

Draft Resolution

111 Santa Rosa Ave. Ste. 240
Santa Rosa, CA 95404

March 3, 2021

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Making Findings and Determinations Related to Information Contained in the Municipal Service Review and Sphere of Influence Study for the Northern Sonoma County Fire Protection District, Cloverdale Fire Protection District, and County Service Area 40-Fire Services (IRP 61, 63, and 64), Determining Exemption from the California Environmental Quality Act, Adopting the Determinations of the Municipal Service Review and Sphere of Influence Study, and Amending the Spheres of Influence of the Subject Agencies.

RESOLVED, that the Local Agency Formation Commission of the County of Sonoma (“the Commission”) hereby finds and determines as follows:

1. Procedural History

1.1 Two fire and emergency medical services agencies in the northern portion of Sonoma County (“the Subject Agencies”) requested that the Commission prepare a Municipal Service Review (“MSR”) to determine the feasibility of amending the spheres of influence (“SOI”) of the Subject Agencies pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code section 56000 et seq. (“the Cortese-Knox-Hertzberg Act”).

1.2 The Executive Officer considered the request and prepared a municipal service review and sphere of influence study (“the MSR/SOI Study”).

1.3 The Executive Officer determined that the Commission would comply with California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines by acting as the lead agency in its consideration of the MSR/SOI Study and proposed amendment of the spheres of influence of the Subject Agencies (together “the MSR/SOI Study and Spheres of Influence Amendments”). The Executive Officer further determined that the MSR/SOI Study and Spheres of Influence Amendments is exempt pursuant to State CEQA Guidelines Sections 15306 and 15061(b)(3).

1.4 Following the preparation of the MSR/SOI Study, the Executive Officer set the matter for consideration by the Commission and provided notice thereof as provided in the Cortese-Knox-Hertzberg Act.

1.5 The Executive Officer considered written comments received on the MSR/SOI Study and prepared a staff report (“the Executive Officer’s Report”) which

included a recommendation for the MSR/SOI Study and Spheres of Influence Amendments. The Executive Officer furnished copies of the Executive Officer's Report to all persons entitled to copies under the Cortese-Knox-Hertzberg Act.

1.6 The Commission conducted a noticed public hearing to consider the MSR/SOI Study and Spheres of Influence Amendments on March 3, 2021. At the hearing, the Commission heard and received all relevant oral and written testimony and evidence presented or filed and considered the Executive Officer's Report and the MSR/SOI Study and Spheres of Influence Amendments. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission closed the public hearing and adopted the determinations in the MSR/SOI Study and voted to amend the spheres of influence ("the Spheres of Influence") of the Subject Agencies.

1.7 The Commission has reviewed and considered this resolution and hereby finds that it accurately sets forth the intentions of the Commission regarding the determinations of the MSR/SOI Study and Spheres of Influence Amendments.

2. CEQA Compliance

2.1 The Commission concurs with the Executive Officer and finds that the Commission is the lead agency for the preparation of the MSR/SOI Study and Spheres of Influence Amendments, pursuant to CEQA and the state CEQA Guidelines.

2.2 The Commission finds and determines that preparation of a Municipal Service Review consists largely of the collection of data and research through reports and/or interviews with those knowledgeable about the agencies studied, resulting in conclusions and recommendations. When such activities "do not result in a serious or major disturbance to an environmental resource," pursuant to Section 15306 of the State CEQA Guidelines, is exempt from CEQA.

2.3 The Commission finds and determines that amendment to the Spheres of Influence of the Subject Agencies is exempt from CEQA pursuant to Section 15061 (b)(3) of the State CEQA Guidelines, which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is not a possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

2.3 Amendment to the Spheres of Influence of the Subject Agencies will not result in a physical change to the environment in and of itself. Any future actions for change of organization would be further subject to separate environmental determination.

2.3 The Commission has considered the potential environmental effects of the MSR/SOI Study and Spheres of Influence Amendments prior to reaching its decision.

The Commission finds that, in doing so, it has fully discharged its responsibilities under CEQA.

