

July 16, 2013, 6:00 p.m.

Council Chambers, 333 Civic Center Plaza

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1. Chairperson Rickman called the meeting to order at 6:00 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 Maciel and seconded by Director Thoming to adopt the regular meeting minutes of April 16, 2013, and the special meeting minutes of May 7, 2013. Voice vote found all in favor; passed and so ordered.
5. RECEIVE AN UPDATE ON THE STRUCTURE FOR FIRE SERVICE GOVERNANCE AND APPROVE THE FIRE SERVICE GOVERNANCE STEERING COMMITTEE'S RECOMMENDATION REGARDING THE FUTURE GOVERNANCE STRUCTURE – Fire Chief Nero provided the staff report. At the May 15, 2012, City Council meeting, staff provided a presentation on the current structure of fire governance, which included an overview of the process to be employed over the succeeding months to evaluate and identify alternatives to the existing structure. The goal was to identify a structure that streamlines decision making and existing barriers to governance efficiency related to the provision of fire services within the South County Fire Authority service area.

On June 5, 2012, the City Council appointed Steve Abercrombie to represent the Council on the Fire Governance Steering Committee. At the July 17, 2012 meeting of the South County Fire Authority (SCFA), the SCFA Board appointed Jim Thoming to represent the SCFA on the Fire Governance Steering Committee (Committee). The Tracy Rural Fire District (TRFD) appointed John Vieira, the Mountain House Community Services District (MHCS D) appointed Celeste Farron, IAFF Local 3355 appointed Ryan Gall, and Robert Sarvey and Dan Ball were appointed as community members at large. The Committee has convened monthly since January 2013. Special meetings were scheduled as needed.

Staff provided the Committee with four options: (1) maintain the current structure, (2) dissolve the SCFA and form a new joint powers authority, (3) have all entities contract directly for fire services with the City, and (4) annex the City and MHCS D into the TRFD to form one fire district. The MHCS D representative has indicated that MHCS D does not want to be annexed into the TRFD.

Staff held three community workshops to receive input from the public. The meetings were held at the MHCS D Board room, New Jerusalem School, and the Tracy Transit Station. One person attended the Mountain House workshop, no one attended the workshop at New Jerusalem School, and three people attended the workshop at the Transit Station, two of those people were TRFD Board members. No concerns were raised during any of the meetings. Staff reported the workshop results to the Committee.

Staff formed a task force of Fire Department employees to review the options, perform research to gather information regarding each of the four options and to advise of any concerns that employees may have regarding the options. Additionally, staff met with IAFF Local 3355 to discuss the options and identify any concerns related to them. The concerns raised through that process were security of employment for current employees and continuance of the current employee contract, should any option be implemented that changes the current employer.

Staff met with the Interim County Administrator to provide an overview of the options, requested that the Interim County Administrator touch bases with the Board of Supervisors to determine any concerns, and asked the County to identify any fiscal concerns. Staff provided information that the County will use in making that determination. Staff also met with the County Auditor to get property tax information upon which to base analysis of fiscal considerations regarding the City being annexed into the TRFD.

Staff's analysis of the four options indicates that two have merit: (1) maintaining the current structure, or (2) annexing the City into the TRFD.

The following is an overview of each option based on the information available to date:

Strengthen the Existing Joint Powers Authority - The SCFA is a Joint Powers Authority (JPA), organized in 1999 pursuant to California Government Code Sections 6500-6536. The JPA currently consists of two partners, the City of Tracy and the TRFD. The service area covered by the JPA includes the jurisdictional areas of the City of Tracy, the adjacent rural areas, and the community of Mountain House. Services are provided to the community of Mountain House pursuant to a contract with the TRFD. The JPA is governed by a four member board of directors, two from each partner. Services are provided through contract, by the City of Tracy. Costs, including indirect costs, are allocated through a formula based on the staffing needs within each member's jurisdictional area. Each member is responsible for the costs of replacement apparatus and major repair/renovation of facilities located within their respective jurisdictional boundaries.

Should this option be approved, staff recommended that the following changes be made to the JPA:

- Offer full membership in the JPA to the community of Mountain House.
- Expand the Board of Directors to five. If Mountain House accepts membership, they will be represented on the Board. If not, an "At Large" position be established with appointment determined by the member agencies.
- Incrementally move toward full autonomy for the JPA. This may begin with the establishment of a pool to cover capital costs for all member agencies, each member agency paying its "fair share." During the next year, develop an implementation plan to achieve this goal. The implementation toward full autonomy will take several years to achieve.

