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Consolidation conflagration

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A NEW STUDY of Contra Costa's myriad fire departments has thrown open the curtain on an ugly truth: When it comes to fire protection, this is a county of haves and have-nots.

Some communities get three firefighters per engine, while others must make do with two.

Some communities receive almost a third of the property tax revenues to pay for fire protection, while others must manage with far less.

Residents in some districts enjoy lower fire insurance premiums while others face longer response times.

The study recommends evaluating a range of consolidations that could cut administrative costs, simplify and improve service. (Read the full study at www.contracostalafco.org.)

Some consolidation advocates even believe the county's 10 fire departments should merge into a single fire district with its own elected board.

But there are few acts more politically incendiary than challenges to local control.

Of the county's 10 fire departments, the county Board of Supervisors oversees three. Locally elected boards govern four while the cities of El Cerrito, Pinole and Richmond have their own departments.

A powerful state agency called the Local Agency Formation Commission — or LAFCO, for short — has the power to force consolidation of fire districts if its members determine it would improve public service.

By way of background, every county has a LAFCO. Its job is to police public agency boundaries and avoid costly duplication of service and territory battles.

But LAFCO commissioners are themselves local elected officials — its board is comprised of county supervisors, and city council and special district members.

As a result, LAFCOs typically display little appetite for conflict with their elected comrades.

And make no mistake, the study itself is generating angst and LAFCO has not yet taken a single vote on the matter. Folks from the more affluent districts are already fighting like cats with their tails on fire to preserve their districts.

An even bigger political barrier to consolidation is the severe funding inequities between districts. Why is that?


All property owners in California pay 1 percent of their properties' assessed value in taxes.

Out of that 1 percent, the state divvies up the proceeds among state and local agencies to fund a broad range of services, including fire protection.

But the allocations to fire protection vary from town to town. The disparate figures originate with the passage of Proposition 13 in 1978, when the state froze tax rates.

As a result, places such as far East Contra Costa that

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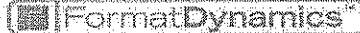
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were rural and used volunteer firefighters 30 years ago have been unable to keep up with the costs of providing professional suburban-level service.

Consider the variance in the percentage of the property tax that goes to seven of the county's fire districts: Kensington, 30 percent; Moraga-Orinda, 21 percent; San Ramon Valley, 14 percent; Contra Costa (10 central county cities and some unincorporated areas), 12 percent; Crockett-Carquinez, 12 percent; East Contra Costa, 7 percent; and Rodeo-Hercules, 6 percent.

Granted, no one knows if consolidation would solve Contra Costa's problems or just create new ones. LAFCO would need to conduct further studies.

On the other hand, consolidation is not a radical shift. Alameda County is aggressively merging its districts. It took 15 years, but San Bernardino County recently completed the consolidation of 26 fire agencies.

More important, California public agencies are facing unprecedented funding shortfalls as the recession combined with rising costs to deliver deeper and deeper services cuts in their budgets.

We can survive without some public services. Fire protection is not one of them.

But if LAFCO won't take on the task, who will?

"No one," says LAFCO commissioner and county Supervisor Mary Nejedly Piepho. "LAFCO is the last stop."

GOT POLITICS?: Read Inside Politics for the latest happenings at www.ibabuzz.com/politics .:

Two new names surfaced last week as potential candidates to replace Rep. Ellen Tauscher, D-Alamo:

San Ramon Republican David Harmer and Solano County Democrat Anthony Woods.

San Pablo resident and attorney Mister Phillips announced his plans to challenge Contra Costa County Supervisor John Gioia next year.

AND FINALLY: Veteran Contra Costa lawmaker and Assemblyman Tom Torlakson routinely puts the Energizer bunny to shame when he walks precincts.

But he would need to channel Santa Claus to come down every California voter's chimney in his campaign for state superintendent of public instruction.

California has 9.6 million voting households. At 2 minutes per household, walking 12-hour days and taking no breaks, that adds up to 73 years. I wonder how many pairs of shoes he needs?

Reach Lisa Vorderbrueggen at 925-945-4773 or lvorderbrueggen@bayareanewsgroup.com ; visit the Political Blotter at www.ibabuzz.com/politics/ .

