
**SAN JOAQUIN
LOCAL AGENCY FORMATION COMMISSION**

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

August 10, 2017

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MITZI STITES

Honorable José L. Alva
Presiding Judge San Joaquin County Superior Court
180 W. Weber Avenue, Suite 1306
Stockton, CA 95202

Dear Judge José L. Alva:

At the regular meeting of August 10, 2017, the Local Agency Formation Commission adopted the attached responses to the Finding and Recommendations of the 2016-2017 Grand Jury's Follow-Up report on San Joaquin Rural Fire Districts entitled *IT'S TIME TO COME TOGETHER CONSOLIDATE THE EIGHT* (Case No. 1401). The Commission's Responses are hereby submitted pursuant to California Penal Code Sections 933 and 933.05.

The Commission appreciates the efforts of the Grand Jury in its study of the rural fire protection districts within San Joaquin County. LAFCo will consider consolidation in a timely manner. As stated before, LAFCo does not believe that a structured timeframe is needed nor that consolidation would necessarily be beneficial. Many of the districts were established to address the unique circumstances and specialized needs of an area. Each Board of Directors also provide direct access to their constituency. Other LAFCos have spent considerable time, effort and resources on the study of fire district consolidation without success. There needs to be a willingness of the districts to address the numerous obstacles associated with consolidation before extensive study begins. LAFCo is working on those issues.

A more important yet fundamental issue, as can be seen from the responses, is the perceived role of the grand jury in relationship to the responsibility of LAFCo. There is no statutory requirement that compels the completion of an update to a Municipal Service Review within a five-year period. *LAFCo is not in violation of any law.* LAFCo also finds that it is inappropriate for the Grand Jury to suggest that LAFCo provide quarterly reports to the Grand Jury. The Grand Jury should not infringe on the role and responsibilities of LAFCo. LAFCo is an autonomous public agency, which exercises its own independent judgement. While input and suggestions are always welcome, there is clearly a distinctive role between these two bodies and one is not subservient to the other unless there is a violation of law or any impropriety in carrying out our duties.

Nonetheless, LAFCo looks forward to evaluating this organizational structure in cooperation the staff, elected officials and the community.

Sincerely,

A handwritten signature in cursive script that reads "Doug Kuehne". The signature is written in black ink and is positioned above the printed name and title.

Doug Kuehne
Chairman

Attachment

RESPONSE TO FOLLOW-UP REPORT TO THE 2015-2016 SAN JOAQUIN COUNTY
CIVIL GRAND JURY REPORT BY THE 2016-2017 SAN JOAQUIN CIVIL GRAND JURY
– CASE # 1401

**IT'S TIME TO COME TOGETHER
CONSOLIDATE THE EIGHT**

FINDINGS:

F 1.1 LAFCo failed to complete the MSR by 2016, resulting in a delay to the potential consolidation of these eight districts.

RESPONSE: Disagree. LAFCo did not commit to the completion of the MSR by 2016 and stated that in its 2015-16 response to the Grand Jury. The 2015-2016 Grand Jury established this date. Furthermore, the completion of the MSR does not have a direct relationship to any consolidation process and thus has not led to any delay.

F1.2 LAFCo agreed to coordinate a series of meetings with the fire districts to discuss consolidation. Failure to conduct such meetings has led to a delay in the potential consolidation of these eight districts.

RESPONSE: Disagree. LAFCo agreed to coordinate a series of meetings and LAFCo intends to do so. Consideration of any consolidation is an iterative process. LAFCo has asked for consolidation information in its questionnaire for the MSR, the Fire Chiefs Association has sponsored agenda items regarding consolidation, and LAFCo has asked the affected districts to respond specifically to the question of consolidation. LAFCo will continue to address the issue of consolidation as the MSR progresses. These actions have not led to a delay in the potential consolidation of these eight districts. It needs to be recognized that the consolidation process is a separate process that may or may not be pursued.

RECOMMENDATIONS:

R 1.1 By September 30, 2017, LAFCo complete the MSR for the rural fire protection districts in San Joaquin County.

RESPONSE: Disagree. In April of this year (2017), LAFCo reported to the Grand Jury “LAFCo has made progress but has not yet completed this document and anticipates completion later this calendar year.” This schedule remains achievable for the completion of the draft document depending on workload.

R 1.2 By November 30, 2017, LAFCo establish a schedule of meetings with the eight fire districts to discuss consolidation and provide quarterly progress reports to the grand jury.

RESPONSE: Disagree. LAFCo has committed to pursuing the concept of consolidation and will do so following its policies and procedures while exercising its independent judgment. LAFCo will provide updates as appropriate.