

Joe Serrano

From: Joe Serrano
Sent: Friday, October 23, 2020 10:32 AM
To: Becky Steinbruner
Subject: RE: 11/4 LAFCO Mtg re Fire Consolidation

Good Morning Ms. Becky,

Thank you for reviewing the staff report and providing comments. Below are my responses (shown in **highlight**).

I look forward to your participation at the upcoming meeting. Let me know if you have any further questions.

-Joe

Joe A. Serrano

Executive Officer
Local Agency Formation Commission of Santa Cruz County
701 Ocean Street, Room 318-D, Santa Cruz, CA 95060
Email: joe@santacruzlafco.org
Phone: (831) 454-2055



From: Becky Steinbruner <ki6tkb@yahoo.com>
Sent: Friday, October 23, 2020 1:12 AM
To: Joe Serrano <Joe.Serrano@santacruzcounty.us>
Cc: Becky Steinbruner <ki6tkb@yahoo.com>
Subject: Re: 11/4 LAFCO Mtg re Fire Consolidation

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Hi, Joe,
Thank you for this information.

I am curious about the interim governance. If district-based elections were held now for the consolidated District, what would they look like? If the lines are drawn to allow equal population numbers in each district, would the lines accurately represent communities served? In my opinion, this affects issue #17 of the Policy Considerations (Environmental Justice and Commission Policy). **LAFCO staff response:** Transitioning from at-large to district-based elections was not required under the Cortese-Knox-Hertzberg Act ("LAFCO Law"). The condition identified in LAFCO's draft resolution regarding the future election process was recommended by the two fire districts in order to have better representation once the successor agency is established. I appreciate the forward-thinking approach by the two fire districts in allowing the residents to vote by designated areas under the successor agency's governance. How the districts are drawn up will be determined by the successor agency and in compliance with the California Voting Rights Act.

What would cause the LAFCO to amend or add any Conditions of Approval for the consolidation? I do not see any Conditions recommended in the Resolution at all, not even that the consolidated District immediately hire a consultant to draw lines for equitable public representation via district-based elections as early as 2022. **LAFCO staff response:** LAFCO's draft resolution identifies a number of terms and conditions. Sections 1 through 12 are terms and conditions that are required under LAFCO Law as well as conditions identified by the fire districts - including but not limited to, the district-

based elections and the labor union contracts. As one of my first internal improvements as the new Executive Officer was to create and present a draft resolution for any boundary change during a public meeting for Commission consideration and approval. These draft LAFCO resolutions since my arrival are meant to be more detailed and transparent. This approach is also an opportunity for the general public to review and provide comments on the draft resolution before it is considered by the Commission.

I am surprised the projected growth rate is 0.96%. I recall that the most recent AMBAG projections, based on economic factors, were much lower. The County Growth Goals for 2021 are lower than state average. **LAFCO staff response:** You are correct, the Association of Monterey Bay Area Governments (AMBAG) and the Association of Bay Area Governments anticipate a slow growth of less than 1% in Santa Cruz County for the next several years. Since there are no population projections available for special districts, this was LAFCO staff's attempt to provide some population forecast. This type of analysis is not required under LAFCO Law but I felt that it provides a glimpse of the potential service demand for the successor agency.

How will the consolidated District resolve the big differences in pension liabilities? It is my understanding that Assemblyman Stone's AB 1140 merely addresses the 9-11% disparity in salary between the two existing Districts.

LAFCO staff response: AB 1140 ensures that the current pension plans from both fire districts do not change as a result of the consolidation. The existing pension liabilities, as well as any other financial obligations/liabilities, will be transferred over to the successor agency. The successor agency will be responsible for those obligations.

When will the consolidated District plan to address possible annexations, such as upper Redwood Drive, and others that the Aptos./La Selva Board rejected 10-15 years ago? **LAFCO staff response:** At this time, neither fire district expressed interest in annexing areas within their sphere as part of the consolidation. However, these areas will be included in the successor agency's sphere of influence, which will be established as a term and condition in LAFCO's draft resolution. Future boundary changes, including annexation, will still follow the statutory process under LAFCO Law. Therefore, proposed annexations may be initiated by the successor agency or the affected residents at a future date, if desired.

