



**LAFCO MEETING
AGENDA
Wednesday, October 20, 2010
1:15 PM**

**Board Meeting Chambers
70 West Hedding Street, First Floor
San Jose, CA 95110**

**CHAIRPERSON: Susan Vicklund-Wilson • VICE-CHAIRPERSON: Liz Kniss
COMMISSIONERS: Pete Constant, Don Gage, Margaret Abe-Koga
ALTERNATES: Al Pinheiro, Sam Liccardo, George Shirakawa, Terry Trumbull**

The items marked with an asterisk (*) are included on the Consent Agenda and will be taken in one motion. At the beginning of the meeting, anyone who wants to discuss a consent item should make a request to remove that item from the Consent Agenda.

Disclosure Requirements

1. Disclosure of Campaign Contributions

If you wish to participate in the following proceedings, you are prohibited from making a campaign contribution of more than \$250 to any commissioner or alternate. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. No commissioner or alternate may solicit or accept a campaign contribution of more than \$250 from you or your agent during this period if the commissioner or alternate knows, or has reason to know, that you will participate in the proceedings.

If you or your agent have made a contribution of more than \$250 to any commissioner or alternate during the twelve (12) months preceding the decision, that commissioner or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner or alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings. For disclosure forms and additional information see:

<http://www.santaclara.lafco.ca.gov/annexations&Reorg/PartyDisclForm.pdf>

2. Lobbying Disclosure

Any person or group lobbying the Commission or the Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. Any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them. For disclosure forms and additional information see:

<http://www.santaclara.lafco.ca.gov/annexations&Reorg/LobbyDisclForm.pdf>

3. Disclosure of Political Expenditures and Contributions Regarding LAFCO Proceedings

If the proponents or opponents of a LAFCO proposal spend \$1,000 with respect to that proposal, they must report their contributions of \$100 or more and all of their expenditures under the rules of the Political Reform Act for local initiative measures to the LAFCO office. For additional information and for disclosure forms see:

http://www.santaclara.lafco.ca.gov/sclafcopolicies_annex&reorg_home.html

1. ROLL CALL

2. PUBLIC PRESENTATIONS

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on this agenda. Speakers are limited to THREE minutes. All statements that require a response will be referred to staff for reply in writing.

3. APPROVE MINUTES OF JUNE 2, 2010 LAFCO MEETING

CONSENT ITEMS

4. APPROVE CONSENT CALENDAR

***4.1 WEST VALLEY SANITATION DISTRICT 2009-02**

An application by landowner petition for annexation of a parcel (APN: 537-04-030) located at 17655 Tourney Road in Los Gatos to the West Valley Sanitation District.

Possible Action: Approve annexation to the West Valley Sanitation District and waive protest proceedings.

PUBLIC HEARINGS

5. COUNTYWIDE FIRE SERVICE REVIEW REPORT

Possible Action: Consider the draft report for the Countywide Fire Service Review and Sphere of Influence Updates, accept public comment, and direct staff to prepare the final report and set a hearing date.

6. DISSOLUTION OF SUNOL SANITARY DISTRICT

An application by resolution from the Sunol Sanitary District requesting its dissolution and naming the City of San Jose as its successor agency.

Possible Action: Consider staff report and approve the dissolution.

ITEMS FOR ACTION / DISCUSSION

7. COUNTYWIDE WATER SERVICE REVIEW REQUEST FOR PROPOSAL

Possible Action: Authorize staff to issue an RFP for consultant to prepare a countywide water service review and delegate authority to LAFCO Executive Officer to enter into an agreement with the most qualified consultant in an amount not to exceed \$70,000 and to execute any necessary amendments subject to LAFCO Counsel review and approval.

8. UPDATE ON ISLAND ANNEXATIONS IN SANTA CLARA COUNTY

Possible Action: Accept staff report and provide direction to staff.

9. AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN LAFCO AND THE COUNTY OF SANTA CLARA

Possible Action: Approve the MOU between LAFCO and the County.

10. ANNUAL REPORT

Possible Action: Accept LAFCO Annual Report for FY 2010

11. EXECUTIVE OFFICER'S REPORT

11.1 Report on the 2010 CALAFCO Annual Conference

For information only.

12. COMMISSIONER REPORTS

13. NEWSPAPER ARTICLES / NEWSLETTERS

14. WRITTEN CORRESPONDENCE

14.1 A letter from Campbell Village Neighborhood Association opposed to annexation to San Jose of Cambrian No. 36

15. PENDING APPLICATIONS / UPCOMING PROJECTS

15.1 Los Gatos Urban Service Area (USA) Amendment 2010 (Lands of Midpeninsula Regional Open Space District)

16. ADOPTION AND PRESENTATION OF RESOLUTION COMMENDING COMMISSIONER GAGE FOR HIS SERVICE TO LAFCO

17. ADJOURN

Adjourn to regular LAFCO meeting on Wednesday, December 15, 2010, at 1:15 PM in the Board Meeting Chambers, 70 West Hedding Street, First Floor, San Jose.

Any disclosable public records related to an open session item on the agenda and distributed to all or a majority of the Commission less than 72 hours prior to that meeting are available for public inspection at the LAFCO Office at the address listed at the bottom of the first page of the agenda during normal business hours. In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the LAFCO Clerk 24 hours prior to the meeting at (408) 299-6415, or at TDD (408) 993-8272, indicating that the message is for the LAFCO Clerk.

**LOCAL AGENCY FORMATION COMMISSION OF
SANTA CLARA COUNTY
MINUTES
WEDNESDAY, JUNE 2, 2010**

CALL TO ORDER

Chairperson Susan Vicklund-Wilson calls the meeting to order at 1:15 p.m.

1. ROLL CALL

The following Commissioners and Alternate Commissioners are present:

- **Chairperson Susan Vicklund-Wilson**
- **Commissioner Pete Constant**
- **Commissioner Donald F. Gage**
- **Commissioner Margaret Abe-Koga**
- **Alternate Commissioner Al Pinheiro**

The following staff members are present:

- **LAFCO Executive Officer Neelima Palacherla**
- **LAFCO Analyst Dunia Noel**
- **LAFCO Counsel Scott Smith**

2. PUBLIC PRESENTATIONS

None

3. APPROVE THE MINUTES OF APRIL 21, 2010 LAFCO MEETING

MOTION: Approve the minutes of April 21, 2010 meeting, as submitted. (Don Gage)

SECOND: Pete Constant

MOTION PASSED

AYES: Pete Constant, Don Gage, Margaret Abe-Koga, Susan Vicklund-Wilson

NOES: None

ABSTAIN: None

ABSENT: Liz Kniss

4. SANTA CLARA COUNTY CENTRAL FIRE PROTECTION DISTRICT SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2010-01

Neelima Palacherla, LAFCO Executive Officer, reports that the Santa Clara County Central Fire Protection District is requesting an amendment of its Sphere of Influence (SOI) and annexation of eight non-contiguous areas located in the Santa Cruz mountains.

Ms. Palacherla states that the annexation would give the District the jurisdictional authority to enter into an automatic aid agreement with the Santa Cruz County Fire Department for providing service in the area. She directs attention to the District's plan for service stating that the annexation will not result in additional service calls nor impact the current level of service, that no new resources will be required, and that the

District, in conjunction with the Santa Clara County Fire Department and the volunteer fire company, has sufficient capacity to provide the service. She further states that the County Controller has indicated that based on the master property tax agreement, the District would receive a share of the annual growth in property tax revenues and this amount is estimated at about \$6,000 for the first year of annexation.

Ms. Palacherla informs that the City of Cupertino has expressed concern that revenues generated from the annexation may not be adequate to serve the new area and would affect the level of service the District provides to the city. She advises that the District is already serving the area and the annexation will not result in additional demand for services. Ms. Palacherla also reports that Midpeninsula Regional Open Space District has stated that it is no longer opposed to the annexation because the fiscal impact of property tax redistribution is insignificant.

Ms. Palacherla then recommends that the Commission amend the District's SOI to include Area 7; approve the annexation of areas 1, 2, 3, 5, 6, 7 and 8 as depicted in the revised maps and legal descriptions approved by the County Surveyor; deny annexation of Area 4 as it is inconclusive whether or not Area 4 is within the Saratoga Fire District boundaries based on the documentation provided; direct staff to study through the Countywide Fire Service Review, the exclusion of the area east of Area 1 from the District's SOI; and, direct the LAFCO Executive Officer to conduct a protest proceeding in accordance with CKH Act.

On Commission consensus, there being no objection, **the Chairperson** declares the public hearing open and determines that there are no members of the public who would like to speak on the item.

MOTION: Close the public hearing. (Don Gage)

SECOND: Pete Constant

MOTION PASSED

AYES: Pete Constant, Don Gage, Margaret Abe-Koga, Susan Vicklund-Wilson

NOES: None

ABSTAIN: None

ABSENT: Liz Kniss

MOTION: Adopt **Resolution No. 2010-06**, approving the amendment of Santa Clara County Central Fire Protection District SOI and approving the annexation of certain property to the District. Said Resolution, by reference hereto, is made a part of these minutes.

Further, direct staff to study, through the Countywide Fire Service Review, the exclusion of the area east of Area 1 from the District's SOI; and, direct the LAFCO Executive Officer to conduct protest proceedings in accordance with the CKH Act. (Don Gage)

SECOND: Pete Constant

MOTION PASSED

AYES: Pete Constant, Don Gage, Margaret Abe-Koga, Susan Vicklund-Wilson

NOES: None

ABSTAIN: None

ABSENT: Liz Kniss

5. FINAL LAFCO BUDGET FOR FISCAL YEAR 2010-2011

Ms. Palacherla reports that the Commission adopted its preliminary budget for Fiscal Year 2010-2011 on April 21, 2010. No changes are proposed to the budget. The cities' cost apportionment is based on the latest available Cities Annual Report (2007-2008) published by the Controller. Ms. Palacherla recommends approval of the final budget.

On Commission consensus, there being no objection, **the Chairperson** declares the public hearing open, determines that there are no members of the public who would like to speak on the item, and declares that the public hearing be closed.

In response to an inquiry by **Commissioner Gage**, Ms. Palacherla advises that the cost of worker's compensation insurance coverage for LAFCO commissioners is included in the proposed final budget.

MOTION: Approve the Final LAFCO Budget for Fiscal Year 2010-2011. (Don Gage)

SECOND: Pete Constant

MOTION PASSED

AYES: Pete Constant, Don Gage, Margaret Abe-Koga, Susan Vicklund-Wilson

NOES: None

ABSTAIN: None

ABSENT: Liz Kniss

6. WORKERS COMPENSATION COVERAGE FOR LAFCO COMMISSIONERS

Ms. Palacherla reports that LAFCO Counsel has recommended that LAFCO commissioners and alternates be provided with workers compensation coverage. She informs that staff has researched this issue and presented options to the Budget Subcommittee and the Budget Subcommittee has recommended obtaining insurance coverage from the Special District Risk Management Authority at an estimated premium of \$1,020 per year.

MOTION: Direct staff to obtain workers compensation coverage for LAFCO commissioners and alternates from the Special District Risk Management Authority. (Don Gage)

SECOND: Pete Constant

In response to an inquiry by **Alternate Commissioner Pinheiro**, LAFCO Counsel Scott Smith advises that LAFCO members and alternate members representing other public agencies may have workers compensation coverage; however, the coverage for their participation on LAFCO is uncertain without going through the insurance policy of each agency on a case-by-case basis. He further states that the Public Member and the Alternate Public Member would have no workers compensation coverage.

MOTION PASSED

AYES: Pete Constant, Don Gage, Margaret Abe-Koga, Susan Vicklund-Wilson

NOES: None

ABSTAIN: None

ABSENT: Liz Kniss

7. PROPOSED CALAFCO BY-LAWS AMENDMENT

Ms. Palacherla reports that the California Association of Local Agency Formation Commissions (CALAFCO) Board of Directors is seeking an amendment to its by-laws.

She states that the amendment calls for election of the Board members by region and divides the State into four regions. She states that Santa Clara LAFCO is included in the Coastal Region which is composed of LAFCOs from the nine Bay Area counties, plus San Benito, Santa Cruz, Monterey, San Luis Obispo, Santa Barbara and Ventura counties. Each region will elect four board members, including one County member, one cities member, one special districts member and one public member. Ms. Palacherla recommends approval of the CALAFCO by-laws amendment.

Chairperson Wilson, who served on the CALAFCO Board restructuring committee, recommends approval of the proposed amendment.

MOTION: Approve the proposed amendment to the CALAFCO by-laws. (Don Gage)

SECOND: Pete Constant

MOTION PASSED

AYES: Pete Constant, Don Gage, Margaret Abe-Koga, Susan Vicklund-Wilson

NOES: None

ABSTAIN: None

ABSENT: Liz Kniss

8. EXECUTIVE OFFICER'S REPORT

8.1 UPDATE ON COUNTYWIDE FIRE SERVICE REVIEW

Dunia Noel, LAFCO Analyst, provides a brief report on the status of the Countywide Fire Service Review, concluding that the project is on schedule.

8.2 UPDATE ON THE IMPLEMENTATION OF LAFCO'S ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

Ms. Noel informs that Peelle Technologies, Inc., has completed scanning the bulk of LAFCO files and will start to scan the urban service area amendment files.

8.3 UPDATE ON THE AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN LAFCO AND THE COUNTY OF SANTA CLARA

Ms. Noel reports that the MOU between LAFCO and the County, which took effect in July 2001, will be revised to reflect changes in LAFCO staffing and current operations.

8.4 UPDATE ON ISLAND ANNEXATIONS IN SANTA CLARA COUNTY

Ms. Noel reports that the City of San Jose is in the third phase of its island annexations which includes five large populated islands. She states that one of these is Cambrian No. 36 whose residents prefer to be annexed to Campbell rather than San Jose. She advises that Campbell and San Jose would have to request LAFCO to amend their USA and SOI boundaries in order for that to occur.

Ms. Noel also reports that staff continues to provide island annexation assistance to the City of San Jose. She informs that there are several islands left in the County; however, no other city has indicated an interest in annexing islands.

Commissioner Constant expresses concern on how the City of San Jose is handling the Cambrian No. 36 annexation, stating that he is working to address the issue as a member of the San Jose City Council. In response to an inquiry by **Commissioner Abe-Koga**, Ms.

Noel advises that both San Jose and Campbell would have to jointly request LAFCO to amend their shared boundaries before Cambrian No. 36 could be annexed by Campbell.

In response to an inquiry by **Chairperson Wilson**, Ms. Noel advises that the County Planning Office conducted island annexation outreach to the other cities. **Chairperson Wilson** inquires whether LAFCO could promote the annexation of the remaining islands.

8.5 2010 CALAFCO ANNUAL CONFERENCE IN PALM SPRINGS, CALIFORNIA ON OCTOBER 6-8, 2010

Ms. Palacherla reports that the next CALAFCO annual conference will be held in Palm Springs from October 6th to 8th, and requests authorization for commissioners and staff to attend with associated travel expenses to be funded by the LAFCO budget.

Commissioner Constant notes that the Conference conflicts with the Fire Service Review Technical Advisory Committee meeting.

MOTION: Authorize commissioners and staff to attend the 2010 CALAFCO Conference, and authorize travel expenses funded by the LAFCO budget. (Pete Constant)

SECOND: Don Gage

MOTION PASSED

AYES: Pete Constant, Don Gage, Margaret Abe-Koga, Susan Vicklund-Wilson

NOES: None

ABSTAIN: None

ABSENT: Liz Kniss

8.5 NOMINATION TO THE CALAFCO BOARD OF DIRECTORS

Ms. Palacherla reports that the CALAFCO Board will put up all its seats for election if the revised by-laws are approved by the membership. Ms. Palacherla informs that Chairperson Wilson has expressed interest in continuing to serve and recommends the nomination of Chairperson Wilson to the CALAFCO Board.

MOTION: Nominate Chairperson Wilson. (Don Gage)

SECOND: Pete Constant

MOTION PASSED

AYES: Pete Constant, Don Gage, Margaret Abe-Koga

NOES: None

ABSTAIN: Susan Vicklund-Wilson

ABSENT: Liz Kniss

9. COMMISSIONERS' REPORTS

None.

10. NEWSPAPER ARTICLES / NEWSLETTERS

None.

11. WRITTEN CORRESPONDENCE

None.

12.1 PENDING APPLICATIONS / UPCOMING PROJECTS

Ms. Palacherla reports that the Urban Service Area retraction application from the Town of Los Gatos to exclude lands owned by Midpeninsula Regional Open Space District remains pending because the indemnification agreement has not been submitted.

In response to an inquiry by **Chairperson Wilson**, Ms. Palacherla advises that staff will include the proposal on the August 4, 2010 agenda if all the application requirements are met before June 9, 2010.

15. ADJOURN

On order of the Chairperson, there being no objection, the meeting is adjourned at 1:49 p.m. to the next regular meeting to be held on Wednesday, August 4, 2010, at 1:15 p.m., in the Board Meeting Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

Approved:

Susan Vicklund-Wilson, Chairperson
Local Agency Formation Commission of Santa Clara County

By: _____
Emmanuel Abello, LAFCO Clerk

REPORT OF THE EXECUTIVE OFFICER

Type of Application: Annexation to the West Valley Sanitation District
Designation: WEST VALLEY SANITATION DISTRICT 2009-02
Filed By: Landowner Petition (100% Consent)
Support By: West Valley Sanitation District, per Resolution No. 09.12.26 Dated 12/9/2009
LAFCO Meeting Date: October 20, 2010 (Agenda Item #4.1)

1. REVIEW OF PROPOSAL:

a. Acreage and Location of Proposal:

The proposal consists of approximately 1.94 acres located at 17655 Tourney Road in the Town of Los Gatos. The affected Assessor Parcel Number is: 537-04-030.

b. Proposal is: Inhabited • Uninhabited

c. Are boundaries Definite and Certain? Yes No

d. Does project conform to Sphere of Influence? Yes No

e. Does project create island, corridor or strip? Yes • No

f. Does project conform to road annexation policy? Yes No

g. Does project conform to lines of assessment? Yes No

If no, explain _____

h. Present land use: Single Family Residential.

i. Proposed land use: No Change

j. Involves prime agricultural land or Williamson Act land? No

2. ENVIRONMENTAL REVIEW:

The proposal is categorically exempt from the provisions of CEQA pursuant to CEQA Class 19, Section 15319 (a) and (b), and Class 3, Section 15303(d).

3. SUGGESTED CONDITIONS OR OTHER COMMENTS:

None.

4. PROTESTS:

None.

5. RECOMMENDATIONS:

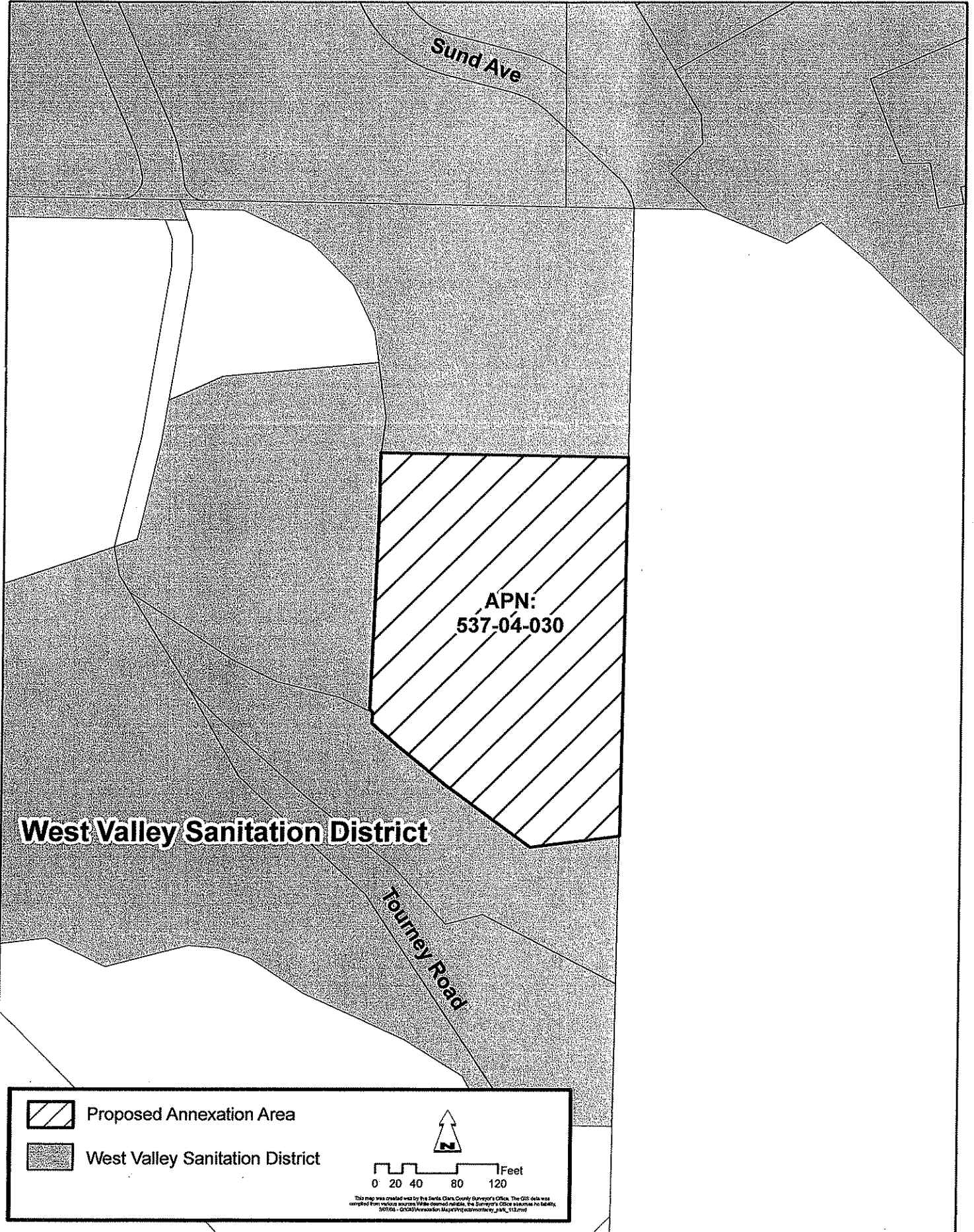
1. Take CEQA action as recommended in the LAFCO Analyst Report (Attachment A)
2. Approve annexation to the West Valley Sanitation District of area depicted in Exhibits A & B.
3. Waive protest proceedings pursuant to §56663 of the Government Code.

By: 
Neelima Palacherla, Executive Officer

Date: 10/14/10

West Valley Sanitation District 2009-02

Tourney Road





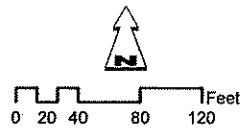
Sund Ave

APN:
537-04-030

West Valley Sanitation District

Tourney Road

-  Proposed Annexation Area
-  West Valley Sanitation District



This map was created via the Santa Clara County Surveyor's Office. The GIS data was compiled from various sources. While deemed reliable, the Surveyor's Office assumes no liability. 201209 - 012010 Annexation Map/Proposed/annexation_map_112.mxd

Hearing Date: October 20, 2010

To: Local Agency Formation Commission of Santa Clara County

From: Dunia Noel, Analyst

Subject: West Valley Sanitation District 2009-02

Recommended Environmental Action:

Approve Categorical Exemption. The project is categorically exempt from the requirements of CEQA.

Reasons for Recommendation:

The project is exempt under CEQA Class 19, Section 15319 (a) and (b); and Class 3, Section 15303(d) that state:

Section 15319: Class 19 consists of only the following annexations:

(a) Annexation to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.

(b) Annexation of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

Section 15303: Class 3 consists of construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures...The number of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements of reasonable length to serve such construction.

Background

The West Valley Sanitation District proposes to annex one parcel that totals approximately 1.942 acres. The property is located at 17655 Tourney Road in the Town of Los Gatos. The annexation area consists of Assessor Parcel Number 537-04-030. The annexation is proposed in order to provide sewer service to an existing single-family residence and in order to allow the property owner to abandon their existing septic system. The parcel is also located within West Valley Sanitation District's Sphere of Influence Boundary and abuts the District's service boundary on at least three sides.

According to the District, sewer service will be provided by installation of a new private sanitary sewer lateral per West Valley Sanitation District standards. Specifically, the property owner will obtain an easement and install a new 4-inch sewer lateral that will connect the subject parcel to the existing sanitary sewer main that is located on Tourney Road.

