



**LAFCO MEETING  
AGENDA**

**Wednesday, December 15, 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, Margaret Abe-Koga, Mike Wasserman  
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](http://www.santaclara.lafco.ca.gov/sclafcopolicies_annex&reorg_home.html)

1. **ROLL CALL**
2. **WELCOME NEW LAFCO COMMISSIONER: MIKE WASSERMAN**
3. **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.
4. **APPROVE MINUTES OF OCTOBER 20, 2010 LAFCO MEETING**

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**PUBLIC HEARINGS**

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**5. 2010 COUNTYWIDE FIRE SERVICE REVIEW FINAL REPORT AND SPHERE OF INFLUENCE UPDATES FOR FIRE DISTRICTS****Possible Action:**

- Accept comments and consider any further revisions to the Revised Draft 2010 Countywide Fire Service Review Report.
- Adopt the 2010 Countywide Fire Service Review Report (Service Review Report) with revisions as necessary.
- Adopt service review determinations for each of the fire agencies as included in the Service Review Report.
- Adopt sphere of influence (SOI) updates along with SOI determinations for the four fire districts as included in the Service Review Report:
  - Retract the SOI for Santa Clara County Central Fire Protection District as recommended and depicted in the Service Review Report
  - Reaffirm the existing SOI for South Santa Clara County Fire Protection District
  - Establish a zero SOI for Saratoga Fire Protection District
  - Retract the SOI for Los Altos Hills County Fire District as recommended and depicted in the Service Review Report.
- Direct staff to prepare the Final Report for the 2010 Countywide Fire Service Review and to distribute the Final Report to all the affected agencies.
- Direct staff as necessary, to pursue further research / analysis of specific options identified in the Service Review Report and report back to the commission.

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**ITEMS FOR ACTION / DISCUSSION**

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**6. UPDATE ON LAFCO' S CONFLICT OF INTEREST CODE**

Information only.

**7. EXECUTIVE OFFICER'S RE PORT****7.1 Update on the 2011 Countywide Water Service Review**

Information only.

**7.2 Update on Island Annexations in Santa Clara County**

Information only.

**7.3 LAFCO's Comment Letter on Morgan Hill Southeast Quadrant Project**

Information only.

**8. 2011 SCHEDULE OF LAFCO MEETINGS**

**Possible Action:** Adopt the schedule of LAFCO meetings and application filing deadlines for 2011.

**9. APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2011**

**Possible Action:** Appoint the Chairperson and Vice-Chairperson for 2011.

**10. COMMISSIONER REPORTS****11. NEWSPAPER ARTICLES / NEWSLETTERS****12. WRITTEN CORRESPONDENCE****13. PENDING APPLICATIONS / UPCOMING PROJECTS****13.1 Los Gatos Urban Service Area (USA) Amendment 2010 (Lands of Midpeninsula Regional Open Space District)****14. ADJOURN**

Adjourn to regular LAFCO meeting on Wednesday, February 2, 2011, 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, OCTOBER 20, 2010

**CALL TO ORDER**

Chairperson Susan Vicklund-Wilson calls the meeting to order at 1:16 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 Liz Kniss
- Commissioner Margaret Abe-Koga
- Alternate Commissioner Terry Trumbull

The following staff members are present:

- LAFCO Executive Officer Neelima Palacherla
- LAFCO Analyst Dunia Noel
- LAFCO Counsel Mala Subramanian

**2. PUBLIC PRESENTATIONS**

None

**3. APPROVE THE MINUTES OF JUNE 2, 2010 LAFCO MEETING**

**MOTION:** Approve the minutes of June 2, 2010 meeting, as submitted. (Pete Constant)

**SECOND:** Don Gage

**MOTION PASSED**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**4.1 CONSENT ITEM: WEST VALLEY SANITATION DISTRICT 2009-02**

**MOTION:** Adopt **Resolution No. 2010-08**, approving the annexation of a parcel (APN: 537-04-030) located at 17655 Tournay Road in Los Gatos to the West Valley Sanitation District, and waiving protest proceedings. (Don Gage)

**SECOND:** Pete Constant

**MOTION PASSED**

AYES: Pete Constant, Don Gage, Liz Kniss, Margaret Abe-Koga,  
Susan Vicklund-Wilson  
NOES: None  
ABSTAIN: None  
ABSENT: None

The **Chairperson** announces a request to consider Item No. 14.1 ahead of the other items on the agenda.

**MOTION:** Consider Item No. 14.1 out of order on the agenda. (Don Gage)

**SECOND:** Pete Constant

**MOTION PASSED**

AYES: Pete Constant, Don Gage, Liz Kniss, Margaret Abe-Koga,  
Susan Vicklund-Wilson  
NOES: None  
ABSTAIN: None  
ABSENT: None

**14.1 TAKEN OUT OF ORDER: LETTERS FROM CAMPBELL VILLAGE  
NEIGHBORHOOD ASSOCIATION REGARDING CAMBRIAN NO. 36**

Neelima Palacherla, LAFCO Executive Officer, reports that staff received a letter, dated October 6, 2010, from the Campbell Village Neighborhood Association and a copy of the Association's letter to San Jose Mayor Chuck Reed. She informs that staff will prepare a response.

Lisa Harmer, Treasurer, Campbell Village Neighborhood Association, expresses opposition to the annexation of Cambrian 36 to San Jose because the community will not benefit from the annexation and because the annexation does not meet the criteria provided by State law. She requests the Commission to issue an opinion to that effect, and to conduct a service review prior to annexation because there have been many changes since these boundaries were created.

Tom Davis, Vice President, Campbell Village Neighborhood Association, expresses opposition to the annexation, stating that the USA and SOI boundaries were based on 1972 information. He states that the annexation will complicate the provision of emergency services to the community because 911 calls received in Campbell will be routed to San Jose before being transferred back to Campbell. Mr. Davis requests LAFCO members to contact San Jose City Council members and request reconsideration of the annexation of Cambrian 36.

**Commissioner Constant** requests for a copy of the staff response to Mr. Krisman's letter and informs that he shares the concerns of the speakers.

**5. COUNTYWIDE FIRE SERVICE REVIEW REPORT**

Ms. Palacherla provides an overview of the Countywide Fire Service Review. She expresses appreciation to the Technical Advisory Committee members for providing advice and guidance throughout the project. Ms. Palacherla then briefly outlines the process in preparing for the countywide fire service review.

Arne Croce, Management Partners, consultant for the project, walks through the State mandated service review determinations and talks about the fire and emergency

medical service providers in Santa Clara County and the range of services they provide. He continues his report by briefly discussing the findings under each of the required determinations. Mr. Croce then speaks about the four key fire service issues addressed in the report, namely, the underserved areas and volunteer fire companies, service delivery options for the South County, fire districts contracting services with other fire districts, and potential opportunities for economy and efficiency. Mr. Croce then advises that the report includes cost comparison indicators for fire service provided by various agencies in the County.

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 Constant**, Ms. Palacherla advises that most of the options have to be initiated by the individual or affected agencies. She states that the staff report for the December 15 meeting will include a list of options that LAFCO can initiate. **Commissioner Constant** requests that the staff report provide more information on implementation of the options.

In response to an inquiry by **Commissioner Gage**, Ms. Palacherla advises that the next steps would be to address the comments in the final report and set a public hearing for December 15, 2010. She states that the staff report would include a matrix indicating the options and possible implementers, including LAFCO. **Chairperson Wilson** expresses agreement.

In response to an inquiry by **Commissioner Abe-Koga**, Ms. Palacherla advises that LAFCO may initiate action by resolution after additional analysis. She states that more information on the matter will be provided at the next public hearing. Mr. Croce states that detailed studies may be needed before initiating any of the options presented in the report.

**MOTION:** Accept staff report, direct staff to prepare the Final Draft Countywide Fire Service Review Report, and set the hearing date for December 15, 2010; and, direct staff to include information on implementation of options identified in the report. (Don Gage)

**SECOND:** Pete Constant

**MOTION PASSED**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**6. DISSOLUTION OF SUNOL SANITARY DISTRICT**

Ms. Palacherla reports that LAFCO received an application by resolution from Sunol Sanitary District Board of Directors requesting the dissolution of the District. She advises that the District, which was formed in 1940 to provide wastewater services to unincorporated areas in San Jose, has been losing territory as San Jose annexed the unincorporated parcels. Ms. Palacherla informs that the remaining lands within the District were annexed by San Jose in 2009 and, since then, the District has no territory, provides no services and has zero population. She reports that all funds, assets and

liabilities have been transferred to San Jose as the successor agency, and a final financial audit is being completed. She then recommends that the Commission dissolve the District, find that Sunol Sanitary District Board of Directors, by unanimous resolution, consent to the dissolution and, therefore, the Commission may order the dissolution without election pursuant to Government Code §57102.

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. (Liz Kniss)

**SECOND:** Don Gage

**MOTION PASSED**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

In response to an inquiry by the **Chairperson**, Ms. Palacherla advises that the dissolution is exempt from CEQA action because it has no significant impact on the environment.

**MOTION:** Find that the proposed dissolution of Sunol Sanitary District is exempt from CEQA because it is certain that there is no significant effect on the environment; Find that the Board of Directors of Sunol Sanitary District consent to the dissolution and the dissolution is ordered without election pursuant to GC§57102; that the District does not include any territory and does not provide any services; and all lands within the District was annexed to the City of San Jose and concurrently detached from the District; and, adopt **Resolution No. 2010-09**, dissolving the District and designating the City of San Jose as the successor agency. (Liz Kniss)

**SECOND:** Don Gage

**MOTION PASSED**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**7. COUNTYWIDE WATER SERVICE REVIEW REQUEST FOR PROPOSAL**

Dunia Noel, LAFCO Analyst, reports that based on the service review priorities set by the Commission on October 2, 2009, the countywide water service review will be the next project. She advises that the LAFCO budget has provision for a consultant to work on the project and that the RFP is being prepared in consultation with the stakeholders. She also talks about the formation and composition of a Technical Advisory Committee, discusses the project timeline and recommends that the Commission designate a member to the Technical Advisory Committee.

**Chairperson Wilson** expresses interest in serving on the Technical Advisory Committee.

In response to an inquiry by **Commissioner Gage**, Ms. Palacherla advises that the consultant cost for water service review is included in the current budget.

**MOTION:** Authorize staff to issue a RFP for professional service firm to prepare a countywide water service review; delegate authority to the LAFCO Executive Office 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; and appoint Chairperson Wilson to serve on the Countywide Water Service Review Technical Advisory Committee. (Don Gage)

**SECOND:** Pete Constant

**MOTION PASSED**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**8. UPDATE ON ISLAND ANNEXATIONS IN SANTA CLARA COUNTY**

Ms. Noel reports on the number of islands annexed under the streamlined process as well as the strategy adopted by LAFCO and the County to promote island annexations. She provides a report on island annexations conducted by the cities in the last few years and informs that there remain 74 islands that qualify for the streamlined annexation process. She states that LAFCO will review and classify those remaining islands into five categories, namely, open space/rural lands, road/creek slivers, parcels split by cities' USA boundary, public facility or park land, and private parcels. She recommends that the Commission direct staff to provide this information to the cities, follow up on the cities' plans for these islands, and report back to the Commission.

**MOTION:** Accept staff report and direct staff to inventory islands in each city and provide this information to the cities as the next step in facilitating island annexations; follow up on island annexation plans of each city; and, report back to the Commission on the status of the islands. (Don Gage)

**SECOND:** Margaret Abe-Koga

**MOTION PASSED**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

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

Ms. Palacherla reports that on July 1, 2000, LAFCO and the County entered into a Memorandum of Understanding relating to provision of staffing services and facilities by the County to LAFCO. She continues by stating that there have been changes to LAFCO staffing and services since that time and that the MOU has been revised to



restate the terms to reflect the current situation. Ms. Palacherla informs that the County Board of Supervisors approved the amended and restated MOU at its October 19, 2010 meeting, and staff recommends its approval.

**MOTION:** Approve the amended and restated MOU between LAFCO and the County relating to the terms and conditions upon which the County will provide staffing, facilities and support services to LAFCO for the period beginning on October 21, 2010. (Pete Constant)

**SECOND:** Don Gage

**MOTION PASSED**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**10. ANNUAL REPORT FOR FISCAL YEAR 2010**

Ms. Palacherla provides a brief summary of the annual report and notes the applications reviewed and processed during the year. She informs that during the year, the Commission revised its policies on island annexations and service reviews, and adopted new policies on the role of commissioners, records retention and conflict of interest code. She continues her report by stating that the Commission has initiated the second round of service reviews and is working on fire services in the County. Ms. Palacherla also reports that staff sent comment letters to Gilroy and Morgan Hill regarding potential LAFCO applications in order that LAFCO's concerns may be considered early in the planning process. She also reports that the Commission has revised its fee schedule and implemented an electronic document management system during the year. Ms. Palacherla then states that LAFCO is actively involved with CALAFCO and informs that Chairperson Wilson was reelected to the CALAFCO Executive Board, and staff participated in coordinating and making presentations for CALAFCO Workshop and Conference sessions.

**MOTION:** Accept the 2009-2010 Annual Report. (Don Gage)

**SECOND:** Pete Constant

**MOTION PASSED**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**11. EXECUTIVE OFFICER'S REPORT**

**11.1 REPORT ON THE 2010 CALAFCO ANNUAL CONFERENCE**

In response to an inquiry by **Commissioner Gage**, **Chairperson Wilson** reports that the 2010 CALAFCO Conference was held in Palm Springs. She informs that she and Ms. Palacherla were on the panel of speakers for the LAFCO 201 Seminar where she discussed LAFCO's role in balancing competing interests and Ms. Palacherla did a presentation on island annexations in Santa Clara County.

Ms. Noel also reports that Chairperson Wilson was reelected to the CALAFCO Executive Board to serve a one-year term representing the Coastal Region and will also serve as the Chairperson of CALAFCO Board of Directors.

**12. COMMISSIONER REPORT**

None.

**13. NEWSPAPER ARTICLES/NEWSLETTERS**

The Sphere, a CALAFCO publication.

**14. TAKEN OUT OF ORDER**

**15. PENDING APPLICATIONS / UPCOMING PROJECTS**

**15.1 LOS GATOS URBAN SERVICE AREA (USA) AMENDMENT 2010 (LANDS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT)**

Ms. Palacherla states that this application remains pending because Los Gatos has not submitted the Indemnification Agreement.

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

On Commission consensus, there being no objection, it was unanimously ordered that the Resolution be adopted commending Commissioner Don Gage for his 14 years of service to LAFCO. **Commissioner Gage** expresses appreciation to commissioners and staff.

**17. ADJOURN**

On order of the Chairperson, there being no objection, the meeting is adjourned at 2:33 p.m. to the next regular meeting to be held on Wednesday, December 15, 2010, at 1:15 p.m., in the Board Meeting Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

Approved:

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

By: \_\_\_\_\_  
Emmanuel Abello, LAFCO Clerk

**LAFCO Meeting: December 15, 2010**

**TO: LAFCO**

**FROM: Neelima Palacherla, Executive Officer  
Dunia Noel, Analyst**

**SUBJECT: 2010 COUNTYWIDE FIRE SERVICE REVIEW FINAL REPORT  
AND SPHERE OF INFLUENCE UPDATES FOR FIRE DISTRICTS**  
Agenda Item #5

**STAFF RECOMMENDATIONS**

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**SERVICE REVIEW REPORT AND SPHERE OF INFLUENCE UPDATES**

1. Accept comments and consider any further revisions to the Revised Draft 2010 Countywide Fire Service Review Report.
2. Adopt the 2010 Countywide Fire Service Review Report (Service Review Report) with revisions as necessary.
3. Adopt service review determinations for each of the fire agencies as included in the Service Review Report.
4. Adopt sphere of influence (SOI) updates along with sphere of influence determinations for the four fire districts as included in the Service Review Report:
  - a. Retract the SOI for Santa Clara County Central Fire Protection District (CCFD) as recommended and depicted in the Service Review Report
  - b. Reaffirm the existing SOI for South Santa Clara County Fire Protection District (SCFD)
  - c. Establish a zero SOI for Saratoga Fire Protection District (SFD)
  - d. Retract the SOI for Los Altos Hills County Fire District (LAHFD) as recommended and depicted in the Service Review Report.
5. Direct staff to prepare the Final Report for the 2010 Countywide Fire Service Review and to distribute the Final Report to all the affected agencies.
6. Direct staff as necessary, to pursue further research / analysis of specific options identified in the Service Review Report and report back to the commission.

**CEQA ACTION**

1. Determine that the 2010 Countywide Fire Service Review Report and the updates to the sphere of influence of the four special districts are categorically exempt from CEQA under §15306 Class 6 and §15061(b)(3) General Rule of the CEQA Guidelines.

## **BACKGROUND**

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### **SERVICE REVIEW AND SPHERE OF INFLUENCE REQUIREMENTS**

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.

As part of the service review, LAFCO must prepare an analysis and written statement of determinations regarding each of the following six categories:

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

As part of the sphere of influence update, LAFCO must prepare an analysis and written statement of determinations for each agency regarding each of the following categories:

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

The 2010 Countywide Fire Service Review is a review of countywide fire services in Santa Clara County and includes service review determinations for each of the fire service provider agencies in the County as well as sphere of influence recommendations and determinations for the four fire districts.

## **SERVICE REVIEW PROCESS**

In December 2009, a Technical Advisory Committee (TAC) was established to select the consultant, serve as a liaison between LAFCO and the various affected agencies, and 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

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 then prepared containing a comprehensive review of fire protection and emergency medical response services in Santa Clara County along with 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 to all affected agencies, LAFCO Commissioners, and other interested parties announcing the release of the Draft Service Review Report for public review and comment.