3. Cortese-Knox-Hertzberg Act Compliance – Municipal Service Review

3.1 The Cortese-Knox-Hertzberg Act directs LAFCOs to review and update agencies' spheres of influence, as necessary, every five years and further to conduct municipal service reviews prior to, or in conjunction with such updates. With regard to the Agencies' Request, the Commission makes the following summary determinations:

3.2 Growth and population projections for the affected area:

- a. Although there continues to be modest population growth in the North County, subject agencies point to an array of other factors driving increased call volumes.
- b. These factors include an aging population and an increase in tourist visitors to the region.
- c. Similarly, agencies do not consider land use development a driver of call volume.

3.3 The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence:

- a. There are no LAFCO-designated disadvantaged unincorporated communities within the territories served by the subject agencies.

3.4 The present and planned capacity of public facilities adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence:

- a. The subject agencies are experiencing staffing challenges of one form or another. These challenges range across a spectrum that includes:
 - A decline in active volunteer ranks
 - Declines in volunteer availability during particular shifts/times
 - A lack of promotional career paths for career professionals
 - Difficulty in retaining career professionals due to salary and benefit competition in Sonoma County and the Bay Area region
- b. Improvements to stipend programs for volunteers may enable the agencies to address staffing challenges without transitioning fully to career-professional staffing, which the agencies cannot support financially.
- c. The North County agencies manage to provide "2/0" staffing at all times – the ability to respond to incident calls with two qualified personnel. This staffing level is made possible through a two-year funding agreement with the County.

- d. Establishing more career-professional positions (particularly during weekday daytime shifts) within a regional agency would provide more opportunities for career progression.
- e. The two agencies have already begun to provide training jointly as part of their recently-implemented Joint Powers Agreement.
- f. A review of response time statistics indicate that the agencies are meeting National Fire Protection Association guidelines, though the statistics are rudimentary and could obscure significant service level deficiencies.
- g. The facilities and equipment of the subject agencies are in good condition.
- h. Both agencies have expressed that provision of fire prevention services, notably vegetation management, has remained an urgent priority.

3.5 Financial ability of agencies to provide services:

- a. The subject agencies do not prepare multi-year budget projections, which would nominally indicate impending financial sustainability challenges.
- b. The facilities operated by the North County agencies are generally appropriate for their use.
- c. The City of Healdsburg has provided service to the IRP 64 (Sotoyome) and IRP 63 (Fitch Mountain) areas under contract to the County for many years, but believes that the contract is not providing sufficient recompense for service provision.
- d. The County is providing short-term funding to the NSCFPD and Cloverdale FPD to support paid staffing.

3.6 Accountability for community service needs, including governmental structure and operational efficiencies:

- a. The Fire Protection Districts have well-functioning governing boards.
- b. The Districts report no particular difficulty in recruiting candidates to run for board seats, though most have not seen contested seats either.
- c. There are no apparent instances of recent violations of open meeting regulations, campaign regulations, or other accountability requirements among the agencies in North County.

3.7 Status of, and opportunities for, shared facilities:

- a. Any proposed reorganizations of subject agencies, or contractual service arrangements, are unlikely to generate significant cost savings.
- b. A regionally consolidated agency would be better positioned to evaluate and project capital and expense needs, enabling agency leadership to develop sustainable funding strategies.

4. With regard to the Cloverdale Fire Protection District and its provision of fire and emergency medical services:

4.1 Growth and population:

- a. The region served by CFPD will continue to experience moderate development within the City of Cloverdale and minimal development and population growth due to land use policies enacted by the County of Sonoma and managed by the County's Permit and Resource Management Department (Permit Sonoma).

4.2 Disadvantaged unincorporated communities:

- a. There are no county-designated disadvantaged unincorporated areas within or adjacent to the territory served by the District.

4.3 Capacity and adequacy of public facilities and services:

- a. The Cloverdale Fire Protection District effectively provides fire and emergency services within its existing service area and is expected to be able to serve potential population and development growth for the foreseeable future.
- b. The District is currently meeting recommended standards to operate a combination fire department under NFPA 1720 standards. (A combination department is one that relies on both paid and volunteer staffing.)
- c. The District may face the same challenge that most fire protection districts in Sonoma County face with regards to transitioning from a primarily volunteer-based staffing model to a paid staffing model, due to declines in the availability of volunteers, though it should be noted that the District currently has a robust roster of volunteers.

