



**MINUTES OF MEETING & AGENDA
Wednesday, July 6, 2005**

Board of Supervisors Meeting Room
575 Administration Drive, Room 102A
Santa Rosa, CA 95403

COMMISSIONERS

Present H. E. Boyett, Chair
Absent Paul Kelley
Absent Mike Kerns
Present Debora Fudge
Present Lisa Schaffner
Present Ray Brunton
Present Gary Helfrich

ALTERNATE COMMISSIONERS

Present Valerie Brown
Present Jean A. Kapolchok
Present Pamela Torliatt

STAFF

Present Steven Sharpe, Executive Officer
Present Carole Cooper, Assistant Executive Officer
Present David Hurst, Legal Counsel
Present Cynthia Olson, Clerk

1. **CALL TO ORDER BY THE CHAIR:** Chair Boyett called the meeting to order at 2:00 p.m.
 2. **APPROVAL OF MINUTES OF JUNE 1, 2005, MEETING:** Commissioner Torliatt asked that the reference to the condition of the road under Item 6.2 (Cobblestone) be changed to include sidewalks and gutters. The Commission approved the minutes as distributed, with this amendment.
 3. **GENERAL ANNOUNCEMENTS:** Staff noted that letters relating to Items 7.2 and 7.3 had been received just prior to the meeting and had been placed before Commissioners. Commissioner Kopolchok recused herself from Item 7.2.
 4. **GENERAL PUBLIC COMMENT:** Chair Boyett opened the public comment session and, seeing no one rise, closed this portion of the agenda.
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5. **CONSENT CALENDAR:** Action items on the Consent Calendar will be taken in one motion. Any person wishing to comment on a consent item should request that the item be removed from the consent calendar at this time.

5.1 Final Action: File 05-02: Northeast Santa Rosa Reorganization No. 7-03 (Quayle) Involving Annexation to the City of Santa Rosa and Detachment from Rincon Valley Fire Protection District and County Services Area No. 41 (Multi-Services)

Applicant: Donald Quayle

Environmental Document: Negative Declaration

Proposal: Reorganization request for 18 parcels, totaling 20.64+/- acres, involving annexation to the City of Santa Rosa and detachment from Rincon Valley Fire Protection District and County Service Area No. 41 (Multi-Services)

Location: Generally located east and west of Los Alamos Road, south of Fawn Drive, and north of Wildwood Trail, in northeast Santa Rosa

Rezoning: Rural Residential and Rural Residential Scenic Road Districts

Action: The proposal is ordered, subject to confirmation of registered voters residing within the annexation boundaries.

Brown: Aye Kerns: Absent Fudge: Aye Schaffner: Aye Brunton: Aye Helfrich: Aye
Boyett: Aye

Ayes: 6 Noes: 0 Absent/Abstain: 1

5.2 2004-05 Budget Adjustment

Action: Approved as recommended by staff

Brown: Aye Kerns: Absent Fudge: Aye Schaffner: Aye Brunton: Aye Helfrich: Aye
Boyett: Aye

Ayes: 6 Noes: 0 Absent/Abstain: 1

6. REGULAR CALENDAR

- 6.1 File 05-12: Cloverdale Reorganization No. 2-05 (Wine Country Homes) Involving Annexation to the City of Cloverdale and Detachment from County Service Area No. 41 (Multi-Services)

Applicant: Wine Country Homes

Environmental Document: Mitigated Negative Declaration

Proposal: Reorganization request for one parcel totaling 11.97+/- acres, involving annexation to the City of Cloverdale and detachment from County Service Area No. 41 (Multi-Services)

Location: Generally located northwest of Sandholm Road and west of Foothill Blvd., in southwest Cloverdale

Prezoning: Planned Unit Development (P-D) District

Carole Cooper reviewed the staff report and recommended that the Commission approve the proposal and waive protest proceedings. Commissioner Schaffner moved to accept the proposal as recommended, and Commissioner Brown seconded the motion.