LAFCO received comments from several agencies on the Draft Report. LAFCO held a public hearing on October 20, 2010, to accept and consider public comment.

The Draft Report was then revised to address the comments received and a Revised Draft Report was released on the LAFCO website on November 3, 2010. A Notice of Availability for the Revised Draft Report was provided to all affected agencies and interested parties. See Attachment A for the Notice of Availability.

LAFCO received comments on the November 3, 2010 Revised Draft Report from the following agencies and interested parties as of December 9, 2010:

- Santa Clara County Central Fire Protection District
- City of Morgan Hill
- Sunnyvale Department of Public Safety
- San Jose IAFF Local 2030
- Santa Clara County Communications

Attachment B includes the comment letters received. Attachment C includes tables listing the above comments (and those submitted previously by the Palo Alto Fire Department and the Saratoga Fire Protection District) along with a response to how these comments have been addressed in the Revised Draft Report dated December 8, 2010. A redline and clean version of the December 8, 2010 Revised Draft Report is available on the LAFCO website.

## **ENVIRONMENTAL ANALYSIS**

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The 2010 Countywide Fire Service Review Report is intended to serve as an information gathering tool to help LAFCO, the public and other agencies better understand the fire protection service structure in Santa Clara County and to develop information to update the spheres of influence of fire districts and cities in the county. The Service Review Report consists of the following items:

- Overview of fire and emergency medical services system in Santa Clara County
- Profiles of all agencies providing fire protection services in Santa Clara County
- Issues related to current fire protection services and identification of alternatives for addressing those issues including service efficiency opportunities
- Service review determinations for all fire service agencies
- Sphere of influence recommendations and determinations for the four fire districts

LAFCO is not required to initiate boundary changes based on this service review. LAFCO, local agencies or the public may subsequently use the service review together with additional research and analysis where necessary, to pursue changes in jurisdictional boundaries. Any future changes in jurisdictional boundaries will be subject to CEQA.

The Service Review Report recommends the retraction of the SOI for LAHFD and for CCFD. These recommended changes do not affect service provision as these changes

are either in response to prior annexations by cities which actions determined service provision or as a result of inability of the district to provide services to the area.

Therefore, the Service Review Report is categorically exempt from CEQA under §15306 Class 6 and §15061(b)(3) General Rule of the CEQA Guidelines, as described below:

Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities that do not result in serious or major disturbance to an environmental resource. According to the CEQA Guidelines, these may be strictly for information gathering purposes, or as part of a study leading to an action that a public agency has not yet approved, adopted, or funded.

Section 15061(b)(3) states that the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

### **SPHERE OF INFLUENCE RECOMMENDATIONS**

In 2006, the City of Los Altos annexed two unincorporated islands (i.e. Woodland Acres and Blue Oak Lane) to the City. As part of the annexations, the City also detached Woodland Acres from CCFD and detached Blue Oak Lane from LAHFD as the City took over responsibility for fire protection services in these two areas. However, these two islands remained within the SOI of each respective fire district. Given that the two islands are within the City of Los Altos and that fire protection service is now the responsibility of the City of Los Altos, it is appropriate to retract the SOI of the CCFD and LAHFD to remove the area from the districts' SOI.

Additionally, LAFCO in September 2010, completed an annexation of approximately 22,000 acres of land in the Santa Cruz Mountains to the CCFD. The vast majority of these lands were located in the District's SOI. However, lands located in the southeastern end of the District's SOI were not included in the annexation due to lack of convenient access for the District to serve those lands. The Service Review Report recommends the retraction of CCFD's SOI to exclude these lands as the District has never served these remote lands and is unable to serve these remote lands.

The Service Review Report also recommends the establishment of a zero SOI for SFD as the district is completely surrounded by CCFD and contracts with CCFD for all services. Lastly, the Service Review Report recommends that LAFCO reaffirm the current SOI for the SCFD.

## **IMPLEMENTATION STEPS FOR EXPLORING SERVICE EFFICIENCY OPPORTUNITIES INCLUDING CHANGES IN GOVERNANCE STRUCTURE IDENTIFIED IN THE SERVICE REVIEW REPORT**

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In addition to the service determinations and sphere of influence recommendations for the fire agencies, the Service Review Report also discusses four key fire service issues including:

1. Options for funding and providing service to underserved areas in the County and the status of and best practices for roles and oversight of volunteer fire companies to provide services in these areas
2. Regional fire and emergency medical service delivery for the South County Region
3. Analysis of issues and efficiencies of fire districts contracting for service with another fire district
4. Assessment of other opportunities to improve service effectiveness or efficiency for fire service providers in the County

Options and potential opportunities for addressing each of these issues are also briefly discussed in the Report. The Commission at the October 20, 2010 public hearing, directed staff to prepare information on implementation of the options identified in the Service Review Report.

### **ISSUE #1: SERVICE TO UNDERSERVED AREAS AND ROLE OF VOLUNTEER FIRE COMPANIES**

Currently a portion of lands in the Santa Cruz Mountains and the majority of the Mount Diablo Range in Santa Clara County are located outside of the boundary of a formal fire protection service provider. For the most part, these areas are dependent on responses from SCFD, CCFD, the cities of San Jose and Milpitas, CAL FIRE and some volunteer fire companies that provide limited services to very small portions of the underserved areas. Given the travel distance from adjacent public fire departments, response times to these areas are generally very long (i.e. in excess of 20 or 30 minutes for fire \ emergency medical response). The response to calls by public fire departments to these areas has two negative impacts on these agencies. First, with extended call response times, apparatus that is relied upon for service delivery within the jurisdiction's boundaries is unavailable for deployment. Second, these agencies receive no compensation for the cost of response.

The Service Review Report identifies three options for addressing this issue: (1) create a new fire district and/or expand an existing fire district; (2) create a joint powers authority; and (3) create a county service area.

Table 1 summarizes the options and identifies the key steps or analysis necessary to implement the options and indicates whether LAFCO action is required to implement the option.



**TABLE 1: SERVICE TO UNDERSERVED AREAS AND ROLE OF VOLUNTEER FIRE COMPANIES**

Option	What are key steps / analysis required prior to initiating action?	Agencies involved in implementing key steps /analysis		Does the action require a LAFCO application and approval?	Who may initiate a LAFCO application?
		Key agency	Other agencies		
<p><b>Create a new fire district or expand existing fire district</b></p>	<ul style="list-style-type: none"> <li>• Develop a work plan</li> <li>• Determine boundaries for new district</li> <li>• Establish type/ level of service required</li> <li>• Determine funds required for service level</li> <li>• Identify potential source of funds</li> <li>• Identify service provider and governing body</li> <li>• Identify and establish best practices and policies for volunteer firefighter operations</li> </ul>	County	CCFD SCFD Cal FIRE San Jose Milpitas	yes	County CCFD SCFD Petition of property owners or registered voters within the proposed boundary of the fire district
<p><b>Create a Joint Powers Authority</b></p>	<ul style="list-style-type: none"> <li>• Develop a work plan</li> <li>• Determine boundaries for new district</li> <li>• Establish type/ level of service required</li> <li>• Determine funds required for service level</li> <li>• Identify potential source of funds</li> <li>• Identify service provider and governing body</li> <li>• Identify and establish best practices and policies for volunteer firefighter operations</li> </ul>	County	CCFD SCFD CalFIRE San Jose Milpitas	no	NA
<p><b>Create a County Service Area (CSA)</b></p>	<ul style="list-style-type: none"> <li>• Develop a work plan</li> <li>• Determine boundaries for new district</li> <li>• Establish type/ level of service required</li> <li>• Determine funds required for service level</li> <li>• Identify potential source of funds</li> <li>• Identify service provider and governing body</li> <li>• Identify and establish best practices and policies for volunteer firefighter operations</li> </ul>	County	CCFD SCFD CalFIRE San Jose Milpitas	yes	County Petition of property owners or registered voters within the proposed boundary of the fire district

There are many issues that must be considered and resolved before a preferred option can be identified. The following provides a brief overview of some of the many questions and issues that must be considered fully before moving forward.

**1. Develop a Work Plan**

- a. What is the scope and timeline for the study? Who would lead / manage the study?
- b. Should an advisory committee be formed to provide direction? What should be the composition of the committee? Should it be composed of staff from various departments and agencies or of members of governing bodies?

**2. Determine Types and Levels of Service**

- a. How should a needs assessment for fire service within the underserved areas be prepared? What type and level of services are required in the different parts of the underserved areas?
- b. Should a full array of fire protection services (structural & wild-land) and emergency medical response be provided to the entire underserved area or some variation in type of services for specific areas served, given some of the lands are designated state responsibility areas?
- c. What level of service and response times are feasible / acceptable and to what parts of the underserved area?

**3. Determine Boundaries**

- a. Should the underserved area be included in one district or in two /more districts given the geography of the area (i.e. underserved area includes lands in the Santa Cruz Mountains and lands in the Mount Diablo Range), and given the amount and type of existing development in the area, the potential for additional development to occur in the area, and the area's adjacency to different existing service providers?

**4. Determine Funds Required for the Identified Level of Service**

- a. How much will it cost to provide the preferred level of service to the underserved area and what is the costs breakdown by service type and service area?

**5. Determine Potential Funding Sources**

- a. What is the likelihood of agencies diverting existing funds to provide fire protection and emergency medical services to the underserved area? How much existing funds could be diverted?
- b. Can a sufficient amount of revenues (in the form of taxes or fees or assessments) be generated from the area to cover the cost of providing the preferred level of service to the area, given the number of properties involved, amount and type of development that currently exists in the area and given the potential for development that is likely to occur in the area based on the countywide growth management policies?

- c. What is the likelihood of voters approving a special tax, assessment, or supporting the establishment of fees to pay for some or all of the new services?
- d. What portion of property tax revenues would be transferred to fire agencies upon annexation of underserved areas?

**6. Determine Service Provider(s) and Governing Body**

- a. What agency or agencies are the logical service provider(s) given the current array of service providers and their adjacency to the underserved area?
- b. What kind of a governance structure should be established?
- c. What type of process is required to establish the governance structure?

**7. Establish Policies and Best Practices for Volunteer Fire Company Operations**

- a. What is the role of volunteer firefighter companies in the underserved area?
- b. Are more volunteer firefighter companies needed and if so in what area(s)?
- c. Who would provide training, equipment and workers compensation coverage for the volunteer fire companies and how would they be funded? Would there be a liability to the agencies for the actions of the volunteer fire companies?
- d. Who would provide any oversight for the volunteer fire companies?

This issue has now been a subject of two service review reports and repeatedly comes up as a major concern for fire service providers in this County. Pursuit of solutions to this long standing issue will require support and direction from the County of Santa Clara as it is the key agency with jurisdiction over these underserved lands. As the very first step, it is therefore necessary to seek the County's position on this issue.

**ISSUE #2: REGIONAL FIRE AND EMERGENCY MEDICAL SERVICE DELIVERY OPTIONS FOR THE SOUTH COUNTY REGION**

The cities of Morgan Hill and Gilroy and adjacent unincorporated areas constitute the "South County." Three fire/emergency services departments currently serve different parts of this area:

- Santa Clara County Central Fire Protection District serves the City of Morgan Hill by contract.
- The Gilroy Fire Department serves the City of Gilroy.
- South Santa Clara County Fire Protection District, through a contract with CAL FIRE, serves some unincorporated areas in South County.

The service agencies have different staff practices, response standards and apparatus deployment policies. There is a high degree of interdependence between the agencies due to the large geographic area and range of suburban and rural deployment. This interdependence is evident in the high degree of mutual/automatic aid that occurs between the agencies. These agencies have established a multi-agency group and have been working together since May 2009 to explore the potential benefits of regionalization to achieve an improved system with lower costs. Over the past year, the

group has developed a general consensus on the current state of fire protection services in the South County region and a forecast for the region.

On November 10, 2010 the multi-agency group discussed a range of options to achieve regionalization of fire/EMS: from opportunities for interagency collaboration within the existing framework to options for consolidating fire and EMS services in South County. The group also prepared a report that includes a preliminary analysis of the options by addressing the issues of governance, management, and financing.

The multi-agency group agreed that the individual governing bodies should independently discuss the conditions in which each agency is interested in pursuing regionalization. The goal is for each agency to provide its conditions by early February 2011 so that the group can meet again in February or March to review the information and determine the study's next steps. LAFCO staff will continue to follow the group's efforts as they move forward and provide updates to the Commission.

### **ISSUE #3: ISSUES AND EFFICIENCIES OF FIRE DISTRICTS CONTRACTING FOR SERVICE WITH ANOTHER FIRE DISTRICT**

The SFD is an independent special district governed by a three-member elected board. The District covers a portion of the City of Saratoga and the adjacent unincorporated area. With CCFD's recent annexation of unincorporated lands in the area surrounding SFD, CCFD now completely surrounds the SFD. In 2008, following the success of a management agreement between CCFD and SFD, the two agencies entered into a full-service contract, whereby SFD employees were transferred to CCFD. Although almost all of SFD's budget is for the service contract with CCFD, the District remains an independent district with its board. Both the 2004 Countywide Fire Service Review and the current Service Review Report have indicated that other governance options may be more efficient given the status of the SFD.

The LAHFD was created as a dependent district of Santa Clara County and the County Board of Supervisors appointed a seven-member commission that is responsible for the oversight of fire protection activities within the District. Up until 1996, the LAHFD contracted with the City of Los Altos for fire services. At which time, the LAHFD and the City of Los Altos each separately began to contract with CCFD for fire and emergency services. LAHFD provides services outside of the CCFD contract including brush clearance and hydrant maintenance and contracts for a fire consultant and for clerical support. Both the 2004 Countywide Fire Service Review and the current Service Review Report have indicated that other governance options may be more efficient for the LAHFD.

**TABLE 2: GOVERNANCE OPTIONS FOR FIRE DISTRICTS CONTRACTING FOR SERVICE**

Options	What are key steps / analysis required prior to initiating action?	Agencies involved in implementing key steps /analysis		Does the action require a LAFCO application and approval?	Who may initiate a LAFCO application?
		Key agency	Other agencies		
<b>Dissolve SFD and annex lands to CCFD</b>	<ul style="list-style-type: none"> <li>• Determine the appropriate LAFCO process/processes for such proceedings</li> <li>• Conduct more detailed analysis to determine cost savings and any potential fiscal impacts</li> <li>• Determine any potential impacts to current service levels in the community</li> </ul>	LAFCO	SFD CCFD	yes	LAFCO SFD Petition of property owners or registered voters within the area
<b>Dissolve LAHFD and annex lands to CCFD</b>	<ul style="list-style-type: none"> <li>• Determine the appropriate LAFCO process/processes for such proceedings</li> <li>• Conduct more detailed analysis to determine cost savings and any potential fiscal impacts</li> <li>• Determine any potential impacts to current service levels in the community</li> </ul>	LAFCO	LAHFD CCFD	yes	LAFCO LAHPD Petition of property owners or registered voters within the area

The following provides an overview of the type of issues that must be considered prior to initiating action for the above listed options:

**1. Determine Appropriate LAFCO Process**

- a. What is the appropriate LAFCO process for achieving the change in governance – is it simply a dissolution of the fire district with CCFD as successor agency, or does the area have to be annexed into CCFD following the dissolution?
- b. What is the process or method for transfer of property tax following a change in organization?

**2. Determine Cost Savings and any Fiscal Impacts**

- a. How much savings can be achieved through a change in governance?
- b. Would change in governance impact the total amount of revenues available for fire protection in the community?
- c. What are the fiscal impacts to the CCFD as a result of the governance change?
- d. How would the vast amount of reserves held by LAHFD be addressed?

### **3. Determine any Impacts to Current Service Levels**

- a. In the case of SFD, how would the Early Warning Alert System (EWAS) be implemented and funded?
- b. Would the special services such as hydrant maintenance and brush clearance currently provided by LAHFD be maintained / continued?
- c. How would a change in governance impact the local community with regard to participation and accountability?

Staff recommends that the Commission direct staff to work with the involved agencies in order to answer these questions and report back to the Commission.

### **ISSUE #4: ASSESSMENT OF OTHER OPPORTUNITIES TO IMPROVE SERVICE EFFECTIVENESS OR EFFICIENCY FOR FIRE SERVICE PROVIDERS IN THE COUNTY**

The Service Review Report discusses additional potential opportunities for economies and efficiencies in the fire and emergency service delivery system including in the areas of:

- Consolidation of Communications
- Consolidation of Stations and Apparatus
- Competitive Service Contracting
- Strategic Paramedic Placement
- Training for Fire Personnel
- Fire Prevention Services
- Apparatus Maintenance
- Apparatus Purchasing
- Other Service Delivery Changes

Further evaluation of these areas and specific options is required to assess service and financial impacts. For the most part, these opportunities involve changes to the operations or administration of the fire service delivery system and do not require changes in jurisdictional boundaries or governance and therefore will not require a LAFCO application /action. Any of the involved agencies may initiate discussion and further pursue these options.

### **NEXT STEPS**

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Upon adoption of the Final Service Review Report by the Commission, staff will make any necessary or directed changes to the Report. The Final Service Review Report will be distributed to all the affected agencies and posted on the LAFCO website. If directed, staff will pursue research / further analysis of the identified issues and report back to the commission.

