3000

INTEROFFICE MEMO

DATE: February 6, 2006

PHONE: 387-5940

MAIL CODE: 0450

FROM: **Jeff Rigney, Deputy Chief**
Special Districts Department

TO: **Kathleen Rollings-McDonald**
Executive Officer
Local Agency Formation Commission

SUBJECT: **Supplemental Comments Concerning The County Fire Reorganization Study**

In the memo sent to you on February 1, 2006, it identified four districts in which there is sharing of the ad valorem property taxes. We would like to identify a fifth district, County Service Area 70 Improvement Zone W (CSA 70 W) Hinkley. The park budget has historically received a flat amount of $10,000 per year. It is requested that it be conditioned that the historic tax split between the CSA 70 W fire & park budgets remain after the fire reorganization. It is also recommended that the CSA 70 W park budget begin receiving it's own allocation of taxes (totaling an amount of not less then $10,000 the first year) rather then an annual transfer from the fire budget.

Please contact me if you have any questions.

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January 20th, 2005

Edward Riddle
P.O. Box 111
Hinkley, CA 92347-0111

LAFCO 3000
San Bernardino County Fire Districts Reorganization Plan
-Unaddressed Threats to Safety of Residents in Rural Areas Under the Plan-

Kathleen Rollings-McDonald
Executive Officer
San Bernardino County LAFCO
175 W. 5th Street, 2nd Floor
San Bernardino, CA 92415-0490

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Dear Ms. Rollings-McDonald:

If you have no water to fight a fire in a rural area which depends entirely on electricity in that area to power your well, and the rural fire district does not have a proper engine and water truck and support equipment and personnel to fight a fire at those same residences under the above conditions, and because that condition is the result of an acceptable fire district policy, then the result is certain and inevitable loss of life, injury and property. It is also dictates certain liability on the shoulders of the agencies which, especially after being apprised of them, allow the practices to continue.

Another resident and I recently investigated and found that a serious threat to the residents in rural fire districts exists, due to a pattern and practice existing in policy which allows one district to become deficient in equipment and manpower through borrowing of equipment, and attrition of fire power integrity which generally derives and results from it. Supervisor Postmus has had what could have been perceived as a clue, and is directly connected to a recent incident I will delineate as proof which I will present as a worst-case scenario.

I am therefore opposed to key areas of the application pertaining to the reorganization plan. My opposition primarily concerns, but is not limited to, rural fire districts.

It is requested that, until adjustments, modifications, assurances and accountability can be made and integrated by San Bernardino County Fire into the application, and until the County Supervisors and other agencies can investigate, audit, and make further recommendations, that the application be denied or delayed.

It is requested further that *all* results of any investigations and assessments by all persons and agencies be appended to the current application and any future re-application for this reorganization.

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A portion of the plan, which has apparently been evolving for a dozen years, basically proposes

to allow some or all districts to exchange and/or borrow equipment and manpower, and in some cases the funding, between districts. It would consolidate districts and establish regions. This would seem reasonable and necessary. Whether I am essentially correct or incorrect or unclear in my assumptions is irrelevant. Whether these practices are to become legalized under reorganization is relevant. What is crystal clear is that a practice has arisen which leaves some districts short of material, manpower and equipment and even funding, sometimes aggrandizing other more influential districts, which has become a common practice. This has been done as a policy which under the reorganization would become legal, and in any event threatens the safety of residents in districts where shortfalls due to these practices have occurred. This practice has become intentional and acceptable. If the districts in Hinkley, Newberry Springs and Harvard can be accepted as good examples, high probabilities for the threat can be easily extended to other rural county areas.

January 2nd, 2006 was a Monday holiday for new years' day Sunday. Two days to celebrate instead of one. Winds in west Hinkley were about 40 knots gusting cold and stiff, steady from the southwest. The power in all of Hinkley went out at about 12:38 p.m. Every resident in Hinkley depends on power for their wells. No way for these people to fight a fire themselves under those conditions. Five minutes later I smelled smoke and spotted a small structure on fire right next to a residence on the street directly west from mine. Heavy black smoke in a wind laying the smoke down to 30 degrees above the ground, and the mobile was sometimes obscured by heavy smoke. 911 had already been called and Hinkley's new water truck showed up not even five minutes after the fire had started. My own Navy training and forestry experience tell me that 1 more minute at most and the entire mobile home would have caught fire and been a total loss. The home was directly in the path of the flames, a few feet away, which were just beginning to kiss the side of the home. Instead, it was totally saved, and there were no injuries. The only loss was the small structure.