Regarding this annexation into the West Valley Sanitation District, the parcel is currently zoned by the Town of Los Gatos as HR- 2 ½ (Hillside Residential Zone) with a minimum lot size of 2.5 to 10 acres per each dwelling unit depending on the slope of the property. The General Plan Designation for the parcel is Hillside Residential (0 to 1 dwellings per net acre). The affected parcel is not eligible for further subdivision due to its size (approximately 1.942 acres). Further development of the parcel would be subject to the Town of Los Gatos' land use and development regulations. The parcel is located inside of the Town of Los Gatos' Urban Service Area Boundary and the Sphere of Influence Boundary. The proposed annexation to the West Valley Sanitation District is thus exempt from CEQA because this special district annexation meets the requirements of the Class 19 and Class 3 categorical exemptions under CEQA.

ANNEXATION NO. "WVSD 2009-2"
ANNEXATION TO WEST VALLEY SANITATION DISTRICT
GEOGRAPHIC DESCRIPTION

All that certain property in the Town of Los Gatos, County of Santa Clara, State of California, being all of Parcel "A" as shown on that certain Record of Survey filed on February 13, 1964, in Book 173 of Maps at Page 25, Santa Clara County records, being a portion of Section 28, Township 8 South, Range 1 West, Mount Diablo Meridian, more particularly described as follows:

BEGINNING at the northeasterly corner of that certain annexation entitled "1990-4", annexed to the West Valley Sanitation District, said point being the southeasterly corner of said Parcel "A";

Thence along the general northerly line, as established by said annexation "1990-4", (1) South 81° 31' 15" West, 89.09 feet;

Thence (2) North 54° 50' 30" West, 116.69 feet;

Thence (3) North 50° 56' 05" West, 81.60 feet;

Thence (4) North 00° 41' 40" East, 10.99 feet to a point on the general easterly line of that certain annexation entitled "1991-2", annexed to the West Valley Sanitation District;

Thence leaving said "1990-4" annexation, along the general easterly and southerly lines of said "1991-2" annexation (5) North 00° 58' 40" East, 255.77 feet;

Thence (6) East, 240.86 feet;

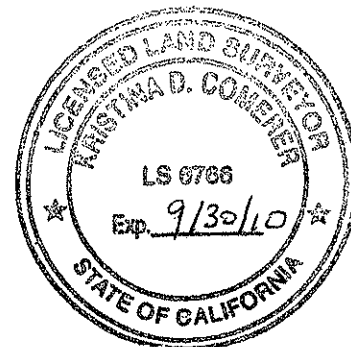
Thence leaving said "1991-2" annexation, (7) South 00° 14' 00" East, 372.21 feet to the **POINT OF BEGINNING** and containing 1.942 acres of land, more or less.

END OF DESCRIPTION

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

Kristina D. Comer
Kristina D. Comerer, PLS 6766
License expires: September 30, 2010

Date: Sept. 28, 2010



VICINITY MAP

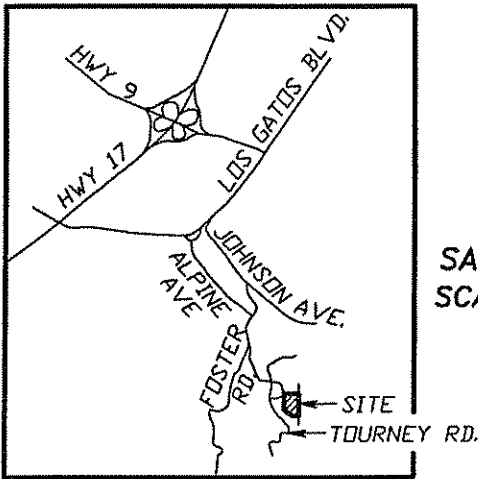


EXHIBIT B

PROPOSED ANNEXATION
NO. "WVSD 2009-2"
TO WEST VALLEY
SANITATION DISTRICT

LYING WITHIN THE TOWN OF LOS GATOS
SANTA CLARA COUNTY, CALIFORNIA
SCALE: 1" = 80' NOVEMBER 2009

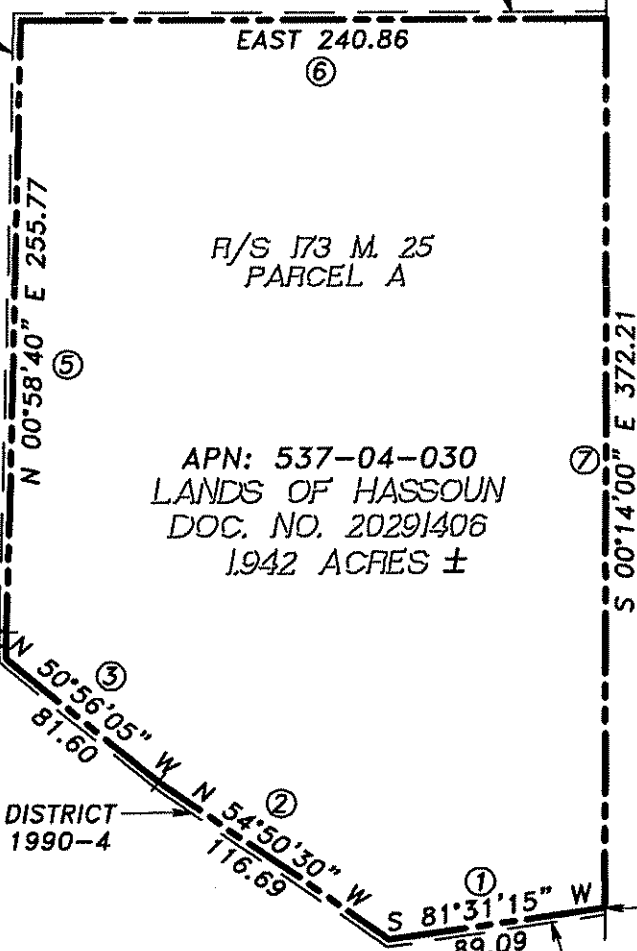
APN: 537-04-028

EXISTING SANITATION DISTRICT
ESTABLISHED BY NO. 1991-2

APN: 537-04-027

LEGEND

- BOUNDARY LINE OF PROPOSED ANNEXATION
- - - EXISTING SANITATION DISTRICT BOUNDARY



R/S 173 M. 25
PARCEL A

APN: 537-04-030
LANDS OF HASSOUN
DOC. NO. 20291406
1.942 ACRES ±

N 00°41'40" E 10.99

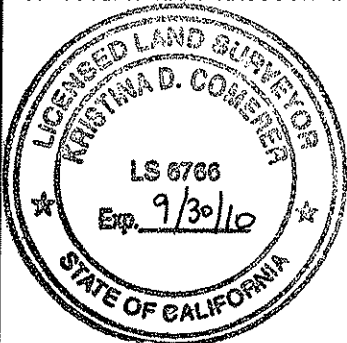
EXISTING SANITATION DISTRICT
ESTABLISHED BY NO. 1990-4

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF JOSEPH HANI HASSOUN IN NOVEMBER 2009.

EXISTING SANITATION DISTRICT
ESTABLISHED BY NO. 1990-4

APN: 537-04-029



Kristina D. Comerer
KRISTINA D. COMERER --- P.L.S. 6766
LICENSE EXPIRES: SEPTEMBER 30, 2010
DATE: Sept. 28, 2010

CROSS LAND SURVEYING, INC.
2210 MT. PLEASANT ROAD
SAN JOSE, CA 95148
(408) 274-7994

PROJECT NO. 09-70

LAFCO Meeting: October 20, 2010
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
SUBJECT: **Draft Countywide Fire Service Review Report**
Agenda Item #5

RECOMMENDATIONS

Consider the Draft Report for the 2010 Countywide Fire Service Review and direct staff to prepare the Final Report and set December 15, 2010 as hearing date for the final public hearing on the report.

PURPOSE

The purpose of a public hearing on this item is to accept further public comment on LAFCO's 2010 Draft Countywide Fire Service Review Report. No final action on the Draft Report will be taken at this hearing.

BACKGROUND

Technical Advisory Committee (TAC)

A Technical Advisory Committee (TAC) was established to select the consultant, serve as a liaison between LAFCO and the various affected agencies, as well as to provide technical expertise and guidance throughout the service review process. In addition to LAFCO Commissioner Pete Constant, the members of the TAC for the 2010 Countywide Fire Protection Service Review include:

Representing the Santa Clara County/Cities Managers' Association:

- Thomas Haglund, City Administrator, City of Gilroy

Representing the Santa Clara County Fire Chiefs' Association:

- Dale Foster, Fire Chief, City of Gilroy
- Ken Waldvogel, Fire Chief, Santa Clara County Central Fire Protection District
- Steven Woodill, Fire Chief, South Santa Clara County Fire Protection District

Preparation and Release of the Draft Report

In February 2010, LAFCO retained Management Partners Inc. to conduct the *2010 Countywide Fire Protection Service Review*. Arne Croce of Management Partners is the Project Manager for this service review.

As a first step, information regarding various aspects of fire service was gathered from each of the fire service agencies/providers in the County. The consultant made available a web site for agencies to upload the requested information. This information was then tabulated and sent to the fire agencies for verification. Follow-up information and further clarification was obtained through interviews with each service provider. In order to better reflect the current financial situation of various service providers, updated budget information for the current fiscal year was obtained. Criteria that would be used in making the required service review determinations was developed and reviewed with the TAC. Information gathered was analyzed and preliminary findings/analyses were discussed with the TAC through a series of meetings. Throughout the process, the Fire Chiefs' Association, the City Managers' Association and LAFCO were provided updates on the issues and progress of the service review.

A Draft Fire Service Review Report was prepared which contains a comprehensive review of fire protection and emergency medical response services in Santa Clara County. The Draft Report also includes service review determinations for all the agencies, sphere of influence recommendations for the four fire districts and an analysis of specific fire service issues identified in the Scope of Services.

On September 7, 2010, LAFCO sent a Notice of Availability/Public Hearing Notice (Attachment A) to all affected agencies, LAFCO Commissioners, and other interested parties announcing the release of the Draft Service Review Report for public review and comment.

Comments Received on the Draft Report

Several agencies have provided written comments. The Notice of Availability stated that written comments received by October 5th would be included and addressed in this staff report. As of October 5th, LAFCO received comments (Attachment B), from the following agencies:

- South Santa Clara County Fire Protection District
- Santa Clara County Central Fire Protection District
- Gilroy Fire Department
- Morgan Hill City Manager's Office
- Mountain View Fire Department
- Sunnyvale Fire Department

A table listing each of these comments and a proposed response describing how each of these comments will be addressed in the Final Report is included in Attachment C.

Additionally, based on the comments received from TAC on September 24th and from the Fire Chiefs Association on October 6th, Table 84 (page 123) and Table 86 (page 132) in the Draft Report have been revised. The revised tables as well as a memo from the consultant describing the revisions to the tables are included in Attachment D.

Comments were also received from the Palo Alto Fire Department on October 12th (Attachment E). These and any further comments or clarifications received prior to or at the public hearing will be directly addressed in the report, following the hearing.

NEXT STEPS

Revise Draft Report and Release Final Report for Public Review and Comment

Following the public hearing and upon receiving direction from LAFCO to prepare the Final Report, the Draft Report will be revised and a red-line version prepared for public review and comment.

The Final Report, and the red-line version, will be available on the LAFCO Website (www.santaclara.lafco.ca.gov) on November 3rd and a hard copy will also be available in the LAFCO Office for public review. A Notice of Availability/Public Hearing Notice will be sent to all affected agencies and interested parties in order to announce the availability of the Final Report and the date, time, and place for the final public hearing on the Final Report. The Notice will also include instructions and deadlines for providing comments on the Final Report.

ATTACHMENTS

- Attachment A: Notice of Availability/Public Hearing Notice
- Attachment B: Comments Received by October 5th
- Attachment C: Responses to Comments Received by October 5th
- Attachment D: Memo and Revised Tables 84 and 86
- Attachment E: Comments Received after October 5th

Date: September 7, 2010
To: Fire Chiefs
City Managers and County Executive
Interested Parties
From: Neelima Palacherla, LAFCO Executive Officer
RE: **NOTICE OF AVAILABILITY & PUBLIC HEARING NOTICE**
2010 DRAFT COUNTYWIDE FIRE SERVICE REVIEW REPORT

Draft Countywide Fire Service Review Report Available for Public Review and Comment

The Draft Countywide Fire Service Review Report is now available for public review and comment on the LAFCO Website (www.santaclara.lafco.ca.gov) under "What's New." The Report provides a comprehensive review of fire protection and emergency medical response services in Santa Clara County. It also includes service review determinations for the agencies and sphere of influence recommendations for the four fire districts.

You may provide written comments on the Report by mail to: LAFCO of Santa Clara County, 70 West Hedding Street, 11th Floor, East Wing, San Jose, CA 95110 OR you may email your comments to: neelima.palacherla@ceo.sccgov.org OR dunia.noel@ceo.sccgov.org.

Written comments received by October 5th will be included and addressed in the staff report that will be provided to the LAFCO Commission in advance of the October 20, 2010 Public Hearing. Written comments received after October 5th will be provided to the LAFCO Commission at the October 20, 2010 Public Hearing and addressed following the hearing.

LAFCO Public Hearing on the Draft Report: October 20, 2010

LAFCO will hold a Public Hearing to consider and accept additional comments on the 2010 Draft Countywide Fire Service Review Report. No final action on the Draft Report will be taken at this hearing.

LAFCO Public Hearing: October 20, 2010
Time: 1:15 P.M. or soon thereafter
Location: Board Meeting Chambers
70 West Hedding Street, San Jose, CA 95110

Following the Public Hearing, LAFCO will revise the Draft Report in order to address comments received. LAFCO is scheduled to consider and adopt the Final Report at a second Public Hearing that will be held on December 15, 2010.

Please feel free to contact me at (408) 299-5127 or Dunia Noel, LAFCO Analyst, at (408) 299-5148 if you have any questions or concerns. Thank you.

Cc: City Council Members and Board of Supervisors
LAFCO Commissioners

Palacherla, Neelima

From: Dale Foster [Dale.Foster@ci.gilroy.ca.us]
Sent: Thursday, September 09, 2010 4:47 PM
To: Palacherla, Neelima; Noel, Dunia
Cc: Tom Haglund; Santa Clara County Central Fire Protection District; So. Santa Clara County Fire Protection District
Subject: RE: Countywide Fire Service Review Report Released for Public Review and Comment

I have done an initial review of the draft report with a focus on Gilroy and South County information/analysis... here are some items that I feel need to be corrected after my review:

1) This statement on page 28 is not correct in regard to all Fire Agencies in the county...All newly hired firefighters are sent through a 10-week basic firefighter academy prior to beginning work. The academy, known as the Santa Clara County Joint Fire Academy (JFA), is a joint effort by the Santa Clara County Training Officers, under the direction of the Santa Clara County fire chiefs. Participating fire departments within Santa Clara County host the academy on a rotational basis. Gilroy Fire does an in-house recruit training academy that ranges from 4 to 8 weeks - we try to hire lateral candidates with prior fire service experience which allows us to have a shorter recruit academy.

2) The ISO rating stated on page 38 should be 4 and not 5.

3) Due to the concession agreement with Labor effective 7-1-2010 the staffing levels on apparatus have changed to a minimum staffing of three (Captain, Fire Engineer and Firefighter/Paramedic) so the tables should be changed on page 186 and 187. During the summer months wild land apparatus is cross-staffed with 3 personnel at all three stations.

Thanks for the opportunity to do this review and provide input on changes.....Chief Dale Foster

From: Abello, Emmanuel [Emmanuel.Abello@ceo.sccgov.org]
Sent: Wednesday, September 08, 2010 11:02 AM
Cc: Noel, Dunia; Palacherla, Neelima; Abello, Emmanuel; Mala Subramanian
Subject: Countywide Fire Service Review Report Released for Public Review and Comment

Attached is the Notice of Availability and Public Hearing Notice for LAFCO's 2010 Draft Countywide Fire Service Review Report. The Draft Report is now available on the LAFCO Website at <http://santaclara.lafco.ca.gov/Projects/2010FireSR/LAFCO2010DraftCountywideFireServiceReviewReport.pdf>

This notice was sent to the following individuals and agencies:

- Fire Chiefs, Fire Commissioners, County Fire Marshal, and Volunteer Fire Companies
- City Managers, and County Executive

- City Council Members through the City Clerk, County Board of Supervisors, County Clerk of the Board
- County Administration, County Emergency Medical Services Agency Director, County Communications & Dispatch Director, and County Planning and Development Director
- LAFCO Commissioners, and various Interested Parties

Please feel free to forward this email to others that may be interested in the Draft Report or the upcoming Public Hearing.

Thank you.

Neelima Palacherla
Executive Officer
LAFCO of Santa Clara County
70 West Hedding Street San Jose CA 95110
Ph: (408) 299-5127 Fax: (408) 295-1613
www.santaclara.lafco.ca.gov

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Palacherla, Neelima

From: Woodill, Steve [Steve.Woodill@fire.ca.gov]
Sent: Thursday, September 16, 2010 6:21 PM
To: Arne Croce (acroce@managementpartners.com)
Cc: Palacherla, Neelima; Witmer, Derek; Athey, Kathy
Subject: Corrections to Draft LAFCO report

Arne,

Here are the edits/corrections/additions I'm requesting after reading through the documents:

- Please remove all references in the document using CDF, Division of Forestry, State Forestry, etc. CALFIRE should only be referred to as CALFIRE or by its formal name California Department of Forestry and Fire Protection as is appropriate.
- A second issue I noticed in the iii section for Agency Profiles is that CALFIRE , its engines, stations etc. are not listed nor is the 4.00 section of the report.
CALFIRE is an integral part of the County's fire protection and EMS system (at the BLS level) at least six months out of the year especially in those areas designated as unprotected/undeserved.
- page 2 Change CDF and Division of Forestry to correct terms as stated above
- pg. 30 Table listing dispatch agencies for unincorporated is confusing and incorrect. You need to list the 2 Fire Districts separately and also list the unprotected/underserved area separately. CCFD is dispatched by County Comm. SCFD by CALFIRE. Unprotected area by both County Comm. And CALFIRE.
- pg 97 Should read "As SCFD budgets major maintenance....." Under 4.9.3 Stations negate CDF change to CALFIRE, Pacheco Station is omitted and is owned by CALFIRE.
- pg 98 Table 71 needs updating. There are now 2 reserve engines. Reserve Engine 4 1994 type 1. Reserve Engine 5 1998 Type 1. Engine 2 2010 Type 1.
A new Engine 2 was delivered after you got the original data.
- pg 100 Districts ISO rating incorrect. Should read ISO 8 instead of 10. Does the report anywhere refer to the unprotected/underserved areas as an ISO 10?
- pg 101 Table 53 is misleading because of including capital expenditures and encumbrances in with general operating/personnel expenditures. Graph needs correcting.
- pg 115 Should read CALFIRE. Services provided are also misrepresented. CALFIRE responds to all emergencies including EMS/rescue in these areas from May thru November. Those activities are supported thru a State AG's decision going back to the mid 1980's.
- pg 117 Change to CALFIRE second paragraph.
- pg 122 SCFD Battalion coverage is misrepresented. BC coverage is provided 24/7/365. Change CDF to CALFIRE next to last paragraph.
- pg 123 CCFD figures in table 84 for south county purposes should only include those engines, stations, etc located in Morgan Hill and for the current contract amount. All other figures should be derived from that, ie calls for service, population, etc. SCFD should read 4 stations, not 3.
- pg 132 Table 86 For SCFD should be 4 stations, not 3.

--pg 173 Paragraph 4 Pacheco Pass Station opened for the District in 1985.

--pg 179 under CALFIRE remove "a unit of the California Division of Forestry." Replace with California Department of Forestry and Fire Protection

--pg 180 Table 88 remove CDF and definition.

--pg 238 Should just read 4 stations. ISO rating incorrect. Should read 5/8.

Thanks Arne, call if you have any questions. I will not be attending the next TAC meeting. Derek Witmer will be attending for me at Neelima is aware.

sfw

Palacherla, Neelima

From: McKenzie, Duncan [mailto:Duncan.McKenzie@mountainview.gov]
Sent: Monday, September 20, 2010 1:17 PM
To: Suzanne Harrington
Cc: Alameda, Richard; Wardle, Brad; Emmanuel.Abello@ceo.sccgov.org
Subject: LAFCO Report: Change Request

Good afternoon, Suzanne-

We reviewed the Draft LAFCO report and would like the following changes:

1. Page 25: You have MV as having less than 97% ALS performance on the bar graph and on page 149 you have us at 98.8%.
2. Page 53. Please see attached amended org. chart as changes have occurred within our Department.
3. Page 55: Please reword 4.4.4 Staffing to read : "The Department maintains daily staffing of five ALS engine companies, one Truck company, and one Rescue company. The Truck and Engine companies are staffed with three personnel while the Rescue is staffed with two. When additional paramedics are available, the Truck and Rescue are staffed with a paramedic. Initial deployment to a single alarm structure fire is 15 personnel."
4. Page 56. All Make/Model should be marked as "Pierce Quantum." Also, please rename the "Hazmat," "Hazmat 5."
5. Page 58. Our actual performance for FY2009-10 was 98%, not 100%. (Our performance measures are captured by fiscal year.)
6. Page 132: Our Company Size is: 1,2 Person and 6,3 Person (we do not have a 4 person company.)
7. Page 149: Please change "100% of calls" to "98% of calls for FY2009-10." (Our performance measures are captured by fiscal year.)
8. Page 194: Please change "Mutual Aid Arrangements" to "Auto Aid Arrangements." Add Rescue-1 and Battalion Chief-1 to the apparatus box. (Please delete "delivered later 2010" after Hazmat.)
9. Page 195: Add 1 BC to Station 1 Equipment and 1 Reserve to Station 4.
10. Page 247: Add 1 Rescue to Station 1s Daily Staffed Apparatus.

**Also, the document incorrectly refers us as having 7,797 Calls For Service; this number is our "All Responses By Unit," not our Calls For Service. Our Calls For Service for calendar year 2009 was 4831 (please see attachment for Calls For Service breakdown by station). Also, please refer to the attached Excel spreadsheet that was initially uploaded to LAFCO website.

All apologies for all these changes but it is the best interest of all parties involved that we represent MVFD accurately.

Thank you and best regards,
-Duncan

Duncan McKenzie
Senior Administrative Analyst
Mountain View Fire & Police Department
Phone: (650) 903-6851
Fax: (650) 903-6122

Neelima Palacherla
Executive Officer
LAFCO of Santa Clara County
70 West Hedding Street San Jose CA 95110

Ph: (408) 299-5127 Fax: (408) 295-1613
www.santaclara.lafco.ca.gov

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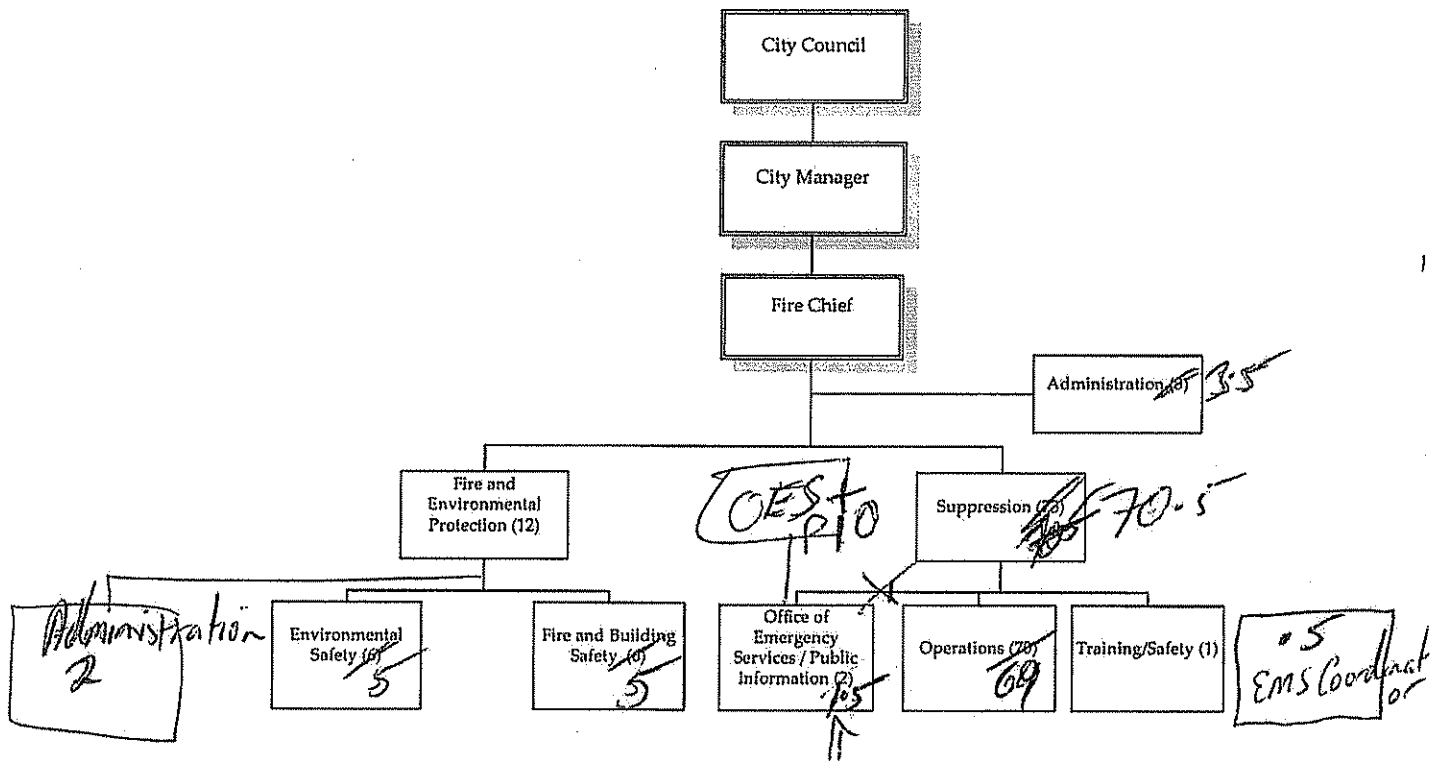
4.4 City of Mountain View Fire Department

4.4.1 Overview

The Mountain View Fire Department provides fire protection and emergency medical service to a population of 72,100 and service area of about 12 square miles. Figure 25 is a map depicting the boundaries and fire station locations of the City of Mountain View. Mountain View is a charter city with a seven-member City Council elected at large, operating under the council-manager form of government. The Fire Chief reports to the City Manager.