## **ATTACHMENTS**

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- Attachment A: Notice of Availability for the Revised Draft Report dated November 3, 2010 and public hearing notice of the December 15, 2010 LAFCO Public Hearing
- Attachment B: Comment letters received prior to December 8, 2010 on the Revised Draft Service Review dated November 3, 2010. Note:
- Attachment C: Tables listing each of the comments received prior to December 8, 2010 and proposed responses to the comments. The tables also include comments from SFD and the City of Palo Alto since they were not addressed prior to the October LAFCO hearing.

*Note: The redlined and clean version of the Revised Draft Countywide Fire Service Review Report dated December 8, 2010 is available on the LAFCO website. [www.santaclara.lafco.ca.gov](http://www.santaclara.lafco.ca.gov)*







**Date:** November 3, 2010  
**To:** Fire Chiefs  
City Managers and County Executive  
Interested Parties  
**From:** Neelima Palacherla, LAFCO Executive Officer  
**RE:** **NOTICE OF AVAILABILITY & FINAL PUBLIC HEARING:  
2010 REVISED DRAFT COUNTYWIDE FIRE SERVICE REVIEW REPORT**

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

The Revised Draft Countywide Fire Service Review Report is now available for public review and comment on the LAFCO Website ([www.santaclara.lafco.ca.gov](http://www.santaclara.lafco.ca.gov)) under "What's New." For your convenience, a copy of the Revised Draft Report with the tracked changes shown is also provided. The Revised Report presents 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 Revised Report by mail to: LAFCO of Santa Clara County, 70 West Hedding Street, 11<sup>th</sup> Floor, East Wing, San Jose, CA 95110 OR you may email your comments to: [neelima.palacherla@ceo.sccgov.org](mailto:neelima.palacherla@ceo.sccgov.org) OR [dunia.noel@ceo.sccgov.org](mailto:dunia.noel@ceo.sccgov.org).

Written comments received by December 1<sup>st</sup> will be included and addressed in the staff report that will be provided to the LAFCO Commission in advance of the December 15, 2010 Final Public Hearing. Written comments received after December 1<sup>st</sup> will be provided to the LAFCO Commission at the December 15, 2010 Final Public Hearing and addressed at that time.

**LAFCO Final Public Hearing on the Revised Report: December 15, 2010**

LAFCO will hold a Final Public Hearing to consider the 2010 Revised Draft Countywide Fire Service Review Report and to adopt the Report.

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

Following the Final Public Hearing, LAFCO will finalize the Report and notify affected agencies and interested parties concerning its availability. The Final Report will be available on the LAFCO website for downloading and on file in the LAFCO Office.

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





**ITEM NO. 5**

**ATTACHMENT B**

*Morgan Hill*

17555 Peak Avenue

Morgan Hill, CA 95037

Tel: 408-779-7271

Fax: 408-779-3117

[www.morgan-hill.ca.gov](http://www.morgan-hill.ca.gov)

November 16, 2010

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

**Re: LAFCO 2010 Countywide Fire Service Review**

Dear Ms. Palacherla,

Thank you for responding to the City of Morgan Hill's initial comments and for providing a copy of the Revised 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 December 15, 2010, and to provide a brief update on the status of the South County regionalization efforts.

**Regionalization Update**

On November 10, 2010, the South County regional study ad-hoc committee reconvened to discuss a range of options to achieve regionalization of fire/EMS: from opportunities for interagency collaboration within the existing framework to options for consolidating fire and emergency medical services in South County. The report also included a preliminary analysis of the options by addressing the issues of governance, management, and financing.

At the conclusion of the meeting, the ad-hoc committee agreed that the individual governing bodies should independently discuss the conditions in which each agency is interested in pursuing regionalization. The goal is for each agency to provide its conditions by early February 2011 so that the ad-hoc committee can meet again in February or March to review the information and determine the study's next steps.

I have attached a complete copy of the November 10 report for your review. As part of your staff report, we would appreciate LAFCO addressing the following points.

**Study Comments**

**Section 5.2; Page 127:**

After the final paragraph, the City recommends that LAFCO insert the "South County Regional Fire/EMS Expenses & Assessed Valuation" graph and the following paragraph. Both of these are from the November 10 report.

Over the past year, the South County agencies have adopted budgets and changes to cost structure needed to meet the fiscal challenges of declining revenues. As part of the South County regional study, the region's change in assessed valuation

and expenditures for fire and EMS from FY 2005/06 to present was evaluated. As expected, the region's total assessed valuation has declined the past two years. At the same time, although Gilroy has reduced its fire service costs, other agency fire service cost increases have counteracted that effect and the region's total fire and emergency medical services expenses have ultimately increased.

**Section 5.2; Page 129:**

In the first paragraph, the revised draft report states that "SCFD is the lowest cost provider of service on all measures analyzed." However, the revised numbers in Table 84 indicate that CCFD is the lowest cost provider on a per capita measurement, while SCFD is the lowest cost provider on per company and per sworn personnel measurements. The City would also appreciate LAFCO revising Table 84 "Service Population" column to show Morgan Hill's population at 40,200.

**Section 5.2.1; Page 129:**

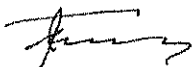
At conclusion of this section, the City recommends adding the following narrative so that this information is formally included in LAFCO's report.

On November 10, 2010, the South County regional study ad-hoc committee discussed a range of options to achieve regionalization of fire/EMS: from opportunities for interagency collaboration within the existing framework to options for consolidating fire and emergency medical services in South County. The report also included a preliminary analysis of the options by addressing the issues of governance, management, and financing.

At the conclusion of the meeting, the ad-hoc committee agreed that the individual governing bodies should independently discuss the conditions in which each agency is interested in pursuing regionalization. The goal is for each agency to provide its conditions by early February 2011 so that the ad-hoc committee can meet again in February or March to review the information and determine the study's next steps.

Thank you again for this opportunity to provide comments. We appreciate LAFCO's efforts and look forward to discussing the revised draft report further on December 15<sup>th</sup>.

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  
Rich Constantine, Council Member Elect  
Gordon Siebert, Council Member Elect  
Steve Rymer, Director of Recreation and Community Services

City of Gilroy/City of Morgan Hill/Santa Clara County  
**South County Regionalized Fire Protection and EMS Service Delivery Study**

**Multi-Agency Ad-Hoc Steering Committee**  
Policy Phase

**POLICY GROUP INTERIM REPORT**

November 10, 2010

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**Executive Summary**

The three public agencies responsible for fire and emergency medical services in South County (the City of Gilroy, the South County Fire District, and the City of Morgan Hill) and the two respective service providers (County Fire and CALFIRE) have been exploring the potential for an improved system at lower cost through regionalization.

Earlier, a Working Group led by the Fire Chiefs determined that the benefits of regionalization were operationally and technically feasible. The group also identified issues to be addressed in any integrated regional solution, and suggested some immediate opportunities for collaboration.

The Ad-Hoc Committee formed a Policy Group (the City Administrator of Gilroy, the County Chief Executive Officer, and the City Manager of Morgan Hill) and asked it to evaluate the policy issues surrounding regionalization including: governance, management, and financing.

This interim report from the Policy Group outlines a range of options to achieve regionalization of fire and emergency medical services: from opportunities for interagency collaboration within the existing framework to options for consolidating fire and emergency medical services in South County. The interim report includes a preliminary analysis of the options by addressing the issues of governance (setting service levels and budgets), management (ensuring efficient and effective service delivery), and financing (paying for the costs of the service delivery system).

At the same time that the Policy Group has been evaluating alternatives, other important studies and actions that may impact the policy analysis have also occurred:

- LAFCO is completing its periodic “service review” of fire services throughout the County, and is considering a draft report from its consultants that provides valuable data and findings regarding options for South County.
- The City of Gilroy has recently made significant changes in its cost structure and service levels for fire and emergency medical services.
- The County is implementing a new countywide contract for paramedic ambulance transport services that will lead to a new private provider and changes in relationships with public fire departments and their respective communications’ centers.

- The Silicon Valley Regional Interoperability Authority (SVRIA) has initiated discussions about interconnecting communication centers through computer aided dispatch (CAD).

Finally, the interim report outlines a series of policy questions for the Ad-Hoc Committee and the respective governing bodies of the three public entities (please refer to page 7 for a complete narrative):

1. Are the benefits of regionalization sufficiently clear and compelling that the entities are prepared to invest taxpayer dollars in developing a specific action plan to be considered for implementation? If yes, which of the various options is the preferred alternative?

**OR**

2. Should immediate opportunities and issues be addressed prior to consideration of any changes in the existing framework? That is, should the issues of battalion chief coverage, equity of cross border responses and integration of emergency voice and data communications be addressed before there are any concrete steps taken toward a fully integrated regional service delivery system?

Based on the answers to these questions, the Policy Group would be prepared to recommend a path to achieve the chosen goal.

**Background:**

The three agencies responsible for providing fire and emergency services to South County have undertaken a systematic study of the feasibility and desirability of a consolidated, regional approach. The City of Gilroy maintains a city staffed fire service. The South County Fire District contracts with CALFIRE for protection of the unincorporated area. The City of Morgan Hill contracts with County Fire.

**Existing South County Region Service Delivery Structure**

<b><u>Authority</u></b>	<b><u>Provider</u></b>	<b><u>Governing Body</u></b>
City of Morgan Hill	County Fire (contract)	Morgan Hill City Council
City of Gilroy	City Fire Department	Gilroy City Council
South County Fire District	CALFIRE (contract)	County Board of Supervisors

Each agency and each service provider relies on the others in order to respond to emergencies effectively. Yet, nearly every independent review of the service delivery system in South County has suggested that overall service could be improved at savings in costs by more structured collaboration.

In 2004, the Local Agency Formation Commission (LAFCO) completed a “service review” of fire services in the entire County. For South County, the service review concluded:

Given existing populations and the growth potential of the South County Region together with the somewhat fragmented service delivery model currently found in this region, the potential exists to create a regional service delivery model that could provide for higher levels of service more cost effectively, than might be attainable from individual agencies providing separate delivery systems.

In May 2009, the Governing bodies of the three public agencies formed a Working Group and established a process to evaluate alternatives. The Working Group was briefed on the many different separate master plans that had been prepared over the decade. One of the first steps was a technical and operational review by the Chiefs of the three service providers to determine whether regionalization was feasible. The Chiefs were asked to only consider the operational aspects of a regional approach, leaving to a subsequent step the review of policy issues of governance, management and financing.

The technical review concluded that regionalization was feasible. The review also concluded that the existing system itself could be improved provided the agencies: 1) establish standardized response plans and operating policies; 2) establish real time information at each of the three communication centers to monitor the availability of staff and equipment; and 3) provide constant coverage by a minimum of two battalion chiefs. The review also suggested a policy issue relating to an imbalance of responses provided from South County to Morgan Hill and to a limited extent from Gilroy to South County.

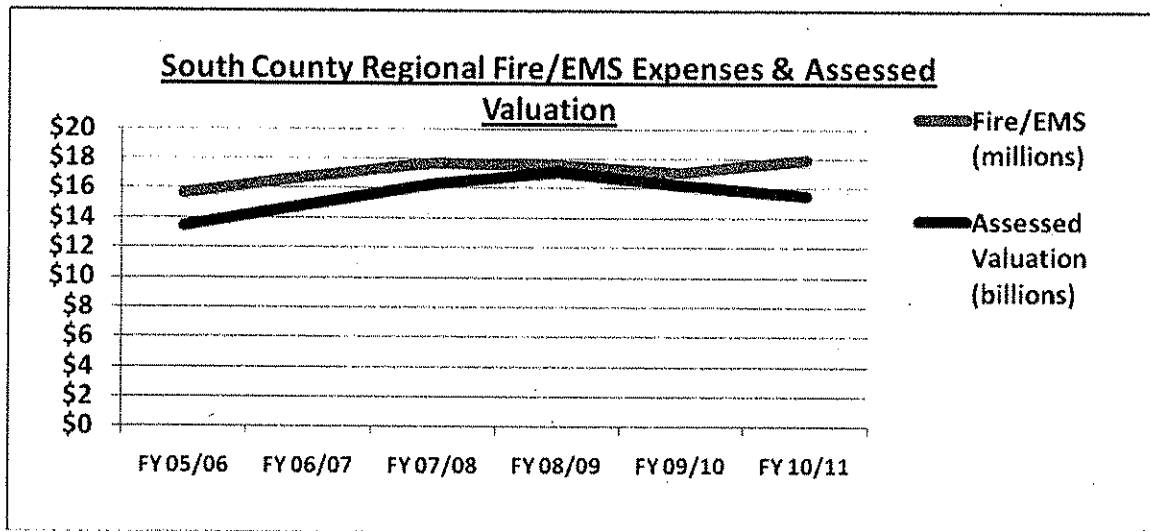
The three service providers have already implemented the recommendation to provide BC coverage and the three agencies have provided the necessary funding. A full evaluation of this pilot program is yet to be completed.

Nearly a year ago, in December 2009, the Ad-Hoc Committee asked a Policy Group to evaluate the policy issues of governance, management and financing of a regional model. The technical group also suggested that the Policy Group address the policy issues of how to improve the current system "prior to implementing a regional model." It was expected that the Policy Group report would be available in June 2010, and that following a recommendation by the Working Group, the governing bodies of the three agencies would be asked to concur in an action plan.

Because LAFCO was conducting its State mandated five year service review, it was suggested that the Policy Group report be delayed in order to take advantage of the extensive data collection and analysis that was anticipated. Although LAFCO has not yet adopted the service review, a draft report from its consultant concludes:

There are several options available to the policymakers of the jurisdictions responsible for fire and emergency medical services in the South County to maintain appropriate service at reduced costs. Crafting a solution that meets the interests of all responsible agencies requires agreement about two variables: a structure for service provision (new government entity, joint powers agreement, or selection of a common contractor) and a provider for service delivery (one or a combination of the three current providers in the area.)

Over the past year, the agencies have adopted budgets and changes to cost structure needed to meet the fiscal challenges of declining revenues. As part of its evaluation process, the Policy Group reviewed the region's change in assessed valuation and expenditures for fire and EMS from FY 2005/06 to present. As expected, the region's total assessed valuation has declined the past two years. At the same time, although Gilroy has reduced its fire service costs, other agency fire service cost increases have counteracted that effect and the region's total fire and emergency medical services expenses have ultimately increased.



In the light of those changes, the Policy Group believes it is appropriate to test the continuing interest in a consolidated, regional approach.

The governance options are fairly clear and have been identified in both the 2004 (Attachment A) and 2010 LAFCO service reviews. In the next section, the Policy Group provides some additional analysis and suggests some policy questions and criteria that might be helpful to selecting a preferred option.

**Options for a Consolidated, Regional Fire and Emergency Medical Services Delivery System in South County**

Option 1. Each of the three agencies contract with a single provider.

*Governance.* This approach allows for seamless service delivery within the South County region and will address the need for a single communication center. Costs could be lower than otherwise the case if the selected vendor had a lower cost structure than that of the current providers combined costs. Because each agency could determine its own service levels (stations and staffing patterns) concerns about inequity of cross boundary responses would remain. This inequity might be exacerbated by different growth patterns in each community.



*Management.* A single provider would have a single responsible Fire Chief to provide seamless service delivery. However, the Chief would be responsible for three separate contracts, reporting to three different administrators.

*Financing.* Each entity would be responsible for paying for its preferred service delivery from its own available resources. If the selected provider was other than County Fire, the City of Morgan Hill would have to address how to finance the acquisition of fire stations and apparatus in Morgan Hill that are currently owned by County Fire.

Option 2. The three entities create a Joint Powers Agency which contracts with a single provider.

*Governance.* This model provides for a “regional” service delivery model with governance by a JPA Board selected by the governing bodies of the three entities. The JPA could establish a regional service level, but responsibility for paying its “fair share” would remain with each individual entity. The JPA agreement itself would be the focus of all the policy issues surrounding equity concerns, but once in place the JPA could achieve some of the benefits of regionalization.

*Management.* The JPA could appoint a single administrator (either from one of the member agencies or a dedicated staff person) to administer the contract.

*Financing.* The JPA would establish the service level and annual budget, and pursuant to the terms of the agreement, would assign a fair share to be paid by each entity. One of the agencies, South County Fire District, has only one revenue source (property tax) and no other services to reprioritize. Accordingly, there could develop a mismatch between fair share costs and revenues available. If the selected provider was other than County Fire, the JPA would have to address how to finance the acquisition of fire stations and apparatus in Morgan Hill that are currently owned by County Fire.

Option 3. Annex the two cities to the existing South County Fire District and select a single provider.

*Governance.* The County Board of Supervisors is the governing body for the District and establishes service levels and approves annual budgets. It is advised by a Fire Commission currently selected from residents and property owners of the unincorporated areas. The Board of Supervisors could choose to expand the current contract with CALFIRE, contract with County Fire, contract with Gilroy Fire, or establish its own public fire service provider. The advantages of a “sub regional” model might be multiplied if the provider in South County also has the responsibility for other areas within the County.

*Management.* The city councils and city managers would not have any management responsibility for Fire and EMS service. The fire service provider would report to the Board of Supervisors through the County CEO.

*Financing.* It is assumed that upon annexation to the district, the two cities would transfer a portion of their property tax base to the district with the result that future funds available would be entirely dependent on growth in assessed valuation within the district. This has the effect of permanently reducing discretionary revenues of each city, but transferring service delivery and financing responsibility to the district.

Option 4. Establish a new independent fire district and select a single provider.