Action: Approved as recommended by staff

Brown: Aye Kerns: Absent Fudge: Aye Schaffner: Aye Brunton: Aye Helfrich: Aye
Boyett: Aye

Ayes: 6 Noes: 0 Absent/Abstain: 1

7. REGULAR CALENDAR PUBLIC HEARING

PROTEST HEARING

- 7.1 File 05-06: Amendment No. 1 to the Sonoma Valley Health Care District Sphere of Influence and Detachment from Sonoma Valley Health Care District of Territory Within the Boundaries of the Kenwood Fire Protection District

Applicant: Sonoma Valley Health Care District

Environmental Document: "Common Sense" Exemption

Proposal: Request for amendment to sphere of influence of Sonoma Valley Health Care District and detachment from the District of an inhabited 5,350 +/- acres of territory within the boundaries of the Kenwood Fire Protection District

Location: Generally located east and west of State Highway 12, north and west of Nuns Canyon Road, and south and east of Sonoma Creek, in and around Kenwood, in unincorporated Sonoma County

Carole Cooper gave the staff report, noting that LAFCO has not received any written protests to date. Commissioner Brown stated that the hospital board held a town hall meeting in Kenwood giving the residents the opportunity to comment on the detachment. The residents in attendance were predominantly in favor. Approved August 3, 2005

Chair Boyett opened the protest hearing, and seeing no one rise, closed the hearing. The previous action was approved and ordered by the Commission.

Action: Approved as recommended by staff

Brown: Aye Kerns: Absent Fudge: Aye Schaffner: Aye Brunton: Aye Helfrich: Aye

Boyett: Aye

Ayes: 6 Noes: 0 Absent/Abstain: 1

Commissioner Kapolchok left the meeting room.

PUBLIC HEARING

- 7.2** File 05-10 Northeast Santa Rosa Reorganization No. 1-05 (Oliver) Involving Annexation to the City of Santa Rosa and Detachment from the Rincon Valley Fire Protection District and County Service Area No. 41 (Multi-Services)

Applicant: Don Oliver

Environmental Document: Negative Declaration

Proposal: Request for annexation of 17 parcels, totaling 31.8+/- acres, involving annexation to the City of Santa Rosa and detachment from the Rincon Valley Fire Protection District and County Service Area No. 41 (Multi-Services)

Location: Generally located on the north and south sides of Rincon Avenue, east of Baird Road and west of Calistoga Road, in northeast Santa Rosa

Rezoning: RR-20 (Rural Residential) District

Carole Cooper reviewed the staff report and recommended that the Commission approve the proposal and schedule a protest hearing to be conducted at the September 14, 2005 meeting.

Chair Boyett opened the public hearing.

Rich Homer, an environmental health specialist retained by the applicant, summarized his findings on a study of the septic system issues in the proposed annexation area and recommended connection to public sewer to avoid potential public health problems.

Annie Birkland, 5505 Rainbow Circle (property owner at 4995 Rincon Ave), stated her support for the annexation to build a home on her family's two-acre parcel. She stated that she tried to get septic system approval two years ago, but the test failed, due to poor soil conditions. She stated that her family wants to build a home on this property but needs access to City water and sewer. She stated that, environmentally, connection to City services would be a positive move for the entire community.

John Lynch, 1247 Baird Road, stated his opposition to the annexation and cited several documents from the City of Santa Rosa and LAFCO that he claimed showed improper actions by City representatives. He stated that the annexation, if approved, would not withstand court challenge.

Chair Boyett asked if the Santa Rosa City Attorney had expressed an opinion on the issues. Chuck Regalia, of the Santa Rosa Community Development Department, stated counsel had not commented. He stated that the City Council was not required to approve the annexation, which

would be a LAFCO or registered voter action; the Council is required to adopt pre-zoning and conduct environmental review under CEQA. He noted that the proposal before the Commission was substantially similar to a previous proposal, which the Commission approved. He further noted that the City staff found no changes in the general plan that would warrant different pre-zoning; the proposal was consistent with the general plan and thus they found the environmental review was still valid. Instead of reviewing issues already resolved and adopted by Council, they decided to move the proposal forward for LAFCO action. Approved August 3, 2005

Steven Butler, attorney for the applicants, stated that the territory had been pre-zoned twice, once for the previous proposal and secondly, when the City adopted its new zoning code; he stated that there was no need to go back through the process again. He requested approval, stating that the annexation addressed existing public health issues in the area, met LAFCO requirements and was consistent with county and city general plans.

Darin Brown, owner: 4919 Rincon Ave, stated his support of the annexation as his property has a failing septic system that contaminated the well on the property. He has a new well but does not want to spend money on an experimental septic system that may not solve the problem. He stated the majority of registered votes in the annexation boundary support the annexation.

Don Oliver, 5021 Rincon Avenue, stated his concerns that the failing wells and septic systems in the area had created a public health problem. He cited several specific problems with septic systems in the area. He stated that Mr. Lynch does not live in the annexation areas.

Chair Boyett closed the public hearing.