The department organization chart is shown in Figure 20.

Figure 20: Mountain View Fire Department Organization Chart



LAFCO OF SANTA CLARA COUNTY Fire Protection Study
City of Mountain View Fire Department

| 1. AGENCY SUMMARY | | 2. CALLS FOR SERVICE (Incident Demand) | |
|--|----------------------------------|---|--|
| Type of Agency: | Municipal | Calendar Year 2009 | Number |
| Governing Body: | City Council | Calendar Year 2009 | 26 |
| Area Covered: | 12 sq. miles | Residential Fires | 14 |
| Service Area Description: | Serves the City of Mountain View | Other Fires | 82 |
| Population Served: | 71,000 | Emergency Medical | 1789 |
| Number of Fire Stations: | 5 | Total ALS | 376 |
| | | Total BLS | 0 |
| | | Total Transport | 30 |
| | | Rescue Calls (Special Resources) | 354 |
| | | Public Service | 18 |
| | | Hazardous Material | 78 |
| | | Fire Alarm - No Fire | 95 |
| | | Auto Aid Provided | 19 |
| | | Auto Aid Received (not on freeway) | 65 |
| | | Auto Aid Received (on freeway) | 4931 |
| | | Total Mutual Aid Provided | |
| | | Total Demand for Services | |
| 3. STAFFING SUMMARY | | 4. Fire Prevention Activity | |
| | Authorized | Calendar Year 2009 | |
| Fire Chief | 1 | # of New Construction Plan Checks | 648 |
| Battalion Chief | 4 | # of New Construction Inspections | 680 |
| Fire Marshal | 1 | # of Maintenance Inspections | 1,379 |
| Office of Emergency Services Coordinator | 1 | By Bureau Staff | **808** |
| Emergency Medical Services Coordinator | 0.5 | Company Inspections | 470 |
| Fire Protection Engineer | 2 | | |
| Deputy Fire Marshal | 1 | | |
| Public Education Officer | 3 | | |
| Fire Captain/PM I | 2 | | |
| Fire Captain | 13 | | |
| Fire Engineer/PM II | 3 | | |
| Fire Engineer/PM I | 2 | | |
| Fire Engineer | 13 | | |
| Firefighter/PM I | 3 | | |
| Firefighter/Paramedic | 21 | | |
| Firefighter | 4 | | |
| Haz Mat Specialist | 2 | | |
| Urban Runoff Coordinator | 1 | | |
| Water Environ Specialist | 1 | | |
| Program assistant | 0.5 | | |
| Building Inspector III | 1 | | |
| Senior Administrative Analyst | 1 | | |
| Executive Assistant | 1 | | |
| Office Assistant III | 1 | | |
| Office Assistant III | 0.5 | | |
| Total Paid Staff | 88.5 | | |
| Total Volunteers / Paid Call Firefighters | 0 | | |
| Total Daily On-Duty Staffing | 23 | | |
| Apparatus and Personnel for single family residential structure fire | 15 | | |
| 5. BUDGET SUMMARY (FY 2009 - 2010 Budget) Expenditures | | 6. Open Ended Questions | |
| Personnel Total | \$18,538,044 | 1. Who provides Dispatch? | City of Mountain View Police Department |
| Supplies and Other Svcs | \$838,832 | 2. Is ALS provided by fire service or private? | City of Mountain View Fire Department |
| Detail of Interfund charges/allocation: | | 3. First responder ALS by Fire Dept. ALS transport private ambulance (AMR) | Private (AMR) |
| Interfund Expenditures | \$963,300 | 4. Is transport provided by fire service or private? | Private (AMR) |
| | | 5. What training facilities do you have or use? | Multi story training tower located at Min View Fire Sta 4 |
| Total Interfund charges/allocation: | \$963,300 | 6. What mutual aid agreements do you have? | County wide mutual aid per County Mutual Aid Plan, Auto Aid with Sunnyvale, County Fire, and Palo Alto Fire |
| Subtotal | \$19,501,176 | 7. Who maintains apparatus? | City of Mountain View Fleet Services |
| Capital Expense Total | \$162,384 | 8. Please provide the number and type of reserve apparatus. | 2 - reserve engine # 1 - reserve Quint (truck) joint purchase with City of Palo Alto |
| Total Operational and Capital Budget | \$19,703,570 | 9. Are reserves set aside for apparatus replacement (please provide financial schedule if available)? | The equipment replacement reserve sets aside funds (funded on an annual basis assuming a 15 year life) for 7 Fire Engines and 1.5 Ladder trucks (the 0.5 being the shared Quint with Palo Alto). |
| Property Tax (General Fund) | \$25,647,300.00 | | |
| Special Parcel Taxes/Assessments | \$267,972.42 | | |
| ALS Fees | None for fire related services | | |
| BLS Fees | \$0.00 | | |
| Transport Fees (AMR REVENUES) | \$0.00 | | |
| Fire Presentation Fees | \$183,308.56 | | |
| Other Revenue | \$993,171.20 | | |
| Total Revenue (FR) | \$1,142,479.76 | | |

The inspection numbers for "Bureau Staff" includes only those inspections considered as Fire code inspections and DO NOT include multi-family housing inspections or environmental inspections (hazmat/pre-treatment/compliance)

City of Mountain View

Monthly Incident Counts By Station

Alarm Date Between {01/01/2009} And {12/31/2009}

| Station # | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total | Percent |
|-----------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|---------|
| 1 | 126 | 106 | 128 | 127 | 123 | 114 | 140 | 135 | 128 | 141 | 103 | 122 | 1493 | 30.90% |
| 2 | 104 | 88 | 84 | 98 | 85 | 83 | 82 | 84 | 80 | 94 | 89 | 95 | 1066 | 22.07% |
| 3 | 106 | 88 | 116 | 94 | 107 | 112 | 106 | 90 | 91 | 102 | 111 | 112 | 1235 | 25.56% |
| 4 | 60 | 44 | 49 | 63 | 51 | 51 | 65 | 48 | 43 | 62 | 39 | 50 | 625 | 12.94% |
| 5 | 37 | 26 | 36 | 45 | 40 | 34 | 35 | 48 | 31 | 24 | 30 | 26 | 412 | 8.53% |

| Total Runs by Month | | | | | | | | | | | |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Jan | 433 | Feb | 352 | Mar | 413 | Apr | 427 | May | 406 | Jun | 394 |
| Jul | 428 | Aug | 405 | Sep | 373 | Oct | 423 | Nov | 372 | Dec | 405 |

Grand Total Runs: 4831

Palacherla, Neelima

From: Don Jarvis [mailto:don.jarvis@cnt.sccgov.org]
Sent: Wednesday, September 22, 2010 4:35 PM
To: Arne Croce; Palacherla, Neelima
Cc: Ken Waldvogel
Subject: Re: Draft Comments

I hope these comments are helpful in making the document stronger.

Don Jarvis
Deputy Chief
Santa Clara County Fire Dept.
14700 Winchester Blvd.
Los Gatos, CA 95032
(408) 896-6880

Santa Clara County Fire Department
LAFCO draft comments
09/21/10

| Pg. | Section/Tab le | Should read |
|-----|-------------------|--|
| 3 | 1.2 | "The predominant activity..." - SNY and PAF are both exceptions to the statement |
| 4 | 1.3 | "...14 fire department..." differentiate between ambulances and rescues |
| 19 | 3 | Service in <u>some</u> unincorporated areas |
| 22 | 3 | " <u>are</u> at the same level 24/7/365 days a year". PAF Sta 8 (seasonal). Peak load E314/E317; PAF 12-hr ambulance are exceptions |
| 24 | 3.1 | <p>Providing BLS (rather than "advanced first aid")</p> <p>"Pre-hospital paramedic service is provided by AMR upon arrival of an ambulance." If this statement refers to SNY, it needs to be put in the previous paragraph.</p> <p>Clarify that paramedic service is provided by fire personnel upon arrival of the first responder unit in all other agencies.</p> <p>"Sunnyvale also has quick response vehicles (QRVs) staffed by paramedics that are dispatched by the City but are comprised of AMR personnel." Clarify that QRVs are AMR-funded units stationed in Sunnyvale; they are not Sunnyvale resources.</p> |
| 26 | 3.2 | Accreditation is also a recognized "measure" of performance |
| 27 | 3.3 | Boundary drop agreements are <u>not found</u> in Santa Clara County |
| 28 | 3.7 | "All newly hired firefighters are sent through..." NOT ALL DEPARTMENTS |
| 32 | 4.1.1 | <u>South County</u> Fire Station #3 on Hecker... |
| 38 | 4.1.8 | Training is done at the regional training tower in San Martin??? There is no regional training tower in San Martin |
| 41 | 4.2.1 | <p>"Two members must be from the unincorporated area of the Fire District." Observation: This will become more difficult to accomplish as unincorporated areas are annexed by the two cities.</p> <p>, is responsible for <u>funding</u> station maintenance and apparatus purchases.</p> |
| 70 | 4.6.4 | San Jose staffs engine companies of four and trucks with five or six |
| 72 | Table 46 | Numbers in this table are way off |
| 77 | 4.7.4 | How many companies? How many FF minimum on duty (each agency) |
| 80 | 4.7.8 | No Automatic aid agreement with CCFD |
| 84 | 4.8.1 | Approximately 251,950 pop. (district and contract cities) |
| 85 | Table 56 | Administrative and Management --- \$3,874,046 |

| | | |
|-----|-----------|---|
| | | Other --- \$27,464,154 |
| 88 | Table 62 | <p>Remove Engine 102 Remove Engine 104 Engine 108 --- KME 1250 GPM – 2000 Engine 110 --- KME 1250 GPM – 2000 Engine 112 --- Pierce 1500 GPM 1991 Add Training --- Hi-Tech Spartan 1500 GPM – 1992 Add Engine 30 --- Hi-Tech Spartan 1500 GPM – 1990 E301 International/Placer 500 GPM 4x4 2009 E305 International/Placer 500 GPM 4x4 2009 E313 International/Placer 500 GPM 4x4 2009 E314 International/Placer 500 GPM 4x4 2009 E317 International/Placer 500 GPM 4x4 2009 E307 International/KME 500 GPM 4x4 1997 E311 International/Westmark 500 GPM 4x4 1991 E306 International/Westmark 500 GPM 4x4 1991 E408 Ford F-550 /Ferrera 500 GPM 4x4 2003 E412 Ford F-550 /KME 125 GPM 4x4 2002 Haz Mat 2 KME 2004 Haz Mat 102 Ford/Paoletti 1988 Breathing Support 2 Spartan/KME 2005 USAR 5 Ford F-550 4x4</p> |
| 91 | 4.8.9 | The district plus contract cities population is projected to increase by 15% to approximately 290,000 during... |
| 92 | Figure 46 | Changes if revised population and projections are used. |
| 95 | 4.9.1 | One SCFD station has become included within the Gilroy city limits. Also one station in MH city limits. |
| 97 | 4.9.2 | As <u>District</u> budgets major |
| 117 | 5.1.1 | “providing effective suppression and/or containment” There is no factual basis for this statement. |
| 120 | 5.2 | Would it be clearer to use the term “South Valley” to differentiate the region from the South County Fire District? |
| 121 | 5.2 | There is also an “Ad Hoc” committee of elected city council members and appointed commissioners. |
| 122 | 5.2 | There are <u>three</u> current communications centers “Each agency would incur additional costs for contracting with County Comm and would not experience offsetting savings...”*South County Fire District funds X dispatch positions that could conceivably be reallocated. |
| 124 | 5.3.1 | SFD *PRECEDED* ? incorporation of the City.... |
| 125 | 5.3.1 | 2. The City of Saratoga withdrawing.... 3. Expansion of the SFD... |

| | | |
|---------|-----------------------|--|
| | | *These are probably not viable options*... |
| 126 | 5.3.2 | LAHFD has two <u>contract employees</u> to manage and provide *\$338,481 budgeted for district operating expenses... *savings estimated at \$100,000 to \$200,000 annually *discrepancy between the savings and the budgeted amount |
| 132 | Table 86 | # of companies staffed daily- there is no definition of "company" *CCFD Service population 251,950 |
| 137 | 5.10 | CCFD and (SCFD uses CDF facility) their own maintenance... |
| 139 | 5.13.5 | Consisting of two <u>platoons</u> staffed Uses a two- <u>platoon</u> |
| 140 | 5.13.5 | Maintaining a third <u>platoon</u> Other alternative models- constant staffing; peak-demand staffing. |
| 141-165 | all | Use consistent language regarding opportunities for improving efficiency - contracting for service, consolidating, JPA |
| 154 | 6.7 | Again, the mutual aid/ automatic aid numbers are way off |
| 157 | 6.9 | Between 2010 and 2035 to approximately <u>290,000</u> residents |
| 158 | 6.9 | We will provide a rating if you will tell us which station wasn't rated |
| 159 | 6.9 | Add "Accreditation" under accountability heading |
| | | |
| 162 | 6.10 | *use consistent operational efficiency language* |
| 170 | 7.2.4 | 3 front line rescue units |
| 173 | 7.3.4 | Pacheco station owned by CAL FIRE. |
| 176 | 7.4.4 | Provided through CFPD contract with County Communications |
| 178 | 8 | Into those areas will <u>require</u> the development of |
| 179 | Table 87 | Attachment A Need definition of "company" |
| 185 | Attachment C | List number of companies and minimum staffing |
| 225 | ISO Rating | ISO =2. Non-hydrant areas=8 |
| 226 | Mutual Aid Agreements | *LoCal FIRE* |
| 227 | FS#1 Cupertino | Remove (Engine 310) (OES289) Truck 1 2003 Ferrara 1500 --- remove (5680) Engine 1 2007 KME 1250 OES 289 2002 HME/Westates 1250 --- remove (4730) |
| | FS#2 Seven Springs | Remove Engine 102 ---- REPLACE WITH BATTALION 2-1 |

| | | |
|-----|--------------------|--|
| 228 | FS#2 Seven Springs | Reserve Hazmat 102 |
| 229 | FS#3 Los Gatos | Battalion 3 2009 Ford F250 |
| 229 | FS#5 Winchester | On-duty staffing: Truck 5 - 4 |
| 230 | FS# 6 Shannon | Engine 6 2008 KME 1250 GPM Remove Hose Wagon 1936 Dodge Brothers/Hedberg n/a |
| 231 | FS# 8 Quito | Engine 8 2003 KME 120 (remove 4730) |
| 231 | FS# 9 West Valley | Reserve Battalion 4x4 n/a 2002 Ford Excursion |
| 232 | FS#11 Campbell | Engine 11 2001 KME 1250 (remove 4730) Reserve Truck 111 1993 Hi-Tech/LTI/Spartan 1500 (remove 5680) Remove Engine 20 1949 Van Pelt/Kenworth 1250 (4730) |
| 233 | FS#12 El Toro | (*select call units) Battalion 12 -1 (Remove Patrol 12, reserve Engine 112) Engine 12 2010 KME 1250 Truck 112 1992 Smeal/Spartan 1550 (remove 5680) Battalion 12 2001; Ford Excursion 4x4 n/a Engine 4 2002 KME/Ford F550 4x4 125 (remove 475) |
| | FS# 13 Dunne Hill | On-duty staffing: Engine 13-3 (remove patrol 13) |
| 234 | FS# 13 Dunne Hill | Engine 313 2009 Placer/International 4x4 500 (remove Morgan Hill Engine 1 1926 Seagrave) |
| 235 | FS#15 Los Altos | Engine 15 2005 KME 1250 remove (4730) Reserve Engine 115 2000 KME 1250 Remove Los Altos Engine 1 1928 Ford Model A |
| | FS #16 Loyola | Engine 16 2010 KME 1250 remove (4730) |
| 236 | FS#17 Saratoga | Engine 17 2008 KME 1250 (remove 4730) Rescue 17 2002 Ferrara Inferno 1500 (remove 5680) Engine 117 1991 Spartan/Hi-Tech 1500 Engine 30 1990 Hi-Tech Spartan 1550 remove (5680) |
| 249 | CCFD | Station 12- El Toro: 1 engine / 1 Truck (cross staffed) Station 14- El Monte: 1 Rescue / 1 Truck (cross staffed) |
| | | |



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October 4, 2010

Ms. Neelima Palacherla, LAFCO Executive Officer
LAFCO of Santa Clara County
70 West Heeding, 11th Floor, East Wing
San Jose, CA 95110

Dear Ms. Palacherla,

Thank you for providing the City of Morgan Hill with a copy of the LAFCO 2010 Countywide Fire Service Review Draft Report. The purpose of my letter is to provide you with our comments prior to LAFCO's Public Hearing scheduled for October 20, 2010. It is my understanding that the issues below will be addressed as part of the staff report for the hearing.

In general, the City of Morgan Hill supports the majority of conclusions included in the report. Specifically, we agree that communication improvements in the South County are essential to operate at maximum efficiency (page 122). We also agree with the point that a uniform service delivery model should be considered (pages 120-121). As LAFCO is keenly aware, the regional service delivery concept for South County has been included in many previous studies and Morgan Hill is in the midst of collaboratively studying this issue with Gilroy, Santa Clara County, and Cal Fire. As LAFCO rightly noted on page 124, developing a solution that meets the interest of all involved agencies is paramount to any regional service delivery model.

As part of your staff report for the public hearing, we would appreciate it if LAFCO would address two points.

Section 5.2.1: Service Delivery Options for South County Area

On page 124, LAFCO asserts that if Cal Fire was selected as the regional service provider, that Morgan Hill and Gilroy would realize savings of over \$2 million annually. Due to the significance of this statement, we recommend that this section of the report include detailed information on how this number was calculated.

As an example, Table 84 (page 123) provides the cost factor for the Central Fire Protection District as a whole when comparing it to Gilroy and South Santa Clara Fire Protection District. If Central's cost factors are isolated for Morgan Hill only, the "Operating Cost Per Capita" is significantly reduced. It is important that this level of analysis be included in the Table since this section of LAFCO's report is evaluating South County delivery options. As currently presented, it is comparing Central's responsibility beyond Morgan Hill with South County and Gilroy.

Furthermore, it would also be helpful to understand which agency performed the analysis that made the \$2 million savings preliminary finding. For example, if it is Cal Fire, we recommend inserting the words "conducted by Cal Fire" after the phrase "the preliminary analysis" on page 124.

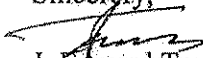
It is important to note that Morgan Hill does not debate the potential efficiency of having a single provider. We are suggesting that the final report disclose the necessary details so that all interested parties have a basic understanding of the variables that were included in the preliminary analysis and who performed the analysis.

Section 8: Conclusion

On page 177, the first paragraph states that areas in Gilroy and San Jose will require new stations and that the remainder of the County should have an adequate number of stations to serve new projected growth between 2010 and 2035. Again, we are recommending that this section of the final report should include additional information as to how LAFCO reached this conclusion. If part of the analysis included information from the South County Fire/EMS study that is being performed, it would be responsible to include that our study's fire station location phase conclusion was for first arriving units. As part of our report, we also indicated that ladder truck service and simultaneous responses may stress the system. These points are appropriately included on page 121 and we recommend that they are emphasized in the conclusion of the final report.

Thanks you again for this opportunity to provide comments. We appreciate LAFCO's efforts and look forward to discussing the draft report further on October 20th.

Sincerely,


J. Edward Tewes
City Manager

CC: Steve Tate, Mayor
Larry Carr, Council Member
Marby Lee, Council Member
Marilyn Librers, Council Member
Greg Sellers, Council Member
Steve Rymer, Director of Recreation and Community Services

Suzanne Harrington
Management Partners, Inc.
Management Analyst
408-437-5400

Suzanne:

We have reviewed the Draft Report and have several comments for you. Since you also had several questions, I will answer those here as well.

1. How many companies does the Sunnyvale Fire Department staff daily?

The City of Sunnyvale staffs 9 Fire Engines, 2 Ladder Trucks, and a HazMat apparatus full time. We maintain in reserve two Fire Engines that can be staffed in an emergency with personnel called back to work (significantly delayed response 1 to 2 hours) or are utilized to replace an Engine that needs maintenance.

2. What is the definition of a company? (I.e. is a single company the two people on each apparatus, or does it include the public safety patrol that responds as well?)

A Company in Sunnyvale is configured based upon need. The Public Safety Model of Service Delivery allows for that flexibility in staffing ensuring we utilize the right amount of resources on the right type of call.

At the beginning of each shift and on a daily basis, the base staffing at the Company level is 2 Public Safety employees in several different configurations. We staff 6 Engines with a Company Officer (Lieutenant) and an Apparatus Driver/Pump Operator (Public Safety Officer (PSO)). Both of these employees are cross trained as Firefighters, EMT-Basics and Police Officers and can fulfill any of those roles at any time. We then staff all of the remaining apparatus with 2 Public Safety Officers. Again they are fully cross trained. Specifically within our staffing configuration are employees that also are trained by the State of California to the level of Hazardous Materials Specialist. The Company Officer at Fire Station 2 also carries this level of training.

For routine events such as Emergency Medical Services calls, or Fire Service calls that are minor in nature, a Company is composed of 2 Public Safety Employees.

On calls for service of a higher acuity we dispatch additional Fire apparatus as well as up to 6 Public Safety Officers that are assigned to primary police duties. The 6 Public Safety Officers are also fully cross trained as firefighters, EMT-Basics and Police Officers and can fill any role at any time. Within the staffing role at a scene, these officers are paired with a responding Fire Apparatus to make a 3 person company, but that number is flexible based upon need.

Our response program does allow for voluntary off duty response by Public Safety employees, but due to the inconsistent response and voluntary nature, those staffing numbers are not counted nor relied upon.

3. Does the budget information that you provided reflect only the cost of the personnel that staff the apparatus, or does it include the cost of the other public safety officers that respond as well? (FY 2010-11 Expenditures for Salaries + Benefits = \$24,194,023).

The correct final financial number of the Fire Services budget is \$23,967,727.

That budgetary number reflects ALL personnel ASSIGNED TO FIRE SERVICES. This includes all personnel on the apparatus (See question #1 above) - (54 PSOs, 18 Lts. 3 Battalion Chiefs divided across 3 teams), Relief Firefighters (6 PSOs across 3 teams), Relief Supervisors (3 Lts. across the 3 teams), Staff Maintenance Officer (1 PSO), Deputy Chief, all Civilian (9), Fire Marshall (1 Lt.), Fire Investigators (2 PSOs), (3 HMI) HazMat Inspectors (CUPA) and (1 HMC) HazMat Coordinator (Supervising the CUPA program). It does not include the Patrol Response to Fire events. That is captured under the Police Services Budget (currently \$77,344 for Fire Responses and \$77,341 for EMS response augmenting the Fire response).