*Governance.* The new district could have a separately elected governing board, which could be “at large” or with seats representing different geographic areas. The governing board would establish service levels and annual budgets based on available revenues. Each agency would transfer its assets and liabilities to the new district, along with an agreed upon amount of its property tax base. The district could establish its own public fire service provider based on a desirable cost structure or it could contract with a single provider.

Creation of a new district, or annexation to an existing district, requires LAFCO action. The LAFCO process requires a detailed service plan and fiscal analysis prior to initiating any change in organization.

*Management.* The new district would appoint a Fire Chief and such other management personnel as necessary to ensure efficient and effective service delivery.

*Financing.* The two cities would give up some discretionary revenues, and may be required to establish development impact fees to finance capital costs of increased capacity to meet new growth. The establishment of a new district could be tied to the successful passage of a revenue measure to partially or completely offset the revenues currently provided by the three entities.

Option 5. Establish a County Service Area and select a single provider.

*Governance.* The Board of Supervisors would be the governing body and would establish service levels and annual budgets. The city councils would not have any responsibility for providing or financing fire and emergency medical services. The Board would select a single provider.

*Management.* The CSA would be administered by the County CEO reporting to the Board of supervisors. The Fire Chief of the single provider would report to the Board.

*Financing.* Under this option 2/3 of the voters of the proposed CSA could approve a parcel tax to partially or completely offset the revenues currently provided by the three entities.

## **Policy Questions**

Before an action plan can be developed it is important to get clarity on the policy objectives of a possible consolidated, regional service delivery model. Previously, the Working Group suggested a subset of policy questions that focus on improvements to the existing system without having to move toward a regional approach. The Policy Group recommends that the AD-Hoc Committee review the two policy questions and provide direction on the next steps. The two primary questions are as follows:

### **1. Regional Approach**

Are the benefits of regionalization sufficiently clear and compelling that the entities are prepared to invest taxpayer dollars in developing a specific action plan to be considered for implementation? If a consolidated regional approach is to be pursued, is it more important to maintain some city involvement? Or is an independent district with a separate governing board and revenue base preferable?

- a. Option 1. Each of the three agencies contract with a single provider.
- b. Option 2. The three entities create a Joint Powers Agency which contracts with a single provider.
- c. Option 3. Annex the two cities to the existing South County Fire District and select a single provider.
- d. Option 4. Establish a new independent fire district and select a single provider.
- e. Option 5. Establish a County Service Area and select a single provider.

**OR**

### **2. Existing Approach**

Should immediate opportunities and issues be addressed prior to consideration of any changes in the existing framework? That is, should the issues of battalion chief coverage, equity of cross border responses and emergency communications be addressed before there are any concrete steps taken toward a fully integrated regional service delivery system?

- a. If marginal improvements are the focus, are each of the agencies prepared to participate fully and share the costs of studies to integrate communications and address cross border inequities?
- b. Do the recent changes in cost structure for Gilroy and the potential for marginal improvements in the current system suggest that regional efforts should be put “on the back burner”?



Subject: FW: LAFCO Revision (Nov 3) Comments for Sunnyvale

**From:** Ron D'Alba [rdalba@ci.sunnyvale.ca.us]  
**Sent:** Wednesday, November 24, 2010 10:16 AM  
**To:** Arne Croce; Suzanne Harrington  
**Cc:** Dave Pitts; Jeffrey Plecque; Steven Drowniany  
**Subject:** LAFCO Revision (Nov 3) Comments for Sunnyvale

Suzanne/Arne

Thank you for all of your patience in dealing with the difficulties of including a Public Safety agency in your evaluation of the Fire Service. Most of the comments I have left were mentioned either in response to your questions or when we last provided comments.  
RON

The comments I still have are as follows:

- There is no discussion of the unique nature of DPS and how it would make LAFCO's call for consolidation with MTV and SNC difficult. You must remember that SNY BCs also fill the role of Police Watch Commander in SNY. A MTV or SNC BC could not do that.
- Page 27 - HAZMAT Typing....The current version is unedited from the first. Here are the original comments I submitted then.
  - Page 27 Hazardous Materials Response
    - Only two agencies have passed the formal Typing by the State of California. Santa Clara County Central is a Type 1. SNY is a Type 2. I believe San Jose has to-date not passed the State requirements as a Type 1.
- Page 138 - No mention of the Public Safety Concept and the consolidation issues

- **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 defeat the Public Safety model
  - **Page 138 (5.13.2) Shared Battalion Chiefs**
    - In order to meet this area, the shared resources would also need to have Law Enforcement so they assume a Law Enforcement Command Role as required.

- **Page 164 - no identification of the addition of civilian professionals to address costs**

- **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. We should make sure that is reflected properly to not give the impression we added staff when in fact we are removing SWORN Staff and replacing with Civilian Professionals.

- **Page 254...Still show's 11 engines still not 9**

- How many companies does the Sunnyvale Fire Department staff daily?
  - Sunnyvale Staffs 9 Engine Companies, 2 Truck Companies and a HazMat Company 24/7. We also have two Engines (unstaffed) in Reserve.

- **TABLE 86...Operating Costs**

- Analyzing the data poses some contradiction, because of the Public Safety Model. Specifically, because we minimally staff a Fire Service augmenting it with Patrol resources, our cost per firefighter appears high. However, all other metrics are extremely low, or are the lowest of all cities, as one would expect. This is merely the mathematics of dividing the overall budget by minimally staffed service. I think that some (particularly the media) will focus on the sensational aspect of one metric and ignore all others. It would be extremely helpful, and I believe more valid to separate Sunnyvale from the rest of the table, through a break in the rows, heavy borders and/or shading of the whole row with adjacent comment instead of just a footnote (#9).

**END OF NEW COMMENTS FOR NOV 2010 Revision**

**WYLIE, MCBRIDE,  
PLATTEN & RENNER**

*A Law Corporation*

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**SAN JOSE IAFF LOCA**  
CAROL L. KOENIG  
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Direct Dial Number

November 30, 2010

*Via E-mail [neelima.palacherla@ceo.sccgov.org](mailto:neelima.palacherla@ceo.sccgov.org)*

Neelima Palacherla, Executive Officer  
LAFCO of Santa Clara County  
70 West Hedding Street, 11<sup>th</sup> Flr., East Wing  
San Jose, CA 95110

**Re: Draft Countywide Fire Service Report  
Comments of IAFF Local 230**

Dear Ms. Palacherla:

This letter constitutes written comments by our client, the San Jose Firefighters, IAFF Local 230 regarding the above-referenced Revised Report.

Local 230 expressly requests that the Commission address these comments with respect to the contents of the Revised Report, especially those set forth in Table 86 on page 138. Table 86 purports to set forth the "Cost Factors for Provider Agencies," but by Local 230's review suffers from serious errors and deficiencies.

As an opening matter, it is important to note that the Revised Report does not set forth any workload assessment, i.e., the number of calls per service per firefighter in each agency listed. The focal point of Table 86 seems to be that by using a 3-person company as a benchmark the Revised Report expresses the operating cost per each 3-person company per agency. Simultaneously, however, because the San Jose Fire Department operates with a minimum of 4-person companies, it appears, incorrectly, that the operating cost per daily staffed apparatus in San Jose is considerably higher than other agencies within the County. This analysis both disregards a workload assessment between agencies and incorrectly suggests that the operating costs for daily staffed apparatus in San Jose is higher than the comparison departments.

### The Data for the San Jose Fire Department and Calculations Need Correction

There are many data issues presented in the Revised Report, especially as relates to San Jose, that using the raw data used to calculate any analysis is highly questionable. For example:

- San Jose Fire Department does not staff single truck apparatus with six personnel.
- The Revised Report includes Airport operation costs (staffing, payroll) while frequently excluding the services (apparatus, station) in much of the analysis.
- The Revised Report indicates that SJFD operates a "Rescue Medic 28", which does not exist.
- The report indicates that the department's ISO rating "varies from 3 to 9", but later reports correctly that the City and the department do not participate in any ISO rating.
- The Revised Report states "Engines are replaced at 17 years; trucks at 20 years." In fact, apparatus are only evaluated for replacement at that time and the department operates many apparatus well beyond 20 years.
- The Revised Report states "All line apparatus are consistent with the replacement cycle." In fact, the department operates numerous line apparatus that exceed these timelines, including Engines dating from 1983-1990 and a Truck from 1988. All are front line apparatus.
- The Revised Report correctly identifies that the department does not operate designated "reserve" apparatus, but goes on to state the department only operates 29 engines. Further, the report states there is one USAR apparatus when in fact there are two USAR apparatus staffed daily.
- The Revised Report includes some dedicated staffed "overhead" apparatus, such as Battalion Chief vehicles, while excluding others, such as the Public Information Officer, Duty Chief, Command Van and others. Further, the report excludes other apparatus such as Foam 29, etc.
- The Revised Report indicates that Station 34 is staffed with Light Unit 34, which does not exist at Station 34 or any other station.
- The Revised Report incorrectly depicts the placement of numerous apparatus, such as Water Tender 2, Truck and Rescue Medic 4, etc. In some areas of the report, apparatus deployment from 2009 is reflected, while in other areas, apparatus deployment from 2010 is reflected (impacted by the



closure of four engines and one truck company). In some cases, the new apparatus placement configuration is matched to old response data, incorrectly displaying the utilization of each apparatus.

- "Calls for service" throughout the report are not accurately defined and do not reflect the actual utilization of each apparatus, significantly understating their use.

The above is a brief list of the items that are immediately apparent in the report. A more thorough evaluation would likely yield further inaccuracies requiring correction before the report can be used to effectively understand and compare the department's services.

### **Incorrect 4-Person Staffed Data Leads To Incorrect Analysis And Conclusions**

One significant area that deserves attention is the data contained on page 138, in Table 86: Cost Factors for Provider Agencies. SJFD "4-person staffed" data appears erroneous.

The report includes "Truck, Engine, Rescue, and Transport" within the definition of 4-person staffing. In FY 2010-11, the SJFD operates engines 1-19, 21-29, and 31, for a total of 29 engines. It operates Trucks 1, 2, 9, 13, 14, 16, 29, 30 and 35 for a total of nine trucks. It operates Urban Search and Rescue Apparatus 5A and 5B, Hazardous Incident Team 29A, and Crash Rescue 20C and 20D with full-time staffing for a total of 5 rescues. It operates Rescue Medics 4, 18, 29, and Medics 22 and 31 for a total of 5 transports (or "rescues" if so labeled). That combines for a total of 48 apparatus. This does not yet include the SJFD's four Light Unit Rescue Apparatus (Light Unit 2, Light Unit 9, Light Unit 14 and Light Unit 16) which also have dedicated year-round full-time staffing.

The Revised Report does not recognize battalion chief apparatus (five in number) even though the salary costs for "battalion chiefs" are specifically included in the Department's FY 2010-11 Operating Budget Data used as the numerator for the Revised Report's "operating costs per" calculation.

And finally, the Revised Report does not reflect that the SJFD operates two Type IV Engines (i.e., brush patrols) with dedicated staffing on a year round basis and another five Type IV Engines with dedicated staffing for approximately eight months of the year ( $5 \times 3/4 = 3.75$  full-time equivalents).

If one were to simply add the correct numbers (48 Apparatus, 5 Light Unit Rescue's, 2 full-time Type IV Engines, and 3.75 part-time Type IV Engines the Revised Report should reflect a total of 58.75 trucks, engines, rescues and ambulances in full time operation with dedicated staffing (not cross-staffed) for a cost of \$2,160,449 per apparatus (i.e., \$126,926,383 divided by 58.75 apparatus = \$2,160,449 per apparatus). That is a figure that is 30% less than the

\$3,095,765 indicated in Table 86 of the Revised Report and does not account for the Revised Report's data of inclusion of battalion chief's costs and exclusion of battalion chief apparatus and airport expenses questions.

This further impacts the "number of three person company equivalents" and "three company equivalent" calculations contained within the same table.

Further, this table in the Revised Report is inaccurate and should NOT reflect that the San Jose Fire Department operates:

- 32 apparatus with 4 person crews
- 8 apparatus with 5 person crews
- 1 apparatus with a 1 person crew

The Revised Report SHOULD accurately reflect that the San Jose Fire Department operates:

- 21.25 apparatus with 4 person crews
- 2 apparatus with 5 person crews
- 8 apparatus with 3 person crews
- 26.5 apparatus with 2 person crews
- 1 apparatus with a 1 person crew

This means that where converting to use of 3-person companies, the San Jose Fire Department operates 58.75 apparatus. Using the figure 58.75 apparatus drops the cost per apparatus to \$2,160,449 and drops the San Jose Fire Department's "3 person effective" cost per apparatus to \$2,201,036.

These changes accurately reflecting the true staffing conditions of the San Jose Fire Department demonstrate that the SJFD is very cost effective for the number of companies it operates and compares favorable no matter whether you are using existing companies of "normalized" companies as Table 86 attempts to reflect.

### **The Revised Report Fails to Analyze Firefighter Workload**

For fiscal year 2009-10, the San Jose Fire Department sent an apparatus company (defined as an individual apparatus, or a company which includes multiple pieces of apparatus) on a "run" (that is responding to a request for assistance when and where the engine or truck company actually left the station en route to the call) 81,214 times. This is how many "runs" the SJFD had for that fiscal year, or basically, how busy apparatus was during that year.

That equates to an average of 1,805 runs per company for fiscal year 2009-10. Factoring how many people are in each engine or truck, the average "firefighter" including "captains, fire engineers, or firefighter/paramedics" responded to 1,792 runs for the fiscal year, or 5 runs per day. Since closure of four engine companies and one truck company, this figure has increased to 6 runs per day per company. These figures do not include many types of calls, such as battalion chief responses, special apparatus responses, fire watch, move-ups, etc. These figures also do not reflect the length of each call, with some taking one hour while others require four or more hours on scene. These figures also do not reflect the burden some companies carry by responding to 15 or more runs daily.

### Summary of Data Corrections

Table 86 should be revised as follows for San Jose Fire Department data:

San Jose population = 1,023,084

Total Apparatus: 58.75

Staffing: 2 apparatus with 5 person staffing

21.25 apparatus with 4 person staffing

8 apparatus with 3 person staffing

26.5 apparatus with 2 person staffing

1 apparatus with 1 person staffing

Operating cost per daily staffed apparatus ( $\$126,926,383 / 58.75$ ) =  $\$2,160,449$

Number of Three Person Equivalents = 57.67

Operating Cost Per Three Person Apparatus Equivalent =  $\$2,201,036$

We have included an Excel Worksheet setting some forth some of correction data.

Additionally, the numerous individual data points addressed earlier should be reviewed and corrected.

### Conclusion

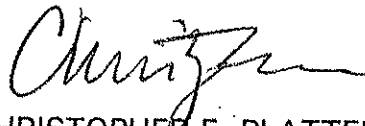
Table 86 of the Revised Report does not accurately reflect the operating cost per daily staffed apparatus or 3-person company equivalents because the data does not accurately reflect true apparatus staffing. The operating costs per daily staffed apparatus for the San Jose Fire Department is in fact considerably less than the  $\$3,095,765$  reflected in Table 86 and should be changed to reflect the figure of  $\$2,160,449$ .

Moreover, the Revised Report fails to disclose let alone analyze the workload experienced by the average firefighter per agency. This workload data is important since as the Revised Report indicates elsewhere than Table 86 fiscal demands upon the agencies may result in a reduction in the number of apparatus available to meet service needs. When the number of apparatus or companies are reduced, workload per firefighting personnel increases which carries with it inevitably an increase in workers' compensation and disability benefit costs otherwise left unexamined by the Revised Report.

On behalf of Local 230, we request that the Commission continue to analyze these issues as discussed in this comment letter.

If you have any questions, we would be more than pleased to answer them at the LAFCO final public hearing on the Revised Report on December 15, 2010 at 1:15 p.m.

Very truly yours,



CHRISTOPHER E. PLATTEN

CEP:imt

cc: Randy Sekany, President IAFF Local 230

l:\0230\00230\cor\2010\palacherla.doc

**From:** Don Jarvis [don.jarvis@cnt.sccgov.org]  
**Sent:** Wednesday, December 01, 2010 2:51 PM  
**To:** Palacherla, Neelima  
**Cc:** Ken Waldvogel  
**Subject:** Comments on Fire Service MSR revised draft

Pg 6-  
Accountability for Community Service...  
Three cities and two districts contract for service. Three Districts contract for service: Saratoga and Los Altos Hills contact with County Fire; South County contracts with CAL FIRE.

Pg 32-  
Table 5 - The Primary PSAP for all Unincorporated areas is County Comm. The CAL FIRE center is a Secondary PSAP.

Pg 43-  
4.2.2 Decrease in fund balance was due in part to Prop 1A, the one-time loan of \$557,890 to the State, to be repaid with interest in 2013.

Pg 87-  
4.8.1 Annexation of more than 20,000 acres in sphere of influence was finalized September 2010.

Pg 89-  
4.8.2 Decrease in fund balance was due in part to Prop 1A, the one-time loan of \$4.18M to the State, to be repaid with interest in 2013. CCFD also absorbed Saratoga Fire District's \$410,000 Prop 1A loss.  
4.8.3 Stations: 8 excellent, 8 good, 1 fair.

Pg 127-  
Gilroy and CCFD rotate providing 24-hour coverage; Gilroy 112 hours per week and CCFD 56 hours per week.

Pg 127-  
Any of the three current communication operations could serve this role, given appropriate enhancements to staffing, equipment, and training.

Pg 127-  
South County Fire District could potentially experience offsetting savings if communications were contracted to County Comm, Gilroy, or some other regional center. SCFD specifically contracts for dispatch personnel beyond what the State provides.

