

**ALAMEDA LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2016- 05**

Updating the Sphere of Influence for the Fairview Fire Protection District

WHEREAS, Government Code Section 56425 et seq. requires the Local Agency Formation Commission (LAFCo or the Commission) to develop and determine the sphere of influence (SOI) of each local governmental agency under LAFCo jurisdiction within the County; and

WHEREAS, Alameda LAFCo conducted a municipal service review (MSR) of the services provided by the Fairview Fire Protection District (FFPD) and adopted Resolution No. 2013-13 making MSR and SOI determinations and approving a provisional coterminous SOI with a condition that the District report back to LAFCo on the status of a FFPD written strategic plan; and

WHEREAS, at LAFCo's November 13, 2014 meeting, FFPD presented the strategic plan adopted by the FFPD Board of Directors; and

WHEREAS, the Commission expressed concerns that the strategic plan did not contain any information about how the plan would be implemented and, based on the lack of an implementation plan, the Commission therefore determined that retaining the provisional SOI was warranted; and

WHEREAS, the Commission adopted as a condition of retaining the provisional coterminous SOI that the District report back to the Commission in a year on progress made on implementing the District's strategic plan; and

WHEREAS, at its November 13, 2014 meeting Alameda LAFCo also created an ad hoc committee for the purpose of providing guidance as the District developed an implementation plan, and further required the District to meet with the ad hoc committee as a condition of approving the provisional coterminous SOI; and

WHEREAS, the District reported on implementation of its strategic plan to the Commission at meetings in September and November of 2015, at which point the District requested the Commission remove the provisional status of the coterminous SOI; and

WHEREAS, the Commission's continuing concerns with the District's governance, prompted in part by the resignation of two District Board members that resulted in the loss of a functional quorum, lead to the Commission deciding at its November 2015 meeting to continue the District's request to remove the provisional status of the coterminous SOI to its May 12, 2016 meeting; and

WHEREAS, at its January 14, 2016 meeting the Commission approved sending an information request to the District to obtain documents to assist in making determinations regarding the SOI; and

WHEREAS, the ad hoc committee reviewed and considered the documents received from the District and determined that they confirmed the Commission's ongoing concerns with the governance and administration of the District, that it failed to adhere to public agency formalities, lacked necessary administrative policies and procedures, or failed to follow existing administrative policies and procedures; and

WHEREAS, the ad hoc committee recommended the Commission remove the provisional status of the coterminous SOI, but only do so along with adopting conditions including requiring the District to conduct a management audit, retain professional staff, determine criteria for selecting and evaluating contractors

including the fire services provider, adopt and distribute to the public an annual report, and report back to LAFCo in six months regarding implementation of the same; and

WHEREAS, the Commission concluded that adherence to best management practices, professional administration, existing policies and practices, and public agency formalities are necessary to ensure the District operates fairly and transparently to ensure it is accountable to the public that it serves;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Alameda LAFCo hereby determines based upon the recommendations of its ad hoc committee, evidence and records obtained from the District, evidence presented at the May 12, 2016 hearing, and evidence presented at prior hearings regarding the District's SOI that it:

1. Adopts a coterminous SOI, as generally depicted in Exhibit A attached hereto, with the following conditions:
 - a. Within nine months of LAFCo's approval of a coterminous SOI, the District will complete a management audit and provide evidence to LAFCo that it has updated its Policies and Procedures document to include a policy describing the District's management structure. The policy should specify the type of position overseeing the District's day-to-day management (general manager, executive director or similar position), position qualifications, process for selection and evaluation, job description, delegated authority for the Board of Directors, authority vis-à-vis the fire chief (to the extent the positions are different) and administration provided by the fire protection service provider, and any other matters required by the District. The purpose of the management audit is to systematically assess the methods and policies of the District's administration and recommend improvements including financial implications. The Commission imposes no requirement that the management position be filled by an employee, and it may instead be filled by a consultant or other arrangement, provided that the person appointed to this position not simultaneously be employed or serve as a consultant to the District's fire services provider.
 - b. The District will provide evidence to LAFCo that it has updated its Policies and Procedures document to specify the District's policies and procedures regarding the provision of fire protection services including the process for selecting and evaluating a service provider in conformance with results of the management audit.
 - c. Prior to expiration of the District's current Fire Protection Services Contract with the City of Hayward, the District will provide evidence to LAFCo that the performance of the District's contractors has been evaluated in conformance with results of the management audit.
 - d. The District will produce an annual report to be distributed to all registered voters and property owners within the District boundary and posted on the District website to provide constituents with information about District activities and achievements.
 - e. LAFCo will initiate a municipal services review of the District two years after LAFCo approval of the coterminous SOI to evaluate the District's administrative structure and governance transparency, as well as other factors required by Government Code Section 56430.
2. Considered the criteria set forth in Government Code Section 56425(e) and determines as follows:

