is a need to complete the MSR in order to attain an overall depiction of what would best benefit fire agencies.

Commissioner Andy Menshek indicated that Duncan Hunter's office is expressing interest for the Federal Fire Departments to be incorporated into the Task Force on Fire Protection and Emergency Medical Services MSR. Commissioner Menshek said that the Federal Fire Departments are the responsible parties that protect military facilities. He suggested that if the fire department were incorporated into the MSR, LAFCO should reflect any increase or decrease of the Proposed FY 2004-05 LAFCO Budget accordingly.

Commissioner Dianne Jacob said that the Proposed FY 2004-05 LAFCO Budget is a good financial budget that also provides a work plan for the next fiscal year.

With no members of the public wishing to speak in support or in opposition of the item, and no further discussion from the Commission, Chairwoman Davis closed the public hearing.

On motion of Commissioner Jacob, seconded by Commissioner Wootton, and carried unanimously by the commissioners present, the Commission took the following actions:

Adopted the Proposed FY 2004-05 LAFCO Budget and directed the Executive Officer to prepare LAFCO's FY 2004-05 Final Budget.

Item 9

**Administrative Approval of a Contractual Service Agreement:
City of La Mesa/Scott Wilson (OAS03-36; RO03-36)**

This was an information item and no action was required.

In response to a question from Commissioner Andy Menshek, Michael Ott indicated that all Consent and Public Hearing Items on future agendas would include a property tax matrix of subject agencies gaining or losing tax revenues.

Commissioner Donna Frye left at 9:47 a.m.

Item 10

Progress Report on Regional Fire Agency Consolidation

Chief Karl Bauer extended his gratitude to Dianne Jacob, Michael Ott and LAFCO staff, and the Commission for giving him the opportunity to have been a member and the Executive Director of the Task Force on Fire Protection and Emergency Medical Services. He reported that his last day on the Task Force would be March 5, 2004. Chief Bauer provided a PowerPoint presentation on the progress report of the Regional Fire Agency Consolidation.

Commissioner Harry Mathis complimented Chief Bauer for the excellent progress report he presented to the Commission.

In response to a question and comment from Commissioner Mathis, Chief Karl Bauer said that the development of the Regional Fire Department Budget Proposal entailed a review of budgetary requirements for involved agencies. He indicated that there would be savings if consolidation of fire agencies were to occur due to elimination of certain staff positions (i.e. elimination of firefighters); but on the other hand, additional administrative positions would be necessary in order to run the proposed organization. In addition, Chief Karl Bauer indicated that the Regional Fire Department Budget Proposal based fire protection service needs of communities on the current fire protection service level. He said that the proposal did not request additional fire stations to be able to anticipate future fire events, but reviewed the daily service model to determine the adequate level of service for the needs of communities (i.e. emergency

medical services, paramedic services, or staff engines). Chief Bauer indicated that research was performed on baseline staffing requirements, set by industry standards, in order to make sure that each department would be able to be in compliance of those standards when providing services. In regards to the population graph in the presentation, Chief Bauer stated that the main purpose of the graph was to establish the fact that there will be a significant increase in population by the year 2020.

Commissioner Bud Pocklington wished Chief Bauer the very best in his future endeavors. In response to a question from Commissioner Pocklington, Chief Bauer indicated that Phase I agencies specified in the Regional Fire Department Budget Proposal have expressed great interest in consolidating with other agencies. Commissioner Pocklington asked about the comparison research with other counties, such as Riverside consolidating their fire departments. Chief Bauer said that a comparison between San Diego County and Riverside was not performed because Riverside contracts with the California Department of Forestry (CDF). He said that there was only a comparison to other counties that did not contract with CDF, but had their own consolidation entity that provides fire services. In regards to Commissioner Pocklington's comment on hook-up fees from agencies, Chief Bauer indicated that there are revenue structures similar to those fees such as Mello-Roos that was adopted by some participating local entities. He said that Mello-Roos' revenues help fund fire agencies so that they could provide adequate fire services to those communities who participate. In response to another question from Commissioner Pocklington, Chief Bauer indicated that Phase I of the Regional Fire Department Budget Proposal could take up to a year to complete, depending on funding conditions. Chief Bauer said that currently, San Diego County has no fire funding assistance from the State.