Annexation of the City into the Tracy Rural Fire District - Annexations are subject to the Cortese-Knox-Hertzberg Local Government Reorganization Act and are subject to Local Agency Formation Commission (LAFCo) procedures. The proceedings for annexation may be initiated by resolution of the affected local agency, the TRFD in this case.

Parties are required to negotiate an exchange of property tax revenues to establish the revenue source(s) to fund the service. If the application proceeds, LAFCo will hold a public hearing and may either terminate the proceedings if a majority protest exists, order annexation subject to voter confirmation if the requisite number of protests are made, or order annexation without an election if the number of protests does not require an election.

All properties within the TRFD's jurisdiction are subject to a benefit assessment based on the type of structure. Services would be funded through property tax and the benefit assessment. Residential and most commercial structures are assessed three cents per square foot in addition to the base property tax. The County, acting on behalf of the TRFD, and the City would negotiate a property tax sharing agreement to determine the property tax to be transferred to the TRFD.

Staff analyzed the fiscal effect on the City, making certain assumptions. Financial experts have not verified staff's analysis so it is subject to change. Staff recommended that caution be used and that no decision be based on its analysis until verified.

Upon completion of the annexation, the City would have no authority or responsibility for fire services. The delivery of all fire services would be the full responsibility of the TRFD. To implement this option, the following would first need resolution:

- Agreement on how to resolve the TRFD's debt to the City.
- Employee transfer plan and implementation of current MOU.
- Agreement regarding ownership, use, and maintenance of facilities and apparatus/equipment.
- Implementation plan for the transfer of authority and responsibility.

There would be no fiscal impact for Option 1 - Strengthening the Existing Joint Powers Agreement, as long as existing share is intact. The fiscal impact for Option 2 - Annexation of the City into the TRFD, would be subject to negotiations.

Staff recommended that the South County Fire Authority Board of Directors direct staff to advise LAFCo that the current governance structure will be continued while the parties move toward a regional stand-alone fire agency.

Director Maciel asked what the primary difference would be between the existing JPA and strengthening the JPA. Fire Chief Nero stated the difference would be adding the fifth member to the JPA and the Fire Authority would move towards having its own stand-alone agency with the supporting staff and infrastructure.

Director Maciel asked if the Fire Governance Steering Committee had completed their task. Fire Chief Nero responded no. After the fiscal analysis has been completed, staff will bring the analysis back to the committee for review and recommendation.

Director Maciel asked how long the Fire Governance Steering Committee would continue to meet. Fire Chief Nero responded approximately four months.

Robert Tanner, 1371 Rusher Street, asked which option would include the stand-alone fire agency. Fire Chief Nero responded that either of the two options, maintaining the current structure, or annexing the City into the TRFD would be a stand-alone fire agency.

Mr. Tanner asked if the City can be charged an assessment by LAFCo. Fire Chief Nero responded no. Fire Chief Nero responded if SCFA, City of Tracy, and TRFD decide to move toward the annexation model, and that annexation is successful, there could be an additional three cents per square feet levied on all properties in the City of Tracy.

Director Thoming stated the Board is not agreeing to any of the specific models at this point. Fire Chief Nero responded the Steering Committee, Council and TRFD are committing to implementation of the stand-alone fire agency, but not committing to either of these models.

It was moved by Director Maciel and seconded by Director Thoming to direct staff to advise LAFCo that the current governance structure will be continued while the parties move toward a regional stand-alone fire agency. Voice vote found all in favor; passed and so ordered.

6. ACCEPT A REPORT ON THE SOUTH COUNTY FIRE AUTHORITY EMERGENCY RESPONSE PERFORMANCE FOR FOURTH QUARTER OF FISCAL YEAR 2012-2013 – Division Chief Steve Hanlon provided the staff report. The report presents historical Fire Department response information for the fourth quarter of fiscal year 2011/2012.

There were a total of 1,517 incidents in the South County Fire Authority (SCFA) during the fourth quarter of fiscal year 2012/2013. This is a decrease of 86 incidents compared to the fourth quarter of 2011/2012. The distribution of incidents among the jurisdictions of the SCFA remains consistent, where the majority of incidents occurred in the City of Tracy (68%), followed by Tracy Rural Fire District (17%), Mountain House Community Services District (6%), Freeways (3%), and other areas outside of the SCFA (6%).

During the evaluation period, the department responded to a total of 35 structure fires in the entire SCFA; 26 in the City and nine in the Rural District. Thirteen of the 35 structure fires were still working fires on arrival of fire companies. Eleven of the working fires involved residential structures. One was a bathroom fire at South/West Park School, and the other a barn fire that destroyed a \$200,000 chicken manure composter. There were no structure fires in the Mountain House Community Services District (MHCSD) during the quarter.

