

April 16, 2013, 4:30 p.m.

Council Chambers, 333 Civic Center Plaza

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1. Chairperson Rickman called the meeting to order at 4:30 p.m.
2. Roll Call found Directors Maciel, Thoming, Vieira and Chairperson Rickman present.
3. Items from the Audience - None.
4. Approval of Minutes – It was moved by Director Thoming and seconded by Director Vieira to adopt the regular meeting minutes of January 15, 2013. Voice vote found Directors Thoming and Vieira and Chairperson Rickman in favor. Director Maciel abstained.
5. ADOPT THE PROPOSED FY 2013/2014 FIRE DEPARTMENT BUDGET FOR THE SOUTH COUNTY FIRE AUTHORITY AND REVIEW THE COST SPLIT BETWEEN THE CITY OF TRACY AND THE TRACY RURAL FIRE PROTECTION DISTRICT - Dave Bramell, Fire Division Chief provided the staff report. The City of Tracy and the Tracy Rural Fire Protection District (Tracy Rural) are the member agencies of the South County Fire Authority (SCFA). In addition, the Mountain House Community Services District (MHCS D) contracts with Tracy Rural for fire services. On March 19, 2013, the City Council and the Tracy Rural Fire District Board of Directors held a joint budget workshop to review and discuss the proposed SCFA Fiscal Year 2013/2014 Budget.

The SCFA budget includes several operating program areas such as fire administration, prevention, operations, and training. The cost distribution for fire services is calculated according to a formula that is based upon minimum staffing at stations throughout the SCFA. The cost for MHCS D is calculated first and deducted from the total with the balance then split 60%/40% respectively between the City of Tracy and Tracy Rural.

The following tables reflect how costs will be allocated for Fiscal Year 2013/2014 from July 2013 – January 2014, using the current formula. Due to the construction and relocation of Fire Station No. 92, requiring additional staffing, a new formula is required to reflect how costs will be allocated from February 2014 through June 2014. The station is anticipated to be operational by April 2014.

Staffing Allocation

Number of Stations	Type of Crew	Number of Shifts	Total
4	3-person	3	36
3	2-person	3	18
Subtotal			54
<i>Less Mountain House</i>			<i>(9)</i>
Total Minimum Staffing			45

Of the 54 minimum staffing, approximately nine are allocated to MHCS D (one station with a three person crew) and deducted from the minimum staffing total to calculate the staffing split between the City and Tracy Rural. As a result, the total minimum staffing is 45; 27 are allocated to the City and the remaining 18 are allocated to Tracy Rural.

Formula Calculation

Service Area	Cost Split	Call Service Variance	Final Cost Allocation
City	27/45 = 60%	(+7%)	67%
Tracy Rural	18/45 = 40%	(-7%)	33%

The City has 60% of the minimum staffing net of MHCS D (27/45) and Tracy Rural has 40% (18/45). From this split an adjustment of 7% has historically been added to the City and 7% deducted from Tracy Rural to reflect the costs of calls for service handled by the City. As such, the cost split between the City and Tracy Rural is 67% and 33% respectively. This split is after deducting for MHCS D expenses.

Construction of a relocated Fire Station 92 is expected to be completed in April 2014. Amendment No. 6 of the Joint Exercise of Powers Agreement (JPA) requires that a relocated Fire Station 92 be staffed with three personnel per shift; an increase to the minimum staffing. To meet this staffing requirement, the City will need to hire two new firefighters.

According to Amendment No. 6 of the JPA between the City of Tracy and Tracy Rural, Tracy Rural will be responsible to fund 100% of the operational costs at relocated Station 92 upon obtaining the Certificate of Occupancy through Fiscal Year 2015/2016. With construction scheduled for completion in April 2014, the City will prorate the formula from February 2014 through June 2014 with respect to the cost of the two new firefighters. An additional two months is required to ensure adequate training. Approximately five months of the third crew member at Station 92, would be included in the City's share.

The chart below reflects the new cost split allocation for the period February 2014 – June 2014 as a result of additional staffing requirements for relocated Station 92:

New Staffing Allocation

Number of Stations	Type of Crew	Number of Shifts	Total
5	3-person	3	45
2	2-person	3	<u>12</u>
Subtotal			57
<i>Less Mountain House</i>			<i>(9)</i>
Total Minimum Staffing			48

Of the 57 minimum staffing, included is a three member crew for Station 92 and nine for MHCSD (one station with a three person crew). The MHCSD staffing has been deducted from the minimum staffing total to calculate the staffing split between the City and Tracy Rural. As a result, the total minimum staffing under the new formula is 48; 30 are allocated to the City and the remaining 18 are allocated to Tracy Rural.