The water source was a 3500 gallon water truck and; apparently Hinkley has no operable engine now.

Earlier in the week per the LAFCO notice and before this fire, I had queried the local district secretary. She said that they would not have had a water truck because the District wasn't going to replace the old one. When SB County First District Supervisor Bill Postmus heard about this, he intervened and insisted and one was provided immediately and recently. The secretary also mentioned that the District was wanting their SCBA's (Self-Contained Breathing Apparatus) back, stating the ones which had been funded and given to Hinkley really belonged to the District.

(After being told this by the secretary, it is important to note here that when my friend "C.A." addressed the question to a deputy chief of borrowing equipment and mentioned only that he lived in Hinkley, this deputy chief, whose name began with a W, immediately said that Hinkley had SCBA's which didn't belong to them and they would have to be returned. No other information had been given to prompt him to say that, nothing about SCBA's or the Hinkley station, yet that was his first example, very specific, when only a generalization was necessary. He did not state that some districts or one district had equipment which must be returned, but

without a prompting or reference, to refer to Hinkley specifically. I was told by the inquirer that he felt that he was given "a very good selling pitch for the current proposal, but that it lacked substantiation that the plan really changed anything, and that it basically promoted unwritten and written policies now in use anyway. He felt certain that the proposal as explained basically made these questionable exchanges [of resources which deplete rural district resources] legal.)

The secretary at Hinkley Fire also mentioned that equipment at the Harvard District had been subject to these practices, so that Harvard has nearly no equipment and volunteers. Indeed, I have had no calls returned from the Harvard office.

It is only by Supervisor Postmus' care, intervention and insistence on making sure the Hinkley district got a new water truck, that those residents a street over from mine aren't out in the cold with no home, or worse. On a holiday and under the conditions and timing I described, the volunteers at our fire district in Hinkley responded with lightning step during a worst case scenario where the residents had no power, no water to fight that fire.

The secretary at the Hinkley District begged me that they needed someone to advocate for them, and I encouraged her to write to Supervisor Postmus without fear, for I sensed that she was afraid of losing her position or enduring some retaliation. She stated in no uncertain terms that these practices which were evident were widespread throughout the county, and that her contacts in normal everyday interactions with chiefs and deputies elicited to her that not even they are aware of the practices which are putting residents and fire districts in this county at risk. Yet apparently, the portions of the reorganization plan legalize these practices which have become second nature In the rural areas, these practices and policies are potentially life-threatening.

Now-I fully am certain that funding every district is a problem ongoing and persistent even from day to day. I feel certain that problems such as denying that a district needs a water truck and even knowing whether it is true that Hinkley owns or owes another district SCBAs, for instance, derive from each district trying to maintain its obligation to its residents. I am also certain that some people in the district are pulling their weight to maintain an inventory in affluent areas of the county and through displaced funding methods in place how one district can be increased in inventory and manpower at the expense of another. Yet it should be made clear in policy that when one district borrows from another and uses those resources, that they are responsible for making sure it is made up to the district borrowed from, without creating the situation that that districts' funding is decreased by an amount of funding it truly did not use. A good analogy is all books starting out in the right libraries, but after years all the books checked out are returned to other libraries and stay there, while funding goes on based on a different policy of accounting for those borrowed, but never returned, books. This also fosters a convenient method of presenting accounts and inventories on paper which look satisfactory, but have little to do with accuracy.

Hinkley believes certain equipment is theirs, the main District believes that is not true. How can it be possible that the truth is not actually known, and why because of these now acceptable practices should any district be shortchanged?

Again, in case it isn't yet clear, Supervisor Postmus touched on an as yet unknown proof in that Hinkley was being denied a water truck when that older water trucks' demise was clearly indicative that no fire could have been fought on January the 2nd without one. No water truck means no water, except a garden hose-*if* the electricity hasn't failed.

