

LOCAL EMERGENCY SERVICES STUDY GROUP REPORT

DATE: October 12, 2020

TO: Board of Directors –
Eastern Plumas Rural Fire Protection District, Sierra Valley Fire Protection District,
Beckwourth Fire Protection District, City of Portola, Gold Mountain Community Services
District, C Road Community Services District (Eastern Plumas Rural Fire Protection
District as proxy)

FROM: Tom Cooley, Chair
Cary Curtis, Vice Chair

SUBJECT: Vote Required to Move Forward with Potential Creation of New Fire District

The six Study Group agencies have been meeting since February of this year to discuss the current state and challenges that lie ahead for sustaining volunteer fire fighting and emergency medical response services in Plumas East. Leading up to the formation of the Study Group, various presentations were made by Jennifer Stephenson, Executive Officer of Plumas LAFCo, providing framework for restructuring options that could be pursued to address issues that are common to the six agencies and that have reached critical levels across the State and country. Additionally, the 2019 Plumas County Grand Jury Report included a finding that fire agencies in the county should evaluate restructuring and recognize the benefits provided. From these presentations and findings, the Study Group was formed to collaborate on solutions to common issues with the goal of identifying a path forward for sustainable fire protection and emergency medical response services in Plumas East.

The statements contained here about the performance of volunteers in fire service as well as their district boards should not be construed as criticism. The scope of those responsibilities has increased dramatically over the recent period while the structure of our institutions has not kept pace nor adapted. It is simply time to adapt to changing conditions.

Common issues identified by the Study Group are broken into three categories –

1. **Volunteers** – significant decline in volunteerism, inability to attract fully-qualified individuals, high turnover, increased demand for training and certification, increased regulatory requirements and accreditation required of volunteer Chiefs, training officers and administrators, and specific response techniques are not consistent but expectation is for agencies to perform as one unit.
2. **Financial Constraints** – inconsistent year over year revenue, limited county tax sharing, minimal parcel taxes that do not include inflation factors, and increasing operating costs.
3. **Outdated District Boundaries** – growth patterns not updated, islands of property that are not part of a district even though the parcels are encircled by a district. These “islands” receive services from the closest fire department but do not contribute to the cost for those services.

Below is a summary of actions the Study Group has taken to support the selection of a reorganizational option to improve the safety and economy of fire and emergency medical services.

Key Action	Outcome
Group discussion with CALFIRE Unit Chief Scott Packwood	Identification of minimal resources supported by CALFIRE that could assist the Group's effort
Presentation of options by Jennifer Stephenson, Executive Officer Plumas LAFCo	Understanding of 4 restructuring options* available to the Group with a recommendation of forming a new District as most viable option
MOU adopted by participating 6 agencies	Cohesive group with common goals that is working well together
Request for Plumas LAFCo to consider fee waiver	LAFCo agrees to waive \$12,000 in fees. Current estimate of LAFCo fees before waiver is \$25,000
Presentations of reorganization options by legal counsels for Beckwourth Fire and City of Portola	Viewpoint based on experience and legal requirements of the four restructuring options available to the Group with an opinion of forming a new District as the approach that fits the need of the 6 agencies
Vote by the 6 participating board representatives on reorganization option to pursue	October 7, 2020 – a vote of the 6 agency board representatives unanimously agreed to move forward with considering forming a new district and to request approval of this option from each of their respective boards

*Four restructuring options – 1) Joint Powers Agreement for some or all services. Often ends in dissolution. 2) Consolidation of districts with substantially similar resolutions. 3) Annexation into one surviving agency. 4) Dissolution of all and formation of an entirely new district.

Decision to Form a New District

At its October 7, 2020 meeting the Study Group unanimously approved a motion to advance the restructuring study with the goal of establishing a new fire district. The Study Group examined the benefits to the four available options; creating a new district stood out as the preferred solution. With this solution an entirely new agency is formed, and existing providers are dissolved. Dissolution and/or cessation of fire services occurs by resolution of each governing board, application to LAFCo, and a protest hearing. The application to LAFCo for formation of the new district is by resolution of the City Council or petition of 25% of registered voters. Upon approval by LAFCo, the formation is submitted to the voters within the new district for approval by a simple majority. (Election may be waived if petition to initiate formation is signed by at least 51% of registered voters.) Dissolution of the agencies can be contingent upon successful formation of the new district.