Pg 128-  
Table 84 Note 2: A portion of one company and one Battalion Chief are paid for by the State of California. It is unclear from the data whether the funding provided by the State is included in the figures presented for SCFD. Other departments in the county receive funding for companies and chief officers from outside agencies. These other departments reported the revenue and expenditures in their figures.

Pg 129-  
SCFD is highest cost per capita, according to Table 84

Pg 146-

5.13.5 three platoons

Pg 164-

6.9 Annexation of 20,000 acres completed in September 2010.

Pg 177-

7.2.3 The area on the northeast edge of the district in the Hicks Rd / Pheasant Rd area (Rancho De Guadalupe Open Space Preserve) is in the Town of Los Gatos SOI and CCFD is the fire provider for Los Gatos. The area should remain in the Fire District SOI; if annexed to the Town, it must be concurrently annexed to the District.

Given the recommendation in 7.4.3, does the CCFD SOI need to be specifically expanded to include the area currently within the Saratoga Fire District SOI?

P 184-

7.4.2 With the annexation of 20,000 acres by CCFD in September 2010, the SOI of the SFD is completely surrounded by the CCFD

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

**Palacherla, Neelima**

COUNTY COMMUNICATIONS

**From:** Hildebrand, Bert  
**Sent:** Friday, December 03, 2010 4:46 PM  
**To:** Noel, Dunia; Palacherla, Neelima  
**Attachments:** LAFCO Draft Report comments.docx

**Importance:** High

Hello Noel and Neelima,

I have read both original and redline edit version of LAFCO's 2010 Revised Draft Countywide Fire Service Review Report and am very pleased with the overall document. I found it to be very informative and will use it as a reference document in the future. It was also pleased to see Public Safety Answering Points (PSAPs) or 9-1-1 Communications Call Centers considered in this year's report. I have already been involved in a few meeting/discussions on the consideration of potential 9-1-1 Call Center consolidations, which have gained momentum since the release of the LAFCO report. Future studies might consider breaking out the details and costs further to include communications services.

I have attached my suggested comments/edits for your consideration.

Please feel free to contact me should you have any questions regarding my attached file.

Sincerely,

Bert Hildebrand, Director  
County Communications Department  
2700 Carol Drive  
San Jose, CA 95125

Bus: (408) 977-3205  
Fax: (408) 279-2666





LAFCO Draft Report Recommended Edits – Bert Hildebrand, Director, County Communications

Section 3.8 Communications:

- Page 29, 1<sup>st</sup> paragraph, 1<sup>st</sup> bullet point – currently states “**First responder fire unit dispatch.** Notification from the primary public safety answering point (PSAP) to the fire/paramedic unit responsible for the initial incident response.” We would recommend amending this sentence to state: “**First responder fire unit dispatch.** Notification from the primary public safety answering point (PSAP) to the Secondary PSAP responsible for the initial fire/paramedic unit incident response.”
- Page 29, 3<sup>rd</sup> paragraph, last sentence states: “In cases where a police department is the PSAP, all calls requiring an ambulance response are transferred to County Comm.” We would recommend amending this sentence to say “In most cases where a police department is the PSAP, information from calls requiring an ambulance response are transferred to County Comm to initiate an ambulance response.”

Unless resources are fully depleted by current calls, Palo Alto handles most of their ambulance transport requests without assistance from County Communications. Also many Secondary Fire/EMS PSAPs continue processing medical calls and provide EMD pre-arrival instructions, during which County Communications is notified of the need for ambulance transport. As written, the initial statement could be misinterpreted that we complete the entire process (call answer, EMD, and ambulance transport dispatch) for all law PSAPs.

- Page 30-32, Table 5 corrections:

2<sup>nd</sup> column, “Primary Public Safety Answering Point (PSAP)” – City of Monte Sereno – “Police Dept” not “County Comm”

2<sup>nd</sup> column, “Primary Public Safety Answering Point (PSAP)” – should read “County Comm.” Only, CAL FIRE is a Secondary PSAP and all 9-1-1 calls are initially received and processed by County Comm.

- Page 32, 2<sup>nd</sup> paragraph :

1<sup>st</sup> sentence states “SVRIA has been approved for federal funding to begin the process.” Recommend amending to state “SVRIA has submitted a FY 2010 UASI grant funding request for approval and the County has allocated \$810,000 to begin this process.”

Last sentence states “Grant funds to begin the work will be available in 2011.” Recommend amending to state “Grant funds to begin the work, if approved, will be available in 2011.”

City of Gilroy

Section 4.1.7 Apparatus, page 36, 2<sup>nd</sup> sentence, amend “Most apparatus is ...” to “Most apparatus are...”

City of Santa Clara Fire Department

Section 4.7.8 Service Delivery, page 82, 1<sup>st</sup> sentence “Dispatch is provided by the Santa Clara City Police Department, with EMD calls transferred to the Santa Clara County Communications Center.” City of Santa Clara dispatchers provide EMD services. We would recommend amending to state “Dispatch is provided by the Santa Clara City Police Department, with information from medical/EMD calls transferred to the Santa Clara County Communications Center to initiate an ambulance response.”

## South Santa Clara County Fire District

Section 4.9.8 Service Delivery, page 103, 1<sup>st</sup> sentence states "Santa Clara County Communications is the public service answering point for emergency calls within the service area of the South County Fire District." Amend to state "Santa Clara County Communications is the public safety answering point for emergency calls within the service area of the South County Fire District." (Use safety rather than service)

Section 5.4 Communications, page 132, 3<sup>rd</sup> paragraph, 4<sup>th</sup> sentence states "SVRIA has been approved for federal funding to begin the process." Recommend amending to state "SVRIA has submitted an FY 2010 UASI grant funding request for approval and the County has allocated \$810,000 to begin this process."

The last sentence in the 3<sup>rd</sup> paragraph, page 132-133, states "Grant funds to begin the work will be available in 2011." Recommend amending to state "Grant funds to begin the work, if approved, will be available in 2011."

Section 5.4, page 133, 5<sup>th</sup> paragraph, 3<sup>rd</sup> sentence states: "In cities, the fire call volume is a small portion of overall dispatch activity; police typically amount for 90% or more of the calls." This percentage seems too high. Is it limited to response to fires only? Does it take into account fire response on emergency medical calls? Is it limited to calls from the public? Does it include officer field generated calls?

## City of San Jose

Section 6.7, under "Status of and opportunities for shared facilities" heading, page 162, second bullet, states "Communications is provided by a fire unit in the police department communications division." We believe this is incorrect and should say "Communications is provided by a fire unit in the fire department communications division."

## Attachment A, Definitions and Acronyms

Table 87, page 189-190, Recommend revising as follow:

- County Comm – County of Santa Clara Communications Department is the communications/dispatch center for the Santa Clara County Central Fire Protection District and countywide emergency ambulance dispatch, except for the City of Palo Alto.
- Mutual Aid – One or more agencies providing support to another agency upon request normally at no cost.

Table 88, page 190-192, Recommend revising as follows:

- FTE – Full Time Equivalent employee
- Add "STAR – Supplemental Transport Ambulance Resource"

## Attachment C: Fire Agency Information, starting on page 196, column 1, table row headings

- Would recommend changing title "Mutual aid arrangements" to "Mutual and Auto Aid arrangements"

South Santa Clara County Fire Protection District Detail, page 249, Dispatch arrangement, recommend it be revised to state:

The South Santa Clara County Fire Protection District contracts with Cal Fire Morgan Hill Emergency Command Center as their secondary 911 Public Safety Answering Point for Fire/EMS services. Primary 911 Public Safety Answering Point for law enforcement and emergency medical dispatch (EMD) services are provided by County Comm.



SANTA CLARA COUNTY LAFCO  
2010 Fire Service Review

Comments Received on November 3, 2010 Revised Draft Report

Commenting Agency: City of Morgan Hill

Date: 11/16/2010

Page	Section/ Table	Comment	Response
123	5.2	<p>After the final paragraph, the City recommends that LAFCO insert the "South County Regional Fire/EMS Expenses &amp; Assessed Valuation" graph and the following paragraph. Both of these are from the November 10 report.</p> <p>Over the past year, the South County agencies have adopted budgets and changes to cost structure needed to meet the fiscal challenges of declining revenues. As part of the South County regional study, the region's change in assessed valuation and expenditures for fire and EMS from FY 2005/06 to present was evaluated. As expected, the region's total assessed valuation has declined the past two years. At the same time, although Gilroy has reduced its fire service costs, other agency fire service cost increases have counteracted that effect and the region's total fire and emergency medical services expenses have ultimately increased.</p>	<p>Comment noted. The comment is at a level of detail beyond the scope of this review</p>
125	5.2	<p>In the first paragraph, the revised draft report states that "SCFD is the lowest cost provider of service on all measures analyzed." However, the revised numbers in Table 84 indicate that CCFD is the lowest cost provider on a per capita measurement, while SCFD is the lowest cost provider on per company and per sworn personnel measurements. The City would also appreciate LAFCO revising Table 84 "Service Population" column to show Morgan Hill's population at 40,200.</p>	<p>Edit report text to reflect the data in Table 84. Population numbers are from ABAG data available at the time the report was prepared and are used consistently for all cities and agencies.</p>

125	5.2.1	<p>At conclusion of this section, the City recommends adding the following narrative so that this information is formally included in LAFCO's report.</p> <p>On November 10, 2010, the South County regional study ad-hoc committee discussed a range of options to achieve regionalization of fire/EMS: from opportunities for interagency collaboration within the existing framework to options for consolidating fire and emergency medical services in South County. The report also included a preliminary analysis of the options by addressing the issues of governance, management, and financing.</p> <p>At the conclusion of the meeting, the ad-hoc committee agreed that the individual governing bodies should independently discuss the conditions in which each agency is interested in pursuing regionalization. The goal is for each agency to provide its conditions by February 2011 so that the ad-hoc committee can meet again in February or March to review the information and determine the study's next steps.</p>	<p>Comment noted. The comment pertains to activities that occurred after the publication of the revised draft MSR on November 3, 2010.</p>
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December  
8, 2010

SANTA CLARA COUNTY LAFCO

2010 Fire Service Review

Comments Received on November 3, 2010 Revised Draft Report

Commenting Agency: Sunnyvale Department of Public Safety

Date:

Page*	Section/ Table	Comment	Response
169	6.12	There is no discussion of the unique nature of DPS and how it would make LAFCO's call for consolidation with MTV and SNC difficult. You must remember that SNY BCs also fill the role of Police Watch Commander in SNY. A MTV or SNC BC could not do that.	Edit section 6.12, page 169, <i>Accountability for community service needs, including governmental structure and operational efficiencies,</i> determination statement to note the difficulty to consolidation presented by Sunnyvale's Public Safety structure.
21		HAZMAT Typing....The current version is unedited from the first. Here are the original comments I submitted then.  Hazardous Materials Response Only two agencies have passed the formal Typing by the State of California. Santa Clara County Central is a Type 1. SNY is a Type 2. I believe San Jose has to-date not passed the State requirements as a Type 1.	Edit report to reflect that as of publication date of the revised draft the CCFD was the only State Certified Type I department. San Jose has developed all Type I capability and was certified in December 2010.
141	5.13.1	No mention of the Public Safety Concept and the consolidation issues  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 defeat the Public Safety model	Comment noted. Discussion in this section is general in nature. Sunnyvale's public safety structure is noted in other report sections.
141	5.13.2	Shared Battalion Chiefs In order to meet this area, the shared resources would also need to have Law Enforcement so they assume a Law Enforcement Command Role as required. Staffing has increased 14% between FY 2007-08 and FY 2010-11.	Comment noted. Discussion in this section is general in nature. Sunnyvale's public safety structure is noted in other report sections.
167		This was due to Department reporting structure reorganization and not the addition of Staff. We should make sure that is reflected properly to not give the impression we added staff when in fact we are removing SWORN Staff and replacing with Civilian Professionals.	Comment noted. Note on staffing is included.

249		<p>Still show's 11 engines still not 9  o How many companies does the Sunnysvale Fire Department staff daily?  <input type="checkbox"/> Sunnysvale Staffs 9 Engine Companies, 2 Truck Companies and a HazMat Company 247. We also have two Engines (unstaffed) in Reserve.</p>	Edit report to reflect comment
134-135	Table 86	<p>Operating Costs  o Analyzing the data poses some contradiction, because of the Public Safety Model. Specifically, because we minimally staff a Fire Service augmenting it with Patrol resources, our cost per firefighter appears high. However, all other metrics are extremely low, or are the lowest of all cities, as one would expect. This is merely the mathematics of dividing the overall budget by minimally staffed service. I think that some (particularly the media) will focus on the sensational aspect of one metric and ignore all others. It would be extremely helpful, and I believe more valid to separate Sunnysvale from the rest of the table, through a break in the rows, heavy borders and/or shading of the whole row with adjacent comment instead of just a footnote (#9).</p>	<p>Comment noted. Adequate explanation is contained in the text regarding the limitations of comparative data. Different measures were introduced to recognize this limitation rather than focus on one measure.</p>
* Pages are those in the redlined draft dated December 8, 2010			



SANTA CLARA COUNTY LAFCO  
 2010 Fire Service Review  
 Comments Received on November 3, 2010 Revised Draft Report

Commenting Agency: San Jose IAFF Local 2030

Date: 11/30/2010

Page*	Section/ Table	Comment	Response
		<p style="text-align: center;"><b>Major Items</b></p> <p>The Revised Report does not set forth any workload assessment, i.e., the number of calls per service per firefighter in each agency listed.</p>	<p>Comment noted. A detailed workload assessment by agency was not in the scope of work for the municipal service review. Attachment D. contains 2009 call volume information for each station as provided by the departments.</p>
138	Table 86		<p>Table 86 has been edited to contain information provided by Fire Department management to reflect 2010-11 conditions. This is: 26 Engines with 4 person crews; 4 engines with 2 person crews; 2 trucks with 5 person crews; 7 trucks with 3 person crews; 5 medic units with 2 person crews; 2 brush patrols with 2 person crews; 4 light units with 2 person crews; 1 HazMat unit with a 2 person crew and 1 USAR with a 5 person crew. This results in a material change to the SJFD number of daily staffed apparatus and operating cost per daily staffed apparatus. San Jose splits certain engine and truck companies to operate two pieces of apparatus-- the engine or truck and either a medic unit, bush patrol, or light unit. This was not factored in to the November 3, 2010 Revised Draft which under reported the number of daily staffed apparatus.</p>
		<p>Incorrect information on number of apparatus and apparatus staffing.</p>	
<b>Specific Items</b>			

	San Jose Fire Department does not staff single truck apparatus with six personnel.	Edit report to reflect the SJFD does not any apparatus with six personnel.
	The Revised Report includes Airport operation costs (staffing, payroll) in much of the analysis.	Comment noted. The statement is correct. SJFD Airport operations are included in the report. Airport fire/rescue activity is a responsibility of the SJFD.
	The Revised Report indicates that SJFD operates a "Rescue Medic 28," which does not exist.	See response to comment 6, above.
	The report indicated that the department's ISO rating "varies from 3 to 9," but later reports correctly that the City and the department do not participate in any ISO rating.	Edit report on page 215 to reflect ISO ratings from 3--9 as provided by the department. ISO ratings are assigned by the Insurance Service Office; it is not a program that a fire department can choose to participate in or not. San Jose, like some other departments, does not incorporate ISO data into the assessment of their systems.
	The Revised Report states "Engines are replaced at every 17 years; trucks at 20 years." In fact, apparatus are only evaluated for replacement at that time and the department operates many apparatus well beyond 20 years.	Edit report to reflect that engines are evaluated for replacement at after 17 years of service and trucks after 20 years. Depending on the condition of the apparatus, it may remain in service beyond these time frames.
	The Revised Report states "All line apparatus are consistent with the replacement cycle." In fact, the department operates numerous line apparatus that exceed these timelines, including Engines dating from 1983-1990 and a Truck from 1988. All are front line apparatus.	Comment noted. Information provided by the department reflects that all front line engines and trucks reported in use at the time of publication of the draft report were consistent with the replacement policy.
	The Revised Report correctly identifies that the department does not operate designated "reserve" apparatus, but goes on to state the department only operates 29 engines. Further, the report states there is one USAR apparatus when I in fact there are two USAR apparatus staffed daily.	Edit table 45 on page 74 to be consistent with the text of Section 4.6.7. This will reflect the information provided by the department that on the publication date of the draft report the department staffed on a daily basis 30 engines, 9 trucks and 2 rescue apparatus.

