

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

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DATE: APRIL 8, 2003
FROM: KATHLEEN ROLLINGS-McDONALD, Acting Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #4: Consideration of LAFCO SC#194 – City of Redlands Out-of-Agency Service Contract for Fire Protection and Paramedic Services in the Donut Hole Area

INITIATED BY:

City of Redlands

RECOMMENDATION:

Determine that LAFCO SC#194 is exempt from the provisions of Government Code Section 56133 as outlined in Government Code Section 56133 Subsection (e).

BACKGROUND:

From January 1994 to January 2000, contracts between two or more public agencies were exempt from the provisions of Government Code Section 56133. These provisions were amended, effective January 1, 2000, to exclude this blanket exemption of contracts between public agencies to assure LAFCO a voice in the review of service delivery patterns. However, the Legislature also noted that there could be instances where the exemption would remain appropriate and, therefore, provided for a specific exemption from these requirements.

The exemption within Government Code Section 56133 (e) reads in part:

“This section does not apply to contracts or agreements solely involving two or more public agencies where the public service

to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider...”

In the present case, the staff believes that the above quoted exemption in Subsection (e) provisions of Section 56133 exempts from LAFCO review the contract between the City of Redlands and County Service Area 38 (CSA 38) for fire protection and paramedic services (the “Contract”) on the basis of the following findings:

1. The contract presented is between the City of Redlands and CSA 38 (fire provider governed by the County Board of Supervisors) – both public agencies.
2. The public services to be provided is fire protection service and advanced life support (paramedic) service to the area of the Donut Hole -- services already being provided by an existing public services provider.
3. CSA 38 is contracting to receive these services for the area defined as the Donut Hole as an alternative to its provision of these services.
4. The level of service to be provided through this contract is consistent with the level of service contemplated by CSA 38, the existing public service provider, through the various plans prepared for the territory of the Donut Hole and previous contracts for service to this area.

On February 21, 2003, the City of Redlands submitted the Contract for Commission review. This Contract was originally entered into by the County and City of Redlands in December, 2002, and was amended in February, 2003. Included in Attachment #1 to this report is a copy of the Contract between the City and CSA 38, along with background documents showing historic service levels.

In 1992, the City of Redlands and CSA 38 (then administered by the California Division of Forestry (CDF)) entered into a service agreement for the provision fire protection, rescue and medical response due to the closure of the CDF station located in Loma Linda. The closure of this station would

have caused lengthened response times on behalf of CSA 38 through its Mentone station, while the Redlands station could provide for a shorter response time. This contract was not renewed in 1997 due to differences between the City and County on funding questions and other issues related to the Donut Hole. However, the service delivery issue for location of CSA 38 stations has not changed and the level of service to be provided is that which has been contemplated for over 10 years.

In addition, evidence of the fire protection and paramedic service plans contemplated for the Donut Hole are contained in the East Valley Corridor Specific Plan (EVCSP) adopted in 1989. The EVCSP was adopted by the County of San Bernardino, as well as the Cities of Redlands and Loma Linda. The Specific Plan included the requirement for the development of various master plans for the area, to be funded through County Service Area 110 (a board-governed entity overlaying specific unincorporated areas – including the Donut Hole – and areas within the Cities of Redlands and Loma Linda by their consent). The master plans anticipate that the full range of fire protection and medical aid services would be provided. For the area of the Donut Hole, these plans contemplated the provision of service by the City of Redlands, at the optimum, or commensurate service through the County-governed agency, CSA 38. The contract presented allows for the receipt of the level of service contemplated by these agencies for the unincorporated portion of the EVCSP within the Donut Hole.

On the basis of the findings outlined above, the staff is recommending that the Commission determine that pursuant to Government Code Section 56133 Subsection (e), the fire protection contract entered into by the City of Redlands and County Service Area 38 is not subject to the provisions within Government Code Section 56133 requiring review and approval of the Commission.

KRM/

Attachment:

1. LAFCO SC#194 Application and 1992 Service Contract, submitted by City of Redlands
2. Government Code Section 56133
3. Board Agenda Item from Chief Peter Hills, County Fire Agency, requesting authorization for contract