Benefits Aligned with Formation of a New District

- a) Greater ability to attract qualified individuals for volunteer firefighter positions
- b) Centralized fire planning and provisions, improved coordination with area fire districts and agencies
- c) Better leveraging of resources
- d) Consistency in policies and practices
- e) Cost savings/efficiencies – elimination of duplication such as administration
- f) Improved uniform training standards, performance, incident oversight
- g) Possible enhanced positioning for grant application and awards with larger fire district
- h) New logical service boundaries
- i) Could address funding with tax measure that includes all served properties
- j) Regional planning and implementation
- k) A fresh start that creates one identity for all served
- l) A single board of directors comprised of registered voters from the newly formed district

Board Action Request

Each board to vote on accepting the recommendation to move forward with the option of creating a new district and to participate in collecting and detailing the necessary information that will be needed to initiate the in-house work for a feasibility study. There are no hard costs associated with this step, however, staff time will be necessary to update existing documents and provide information that is specific to each agency. This effort may reduce the cost of consultants that would otherwise be employed to perform the entire task.

Next Steps

The Group will soon contact consultants who are expert in evaluating and designing the type of fire district restructuring that is proposed. This would lead to development of a Scope of Work and Request for Proposal. This process will furnish a cost figure for consultancy expense which is estimated to be in the \$30,000 - \$50,000 range. This is based on input LAFCo received from consulting firms and experienced agencies.

Once a cost figure for consulting services has been identified, the Study Group will discuss options for how the cost will be shared across the agencies. There are no legal requirements regulating how much any participating agency would need to contribute to a restructuring process. The cost sharing recommendations from the Study Group will require a vote of acceptance from each respective board.

Board agreement to move forward with examination of the formation of a new fire district in no way obligates the agency to take part in future steps beyond the feasibility study.

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Local Emergency Services Study Group
Minutes
Wednesday October 7, 2020
10:00 am

1. Call to Order & Attendance

Chair Tom Cooley called the meeting to order. Each attendee introduced themselves, the following were present:

Beckwourth Fire Dept: Daniel Smith, Bret Russell

City of Portola: Tom Cooley, Pat Morton, Leslie Chrysler, Lauren Knox

EPRFPD: Jeanne Graham, Ronnie Williams

Gold Mtn. CSD: Cary Curtis, Rich McLaughlin, Bill Seney

Sierra Valley Fire Dept: Rick Allison, Wayne Despaine

Quincy Fire Department: Robbie Cassou

Eastern Plumas Health Care: Doug McCoy, Lisa Gibson, Haley Evans

Plumas LAFCo: Jennifer Stephenson (participated telephonically)

2. Presentation from agency attorneys

a. Introductions

Daniel Smith introduced Josh Nelson from the firm Best, Best & Krieger, legal counsel for the Beckwouth Fire Department.

Tom Cooley introduced Steve Gross from the firm Porter Simon, legal counsel for the City of Portola.

b. Review of options for new organization

Steve Gross outlined the option of a Joint Powers Agreement or Agency (JPA). He explained that a JPA is easy to form, there is no need for LAFCo involvement, no vote of the public and is easy to undo. He also noted that a JPA creates another layer of government, isn't always efficient and is often utilized for a very targeted purpose.

Josh Nelson outlined a consolidation effort, this option leaves one of the districts standing while the others join. He explained that LAFCo approval would be required and although a vote may not be necessary for the formation any funding would need a vote. Once consolidation is completed it is hard to undo. Consolidation would be a permanent option, he used the example of the consolidation of the Quincy and East Quincy CSDs. Some local agencies would lose

control along with a loss of identity. An elected board would be formed with at large or district members. If board members are elected by district then redistricting will be required after each census.

Steve Gross outlined steps for the formation of a new district where all existing entities are dissolved or at least the fire and emergency services part of their service disappears and a new entity is created. This option requires LAFCo approval and a vote. During the formation process properties that are not part of any district or agency would be included in the new district. Again this option would be permanent and very hard to undo.

There were questions regarding the City's role, if they can be part of the new district or would need to contract with it for services and questions relating to the appearance that some district would be subsidizing service for others.

