



Lou Ann Teixeira  
*Executive Officer*

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June 10, 2015

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 Agenda Item 8

Contra Costa Local Agency Formation Commission  
 651 Pine Street, Sixth Floor  
 Martinez, CA 94553

**Fire and Emergency Medical Services and LAFCO**

This report provides an update on two issues relating to fire and emergency medical services (EMS) in Contra Costa County. The first issue was raised by Vince Wells, President, United Professional Firefighters Contra Costa – Local 1230 regarding automatic and mutual aid agreements and LAFCO’s role. The second issue pertains to LAFCO’s upcoming 2<sup>nd</sup> round Fire & EMS Municipal Service Review (MSR). The report also provides a brief background/ chronology of LAFCO’s past efforts relating to EMS/Fire service issues.

BACKGROUND/CHRONOLOGY

**Municipal Service Review (MSR)/Sphere of Influence Updates**

In 2009, LAFCO completed a countywide MSR covering fire and emergency medical services (EMS) provided by the following three cities and eight special districts:

- City of El Cerrito
- City of Pinole
- City of Richmond
- Contra Costa County Fire Protection District (CCCFPD)
- Crockett-Carquinez Fire Protection District (CCFPD)
- East Contra Costa Fire Protection District (ECCFPD)
- Kensington Fire Protection District (KFPD)
- Moraga-Orinda Fire District (MOFD)
- Rodeo-Hercules Fire District (RHFD)
- San Ramon Valley Fire Protection District (SRVFPD)
- County Service Area EM-1 (CSA EM-1)

The 2009 MSR provided a comprehensive review of EMS/fire services; showcased resource sharing and best practices; identified service, infrastructure, fiscal and other challenges; presented policy options; provided a basis for sphere of influence (SOI) updates and future boundary changes; and served as a catalyst for ongoing dialogue.

In conjunction with the 2009 MSR, LAFCO formed an Ad Hoc Fire Committee, composed of five Commissioners. The Committee held five meetings to facilitate discussions and receive additional input regarding the governance and SOI options identified in the MSR report. Following the Ad Hoc Committee meetings, East and West County fire agencies formed regional committees to explore service options and alternatives. The City of Pinole and ECCFPD provided regular updates to LAFCO.

Following the Ad Hoc Committee meetings, and as a result of the MSR, the Commission took the following SOI and policy actions:

1. **CCCFPD** – Updated SOI (expanded to include area southeast of Clayton, eastern boundary areas in the cities of Antioch and Pittsburg, and Roddy Ranch; and reduced to remove Bogue Ranch, and 101-acre area in Orinda).
2. **CSA EM-1** – Updated SOI (retained existing coterminous SOI). Encouraged CSA EM-1 to coordinate a 911 dispatch study in conjunction with the Contra Costa County Sheriff and Public Safety Answering Point (PSAP) managers' group to address dispatch issues.
3. **ECCFPD** – Updated SOI (reduced to remove Roddy Ranch).
4. **MOFD** – Updated SOI (expanded to include previously annexed 101-acre area in Orinda). Encouraged MOFD, City of Orinda and Town of Moraga to communicate regarding road and water infrastructure challenges and report back to LAFCO.
5. **SRVFPD** – Updated SOI (expanded to include previously annexed areas in Tassajara Valley/Morgan Territory and Bogue Ranch). Encouraged SRVFPD and the Alameda County Fire Department to work together to achieve service/fiscal balance in the Crow Canyon and North Dublin areas.

The Commission deferred the SOI updates for CCFPD, KFPD, and RHFD in anticipation of a potential fire service consolidation in West County.

### **Fire Workshops and Ongoing Discussions**

As a follow-up to the MSR and fire ad hoc committee meetings, in 2010, LAFCO hosted two fire workshops facilitated by Bill Chiat, the outcome of which resulted in a list of pressing issues and potential opportunities as summarized below.

#### **Pressing Issues**

- Funding
- Fiscal sustainability
- Service efficiency, equity and consistency

#### **Potential Opportunities**

- Evaluating service efficiencies
- Establishing baseline and/or service standards
- Centralizing dispatch services
- Pursuing best practices and governance/service models
- Continuing public relations/education efforts and community involvement

The LAFCO Ad Hoc Committee meetings and Fire Workshops were well attended by County, city and special district officials and staff, fire commissioners, representatives from labor, members of the Grand Jury, the public and the media.

Over the course of a year, the Commission continued to discuss short, mid- and long-term goals relating to fire service, and subsequently, directed LAFCO staff to explore with Citygate Associates and fire service providers further study of fire service issues in Contra Costa County.