Commissioner Torliatt asked LAFCO Counsel, David Hurst, whether the City of Santa Rosa is required to adopt a resolution to move a proposal to LAFCO and whether residents are required to pay all fees at the time of the annexation. She also asked staff, in the future, to provide copies of the minutes of city council meetings where council members dissented from approval. David Hurst stated that the proposal was a petition from the applicant, not the City, and noted that the City is required only to pre-zone the property, which had been done. Chuck Regalia stated that fees are paid at the time of the hookup, not at the time when annexation is considered.

Commissioner Fudge also requested minutes of meetings with dissenting votes on annexation proposals. She believed that Mr. Lynch brought up some valid points and, although she generally favored the proposal, she was bothered by what she considered messiness on the City's part. She requested clarification on the Commission's liability, due to what she considered to be an incorrect resolution by the City, should the proposal be approved. David Hurst responded that, should the annexation be challenged, the applicant had signed an indemnification agreement that would require the applicant to bear the cost of litigation. He noted that City staff provided a reason as to why it did not return the proposal to the Planning Commission; the Commission would need to decide whether to accept that. Commissioner Fudge stated she would like to put the City on notice that such work would not be acceptable to her in the future, due to all the confusion it caused.

Commissioner Brown moved to approve the reorganization proposal and schedule a protest hearing for September 14, 2005; Commissioner Schaffner seconded the motion.

Action: Approved as recommended by staff

Brown: Aye Kerns: Absent Fudge: Aye Schaffner: Aye Brunton: Aye Helfrich: Aye
Boyett: Aye

Ayes: 6 Noes: 0 Absent/Abstain: 1

Commissioner Kapolchok returned to the meeting room.

PUBLIC HEARING

7.3 Public Review Draft: *County of Sonoma Fire Protection Service Providers Municipal Service Review*

Chair Boyett complimented the consultant, Economic & Planning Systems (EPS), on the quality of the report. *Approved August 3, 2005*

Carole Cooper reviewed the staff report. The Cortese-Knox-Hertzberg Act directs LAFCOs to conduct reviews of municipal service provided in their county as a preparatory step in reviewing spheres of influence. EPS worked with staff from the various agencies to compile data; LAFCO and EPS staffs met with members of the fire districts association and fire chiefs association, and LAFCO presented drafts at various times to fire districts and city managers for comment and correction. As a result of the discussions, interactions and feedback, the public comment draft of the Fire MSR was distributed in mid-June to various agencies, fire districts and city officials for a 21-day comment period. Staff recommended that the Commission receive and consider comments at the public hearing and accept the *Fire Protection Service Providers MSR* and accompanying written determinations.

Walter Kieser, Managing Principal, and Rebecca Freeland, Research Analyst, from EPS presented a brief summary of their findings. Mr. Kieser stated that the Cortese-Knox-Hertzberg Act requires the assembly of information only, not additional action or recommendations. He stated that the intention of the MSR was to provide a database from which to seek opportunities for improvement of the quality of services. He noted that the document is a draft, and EPS can make amendments or changes, as necessary.

The summary of findings included: (1) There is a significant diversity of fire protection and emergency services demands and circumstances throughout the County; (2) There is ongoing fiscal stress on fire protection services associated with continued manipulation of local government funding sources by the State; (3) Sustainability of volunteer-based fire protection services is threatened by demographic changes; (4) Growth and increasing demands for service have reduced service standards in some areas; (5) The existing number and configuration of fire protection agencies may be less than optimal; (6) The central dispatch system and the activities of CSA 40 provide examples of functional consolidation that have served the County well and could be considered for other services; (7) LAFCO and fire protection providers in the County should continue to cooperate in seeking opportunities to improve services in the County.

Commissioner Brunton described the Joint Powers Agreement (JPA) between the City of Sonoma and the Valley of the Moon Fire Protection District and indicated that it is working well to date. He asked Mr. Kieser for thoughts on the future direction for the districts.

Mr. Kieser responded that the past response to consolidation has been very negative. He stated that the volunteer fire districts are often the basis of community in the areas they serve and the values associated with this community base must be considered when seeking solutions. He stated that, based on past discussions with EPS, LAFCO and the fire fighting entities, it would be prudent to continue the discussions, in more depth, with all parties involved to find options or solutions.

Commissioner Brunton stated he would like to see more information on the California Department of Forestry, Emergency Medical Services (EMS), and Hazards Materials Response (HAZMAT) in the report.

Commissioner Helfrich complimented the quality of the report and indicated that he would like to see the Sonoma County Office of Emergency Services (OES) included. Although CSA 40 is addressed, since it is a part of OES, it is not clear how CSA 40 fits into the overall services provided by OES. He felt that the way data for CSA 40 and the City of Santa Rosa are presented is misleading.