<p>No change. Operational and financial analysis in the report focused on the personnel and apparatus dedicated to direct daily emergency response. Administrative and support vehicles were not included.</p>	<p>The Revised Report includes some dedicated staffed "overhead" apparatus, such as Battalion Chief vehicles, while excluding others, such as the Public Information Officer, Duty Chief, Command Van, and others. Further, the report excludes other apparatus such as Foam 29, etc.</p>	
<p>Edit report to reflect that at the time of publication of the draft report Station 34 was staffed with a 5 person crew rescue unit.</p>	<p>The Revised Report indicates that Station 34 is staffed with Light Unit 34, which does not exist at Station 34 or any other station.</p>	
<p>Comment noted. The original information gathered for the report reflected 2009 call volumes and 2009/10 budgets. A decision was made in the process of drafting the report to gather financial and operational information for 2010-11 budgets. This was done in recognition of the impact current financial conditions were having on many departments and resulting changes in apparatus and staffing. Where information is used to make comparisons between departments, reasonable steps have been taken to make those comparisons on an "apples to apples" basis.</p>	<p>The Revised Report incorrectly depicts the placement of numerous apparatus, such as Water Tender 2, Truck and Rescue Medic 4, etc. In some areas of the report, apparatus deployment from 2009 is reflected, while in other areas, apparatus deployment from 2010 is reflected (impacted by the closure of four engines and one truck company). In some cases, the new apparatus placement configuration is matched to old response data, incorrectly displaying the utilization of each apparatus.</p>	
<p>Comment noted. As noted on in Section 2.3.4, page 15: "Different budgeting practices, service program structures and categorization of service calls and responses make precise assessment and comparison impossible in the scope of the assignment. For example: some fire agencies include the move-ups of apparatus to cover for a responding apparatus in their response statistics while others do not..."</p>	<p>"Calls for service" throughout the report are not accurately defined and do not reflect the actual utilization of each apparatus, significantly understating their use.</p>	<p>* Pages are those in the redlined draft dated December 8, 2010</p>



**SANTA CLARA COUNTY LAFCO**  
**2010 Fire Service Review**  
**Comments Received on November 3, 2010 Revised Draft Report**

**Commenting Agency: Santa Clara County Central Fire Protection District**

**Date:**

Page*	Section/ Table	Comment	Response
6		Accountability for Community Service... Three cities and TWO districts contract for service. THREE Districts contract for service: Saratoga and Los Altos Hills contract with County Fire; South County contracts with CAL FIRE	Edit report to reflect three contract districts
32	5	The Primary PSAP for all Unincorporated areas is County Comm. The CAL FIRE center is a Secondary PSAP.	Edit table 5 to reflect County Comm as the primary PSAP for the unincorporated area.
43	4.2.2	Decrease in fund balance was due in part to Prop 1A, the one-time loan of \$557,890 to the State, to be repaid with interest in 2013.	Comment noted. The purpose in the report is to reflect the overall financial condition and not to analyze how that condition has been impacted by specific events.
85	4.8.1	Annexation of more than 20,000 acres in sphere of influence was finalized September 2010	Edit report to reflect September 2010 as the effective date of annexation.
87	4.8.2	Decrease in fund balance was due in part to Prop 1A, the one-time loan of \$4.18 million to the State, to be repaid with interest in 2013. CCFD also absorbed Saratoga Fire District's \$410,000 Prop 1A loss.	Comment noted. The purpose in the report is to reflect the overall financial condition and not to analyze how that condition has been impacted by specific events.
87	4.8.3	Stations: 8 excellent, 8 good, 1 fair	Edit report to reflect ratings
123		Gilroy and CCFD rotate providing 24-hour coverage; Gilroy 112 hours per week and CCFD 56 hours per week	Edit report to reflect that Gilroy provides 24 hour BC coverage 4 out of a 6 day cycle and Central 2 out of a 6 day cycle
123		Any of the three current communication operations could serve this role, given appropriate enhancements to staffing, equipment, and training	Edit report to use "any" rather than "either"
123		South County Fire District could potentially experience offsetting savings if communications were contracted to County Comm, Gilroy, or some other regional center. SCFD specifically contracts for dispatch personnel beyond what the State provides.	Edit report to reflect that costs of contracting for fire communication would likely increase costs for Gilroy. Additional analysis would be required to determine the impact on the communication costs of SCFD.

124	Note 2: A portion of one company and one Battalion Chief are paid for by the State of California. It is unclear from the data whether the funding provided by the State is included in the figures presented for SCFD. Other departments in the county receive funding for companies and chief officers from outside agencies. These other departments reported the revenue and expenditures in their figures.	Table 84	Comment noted. The situation in SCFD is not analogous to contracts for services that other cities or districts may have for service provision. In the latter, the direct beneficiaries of the service, e.g., the contracting city, are paying the contracting department. In the case of SCFD, a portion of an engine is subsidized by the State. This provides a unique cost savings to the properties in SCFD that cannot be replicated in most other situations. The footnote draws attention to this circumstance as the costs of the state funded portion is not included in the SCFD budget.
125	SCFD is the HIGHEST cost per capita, according to Table 84		Edit report to reflect Table 84 numbers.
142	THREE platoons	5.13.5	Edit report to reflect three platoons
160	Annexation of 20,000 acres completed in September 2010	6.9	Edit report to reflect that the annexation was effective in September 2010.
173	The area on the northeast edge of the district in the Hicks Rd / Pheasant Rd area (Rancho De Guadalupe Open Space Preserve) is in the Town of Los Gatos SOI and CCFD is the fire provider for Los Gatos. The area should remain in the Fire District SOI; if annexed to the Town, it must be concurrently annexed to the District.  Given the recommendation in 7.4.3, does the CCFD SOI need to be specifically expanded to include the area currently within the Saratoga Fire District SOI?	7.2.3	Comment noted. These lands are within the Mid peninsula Regional Open Space District. Only a small portion of these lands are currently within the urban service area (USA) of the Town of Los Gatos. Los Gatos does not intend to annex these lands and has submitted an application (currently incomplete) for retraction of its USA to exclude these lands.
180	With the annexation of 20,000 acres by CCFD in September 2010, the SOI for the SFD is completely surrounded by the CCFD.	7.4.2	Edit report to reflect that the annexation was effective in September 2010.
* Pages are those in the redlined draft dated December 8, 2010			

**SANTA CLARA COUNTY LAFCO**  
**2010 Fire Service Review**  
**Comments Received on November 3, 2010 Revised Draft Report**

**Commenting Agency: Santa Clara County Communications**

**Date: 12/3/2010**

Page*	Section/ Table	Comment	Response
29	3.8	1st paragraph, 1st bullet point – currently states "First responder fire unit dispatch. Notification from the primary public safety answering point (PSAP) to the fire/paramedic unit responsible for the initial incident response." We would recommend amending this sentence to state: "First responder fire unit dispatch. Notification from the primary public safety answering point (PSAP) to the Secondary PSAP responsible for the initial fire/paramedic unit incident response."	Edit report to reflect comment.
30	3.8	3rd paragraph, last sentence states: "In cases where a police department is the PSAP, all calls requiring an ambulance response are transferred to County Comm." We would recommend amending this sentence to say "In most cases where a police department is the PSAP, information from calls requiring an ambulance response are transferred to County Comm to initiate an ambulance response."  Unless resources are fully depleted by current calls, Palo Alto handles most of their ambulance transport requests without assistance from County Communications. Also many Secondary Fire/EMS PSAPs continue processing medical calls and provide EMD pre-arrival instructions, during which County Communications is notified of the need for ambulance transport. As written, the initial statement could be misinterpreted that we complete the entire process (call answer, EMD, and ambulance transport dispatch) for all law PSAPs.	Edit report to reflect comment.
30-31	Table 5	2nd column, "Primary Public Safety Answering Point (PSAP)" – City of Monte Sereno – "Police Dept" not "County Comm" 2nd column, "Primary Public Safety Answering Point (PSAP)" – should read "County Comm." Only, CAL FIRE is a Secondary PSAP and all 9-1-1 calls are initially received and processed by County Comm.	Edit report to reflect comments.

32		<p>1st sentence states "SVRIA has been approved for federal funding to begin the process." Recommend amending to state "SVRIA has submitted a FY 2010 UASI grant funding request for approval and the County has allocated \$810,000 to begin this process."</p> <p>Last sentence states "Grant funds to begin the work will be available in 2011." Recommend amending to state "Grant funds to begin the work, if approved, will be available in 2011."</p>	Edit report to reflect comment.
36	4.1.7	2nd sentence, amend "Most apparatus is ..." to "Most apparatus are..."	Edit report to reflect comment.
80	4.7.8	1st sentence "Dispatch is provided by the Santa Clara City Police Department, with EMD calls transferred to the Santa Clara County Communications Center." City of Santa Clara dispatchers provide EMD services. We would recommend amending to state "Dispatch is provided by the Santa Clara City Police Department, with information from medical/EMD calls transferred to the Santa Clara County Communications Center to initiate an ambulance response."	Edit report to reflect comment.
99	4.9.8	1st sentence states "Santa Clara County Communications is the public service answering point for emergency calls within the service area of the South County Fire District." Amend to state "Santa Clara County Communications is the public safety answering point for emergency calls within the service area of the South County Fire District." (Use safety rather than service)	Edit report to reflect comment.
128	5.4	<p>3rd paragraph, 4th sentence states "SVRIA has been approved for federal funding to begin the process." Recommend amending to state "SVRIA has submitted an FY 2010 UASI grant funding request for approval and the County has allocated \$810,000 to begin this process."</p> <p>The last sentence in the 3rd paragraph, page 132-133, states "Grant funds to begin the work will be available in 2011." Recommend amending to state "Grant funds to begin the work, if approved, will be available in 2011."</p>	Edit report to reflect comments.
133	5.4	5th paragraph, 3rd sentence states: "In cities, the fire call volume is a small portion of overall dispatch activity; police typically amount for 90% or more of the calls." This percentage seems too high. Is it limited to response to fires only? Does it take into account fire response on emergency medical calls? Is it limited to calls from the public? Does it include officer field generated calls?	Edit report to note that police dispatch activity in a combined police fire communication center can range up to 90% of calls. This is based on an informal assessment by selected police chiefs and not a detailed study of the calls of specific agencies.



158	6.7	second bullet, states "Communications is provided by a fire unit in the police department communications division." We believe this is incorrect and should say "Communications is provided by a fire unit in the fire department communications division."	Edit report to reflect that the police communications division is the primary PSAP with fire and medical calls transferred to the fire department communications division for unit dispatch and EMD.
185-186	Table 87	<ul style="list-style-type: none"> <li>County Comm – County of Santa Clara Communications Department is the communications/dispatch center for the Santa Clara County Central Fire Protection District and countywide emergency ambulance dispatch, except for the City of Palo Alto.</li> <li>Mutual Aid – One or more agencies providing support to another agency upon request normally at no cost.</li> </ul>	
190-192	Table 88	<ul style="list-style-type: none"> <li>FTE – Full Time Equivalent employee</li> <li>Add "STAR – Supplemental Transport Ambulance Resource" column 1, table row headings</li> <li>Would recommend changing title "Mutual aid arrangements" to "Mutual and Auto Aid arrangements"</li> </ul>	Edit report to reflect comment. Comment noted. Edit report to include STAR
196		Dispatch arrangement, recommend it be revised to state: The South Santa Clara County Fire Protection District contracts with Cal Fire Morgan Hill Emergency Command Center as their secondary 911 Public Safety Answering Point for Fire/EMS services. Primary 911 Public Safety Answering Point for law enforcement and emergency medical dispatch (EMD) services are provided by County Comm.	Comment noted.
245			Edit report to reflect comment

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December  
8, 2010



**SANTA CLARA COUNTY LAFCO  
2010 Fire Service Review**

**Comments Received on November 3, 2010 Revised Draft Report**

**Commenting Agency: Saratoga Fire District**

**Date: 10/18/2010**

Page*	Section/ Table	Comment	Response
8	1.4.3	The Report makes a blanket assumption, with absolutely no factual support, that a dissolution of SFD and annexation of its territory to the County Central Fire Protection District ("CCFD") "would result in reduced administrative costs and would make accountability for service more transparent." Elsewhere in the Report, it is stated that consolidation of SFD with CCFD would produce estimated annual savings of \$188,000, but the Report contains no discussion as to how this number was determined.	Edit Section 5.3.1, page 130, to reflect that initial administrative savings are estimated at \$118,000 annually. This figure is derived from the SFD 2010-11 budget; it reflects all administrative costs less retiree medical payments which would continue for a period of time after dissolution. The cost of fire protection by CCFD would continue as would loan payments. The statement in Section 1.4.3 reflects the opinion of the consultant based upon the overall review of the circumstances related to the LAFD and SFD.
180	7.4.3	We have no objection to the establishment of a zero sphere of influence for SFD. However, it does not logically follow that because the District has no SOI it should therefore be dissolved, as suggested in Section 7.4.3 of the Report. The District had never existed for the purpose of annexing territory within an adjacent SOI; it was established to provide fire protection service within its own territory and is still serving that function 87 years later and does not require an SOI to do so.	Comment noted. The report presents the dissolution of the SFD and annexation of its lands to the CCFD as an alternative; it presents an opportunity to improve efficiency and economy by providing services with lower administrative costs, and improve clarity of the responsibility for service delivery.
Various		Since the Report is only in draft form, we request that all references to the dissolution, consolidation, or annexation of SFD and its merger with CCFD be deleted from the final report.	Comment noted. The report presents the dissolution of the SFD and annexation of its lands to the CCFD as an alternative; it presents an opportunity to improve efficiency and economy by providing services with lower administrative costs, and improve clarity of the responsibility for service delivery.

\* Pages are those in the redlined draft dated December 8, 2010



SANTA CLARA COUNTY LAFCO  
2010 Fire Service Review

Comments Received on November 3, 2010 Revised Draft Report

Commenting Agency: Palo Alto Fire Department

Date: 10/12/2010

Page*	Section/ Table	Comment	Response
63	4.5.3	City of Palo Alto Overview The City's capital improvement program does <u>NOT</u> contain funding to bring stations 3 and 4 to good conditions	Edit report to reflect funding is not identified to bring stations 3 and 4 into good condition.
134-135	Table 86	Apparatus Staffing <input type="checkbox"/> We do not have any apparatus with 4 person crew. Should be 10 apparatus with 3 person crew <input type="checkbox"/> Should be 1.5 apparatus with 2 person crew (One 24 and one 12 hour medic van) <input type="checkbox"/> Footnote 6 -- For four months of the year, an additional engine is staffed on a 12 hour shift	Comment noted. Table 86 reflects 9 apparatus staffed daily year round with 3 person crews and 1.5 apparatus with two person crews. The seasonally staffed engine at station 8 is reflected in the 3 company equivalent column. Edit foot note 6 to reflect 12 hour staffing.

\* Pages are those in the redlined draft dated December 8, 2010



LAFCO Meeting: December 15, 2010  
TO: LAFCO  
FROM: Neelima Palacherla, Executive Officer  
Mala Subramanian, LAFCO Counsel  
**SUBJECT: Update on LAFCO's Conflict of Interest Code**  
Agenda Item #6

**FOR INFORMATION ONLY**

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The code reviewing body, the County of Santa Clara Board of Supervisors, approved the amended Conflict of Interest Code for LAFCO at its meeting on November 23, 2010. Therefore November 23, 2010 is the effective date of LAFCO's amended code.

LAFCO adopted its Code by resolution on April 21, 2010. As required, LAFCO forwarded the adopted Code to the Santa Clara County Counsel's Office for review and submittal to the County Board of Supervisors for their approval. The County Counsel's Office requested some changes in formatting and some clarification of LAFCO's disclosure categories as well as in the process for retaining filed statements. LAFCO Counsel revised the Code to address those concerns.

**ATTACHMENTS**

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Attachment A: LAFCO's Approved Conflict of Interest Code

**CONFLICT OF INTEREST CODE OF THE  
LOCAL AGENCY FORMATION COMMISSION  
OF SANTA CLARA COUNTY**

The Political Reform Act, California Government Code Sections 81000, *et seq.* (the "Act"), requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation, set forth in 2 California Code of Regulations Section 18730, that contains the terms of a standard conflict of interest code, which state and local government agencies can incorporate by reference into their conflict of interest codes. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments to the Act.

Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference into the Local Agency Formation Commission of Santa Clara's ("LAFCO") Conflict of Interest Code. This incorporation page, Regulation 18730, and the attached Appendix designating officials and employees and establishing disclosure categories, shall collectively constitute LAFCO's Conflict of Interest Code (the "Code"). The requirements of the Code are in addition to other requirements of the Act and to other state or local laws pertaining to conflicts of interest. (Government Code §81002(c); 2 California Code of Regulations. §18730(a).)

All Officials and Designated Employees required to submit a statement of economic interests pursuant to this Conflict of Interest Code shall file their statements with the LAFCO Clerk, as LAFCO's Filing Official. The Filing Official shall make and retain a copy and forward the original to the County of Santa Clara Clerk of the Board of Supervisors. The Filing Official will make all retained statements available for public inspection and reproduction, pursuant to California Government Code Section 81008.

Adopted by LAFCO Resolution #: 2010-03    Date: April 21, 2010

Approved by the County of Santa Clara Board of Supervisors    Date: November 23, 2010.

Effective: November 23, 2010



## APPENDIX

### CONFLICT OF INTEREST CODE OF THE LOCAL AGENCY FORMATION COMMISSION OF SANTA CLARA COUNTY

#### OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

LAFCO Officials who manage public investments, as defined by 2 California Code of Regulations Section 18701(b), are NOT subject to LAFCO's Code, but are subject to the disclosure requirements of the Political Reform Act. (Government Code §87200, *et seq.*; 2 California Code Regulations. §18730(b)(3).)

LAFCO currently has no officials who manage public investments.

DESIGNATED POSITION	DISCLOSURE CATEGORY
Commissioner	1
Alternate Commissioner	1
Executive Officer	1
Assistant Executive Officer/ Analyst	1
General Counsel	1
Consultant	2

#### DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business positions, sources of income, including gifts, loans or travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

**Disclosure Category 1:** (a) All investments and business positions in business entities, and sources of income, including gifts, loans or travel payments, located in, that do business in, plan to do business in or have done business within the previous two years in the jurisdiction of LAFCO; and (b) All interests in real property which is located in whole or in part within, or not more than two miles outside, the jurisdiction of LAFCO.