The Public Safety model of service delivery relies upon the rapid deployment of personnel who are trained in all disciplines. Comparisons of our staffing models and deployment plans with traditional fire department staffing plans are very difficult to grasp conceptually and take some time to walk through. If you would like additional clarification, I can have one of our Battalion Chiefs contact you.

To follow up on some areas of the report I have compiled responses from our staff below.

In general the report is inconsistent in use of a name for the department. Throughout the report it alternated from calling us Public Safety to Fire Department. It should be consistent as The City of Sunnyvale Department of Public Safety. If you want to speak specifically of a Fire Services item, you could

refer to Public Safety Fire Services. This will help from necessarily having to footnote every comparison with Fire Departments in the study.

Also, perhaps the most important thing to understand is that with Public Safety, any analysis should resist the desire to try to confine Public Safety to a particular service based on assignment. For example, at what point is a Police Officer PSO now a Firefighter PSO and at what point does he revert back? A similar question can be raised for EMS response or response to collision scenes. We send 2 Police based officers in police cars and 1 fire apparatus with 2 public safety employees from Fire Services to each emergency medical services call. Although we track the response times separately for Police and for Fire Services, the actual arrival time reported to the County EMS Agency is when the first public safety employee arrives on scene. Just as the case with our fire apparatus, our police cars are equipped with EMT-Basic personnel who have Basic Life Support Medical Supplies including an Automated External Defibrillator.

A concern also arises over the very visible effort of LAFCO to recommend regionalized services, for example recommending that the County take over Fire Services in Sunnyvale to "consolidate" costs. If Sunnyvale's staffing model were consistent with local Fire Agencies, that might be an option, however, to meet the minimum staffing of 3 person companies, you would need to hire 36 additional firefighters within the Sunnyvale response area to bring the staffing level up.

To complicate any meaningful analysis even more, the City of Sunnyvale budget is not department centric. Thus we pay "rent" to other departments via a pass through, so that they can maintain and replace our apparatus and capital improvements. "Rent" costs are actually a pass-through of combining capital improvements and ongoing operations and maintenance

Within the report, there is a reference that Advanced Life Support (ALS) is a Fire Service "requirement" to provide. There is no statutory requirement for a local jurisdiction to provide ALS. Based upon case law and the State of California's regulatory structure, the County of Santa Clara oversees a comprehensive emergency medical services system of which they have elected to be ALS. They have a contracted private company that provides that service and they are the subject of various requirements of the County's contract. Local jurisdictions, with the exception of Palo Alto and Sunnyvale, entered into contractual arrangements with the County contracted provider of ALS services to provide paramedic services within their jurisdictions. In turn they receive compensation from the County contracted provider for their participation. This report appears to be insinuating that this is, or should be a Fire Department requirement when in fact it is not. It may be a jurisdictional decision to provide, but it is not a mandate.

Reviewing the pages in order we see a few areas that need clarification:

Page x index

The City of Sunnyvale Fire Department Boundary and Station Map

The reference to our organization should reflect Public Safety – not Fire

Page 3

The first line indicates ALS as the predominant activity, which is not true for SNY. We provide only Basic Life Support Services (BLS), the County of Santa Clara contracted provider is American Medical Response – West (AMR) who is responsible for the provision of ALS Services within Sunnyvale's City limits. AMR utilizes a fleet of Quick Response Vehicles (QRVs) as their method to provide ALS to Sunnyvale and meet the contract requirements it has with the County.

Page 23/24

The City of Sunnyvale Department of Public Safety responds with firefighters trained as emergency medical technicians (EMT) who are capable of providing advanced first aid; AMR responds with ALS paramedics

Sunnyvale personnel are ...capable of providing **Basic Life Support**.... not Advanced First Aid which is in fact a lower level of service

Page 25

Figure 4 includes Sunnyvale

The City of Sunnyvale Department of Public Safety is NOT an ALS provider and should not be included in a chart that defines ALS performance by Department. It is an AMR resource NOT a Sunnyvale resource providing that response capability.

Page 26

Most fire agencies in Santa Clara County staff fire engines with a company of three firefighters.

The report mentions San Jose as different in that they staff at a higher level. The Department of Public Safety should also be called out in that we staff at a lower level of 2 personnel per apparatus and only 6 company officers, not 12.

Page 27

Hazardous Materials Response

Only two agencies have passed the formal Typing by the State of California. Santa Clara County Fire Protection District is a Type 1 Hazardous Materials

Response Unit. Sunnyvale Department of Public Safety is a Type 2 Hazardous Materials Response Unit. To our knowledge as of this date, The City of San Jose's Fire Department has NOT passed the State requirements as a Type 1 nor has the City of Santa Clara as a Type 2.

Page 30

Chart of Fire and EMS Communications

Sunnyvale's Dispatch is Public Safety dispatching center and a primary public safety answering point. It is not Police Department dispatch center. All of our dispatchers attend the state mandated basic dispatch academy. At any time they can function as a fire dispatcher and police dispatcher. Even when we hire lateral dispatchers, they must undergo cross training and function within all roles. All of our dispatchers as a condition of employment are trained and certified Emergency Medical Dispatch and provide pre-arrival dispatch life support medical instructions to 911 callers reporting a medical emergency.

Page 108.

section 4.11.4..

"The department has 100 FTEs,"

The paragraph refers to "the department" where it should refer to, "Sunnyvale Department of Public Safety Fire Services ". Our total staffing level for our organization is higher.

Table

Salaries and Benefits - \$23,967,727

Page 110...

Our response fleet includes:

- 9 Fire Engines
- 2 Ladder Trucks
- 1 Hazardous Materials Apparatus
- 2 Reserve Fire Engines

NOT the 11 engines and 1 reserve as referenced.

Page 112/ 243

Page 112 identifies our ISO Rating as a 2 but on Page 243 our ISO Rating is identified as N/A.

This should be corrected to reflect our correct ISO rating of 2.

Page 112

The department has a training lieutenant and shares a training tower with Milpitas, Mountain View and Palo Alto.

Our organization maintains a fire training tower at our Fire Station 2. We share our tower with anyone, includes many departments who participate within the County Training Officers Joint Fire Academy (JFA) in which new hires from many agencies are trained. This joint training academy reduces costs and allows many agencies to pool their instructional resources to train new hires. There is no specific arrangement with just Milpitas, Mountain View and Palo Alto. We have hosted at least one, but often 2 JFAs for the past 5 years.

Page 112

4.11.8(Cont)

The department has a fire marshal....The fire marshal reports to the deputy fire chief....

The fire marshal reports to the Fire Services Deputy Chief.

Page 113

During the past four fiscal years, staffing has increased from 86 budgeted FTEs to 100 budgeted FTEs (16%), as shown in Figure 63 below.

This should be clarified as a Department Reorganization changed the reporting structure and moved 11 FTEs to Fire from Special Operations. This was not the addition of 11 NEW FTES and the positions exchanged from did not change; only reporting structure and budgetary responsibility did.

Page 134

There should be a footnote on the figure 67 chart...this looks unfavorable upon us...and when it comes to pay, it's not comparing apples to apples....thus, I think it should be noted that we are PUBLIC SAFETY OFFICERS (cross-trained as police officer, firefighters and EMT-Basics. No other agency is)...thus the reason the figure here is higher than the others....Our personnel are capable of being deployed at anytime as a firefighter or police officer or EMT or all three on any day on any call.

Page 138

5.13.1 Combining Departments

There should be some indication of the Public Safety Concept and that the movement to fire consolidation would require additional staff to place the County standard of 3 on an apparatus and would cause the end of the Public Safety model of service delivery.

Page 164

Staffing has increased 14% between FY 2007-08 and FY 2010-11.

This was due to Department reporting structure reorganization and not the addition of Staff. Please make sure that is reflected properly to not give the impression we added staff when in fact we are removing SWORN Staff and replacing in some instances with Civilian Professionals who do not have the capabilities of being cross trained as police officers/firefighters/EMT-Basics...

Page 165

Department communications are not on the same band and frequency of any other fire and emergency medical service providers in the County.

The Department of Public Safety is currently involved with The City of Santa Clara and other Bay Area jurisdictions on a program for interoperability and common radio frequencies on a grant program funded by the United States government. This project is a pilot project for public safety communications across the United States.

Page 243

ISO rating marked n/a

Sunnyvale is a 2 - ISO rating

Table – Sunnyvale Detail

Fire Prevention Revenues - \$302,547 (This depends on what you are specifically talking about. These are Fire Prevention Inspection revenues for Fire Operations doing state mandated inspections, but does NOT include Fire Prevention Bureau inspections and fee for the ones they do)

Page 246

Staffing Table

Should footnote reorganization not added staff.

Page 249 and anywhere else they discuss call volume

Again, because we are not a Fire Service but rather Public Safety, this discussion on call volume per apparatus only shows calls in which they are the primary apparatus. A more appropriate number would be total responses since that is reflective of actual work load. This method would take EN1 up to around 3,000 responses per year as well as a couple of thousand responses several of the other apparatus.

SANTA CLARA COUNTY LAFCO

2010 Fire Service Review

Comments Received on Draft Report through October 5, 2010

Commenting Agency: Gilroy Fire Department

Date: 9/10/10

| Page | Section/ Table | Comment | Response |
|---------|-------------------|--|---|
| 28 | | This statement on page 28 is not correct in regard to all Fire Agencies in the county...All newly hired firefighters are sent through a 10-week basic firefighter academy prior to beginning work. The academy, known as the Santa Clara County Joint Fire Academy (JFA), is a joint effort by the Santa Clara County Training Officers, under the direction of the Santa Clara County fire chiefs. Participating fire departments within Santa Clara County host the academy on a rotational basis. Gilroy Fire does an in-house recruit training academy that ranges from 4 to 8 weeks - we try to hire lateral candidates with prior fire service experience which allows us to have a shorter recruit academy. | Amend report to reflect Gilroy's different training program |
| 38 | | The ISO rating stated on page 38 should be 4 and not 5. | Amend report to correct ISO rating |
| 186-187 | | Due to the concession agreement with Labor effective 7-1-2010 the staffing levels on apparatus have changed to a minimum staffing of three (Captain, Fire Engineer and Firefighter/Paramedic) so the tables should be changed on page 186 and 187. During the summer months wild land apparatus is cross-staffed with 3 personnel at all three stations. | Amend report to reflect new labor agreement |

SANTA CLARA COUNTY LAFCO
2010 Fire Service Review
Comments Received on Draft Report through October 5, 2010

Commenting Agency: Mountain View Fire Department

Date: 9/20/10

| Page | Section/ Table | Comment | Response |
|------|-------------------|---|--|
| 25 | | You have MV as having less than 97% ALS performance on the bar graph and on page 149 you have us at 98.8%. | Correct page 149 to reflect County EMS information reflected on page 25 |
| 53 | | Please see attached amended org. chart as changes have occurred within our Department. | Amend report to include new organization chart |
| 55 | 4.4.4 | Please reword 4.4.4 Staffing to read : "The Department maintains daily staffing of five ALS engine companies, one Truck company, and one Rescue company. The Truck and Engine companies are staffed with three personnel while the Rescue is staffed with two. When additional paramedics are available, the Truck and Rescue are staffed with a paramedic. Initial deployment to a single alarm structure fire is 15 personnel." | Amend report to reflect clarification to staffing |
| 56 | | All Make/Model should be marked as "Pierce Quantum." Also, please rename the "Hazmat," "Hazmat 5." | Correct report to reflect accurate names |
| 58 | | Our actual performance for FY2009-10 was 98%, not 100%. (Our performance measures are captured by fiscal year.) | Correct report to reflect 98% performance for FY 2009-10 |
| 132 | | Our Company Size is: 1,2 Person and 6,3 Person (we do not have a 4 person company.) | Correct report to reflect accurate company size |
| 149 | | Please change "100% of calls" to "98% of calls for FY2009-10." (Our performance measures are captured by fiscal year.) | Correct report to reflect 98% performance for FY 2009-10 |
| 194 | | Please change "Mutual Aid Arrangements" to "Auto Aid Arrangements." Add Rescue-1 and Battalion Chief-1 to the apparatus box. (Please delete "delivered later 2010" after Hazmat.) | Amend all Attachment C tables to reflect both mutual and automatic aid. Correct apparatus to reflect additions |
| 195 | | Add 1 BC to Station 1 Equipment and 1 Reserve to Station 4. | Amend to reflect comment |
| 247 | | Add 1 Rescue to Station 1s Daily Staffed Apparatus. | Amend to reflect comment |

| | | | |
|--|--|--|--|
| | | <p>**Also, the document incorrectly refers us as having 7,797 Calls For Service; this number is our "All Responses By Unit," not our Calls For Service. Our Calls For Service for calendar year 2009 was 4831 (please see attachment for Calls For Service breakdown by station). Also, please refer to the attached Excel spreadsheet that was initially uploaded to LAFCO website.</p> | <p>Amend report to clarify the different ways that departments track emergency response activity</p> |
|--|--|--|--|

SANTA CLARA COUNTY LAFCO
2010 Fire Service Review

Comments Received on Draft Report through October 5, 2010

Commenting Agency: Santa Clara County Central Fire Protection District

Date: 9/21/10

| Page | Section/ Table | Comment | Response |
|------|-------------------|--|--|
| 3 | 1.2 | "The predominant activity..." - SNY (Sunnyvale) and PAF are both exceptions to the statement | Amend report to reflect both exceptions |
| 4 | 1.3 | "... 14 fire department..." differentiate between ambulances and rescues | Amend report to reflect the number of rescues and the number of transports |
| 19 | 3 | Service in <u>some</u> unincorporated areas | Amend report to reflect comment |
| 22 | 3 | " <u>are</u> at the same level 24/7/365 days a year". PAF Sta 8 (seasonal). Peak load E314/E317; PAF 12-hr ambulance are exceptions | Amend report to reflect seasonal and peak staffing practices |
| | | Providing BLS (rather than "advanced first aid") | Amend report to clarify firefighter |
| | | "Pre-hospital paramedic service is provided by AMR upon arrival of an ambulance." If this statement refers to SNY, it needs to be put in the previous paragraph. | paramedic response protocol and staffing/funding for Sunnyvale's QRVs |
| 24 | 3.1 | Clarify that paramedic service is provided by fire personnel upon arrival of the first responder unit in all other agencies. | |
| | | "Sunnyvale also has quick response vehicles (QRVs) staffed by paramedics that are dispatched by the City but are comprised of AMR personnel." Clarify that QRVs are AMR-funded units stationed in Sunnyvale; they are not Sunnyvale resources. | |
| 26 | 3.2 | Accreditation is also a recognized "measure" of performance | Add section on accreditation as another approach to emergency service evaluation |
| 27 | 3.3 | Boundary drop agreements are <u>not</u> found in Santa Clara County | Amend report to reflect there are no boundary drop agreements between fire departments in Santa Clara County |
| 28 | 3.7 | "All newly hired firefighters are sent through..." NOT ALL DEPARTMENTS | Amend report to clarify that some departments use training programs other than the countywide academy |
| 30 | 5 | Under City of San Jose, EMD is provided by Fire not PD (according to Co. Com.) You may wish to verify with San Jose. | Amend report to reflect San Jose's communication protocol |

| | | | |
|----|----------|---|---|
| 32 | 4.1.1 | South County Fire Station #3 on Hecker... | Amend report to reflect correct ownership of the Hecker Pass station |
| 38 | 4.1.8 | Training is done at the regional training tower in San Martin?? There is no regional training tower in San Martin | Amend report to eliminate reference to a training tower in San Martin |
| 41 | 4.2.1 | "Two members must be from the unincorporated area of the Fire District." Observation: This will become more difficult to accomplish as unincorporated areas are annexed by the two cities. , is responsible for funding station maintenance and apparatus purchases. | Comment noted. Amend report to reflect LAHPD responsibility for station maintenance and apparatus purchase. |
| 70 | 4.6.4 | San Jose staffs engine companies of four and trucks with five or six | Amend report to reflect correct staffing for SJFD companies |
| 72 | Table 46 | Numbers in this table are way off | Footnote to reflect under-reporting of mutual and auto aid activity |
| 77 | 4.7.4 | How many companies? How many FF minimum on duty (each agency) | Awaiting clarification |
| 80 | 4.7.8 | No Automatic aid agreement with CCFD | Amend report to reflect there is no auto aid agreement between the City of Santa Clara and the CCFD |
| 84 | 4.8.1 | Approximately 251,950 pop. (district and contract cities) | Amend report to reflect both district and service populations |
| 85 | Table 56 | Administrative and Management --- \$3,874,046 Other --- \$27,464,154 | Amend report to include new data on CCFD budget detail |
| 86 | 4.8.2 | the June 30, 2010 audit will report a fund balance of \$14,522,964 which is 13.8% general fund expenditure. (State hit us for over 4 Million) Important to us at this point with current labor negotiations. | Amend report for dependent fire districts to reflect 6/30/10 audit information |

| | | | |
|-----|-----------|--|---|
| 88 | Table 62 | <p>Remove Engine 102 Remove Engine 104 Engine 108 --- KME 1250 GPM – 2000 Engine 110 --- KME 1250 GPM – 2000 Engine 112 --- Pierce 1500 GPM 1991 Add Training --- Hi-Tech Spartan 1500 GPM – 1992 Add Engine 30 --- Hi-Tech Spartan 1500 GPM – 1990 E301 International/Placer 500 GPM 4x4 2009 E305 International/Placer 500 GPM 4x4 2009 E313 International/Placer 500 GPM 4x4 2009 E314 International/Placer 500 GPM 4x4 2009 E317 International/Placer 500 GPM 4x4 2009 E307 International/KME 500 GPM 4x4 1997 E311 International/Westmark 500 GPM 4x4 1991 E306 International/Westmark 500 GPM 4x4 1991 E408 Ford F-550 /Ferrera 500 GPM 4x4 2003 E412 Ford F-550 /KME 125 GPM 4x4 2002 Haz Mat 2 KME 2004 Haz Mat 102 Ford/Paoletti 1988 Breathing Support 2 Spartan/KME 2005</p> | Amend report to reflect information provided |
| 91 | 4.8.9 | The district plus contract cities population is projected to increase by 15% to approximately 290,000 during... | Amend report to include both district and service populations |
| 92 | Figure 46 | Changes if revised population and projections are used. | Amend figure 46 to include both district and service populations for CCFD |
| 95 | 4.9.1 | One SCFD station has become included within the Gilroy city limits. Also one station in MH city limits. | Amend report to reflect that one SCFD is in Morgan Hill and one in Gilroy |
| 97 | 4.9.2 | As District budgets major | Amend report to reflect the comment refers to the SCFD budget |
| 117 | 5.1.1 | "providing effective suppression and/or containment" There is no factual basis for this statement. | Amend to "providing initial suppression and/or containment" |
| 120 | 5.2 | Would it be clearer to use the term "South Valley" to differentiate the region from the South County Fire District? | Maintain LAFCO protocol to refer to the area as the South County area or region |
| 121 | 5.2 | There is also an "Ad Hoc" committee of elected city council members and appointed commissioners. | Amend report to clarify different committees |

| | | | |
|---------|----------|--|---|
| 122 | 5.2 | There are three current communications centers "Each agency would incur additional costs for contracting with County Comm and would not experience offsetting savings..."*South County Fire District funds X dispatch positions that could conceivably be reallocated. SFD *PRECEDED*? incorporation of the City.... | Amend report to note there are three communications centers serving the South County area |
| 124 | 5.3.1 | | Delete "superseded" and use "preceded" |
| 125 | 5.3.1 | Two options included in the 2004 fire review for the Saratoga Fire District are no longer feasible given the annexation of surrounding lands by CCFD: 2. The City of Saratoga withdrawing 3. Expansion of the SFD... | Amend report to reflect that expansion of the SFD into the CCFD is no longer a viable option |
| 126 | 5.3.2 | LAHFD has two contract employees to manage and provide *\$338,481 budgeted for district operating expenses... *savings estimated at \$100,000 to \$200,000 annually *discrepancy between the savings and the budgeted amount # of companies staffed daily- there is no definition of "company" | Amend report to reflect that consolidation with the CCFD could result in savings of up to \$338,000 in administrative costs |
| 132 | Table 86 | | Amend report to reflect both district and service populations |
| 137 | 5.1 | *CCFD Service population 251,950 CCFD and (SCFD uses CDF facility) their own maintenance... | Amend report to substitute reflect that apparatus maintenance for SCFD is provided at the CALFIRE maintenance facility |
| 139 | 5.13.5 | Consisting of two platoons staffed Uses a two-platoon | Amend report replacing "battalion" with "platoon" |
| 140 | 5.13.5 | Maintaining a third platoon Other alternative models- constant staffing, peak-demand staffing. | Amend report replacing "battalion" with "platoon" |
| 141-165 | all | Use consistent language regarding opportunities for improving efficiency - contracting for service, consolidating, JPA | Comment noted |
| 154 | 6.7 | Again, the mutual aid/ automatic aid numbers are way off | Amend report to note under-reporting of aid for the SJFD |
| 157 | 6.9 | Between 2010 and 2035 to approximately 290,000 residents | Amend report to reflect both district and |
| 158 | 6.9 | We will provide a rating if you will tell us which station wasn't rated | Remove comment from report; a rating was provided for all CCFD stations |
| 159 | 6.9 | Add "Accreditation" under accountability heading | Amend report to note accreditation of CCFD |

| | | | |
|-----|-----------------------|--|---|
| 162 | 6.1 | *use consistent operational efficiency language* | Comment Noted |
| 170 | 7.2.4 | 3 front line rescue units | Amend report to reflect 3 units |
| 173 | 7.3.4 | Pacheco station owned by CAL FIRE. | Amend report to reflect CALFIRE ownership of Pacheco Pass station |
| 176 | 7.4.4 | Provided through CFPD contract with County Communications | Amend report to reflect that communications is provided as part of the CCFD contract with the Saratoga Fire |
| 178 | 8 | Into those areas will <u>require</u> the development of | Leave with current language |
| 179 | Table 87 | Attachment A Need definition of "company" | Amend Attachment A to include definitions for: company, battalion and platoon |
| 185 | Attachment C | List number of companies and minimum staffing | Amend report to reflect new Gilroy labor contract |
| 225 | ISO Rating | 1SO =2. Non-hydrant areas=8 | Amend report to reflect both ISO ratings for CCFD |
| 226 | Mutual Aid Agreements | *LoCal FIRE * | Amend report to replace "LoCal FIRE" with "CALFIRE" |
| 227 | FS#1 Cupertino | Remove (Engine 310) (OES289) Truck 1 2003 Ferrara 1500 ---- remove (5680) Engine 1 2007 KME 1250 | Amend report to reflect information provided |
| 228 | FS#2 Seven Springs | OES 289 2002 HME/Westates 1250 ---- remove (4730) Remove Engine 102 ---- REPLACE WITH BATTALION 2-1 | Amend report to reflect information provided |
| 229 | FS#2 Seven Springs | Reserve Hazmat 102 | Amend report to reflect information provided |
| 229 | FS#3 Los Gatos | Battalion 3 2009 Ford F250 | Amend report to reflect information provided |
| 229 | FS#5 Winchester | On-duty staffing: Truck 5 - 4 | Amend report to reflect information provided |
| 230 | FS#6 Shannon | Engine 6 2008 KME 1250 GPM Remove Hose Wagon 1936 Dodge Brothers/Hedberg n/a | Amend report to reflect information provided |
| 231 | FS# 8 Quito | Engine 8 2003 KME 120 (remove 4730) | Amend report to reflect information provided |

| | | | |
|-----|-------------------|--|--|
| 231 | FS# 9 West Valley | 2002 Ford Excursion | Amend report to reflect information provided |
| 233 | FS#12 El Toro | (*select call units) Battalion 12 - 1 (Remove Patrol 12, reserve Engine 112) Engine 12 2010 KME 1250 Truck 112 1992 Smeal/Spartan 1550 (remove 5680) Battalion 12 2001; Ford Excursion 4x4 n/a Engine 4 2002 KME/Ford F550 4x4 125 (remove 475) On-duty staffing: Engine 13-3 (remove patrol 13) | Amend report to reflect information provided |
| 234 | FS# 13 Dunne Hill | Engine 313 2009 Placer/International 4x4 500 (remove Morgan Hill Engine 1 1926 Seagrave) | Amend report to reflect information provided |
| 235 | FS#15 Los Altos | Engine 15 2005 KME 1250 remove (4730) Reserve Engine 115 2000 KME 1250 Remove Los Altos Engine 1 1928 Ford Model A | Amend report to reflect information provided |
| 236 | FS#16 Loyola | Engine 16 2010 KME 1250 remove (4730) | Amend report to reflect information provided |
| 236 | FS#17 Saratoga | Engine 17 2008 KME 1250 (remove 4730) Rescue 17 2002 Ferrara Inferno 1500 (remove 5680) Engine 117 1991 Spartan/Hi-Tech 1500 Engine 30 1990 Hi-Tech Spartan 1550 remove (5680) Station 12- El Toro: 1 engine / 1 Truck (cross staffed) | Amend report to reflect information provided |
| 249 | CCFD | Station 14- El Monte: 1 Rescue / 1 Truck (cross staffed) | Amend report to reflect information provided |

