



Legislation Text

File #: 15-0626, **Version:** 1

Supervisors Frentzen and Ranalli recommending the Board approve and authorize the Chair to sign a letter of opposition on SB 239 (Hertzberg) pertaining to fire protection service contracts. SB 239 (Hertzberg) proposes to establish a new Local Agency Formation Commission (LAFCO) process related to the extension of new or extended fire services, by contract or agreement, outside of a fire district's existing service area.

The Cortese-Knox-Hertzberg Local Government Reorganization Act delegates the Legislature's authority to control the boundaries of cities and special districts to local agency formation commissions (LAFCO's). The Act requires that cities and districts must get a LAFCO's written approval before they can serve a territory outside their boundaries. However, LAFCO approval is not currently required for 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 provider. Contracts and agreements for services that solely involve fire protection districts and/or CAL FIRE for existing services are not currently subject to LAFCO approval.

The new process under SB 239 will require local fire protection districts to enter into a written agreement for the performance of new or extended services pursuant to a fire protection reorganization contract that is validated and executed by each affected agency as well as the recognized fire protection employee organization(s) prior to submitting a resolution of application to LAFCO.

Additionally, SB 239 will require a public hearing on the resolution, a detailed plan for service, and a comprehensive fiscal analysis.

SB 239 is proposed at a time when local fire protection districts throughout the state and within the County are contemplating contracts for services that will allow them to continue to provide fire protection services.

The additional requirements and level of analysis required under SB 239 will not only increase costs to local fire protection districts but can result in delays in the negotiations and approvals between agencies that could directly affect the delivery of fire protection services to the communities they serve.