**Disclosure Category 2:** Consultants shall disclose pursuant to the broadest disclosure category: (a) All investments and business positions in business entities, and sources of income, including gifts, loans or travel payments, located in, that do business in, plan to do business in or have done business within the previous two years in the jurisdiction of LAFCO; and (b) All interests in real property which is located in whole or in part within, or not more than two miles outside, the jurisdiction of LAFCO. Notwithstanding the foregoing, the Executive Officer may determine in writing that a consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Category. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

**LAFCO Meeting: December 15, 2010**  
**TO:** LAFCO  
**FROM:** Neelima Palacherla, Executive Officer  
Dunia Noel, Analyst  
**SUBJECT:** **Executive Officer's Report**  
Agenda Item #7

**7.1: Update on the 2011 Countywide Water Service Review**

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**For Information Only**

On October 22, 2010, LAFCO released a Request for Proposals (RFP) for a professional service firm to prepare a countywide water service review and to prepare sphere of influence updates for four water districts and two resource conservation districts. LAFCO received 7 proposals in response to the RFP.

On December 13, 2010, a Consultant Selection Committee, consisting of LAFCO staff and four members of the Technical Advisory Committee, will interview the 7 firms and will make a recommendation as to the most qualified firm. LAFCO staff will negotiate the final terms of the contract and enter into a service agreement with the selected firm, as authorized by the Commission. It is expected that the consultant will begin working on the project in January 2011 and staff will hold a kick-off meeting with the Technical Advisory Committee in mid to late January. The Countywide Water Service Review and SOI Updates should be completed by October 2011. LAFCO staff will continue to provide the Commission with updates on this project as it progresses.

**7.2: Update on Island Annexations in Santa Clara County**

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**For Information Only**

In November, the City of San Jose annexed four large populated unincorporated islands. In total, these islands consisted of approximately 341 acres and 6,718 people.

On December 7th, the City of San Jose approved the ordering of the Cambrian No. 36 annexation, but indicated that the City would not register the annexation for up to 6 months in order to allow discussions with the City of Campbell on potential options (that are fiscally neutral to the City of San Jose) for Campbell to annex the Cambrian No. 36 area. The residents of the Cambrian No. 36 area are seeking annexation into the City of Campbell. The City of San Jose's action is unusual from a process standpoint and it is unclear to LAFCO staff how this process will be implemented.

Additionally, LAFCO staff has completed its inventory and classification of the remaining unincorporated islands in the county. Staff will provide this information to

the cities and follow-up with each city regarding their plans for these islands and will report back to the Commission concerning their status.

### **7.3: LAFCO's Comment Letter on Morgan Hill Southeast Quadrant (SEQ) Project**

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#### **For Information Only**

LAFCO staff has been following the Morgan Hill Southeast Quadrant (SEQ) Project since 2008 and providing comment letters to the City since early 2010. In late November, staff submitted a comment letter (Attachment A) in response to the City of Morgan Hill's Notice of Preparation (NOP) for an environmental impact report for the Southeast Quadrant Project. According to the NOP, the Project will require approval from LAFCO for the annexation and inclusion of the project area into the City's Urban Service Area. Therefore LAFCO is a Responsible Agency under CEQA.

LAFCO's comment letter noted that the NOP does not provide a clear or sufficiently detailed description of the Project and requested that the City provide LAFCO with a more complete project description that includes the specific proposed language for the various project components and identifies the probable environmental effects of the Project. The letter also noted that the Project is a major revision of the City's General Plan and should be considered in the context of a comprehensive general plan update and involve broad stakeholder participation. Staff also noted that there are many issues and unanswered questions concerning the proposed Project's consistency with City, County, and LAFCO Policies and recommended that these issues be addressed as early as possible in the process.

Attached, for your information, is a letter (Attachment B) that LAFCO received from "Thrive Morgan Hill" concerning the SEQ Project. Staff will continue to provide updates to LAFCO on this Project as it moves forward.

Attachment A: November 22, 2010 LAFCO Comment Letter on NOP

Attachment B: November 29, 2010 Letter from "Thrive Morgan Hill" to LAFCO Chairperson Vicklund-Wilson



November 22, 2010

Rebecca Tolentino, Senior Planner  
Community Development Department  
City of Morgan Hill  
17555 Peak Avenue  
Morgan Hill, CA 95037-4128

**RE: NOTICE OF PREPARATION FOR THE MORGAN HILL SOUTHEAST  
QUADRANT (SEQ) GENERAL PLAN AMENDMENTS AND AGRICULTURAL  
MITIGATION AND PRESERVATION PROGRAM**

Dear Ms. Tolentino:

Thank you for providing the Local Agency Formation Commission (LAFCO) of Santa Clara County with an opportunity to comment on the City of Morgan Hill's Notice of Preparation for the SEQ General Plan Amendments and Agricultural Mitigation and Preservation Program and for extending the comment period to November 23rd. The Notice of Preparation notes that the project will require approval from LAFCO for annexation and inclusion of the project area in the City's Urban Service Area. Therefore, LAFCO is a responsible agency. LAFCO's comments on the NOP are provided below.

**1. THE NOP CONTAINS INSUFFICIENT INFORMATION**

LAFCO's response to the NOP is limited to the information provided to it, and LAFCO reserves the right to comment upon any information ultimately included in the EIR:

**Project Description in the NOP is Inadequate and Confusing (Section 1.3)**

The State CEQA Guidelines require that a Notice of Preparation (NOP) "provide the responsible and trustee agencies and the Office of Planning and Research with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response." (State CEQA Guidelines, §15082(a) (1)) The NOP does not provide a clear or sufficiently detailed description of the project. LAFCO requests that a more complete project description be provided and that it include, at a minimum, the following information:

- Language for the City's proposed Agricultural Land Use Designation
- Language for the City's proposed Sports-Recreation-Leisure Land Use Designation
- Language for the City's proposed Open Space Zoning District
- Language for the City's proposed Agricultural Zoning District
- Language for the City's proposed Sports-Recreation-Leisure Zoning Districts
- Language for the City's proposed Agricultural Preservation Policies/Program
- Language for the City's proposed Agricultural Conversion Policies
- Language for the City's proposed Open Space Program

- Site plans for the proposed Private High School and any specific details or plans available for the other 6 development proposals

In addition, the NOP also lists the following two objectives of the EIR:

- Identify lands within the SEQ viable for long-term agriculture
- Develop a program that fosters long-term agriculture within the SEQ through land use planning, agricultural preservation policies/programs, and agricultural mitigation.

Based on the NOP, it appears that these objectives are to be accomplished through the environmental impact report (EIR), which is in conflict with the purpose of an EIR. Pursuant to State CEQA Guidelines §15121(a), an EIR only serves the purpose of "an informational document which will inform public agency decision makers and the public generally of the significant environmental effects of a project ...". Please provide clarification and more detailed information on the two objectives listed above and their relationship to the EIR.

The NOP indicates in sections 1.3.3 through 1.3.5 that the City intends to develop various policies for agricultural preservation and conversion, as well as an Open Space Program. Those policies and programs are included in the Project Description, but it is not clear whether such policies would actually be included in the City's General Plan Amendment. Moreover, few details about such policies and programs are provided, limiting the ability to provide a meaningful response to the NOP. Nevertheless, at a minimum, the EIR must address all of the comments raised in prior LAFCO letters to the City dated April 6 and February 17, 2010, both of which are incorporated herein by reference.

#### **Description of Existing Conditions Requires Clarification (Section 1.2)**

The description of existing conditions in section 1.2 of the NOP states that the Southeast Quadrant area is "characterized by rural residences and agricultural lands." It then predicts that agricultural and orchard uses of the area would gradually cease and that rural residential uses would predominate. These statements in the NOP appear to prejudge the feasibility of continued agricultural uses of the area, despite a contrary statement in section 1.3.3 of the NOP. In any event, section 15125(a) of the State CEQA Guidelines requires that the EIR include a description of physical environmental conditions in the project area "as they exist at the time the notice of preparation is published [.]". Additionally, the EIR's description of the environmental setting must include both local and regional perspectives. (State CEQA Guidelines, §15125(a)). Thus, the EIR will need to address existing agricultural uses, and conversion pressures, not just in the Southeast Quadrant, but the rest of the region as well. This description of the existing environmental setting must also address the availability of vacant and underutilized lands within the City.

#### **Information on Probable Environmental Effects is Insufficient (Section 1.5)**

Pursuant to state law, at a minimum, the NOP must also identify any "[p]robable environmental effects of the project." (State CEQA Guidelines, §15082(a) (1) (C)).

Section 1.5 of the NOP lists fifteen topics that will be analyzed in the EIR. That section does not describe those potential effects, or indicate which environmental effects may be probable. Please provide more information regarding potential environmental impacts or please provide a copy of the initial study. Based solely on the information provided in the NOP, the following impacts, alternatives and mitigation measures must be addressed in the EIR.

**Agricultural Impacts:** As previously noted, the EIR will need to address impacts to all agricultural land. Such lands should include not just those identified on the Important Farmland Map and modified LESA model, but also all of those lands that fall within LAFCO's definition of prime agricultural land. Further, the EIR must analyze potential indirect impacts to agriculture resulting from the development of urban uses in close proximity to agricultural uses. Cumulative impacts related to conversion of agriculture within the region must also be analyzed. LAFCO has also adopted many policies for protecting agricultural resources that should be addressed in the EIR's analysis of agricultural impacts.

**Biological Resources:** Agricultural lands often provide foraging and nesting habitat for wildlife. The EIR should, therefore, address the potential direct, indirect and cumulative impacts to listed, special-status and non-listed species.

**Climate Change:** The list of topics in Section 1.5 indicates that the EIR would address climate change along with air quality. Recent amendments to the State CEQA Guidelines clarify that an EIR address whether the project will increase greenhouse gas emissions compared to the existing environmental setting. (State CEQA Guidelines, § 15064.4(b).) Thus, the analysis should address the project site's existing carbon sequestration, as well as the emissions that may result from conversion, construction and ultimate operation of activities described in the NOP. The EIR should also address the project's consistency with statewide policies encouraging in-fill and compact development and discouraging expansion into non-urbanized areas.

**Energy Impacts:** Appendix F of the State CEQA Guidelines requires analysis of a project's energy impacts. This analysis should address energy conservation, consumption and efficiency, particularly related to the expansion of services in the project area.

**Land Use:** LAFCO's prior comments alerted the City to the proposed project's inconsistency with existing LAFCO policies. Appendix G of the State CEQA Guidelines suggests addressing whether the project conflicts with any applicable policy of an agency with jurisdiction over the project. Here, LAFCO is a responsible agency. Consistency with its policies is a key issue that must be addressed in the EIR.

**Public Services:** The project includes extension of the City's Urban Service Area and annexation of agricultural lands for conversion to more urban uses. The City's ability to provide urban services, including, among others, public safety, libraries, schools, utilities, etc., must be analyzed in the EIR. Additionally, given the project's size and character, a water supply assessment may be required.

**Mitigation Measures:** As noted in LAFCO's previous comments, LAFCO has adopted Agricultural Mitigation Policies. The most recent information provided by the City indicates that its mitigation plan is not consistent with LAFCO policies. Those inconsistencies must be addressed in order for LAFCO, acting as Responsible Agency, to find that mitigation to be effective.

**Alternatives:** The EIR will be required to analyze a reasonable range of alternatives to the proposed project. Given that the project site includes prime agricultural land, the EIR must analyze alternative locations within the City to establish Sports-Recreation-Leisure districts. If the City concludes that no feasible alternative location exists, it must disclose the reasons for that conclusion in the EIR.

**2. THE PROJECT IS A MAJOR REVISION OF THE CITY'S GENERAL PLAN AND SHOULD BE CONSIDERED IN THE CONTEXT OF A COMPREHENSIVE GENERAL PLAN UPDATE AND SHOULD INVOLVE BROAD STAKEHOLDER PARTICIPATION**

As we understand it, the scope of the City's potential project is extensive; it involves major changes to the City's General Plan and includes at least the following:

<b>Changes to existing growth management boundaries and jurisdictional boundaries</b>
<ul style="list-style-type: none"> <li>• Expanding the City's Urban Limit Line to include 700 acres in the SEQ.</li> <li>• Expanding the City's Urban Growth Boundary to include 660 acres in the SEQ.</li> <li>• Expanding the City's Urban Service Area to include 305 acres in the SEQ.</li> <li>• Annexing 760 acres of the SEQ into the City Limits</li> </ul>
<b>Creation of New Land use Designations in the City's General Plan and Creation of New Zoning Districts</b>
<ul style="list-style-type: none"> <li>• Create an Agriculture land use designation and zoning district</li> <li>• Create a Sports-Recreational- Leisure land use designation and zoning district</li> </ul>
<b>Application of Land Use and Zoning Designations to Lands in the SEQ</b>
<p>Apply the following land use designations to SEQ lands:</p> <ul style="list-style-type: none"> <li>• Sports-Recreation-Leisure: 359 acres</li> <li>• Residential Estate: 215 acres</li> <li>• Public Facility: 82 acres</li> <li>• Open Space: 121 acres</li> <li>• Agriculture: 266 acres</li> <li>• Rural County 291 acres</li> </ul>
<b>Establishment of Citywide Policies / Programs re. Agricultural &amp; Open Space Lands</b>
<ul style="list-style-type: none"> <li>• Development of Agricultural Preservation Policies and Mitigation</li> <li>• Development of Agricultural Conversion Policies</li> <li>• Development of Open Space Program</li> </ul>
<b>Analysis of Development Proposals in the SEQ</b>
<ul style="list-style-type: none"> <li>• Project level analysis of development of a private high school on 40 acres</li> <li>• Programmatic level analysis of five other public and privately initiated development proposals in the SEQ covering over 376 acres</li> </ul>

Given the project's sizeable scope (as outlined above), the large amount of unincorporated land that will be directly affected by the project (approximately 1,300 acres in the SEQ which is equal to over 15% of current city lands), the fact that these lands are overwhelmingly prime agricultural lands and the long-term significance of planning for these lands not only to the property owners/businesses in the vicinity but to the entire city and the region, the project should be considered in the context of a comprehensive general plan update.

Furthermore, in 1996, the City of Morgan Hill adopted its urban growth boundary (UGB). Subsequently, the County and the City adopted joint policies in their respective general plans to address among other things, how to administer and maintain a dependable UGB and established a rational process for considering changes to the UGB over time. According to these policies, major modifications to the UGB location should be processed only in the context of a "comprehensive City General Plan land use element update, which occurs on an approximately 10 year interval, unless triggered by the established criteria, findings, or prerequisites, to ensure coordination between relevant land use planning issues and growth management considerations."

This project has the potential to impact the entire city, the surrounding unincorporated lands, and the region. Consideration of these impacts and the overall need, timeliness, and location of such a project are best considered and analyzed through a comprehensive general plan update process.

### **3. LAFCO'S PREVIOUS LETTERS IDENTIFY SEVERAL MAJOR CONCERNS REGARDING THIS PROJECT AND ITS CONSISTENCY WITH LAFCO POLICIES AND STATE LAW**

As noted in this letter and our two previous letters (dated February 17, 2010 and April 6, 2010) to the City, there are many issues and unanswered questions concerning the project's consistency with the various City, County, and LAFCO Policies.

These are the type of issues that should be fully considered by the community, the stakeholders and the decision makers through a comprehensive general plan update process. Furthermore these are the types of issues LAFCO is required to consider in its review of any USA amendment proposals. Therefore we respectfully recommend that these issues be addressed as early as possible in the process.

Lastly, the NOP is inadequate for LAFCO's use as a responsible agency. Please revise the NOP to clearly define the project, identify the potential impacts and re-circulate it for review and comment to the affected agencies and the public.



If you have any questions regarding these comments, please contact me at (408) 299-5127. Thank you again for providing us with the opportunity to comment on this significant project.

Sincerely,



Neelima Palacherla  
LAFCO Executive Officer

Cc: LAFCO Members  
Jody Hall Esser, Director, Santa Clara County Department of Planning & Development

#### ATTACHMENTS

LAFCO's April 6, 2010 and February 17, 2010 Comment Letters Re: Southeast Quadrant, including LAFCO's Urban Service Area Policies, Annexation Policies, and Agricultural Mitigation Policies.



April 6, 2010

Steve Piasecki, Community Development Director  
Community Development Department  
City of Morgan Hill  
17555 Peak Avenue  
Morgan Hill, CA 95037-4128

**Re: South East Quadrant (SEQ) Project**

**Dear Mr. Piasecki:**

Thank you for meeting with us on March 25<sup>th</sup> and for providing us with an overview of the South East Quadrant Project. As we indicated to you at the meeting, the proposed project presents several issues of concern to LAFCO. The following is a summary of our concerns based on our initial understanding of the Project.

**Annexation of Lands Outside of a City's Urban Service Area is Not Supported by LAFCO's Policies**

It is our understanding that as part of the Southeast Quadrant Project, the City intends to request annexation of lands outside of its Urban Service Area (USA). LAFCO Policies strongly discourage such annexations until inclusion into the Urban Service Area is appropriate because the general purpose for a city to annex lands is to provide them with urban services in order to allow their development. As you know, LAFCO has no authority over lands once they are annexed into a city. Upon annexation, these lands are under the city's authority for land use and development decisions and a city can amend the zoning and general plan designations for these lands and develop them.