- a. *The present and planned land uses in the area, including agricultural and open-space lands* – Land uses within FFPD are mostly residential. The SOI is consistent with land uses approved by the County, which has land use authority within the District boundaries. FFPD has no authority over land use.

Most of FFPD also lies within the City of Hayward's SOI. City and County policies support the provision of adequate fire and paramedic services. The City and the County plans include land uses and population growth indicating an ongoing need for fire and paramedic services. Both the City of Hayward and Alameda County require fire code compliance when approving development plans.

Fire and paramedic services are needed in all areas, are already being provided, and do not, by themselves, induce or encourage growth on agricultural or open space lands.

- b. *The present and probable need for public facilities and services in the area* – As indicated by the service call volume, there is a present and anticipated continued need for fire protection services within Fairview and Five Canyons. Based on the aging of the District's population, there is anticipated growth in the need for EMS and paramedic services.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – Fire services for the FFPD are provided by the City of Hayward. Hayward Fire Department's ISO rating is 3. The average response time for the FFPD is approximately five minutes, which is comparable to the median response time of other Alameda County fire service providers. According to FFPD, no complaints were received in 2011.

FFPD is primarily served by two fire stations—Station 8 owned by Alameda County and leased by the District, and Station 9 owned by and located in the City of Hayward. Facilities and equipment are in good condition.

- d. *The existence of any social or economic communities of interest in the area* – FFPD indirectly serves the population within its boundaries—residents of Fairview and Five Canyons communities. Commuters and City of Hayward residents are also users of the services contracted by FFPD.

The City of Hayward, as the direct service provider for FFPD, provides mutual aid to other areas of Alameda County.

- e. *Present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing Sphere of Influence* - No present or probable need for public facilities and services of any disadvantaged unincorporated communities within the existing FFPD SOI were identified since, based on Census Designated Places, Alameda LAFCo has determined that Alameda County had no disadvantaged unincorporated communities that met the basic state-mandated criteria.
- f. *Nature, location, extent, functions & classes of services to be provided* – FFPD provides fire protection, emergency medical and paramedic services, auto accident rescue, natural disasters rescue, safe surrender service, animal rescue, and weed abatement services to the unincorporated communities of Fairview and Five Canyons through a contract with the City of Hayward.

3. Determines, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that update of the agency's SOI is categorically exempt under Section 15061(b)(3) of the CEQA Guidelines.
4. Directs staff to file a Notice of Exemption as lead agency under § 15062 of the CEQA Guidelines

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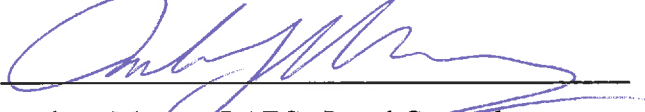
This Resolution was approved and adopted by the Alameda Local Agency Formation Commission at the public hearing held on May 12, 2016, at 7051 Dublin Blvd., Dublin, California on the motion made by Commissioner Miley, seconded by Commissioner Haggerty, and duly carried.