Following several meetings with the fire chiefs and representatives of Citygate Associates, the group reported back to the Commission. The report noted the following:

- ❖ The LAFCO MSR provides important data and analysis which served as a catalyst for the ongoing dialogue among stakeholders, and contributed to improved collaboration and working relationships among fire/EMS providers and labor groups in Contra Costa County.
- ❖ Fire service providers in Contra Costa County continue to work to address their service and fiscal challenges. Agencies are looking for ways to reduce costs and increase revenues. Several agencies are pursuing voter-approved funding measures; and most continue to explore new opportunities for resource sharing and collaboration in order to sustain services during these challenging fiscal times.
- ❖ It will take political will and cooperation by local agencies, labor and the communities they serve to effect major change in the provision of fire service.

In sum, the general consensus was that the economic climate will continue to present challenges for local agencies, and that those local agencies facing significant service and fiscal challenges are working to address their particular issues.

The group thanked the Commission for its efforts and stated that there was little interest in pursuing another study, noting that local agencies continue to be financially constrained and would rather devote funding to critical services. The Commissioner accepted the group's report and requested that fire service agencies provide an update to LAFCO in six months; most of the agencies did so. The periodic updates reported ongoing fiscal and service challenges, and efforts to address them.

Following the MSR process, and the Ad Hoc Committee meetings and fire workshops, discussions continued regarding funding challenges and the fiscal sustainability of fire service agencies. The decline in property tax revenue forced local agencies to take severe measures, including closing and browning out fire stations, eliminating positions, modifying service delivery, reallocating staff, deferring expenses (e.g., capital outlay), increasing fees and depleting reserves. East and West County were particularly hard-hit by the decline in property tax revenues and continue to be financially challenged today.

With regard to funding, the three cities fund fire department operations primarily from their general fund revenues; whereas, the fire districts are funded primarily by property tax. As a funding source, property taxes are constrained by statewide initiatives that have been passed by voters over the years, and the recent recession.

Fire district property tax allocations vary significantly, with KFPD (30%) and MOFD (21%) receiving higher shares, on average; and ECCFPD (8%) and RHFD (9%) receiving lower shares, on average.

In the past, several of the fire service providers imposed voter-approved special benefit assessments on parcels or dwelling units or special taxes to fund services, including RHFD, KFPD, MOFD and City of Pinole. Since completion of the MSR in August 2009, CCCFPD and ECCFPD attempted special tax measures; however, the voters rejected the measures.

A number of the fire service providers continue to struggle today. In the fall of 2015, LAFCO will embark on its 2<sup>nd</sup> round MSR covering EMS/Fire services, as discussed below.

### AUTOMATIC AND MUTUAL AID AGREEMENTS

At the LAFCO meeting on May 13, 2015, the President and Vice President of the United Professional Firefighters Contra Costa – Local 1230 addressed the Commission under public comment. The officers expressed concern regarding the level of fire service in certain areas of the County, the disparity in automatic and mutual aid services. On May 14<sup>th</sup>, Vince Wells, President, Local 1230, submitted a letter to LAFCO (Attachment 1) reiterating his concerns and requesting that LAFCO discuss and review the automatic aid agreements between fire service agencies in Contra Costa County.

The 2009 LAFCO EMS/Fire MSR included a brief discussion regarding automatic and mutual aid as summarized below.

*Fire providers' service areas differ from their jurisdictional boundaries as a result of automatic aid, mutual aid and contract service arrangements.*

***Automatic aid** refers to reciprocal service provided under an automatic aid agreement, a prearranged plan or contract between agencies for an automatic response for service with no need for a request to be made. Automatic aid is more extensive in the County than in many other parts of California. The Contra Costa County Fire Chiefs Association agreed in the early 2000s to implement countywide closest-resource dispatching (known as "boundary drop") in which the closest available crew is dispatched to an incident regardless of boundaries. Apparatus location and availability is known at the CCCFPD Communications Center due to automatic vehicle locator (AVL) technology, and the Communications Center's computer-aided design (CAD) technology facilitates dispatch of the closest resource.*

***Mutual aid** refers to reciprocal service provided under a mutual aid agreement, a pre-arranged plan and contract between agencies for reciprocal assistance upon request by the first-response agency. All agencies are required to provide mutual aid in times of extreme disaster as part of the California Governor's Office of Emergency Services Master Mutual Aid Agreement. All three ambulance providers have agreed to provide ambulance service when needed to areas of the County outside their service areas to the extent they are able.*

*Aid arrangements among the local agencies are shown in the attached table (Attachment 2). Aid arrangements frequently provided or received are listed in plain font, and aid occasionally provided*

*or received is in italicized font. Not shown in the table are the aid arrangements with and between private fire brigades.*

President Wells notes in his letter that many of the automatic agreements have not been formalized, reviewed or modified since the closure of fire stations within the County, and is requesting that LAFCO discuss and review the automatic aid agreements between the fire service providers in Contra Costa County.