New Formula Calculation

Service Area	Cost Split	Calls for Service Variance	Final Cost Allocation
City	30/48 = 62.5%	(+7%)	69.5%
Tracy Rural	18/48 = 37.5%	(-7%)	30.5%

The new cost formula reflects the City's share of 62.5% of the minimum staffing net of MHCSD (30/48) and 37.5% for Tracy Rural (18/48). From this split, the adjustment of 7% is added to the City's share and 7% deducted from Tracy Rural in consideration of cost for the number of calls for service handled by the City. As such, the cost split between the City and Tracy Rural is 69.5% and 30.5% respectively. This split would also be calculated after deducting for MHCSD expenses.

The proposed change to the "Cost Split for Maintenance and Operations" will require an amendment of the Joint Exercise of Powers Agreement of the South County Fire Authority.

Effective Fiscal Year 2015/2016, the cost formula would be revised again as the cost of the three person crew at the relocated Station 92 would be transferred to Tracy Rural. Tracy Rural's share, less MHCSD, with the 7% adjustment would be approximately 36.75%.

The proposed Fiscal Year 2013/2014 Fire Department program budget, less equipment replacement and overhead costs is \$15.6 million, a 2.3% increase compared to the Fiscal Year 2012/2013 adopted budget of \$15.3 million. The increase reflects inflationary operational and benefit costs, coupled with recommended budget augmentations for Fiscal Year 2013/2014. Proposed augmentation requests for Fiscal Year 2013/2014 are reflected in the table below:

FY 2013/2014 Proposed Augmentations	Cost
Hazardous Materials Team Expansion	\$39,360
New Firefighters – Station 92 Staffing	\$120,310
Contracted Medical Director	\$6,000
Medical Grade Oxygen	\$6,500
Additional Fire Reserve Hours	\$9,900
Total	\$182,070

Fiscal Year 2013/2014 equipment replacement costs are \$636,950. Built in the base budget is approximately \$40,000 for emergency replacements. The total requested replacements for Fiscal Year 2013/2014 is \$596,950.

Replacement equipment is used to provide service across the jurisdictional area of the South County Fire Authority. The reason for replacement is typically due to worn or

damaged equipment that has met its useful service life or state/local mandates that dictate replacement.

Equipment replacements are acquired through Fund 605. According to the JPA, each agency is responsible to replace the capital property and equipment owned by City and Tracy Rural at the time of the agreement. The City at its sole expense, will be replacing a fire engine in Fiscal Year 2013/2014 which is reflected in the table below. New equipment, however, is split evenly between the City and Tracy Rural. There are no new equipment requests proposed for Fiscal Year 2013/2014.

FY 2013/2014 Proposed Equipment Replacement	Cost
Facilities	\$7,000
Self-Contained Breathing Apparatus (SCBA)	\$43,800
Fire Hose	\$27,800
Radio Communications Equipment	\$11,000
Network Office Scanner	\$1,850
Rope Rescue Equipment	\$5,500
Pumper (Type I-Fire Engine) – City of Tracy*	\$500,000
Subtotal Requests	\$596,950
Emergency Equipment Replacement (if necessary)	\$40,000
Total	\$636,950

**Indicates cost is sole responsibility of the City of Tracy*

Fiscal Year 2013/2014 Indirect Costs - Overhead or indirect costs, which are shared between the City, Tracy Rural and MHCS D, are approximately \$408,400.

Fiscal Year 2013/2014 Cost Allocation - The anticipated Fiscal Year 2013/2014 allocation for the City, Tracy Rural, and MHCS D reflective of all applicable costs and the comparison to the previous fiscal year was provided in an attachment to the staff report.

The City of Tracy, Tracy Rural Fire Protection District and Mountain House Community Services District will each pay their proportionate share of the Fire Department budget based upon the adopted formula.

Staff recommended that the South County Fire Authority Board of Directors adopt the proposed Fire Department Budget for Fiscal Year 2013/2014.

Director Maciel asked how the formula for the calls for service variance of 7%, was developed. Division Chief Bramell responded the 60/40% was identified in the Joint Exercise of Powers Agreement in September 1999. Division Chief Bramell added that the last documentation he was able to find regarding the 7% variance was in a resolution adopted in 2003. Division Chief Bramell stated he did not know how the 7% was established.

Director Thoming asked if the items listed in the Fiscal Year 2013/2014 Equipment Replacement Requests chart were annual costs or just for Fiscal Year 2013/2014. Division Chief Bramell responded that many of the items can be reoccurring.