Commissioner Dianne Jacob complimented Chief Karl Bauer on his exemplary job with the Task Force. She commented on his dedication to the Task Force, his efforts of working extra hours and on holidays, and his performance of working diligently to generate the first draft of the Task Force Municipal Service Review. Commissioner Jacob congratulated Chief Bauer and wished him the very best. In addition, Commissioner Jacob thanked Andy Menshek and Andy Vanderlaan for their efforts on the Task Force. Commissioner Jacob provided clarification to the Commission by stating that the Task Force on Fire Protection and Emergency Medical Services was formed before the 2003 Wild Fires and that the Task Force is not a response to that event. Commissioner Jacob said that Chief Bauer demonstrated very well in the presentation that consolidating fire agencies in San Diego County is important and that it would improve the way fire services are provided to communities. She reported that a mitigation fee for fire protection has been presented to the Board of Supervisors and that the matter has been continued to a future Board meeting. Commissioner Jacob said that if fire agencies do consolidate, it is very important that LAFCO continue to be involved with fire service issues. As for the \$18 million dollar cost for the completion of Phase I of the Regional Fire Department Budget Proposal, Commissioner Jacob asked that a line item breakdown on existing personnel versus additional personnel, capital cost, and operational cost be included in the proposal. In regards to opportunities for the Task Force on Fire Protection and Emergency Medical Services, Commissioner Jacob said that the Task Force should look into becoming a Joint Powers Authority (JPA). If interested in becoming a JPA, she suggested that San Diego County fire

departments produce letters of intent and said that LAFCO's legal counsel, William Smith, could provide assistance in generating the letters.

Commissioner Betty Rexford commented on Proposition 172 that involved public safety issues, which none of the funding was distributed to fire departments. She commented on the possibility of revisiting Proposition 172 in order to change that.

In response to a question from Commissioner Rexford, Chief Karl Bauer said that the Valley Center Fire Protection District would be included in the Phase II portion of the Regional Fire Department Budget Proposal. Commissioner Rexford suggested that fire code, fuel management, safety management, and vegetation management information be included in Phase I of the proposal to help educate people about fire prevention.

Commissioner Andy Menshek said that the size of San Diego County should be taken into consideration when comparing fire protection service costs to other counties that are smaller; because smaller counties means less fire service costs. Commissioner Menshek said that another factor that should be taken into consideration is the increasing size and destruction of the fires that have occurred since the year 2000, especially if the loss of acreage and death are to be considered. He said that it is the Commission's responsibility, and the County, to try and resolve the financial challenge in order to improve the delivery of fire services. He indicated that the Law Enforcement budget is approximately \$600 million dollars, which \$381 million is for the Sheriff's Department alone. He said that the Task Force's request for \$155,000,000 to implement the Regional Fire Agency Consolidation proposal is not out of the norm when compared to the Law Enforcement budget. In regards to cost savings for the proposed consolidation, Commissioner Menshek said the cost savings is provided by effective service of protecting life and property. He said that the proposal is not about cost savings, it is about consolidation and having a unified effort to increase service levels. He said that since 1993, State Educational Revenue Augmentation Fund (ERAF) transfers have continuously devastated fire agencies. He indicated that fire agencies have very little administration support, have a minimum amount of fire fighters, and said that some fire departments do not meet certain mandatory standards. Commissioner Menshek said that the County Board of Supervisors has the authority to place funds accordingly provided the funds are distributed to fire, police, district attorneys, and probation. He said that it is important that leaders of San Diego County decide what the priority is for the County and act fast because of the growth population occurring in Imperial County and Murrieta, which he indicated that agencies in San Diego County would most likely be providing services to those areas.

Commissioner Jill Greer indicated that in the future, the City of Lemon Grove may be interested in consolidating with other agencies because the level of service would increase with emergency service, access to equipment, and community services. She said that one of her concerns was the importance of being able to control cost, especially with administrative support.

In response to a comment from Commissioner Greer, Commissioner Andy Menshek said that the reason cities are within Phase IV of the Regional Fire Department Budget Proposal is because cities already have an organized fire protection infrastructure.

Commissioner Greer said that the contract between the City of Lemon Grove and the San Miguel Consolidated Fire Protection District was incredibly effective in terms of response time and the level of service provided. She said she would like to see the proposal move forward because she has seen the benefits of consolidating agencies.

Commissioner Ron Wootton thanked Chief Karl Bauer for all of his efforts. Commissioner Wootton said that his district (Vista Fire Protection District) could relate to the Task Force's challenge of obtaining funding because that was an issue for them also. He said that agencies are good at keeping up with cost of new developments, but keeping up with old developments has been a problem. Commissioner Wootton said that more funding is needed in order to improve the delivery of fire services to communities. He indicated that in the Vista FPD, delivery of services is no longer adequate because its fire engines are providing services to other districts that have the greatest need and more population. He said that it is important to have fire districts at certain locations so that fire engines are within reach of services in a reasonable amount of time; and to accomplish that goal on a regionalized basis has been a big challenge. He said that he liked the idea of the Task Force conducting a research on obtaining funding for consolidation because it would provide a level of intent that is needed by agencies in addition to establishing their own funding source. He stated that if that idea were a motion, he would second it.

Michael Ott indicated that Item 11 is not an action item; however, the Commission could refer Commissioners Jacob and Wootton's discussion to the Task Force on Fire Protection and Emergency Medical Services' next meeting and have the Task Force address and discuss the matter.