One of the department's goals is to confine residential structure fires to the room of origin or less 90% of the time. In fiscal year 2012/2013 that goal was met 74% of the time in the City, 82% of the time in Tracy Rural Fire Protection District, and 60% of the time in the MHCSD.

In July 2011, staff began presenting response time data to the SCFA Board by each of the four components of response time, "Call Processing," "Turnout Time," "Travel Time," and the "Total Reflex Time." The quarterly report displays the performance for each of these time components by percentage and percentile and compares them to both the desired benchmarks and to the acceptable baselines.

During the fourth quarter of fiscal year 2012/2013, the department responded to 43% of all emergency incidents inside of the City of Tracy within the total reflex performance objective of 6.5 minutes.

The 90th percentile for all incidents in the City was 9 minutes and 16 seconds meaning 90% of all incidents were responded to within 9:16 or less.

In the fourth quarter of fiscal year 2012/2013, the Fire Department responded to 61% of all emergency incidents in the TRFD within the total reflex performance objective of 10 minutes. The 90th percentile for all incidents in the rural area was 13 minutes and 46 seconds; 90% of all incidents were responded to within 13:46 or less.

Response performance in the MHCSD was 32% for all emergency incidents within the total reflex performance objective of 6.5 minutes. The 90th percentile for all incidents was 9 minutes and 26 seconds (9:26).

Division Chief Hanlon stated there was a significant drop in city travel time during the fourth quarter of fiscal year 2012/2013. Between November 29, 2012, and February 28, 2013, the call processing time for the entire SCFA was 2 minutes and 36 seconds. The objective of one minute or less 23% of the time was met. From March 1, 2013 to June 30, 2013, the 90th percentile went up to 3 minutes and 19 seconds, with an increase of 43 seconds. The ability to meet the call processing goal in one minute or less dropped from 23% to 11%. The reason for the decrease stems from call dispatching. In November 2012, when a 911 emergency call was received, the dispatcher established the address and nature of the call and dispatched fire resources before finishing questioning. This method of dispatching created a significant improvement in call processing time. In March 2013, the Emergency Medical Dispatching (EMD) reverted back to asking questions before dispatching fire resources, causing response times to increase and decreasing the ability to meet objectives. Emergency Medical Dispatching (EMD) helps reduce cancelled in route calls so they will not be billed. Emergency Medical Services (EMS) agency controls the EMD process. Division Chief Hanlon added every member of the Joint Radio Uses Group (JRUG) must use the same response procedure.

Staff recommended the Board of Directors accept the South County Fire Authority Quarterly Response Performance Report for the fourth quarter of fiscal year 2012/2013.

Director Maciel asked if JRUG has influence on the dispatching process. Division Chief Hanlon responded that JRUG does have power but the group is made up of a number of Fire Protection Districts, and Tracy is only one member of that group.

Director Maciel stated it seemed the process took a step back to benefit Stockton. Director Maciel added he thought other agencies would have preferred not to return to the old dispatching protocol.

Fire Chief Nero responded Stockton receives more emergency calls than any other agency in the county. A large percentage of Stockton's calls are cancelled in route. Fire Chief Nero added when companies are cancelled in route they are not available for real calls. The EMS agency has had a long standing call processing protocol. In November, the EMS agency was convinced that they did not need to go through the

call-processing protocol before dispatching a unit. In March the EMS agency elected to revert back to normal protocol. The Tracy Fire District was the only member of JRUG that voted against reverting back to normal call processing protocol.

Director Maciel asked whether two call processing methods could be used. Fire Chief Nero responded staff continues to work with JRUG and Lifecom to find a resolution.

Director Maciel asked if there was anything SCFA could do to help state Tracy Fire District's position to JRUG. Fire Chief Nero responded he would appreciate support from SCFA.

Director Thoming agreed with Director Maciel and added a 12% difference in call processing time is significant. Director Thoming agreed with any action the board could take to make Tracy's Fire District's position clear to JRUG or EMS agency.

There was no one from the public wishing to comment on the item.

Chairperson Rickman asked what could be done to bring more local control. Chairperson Rickman asked if sending a letter to the necessary entities stating the Authority's position would be of assistance. Fire Chief Nero responded a letter to both the EMS Manager and Lifecom would help state TRFD's position.

Director Maciel asked if SCFA should consider setting up a subcommittee to draft a letter. Bill Sartor, Assistant City Attorney, responded any action would need to be placed on a future agenda.

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

7. Items from the Audience - None

Chairperson Rickman asked if an agenda item to form a subcommittee to draft a letter supporting the prior call processing method could be placed on a future agenda. Fire Chief Nero responded yes.

8. 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: 6:38 p.m.

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

Chairperson

Attest:

Secretary