4.4 Financial ability:

- a. The Cloverdale Fire Protection District has been meeting its expenses without difficulty and has been able to provide funding for infrastructure needs (primarily vehicle and equipment replacement).
- b. Financial management of the District is sound, and is independently audited on an annual basis.

4.5 Shared services and facilities:

- a. The Cloverdale Fire Protection District is appropriately positioned to seek out and enter into agreements with other fire and emergency services providers in Region 6 to take advantage of opportunities to reduce costs, and to provide more efficient and effective services.
- b. The District has entered into a Joint Operating Agreement with the Northern Sonoma County FPD, enabling activities including joint management, administration, and employee training programs.

4.6 Accountability, structure and efficiencies:

- a. The Cloverdale Fire Protection District is governed in a manner that not only complies with all statutes and laws, but is fully open to community input. Board directors have been elected and/or appointed appropriately.
 - b. The District undertakes annual independent financial and business practice audits and is in compliance with financial regulations and recommended practices.
 - c. The District is encouraged to continue discussions with all other fire and emergency services providers in Region 6 regarding opportunities for coordinating service provision to produce efficiencies and cost savings, up to and including potential consolidation of operations in the future.
- 5 For the Northern Sonoma County Fire Protection District:
- 5.1 Growth and population:
 - a. The region served by NSCFPD will continue to experience minimal development and population growth due to land use policies enacted by the County of Sonoma and managed by the County's Permit and Resource Management Department (Permit Sonoma).
 - 5.2 Disadvantaged unincorporated communities:
 - a. There are no county-designated disadvantaged unincorporated areas within or adjacent to the territory served by the District.
 - 5.3 Capacity and Adequacy of public facilities and services:
 - a. The Northern Sonoma County Fire Protection District effectively provides fire and emergency services within its existing service area and is expected to be able to serve potential population and development growth for the foreseeable future.
 - b. The District is currently meeting recommended standards to operate a combination fire department under NFPA 1720 standards. (A combination department is one that relies on both paid and volunteer staffing.)
 - c. The District may face the same challenge that most fire protection districts in Sonoma County face with regards to transitioning from a primarily volunteer-based staffing model to a paid staffing model, due to declines in the availability of volunteers, though it should be noted that the District currently has a robust roster of volunteers.
 - 5.4 Financial ability:
 - a. The Northern Sonoma County Fire Protection District has been meeting its expenses without difficulty and has been able to provide funding for infrastructure needs (primarily vehicle and equipment replacement).
 - b. Financial management of the District is sound, and is independently audited on an annual basis.

- 5.5 Shared services and facilities:
 - a. The Northern Sonoma County Fire Protection District is appropriately positioned to seek out and enter into agreements with other fire and emergency services providers in Region 6 to take advantage of opportunities to reduce costs, and to provide more efficient and effective services.
 - b. The District has entered into a Joint Operating Agreement with the Cloverdale FPD, enabling activities including joint management, administration, and employee training programs.
- 5.6 Accountability, structure and efficiencies:
 - a. The Northern Sonoma County Fire Protection District is governed in a manner that not only complies with all statutes and laws, but is fully open to community input. Board directors have been elected and/or appointed appropriately.
 - b. The District undertakes annual independent financial and business practice audits and is in compliance with financial regulations and recommended practices.
 - c. The District is encouraged to continue discussions with all other fire and emergency services providers in Region 6 regarding opportunities for coordinating service provision to produce efficiencies and cost savings, up to and including potential consolidation of operations in the future.
- 6 For the County Service Area 40 – Fire Services territories within Region 6:
 - 6.1 Summary determinations:
 - a. The County of Sonoma does not directly provide fire and emergency services to the extensive County Service Area 40 territories in Region 6, which include IRP 61 (the Geysers area), IRP 63 (Fitch Mountain), and IRP 64 (Sotoyome).
 - b. Northern Sonoma County and Cloverdale FPDs provide coverage to the IRP 61 area, and mutual aid coverage to the IRP 64 (Sotoyome) territory west of the City of Healdsburg.
 - c. The City of Healdsburg provides coverage, under contract to the County, to IRP 63 and IRP 64 (Sotoyome).
 - d. The County has embarked on an effort to support reorganizations that would eventually eliminate CSA 40.
 - e. The CSA 40 territories in Region 6 generate a preponderance of the tax revenue that has been used to support Volunteer Fire Companies and other agencies that provide coverage to CSA 40 territories throughout the County.
 - 6.2 Financial ability:
 - a. The County collects the majority of property tax revenue to support County Service Area 40 within the three territories in North County (Region 6).

