

## Chairman

Bill Horn  
County Board of  
Supervisors

February 1, 2016

# 12

## Vice Chairman

Sam Abed  
Mayor  
City of Escondido

TO: Local Agency Formation Commission

FROM: Executive Officer  
Local Governmental Analyst

## Members

Dianne Jacob  
County Board of  
Supervisors

SUBJECT: Errata to Agenda Item No. 12–Draft Guidelines Addressing the Review and Approval of Fire Protection Contracts

Andrew Vanderlaan  
Public Member

Comments were provided to LAFCO staff following the distribution of the February 1<sup>st</sup> staff report from the Office of County Counsel (San Diego County), Bonita-Sunnyside Fire Protection, and Rancho Santa Fe Fire Protection District. The comments were very constructive and LAFCO staff is recommending several technical changes that are summarized below. Representatives from the agencies that provided the comments concur with these recommended changes.

Lorie Zapf  
Councilmember  
City of San Diego

Lorraine Wood  
Councilmember  
City of Carlsbad

## BILL SPONSOR

Jo MacKenzie  
Vista Irrigation District

Senate Bill 239 was sponsored by the California Professional Firefighters. The staff report on page 2 incorrectly identifies the California Fire Chief's Association as the bill sponsor. All further LAFCO records, including the draft guidelines, correctly indicate the California Professional Firefighters as the bill sponsor.

Vacant  
Special District

## Alternate Members

Greg Cox  
County Board of  
Supervisors

## FIRE PROTECTION DEFINITION AND EXEMPTION

Chris Cate  
Councilmember  
City of San Diego

LAFCO staff indicated within the report that "fire protection" is not a defined term under the new law (Government Code Section 56134) and developed a draft definition for Commission consideration. Based on the comments received, staff determined that the definition should be amended to include a list of possible subordinate or subsidiary activities as examples of exemptions. Staff also determined that the subordinate or subsidiary components of fire protection, such as administration, management, and operations, should be referenced as "activities" rather than "services" to further clarify the exemption language. As a result, staff has made a revision to the proposed fire protection definition and included a list of exemptions. Refer to the attached errata for changes recommended to the staff report and proposed guidelines.

Racquel Vasquez  
Councilmember  
City of Lemon Grove

Ed Sprague  
Olivenhain Municipal  
Water District

Harry Mathis  
Public Member

No further comments were submitted to LAFCO and representatives of these agencies that provided comments agree with the changes recommended by LAFCO staff.

## Executive Officer

Michael D. Ott

Respectfully submitted,

## Legal Counsel

Michael G. Colantuono

  
MICHAEL D. OTT  
Executive Officer

  
JOE SERRANO  
Local Governmental Analyst

MDO:JS:TRL

Attachment: Errata to Agenda Item No. 12

**ERRATA: AGENDA ITEM NO. 12  
SB 239 DRAFT GUIDELINES**

Staff Report, page 2

"...California Fire Chiefs Association Professional Firefighters..."

Staff Report, page 5

~~All other subordinate services related to this definition (e.g., administration, management, operations, etc.) should be included within the primary function/definition of fire protection and should be exempt from SB 239 unless otherwise directed by the Commission. Subordinate or subsidiary fire protection activities (e.g. administration, management, operations, etc.) will be exempt from LAFCO purview unless otherwise directed by the Commission. Examples of subordinate or subsidiary activities exempt from LAFCO purview include, but are not limited to the following:~~

- Major/Minor subdivision review, Major Use Permit review, Administrative Permit review (all of which are Discretionary Permits)
- Plan review/Ministerial Permit review (usually building permits)
- New construction fire inspections
- Fire investigations
- Fire sprinkler system plan review and inspections
- Fire alarm system plan review and inspections
- Defensible space inspections and enforcement
- Business/occupancy inspections in existing structures
- Vehicle maintenance and repair
- Sharing of management or other personnel between or among multiple agencies
- Sharing or loaning of equipment or property between or among multiple agencies

Proposed Guidelines, page 2

~~All other subordinate services (e.g., administration, management, operations, etc.) are included within the primary definition of fire protection and will be exempt from SB 239 unless directed by the Commission. Subordinate or subsidiary fire protection activities (e.g. administration, management, operations, etc.) will be exempt from LAFCO purview unless otherwise directed by the Commission. Examples of subordinate or subsidiary activities exempt from LAFCO purview include, but are not limited to the following:~~

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- Defensible space inspections and enforcement
- Business/occupancy inspections in existing structures
- Vehicle maintenance and repair
- Sharing of management or other personnel between or among multiple agencies
- Sharing or loaning of equipment or property between or among multiple agencies

Proposed Guidelines, page 4

Subordinate or subsidiary fire protection ~~services~~ activities (e.g. administration, management, operations, etc.) will be exempt from LAFCO purview unless otherwise directed by the Commission.