SANTA CLARA COUNTY LAFCO
2010 Fire Service Review

Comments Received on Draft Report through October 5, 2010

Commenting Agency: South Santa Clara County Fire Protection District

Date: 9/16/10

| Page | Section/ Table | Comment | Response |
|------|-------------------|--|--|
| | | Please remove all references in the document using CDF, Division of Forestry, State Forestry, etc. CALFIRE should only be referred to as CALFIRE or by its formal name California Department of Forestry and Fire Protection as is appropriate. | Amend report to reflect correct names for CALFIRE and the California Department of Forestry and Fire Protection as appropriate |
| | | A second issue I noticed in the iii section for Agency Profiles is that CALFIRE , its engines, stations etc. are not listed nor is the 4.00 section of the report. CALFIRE is an integral part of the County's fire protection and EMS system (at the BLS level) at least six months out of the year especially in those areas designated as unprotected/undeserved. | Amend report to note all CALFIRE resources in Santa Clara County |
| 2 | | Change CDF and Division of Forestry to correct terms as stated above | Amend report to reflect correct agency designation |
| 30 | | Table listing dispatch agencies for unincorporated is confusing and incorrect. You need to list the 2 Fire Districts separately and also list the unprotected/underserved area separately. CCFD is dispatched by County Comm. SCFD by CALFIRE. Unprotected area by both County Comm. And CALFIRE. | Amend report to include updated information |
| 97 | | Should read "As SCFD budgets major maintenance....." Under 4.9.3 Stations negate CDF change to CALFIRE, Pacheco Station is omitted and is owned by CALFIRE. | Amend report to reflect correct agency designation |
| 98 | Table 71 | Table 71 needs updating. There are now 2 reserve engines. Reserve Engine 4 1994 type 1. Reserve Engine 5 1998 Type 1. Engine 2 2010 Type 1. A new Engine 2 was delivered after you got the original data. | Amend report to include updated information |
| 100 | | Districts ISO rating incorrect. Should read ISO 8 instead of 10. Does the report anywhere refer to the unprotected/underserved areas as an ISO 10? | Amend report to reflect correct ISO designations |
| 101 | Table 53 | Table 53 is misleading because of including capital expenditures and encumbrances in with general operating/personnel expenditures. Graph needs correcting. | Amend report to distinguish between operating and capital expenditures |
| 115 | | Should read CALFIRE. Services provided are also misrepresented. CALFIRE responds to all emergencies including EMS/rescue in these areas from May thru November. Those activities are supported thru a State AG's decision going back to the mid 1980's. | Amend report to reflect CALFIRE designation and CALFIRE response activity in underserved areas |
| 117 | | Change to CALFIRE second paragraph. | Amend report to reflect CALFIRE |

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|-----|----------|---|---|
| 122 | | SCFD Battalion coverage is misrepresented. BC coverage is provided 24/7/365. Change CDF to CALFIRE next to last paragraph. | Amend report to reflect that SCFD, through CALFIRE, has 24/7/365 BC coverage |
| 123 | | CCFD figures in table 84 for south county purposes should only include those engines, stations, etc located in Morgan Hill and for the current contract amount. All other figures should be derived from that, i.e. calls for service, population, etc. SCFD should read 4 stations, not 3. | Amend table 84 to reflect CCFD Morgan Hill contract and correct number of SCFD stations |
| 132 | Table 86 | For SCFD should be 4 stations, not 3. | Amend table 86 to reflect 4 stations serving SSFD |
| 173 | | Paragraph 4 Pacheco Pass Station opened for the District in 1985. | Amend report to include correct date |
| 179 | | under CALFIRE remove "a unit of the California Division of Forestry." Replace with California Department of Forestry and Fire Protection | Amend report to reflect proper agency designation |
| 180 | Table 88 | remove CDF and definition. | Amend report to reflect proper agency designation |
| 238 | | Should just read 4 stations. ISO rating incorrect. Should read 5/8 | Amend report to reflect 4 stations and correct ISO designations for SCFD |

SANTA CLARA COUNTY LAFCO
2010 Fire Service Review

Comments Received on Draft Report through October 5, 2010

Commenting Agency: Sunnyvale Department of Public Safety

Date: 9/28/10

| Page | Section/ Table | Comment | Response |
|---------|-------------------|---|---|
| x index | | The City of Sunnyvale Fire Department Boundary and Station Map | Amend report to reflect Public Safety Department |
| 3 | | The reference to our organization should reflect Public Safety – not Fire The first line indicates ALS as the predominant activity, which is not true for SNY. We provide only Basic Life Support Services (BLS), the County of Santa Clara contracted provider is American Medical Response – West (AMR) who is responsible for the provision of ALS Services within Sunnyvale's City limits. AMR utilizes a fleet of Quick Response Vehicles (QRVs) as their method to provide ALS to Sunnyvale and meet the contract requirements it has with the County. | Amend report to clarify unique circumstances for Sunnyvale's Public Safety Department regarding EMS services |
| 23-24 | | The City of Sunnyvale Department of Public Safety responds with firefighters trained as emergency medical technicians (EMT) who are capable of providing advanced first aid; AMR responds with ALS paramedics | |
| | | Sunnyvale personnel are ...capable of providing Basic Life Support.... not Advanced First Aid which is in fact a lower level of service | Amend report to reflect BLS service provided |
| 25 | | Figure 4 includes Sunnyvale The City of Sunnyvale Department of Public Safety is NOT an ALS provider and should not be included in a chart that defines ALS performance by Department. It is an AMR resource NOT a Sunnyvale resource providing that response capability. | Amend Figure 4 to note that figures for Sunnyvale are those for the Department of Public Safety's BLS response. Add AMR ALS performance date to Figure 4 for calls in the Sunnyvale city limits |
| 26 | | Most fire agencies in Santa Clara County staff fire engines with a company of three firefighters. The report mentions San Jose as different in that they staff at a higher level. The Department of Public Safety should also be called out in that we staff at a lower level of 2 personnel per apparatus and only 6 company officers, not 12. | Amend report to reflect Sunnyvale Department of Public Safety staffing pattern |

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| 27 | Hazardous Materials Response | <p>Only two agencies have passed the formal Typing by the State of California. Santa Clara County Fire Protection District is a Type 1 Hazardous Materials Response Unit. Sunnyvale Department of Public Safety is a Type 2 Hazardous Materials Response Unit. To our knowledge as of this date, The City of San Jose's Fire Department has NOT passed the State requirements as a Type 1 nor has the City of Santa Clara as a Type 2.</p> <p>Chart of Fire and EMS Communications</p> | Amend report to note that CCFD is the only State designated Type I Hazmat responder in Santa Clara County. San Jose has all Type 1 equipment and has submitted documentation to the State for approval |
| 30 | | <p>Sunnyvale's Dispatch is Public Safety dispatching center and a primary public safety answering point. It is not Police Department dispatch center. All of our dispatchers attend the state mandated basic dispatch academy. At any time they can function as a fire dispatcher and police dispatcher. Even when we hire lateral dispatchers, they must undergo cross training and function within all roles. All of our dispatchers as a condition of employment are trained and certified Emergency Medical Dispatch and provide pre-arrival dispatch life support medical instructions to 911 callers reporting a medical emergency.</p> <p>"The department has 100 FTEs,"</p> | Amend report to reflect Department of Public Safety |
| 108 | 4.11.4 | <p>The paragraph refers to "the department" where it should refer to, "Sunnyvale Department of Public Safety Fire Services ". Our total staffing level for our organization is higher.</p> | Amend report to reflect Department of Public Safety |
| 110 | | <p>Table</p> <p>Salaries and Benefits - \$23,967,727</p> <p>Our response fleet includes:</p> <ul style="list-style-type: none"> • 9 Fire Engines • 2 Ladder Trucks • 1 Hazardous Materials Apparatus • 2 Reserve Fire Engines <p>NOT the 11 engines and 1 reserve as referenced.</p> | Amend report to contain information provided |
| 112/243 | | <p>Page 112 identifies our ISO Rating as a 2 but on Page 243 our ISO Rating is identified as N/A.</p> <p>This should be corrected to reflect our correct ISO rating of 2.</p> | Amend report to reflect consistent ISO rating of 2 |

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| 112 | | <p>The department has a training lieutenant and shares a training tower with Milpitas, Mountain View and Palo Alto.</p> <p>Our organization maintains a fire training tower at our Fire Station 2. We share our tower with anyone, includes many departments who participate within the County Training Officers Joint Fire Academy (JFA) in which new hires from many agencies are trained. This joint training academy reduces costs and allows many agencies to pool their instructional resources to train new hires. There is no specific arrangement with just Milpitas, Mountain View and Palo Alto. We have hosted at least one, but often 2 JFAs for the past 5 years.</p> | <p>Amend report to reflect that the Department of Public Safety has no specific training agreements with other agencies</p> |
| 112 | 4.11.8 (Cont) | <p>The department has a fire marshal....The fire marshal reports to the deputy fire chief....</p> | <p>Amend report to reflect correct reporting relationship of Fire Marshal</p> |
| 113 | | <p>The fire marshal reports to the Fire Services Deputy Chief.</p> <p>During the past four fiscal years, staffing has increased from 86 budgeted FTEs to 100 budgeted FTEs (16%), as shown in Figure 63 below.</p> <p>This should be clarified as a Department Reorganization changed the reporting structure and moved 11 FTEs to Fire from Special Operations. This was not the addition of 11 NEW FTEs and the positions exchanged from did not change; only reporting structure and budgetary responsibility did.</p> | <p>Amend report to clarify recent staffing changes</p> |
| 134 | | <p>There should be a footnote on the figure 67 chart...this looks unfavorable upon us...and when it comes to pay, it's not comparing apples to apples....thus, I think it should be noted that we are PUBLIC SAFETY OFFICERS (cross-trained as police officer, firefighters and EMT-Basics. No other agency is)...thus the reason the figure here is higher than the others....Our personnel are capable of being deployed at anytime as a firefighter or police officer or EMT or all three on any day on any call.</p> <p>5.13.1 Combining Departments</p> | <p>Footnote added to clarify Sunnyvale's unique approach. All departments have been given an opportunity to review the operating expenses included in the draft report</p> |
| 138 | | <p>There should be some indication of the Public Safety Concept and that the movement to fire consolidation would require additional staff to place the County standard of 3 on an apparatus and would cause the end of the Public Safety model of service delivery.</p> | <p>Comment noted. Discussion in report is general in nature and does not speak to the many dynamics that impact consolidation opportunities</p> |

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| 164 | | <p>Staffing has increased 14% between FY 2007-08 and FY 2010-11.</p> <p>This was due to Department reporting structure reorganization and not the addition of Staff. Please make sure that is reflected properly to not give the impression we added staff when in fact we are removing SWORN Staff and replacing in some instances with Civilian Professionals who do not have the capabilities of being cross trained as police officers/firefighters/EMT-Basics...</p> <p>Department communications are not on the same band and frequency of any other fire and emergency medical service providers in the County.</p> | Amend report to clarify recent staffing changes |
| 165 | | <p>The Department of Public Safety is currently involved with The City of Santa Clara and other Bay Area jurisdictions on a program for interoperability and common radio frequencies on a grant program funded by the United States government. This project is a pilot project for public safety communications across the United States.</p> | Comment noted. Interoperability project is discussed in the Communications section of the report |
| 243 | | <p>ISO rating marked n/a</p> <p>Sunnyvale is a 2 - ISO rating</p> <p>Table – Sunnyvale Detail</p> <p>Fire Prevention Revenues - \$302,547 (This depends on what you are specifically talking about. These are Fire Prevention Inspection revenues for Fire Operations doing state mandated inspections, but does NOT include Fire Prevention Bureau inspections and fee for the ones they do)</p> <p>Staffing Table</p> <p>Should footnote reorganization not added staff.</p> <p>Again, because we are not a Fire Service but rather Public Safety, this discussion on call volume per apparatus only shows calls in which they are the primary apparatus. A more appropriate number would be total responses since that is reflective of actual work load. This method would take EN1 up to around 3,000 responses per year as well as a couple of thousand responses several of the other apparatus.</p> | Amend report to reflect accurate ISO rating. Comment noted on department revenue. |
| 246 | | | Amend report to clarify recent staffing changes |
| 249 | | | Add an introduction to Attachment D noting the different ways departments track and report emergency response activity |

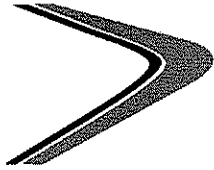
SANTA CLARA COUNTY LAFCO
2010 Fire Service Review

Comments Received on Draft Report through October 5, 2010

Commenting Agency: Morgan Hill

Date: 10/4/10

| Page | Section/ Table | Comment | Response |
|------|-------------------|---|--|
| 124 | 5.2.1 | <p>On page 124, LAFCO asserts that if Cal Fire was selected as the regional service provider, that Morgan Hill and Gilroy would realize savings of over \$2 million annually. Due to the significance of this statement, we recommend that this section of the report include detailed information on how this number was calculated.</p> <p>As and example, this table provides the cost factor for the Central Fire Protection District as a whole when comparing it to Gilroy and South Santa Clara County Fire Protection District. If Central's cost factors are isolated for Morgan Hill only, the "Operating Cost Per Capita" is significantly reduced. It is important that this level of analysis be included in the Table since this section of LAFCO's report is evaluation South County delivery options. As currently presented, it is comparing Central's responsibility beyond Morgan Hill with South County and Gilroy.</p> <p>Furthermore, it would also be helpful to understand which agency performed the analysis that made the \$2 million savings preliminary finding. For example, if it is Cal Fire, we recommend inserting the words "conducted by Cal Fire" after the phrase "the preliminary analysis" on page 124.</p> | <p>The analysis of the potential savings was calculated by the LAFCO consultant. This section of the report will be amended to reflect the CCFD contract with the City of Morgan Hill. The report will provide a more detailed explanation of the cost estimates</p> |
| 177 | 8 | <p>On page 177, the first paragraph states that areas in Gilroy and San Jose will require new stations and that the remainder of the County should have an adequate number of stations to serve new projected growth between 2010-2035. Again, we are recommending that this section of the final report should include additional information as to how LAFCO reached this conclusion. If part of the analysis included information from the South County Fire/EMS study that is being performed, it would be responsible to include that our study's fire station location phase conclusion was for first arriving units. As part of our report, we also indicated that ladder truck service and simultaneous responses may stress the system. These points are appropriately included on page 121 and we recommend that they are emphasized in the conclusion of the final report.</p> | <p>The conclusion regarding the number of stations was based on the consultant's assessment of station location, projected population growth and the capacity of existing companies to respond to the increased call volume anticipated by population growth.</p> |



MANAGEMENT PARTNERS

INCORPORATED

ITEM NO. 5 ATTACHMENT D

October 13, 2010

To: Neelima Palacherla, LAFCO Executive Director

From: Arne Croce, Management Partners

Re: Revised Tables 84 and 86

Attached are the proposed revisions to Tables 84 and 86 in the Santa Clara County LAFCO Draft Report. The revisions made are in response to comments received on the Draft Report circulated by LAFCO in September, 2010.

These tables present operating and financial information for the fire agencies. Table 84 presents information for the three agencies that provide service in the south County region: the City of Gilroy Fire Department, the South County Fire District (via contract with CALFIRE) and the Central County Fire District. Table 86 presents information for all nine provider agencies in the County.

Revisions to the Tables

The specific revisions to the tables from the published draft are:

- The deletion of "calls for service" data
- The addition of "three-person company equivalent" data
- Presentation of CCFD information based solely on the Morgan Hill contract in table 84
- Improved footnotes to clarify factors that can impact interpretation

Call for service information was deleted in recognition of the wide variation of methods used by departments to reflect activity: some agencies track and report incidents, while others track and report all responses and move-ups resulting from incidents.

The three-person company equivalent measure was added to provide another window into the cost structure of the respective departments. This attempts to standardize department costs to the predominant service/response unit of a three-person engine company.

Purpose and Uses of the Tables

The purpose for these tables is to present a broad range of general information reflecting operating and financial information on the provider agencies. The following information is included:

- Service population: the entire population, including contract agencies served by a department
- The portion of the department's budget devoted to the emergency response function, exclusive of administration and prevention costs and major capital expenditures

- The number of stations maintained by the agency
- The number of sworn personnel devoted to emergency response operations
- The number and staffing of apparatus on a daily basis
- The number of 3-person company equivalents for daily staffing

- Cost measures using the above information for:
 - Per capita:
 - Daily staffed apparatus
 - 3-person company equivalents
 - Per sworn personnel
- Number of sworn operating personnel per 1,000/population

There are a number of issues that impact the operating costs of a department. The primary drivers are: the number and type of apparatus used; the number of personnel assigned to each apparatus; and the compensation structure for the workforce. A change in any one of these can impact the cost structure for a department. Different cost measures provide different insights on the cost of maintaining emergency response services:

Cost per capita is a traditional measure and shows the relative cost to serve the community on a population basis. The limitation of looking only at per capita costs is that the basic infrastructure (equipment, apparatus) required to serve a population of 25,000 is often sufficient to serve a population of 40,000. The total cost of maintaining the same response capability may be greater in the department with a larger population, but because the cost is spread out over a larger population, the cost per capita will be lower.

The measures of **cost per daily apparatus** and **cost per 3 person company equivalent** provide some indication of the relative operating cost of the main components of the service delivery system: the number of apparatus used and the cost of staffing the apparatus. Each department uses a variety of apparatus and daily staffing to provide emergency response services. Each department also has its own compensation structure. Departments with greater apparatus staffing and/or a higher cost structures will be higher on the **Cost per daily staffed apparatus** measure. The 3 person company equivalent neutralizes the impact of different staffing levels on apparatus. **Cost per sworn personnel** can provide an indicator of the number of staff and the compensation structure in the agency's emergency response system.

As noted in the Draft report, comparing operational and financial information between departments is difficult, and a detailed analysis is beyond the scope of this review. These tables should not be used in isolation to draw conclusions; they provide information that managers and policy makers can use as broad indicators and as a starting point to examine potential ways to increase efficiency or decrease costs in their departments.



Santa Clara County LAFCO 2010 Countywide Fire Service Review-Draft 10/13/10

Table 86: Operating Cost Factors for Provider Agencies

| Agency | Service Pop. | 2010/11 Operating Budget ¹ | Number of Stations | Number of Sworn Operations Personnel ² | Number of Daily Staffed Apparatus ³ | Apparatus Staffing ⁴ | No. of Three Person Company Equivalents ⁵ | Operating Cost Per: | | | | Sworn Personnel per 1000 Residents |
|------------------------|--------------|---------------------------------------|--------------------|---|--|---|--|---------------------|-------------------------|----------------------------------|-----------------|------------------------------------|
| | | | | | | | | Capita | Daily Staffed Apparatus | Three Person Company Equivalents | Sworn Personnel | |
| Gilroy | 52,000 | \$6,832,205 | 3 | 36 | 3 | 3 apparatus with 3 person crews | 3 | \$131 | \$2,277,402 | \$2,277,402 | \$189,783 | 0.69 |
| Milpitas | 70,817 | \$12,810,380 | 4 | 61 | 6 | 4 apparatus with 3 person crews 1 apparatus with a 2 person crew 1 apparatus with a 1 person crew | 5 | \$181 | \$2,135,063 | \$2,562,076 | \$210,006 | 0.86 |
| Mountain View | 72,100 | \$16,445,640 | 5 | 70 | 7 | 1 apparatus with a 2 person crew 5 apparatus with 3 person crews 1 apparatus with a 4 person crew | 7 | \$228 | \$2,349,377 | \$2,349,377 | \$234,938 | 0.97 |
| Palo Alto | 77,779 | \$18,959,463 | 8 | 105 | 11.5 | 10 apparatus with 3 person crews ⁶ 1.5 apparatus with 2 person crews ⁷ | 11 | \$244 | \$1,648,649 | \$1,723,588 | \$180,566 | 1.35 |
| San José | 1,006,892 | \$126,926,383 | 34 | 630 | 41 | 32 apparatus with 4 person crews 8 apparatus with 5 person crews 1 apparatus with a 1 person crew | 56.3 | \$126 | \$3,095,765 | \$2,254,465 | \$201,470 | 0.63 |
| Santa Clara | 114,700 | \$26,791,827 | 10 | 148 | 13 | 3 apparatus with 2 person crews 7 apparatus with 3 person crews 3 apparatus with 4 person crews | 13 | \$234 | \$2,060,910 | \$2,060,910 | \$181,026 | 1.29 |
| CCFD | 251,950 | \$53,893,046 | 17 | 247 | 21 | 16 apparatus with 3 person crews 5 apparatus with 4 person crews | 23 | \$214 | \$2,566,336 | \$2,343,176 | \$218,190 | 0.98 |
| SCFD ⁸ | 35,000 | \$3,459,170 | 4 | 29.75 | 4 | 4 apparatus with 3 person crews | 4 | \$99 | \$864,793 | \$864,793 | \$116,275 | 0.85 |
| Sunnyvale ⁹ | 138,826 | \$22,977,192 | 6 | 82 | 12 | 12 apparatus with 2 person crews | 8 | \$166 | \$1,914,766 | \$2,872,149 | \$280,210 | 0.59 |

Source: Fire agency data provided to Management Partners; department budgets and websites

¹Reflects the portion of the departments' budgets for emergency response operations inclusive of compensation, overtime, services and supplies and capital outlay. Does not include administration and prevention costs

²Reflects sworn personnel assigned to emergency response operations

³Includes Truck, Engine, Rescue, Transport

⁴Reflects the number of personnel assigned to each apparatus daily

⁵Converts the number of sworn staffing on all apparatus into a 3-person company equivalent

⁶and ⁷The PAFD staffs 10 companies daily on 24 hour shifts. One transport company is staffed on a 12 hour shift. For four months of the year, an additional engine is staffed on a 24 hour shift.

⁸A portion of one engine company is paid for by the State of California

⁹The City of Sunnyvale employs a Department of Public Safety which provides emergency response through personnel assigned to fire apparatus and other personnel provide police patrol.

The uniqueness of this approach make comparisons with traditionally organized fire departments difficult.

Table 84: Operating Cost Factors for Provider Agencies in the South County Region

| Agency | Service Pop. | 2010/11 Operating Budget ³ | Number of Stations | Number of Sworn Operations Personnel | Number of Daily Staffed Companies | Operating Cost Per: | | | Sworn Personnel per 1000 Residents |
|-------------------|--------------|---------------------------------------|--------------------|--------------------------------------|-----------------------------------|---------------------|-------------|-----------------|------------------------------------|
| | | | | | | Capita | Company | Sworn Personnel | |
| Gilroy | 52,000 | \$6,832,205 | 3 | 36 | Three 3 person companies | \$131 | \$2,277,402 | \$189,783 | 0.69 |
| CCFD ¹ | 38,200 | \$4,420,156 | 2 | 21 | Two 3 person companies | \$116 | \$2,210,078 | \$210,484 | 0.55 |
| SCFD ² | 35,000 | \$3,459,170 | 4 | 29.75 | Four 3 person companies | \$99 | \$864,793 | \$116,275 | 0.85 |

¹Reflects the operating portion of CCFD's contract with the City of Morgan Hill

²A portion of one company is paid for by the state of California

³Reflects the portion of the operating budget devoted to emergency response operations. Does not include administration and prevention.

From: Bloom, Roger [Roger.Bloom@CityofPaloAlto.org]
Sent: Tuesday, October 12, 2010 6:22 PM
To: Arne Croce; Palacherla, Neelima; Noel, Dunia
Subject: Palo Alto LAFCO Corrections

I have reviewed the LAFCO Draft Report and Tables and found the following errors. Please make correction if possible for the Palo Alto Fire Department statistics.