In his letter, President Wells references the Contra Costa LAFCO policy relating to out of agency service, and requests that LAFCO review the automatic aid agreements pursuant to these provisions.

On May 27, LAFCO staff met with President Wells and Vice President Guerrero to discuss fire service issues, including the request for LAFCO to review automatic aid agreements and the upcoming EMS/Fire MSR.

LAFCO staff explained that agreements between public agencies, such as Memoranda of Understanding (MOUs) and Joint Powers Agreements (JPAs) are not subject to LAFCO's authority. Further, out of agency service agreements between two or more public agencies are exempt from LAFCO approval pursuant to Government Code section 56133(e) as follows:

*(e) This section does not apply to contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.*

While it is not within LAFCO's authority or expertise, the Commission could consider a review of the automatic aid agreements as part of the upcoming MSR.

## 2<sup>ND</sup> ROUND EMS/FIRE SERVICE MSR

As noted above, in 2009 Contra Costa LAFCO completed a comprehensive review of EMS/Fire services, and updated the SOIs for five of the agencies covered in the MSR.

LAFCO law provides that "*on or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence*" (Gov. Code section 56425). Further, LAFCO law provides "*in order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission.*" (Gov. Code section 56430).

The Commission expressed a desire to move forward with a 2<sup>nd</sup> round MSR covering EMS/Fire services.

In June 2014, LAFCO released a Request for Proposals (RFP) to prepare its 2<sup>nd</sup> round EMS/Fire MSR. LAFCO sent the RFP notice to approximately 30 consulting firms; and, unfortunately, received **no** proposals. LAFCO staff followed up with some of the consultants and asked the following questions:

1. *Why didn't your firm bid on the MSR?*
2. *What can Contra Costa LAFCO do to make the project more appealing to bidders?*
3. *Can you offer any suggestions?*

Some of the responses are summarized below:

- **Timing** - Several of the firms indicated that they had a full workload at the time and were understaffed (due to recession), and unable to take on another project at the time. Several firms indicated they would be able to take on other projects in early 2015. A couple of firms suggested that LAFCO wait until the County awarded the ambulance contract before embarking on the 2<sup>nd</sup> round EMS/Fire MSR.
- **Scope of Work** – A number of firms expressed concern with the work/cost involved in updating the 1<sup>st</sup> round EMS/Fire MSR, as it was extensive. A number of firms suggested we narrow the scope or approach or “phase” the second round MSR (e.g., operational/fiscal, “problem” or “issue” oriented, subregional approach, separate MSRs for city and district service providers, etc.).

Based on the lack of bids, and the timing of the County’s ambulance contract award, the Commission decided to defer the 2<sup>nd</sup> round EMS/Fire MSR until after the County awards its ambulance contract, which is tentatively scheduled for late July 2015.

In August 2015, LAFCO staff will bring a new RFP to the Commission for review and approval. Based on the feedback received last year, it is desirable to narrow the scope of work in the new RFP (e.g., critical issue(s), subregional, agency-specific, governance alternatives, fiscal sustainability, etc.).

LAFCO staff reached out to the fire chiefs, EMS Director and labor for input as to the most critical EMS/Fire service issues, and focus of LAFCO’s 2<sup>nd</sup> round EMS/Fire MSR; and looks forward to their feedback.

#### RECOMMENDATION

Receive report and provide input and direction as desired.

Sincerely,

Lou Ann Texeira  
Executive Officer

#### Attachments

1. Letter dated May 14, 2015 from Vince Wells, President, United Professional Firefighters Contra Costa – Local 1230
2. Automatic and Mutual Aid Table, 2009 LAFCO EMS/Fire MSR



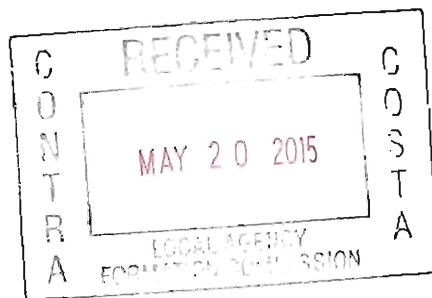
## United Professional Firefighters Contra Costa • Local 1230

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May 14, 2015

Lou Ann Texeira  
 Executive Officer  
 Contra Costa Local Agency Formation Commission (LAFCO)  
 651 Pine Street, 6<sup>th</sup> Floor  
 Martinez, CA 94553



Re: Request to Place Auto-Aide Agreements between Contra Costa County Fire Agencies on the Agenda

Dear Executive Officer Texeira,

This letter is a follow-up to my request to have LAFCO discuss and review the automatic-aid agreements between fire service agencies within Contra Costa County. As I stated during my public comments at the May 13, 2015 LAFCO meeting; we would like to have these agreements discussed at a LAFCO meeting in the near future. Many of these agreements have not been formalized, reviewed, or have not been modified since the closure of fire stations within the county.