AYES: 6 (Miley, Haggerty, Haubert, Johnson, Sblendorio, Wieskamp)
NOES: 1 (Marchand)
ABSENT:
ABSENT:



John Marchand, Chair, Alameda LAFCo

Approved as to Form:

By: 

Andrew Massey, LAFCo Legal Counsel

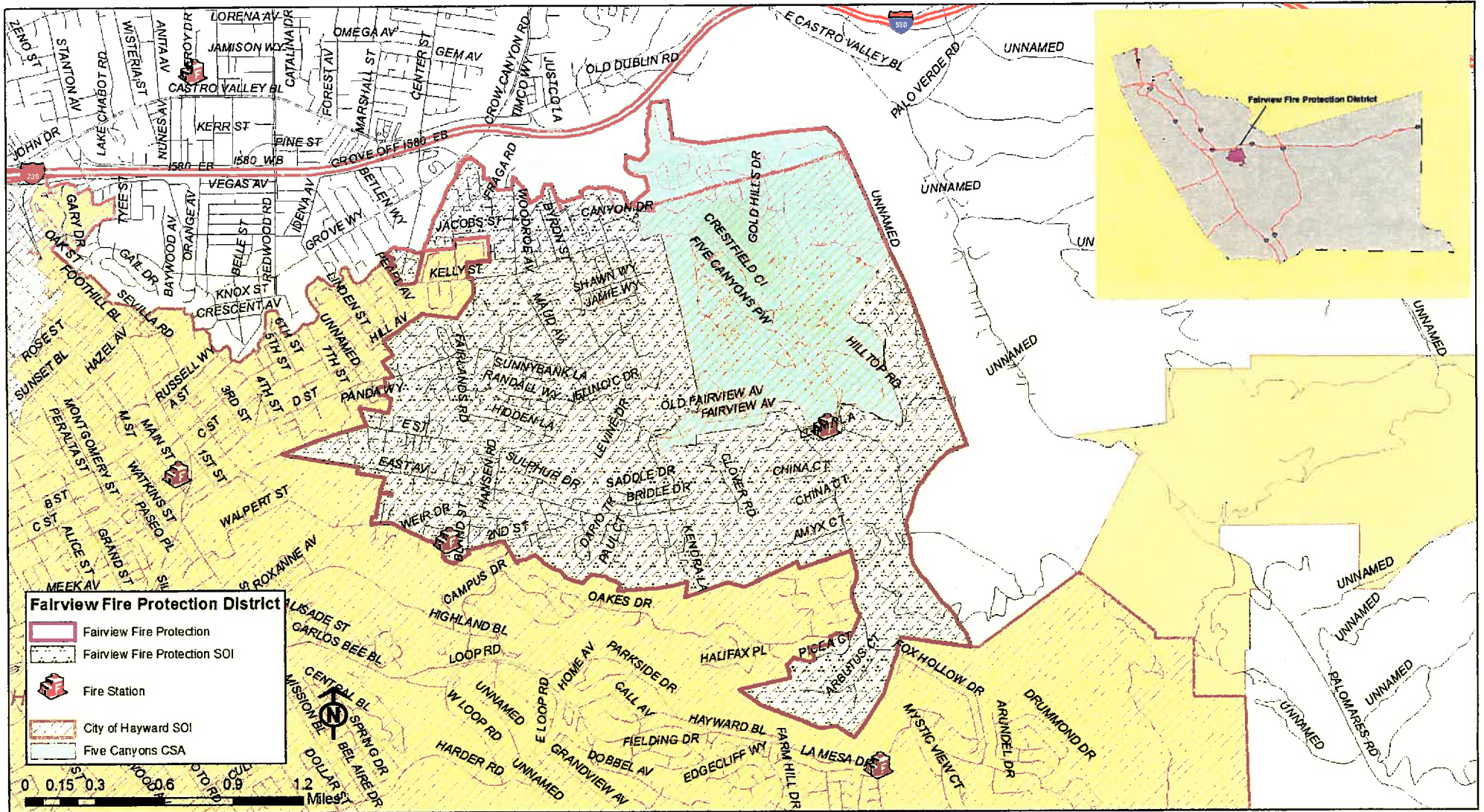
CERTIFICATION: I hereby certify that the foregoing is a correct copy of a resolution adopted by the Alameda Local Agency Formation Commission, Oakland, California.

Attest: 

Mona Palacios, LAFCo Executive Officer

Date: 5/26/2016

Fairview Fire Protection District and Provisional SOI November 2013



*Agency sphere equals the service area boundary

Created for Alameda LAFCo by the Alameda County Community Development Agency