- 4.5 City of Palo Alto Overview
 - 4.5.3 Stations – The City's capitol improvement program does NOT contain funding to bring stations 3 and 4 to good conditions

- Table 86
 - Apparatus Staffing
 - We do not have any apparatus with 4 person crew. Should be 10 apparatus with 3 person crew
 - Should be 1.5 apparatus with 2 person crew (One 24 and one 12 hour medic van)
 - Footnote 6 – For four months of the year, an additional engine is staffed on a 12 hour shift

Every thing else looks accurate.

Thank you,

Roger Bloom

*Roger Bloom
Deputy Chief, Operations
Palo Alto Fire Department
250 Hamilton Ave, Palo Alto, CA 94301
Phone 650 329-2515
Fax 650 424-9825
Cell 650 444-6273*

LAFCO MEETING: October 20, 2010
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, LAFCO Analyst
SUBJECT: Sunol Sanitary District Dissolution
Agenda Item #6

STAFF RECOMMENDATION

CEQA Action

1. Find that the proposed dissolution of Sunol Sanitary District is exempt from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

Project Action

1. Approve the dissolution of Sunol Sanitation District. The City of San Jose will be the successor agency.
2. Find that the Board of Directors of the Sunol Sanitary District, has by unanimous resolution, consented to the dissolution, therefore the dissolution is ordered without election pursuant to §57102. The district does not include any territory and does not provide any services. All land within the District was annexed to the City of San Jose and concurrently detached from Sunol Sanitary District.

PROJECT DESCRIPTION

LAFCO received an application by unanimous resolution from the Sunol Sanitary District for dissolution of the district. The Sunol Sanitary District has no territory within its boundaries and no property owners or registered voters, as all of the territory previously within the district has been annexed to the City of San Jose and concurrently detached from the District. The successor agency will be the City of San Jose.

HISTORY AND BACKGROUND

Sunol Sanitary District was formed in 1940 pursuant to the California Health and Safety Code §4700 et seq to provide waste water service to unincorporated areas located in central San Jose. The District owned and maintained the sewer lines within the District boundaries. Wastewater collected within the District flowed to the City of San Jose's facilities for treatment and disposal. The District contracted with the City of San Jose and paid its proportionate cost for the use of the City owned sewer lines between the District and the San Jose/Santa Clara Wastewater Treatment Plant, and for treatment and disposal of waste.

The long standing joint urban development policies of LAFCO, the County and the cities in the county call for unincorporated areas within cities' urban service areas to annex to cities and receive city services. It was therefore anticipated that the Sunol Sanitary District would shrink in size as portions of the District are annexed to the City of San Jose and hence LAFCO had adopted a zero sphere of influence for the District in 1982, which was reaffirmed in 2006 following LAFCO's service review. The zero sphere of influence indicates that the maximum service area of the District is defined by its current boundaries.

Over the years, several unincorporated parcels that were within the Sunol Sanitary District have been annexed to the City of San Jose including (the most recent annexations): Sunol No. 69 (7/8/2005); Sunol No. 71 (3/15/2006); Sunol No. 72 (11/27/2006); Sunol No. 74, 75 and 76 (11/29/06); Sunol No. 73 (2/5/2007); Buena Vista No. 2 (11/19/2008).

In 2009, the last of the remaining lands within the District boundary was annexed into San Jose. With the annexation titled San Jose Pocket #41: Sunol No. 82 - of the 56-acre island to the City of San Jose (and concurrent detachment from the Sunol Sanitary District), effective on November 30, 2009 - no lands remain within the District and there are no property owners or registered voters residing within the district boundaries.

Following this annexation, the City of San Jose took possession of the sewer lines, along with responsibility for maintenance. Furthermore, all funds from sewer charges, interest accrued and all other income are/ will be transferred to the City of San Jose. All of the District's funds were transferred to the City in February 2009 - except those retained to pay for the cost of conducting a FY2010 audit which is currently in progress.

After LAFCO approval and with the Certificate of Completion recorded, the dissolved district is extinguished and all of its corporate powers terminated. The dissolution of the District becomes effective on the date that the Certificate of Completion (prepared by LAFCO) is recorded by the County Recorder.

CONCLUSION

The District, by resolution has requested that LAFCO dissolve the District. The District has no territory and provides no services. Therefore, the Sunol Sanitary District should be dissolved. All assets/ funds and any liabilities have been or will be transferred to San Jose as the successor agency and a final audit of the District is currently being prepared.

Ideally, dissolution of the District should have occurred concurrently with annexation of last remaining island to the City of San Jose. However, because island annexations are not approved by LAFCO in Santa Clara County, it was not possible to conduct a concurrent dissolution at that time.

LAFCO Meeting: October 20, 2010
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
SUBJECT: Countywide Water Service Review Request for Proposals
Agenda Item #7

RECOMMENDATIONS

1. Authorize staff to issue a Request for Proposals (RFP) for a professional service firm to prepare a countywide water service review.
2. Delegate authority to the LAFCO Executive Officer to enter into an agreement with the most qualified consultant in an amount not to exceed \$70,000 and to execute any necessary amendments subject to LAFCO Counsel's review and approval.
3. Appoint a LAFCO Commissioner to serve on the Countywide Water Service Review Technical Advisory Committee.

BACKGROUND

Service Reviews and Sphere of Influence Updates

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code §56000 et seq.) requires that each LAFCO conduct service reviews prior to or in conjunction with the 5-year mandated sphere of influence (SOI) updates. A service review is a comprehensive review of municipal services in a designated geographic area in order to obtain information about services, evaluate provision of services, and recommend actions when necessary, to promote the efficient provision of those services. In Santa Clara County, service reviews are intended to serve as a tool to help LAFCO, the public and other agencies better understand the public service structure and to develop information to update the spheres of influence of the 29 special districts and 15 cities in the county.

In preparing for initiating LAFCO's second round of service reviews and sphere of influence updates, Santa Clara LAFCO at its October 2009 meeting established how the service reviews will be conducted and established priorities for their completion. The schedule calls for completion of 4 studies by December 2012. These studies will be conducted by professional service firms under the direction of the LAFCO Executive Officer. LAFCO is currently conducting a Countywide Fire Protection Service Review and the Report has been released for public review and comment. LAFCO's next priority, a countywide review of water services in Santa Clara County, is the subject of this staff report.

COUNTYWIDE WATER SERVICE REVIEW

Distribution of Draft Request for Proposals (RFP) for Review and Comment

On September 29, 2010, LAFCO staff distributed a Draft RFP for the preparation of a Countywide Water Service Review to affected cities, water districts, resource conservation districts, water retailers, other associated water service providers, and interested parties for their review and comment. LAFCO also requested their assistance in identifying potential qualified consultants and identifying any other issues surrounding the provision of water services in the county. The deadline for providing LAFCO with written comments concerning the Draft RFP was October 13, 2010. LAFCO received comments from the following:

- Jim Fiedler, Chief Operating Officer: Water Utility Enterprise, Santa Clara Valley Water District, and
- Larry Lind, Senior Engineer/City Engineer, City of Los Altos.

LAFCO staff has revised the Draft RFP and Scope of Services to address these comments. Please see Attachment A for the Revised RFP and Revised Scope of Services (including the tracked changes).

LAFCO staff discussed the service review workplan and the upcoming Countywide Water Service Review with the Santa Clara County Water Retailers Group on October 13, 2010 and received some comments on the RFP and Scope of Services. LAFCO staff has also addressed these comments (see Attachment A).

LAFCO staff provided the Draft RFP and Scope of Services to the Santa Clara County Cities Manager's Association for their October 13th meeting and requested their input on the project. As of the writing of this report, LAFCO staff has not received any additional comments on the Draft RFP and Scope of Services. LAFCO staff is scheduled to provide the Santa Clara County Municipal Public Officials' Association with an update on this project on October 21st.

Countywide Water Service Review TAC and Consultant Selection Committee

LAFCO will establish a Technical Advisory Committee (TAC), the representatives of which will serve as a liaison between the LAFCO process and the various involved agencies and will provide technical advice and guidance throughout the project. The TAC will consist of the following representatives:

- One LAFCO Commissioner (to be determined)
- One representative from the Santa Clara County/Cities Managers' Association:
 - Brian Loventhal, City Manager, City of Monte Sereno
- Three representatives from the Santa Clara County Water Retailers' Group:
 - Jim Fiedler, Chief Operating Officer: Water Utility Enterprise, Santa Clara Valley Water District
 - Alan Kurotori, Director of Water & Sewer Utilities, City of Santa Clara
 - TBD (a staff person from a private water company)

- One representative from Santa Clara County Municipal Public Works Officials' Association (to be determined)

A subset of the TAC will participate on the consultant interview/selection committee.

Proposed Release of Final RFP for Countywide Water Service Review

Attached is the Revised RFP for the Countywide Water Service Review. LAFCO staff is in the process of finalizing a list of firms that work in this field. It was also suggested that LAFCO consider sending the RFP to some firms that represent technical consultants. LAFCO staff will explore this option. Upon LAFCO authorization, staff will send the Revised RFP to those firms and will post the RFP on the LAFCO website as well as on the CALAFCO website for other interested firms. Responses to the RFP are due on Tuesday, November 30, 2010 in order to provide for a full 30-day circulation period.

Firm Evaluation Criteria and Selection Process

Firms will be selected for further consideration and follow-up interviews based on the following criteria:

- relevant work experience,
- the completeness of the responses
- overall project approaches identified and
- proposed project budget

An interview/selection committee, that includes TAC representatives, will conduct interviews and the most qualified firm will be selected based on the above evaluation criteria and reference checks. Following the selection of the most qualified firm, a final services agreement including budget, schedule, and final Scope of Services statement will be negotiated before executing the contract.

Countywide Water Service Review Timeline

The following is the general timeline for completing this Service Review:

- Release RFP: October 22, 2010
- Proposals due: November 30, 2010
- Firm Interviews and Selection of Firm: early December 2010
- Begin Service Review: January 2011
- LAFCO Public Hearings on Water Service Review and SOI Updates: August/October 2011 LAFCO Meetings

ATTACHMENT

Attachment A: Revised RFP including the Scope of Services



REVISED DRAFT REQUEST FOR PROPOSALS
Countywide Water Service Review

I. Objective

The Local Agency Formation Commission (LAFCO) of Santa Clara County is seeking proposals from professional service firms to prepare a Countywide Water Service Review. This work is to be completed in compliance with applicable California Government Code sections, local LAFCO policies and the latest available LAFCO Service Review Guidelines prepared by the Governor's Office of Planning and Research (OPR). The service reviews are intended to serve as a tool to help LAFCO, the public and other agencies better understand the public service structure and to develop information to update the spheres of influence of special districts and cities in the county. LAFCO is not required to initiate boundary changes based on service reviews. However, LAFCO, local agencies or the public may subsequently use the service reviews together with additional research and analysis where necessary, to pursue changes in jurisdictional boundaries or spheres of influence.

II. Background

The mandate for LAFCOs to conduct service reviews is part of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), California Government Code §56000 et seq. LAFCOs are required to conduct service reviews prior to or in conjunction with Sphere of Influence updates and are required to review and update the Sphere of Influence for each city and special district as necessary, but not less than once every five years. LAFCO completed and adopted its first round of service reviews and sphere of influence updates prior to January 1, 2008, as required by State law. LAFCO must complete its next round of required service review and sphere of influence updates for all cities and special districts prior to January 1, 2013.

LAFCO of Santa Clara County is responsible for establishing, reviewing and updating Spheres of Influence for 44 public agencies in Santa Clara County (15 cities and about 29 special districts). LAFCO, at its October 2009 meeting, adopted revised policies for conducting service reviews (*Attachment 2*), established service review boundaries, and set priorities for the completion of LAFCO's second round of service reviews and sphere of influence updates. LAFCO's service reviews work plan calls for the completion of 4 studies over the next three calendar years. It is anticipated that these studies will be conducted by professional service firms under the operational direction of the LAFCO Executive Officer. LAFCO's Countywide Fire Service is underway. LAFCO's next priority, a countywide review of water service in Santa Clara County and sphere of influence updates for four water districts and two resource conservation districts, is the subject of this Request for Proposal (RFP).

REVISED DRAFT

III. **Scope of Services**

A draft Scope of Services is enclosed with this RFP as Attachment 1. A final statement of services to be provided will be negotiated with the firm selected to conduct the service review and will be included as part of the professional services agreement.

IV. **Budget**

A final budget amount for this project will be negotiated with the firm selected for the work prior to reaching agreement. The anticipated project cost of the proposal should not exceed \$70,000.

V. **Schedule**

Timing is a concern to LAFCO because of the deadlines in the CKH Act. It is anticipated that the firm will start work in **January 2011**. The Countywide Water Service Review and SOI Updates must be completed and adopted by LAFCO by mid August 2011. The final schedule for this project will be negotiated with the firm selected for the work prior to reaching an agreement.

VI. **Proposal Requirements**

Response to this RFP must include all of the following:

1. A statement about the firm that describes its history as well as the competencies and resumes of the principal and all professionals who will be involved in the work. This statement should describe the firm's level of expertise in the following areas:

General Expertise

- Familiarity with the CKH Act, the role and functions of LAFCO, and the service review process
- Ability to analyze and present information in an organized format
- Ability to quickly interpret varied budget and planning documents
- Ability to facilitate and synthesize input from a variety of stakeholders
- Familiarity with public input processes and experience in handling the presentation and dissemination of public information for review and comment
- Experience in fostering multi-agency partnerships and cooperative problem-solving
- Ability to provide flexible and creative alternatives where necessary to resolve service and policy issues

Water Service Expertise

- Expertise in various aspects of water service provision, such as water supply, water quality, water delivery, recycled water, water conservation and stewardship, groundwater recharge and pumping, flood control, and storm-water runoff, etc.

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- Expertise in the financial analysis of water service delivery systems, including identifying financing constraints / opportunities and cost avoidance opportunities
 - Expertise in water service organization analysis, including evaluating government structure options (advantages and disadvantages of the consolidation or reorganization of service providers)
 - Experience with various types of water service providers in California (public works departments, water districts, resource conservation districts, private water companies, mutual water companies, and shared water systems)
2. Identification of the lead professional responsible for the project and identification of the professional(s) who will be performing the day-to-day work.
 3. Identification of any associate consultant firms to be involved. If associate consultant firms are proposed, describe the work they will perform and include the same information for each as required for items 1 and 2 above.
 4. A statement of related experience accomplished in the last two years and references for each such project, including the contact name, address and telephone number.
 5. A statement regarding the anticipated approach for this project, explicitly discussing and identifying any suggested changes to the draft Scope of Services (*Attachment 1*).
 6. Identification of any information, materials and/or work assistance required from LAFCO and / or involved water service agencies or departments to complete the project. The expectation is that the consultant will use all available data sources to develop/update information for agency profiles in an effort to minimize the workload for affected agencies.
 7. An overall project schedule, including the timing of each work task.
 8. Information about the availability of all professionals who will be involved in the work, including any associate consultants.
 9. The anticipated project cost, including:
 - a. A not-to-exceed total budget amount.
 - b. The cost for each major sub-task identified in the draft Scope of Services.
 - c. The hourly rates for each person who will be involved in the work, including the rates of any associate consultants.
 10. Comments about the draft services agreement (*Attachment 3*) specifically including the ability of the firm to meet the insurance requirements and other provisions.

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REVISED DRAFT

VII. Submission Requirements

DUE DATE AND TIME: **Tuesday, November 30, 2010 at 5:00 PM**

Proposals received after this time and date may be returned unopened.

NUMBER OF COPIES:

6 original copies and 1 fully reproducible copy

DELIVER TO:

Neelima Palacherla
LAFCO of Santa Clara County
70 West Hedding Street, 11th Floor
San Jose, CA 95110

Note: If delivery is to be in person please first call the LAFCO office (408-299-5127 or 5148) to arrange delivery time.

VIII. Evaluation Criteria and Selection Process

Firms will be selected for further consideration and follow-up interviews based on the following criteria:

- relevant work experience
- the completeness of the responses
- overall project approaches identified
- proposed project budget

A consultant selection committee will conduct interviews and the most qualified firm will be selected based on the above evaluation criteria and reference checks. Interviews will be held in early December 2010. The selection committee is expected to make a decision soon after. Following the selection of the most qualified firm, a final services agreement including budget, schedule, and final Scope of Services statement will be negotiated before executing the contract.

LAFCO reserves the right to reject any or all proposals, to issue addenda to the RFP, to modify the RFP or to cancel the RFP.

IX. LAFCO Contact

Neelima Palacherla, Executive Officer
LAFCO of Santa Clara County
Voice: (408) 299-5127
Fax: (408) 295-1613
Email: neelima.palacherla@ceo.sccgov.org

X. Attachments

1. Draft Scope of Services (*Attachment 1 – Final RFP only*)
2. Santa Clara LAFCO Policies for Conducting Service Reviews (*Attachment 2- Final RFP only*)
3. Draft Professional Service Agreement and insurance obligations (*Attachment 3- Final RFP only*)

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REVISED DRAFT

XI. Reference Information

Please refer to the LAFCO website (www.santaclara.lafco.ca.gov) for general information about LAFCO of Santa Clara County and for the following information:

- LAFCO's Service Review Policies:
(<http://www.santaclara.lafco.ca.gov/policies/SRPolicies2009.pdf>)
- LAFCO's 2005 Countywide Water Service Review Report:
(http://www.santaclara.lafco.ca.gov/adptd_svce_reviews_water.html)

For the Service Review Guidelines issued by the Governor's Office of Planning and Research, please refer to the following links:

- (<http://www.opr.ca.gov/planning/publications/MSRGuidelines.pdf>)
- (<http://www.opr.ca.gov/planning/publications/MSRAppendices.pdf>)

REVISED DRAFT SCOPE OF SERVICES

Countywide Water Service Review in Santa Clara County

LAFCO of Santa Clara County will conduct a service review of water services provided within Santa Clara County. California Government Code section 56430 requires LAFCO to conduct the review in order to develop information for updating spheres of influence. The statute requires LAFCO to prepare and adopt a written statement of determination for each of the following considerations:

- 1) Growth and population projections for the affected area.
- 2) Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
- 3) Financial ability of agencies to provide services.
- 4) Status of, and opportunities for, shared facilities.
- 5) Accountability for community service needs, including governmental structure and operational efficiencies.
- 6) Any other matter related to effective or efficient service delivery, as required by commission policy.

The report will include a recommendation regarding each water district's and resource conservation district's sphere of influence boundary. California Government Code section 56425 requires LAFCO, when determining the sphere of influence of each local agency, to prepare and adopt a written statement of determination for each city and special district regarding the following considerations:

- 1) The present and planned land uses in the area, including agricultural and open-space lands.
- 2) The present and probable need for public facilities and services in the area.
- 3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- 4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency Status of, and opportunities for, shared facilities.
- 5) The nature, location, and extent of any functions or classes of services provided by existing districts.

Service Review Tasks Overview

The Countywide Water Service Review will be conducted in accordance with LAFCO policies adopted by the Commission and the service review guidelines developed by the Governor's Office of Planning and Research (OPR) where

REVISED DRAFT

feasible. Preparation of the service review will include the following steps, although other activities may be necessary:

1. Data Collection and Review

- Develop questionnaire relating to the six evaluation categories for service review
- Identify appropriate criteria to be used for service evaluation, as necessary
- Review questionnaire with LAFCO staff and Technical Advisory Committee (TAC)
- Collect information through interviews, meetings, surveys and /or research.
- Compile information in a database
- Verify compiled information with agencies

Work Products: Consultant must deliver to LAFCO staff complete information for each agency.

2. Data Analysis

- Analyze data and prepare preliminary findings based on standards, where appropriate
- Present to and discuss the preliminary findings with LAFCO staff
- Present preliminary findings to TAC/agencies staff

Work Products: Consultant must deliver preliminary analysis and findings to LAFCO staff

3. Draft Service Review Report

- Prepare a draft Service Review report including required findings for public review and comment
- Present the draft service review report to LAFCO at public hearing

Work Products: Consultant must deliver to LAFCO a MS Word formatted version, a PDF formatted version, and 9 hard copies of the draft report.

4. Final Service Review Report

- Respond to comments and prepare a final service review report including required findings
- Present the final service review to LAFCO at a public hearing for adoption

Work Products: Consultant must deliver to LAFCO a MS Word formatted version, a PDF formatted version, and 9 hard copies of the final report.

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REVISED DRAFT

Identification of Water Service Providers

Agencies that are required to have a Spheres of Influence (SOI) [i.e. cities and special districts] will be the focus of service reviews. Other agencies will also be reviewed to the extent necessary to establish relationships, quantify services, designate or map service locations/facilities and provide a complete overview of the services in the area. The following agencies provide water service in Santa Clara County:

Cities

1. City of Milpitas Community Services Department (Milpitas)
2. City of Mountain View Public Services Department (to parts of Mountain View)
3. City of Palo Alto Utilities Department (Palo Alto)
4. City of San Jose Municipal Water System (to parts of San Jose)
5. City of Santa Clara Water Department (Santa Clara)
6. City of Sunnyvale Public Works Department (majority of Sunnyvale)
7. City of Gilroy Community Services Department (Gilroy)
8. City of Morgan Hill Public Works Department (Morgan Hill)

Special Districts

1. Aldercroft Heights County Water District (to a small unincorporated community by Lexington Reservoir in the Santa Cruz Mountains)
2. Purissima Hills County Water District (to parts of Los Altos Hills)
3. Santa Clara Valley Water District (countywide wholesale agency)
4. San Martin County Water District (to parts of the unincorporated community of San Martin)
5. Pacheco Pass Water District (district is also in San Benito County)
6. Guadalupe Coyote Resource Conservation District (water conservation services in North County)
7. Loma Prieta Resource Conservation District (water conservation services in South County)

Private Water Companies

1. San Jose Water Company (to Campbell, Saratoga, Los Gatos, Monte Sereno, parts of Cupertino, parts of San Jose, and parts of the unincorporated area)
2. California Water Service Company (to parts of Cupertino and Los Altos, parts of Los Altos Hills and Mountain View, parts of Sunnyvale, and parts of the unincorporated area)
3. Great Oaks Water Company (to parts of San Jose and parts of the unincorporated area)
4. West San Martin Water Works Company (to parts of the unincorporated community of San Martin)

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REVISED DRAFT

Other

1. San Francisco Public Utilities Commission (Wholesale agency to portions of North County)
2. Stanford University (Serves the University)
3. Bay Area Water Supply and Conservation Agency (provides water conservation programs and conducts water supply planning activities for their members)
4. South Bay Water Recycling
5. South County Regional Wastewater Authority (recycled water)
6. Palo Alto Regional Water Quality Control Plant (recycled water)
7. Sunnyvale Water Pollution Control Plant (recycled water)

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Other Water Service Providers in Santa Clara County

Additionally, there are several mutual water companies that exist throughout the County, particularly in the unincorporated areas of the County that are rural and less developed. Lastly, there are also private onsite wells serving individual and shared water systems, state small water systems, and small community water systems consisting of anywhere from 1 connection to 200 connections. With the exception of the small community water systems, the Santa Clara County Department of Environmental Health regulates all other individual and shared systems. Please note that in addition to the above listed agencies, there may be other agencies within the county that provide water or related services. It may be necessary to include those agencies in the service review.

Potential Water Service Issues and Topics

The following is a working list of water service issues and topics that have been identified for discussion in the Countywide Water Service Review Report:

- Key laws affecting water supply analysis and planning
- Steps and methods for evaluating the availability of adequate water supply required for new development, including examples of minimum water supply and demand data requirements, timeline describing phasing, and the development's relationship to the latest Urban Water Management Plans in conformance to Senate Bill 610 and any other applicable laws
- Overview of countywide water service issues such as groundwater supplies and pumping, groundwater recharge and overdrafting, water conservation, recycled water, treated water, flood control, and storm-water runoff

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REVISED DRAFT

- Reliability of water supply system in the event of an emergency / natural disaster, particularly given the age of infrastructure
- Status of water quality issues in the southern part of Santa Clara County (e.g. septic system concerns, nitrates, perchlorate, etc.)
- Evaluation of potential opportunities for improved water service and public benefit from consolidation of water service providers
- Coordination with and regulation of private water companies
- Connections between local water supply planning and statewide water issues
- How water supply is affected by cities and county development standards/regulations and their enforcement of water conservation measures
- Identify opportunities to resolve, clarify, update, and/or mitigate water supplier boundary disputes so as to minimize duplication, costs, delays, errors, and omissions in water supply assessments and thereby ensure better long-term water supply planning

LAFCO Meeting: October 20, 2010
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
SUBJECT: Update on Island Annexations in Santa Clara County
Agenda Item # 8

RECOMMENDATIONS

1. Accept status report on island annexations in Santa Clara County.
2. Direct staff to:
 - a. Develop an inventory of the remaining islands in each city and provide this information to the cities as the next step in facilitating island annexations
 - b. Follow up with each City on their plans regarding these islands and report back to the Commission concerning the status of the islands.