Section 3.15 of the Contra Costa LAFCO, Section titled Provision of Services by Contract (Out of Agency Service), provides the guidelines that govern the service agreements between District's and other governing agencies. We are asking that LAFCO review the fire service agreements to assure that they meet the criteria set in this provision. We understand that the provision exempts certain agreements from requiring LAFCO approval. We would like to have the aid agreements that have not been approved by LAFCO to be reviewed to assure they do meet the requirements of this exemption.

As you know there are multiple fire agencies within this county who share borders with other agencies. Each agency makes its decision on what level of funding and service they will provide to their constituents. The automatic aid agreements within this county have been set up to provide the closest resource



for most emergencies amongst border agencies. In order to assure that this agreement is not being used to subsidize services, we request these agreements to be reviewed.

Please let me know if there is another process we must go through to get this issue on the agenda. Please contact me for any questions.

Thank you for your assistance on such an important service.

Respectfully,

A handwritten signature in black ink that reads "Vincent Wells". The signature is written in a cursive, flowing style.

Vince Wells, President of the United Professional Firefighters  
of Contra Costa County, Local 1230



**Table 3-2: Automatic and Mutual Aid, 2009**

<b>Boundary</b>	<b>Automatic Aid Provided to</b>	<b>Automatic Aid Received from</b>	<b>Mutual Aid Partners</b>
City of El Cerrito FD	ConFire: East Richmond Heights KFPD: Kensington Richmond: east areas <i>Occasionally throughout West County</i>	<i>Occasional from ConFire</i>	Cities of Richmond, Albany, Berkeley and Oakland, ConFire, EBRPD, and CAL FIRE
City of Pinole FD	ConFire: Tara Hills, Montalvin Manor, Bay View, and Alhambra Valley RHFPD <i>Occasionally to Richmond and CCFPD</i>	ConFire, RHFPD. <i>Occasional from Richmond and CCFPD</i>	City of Richmond, EBRPD and CAL FIRE.
City of Richmond FD	ConFire: San Pablo, north Richmond, El Sobrante, and E. Richmond Heights El Cerrito <i>Occasional aid to Pinole and RHFPD</i>	El Cerrito, ConFire, <i>occasional aid from Pinole and RHFPD</i>	City of Berkeley, ConFire. <i>Occasionally with EBRPD and CAL FIRE</i>
Contra Costa County FPD	Benicia: northbound lanes Benicia-Martinez Bridge ECCFPD: northwest Brentwood, west Oakley, west Marsh Creek Dr.	Benicia: southbound lanes Benicia-Martinez Bridge Pinole: Tara Hills, Bayview, Montalvin Manor and Alhambra Valley El Cerrito: East Richmond Heights Richmond: San Pablo, Valley View	EBRPD, CAL FIRE and City of Benicia
Crockett-Carquinez FPD	RHFPD: westbound I-80 between Cummings Skyway and Willow Ave. ramp <i>Occasional aid to ConFire and Pinole</i>	RHFPD: south/west of Cummings Skyway	City of Vallejo
East Contra Costa FPD	ConFire	CAL FIRE: Marsh Creek ConFire: northwest Brentwood, west Oakley, west Marsh Creek Dr.	Alameda County FD <i>Occasionally in San Joaquin County off SR 4.</i>
Moraga-Orinda FPD	ConFire	ConFire	Cities of Berkeley and Oakland, and CAL FIRE.
Rodeo-Hercules FPD	CCFPD: south/west of Cummings Skyway Pinole, ConFire	CCFPD: westbound I-80 between Cummings Skyway and Willow Ave. ramp Pinole, ConFire	Cities of Pinole and Richmond, ConFire, EBPRD, and CAL FIRE
San Ramon Valley FPD	Alameda County Fire District (ACFD) in the northern portion of Dublin and in Crow Canyon	<i>ACFD: southern end of San Ramon, and southern portions of Dougherty Valley</i>	ACFD, CAL FIRE, and ConFire. <i>Occasionally MOFPD and Livermore-Pleasanton FD</i>

Note: Occasional aid provided or received indicated by italics