LAFCO would only consider annexations outside of the USA if it is to promote the preservation of open space and/or agricultural land. If it is the City's intent to annex lands outside its USA for open space/agricultural purposes, LAFCO will require the City to sufficiently demonstrate that the affected lands will be permanently preserved for agricultural/open space purposes, and not developed or provided with urban services. One potential way in which permanent preservation can be demonstrated is by dedicating such lands to a qualified agricultural/open space conservation entity that has a clear preservation program and has the legal and technical ability to hold and manage conservation easements or lands for the purpose of maintaining them in open space or agriculture. Absent these measures, such a request to annex lands outside of a City's USA Boundary is not supported by LAFCO's Policies. Please see LAFCO's *"Policies Relative to Annexation / Reorganizations for Cities and Special District" (B)(1)*.

**LAFCO Policies and State Law Encourage Cities to Pursue the Development of Vacant and Underutilized Incorporated Lands before Seeking to Annex Agricultural Lands**

The City is also seeking to expand its USA and annex portions of the SEQ Area. We understand that the SEQ Area consists of largely prime agricultural land - land that the City wants to include in its USA even as the City has substantial amounts of land within its current boundaries that are vacant or underutilized. State law and LAFCO policies discourage the conversion of agricultural land to non-agricultural uses and require that development be guided away from existing prime agricultural lands. Please see LAFCO's *"Policies Relative to Annexations / Reorganizations for Cities and Special Districts"* (A)(3) and (B)(3) and Government Code Section 56377 (a) & (b).

The statutes and policies call for a city to exhaust existing vacant or underutilized lands within its boundaries before expanding into agricultural lands because developing lands which are already within a city's boundaries would allow for more effective use of existing city infrastructure, would result in more efficient provision of city services, would discourage premature and unnecessary conversion of irreplaceable agricultural land to urban uses, and would encourage compact development that would be more consistent with recent greenhouse gas reduction regulations and goals. Therefore we encourage the City to conduct a comprehensive review of its large inventory of vacant or underutilized lands to consider how best to provide opportunities for its development and maximize its use prior to expanding outwards into agricultural lands.

**LAFCO Policies and State Law Require Consideration of many Factors, Including whether the City has the Ability to Provide Urban Services to the Expansion Area without Detracting from Current Service Levels**

In addition to considering the impacts on agricultural lands and evaluating the need and timeliness of expanding the City's boundaries to accommodate growth, the City must also evaluate whether or not it has the financial ability to extend and provide services to the new area without detracting from current service levels to existing residents within the city. This is a particularly important issue in these economic times when many cities are struggling to provide and maintain acceptable service levels for services such as public safety (emergency medical, fire and police), libraries and schools. Other factors that LAFCO would consider in evaluating such proposals are contained in LAFCO's USA policies and include among other things, environmental impacts of the proposed development, availability of adequate water supply for the proposed development, and fiscal impacts to other affected agencies.

**City is Encouraged to Adopt Agricultural Mitigation Policies/Program that are Consistent with LAFCO's Agricultural Mitigation Policies**

We understand that the City is in the process of developing its agricultural mitigation program and that the specifics of the program are yet to be finalized by the City. However, we believe it is timely to let the City know that many of the key recommendations that are being discussed and considered by the City are not

consistent with LAFCO's Policies. Please see LAFCO's "Agricultural Mitigation Policies" (Policies #1 & #2). As you may know, in 2007, LAFCO adopted Agricultural Mitigation Policies in order to provide guidance to property owners, potential applicants and cities on how to address agricultural mitigation for LAFCO proposals and to provide a framework for LAFCO to evaluate and process in a consistent manner, LAFCO proposals that involve or impact agricultural lands. LAFCO encourages cities with potential LAFCO applications involving or impacting agricultural lands to adopt citywide agricultural mitigation policies and programs that are consistent with LAFCO's Agricultural Mitigation Policies.

**Proposed Agricultural Mitigation for SEQ Project is not Consistent with LAFCO's Agricultural Mitigation Policies and is Problematic**

If the City decides to move forward with the SEQ Urban Service Area expansion request, the City must address agricultural mitigation issues in a manner consistent with LAFCO's Agricultural Mitigation Policies. Please see the table below for a summary of the key differences between the City's Proposed Agricultural Mitigation and LAFCO's Agricultural Mitigation Policies. If these inconsistencies are not addressed, LAFCO would be unable to consider the proposed mitigation as effective.

<b>COMPARISON OF CITY'S RECOMMENDED AGRICULTURAL MITIGATION PROGRAM AND LAFCO'S AGRICULTURAL MITIGATION POLICIES AS THEY RELATE TO THE SOUTH EAST QUADRANT</b>		
	<b>CITY'S RECOMMENDED AGRICULTURAL MITIGATION</b> <i>(based on information provided at the February 18<sup>th</sup> Workshop)</i>	<b>LAFCO'S AGRICULTURAL MITIGATION POLICIES</b>
<b>Lands Subject to Agricultural Mitigation</b>	Uses Important Farmland Map and modified LESA model to determine if mitigation is required.  No mitigation required for development during first year of City's Agricultural Mitigation Program.	Mitigation recommended for LAFCO proposals resulting in the conversion of any and all lands that meet LAFCO's definition for "Prime agricultural land." (Policies #1 & #6)
<b>Exemption from Mitigation for Converting Agricultural Lands to Certain Land Uses</b>	Consider potential exemptions and/or reduced mitigation fees for certain types of land uses such as less intensive sports, recreational, and leisure uses or for economic development uses.	Mitigation recommended for all projects resulting in the conversion of "Prime agricultural land" irrespective of the type of proposed land use or development. (Policies #1 & #6)

<b>Mitigation Ratio</b>	Less than 1:1 Mitigation Ratio.	1: 1 Mitigation Ratio recommended. ( <i>Policy #7</i> )
<b>Future Use of Lands Preserved as Agricultural Mitigation</b>	Consider allowing low intensity sports, recreational and leisure uses on agricultural preservation areas.	Areas preserved as agricultural mitigation are intended in perpetuity for the purpose of agriculture. ( <i>Policy #7</i> )

**City Should Consider and Address these Major Concerns and Re-Evaluate the Scope and Need for the SEQ Project**

The City's USA expansion and annexation proposals for the SEQ area in their present form are contrary to LAFCO objectives of preventing urban sprawl and preventing premature conversion of agricultural lands and are inconsistent with LAFCO policies and provisions in state law. The proposed agricultural mitigation program under consideration varies significantly from what is recommended in recently adopted LAFCO policies and is inadequate for providing effective mitigation. We urge the City to fully consider and address the issues presented before proceeding further and spending time and resources on the Environmental Impact Report for the SEQ Project.

If you have any questions regarding these comments, please contact me at (408) 299-5127. Thank you again for providing us with the opportunity to comment on this significant project.

Sincerely,



Neelima Palacherla,  
LAFCO Executive Officer

Cc: LAFCO Members  
Morgan Hill City Council Members  
Jody Hall Esser, Director, County of Santa Clara Department of Planning and Development  
Michele Beasley, Greenbelt Alliance

**Attachment A:** LAFCO's February 17, 2010 Comment Letter Re: Southeast Quadrant, including LAFCO's Urban Service Area Policies, Annexation Policies, and Agricultural Mitigation Policies.



February 17, 2010

Kathy Molloy Previsich, Community Development Director  
Community Development Department  
City of Morgan Hill  
17555 Peak Avenue  
Morgan Hill, CA 95037-4128

**RE: SOUTH EAST QUADRANT (SEQ) PROJECT**

**Dear Ms. Previsich:**

Thank you for advising LAFCO about the City's public workshop on the South East Quadrant (SEQ) Project. The SEQ Project area consists of unincorporated lands that are located outside of the City of Morgan Hill's Urban Service Area (USA) boundary. As you are aware, the City of Morgan Hill must seek and obtain LAFCO approval to expand its USA boundary prior to annexing any lands within the SEQ Project area. As part of the USA amendment, LAFCO would consider whether the project is consistent with LAFCO's four primary objectives. These objectives are as follows:

- Encourage the orderly formation of local governmental agencies
- Preserve agricultural land and open space resources
- Discourage urban sprawl
- Encourage the efficient provision of services

LAFCO has adopted local policies based on these objectives. Specifically applicable to the SEQ Project are LAFCO's policies relating to USA amendments, annexation requests, and agricultural mitigation (See Attachments B, C & D). Pursuant to these policies, some of the key issues that the City must consider prior to proposing an USA expansion relate to the need and timeliness of an USA amendment/annexation request, availability of lands within existing city boundaries that could accommodate the proposed growth, the ability of the city to extend and finance urban services to the growth area without detracting from current service levels to residents within the city, premature conversion of agricultural lands and open space lands, other environmental impacts, and the fiscal impacts on local agencies and service providers.

In general, the purpose of including lands within a city's USA is to allow the city to annex and provide urban services to those lands in order to allow development. It is our understanding that the SEQ Project Area includes a substantial amount of agricultural land. State law and LAFCO policies discourage USA expansions that prematurely include or result in the conversion of agricultural land to non-agricultural uses.

LAFCO policies call for the development of existing vacant and underutilized sites that are located within a city's existing boundaries before expanding into agricultural lands. Development of existing vacant and underutilized sites that are located within the city's existing boundaries typically would not impact agricultural land and open space resources, would be a more efficient and effective use of existing city infrastructure, and would result in a more efficient provision of city services which is particularly important in these times as public agencies struggle financially to maintain existing service levels.

The inclusion of the SEQ Project area within the City's USA for Sports-Recreation-Leisure and Public Facility land uses would result in the conversion of agricultural lands to non-agricultural uses. If the City decides to move forward with the SEQ USA expansion, the City must address agricultural mitigation issues in a manner consistent with LAFCO's Agricultural Mitigation Policies. Additionally, we encourage the City to consider LAFCO's policies as a point of reference as the City develops its own agricultural mitigation program.

Based on the information provided in the City's notice, LAFCO would be a "Responsible Agency" for the SEQ Project under the California Environmental Quality Act (CEQA). As a Responsible Agency, LAFCO expects to use the City's environmental documents when considering any associated LAFCO applications. Therefore, please ensure that LAFCO's potential role in the project is adequately described in the project scope and that LAFCO Policies are adequately addressed during the City's environmental review process. We will provide further comments upon receipt of the City's Notice of Preparation for the Environmental Impact Report.

Please notify LAFCO about any future public workshops, Planning Commission or City Council meetings related to this Project. If you have any questions regarding these comments, you can reach me at (408) 299-5127. Thank you.

Sincerely,



Neelima Palacherla, LAFCO Executive Officer  
LAFCO of Santa Clara County

Cc: LAFCO Members  
Morgan Hill City Council Members  
Jody Hall Esser, Director, County of Santa Clara Department of Planning and Development  
Michele Beasley, Greenbelt Alliance

**Attachments:**

- A. City of Morgan Hill's Notice of Public Workshop
- B. LAFCO Urban Service Area (USA) Policies
- C. LAFCO Policies on Annexation/Reorganization for Cities and Special Districts
- D. LAFCO Agricultural Mitigation Policies



**morgan hill**

PO Box 1785  
Morgan Hill, CA 95037

**ITEM No. 7.3**  
**ATTACHMENT B**

To: Susan Vicklund-Wilson, Chairperson  
Local Agency Formation Commission  
70 West Hedding Street  
11th Floor, East Wing  
San Jose, CA 95110

Morgan Hill, November 29, 2010

Re: Morgan Hill Proposal to Annex and Develop Southeast Quadrant

Dear Chair Vicklund-Wilson,

Below is the letter Thrive! Morgan Hill submitted to the Morgan Hill Times regarding the proposed Southeast Quadrant project. The letter was published in the November 12, 2010 edition of the Morgan Hill Times.

*Morgan Hill, November 2010*

*Dear Editor:*

*Kudos to Mel and Char Perreir for their thoughtful and humorous letter regarding the City's plans to annex 760 acres of our greenbelt in the southeast of Morgan Hill.*

*The City's reasoning behind the annexation and development of these fertile county lands are speculative and premature. Most of the proposed 'projects' are vague ideas and not concrete development proposals that can be properly evaluated under the CEQA process. Given this, how can an accurate fiscal analysis be done? How do we know what it will cost the City (and ultimately, us, the taxpayer) to expand and maintain the necessary infrastructure and emergency services into this area when we have no idea what we are building?*

*And what of High Speed Rail? Currently the proposed East 101 alignment would run through this 'Southeast Quadrant' area, right in front of the proposed private high school and through other lands slated to be developed under the City's proposal. Why are we pursuing this project when there is a possibility that High Speed Rail will cut through all this?*

Thrive! Morgan Hill is a local group of residents who are engaged with issues that affect the quality of life in our community. Our mission is to work constructively with the wide array of Morgan Hill community interests to find solutions to some of the challenges facing our city. We favor options that balance the community, economy, and environment.





*Should the City be allowed to annex these lands which currently serve as our southeast greenbelt on the valley floor, they could rezone them for absolutely any use. So, it is difficult to know what will become of this area which plays a major part in the rural feel of Morgan Hill - something so many residents cherish.*

*The City claims that they are developing this area to help preserve our greenbelt. What needs pointing out here is that of the approximately existing 1300 acres, the City only plans to preserve less than 270 of it as 'permanent' greenbelt.*

*Unfortunately, this major development project is not on most people's radar. The upcoming General Plan review process would be a logical place to start getting community-wide input on the proposed changes to our city's landscape. The City has actively solicited public input in its 117 acre redevelopment of the downtown for over 7 years now, but has done almost nothing to let the general public know about its plans to allow development more than 6 times that amount in our greenbelt. Point in case, two public meetings - one for the current downtown redevelopment project and one regarding this project - are both scheduled for November 16 at 7 p.m. So, yes, Obi-Wan (Commissioners of LAFCO who ultimately get to decide whether to allow the City to annex this area) you may be our only hope.*

*Marieke Ruys  
Thrive! Morgan Hill  
[thrivemorganhill.org](http://thrivemorganhill.org)*

cc: Commissioner Pete Constant  
Commissioner Don Gage  
Commissioner Liz Kniss  
Commissioner Margaret Abe-Koga

**To: Neelima Palacheria**  
*LAFCO Executive Officer*  
**Cc: LAFCO Board**  
**Date: November 4, 2010**  
**From: Mel & Charlyn Perreir**  
Morgan Hill, Ca 95037  
[Charmels26@wmconnect.com](mailto:Charmels26@wmconnect.com)  
**Subject: Southeast Quadrant Annexation**  
**Re: Greenbelt protection**

***Obi-Wan (LAFCO) this is our most desperate hour...  
Help us LAFCO; you're our only hope in the M.H. southeast quadrant...***

Now that the elections are over, the Morgan Hill City Council (*The Empire*) will still be lead by some of the old storm troopers. Living on the county side of town we have no voting rights with city government candidates for elections. We feel that the quest to annexation of our protected greenbelt area will take a quantum leap into reality. We fear the death star is fast approaching to this fertile agricultural protected area.

LAFCO there is still no real reason demonstrated thus far to support the need to annex the SE quad area of M.H. for recreation facilities purposes, except to line the pockets of developers and landowners. Please stand firm in denying approval to re-zone this SE quad for development. As there is enough land within the city limits of Morgan Hill to support development for many, many years to come, before we should even consider paying over prime agriculture land.

The money thus far has been foolishly spent on this project. When you consider the funds that could have been used to preserve M.H. current infrastructure and reduce the city deficit. Spending wasted funds outside the urban limit line, when libraries, parks, police within city limits are the areas that need the council's attention. There are so many arguments against the annexation and loss of open space, yet there could be one more obvious conclusion one can make; wealthy developers and landowners exert far too much influence over our council.

LAFCO this is our most desperate hour... *May the force be with you* in your decision to protect and save this land from development for generations to come.

Mel & Char Perreir  
Morgan Hill (county citizens)

**PROPOSED 2011 SCHEDULE OF LAFCO MEETINGS AND  
APPLICATION FILING DEADLINES**

<b>LAFCO MEETING</b>	<b>DEADLINE TO FILE APPLICATION</b>
Wednesday February 2, 2011	December 22, 2010
Wednesday April 20, 2011	February 9, 2011
Wednesday June 1, 2011	April 21, 2011
Wednesday August 3, 2011	June 8, 2011
Wednesday October 5, 2011	August 10, 2011
Wednesday December 14, 2011	October 12, 2011

**TIME OF MEETINGS:** 1:15 PM

**LOCATION OF MEETINGS:** County Government Center  
70 West Hedding Street, 1st Floor  
San Jose, CA 95110

**FILING LOCATION:** LAFCO Office  
70 West Hedding Street, 11th Floor  
San Jose, CA 95110  
(408) 299-6415

LAFCO Meeting: December 15, 2010  
TO: LAFCO  
FROM: Neelima Palacherla, Executive Officer  
**SUBJECT: APPOINTMENT OF 2011 LAFCO CHAIRPERSON AND VICE-CHAIRPERSON**  
Agenda Item #9

**RECOMMENDATION**

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Per the rotation schedule, appoint Commissioner Liz Kniss, the County representative, as Chairperson for 2010, and Commissioner Pete Constant, the City of San Jose representative, as the Vice Chairperson.

**DISCUSSION**

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Appointment of Chair and Vice Chair is made on a calendar year basis. LAFCO's rotation schedule is as follows:

Cities representative  
County representative  
San Jose representative  
County representative  
Public representative

The Chair for the current year is Commissioner Susan Vicklund-Wilson, public representative (as a result of a switch between the cities representative and the public representative in 2009 and 2010, in order to allow the cities representative to serve as Chair in 2009). In accordance with the regular rotation schedule, the County representative should be appointed as the 2011 Chairperson and the City of San Jose representative as the Vice Chairperson.