Mr. Kieser stated that the diversity of types of services in the county does not allow for direct comparison of the data. EPS will expand on the wording to clarify the effect and meaning of this diversity.

Commissioner Brown stated that she appreciated the efforts of EPS in addressing a very difficult and controversial investigation. She asked why EPS put Windsor, Cloverdale and Cotati in a district profile rather than a city. Mr. Kieser responded that these cities are served by special districts. She also stated that she would like to see more data on the EMS and ambulance services in the county. She believes that EMS services seem to be driving fire protection due in most part to the various ordinances passed requiring more stringent preventative measures and that, even when districts are not adequately reimbursed, the districts are reluctant to drop the EMS services, due to the loss of necessary revenue and the public perception of a decrease in services. She stated that data relevant to the changes in types of services over the last five years would be essential to validate any future actions. *Approved August 3, 2005*

Mr. Kieser stated that Commissioner Brown's comments show the complexity of the problems involving the fiscal crises and the impact any reduction of services will have on the community and the district. He stated these problems will not go away and the quality and levels of service will drop unless changes are made. He stated that this report is a good starting point from which to expand the discussions of potential solutions among the affected entities.

Commissioner Brown stated that cutting the budgets will not address this issue; she would like to see a perspective on how many of the districts have asked voters for additional funding and how the initiative have impacted the budgets and are additional funds needed. Mr. Kieser stated the report outlines this topic but stated that in most cases these overrides and special taxes have not solved the problems and the districts are still facing decreasing services or increasing fees.

Commissioner Kapolchok referred to the letter from the City Manager of Rohnert Park and asked Mr. Kieser, whether, based on the errors in the data and question of the validity of the source of data presented by the city manager, does the data need to be reviewed for other areas. Mr. Kieser responded that this is a draft report and EPS will take into consideration all comments and corrections and incorporate them into the final report.

Commissioner Torliatt proposed that the Commission not adopt this version of the report but direct EPS to go back to the districts and the Fire Chiefs Association to for further discussion of the issues that have been raised during the comment period.

Mr. Kieser stated this report is a transitional document. It is not intended to resolve the issues or direct the next step. That would be addressed under a separate report that needs to be driven by the entities and LAFCO.

Chair Boyett opened the public hearing.

Steve Donley, Rohnert Park Interim City Manager, summarized the letter he wrote to the Commission and pointed out corrections to the report: 1) Page 93: there is a Public Facility Financing Plan in place to address new facilities and staff; 2) Page 95: an MOU with the tribe mitigates the impact on services within the city limits only; 3) Page 95: the narrative mentions increased demand from development at SSU on the Rancho Adobe Fire District but the section on Rancho Adobe does not; 4) he would like to see better verification of data from city general plans as well as a comparison of the city/county general plan to the fire district's predicted growth ; 5) he would like to see more comprehensive view of the impact of outlying districts/cities districts on other districts/cities in the county; 6) As consolidations, mutual aid agreements and other possible solutions are examined, are cities going to have to bear a greater portion of the financing of public services than neighboring rural districts?

Chair Boyett asked whether Rohnert Park reimburses Rancho Adobe for services at SSU. Mr. Donley responded that SSU is outside the city limits and noted that a better question would be why is the State of California not reimbursing both Rohnert Park and Rancho Adobe for services.

Ernie Loveless, Sonoma-Lake-Napa Unit Chief for the California Department of Forestry and Fire Protection, stated they have nine stations in Sonoma County that were not addressed in the report; all nine stations are in or around fire protection districts or within CSA No. 40; they have a contracted station within CSA No. 40 at Sea Ranch and recently had fire protection contracts with Cloverdale and Wilmar;

they run truck companies, paramedics, and have the same amount of training and level of service as municipal fire departments.

Chair Boyett closed the public hearing.

Commissioner Fudge stated that in Windsor, 70-80 of the calls are EMS related rather than fire calls. Figure 19 shows that the Rincon Valley Fire Protection District (RVFPD) serves part of Windsor in the graphics but the text does not discuss this strongly enough. The RVFPD, in the coming years, will be serving approximately 20% of Windsor.