BACKGROUND

Seventy-Seven Unincorporated Islands Annexed Since 2006

As of the writing of this staff report, LAFCO's records (see Table 1) indicate that approximately 77 unincorporated islands, consisting of a total of 1,652 acres and containing approximately 11,448 persons, have been annexed to their respective cities since January 2006.

The City of San Jose has completed 42 island annexations, while the City of Morgan Hill has completed 15 island annexations and the City of Cupertino has completed 8 island annexations since 2006.

The City Campbell has completed 3 island annexations and has no islands remaining. The Town of Los Altos has completed 2 island annexations and has only 1 island remaining (i.e. the Country Club neighborhood which is greater than 150 acres in size).

Island annexations have also occurred in the Cities Saratoga, Milpitas, Mountain View, and the Town of Los Altos Hills. Due to the County's special policies pertaining to the unincorporated lands of Stanford University, no islands are identified in Palo Alto.

| TABLE 1: ISLAND ANNEXATIONS COMPLETED SINCE 2006 | | | |
|---|---------------------------|------------------------|-----------------------------|
| CITIES | Island Annexations | Acreage (acres) | Population (persons) |
| Campbell | 3 | 87 | 822 |
| Cupertino | 8 | 17 | 42 |
| Gilroy | 0 | 0 | 0 |
| Los Altos | 2 | 92 | 386 |
| Los Altos Hills | 1 | 13 | 20 |
| Los Gatos | 0 | 0 | 0 |
| Milpitas | 1 | 5 | 0 |
| Monte Sereno | 0 | 0 | 0 |
| Morgan Hill | 15 | 390 | 215 |
| Mountain View | 3 | 25 | 3 |
| Palo Alto* | 0 | 0 | 0 |
| San Jose | 42 | 898 | 9,820 |
| Santa Clara | 0 | 0 | 0 |
| Saratoga | 2 | 125 | 140 |
| Sunnyvale | 0 | 0 | 0 |
| TOTALS | 77 islands | 1,652 acres | 11,448 persons |

*Due to special County Policies pertaining to Stanford University, no islands are identified in Palo Alto.

LAFCO and the County Provide Incentives and Assistance to Cities

In February 2005, LAFCO adopted Island Annexation Policies to encourage island annexations and began providing a LAFCO fee waiver to cities for annexations that result in the elimination of entire unincorporated islands. LAFCO also worked with the State Board of Equalization to identify and implement ways to reduce the time and cost associated with processing / filing entire island annexations. Beginning in the summer of 2005, the County offered to cover the costs of preparing and reviewing island annexation maps and pay the State Board of Equalization filing fees for island annexations. In addition, the County also committed to upgrading the roads in islands approved for annexation. Over the course of these five years, nine cities have taken advantage of the incentives offered by LAFCO and County and have annexed entire islands using the streamlined annexation process: Specifically,

- LAFCO has waived over \$79,000 in LAFCO fees for island annexations
- The County has spent:
 - \$208,603 for preparation of annexation maps and Surveyor / Assessor Reports
 - \$51,650 to pay the State Board of Equalization fees

The County Roads and Airports Department is in the process of finalizing their data on the amount spent to upgrade roads in the annexed islands.

Working with the various Cities and the County, LAFCO staff continues to manage the overall island annexation program, which includes coordinating the various fee incentives provided by LAFCO and the County. LAFCO staff also attends meetings, assists and advises cities on their public outreach process, coordinates the preparation of maps and reports by the County Surveyor and Assessors' Offices, provides technical assistance on the island annexation process and law, and works with and completes all necessary paperwork as required by the State Board of Equalization.

Ninety-One Islands Remain as of October 13, 2010

LAFCO's records (see Table 2) indicate that approximately 91 unincorporated islands exist in Santa Clara County, as of October 13, 2010. These remaining islands are located in 13 of the 15 cities (only the Cities of Campbell and Palo Alto have no remaining unincorporated islands).

Seventeen of the 91 remaining unincorporated islands are estimated to be greater than 150 acres in size and are therefore not eligible for the streamlined annexation process. These larger islands are primarily larger urban residential neighborhoods, contiguous rural estates, or county parkland.

| TABLE 2: REMAINING ISLANDS AS OF OCTOBER 13, 2010 | | | |
|--|--------------------------|-------------------------------|----------------------|
| CITIES | 150 Acres or Less | Greater than 150 Acres | TOTAL ISLANDS |
| Campbell | 0 | 0 | 0 |
| Cupertino | 3 | 2 | 5 |
| Gilroy | 4 | 0 | 4 |
| Los Altos | 0 | 1 | 1 |
| Los Altos Hills | 4 | 1 | 5 |
| Los Gatos | 23 | 3 | 26 |
| Milpitas | 1 | 0 | 1 |
| Monte Sereno | 3 | 0 | 3 |
| Morgan Hill | 2 | 0 | 2 |
| Mountain View | 2 | 0 | 2 |
| Palo Alto | 0 | 0 | 0 |
| San Jose | 20* | 7 | 27 |
| Santa Clara | 7 | 0 | 7 |
| Saratoga | 3 | 2 | 5 |
| Sunnyvale | 3 | 0 | 3 |
| TOTAL ISLANDS | 74 | 17 | 91 |

*The City of San Jose is scheduled to annex 5 additional unincorporated islands by December 2010, which will reduce their total down to 15 remaining islands that are 150 acres or less in size.

Seventy-four of the remaining unincorporated islands are 150 acres or less in size and may be appropriate for future annexation through the streamlined annexation process.

PHASE 2: FACILITATING ANNEXATION OF THE REMAINING ISLANDS

Five Different Types of Islands Remain

In an effort to further prioritize and strategize about how best to facilitate annexation of the remaining islands, LAFCO staff will review and classify the remaining 74 unincorporated islands that are 150 acres or less in size into one of the following five categories:

1. **Open Space/Rural Lands** – Island consists of non-urban/rural development and/or open space lands
2. **Road/Creek Sliver** – Island consists of a road/railroad segment or portion of parcel(s) that consist of a creek channel
3. **Parcel(s) that are Split by the City's Urban Service Area (USA) Boundary** – Island contains parcel(s) that are split by the City's Urban Service Area Boundary
4. **Public Facility/Parkland** – Island consists of city, county, or federal lands or development
5. **Private Parcels** – Island consists of primarily private residential development and/or commercial development

Since 2005, State law has allowed cities to annex unincorporated islands through a streamlined process that does not require protest proceedings or elections, provided the islands meet specific criteria and are 150 acres or less in size. This provision will sunset on January 1, 2014.

By far the strongest candidates for annexation through this streamlined process are those islands that can be categorized as either "Private Parcels" or as a "Road/Creek Sliver." Islands within these two categories are substantially developed, create service inefficiencies, create confusion in terms of the provision of emergency services, and are politically disenfranchised from the city government that substantially surrounds them. Annexation of these islands should be a high priority for cities.

Islands that can be categorized as "Open Space/Rural Lands" or "Public Facility/Parkland" may/may not be appropriate for annexation at this time or in the near future. It is therefore recommended that the applicable city, County, and LAFCO review all islands that fall into either of these categories in order to determine if and when annexation would be appropriate. The cities may also consider whether or not retracting the city's USA boundary to exclude these areas (where possible and/or where appropriate) is a more effective way to address such islands.

Per State law and LAFCO Policies, a city cannot annex islands that are categorized as containing "Parcels that are Split by the City's Urban Service Area Boundary." Islands of this nature present land use planning and development permitting challenges due to the fact that they are subject to two different planning jurisdictions (i.e. County and city). It is recommended that the city, County, and LAFCO review all islands that fall into this category and determine whether these areas are appropriate for annexation and whether an amendment to the city's USA boundary would be required to address the situation.

NEXT STEPS

The County Planning Department has prepared detailed maps of all remaining unincorporated islands in the County as of June 2010. LAFCO staff will be using these maps along with LAFCO's inventory of islands to classify the remaining 74 unincorporated islands that are 150 acres or less in size. If directed, LAFCO staff will provide this information to the cities and will follow-up with each of the applicable cities regarding their plans for these islands and will report back to the Commission concerning the status of the islands.

LAFCO MEETING: October 20, 2010
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, LAFCO Analyst
SUBJECT: Amendment to the Memorandum of Understanding Between
LAFCO and the County of Santa Clara
Agenda Item #9

STAFF RECOMMENDATION

Approve Amended and Restated Memorandum of Understanding (MOU) between the Local Agency Formation Commission (LAFCO) of Santa Clara County and the County of Santa Clara relating to the terms and conditions upon which the County will provide staffing, facilities and support services to LAFCO, for the period beginning October 21, 2010.

BACKGROUND

The MOU outlines the provisions under which the County will provide staffing and services to LAFCO. The current MOU was approved by the Santa Clara County Board of Supervisors and LAFCO on June 5, 2001 and has been effective since July 1, 2001. Since that time, there have been several changes in LAFCO staffing / other services and the MOU does not correctly reflect the current operating situation.

Over the last few years, at the request of LAFCO, the County conducted classification studies for LAFCO staff positions and with approval by the Board of Supervisors, some changes have been made to the position classifications of the LAFCO Executive Officer, the Analyst and the Clerk. Specifically, in January 2008, the Board established unique classification codes for the LAFCO Executive Officer and the LAFCO Analyst positions. The proposed amendment to the MOU reflects these new classifications and refers to the LAFCO Analyst position as the LAFCO Assistant Executive Officer as he/she may serve as the Executive Officer during his/her absence.

Similarly, in January 2009, the Board of Supervisors approved the establishment of a unique classification called the LAFCO Office Specialist position for the LAFCO Clerk. This position is currently staffed through the County Executive's Office.

Additionally, LAFCO, in February 2009, retained a private firm to provide general legal counsel services to the Commission and terminated its contract with the County Counsel's Office; therefore the provision pertaining to legal services is being deleted in the MOU.

Effective July 1, 2010, LAFCO decided to purchase general liability insurance coverage from an outside organization and cancel its coverage under the County. Therefore, the provision pertaining to "risk management" is being deleted in the MOU.

The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 which became effective in January 2001, requires among other things, LAFCOs to be autonomous agencies, independent of the County or any other local public agency or private entity. The law requires LAFCO to hire its own staff including an Executive Officer and Legal Counsel and to provide for all necessary support services including equipment, facilities and supplies or alternately, it allows LAFCO to contract with a private or public agency for its staffing, services or facilities. The law also mandates a shared funding arrangement whereby LAFCO costs are funded proportionately by the agencies (the County and the 15 cities in Santa Clara County) represented on LAFCO. Pursuant to the Act, LAFCO annually adopts a budget and takes into account its program and staffing costs adequate to fulfill its statutory requirements.

NEXT STEPS

The Board of Supervisors will consider the Amended MOU at its October 19th meeting. The Clerk of the Board will return the signed originals to LAFCO staff following Board approval and LAFCO will forward one copy of the signed MOU to the Clerk and retain one for LAFCO records.

ATTACHMENTS

- Attachment A: Amended Memorandum of Understanding
- Attachment B: Redline Version of the Amended MOU

AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN
THE LOCAL AGENCY FORMATION COMMISSION OF SANTA CLARA COUNTY
AND THE COUNTY OF SANTA CLARA

This Amended and Restated Memorandum of Understanding ("MOU") is between the Local Agency Formation Commission of Santa Clara County ("LAFCO") and the County of Santa Clara ("County"). The purpose of this agreement is to set forth the terms and conditions upon which the County will provide staffing, facilities and support services to LAFCO.

RECITALS

WHEREAS, since the inception of LAFCO from approximately 1963 to 2001, the County fully funded LAFCO including furnishing the Commission with the necessary quarters, equipment, supplies and staffing from the Offices of the County Executive, County Counsel, County Clerk, County Surveyor, and the County Planning Department; and

WHEREAS, new legislation has been passed effective January 1, 2001, which requires LAFCOs to be independent bodies and to contract for personnel and facilities (Government Code sections 56380 and 56384); and

WHEREAS, on February 6, 2001, the LAFCO and the County entered into an interim MOU to allow for the continuation for the current staffing levels and office arrangement through June 30, 2001 to assist LAFCO during the transition to independent operation; and

WHEREAS, on June 5, 2001, the LAFCO and the County executed a formal Memorandum of Understanding outlining the terms and provisions for the continuation of the services by the County to LAFCO, that became effective on July 1, 2001, and

WHEREAS, County is willing and able to provide and LAFCO with its own budget is willing and able to retain personnel and services to fulfill LAFCO's goal of independent staffing and autonomy under the terms and conditions set forth herein; and

WHEREAS, both County and LAFCO recognize and acknowledge that although the County shall pursuant to this MOU provide staffing, space and services

to LAFCO, LAFCO is an independent agency and the County shall have no ability to control or influence any LAFCO action or staff recommendation; and

WHEREAS, LAFCO will reimburse the cost for services provided by the County, and

WHEREAS, several changes in staffing over the years necessitate an amendment of the MOU to reflect the current situation.

The parties therefore agree as follows.

1. EFFECTIVE DATE

The effective date of this MOU shall be October 21, 2010 ("Effective Date"). It shall expire when terminated pursuant to Section 5 ("TERM AND TERMINATION") below. On the Effective Date of this MOU, the earlier Memorandum of Understanding effective July 2001 shall be terminated.

2. STAFFING

2.1 LAFCO EXECUTIVE OFFICER SERVICES

The County Executive's Office shall designate a full-time unique classified code entitled LAFCO Executive Officer to the position. . The position shall be subject to all normal labor contract provisions, Merit System Rules, County ordinances and County policies as applicable. The County shall recruit the LAFCO Executive Officer through the County's standard process, however, candidates may be interviewed by LAFCO and final selection shall be subject to LAFCO approval. The LAFCO Executive Officer shall perform the duties as specified in the Cortese-Knox-Hertzberg Local Government Reorganization Act and shall do and perform all functions necessary or advisable to manage and conduct the business of LAFCO. The LAFCO Executive Officer shall work at the direction of LAFCO and shall report directly to LAFCO on all Commission matters. The LAFCO Executive Officer shall report to the County Executive's Office on all personnel and administrative matters. Should a conflict arise between the LAFCO Executive Officer's duties as a County employee and duties as the LAFCO Executive Officer, the LAFCO Executive Officer shall promptly advise the County Executive's Office and LAFCO of the issue so that it may be resolved by the two entities.

2.2 LAFCO ASSISTANT EXECUTIVE OFFICER SERVICES

The County Executive's Office shall designate a full-time unique classified code entitled LAFCO Analyst, serving as LAFCO Assistant Executive Officer. The position shall be subject to all normal labor contract provisions, Merit System Rules, County Ordinances and County policies as applicable. The LAFCO Assistant Executive Officer shall be recruited through the County's standard process, but final candidates shall be interviewed with approval for hiring by the LAFCO Executive Officer. The LAFCO Assistant Executive Officer shall take work assignments and direction from the LAFCO Executive Officer and may serve as the LAFCO Executive Officer in his/her absence. The LAFCO Executive Officer shall have full supervisory responsibility over the LAFCO Assistant Executive Officer.

2.3. LAFCO CLERK SERVICES

The County Executive's Office shall designate a full-time unique classified code entitled LAFCO Office Specialist as the LAFCO Clerk. The position shall be subject to all normal labor contract provisions, Merit System Rules, County Ordinances and County policies as applicable. The LAFCO Clerk shall be recruited through the County's standard process, but final candidates shall be interviewed with approval for hiring by the LAFCO Executive Officer. The LAFCO Clerk shall take all workload direction from the LAFCO Executive Officer and the LAFCO Assistant Executive Officer.

2.4 LAFCO SURVEYOR SERVICES

The County Surveyor shall provide services to LAFCO on an as needed basis to check maps and legal descriptions, to maintain jurisdictional boundaries, and to staff LAFCO meetings. Services shall be invoiced at the surveyor's intra-county hourly rate updated annually and billed directly to LAFCO on a quarterly basis via intra county payment voucher.

3. SERVICES

County shall provide the following services to LAFCO. LAFCO will be subject to the normal County administrative fees / costs charged in consideration for these services either directly or through the County's then-current Cost Allocation Plan.

3.1 ACCOUNTING AND BANKING SERVICES

The County Controller-Treasurer Department shall provide all banking and accounting services for LAFCO. Interest earned on LAFCO funds, shall be based on LAFCO's average daily cash balance in the Treasury and on the Treasury's pooled earnings rate net of administrative costs. Such interest earnings shall be calculated and paid quarterly into the LAFCO account. The Controller shall provide accounting and reporting on both budget and actual transactions. Additionally, the Controller shall use the final budget as provided by LAFCO to determine the cities' and the County's share of costs. The Controller shall bill and collect payments from the cities and the County, depositing these payments to LAFCO's account in the County Treasury.

3.2 OFFICE SPACE, EQUIPMENT AND SUPPLIES

The County shall provide space suitable for LAFCO offices. The County shall allow the use of the County Board Chambers and other meeting rooms for Commission / staff meetings, subject to availability. County shall provide purchasing services for LAFCO, including solicitation and evaluation of proposals for goods and services, issuance of purchase orders and/or development of purchase agreements, and processing of payment upon receipt of the purchased goods/services.

3.3 PERSONNEL SERVICES

The County shall provide personnel services including recruitment, advertising, screening of applications, and development of hiring lists. The County shall provide payroll, benefits coordination and administration services and Labor Relations services.

3.4 GENERAL COMPUTER MAINTENANCE AND UPGRADES

The County shall provide technical assistance in setting up computers, networking, and Internet access services, including but not limited to, continued connection to the County computer network. These services shall be charged on an hourly basis at the Information Services Department's intra-county hourly rate established annually. These charges shall be invoiced and billed directly to LAFCO via the intra-county payment voucher on a quarterly basis.

3.5 PHONE SYSTEMS

The County shall provide connection to the County phone system and voice mail.

3.6 GIS SERVICES

The County shall provide access to the County Planning Office's GIS server and the data layers maintained by the Planning Office.

3.7 SUPPORT FUNCTIONS

All other support / administrative functions of a type currently provided to LAFCO or required to be provided by law.

4. TERM AND TERMINATION

This MOU may be terminated without cause at the end of each fiscal year by provision of written notice by the terminating party to the other party no later than five months before the end of the fiscal year.

In addition, this MOU may be terminated for cause upon 10 days written notice by the terminating party to the other party.

In the event that this MOU is terminated pursuant to the provisions of this Section, LAFCO shall pay the County the pro rata amount for services provided up to the date of the termination of this Agreement.

5. GENERAL PROVISIONS

5.1 SIGNATURES

LAFCO hereby authorizes the Executive Officer or, his/her designee, to execute any documents to implement this MOU. The Board of Supervisors hereby authorizes the County Executive or his/her designee to execute any documents to implement this MOU.

5.2 ASSIGNMENT

Neither party may assign this MOU, nor any interest therein, without the other party's written consent.

5.3 NOTICES

All notices, demands and correspondence required or provided for under this MOU shall be in writing and delivered in person or dispatched by

certified mail, postage prepaid, to the address below. Notice of any change of address shall be provided in the manner set forth above and delivered to the other party.

COUNTY OF SANTA CLARA:

County Executive
County of Santa Clara
70 W. Hedding Street
San Jose, CA 95110

LAFCO:

LAFCO Executive Officer
LAFCO of Santa Clara County
70 W. Hedding Street
San Jose, CA 95110

5.4 SEVERABILITY

The parties hereto agree that the provisions are severable. If any provision of this MOU is held invalid, the remainder of this MOU shall be effective and shall remain in full force and effect unless amended or modified by mutual written consent of the parties.

5.5 ENTIRE AGREEMENT, WAIVERS AND AMENDMENTS

This MOU constitutes the entire understanding and agreement of the parties. This MOU integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiation or previous agreements between the parties with respect to all or any part of the subject matter hereof. All waivers or amendments to the provisions of this MOU must be in writing and signed by the appropriate authorities of LAFCO or of the County.

5.6 MUTUAL INDEMNIFICATION

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between the Parties pursuant to Government Code Section 895.6, the Parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead the County and LAFCO agree that pursuant to Government Code Section 895.4, each party hereto ("indemnifying party") shall fully indemnify and hold the other party, its officers, board/commission members, employees and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying

party, its officers, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such party under this MOU. No party, nor any officer, board/commission member, employee or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of the other party hereto, its officers, board members, employees or agents, under or in connection with or arising out of any work authority or jurisdiction delegated to such other party under this MOU.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding effective as of October 21, 2010.

LOCAL AGENCY FORMATION
COMMISSION of Santa Clara County

COUNTY OF SANTA CLARA

SUSAN VICKLUND-WILSON
Chairperson, LAFCO
Date: _____

KEN YEAGER
President, Board of Supervisors
Date: _____

ATTEST:

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

Emmanuel Abello, Clerk
Local Agency Formation Commission

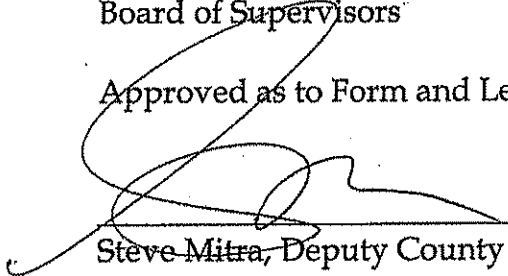
ATTEST:

Approved as to Form and Legality:

Maria Marinos, Clerk
Board of Supervisors

Mala Subramanian, LAFCO Counsel

Approved as to Form and Legality:



Steve Mitra, Deputy County Counsel

MOU between County and LAFCO
Page 1 of 9

AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN
THE LOCAL AGENCY FORMATION COMMISSION OF SANTA CLARA COUNTY
AND THE COUNTY OF SANTA CLARA

This Amended and Restated Memorandum of Understanding ("MOU") is between the Local Agency Formation Commission of Santa Clara County ("LAFCO") and the County of Santa Clara ("County"). The purpose of this agreement is to set forth the terms and conditions upon which the County will provide staffing, facilities and support services to LAFCO.

RECITALS

WHEREAS, since the inception of LAFCO from approximately 1963 to the present ~~2001~~, the County has fully funded LAFCO including furnishing the Commission with the necessary quarters, equipment, supplies and staffing from the Offices of the County Executive, County Counsel, County Clerk, County Surveyor, and the County Planning Department; and

WHEREAS, new legislation has been passed effective January 1, 2001, which requires LAFCOs to be independent bodies and to contract for personnel and facilities (Government Code sections 56380 and 56384); and

WHEREAS, on February 6, 2001, the LAFCO and the County entered into an interim MOU to allow for the continuation for the current staffing levels and office arrangement through June 30, 2001 to assist LAFCO during the transition to independent operation; and

WHEREAS, on June 5, 2001, the LAFCO and the County executed a formal Memorandum of Understanding outlining the terms and provisions for the continuation of the services by the County to LAFCO, that became effective on July 1, 2001, and

~~LAFCO has done an assessment of its needs for the next fiscal year, 2001-2002, based on the demands of the new legislation and has developed a corresponding budget; and~~

WHEREAS, County is willing and able to provide and LAFCO with its own budget is willing and able to retain personnel and services to fulfill LAFCO's goal of independent staffing and autonomy under the terms and conditions set forth herein; and

WHEREAS, both County and LAFCO recognize and acknowledge that although the County shall pursuant to this MOU provide staff supporting, space and services to LAFCO, LAFCO is an independent commission agency and the County shall have no ability to control or influence any LAFCO action or staff recommendation; and

WHEREAS, LAFCO will reimburse the cost for services provided by the County, and

WHEREAS, several changes in staffing over the years necessitate an amendment of the MOU to reflect the current situation.

LAFCO requested on February 6, 2001, and the Board of Supervisors approved in concept, to continue assistance and support to LAFCO on the basis that the costs for such services will be reimbursed by LAFCO, and that a formal Memorandum of Understanding outlining the terms and provisions for the continuation of the services would be developed.

The parties therefore agree as follows.