- b. The County has ample tax revenue to support the contract for services with the City of Healdsburg for service provision to the IRP 63 (Fitch Mountain) and IRP 64 (Sotoyome) territories.
- c. The County has a contract with NSCFPD for service provision to IRP 61 (Geysers).

10. Cortese-Knox-Hertzberg Act Compliance – Sphere of Influence

The Commission is ordering an amendment to Northern Sonoma County Fire Protection District’s sphere of influence to include all territory within Region 6 with the exclusion of the City of Healdsburg.

The Commission also orders that the sphere of influence for the Cloverdale Fire Protection District be set as “zero”, indicating that it is expected that the territories served by these agencies will be annexed to the Northern Sonoma County Fire Protection District.

The Commission also orders that the sphere of influence for County Service Area 40 – Fire Services be amended to exclude territory within Region 6.

10 With regard to requirements of the Cortese-Knox-Hertzberg Act for amendments of the Spheres of Influence of the Subject Agencies, the Commission makes the following determinations:

- 10.1 The present and planned land uses in the area, including agricultural and open space lands:
 - a. There are no proposed changes to land uses within the Subject Agencies’ territories or within the proposed Spheres of Influence of the Subject Agencies.
- 10.2 The present and probable need for public facilities and services in the area:
 - a. The recommended sphere of influence amendments, if followed by a regional consolidation through annexations, would provide modest operational and cost efficiencies, though these efficiencies would not ensure the continued viability of the new agency.
 - b. A regional consolidation would, if appropriately financed through a variety of methods, ensure continued service levels in the region. There is a desire by the elected leaders of the Districts, and from residents in Region 6, that additional fire prevention activities (notably vegetation management and community emergency planning and outreach activities) be provided.
- 10.3 The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide:

- a. The Northern Sonoma County and Cloverdale FPDs have a strong predisposition to consolidation, evidenced by their recently-enacted Joint Powers Agreement, which combines their leadership, management, and administration activities.
- b. While the subject agencies face the same fiscal and operational challenges that agencies throughout the County are experiencing, there is apparent capacity and capability within the two organizations to support the management of a regionally-consolidated agency covering the majority of Region 6.

NOW, THEREFORE, based on the foregoing findings and determinations and the record of these proceedings, and pursuant to the Cortese-Knox-Hertzberg Act, the Commission hereby declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The Commission has reviewed and considered the information contained in the final MSR/SOI Study for North County Fire and Emergency Service Agencies.
3. The Commission adopts the determinations made in the MSR/SOI Study for the Subject Agencies and approves the amendments to the Spheres of Influence recommended in the MSR/SOI Study.
4. The Executive Officer is directed to file a Notice of Exemption, in accordance with CEQA and the State CEQA Guidelines.
5. The Clerk of the Commission is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Commission's decision herein is based. These documents may be found at the office of the Clerk of the Commission, 111 Santa Rosa Ave., Ste. 240, Santa Rosa, CA, 95404.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Commission on the 3rd day of March 2021 and ordered adopted by the following vote:

Commissioners:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared the foregoing resolution adopted and

SO ORDERED.

Mark Bramfitt, Executive Officer

The within instrument is a true and correct copy of the original on file in this office.

ATTEST:

BY: _____
Clerk