On motion of Commissioner Jacob, seconded by Commissioner Wootton, and carried unanimously by the commissioners present, the Commission took the following actions:

- 1) Referred Commission discussion to the Task Force on Fire Protection and Emergency Medical Services to discuss the following:
 - a) Pros and cons of the Task Force evolving into a joint powers authority versus consolidation, or the joint powers authority being a precursor to consolidation.
 - b) Estimate cost savings of the Task Force evolving into a joint powers authority versus consolidation, and provide to the Commission a line item breakdown of the \$34.7 million Phase I of the proposal, and include a comparison of the \$18 million cost for existing personnel versus the cost for additional personnel support.

Michael Ott asked Commissioner Andy Menshek to provide a more detailed line item breakdown of the \$34.7 million of Phase I of the proposal. Commissioner Menshek indicated that the Task Force could provide that information.

In response to a question from Michael Ott, Commissioner Dianne Jacob said that the next Task Force on Fire Protection and Emergency Medical Services meeting would be held on April 30, 2004.

Commissioner Andy Vanderlaan thanked Chief Karl Bauer and said that he has done a wonderful job with the Task Force. Commissioner Vanderlaan agreed with Commissioner Jacob that the Task Force should include in the proposal a cost benefit ratio of all Phases (I, II, and III). He also agreed that an organized entity is needed in San Diego County, and that perhaps the Task Force may be that entity. He also said that it would be a good idea to involve cities in the proposed consolidation. He indicated that the California Department of Forestry (CDF) would be a good resource for options. In regards to other resources, Commissioner Vanderlaan said that Commissioner Dianne Jacob indicated that she would take the Regional Fire Department Budget Proposal to the County of San Diego's Board of Supervisors with provisions that include an agreement to the concept of the regionalization proposal and that the Board of Supervisors would provide resources to assist the Task Force in obtaining funds.

Commissioner Dianne Jacob said that she would provide documentation on Proposition 172 (Public Safety). She indicated that Proposition 172 was established to offset the ERAF shift, but at the same time it affected fire districts because they have not received any funds as a result of property tax. She reported that the County is approximately \$40 million dollars over budget. Commissioner Jacob indicated that one resource for the Task Force to obtain funds is if firefighters could come into an agreement with the Deputy Sheriffs and the District Attorneys on how to distribute funds from Proposition 172 equally. In response to a comment from Commissioner Betty Rexford, Commissioner Jacob stated that the Board of Supervisors had recently adopted an ordinance regarding brush clearance. She said that the Board of Supervisors expects the State and Federal officials to take the Board's lead. In addition, she reported that the Board set aside \$3.5 million dollars to purchase a regional firefighting helicopter, as well as \$2 million for operating cost.

Chairwoman Patty Davis commented that voters of Proposition 172 expected that fire departments would obtain funds from the proposition and said that fire departments should be included in the fair share equity of the funding. In response to Chairwoman Davis' comment, Commissioner Jacob said that after Proposition 172 passed, she tried at a Board of Supervisor's meeting to place a motion to obtain funds for fire departments, but it did not pass.

Commissioner Andy Menshek said that fire departments are being ignored with respect to funding. He said that law enforcement is more of a priority than fire services. He commented on the \$5 million dollars from the County of San Diego for a helicopter and said that other large metropolitan counties in California have organized fire departments before establishing air operations. In other words, he said that air operations do not lead the organized ground structure of the firefighters; ground operations are the leaders, and then air operations. He indicated that County of San Diego's \$5 million dollars for a helicopter and air operation costs would have provided a large amount of fire engines on ground. In addition to the frustration of fire services being ignored,

Commissioner Menshek said that there is no special district representation on the Unified Disaster Council and the Helicopter Committee.

In response to Commissioner Menshek's comments, Commissioner Dianne Jacob said that she was not aware of the Unified Disaster Council and that she would look into the matter. In the meantime, she suggested that a long-term funding source for fire services is to take an adequate portion of the property tax distribution that the state legislature has control of. Commissioner Jacob said that the \$3.5 million dollars for a helicopter is one-time money, whereas the \$2 million dollars for air operation is an ongoing fund that also establishes an opportunity for the Task Force to address the Board of Supervisors for future funding for firefighting, operations, and equipment.

Chairwoman Patty Davis said that it is necessary for City and County officials to collaborate with each other and bring San Diego County's fire service issues to the attention of Sacramento officials so that proper funding could be obtained. In regards to Chief Karl Bauer, she thanked him and said that he would be missed. She said that he has done a wonderful job with the Task Force.

Item 11
Legislative Report

This was an information item and no action was required.

There being no further business to come before the Commission, the meeting adjourned at 11:25 a.m. to the April 5, 2004 meeting, in Rooms 302-303, County Administration Center.

TITA JACQUE CAYETANO
Administrative Assistant