The Commission discussed whether it would accept the report as is, with the proposed technical amendments/changes, or would be returned to EPS for additional work. The Commission determined that additional work by EPS should be part of a future report and Commissioner Brown motioned to return the draft to EPS for incorporation of the technical amendments/changes, not including additional evaluation of EMS services. The report will be returned to the Commission for review and acceptance at a future meeting. Commissioner Brunton seconded the motion. David Hurst clarified with Commissioner Brown that the revision would not examine EMS; Commissioner Brown stated that examining EPS was not part of her motion.

Approved August 3, 2005

Action: Approved; the consultant will make technical changes in the Fire Services MSR, reflecting comments made and the report will be returned to the Commission for final acceptance at a future meeting.

Brown: Aye Kerns: Absent Fudge: Aye Schaffner: Aye Brunton: Aye Helfrich: Aye
Boyett: Aye

Ayes: 6 Noes: 0 Absent/Abstain: 1

Chair Boyett stated his belief that the MSR provides valuable information, which should not be put on a shelf. He asked for additional comments from the fire chiefs present as to the direction they would like to see taken.

Chris Albertson, Fire Chief, City of Petaluma, commended the effort and stated that the June report, with its Summary of Findings, is an improvement over earlier versions, but some points need to be emphasized. The public must be educated, countywide, on the true cost of providing services and a community/district's ability and willingness to pay; there needs to be a discussion about the mutual benefits that can be achieved through cooperation, merger or consolidation between agencies; discussion of the mutual benefits and political will of the agencies to release some local control for the better good, which is effective fire protection for the entire county, however constructed. He stated that 70-75% calls in Petaluma are EMS related rather than structure fires due in most part to good public education and fire prevention. He noted that changes in governmental oversight, like OSHA requirements, which protect firefighters, have, however, increased costs for personnel than had historically been the norm. He suggested that the LAFCO report can make a recommendation as to how fire protection can be improved countywide, make a statement that there should be the public education to do it, that there are mutual benefits to doing it and hopefully political will to make it happen.

Doug Williams, Chief, Rincon Valley Fire Protection District, concurred with Chief Albertson's statements. He stated that, as president of the Sonoma County Fire Chiefs Association, he believes the districts want to work together and partner to develop answers to the some of the questions raised. Chair Boyett asked if the Association has a core group of representatives that could work with LAFCO to seek solutions, in a positive, open-minded fashion, including the possibility of consolidation. Mr. Williams stated that that would be possible and that many of his colleagues want to be positive, focused, and cooperative.

Mr. Kieser noted that, in terms of future steps, LAFCO has responsibility with regard to spheres of influence. He suggested the next step would be to bring the County of Sonoma, LAFCO, CDF and

representatives of the Fire Districts Association together to explore solutions and make recommendations for the future actions. He felt the solutions must come from the ground up to reflect the needs and have the support of the entities.

Commissioner Schaffner suggested that LAFCO ask EPS to bring back to the Commission a scope of work for direction for future steps. Chair Boyett asked for some sort of simple recommendation on where do we go from here. Mr. Kieser cautioned that any solutions must be homegrown, not done from afar, and reflect the interest and involvement of the affected entities. The work must be done "from the ground up." He stated that a consultant's role would be to support efforts of the fire-fighting entities to explore issues and solutions and act as facilitator.

Commissioner Torliatt suggested that the consultant meet with the Fire Districts Association to obtain input for a potential scope of services and bring that back to LAFCO for review and direction as to next steps. Chair Boyett stated his preference, instead, for a three-pronged direction from LAFCO to the Association and possibly with the consultant. Approved August 3, 2005

Chair Boyett summarized the issues he felt needed to be part of future discussions: education program for better public information; feasibility to develop an advisory to voters; some solutions that would satisfy current funding inadequacies; emergency medical service requirements and calls for service versus calls for fire services; discussion of joint powers agreements and MOUs; the powers that LAFCO holds dealing with economic, volunteer and overall government impacts. He stated that LAFCO must provide leadership for the process.

Steve Sharpe stated the Commission should take a leadership role accompanied by a high level of cooperation from and partnership with the fire service entities, including the County, the County Board of Supervisors, and the cities. He noted that this would be a long-term effort. He offered to partner a study, which would make some recommendations and look at options and bring it back to the Commission and affected agencies. He noted the need for sensitivity on this subject. He offered to bring back some ideas for consideration at the September meeting.

8. INFORMATION/DISCUSSION/REPORT

8.1 Carole Cooper reported that a majority of independent special districts had elected Albert Giordano, of the Cloverdale Fire Protection District, to the position of Alternate Special District Commissioner.

9. CONFIRMED MEETING Wednesday, August 3, 2005, 2:00 p.m.

10. ADJOURNMENT at 4:08 p.m.