Director Thoming asked how the of \$15.5 million under proposed Fiscal Year 2013/2014 Expenditures of the SCFA Cost Allocation based upon Fiscal Year

2013/2014 Proposed Budget for Tracy Fire Department, compared to Fiscal Year 2012/2013 costs. Division Chief Bramell stated there is a small increase in constant staffing numbers. The overall budget only went up approximately \$100,000 for the district and Mountain House and approximately \$600,000 for the City.

No one from the public wished to address the Authority on the item.

Chairperson Rickman asked if mutual aid is reimbursed by the State. Division Chief Bramell stated that was correct.

Chairperson Rickman asked when the hazardous materials expansion would be operating. Division Chief Bramell responded training is underway. Division Chief Bramell added the plan is to have all the personnel trained by January 2014.

Chairperson Rickman asked if new firefighters were trained in house. Division Chief Bramell responded new firefighters require basic training level of California State Firefighter 1 Certification, but spend time in house acclimating to the Fire Department's equipment, personnel, and procedures.

It was moved by Director Maciel and seconded by Director Vieira to adopt Resolution 2013-001 approving the Fiscal Year 2013/2014 budget for the South County Fire Authority. Voice vote found all in favor; passed and so ordered.

6. ACCEPT A REPORT ON THE SOUTH COUNTY FIRE AUTHORITY EMERGENCY RESPONSE PERFORMANCE FOR THE THIRD QUARTER OF FISCAL YEAR 2012-2013 – Steve Hanlon, Fire Division Chief, provided the staff report. There were a total of 1,533 incidents in the South County Fire Authority (SCFA) during the third quarter of Fiscal Year 2012/2013. This is an increase over the third quarter of the last two fiscal years; there were 1,453 incidents during the second quarter of Fiscal Year 2011/2012 and 1,276 during the second quarter of Fiscal Year 2010/2011.

There were 13 structure fires in the South County Fire Authority during the third quarter. The most significant were two residential fires, a haystack fire inside of a barn, and two garbage toter fires that extended into single family residences.

The Department's goal is to confine residential structure fires to the room of origin or less 90% of the time. During the first three quarters of this fiscal year the Department confined residential structure fires to the room of origin or less 82% of the time in the City, 67% of the time in the Tracy Rural Fire Protection District (TRFPD), and 60% of the time in the Mountain House Community Services District (MHCSO).

During the third quarter of Fiscal Year 2012/2013, the department responded to 50% of all emergency incidents inside of the City of Tracy within the total reflex performance objective of 6.5 minutes (total reflex performance for Fiscal Year 2011/2012 was 52%).

During the third quarter the 90th percentile for all incidents in the City was 8 minutes and 29 seconds (8:29) meaning 90% of all incidents were responded to within 8:29 or less.

Last fiscal year the 90th percentile was 8:36.

In the third quarter of Fiscal Year 2012/2013 the Fire Department responded to 65% of all emergency incidents in the TRFPD within the total reflex performance objective of 10 minutes (total reflex performance for Fiscal Year 2011/2012 was 67%). The 90th percentile for all incidents during the quarter in the rural area was 12 minutes and 22 seconds; 90% of all incidents were responded to within 12:22 or less. Last fiscal year the 90th percentile was 12:20.

Response performance in the MHCSD was 48% for all emergency incidents within the total reflex performance objective of 6.5 minutes (total reflex performance for Fiscal Year 2011/2012 was 28%). The 90th percentile for all incidents was 9 minutes and 03 seconds; 90% of all incidents were responded to within 9:03 or less. Last fiscal year the 90th percentile was 9:49.

Staff recommended the Board of Directors accept the South County Fire Authority Response Performance Report for the third quarter of Fiscal Year 2012/2013.

Director Thoming asked if the haystack fire is considered a structure fire for purposes of containing to the room of origin. Division Chief Hanlon responded anytime there is flame damage to the building it is considered a structure fire.

No one from the audience wished to speak to the Authority regarding the item.

It was moved by Director Maciel and seconded by Director Thoming to accept the South County Fire Authority Emergency Response Performance Report for the third quarter of Fiscal Year 2012/2013. Voice vote found all in favor; passed and so ordered.

7. APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE DEFENSE LOGISTICS AGENCY INSTALLATION SUPPORT AT SAN JOAQUIN AND THE SOUTH COUNTY FIRE AUTHORITY (CITY OF TRACY) FOR MUTUAL AID IN FIRE AND EMERGENCY SERVICES – Dave Bramell, Fire Division Chief, provided the report. Although separate from the South County Fire Authority (SCFA), the Defense Logistics Agency Installation Support at San Joaquin Fire and Emergency Services (DLA FES), Tracy, is physically located within the jurisdictional boundaries of the Authority. Due to the physical location of DLA FES, it is advantageous for both agencies to provide additional emergency response by way of mutual aid when necessary. Assistance has traditionally been provided absent a formal mutual aid agreement.