This is not merely a funding problem, it is a funding problem used as a pretense for borrowing some districts' equipment and manpower and funding just to an edge bordering adequacy and inadequacy, toward inadequacy and nonexistence, where policies intended to promote harmony actually oppose each other then become the prevailing policy which dictates a reorganization plan which actually promotes the defective policy.

If funding is the problem that has led to these practices, there is no question that rural areas be adequately taxed and equipped. That's an easy sell to residents. Hinkley needs a full time fire captain and fire prevention seminars and fliers sent to its residents, open house days at the station. Learning fire safety and being aware of what to do under any conditions is in the top 3 most important things residents need to be made aware of. Yet it has been reduced to this district just *barely* being able to *adequately* respond.

Again, had Bill Postmus not done what he did, a home would have been destroyed. Yet that situation in which he intervened cries from the docket to be recognized as proof the tip of a very cold iceberg. It is a problem when no district is absolutely certain of what it's due or what it owns.

No person, especially the Hinkley Fire District secretary, shall be subject to losing their position or subject to retaliation because they have dared pose these questions and asked for help or made statements.

The District of the County must have the ability to be flexible in certain areas. But that flexibility must not include any practice or policy now in place, or proposed, which fosters and undermines the degradation of fire power integrity, equipment inventories, personnel and funding for any region or district in the County. Special attention should be given in this regard to all districts, yet especially rural districts because of extenuating vulnerabilities. Accountability, both for districts and persons, should be integrated into any further plan. If the entire application should be denied until this can be done, then let it be so. And I oppose this current application on the basis of all of the above, and therefore request its denial.

cc: Bill Postmus
Robert Grijalva

Sincerely,

Edward Riddle

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January 12, 2006

Local Agency Formation Commission
175 West Fifth Street, Second Floor
San Bernardino, CA 92415-0490

Dear Ms. Rollings-McDonald:

RE: Notice of Receipt of Application: LAFCO 3000 – County Fire Districts Reorganization and LAFCO 3001 – Sphere of Influence Review

The Town is in receipt of the subject notice of application receipt dated December 20, 2005 and is providing the following comments in response to the request for comment prior to the department review. There are several items the Town would request LAFCO consider before acceptance of this application. Additionally, the Town understands that if the application is accepted by LAFCO, there will be additional time for comment – and that during this comment period, the Town Council may provide a resolution of support or objection to the application.

The Town is interested in protecting local tax payer resources and has great concern in ensuring the property tax revenues that are collected within the district are used to fund the Yucca Valley Fire Protection District. The tax allocation from properties in the district is .22¢ per property tax dollar. This proportion is significant; and revenue generated in the fire district that should be spent within the district unless all other properties in the proposed district are under the same allocation formula. In that light the Town requests LAFCO direct the completion of an independent comprehensive fiscal analysis as appropriate (Cal Govt. Code, §56800, et. al.). The proposed direction of funds into the county general fund is not justified adequately in the application.

It appears the application fails to address the impact on existing rights of those areas currently served. For example, what rights does the Yucca Valley Fire Protection District have now, and if this application is approved, how will those rights be changed, and what does it do to the future potential of the people of Yucca Valley wanting to make the district part of the Town, a non-board governed district, or other form of governance for the district? Attachment A to Annexation, Detachment, Reorganization Form identifies removal of fire powers, ambulance powers, and disaster preparedness for certain service areas but does not define what these powers are and the impact of such removal in the light of trying to reestablish them. To date the Town has not had time to evaluate the protection of existing rights of the existing district and if the proposed action virtually eliminates any possibility in the future of the people to annex the fire district into the Town of Yucca Valley. This is a significant concern that must

Yucca Valley

be addressed before adequate policy alternatives can be formulated and considered by the Town Council and the people in the Yucca Valley Fire Protection District.