I note on page 16 that LAFCO is allowing only a 30-day protest period, ending January 6, 2021.. LAFCO has the legal ability to have a 60-day protest period, and should allow this significant action to have such time for the public to consider the matter. Currently, LAFCO would place the protest period to take place during the busy holiday season, when people are less likely to have time to read and investigate the matter over which they may decide to issue protest. Is this transparent governance? **LAFCO staff response:** State law indicates that the protest period should be at minimum 21-days but no more than 60 days. LAFCO staff has identified a 30-day protest period, well within the statutory limit. That said, if you count the dates within the scheduled protest proceeding (December 4 to January 6), it is actually more than 33 days. I strive to operate a transparent LAFCO office and I truly believe this consolidation effort has gone above and beyond the requirements under LAFCO Law to ensure that the information is available, actions are taken in public forums, and that there are various opportunities for public engagement.

On page 5 of the LAFCO Resolution (Attachment 15), there is no indication that there could be an increase in the number of elected representatives on the Consolidated District Board.

"This may include transitioning from at-large to district elections using Census Data (available June 2021) such that the five electoral districts may be in place by June 2022, in time for the November 2022 elections. "

The Resolution does not at all indicate that the number of elected representatives could increase from five, as has been recommended by the Ad Hoc Consolidation Committee, even defining who would be the five members. **LAFCO staff response:** The two fire districts have indicated, by adopted resolutions, that the successor agency will have a 5-member board in accordance with the Fire Protection District Law of 1987. These adopted resolutions are included in the LAFCO's draft resolution as a term and condition and shown as Exhibit C. The successor agency has the authority to change the board composition at a future date, if desired.

There should be a seven-member transitional Board that would include some of the new appointed in-lieu of election members that could provide improved public representation during the initial consolidation effort, as well as brought along actively to perhaps run for re-election in 2022 and be fully-informed of issues. **LAFCO staff response:** Please refer to my response above about the board composition resolutions, which are shown as Exhibit C in LAFCO's draft resolution.

Nowhere in the LAFCO Resolution is the name of the Consolidated District stated. This surely is an oversight. **LAFCO staff response:** Section 6(g) of the resolution states: "Successor Agency Name: The newly-consolidated district, to be known as the "Central Fire Protection District of Santa Cruz County", shall operate under the provisions of the Fire

Protection District Law of 1987 (commencing with Health and Safety Code Section 13800). The new district will make efforts to identify existing communities within the consolidated district on stations and apparatus.”

Finally, I am concerned that LAFCO claims (page 3 of proposed Resolution in Attachment 15) to have received the Plan for Service on October 14, 2020, but at the October 7, 2020 LAFCO discussion of the consolidation effort, you stated you had already received this document, and that it allowed you to move forward with placing the public hearing on the November 4 LAFCO agenda. **LAFCO staff response:** LAFCO Law requires a submittal of a Plan for Service as part of the consolidation application. A copy of the Plan for Service was submitted to LAFCO on October 1st, fulfilling the statutory requirement. As an additional step to be more transparent, and provide more time for public input, the two fire districts placed the Plan for Service on their agendas for adoption. While this is not required under LAFCO Law, Aptos/La Selva and Central FPD adopted the Plan for Service on October 8, 2020, and October 13, 2020, respectively. A copy of the adopted Plan for Service was submitted to LAFCO on October 14, which is the version included in my staff report. Again, adoption of the Plan for Service was not required but this action is another example of how the two fire districts went above and beyond the requirements under LAFCO Law.

Sincerely,
Becky Steinbruner
3441 Redwood Drive
Aptos, CA 95003

On Thursday, October 22, 2020, 01:15:28 PM PDT, Joe Serrano <joe.serrano@santacruzcounty.us> wrote:

Hello Ms. Becky,

I just wanted to inform you that the fire consolidation staff report is now available on LAFCO's Website. I attached the staff report for your convenience.

Let me know if you have any questions.

Thank you.

-Joe

Joe A. Serrano

Executive Officer
Local Agency Formation Commission of Santa Cruz County

701 Ocean Street, Room 318-D, Santa Cruz, CA 95060

Email: joe@santacruzlafco.org

Phone: (831) 454-2055

