

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

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Agenda Item #10A
Attachment A
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September 11, 2015

The Honorable Governor Edmund G. Brown, Jr.
State of California
State Capitol Building
Sacramento, CA 95814

Request for Veto: Senate Bill 239 (Hertzberg) – Local Services: Contracts: Fire Protection Services

Dear Governor Brown,

On behalf of the El Dorado Local Agency Formation Commission (LAFCO), I am writing to express our opposition to Senate Bill 239 (Hertzberg). As you know, SB 239 seeks to establish a new LAFCO process related to the extension of fire protection services, by contract or agreement, outside of a public agency's current boundaries. Based on our review of SB 239, we respectfully request you veto SB 239.

There are currently 12 independent fire protection agencies in El Dorado County, seven of which are poor, rural fire districts. Despite their precarious financial position, the rural districts are key pieces in maintaining a functional mutual aid safety net that has few peers in the state. The level of coordination among all El Dorado County fire districts is outstanding. Unfortunately, the recession and other economy-related dynamics have steadily undermined the rural districts' ability to make do with the little that they have. Some have, at most, two years left before they will be forced to shut down.

For the past nine years, this LAFCO has been actively encouraging the fire districts to look for ways to ensure all districts' long term financial solvency and retain the excellent fire suppression services that the residents have come to expect. This LAFCO has been a proponent of contracting and shared services agreements. Over the past year and a half, this encouragement is starting to pay dividends and we are starting to enter a very delicate phase in these negotiations.

Senate Bill 239 would undermine these efforts in numerous ways. Foremost is that these rural districts cannot afford the required costly studies that may be triggered by this bill. Second, the study's requirements, both in what triggers the study and its content, are not well defined in the bill. In addition, processing time and more costs are added into the mix by the requirement that an agreement is subject to a review by the firefighters associations and a discretionary, conditional approval by LAFCOs.

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Denise Tebaldi, Interim Commission Clerk • Kara K. Ueda, Commission Counsel

The benefits of the process as outlined in SB 239 are unknown to this LAFCO; but the potential harm by requiring burdensome studies and unnecessary scrutiny is very large. It is conceivable that had these requirements already been law, all of the negotiations currently underway in El Dorado County would not only have been discouraged, but would not have happened altogether. El Dorado LAFCO believes that locally elected officials and their administrators are in the best position to provide the necessary direction to their staff in ensuring sustainable, cost effective fire and EMS services. If that means districts enter into contracts among themselves (or with CalFIRE) to achieve that goal, then they should retain that authority. To add more obstacles, such as giving LAFCOs the ability to amend or disapprove an agreement entered into by two or more local governing boards, undermines the discretion of those officials in pursuing contracts for service as a potential solution.

For these reasons, El Dorado LAFCO respectfully requests you veto SB 239. Thank you for your consideration of our comments. Please feel free to contact me at (530) 295-2707 if I can provide additional information.

Sincerely,



José C. Henríquez
Executive Officer

Cc: Camille Wagner, Deputy Legislative Affairs Secretary to the Governor
Pamela Miller, Executive Director, California Association of LAFCOs