The Memorandum of Understanding (MOU) for mutual aid describes the services to be provided, the methodology for requesting assistance, operations while providing assistance and indemnification.

Both parties agree to provide assistance only to the extent there are resources available. There is nothing within the MOU compelling either agency to respond to an emergency incident for the other when that agency's equipment or personnel are needed within their own jurisdiction. Resources providing mutual aid assistance will operate under the direction of the agency requesting assistance. It is also stated that either party will release units when their services are no longer required or when their services are needed within their respective jurisdiction.

Although, both parties of the MOU agree to waive all claims against the other party for compensation of any loss, damage, personal injury or death occurring in consequence of performing the agreement, there are provisions for seeking reimbursement when additional costs over and above normal operating expenses are incurred.

There is no direct fiscal impact in agreeing to the MOU. There is the potential to incur additional costs over and above normal operating expenses. If and when additional costs are incurred, the MOU describes the process for reimbursement.

Staff recommended that the South County Fire Authority Board of Directors approve the Memorandum of Understanding between the Defense Logistics Agency Installation Support at San Joaquin and the South County Fire Authority for Mutual Aid in Fire and Emergency Services

Director Thoming asked if there were provisions for reimbursement of expenses prior to the agreement between the two entities. Division Chief Bramell responded there is no formal agreement that would stipulate reimbursement of expenses. Division Chief Bramell stated there is standard federal language in these types of agreements that require that language be included.

Director Maciel asked about the potential reimbursement and how costs are determined and what scenario would dictate reimbursement of costs. Division Chief Bramell responded the language in the MOU defines over and above normal operating expenses as cost, losses, and expenses which are not ordinarily or necessarily associated with the maintenance, administration of day to day operations.

Al Nero, Fire Chief added the standard language in all of their contracts "over and above any normal and customary costs for responding to an emergency" means if a company officer, due to gross negligence, damaged equipment or property due to that gross negligence, which is highly unlikely, and goes for both parties. That would include DLA FES within our jurisdiction and SCFA within their jurisdictions. If a company officer makes a mistake on their call on what to do in a particular emergency, is not what they are referring to as gross negligence. It would be when our company officers are not operating under chain of command and cause damages.

Director Maciel asked if Tracy units went to the Depot to assist and did something wrong, would the City reimburse DLA FES. Director Maciel added as an example if Tracy Fire assisted a fire at the Depot and a warehouse collapsed and destroyed the City's brand new fire truck, would DLA FES reimburse the City for the fire truck. Fire Chief Nero responded no. That would be a loss that is customary to the response of the emergency. Gross negligence would be where a company officer did not comply with what the strategy or plan was and went out of chain of command to do something that is not consistent with standard practice in addressing emergencies and damaged property and or equipment.

Director Maciel stated the City currently sends staff and equipment as mutual aid for forest fires. Director Maciel asked if the City suffered a loss of equipment while performing mutual aid during a forest fire, would it still be the City's responsibility or is that apples and oranges. Fire Chief Nero stated that was apples and oranges.

Director Thoming asked if the agreement would cover large hazmat response and those types of emergencies. Fire Chief Nero responded it does not cover those types of emergencies.

Chairperson Rickman asked if mutual aid is reimbursed through the Federal government. Fire Chief Nero explained that a mutual aid agreement is when an emergency occurs near the Depot, or there is a structure fire and the City has units that are out of service or elsewhere, then the Depot would send a unit to assist the City. Fire Chief Nero stated the mutual aid agreement is different from the five party agreement we have throughout the state.

Chairperson Rickman stated it is another level of protection for City and County.

Fire Chief Nero added the MOU will be formalizing a practice that has gone on for several years.

Bill Sartor, Assistant City Attorney, added the MOU also includes the mutual indemnities so if we respond to their incident and something happened, they have got to defend hold harmless, pay attorney's fees or anything that flows from our response to their incident and likewise if SCFA responds to their incident.

It was moved by Director Maciel and seconded by Director Thoming to adopt Resolution 2013-002 authorizing the Chairperson of the South County Fire Authority to sign a Memorandum of Understanding between the Defense Logistics Agency Installation Support at San Joaquin and the South County Fire Authority to provide mutual aid in fire and emergency services. Voice vote found all in favor; passed and so ordered.

8. Items from the Audience - None
9. Adjournment - It was moved by Director Maciel and seconded by Director Thoming to adjourn. Voice vote found all in favor; passed and so ordered. Time: 5:05 p.m.

The above are summary minutes. The above agenda was posted at Tracy City Hall on April 11, 2013.

Attest:

Chairperson

Secretary