At first glance, the justification for the proposed action may not be in the best interest of patrons of the Yucca Valley Fire Protection District. The justification states that the reorganization will reduce audits and accounting processes – raising the question, is control and accountability diminished? The justification additionally indicates the reorganization "would better meet the needs of the citizens within its jurisdiction, boundaries through regional or countywide approaches for various revenue enhancement programs versus their individual community approach currently in place" (Justification for Proposal ad Preliminary Environmental Description Form, p. 1). The Town seeks additional information on how the diminishment of local control provides better service to the citizens. Board Resolution No. 2005-267 indicates reasons for the sphere of influence change to simplify government structure and eliminate duplication, reduces the cost of protection and service, defines better where funding issues exist and provides the general public a better understanding of the district and its operations (Resolution No. 2005-267, pp. 2-3). Although the application and resolution adequately provide the reasons for the proposal these reasons fail to address the County Board of Supervisor's letter of June 7, 2005 to "protect[ing] the fire districts from loss of tax dollars due to annexation of territory by cities" (p. 1).

The application indicates that some districts may benefit by becoming a part of the larger proposed district; however, the application fails to indicate what resources are being shifted from other areas in the district to make these improvements (Executive Summary, p. 3). With no increase in "the size of the pie" it is apparent that the district is proposing the reorganization to more easily shift revenues from high funded areas to less funded areas. The application further indicates the district would then be divided into four regional improvement districts and six special improvement districts but does not detail the population density, square mileage, property valuation, or property tax revenues from areas within the improvement districts. This proposed action doesn't appear to meet the goals outlined in the purpose. Without the application containing the criteria and analysis for the regional improvement districts it is difficult to determine this division as other than arbitrary. The application does not clearly identify the populations and density of populations along with per capita valuations of existing districts and revenues received from those along with projected growth in those areas over the next ten to twenty years. The application does provide projected housing and population data but does not address the density of the populations and the dispersal of property valuations or methodology for selection of the four service areas.

The application does not adequately address the question of local accountability and governance but rather provides a narration of historical changes in the district and concludes with: "The Board of Supervisors could, at its discretion, create either a single countywide fire advisory board or four regional fire advisory boards to assist in the

oversight process" (Service Review, p. 26). The application should specifically identify which, if any of these options will be exercised and eliminate the other avenues from the application. Leaving the alternatives that will not be exercised is counterproductive and does not provide a clear intent for the consideration for Town Council or the public at large. It can be argued that including such alternatives is a marketing strategy to gain buy-in without intent to exercise such options.

The application relies heavily on the indication that this is "a general reorganization of existing services and service levels" (Plan for Service, p. 37) but in other areas the application indicates there will be no change of service levels or no foreseen changes. The application indicates that CSA 38 was historically contracted for service by the California Department of Forestry. The application goes on to indicate this service was transferred to county fire. The application fails to indicate if this is a contributing factor to the department's fiscal situation and the impact on the taxpayer (Plan for Service, p. 12). The application indicates the "[d]epartment is not anticipating any change to the level or range of service…" (Plan for Service, p. 12). This statement is representative of the vagueness throughout the application. The entire application should be clear and concise with its intention, "not anticipating" does not mean the service level is not changing. Contrarily the illustrative graphic beginning on page 34 of the Plan for Service indicates several changes.

The application fails to adequately address how shortfalls in funding for staffing levels are to be funded and indicates that "[t]he difficulty in implementing NFPA 1710 and 1720 is simply that many areas within our jurisdiction are unable to afford this level of fire staffing given the current funding requirements (Plan for Service, p. 26).

The application should include detailed information about the environmental review process and how the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) will be incorporated into the application.

The Town would request LAFCO deny approval the request for waiver of individual notice (Assessors Parcel Numbers, Board of Supervisors Letter of June 7, 2005) after the county has provided a detailed marketing plan to ensure every effort is made to notify the affected public of the proposed changes. The plan should include all efforts and community outreach efforts to date. A significantly important aspect of local government is its engagement with its residents and governing for the people. The application does not indicate any discussions with the residents of the affected areas; thereby the application does not include any comments by land owners, advisory committees, municipalities or the public at large. This is clearly one of the most important considerations presented to LAFCO in several years and because of its scope – and potential detrimental impacts – mandates significant public involvement. This point is especially important as one of the reasons for the proposal is to provide the

general public with a greater understanding of the fiscal and operational aspects of the department (Board Resolution 2005-267).

Thank you for your consideration of the items outlined in this letter. Please feel free to contact me or the Town's Senior Management Analyst, David Munro at 760.369.7207.

Respectfully,

Andrew J. Takata
Town Manager

Cc: Town Council