1. EFFECTIVE DATE

The effective date of this MOU shall be October 21, 2010 ("Effective Date"). It shall expire when terminated pursuant to Section 5 ("TERM AND TERMINATION") below. On the Effective Date of this MOU, the earlier Memorandum of Understanding effective July 2001 shall be terminated.

This MOU shall commence on July 1, January 1, October 21, 2010, 2001

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2. STAFFING

2.1 LAFCO EXECUTIVE OFFICER SERVICES

The County Executive's Office shall designate a full-time ~~unique~~ classified code entitled LAFCO Executive Officer to the position, at broad pay salary range equivalent to the Program Manager I to Program Manager II level. The position shall be subject to all normal labor contract provisions, Merit System Rules, and County ordinances and County policies as applicable. The County shall recruit the LAFCO Executive Officer through the County's standard process, however, candidates may be interviewed by LAFCO and final selection shall be subject to LAFCO approval.

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The LAFCO Executive Officer shall perform the duties as specified in the Cortese-Knox-Hertzberg Local Government Reorganization Act and shall do and perform all functions necessary or advisable to manage and conduct the business of LAFCO. The LAFCO Executive Officer shall work at the direction of LAFCO and shall report directly to LAFCO on all Commission matters. The LAFCO Executive Officer shall report to the County Executive's Office on all personnel and administrative matters. Should a conflict arise between the LAFCO Executive Officer's duties as a County employee and duties as the LAFCO Executive Officer, the LAFCO Executive Officer shall promptly advise the County Executive's Office and LAFCO of the issue so that it may be resolved by the two entities.

2.2 LAFCO ANALYST ASSISTANT EXECUTIVE OFFICER SERVICES

The County Executive's Office shall designate a full-time ~~unique~~ classified code entitled LAFCO Analyst, serving as LAFCO Analyst Assistant Executive Officer and alternately staffed at the Management Analyst / Sr. Management Analyst level. The position shall be subject to all normal labor contract provisions, Merit System Rules, and County Ordinances and County policies as applicable. The ~~Analyst LAFCO Assistant Executive Officer~~ shall be recruited through the County's standard process, but final candidates shall be interviewed with approval for hiring by the LAFCO Executive Officer. The ~~Analyst LAFCO Assistant Executive Officer~~ shall take work assignments and direction from the LAFCO Executive Officer and may serve as the LAFCO Executive Officer in his/her absence. The LAFCO Executive Officer shall have full supervisory responsibility over the ~~Analyst LAFCO Assistant Executive Officer.~~

2.3 LAFCO COUNSEL SERVICES

The Office of the County Council shall designate an attorney as LAFCO Counsel to represent LAFCO, provide legal advice and provide defense of litigation. County Council shall consider the input from LAFCO and the Executive Officer in assigning the attorney to represent LAFCO. The LAFCO Counsel services shall be provided as requested by LAFCO and shall be invoiced and billed directly via intra-county payment voucher on a quarterly basis at the County Council's intra-county hourly rate established annually. LAFCO shall provide the Office of the County Council with an estimate of the number of hours of general advice service required annually. Any necessary defense of litigation would be in addition to these hours.

2.34. LAFCO CLERK SERVICES

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~~The Office of the Clerk of the Board, County Executive's Office shall designate a full-time unique classified code entitled LAFCO Clerk-Office Specialist as the LAFCO Clerk, alternately staffed at the Board Clerk I-IV level. The position shall be subject to all normal labor contract provisions, Merit System Rules, and County Ordinances and County policies as applicable. The LAFCO Clerk shall be recruited through the County's standard process, but final candidates shall be interviewed with approval for hiring by the LAFCO Executive Officer. The LAFCO Clerk shall take all workload direction from the LAFCO Executive Officer and the LAFCO Analyst Assistant Executive Officer. The Clerk shall report to the Office of the Clerk of the Board on all personnel and administrative matters. The estimated cost for this position including overhead shall be established by the Clerk of the Board's office annually and billed directly to LAFCO on a quarterly basis via intra-county payment voucher.~~

2.45 LAFCO SURVEYOR SERVICES

The County Surveyor shall provide services to LAFCO on an as needed basis to check maps and legal descriptions, to maintain jurisdictional boundaries, and to staff LAFCO meetings. Services shall be invoiced at the surveyor's intra-county hourly rate updated annually and billed directly to LAFCO on a quarterly basis via intra county payment voucher.

3. SERVICES

County shall provide the following services to LAFCO. LAFCO will be subject to the normal County administrative fees / costs charged in consideration for these services either directly or through the County's then-current Cost Allocation Plan.

3.1 ACCOUNTING AND BANKING SERVICES

The County Controller-Treasurer Department shall provide all banking and accounting services for LAFCO. Interest earned on LAFCO funds, shall be based on LAFCO's average daily cash balance in the Treasury and on the Treasury's pooled earnings rate net of administrative costs. Such interest earnings shall be calculated and paid quarterly into the LAFCO account. The Controller shall provide accounting and reporting on both budget and actual transactions. Additionally, the Controller shall use the final budget as provided by LAFCO to determine the cities' and the County's share of costs. The Controller shall bill and collect payments from the cities and the County, depositing these payments to LAFCO's account in the County Treasury.

3.2 OFFICE SPACE, EQUIPMENT AND SUPPLIES

The County shall provide space suitable for LAFCO offices. The County shall allow the use of the County Board Chambers and other meeting rooms for Commission / staff meetings, subject to availability. County shall provide purchasing services for LAFCO, including solicitation and evaluation of proposals for goods and services, issuance of purchase orders and/or development of purchase agreements, and processing of payment upon receipt of the purchased goods/services.

3.3 PERSONNEL SERVICES

The County shall provide personnel services including recruitment, advertising, screening of applications, and development of hiring lists. The County shall provide payroll, benefits coordination and administration services and Labor Relations services.

3.4 GENERAL COMPUTER MAINTENANCE AND UPGRADES

The County shall provide technical assistance in setting up computers, networking, and Internet access services, including but not limited to, continued connection to the County computer network. These services shall be charged on an hourly basis at the Information Services Department's intra-county hourly rate established annually. These charges shall be invoiced and billed directly to LAFCO via the intra-county payment voucher on a quarterly basis.

3.5 PHONE SYSTEMS

The County shall provide connection to the County phone system and voice mail.

3.6 GIS SERVICES

The County shall provide access to the County Planning Office's GIS server and the data layers maintained by the Planning Office.

3.7 SUPPORT FUNCTIONS

All other support / administrative functions of a type currently provided to LAFCO or required to be provided by law.

4. ~~RISK MANAGEMENT~~

Comment [SM1]: Suggest this be reviewed by risk management to ensure this is current practice.

County shall provide LAFCO with insurance coverage for general liability and automobile liability that is consistent with the rates and coverage provided to County departments.

5.4. TERM AND TERMINATION

This MOU may be terminated without cause at the end of each fiscal year by provision of written notice by the terminating party to the other party no later than five months before the end of the fiscal year, shall continue until terminated by not less than five months written notice to the other party. Such termination shall be effective on July 1 of the next fiscal year after such notice is given.

In addition, this MOU may be terminated for cause upon 10 days written notice by the terminating party to the other party.

In the event that this MOU is terminated pursuant to the provisions of this Section, LAFCO shall pay the County the pro rata amount for services provided up to the date of the termination of this Agreement.

5. GENERAL PROVISIONS

5.1 SIGNATURES

LAFCO hereby authorizes the Executive Officer or, his/her designee, to execute any documents to implement this MOU. The Board of Supervisors hereby authorizes the County Executive or his/her designee to execute any documents to implement this MOU.

5.2 ASSIGNMENT

Neither party may assign this MOU, nor any interest therein, without the other party's written consent.

5.3 NOTICES

All notices, demands and correspondence required or provided for under this MOU shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, to the address below. Notice of any change of address shall be provided in the manner set forth above and delivered to the other party.

COUNTY OF SANTA CLARA:

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County Executive
County of Santa Clara
70 W. Hedding Street
San Jose, CA 95110

LAFCO:
LAFCO Executive Officer
LAFCO of Santa Clara County
70 W. Hedding Street
San Jose, CA 95110

56.4 SEVERABILITY

The parties hereto agree that the provisions are severable. If any provision of this MOU is held invalid, the remainder of this MOU shall be effective and shall remain in full force and effect unless amended or modified by mutual written consent of the parties.

65.5 ENTIRE AGREEMENT, WAIVERS AND AMENDMENTS

This MOU constitutes the entire understanding and agreement of the parties. This MOU integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiation or previous agreements between the parties with respect to all or any part of the subject matter hereof. All waivers of or amendments to the provisions of this MOU must be in writing and signed by the appropriate authorities of LAFCO or of the County.

56.6 MUTUAL INDEMNIFICATION

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between the Parties pursuant to Government Code Section 895.6, the Parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead the County and LAFCO agree that pursuant to Government Code Section 895.4, each party hereto ("indemnifying party") shall fully indemnify and hold the other party, ~~their~~ its officers, board/commission members, employees and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such party under this MOU. No party, nor any officer, board/commission member, employee or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or

omissions or willful misconduct of the other ~~parties~~ party hereto, ~~their~~ its officers, board members, employees or agents, under or in connection with or arising out of any work authority or jurisdiction delegated to such other party under this MOU.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding effective as of ~~July 1, 2001~~ ~~January 1~~ ~~March 1~~ October 21, 2010.

LOCAL AGENCY FORMATION
COMMISSION of Santa Clara County

COUNTY OF SANTA CLARA

~~JOHN HOWE~~ SUSAN VICKLUND-
WILSON
Chairperson, LAFCO
Date: _____

LIZ KNISSEN YEAGER
President, Board of Supervisors
Date: _____

ATTEST:

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:

Emmanuel Abello, Clerk
Local Agency Formation Commission

Maria Marinos, Clerk
Board of Supervisors

Approved as to Form and Legality:

Approved as to Form and Legality:

Mala Subramanian, LAFCO Counsel

Miguel Marquez Steve Mitra, Deputy
County Counsel

LAFCO Meeting: October 20, 2010
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
SUBJECT: **Executive Officer's Report**
Agenda Item # 11

11.1 Report on the 2010 CALAFCO Annual Conference (For Information Only)

LAFCO staff and Commissioner Wilson attended this year's CALAFCO Annual Conference which was held in Palm Springs from October 6th through the 8th. The program for the first day of the conference included a general session entitled "Local Government Financial and Operational Issues- Successfully Addressing the New Reality" and roundtable discussions for commissioners, staff and attorneys.

In addition to the CALAFCO Business Meeting, Thursday's program included panel discussions on the Challenges of Providing Municipal Services in Unincorporated Areas; Effective Meetings from a Legal and Practical Perspective; General LAFCO Procedures and Authorities: LAFCO 201; the Evolving Role of Conservation in Providing Reliable Urban Water Supplies; Cities and LAFCOs Coordinate City Sphere Updates; Ethics, Disclosure, and Conflicts of Interest for LAFCO Commissioners; and Best Practices for LAFCOs. Friday included sessions on Energy and Public Agencies, Unincorporated Communities & Infrastructure Funding, Fee Structure Methodologies, and a Legislative Update.

Both Commissioner Wilson and Executive Officer Palacherla participated on the panel entitled "General LAFCO Procedures and Authorities: LAFCO 201." Panelists presented case studies from several LAFCOs to showcase how they use the tools available to meet LAFCOs legislative mandates. Commissioner Wilson discussed the role of a LAFCO commissioner in balancing competing interests, in establishing productive relationships between LAFCO and local governments and in proactively informing local agencies about LAFCO policies and issues. Executive Officer Palacherla informed the group about Santa Clara County's successful island annexation program and the challenges that still exist in terms of annexing the remaining unincorporated islands. Both presentations generated a lot of interest and inquiries from staff and Commissioners from other LAFCOs.

Last but not least, Commissioner Wilson was re-elected to serve a 1-year term on the CALAFCO Executive Board as the Public Member for the Coastal Region. She will also serve as the chairperson of the CALAFCO Board of Directors in addition to serving on its Legislative Committee.

ITEM NO. 14.1

Mike Krisman
President
Campbell Village Neighborhood Association
905 Sweetbriar Dr
Campbell, CA 95008
408 221-4192

Neelima Palacherla
70 West Hedding Street, 11th floor
San Jose, CA, 95110

October 6, 2010

RE: Streamline Annexation of Cambrian 36

Dear Ms. Palacherla:

On behalf of Campbell Village Neighborhood Association, which consists of over 300 property owners and residents of Cambrian 36, I am writing to seek Santa Clara County LAFCO's assistance in preventing the annexation of our neighborhood to the City of San Jose in violation of Government Code Section 56375.3. We have received public notice for the October 26, 2010, public hearing to prezone and initiate the annexation of our neighborhood into the City of San Jose. The notice states that the annexation is in accordance with Government Code Section 56375.3 which waives protest proceedings for the annexation of urban "islands" or as Santa Clara County LAFCO calls them, "urban pockets".

However, the proposed annexation does not qualify as an urban pocket annexation pursuant to Government Code Section 56375.3 and therefore, should the City initiate the annexation against our requests and efforts to the contrary, we are entitled to protest proceedings pursuant to Government Code Section 57000 et. seq. Furthermore, we question the appropriateness of Cambrian 36's inclusion in San Jose's Urban Service Area (USA) and sphere of influence which were drawn over 38 years ago in 1972 and, to our understanding, has not been reviewed since then. Accordingly we request that LAFCO conduct a service review of San Jose pursuant to Government Code Section 54630. To qualify as an urban pocket annexation and waive protest proceedings, the territory to be annexed must meet all the criteria set forth in Section 56375.3 (b). Section 56375.3 (b)(6) requires that the territory to be annexed "benefit from the change of organization or reorganization or is receiving benefits from the annexing city."

Cambrian 36 does not meet this criteria. Cambrian 36 currently does not receive services from the City of San Jose, nor will it benefit from being annexed into San Jose. In fact, its current level of services will decline as a result of annexation to San

Jose. For example, the September 22, 2010, San Jose staff report provides four options for Fire and EMS service to the area. Yet each of these options will result in a reduction to our current service level. Staff recommended Option #2, allowing Cambrian 36 to remain within the County Fire District. Yet, on page 14 of the report it states that Option #2 will not eliminate delays created by dispatching between two dispatch centers. This is simply one example of the highly inefficient delivery of urban services that would result from this annexation. While the staff report states that Cambrian 36 uses San Jose libraries, parks and roads, these are not services but passive infrastructure that any passing visitor to the area is able to use. In fact, our residents use the Campbell library, parks and of course roads -- all of which are located closer than their San Jose counterparts.

We are asking LAFCO to issue an opinion to the City of San Jose stating that its intended urban pocket annexation of our neighborhood does not meet the criteria of Government Code Section 56375.3 (b) and therefore, if San Jose wishes to proceed with the annexation against the neighborhood's wishes, it must allow the property owners of Cambrian 36 the right to protest proceedings pursuant to Government Code Section 57000. We also urge LAFCO to conduct a service review of the City of San Jose pursuant to Government Code Section 54630. San Jose's USA and sphere of influence- which includes Cambrian 36 - were created in 1972 and is therefore 38 years old. Significant changes affecting San Jose's USA and sphere of influence and San Jose's ability to provide services to within these boundaries have taken place over the past four decades. San Jose should have a service review completed prior to annexing Cambrian 36. Allowing annexation to proceed without completing a service review is a disservice to the residents of Cambrian 36.

We anxiously await your response on this time sensitive issue.

Thank you,



Mike Krisman

President
Campbell Village Neighborhood Association
905 Sweetbriar Dr
Campbell, CA 95008
408 221-4192

CC:
San Jose Planning
Mayor Reed

Michael Krisman
President
Campbell Village Neighborhood Association
905 Sweetbriar Dr
Campbell CA, 95008
408 221-4192

October 14, 2010

Mayor Reed and Members of the San Jose City Council
200 East Santa Clara Street
San Jose, California 95113-1905

RE: Cambrian 36 Prezoning and Annexation Initiation

Dear Mayor Reed and Members of the San Jose City Council:

On behalf of the Campbell Village Neighborhood Association, we have submitted 210 signed and individually notarized zoning protest petitions from property owners of Cambrian 36 opposing the prezoning of our unincorporated neighborhood. Pursuant to Municipal Code Section 20.120.400, eight council member votes are required to overrule our protest of the prezoning. We urge you to hear our overwhelming plea and vote against the prezoning which, as you know, is a necessary prerequisite to annexation of our neighborhood to the City of San Jose.

In the unfortunate event that our protest is overridden and the prezoning is adopted by Council, we support and urge you to vote for Alternative #3, *Defer to allow time for annexation by Campbell*, set forth in the staff report dated September 22, 2010 regarding the Cambrian No. 36 Reorganization/Annexation. The following are additional benefits of -- and reasons for supporting -- this alternative that were not set forth in the staff report:

- Alternative #3 More Closely Meets LAFCO Intent. Annexation to Campbell most closely meets the LAFCO intent of streamlining services to County Pockets, as well as, complies with LAFCO's General Plan Strategy # 3, "Provide Services as Efficiently and Equitably as Possible."
- Alternative #3 Preserves Our Current Level of Fire Services. Annexation to Campbell is the only way to insure the area will receive the current level of Fire and EMS service. Any change from the current level would be a reduction in service. Even if the Pocket is annexed into San Jose and fire service remains in the Fire District there will be delays with dispatching (pg 14, Option #2, Cons).

- Alternative #3 Increases Our Police Services. Area residents will receive improved Police service if annexed into Campbell. Campbell Police Department responds to all 911 calls for service within 5 minutes or less, 90% of the time. Compared to San Jose Police Department responding to only Priority 1 calls within 6 minutes or less, 80% of the time. In addition, 911 cell phone calls from this area are answered by Campbell Dispatch (Public Safety Answering Point, PSAP). Transferring the calls between two dispatch centers will create unnecessary and potentially tragic delays.
- Alternative #3 Offers Better Road Maintenance/ Repair. Cambrian 36 will receive timely road maintenance and repair if annexed into Campbell. Campbell has a current Pavement Condition Index (PCI) of 72 and has a stated performance objective to maintain all roads above a 70 rating. In contrast, San Jose currently has 25%(511 miles) of its roads below a PCI of 50. San Jose also projects their total road stock to decline from 65 to 45 in the next 10 years.
- Alternative #3 Avoids Contracted Services. Alternative #3 will avoid additional agreements and contracts with service providers, specifically, County Fire Department (see Fire Protection option, pg 12-15).
- Alternative #3 Avoids Potential Litigation and Associated Costs. Campbell annexation avoids potential cost from future legal action by Cambrian 36 residents.
- Alternative #3 Allows for Service Accountability. Annexation to Campbell will increase service accountability and provide services in the most efficient way possible. It allows Cambrian 36 residents the opportunity to vote on City decisions that will affect service deliveries to the area, specifically County Fire Department.
- Alternative #3 Avoids Address and Identification Confusion. Annexation to Campbell will eliminate Cambrian 36 resident's city identification confusion. If residents are annexed into San Jose they will need to provide additional identification (we have a Campbell address) when using San Jose facilities or registering for services, for example the use of community centers. Current residents in the Central Park Strip of San Jose have expressed their frustration with having to go through the extra requirement.
- Alternative #3 Allows for Residence in Our Natural Community. Annexation to Campbell allows Cambrian 36 residents to be active members in their *natural community*. The residents will be able to vote, become members of committees and commissions and give input, direction and have the ability support to their Campbell community.

Moreover, the “Cons” of Alternative #3 set forth in the staff report are overstated:

- The staff report states that Alternative #3, would set precedent for reconsideration of previously annexed pockets into San Jose. However, this is not the case. These areas are already part of San Jose and would call for detachment which is an entirely different process.
- Nor would Alternative #3 set precedent for presently unannexed urban pockets. Cambrian 36 is a unique unincorporated area with unanimous support from residents to be annexed to Campbell. Our area currently receives no services from San Jose; instead, it receives services from the another city and a special district. No other pocket can make this claim. Additionally, no other pocket has another city willing to incorporate their pocket.

The Cambrian 36 staff report contains misinformation, raises additional questions, and needs further explanation and clarity:

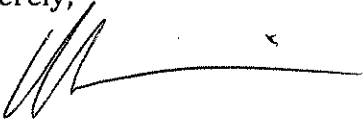
- San Jose is Not Legally Obligated to Annex Cambrian 36. The staff report states (pg 2, **background**) San Jose is legally obligated to initiate the annexation process. This is true, however per the City Attorney’s Office there is no commitment for the City to annex the pockets into the City of San Jose. They may legally allow a pocket to be annexed by another jurisdiction as part of the annexation process
- Policy #6-15 is not Applicable. On page 7, the report refers to Policy # 6-15 (City Boundary Changes in Existing Urbanized Areas) as the “most applicable City Policy”. However this policy concerns guidelines that should be followed when considering boundary transfer requests and detachments. Because Cambrian 36 is not part of San Jose it is not within its boundaries and therefore this policy is not applicable. Cambrian 36 is not requesting a detachment it is requesting that it not be attached in the first place.
- Annexation of Cambrian 36 would Create Illogical Boundaries. Contrary to page 10 of the report, annexation of Cambrian 36 into San Jose does not create logical boundaries. If Cambrian 36 is annexed into San Jose, the Campbell neighborhood to the North of the San Jose neighborhood consisting of Central Park, Regas Dr, Stanfield Dr, and Parkdale Dr (the “sliver”) would remain a Campbell island, accessed only through. San Jose. This fact does not support the claim made on page 9, number 4, “...The annexation will not create jurisdictional islands.” Note that this problem would be solved if San Jose were to agree to Alternative No. 2 in the City of Campbell staff report dated June 16, 2009 which we support (see seventh attachment to September 22, 2010 San Jose Staff

Report). This alternative would annex Cambrian 36 into Campbell and detach the sliver from the San Jose to create a logical boundary with no city or unincorporated county islands.

- Cambrian 36 Does Not Qualify for Streamlined Urban Pocket Annexation. To annex Cambrian 36 under the streamlined urban pocket annexation process, Cambrian 36 must meet the criteria set forth in Government Code Section 56375.3(b). One of these criteria (subsection (b)(6)), is that the territory to be annexed must either currently receive city services or otherwise benefit from the annexation. On page 9 of the report, number 6 it states that Cambrian 36 is currently receiving or will receive benefits from the City. However, as stated above, Cambrian 36 currently receives no direct services from San Jose. The report states that residents currently use San Jose roads, libraries and parks. However, these are not city services but passive infrastructure available to any passing visitor of the city. By comparison, Cambrian 36 is closer to the Campbell Library than any San Jose Library and has three (3) Campbell parks and one County park closer than the any San Jose Park, and we more frequently use Campbell roads. As stated above, Cambrian 36 will not benefit from the annexation – in fact, it will result in a decline to our existing services. As such, it does not qualify for a streamline urban pocket annexation and -- should the Council override our protest and annex our neighborhood – we are entitled to protest proceedings.
- San Jose is not Financially Able to Provide Cambrian 36 Services, Including Street Repair. The staff report states on Pg 5 that the resurfacing of the Pockets streets should last for 10 years, until 2019. San Jose 2010-2011 City budget (transportation Department Budget Changes pg VIII-264) projects a short fall for road maintenance in the next decade. Again, San Jose's current road stock has a Pavement Index Rating of 65 (70 is the recognized standard) and is projected to fall to 45 in ten years. The same time Cambrian 36 roads will need repair and maintenance. How will San Jose achieve timely repair and maintenance for Cambrian 36's roads?
- Financial Impact of Annexation on City is Not Analyzed. Nowhere in the staff report is the projected cost associated with providing fire service to Cambrian 36 stated or discussed. Staff recommended *Option#2* does not identify the loss of tax revenues to San Jose if the area is allowed to remain in the County Fire District. Furthermore, no contract cost has been provided for *Option#4*, contracting for service with County Fire District. This information should be available to the Council prior to voting on whether to initiate annexation. Without this information the City Council's vote is uninformed.

Please consider this letter when making your decision on the annexation of Cambrian 36. It brings new information and balance to many of the statements made within the staff report. Again, if our protest petitions against the rezoning are overridden and you have the opportunity to vote on whether to initiate the annexation, we urge you to support Alternative #3 - *Defer to allow time for annexation by Campbell* . If you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'Michael Krisman', written over a horizontal line.

Michael Krisman

cc:

Neelima Palacherla , Santa Clara County LAFCO Executive Officer
Joseph Horwedel, San Jose Planning Director
Camas J. Steinmetz, Esq., Manatt Phelps & Phillips, LLP