Josh Nelson noted the need to understand that a new district would be an "us" so no district would be subsidizing any others. Steve Gross explained that a study would need to be completed to outline service levels across the entire new district. The City would participate in the new district on the same basis as the other five districts.

c. Annexation Issues

If a completely new district was formed there would be the ability to create a boundary that would encompass all property within the current districts and property that is not currently within any district. This would eliminate the need for properties not currently in a district to go through the annexation process as they would be included within the boundaries of the new district.

d. Funding

Tom Cooley outlined a path to have Plumas County increase the sales tax by 1% and require the tax to be used for fire and emergency medical services. This process would require approval from the Board of Supervisors and a county wide vote. This would also provide funding to fire departments county wide.

A parcel tax option was also discussed. This would require approval of 2/3 of the district. Robbie Cassou reviewed how Quincy was able to gain voter support of a parcel tax and get the required votes. He also noted that he felt all of the county fire districts would support a sales tax increase.

Steve Gross outlined the special assessment option. He explained that a study, usually done by an engineering firm, is required to determine the benefit to each parcel which then determines the amount of the assessment. Although no vote is required for this a protest procedure is required with approval only needing a simple majority. Recently there have been some legal challenges to the process revolving around the validity of the study.

Currently most districts receive some portion of the property tax in a tax sharing agreement with the county. If a new district is formed that district would need to enter into a tax sharing agreement with Plumas County in order to receive any portion of the property tax. Although it would be beneficial if the county would agree to at least leave the current amount of tax shared

with the districts in place there is no requirement for them to do so and in the past it has been difficult to increase or create new tax sharing agreements with the county.

The discussion ended with talk of grants that may be easier to acquire with a larger regional district and the ability to collect fees for services, mitigation and insurance billing.

e. Study content

Although legal counsels didn't feel they would be able to contribute information for the study that would save money it was noted that each agency could work to update the information in their last MSR which would save time and money for a consultant. Also discussed was the need to control the scope of work, know what information is needed and have very specific tasks outlined.

f. Grants

Rick McLaughlin reported that he had reached out to CalFire, FEMA, USDA and others to see if there were any opportunities for grant funding to cover the study and was still awaiting responses.

g. Contribution by agencies

There are no legal requirements regulating how much any participating agency would need to contribute to a reorganization process. Determination lies solely with the participating entities.

h. Questions/Answers

Jeanne Graham asked if anyone had talked to the County about tax sharing negotiations. Tom Cooley stated that no one had spoken with the County and asked if all of the agencies supported starting that discussion with the County. Eastern Plumas, Sierra Valley, Beckwourth, Gold Mountain and Portola all responded with support.

Bill Seney asked for clarification about the need for a new district to have all areas contiguous and it was noted by LAFCo that would be the preference. He also asked how long it took for the Quincy/East Quincy CSDs to complete the process. It was a start/stop process that took a total of 12 years to finalize.

Rich McLaughlin reported that while researching grant opportunities he read about AB5 block grants and felt it was something that should be researched.

Wayne Despaine explained that his board would need to know how much funding they would need to provide. It was explained that until a clear path forward was determined and estimate of cost could not be provided. Once that path is determined it will be necessary for the agencies to come to an agreement on division of expenses between the agencies. It was noted that each agency has very different budget levels and it may be necessary for agencies in better financial shape to contribute at a greater level.

3. Communications

Tom Cooley reported that this agenda item would be postponed to the next meeting.

4. Feasibility Study

Tom Cooley asked if there was support from all agencies to update MSRs.

Daniel Smith explained that he would like to see the group select which reorganization option they felt was best to move forward with. Cary Curtis voiced her agreement with Daniel noting that once the path forward was determined the group could start to work on talking points.

It was then moved by Daniel Smith to move forward with the formation of a new district and have committee members request approval from each agency board, to then look for a consultant to complete the study, determine the cost for each agency and to get started on the MSR updates. The motion was seconded by Jeanne Graham. All agencies voted in favor with Eastern Plumas voting as a proxy for C-Road.

Tom Cooley suggested that having someone from another agency attend the board meeting might be helpful in explaining the issue to the other board members.

Cary Curtis asked if it would be helpful to have a written presentation and offered to work on writing up a synopsis of the committee's actions.

Tom Cooley noted that he will send each agency a copy of their MSR.

After a brief discussion of agency meeting date, it was decided to have the next committee meeting on Tuesday November 10, 2020 at 9am in a location to be determined.

5. The meeting was adjourned at 12:25 pm.

Respectfully Submitted

Leslie Chrysler, Secretary