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Daniel Borenstein: 'Spiking' of public pensions is costing taxpayers

By Daniel Borenstein
Staff columnist

Posted: 04/12/2009 12:01:00 AMPDT

Updated: 04/12/2009 08:45:30 AMPDT

PETER NOWICKI, the chief of the Moraga Orinda Fire District, knows how to play the retirement system. That's why he was able to convert a \$185,000 annual salary into a \$241,000 yearly pension.

The losers are taxpayers and employees of the fire district who are left to help finance the outrageous payments. They should insist that elected officials put a stop to similar deals. And other public agencies, including Contra Costa County, should take note. Pension spiking is widespread and should be ended.

To be sure, the case of Nowicki, a 26-year fire department veteran, is extreme. Pension experts who looked at the numbers in his case were amazed. Residents of Orinda and Moraga should be appalled.

How did he do it? Primarily by taking maximum advantage of rules that enabled him to sell back unused vacation and holidays. As a result, he increased his starting annual pension payment 46 percent, from \$165,000 a year to the \$241,000 yearly total.

Nowicki's only 50 years old. Assuming he lives to 80, those moves alone will add \$2.3 million in today's dollars to his pension.

Ironically, after taking retirement Nowicki turned around and went back to work for the district on a five-month contract at an annual rate of \$176,000, which he collects on top of his pension payments. Moreover, it's Nowicki who is in charge of overseeing the district's finances.

By his own admission, the district needs to trim back its pension program if it hopes to maintain services. "There are changes that need to be made to the retirement system," he told me, "and we are actively pursuing different options and working with labor to see what kind of changes we can make."

Lots of luck convincing the rank and file to recognize the financial realities while you're personally sucking money out of the system at a staggering rate. Indeed, Nowicki's retirement payments are a perfect example of what's wrong with public pension systems.

The chief, like most police and firefighters in the state for the past decade, has been granted a pension that allows him to retire as early as age 50 and collect 3 percent of his final salary for every year of service. One of the key tricks of the system is boosting that final salary. Here's how Nowicki did that.

For starters, the fire district's generous vacation policy provides up to 10 weeks off per year for employees with more than 30 years' experience. In Nowicki's case, he was earning 8.4 weeks a year when he retired. Not surprisingly, he had a hard time getting his job done and taking all that vacation.

Next, management employees in the district can sell back some of their unused vacation each calendar year. And, if they sell it back during their final 12 months of employment, they can count it as income for purposes of calculating their pensions. Notice

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that if the final 12 months of employment straddle two calendar years, the employee can sell back vacation twice and count all the income toward the pension calculation. That's exactly what Nowicki did. He sold vacation in 2008 and again in January 2009, just weeks before his retirement.

But, even after selling back vacation time, he still had more left. So when he retired the district paid him for that time as well as for unused personal holidays. And, under the district's policies, those payments were also counted as income when computing his pension payments.

The combined effect of the vacation sell back and the further cash out of unused vacation and personal days added about \$76,000 a year to Nowicki's pension — for the rest of his life. And, yes, the pension payments increase with inflation.

So what can be done to stop such abuses in the future? Lots, if elected officials can muster the political backbone to make needed changes and employees, especially younger ones, realize they're getting shafted when their older colleagues spike their pensions on the way out the door.

Public agencies should cap vacation accrual at reasonable levels. Just like in the private sector, if the employees don't take vacation they shouldn't accrue more. Unused vacation can become a huge financial liability that becomes exponential when used as part of pension calculations.

Next, elected officials should eliminate vacation sell-back programs for public employees while they're still working. The state Supreme Court required many public agencies to count the income from those sell-backs toward pension calculations. But the court hasn't required the public agencies to provide such sell-back programs. So stop offering them and then you don't have to count them later.

(Those public agencies that insist on preserving sell-back programs should certainly at least prohibit "straddling." Employees should not be allowed to sell back more than once in a 12-month period, even if that period overlaps two calendar years.)

Finally, public agencies should stop counting payments for unused vacation and personal days upon termination toward retirement calculations. The state Court of Appeal has been clear that termination payments need not count toward pension calculations. Public agencies should stop giving away that money.

Any changes will be too late to affect Nowicki's pension. He's set for life. Too bad he didn't push for change before his retirement.

Borenstein is a staff columnist and editorial writer. Reach him at 925-943-8248 or dborenstein@bayareanewsgroup.com.

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Brentwood, five percent in Oakley, and nine percent in unincorporated areas; by comparison, the average fire district share was 12 percent in incorporated areas and 13 percent in unincorporated areas. There are no feasible opportunities whereby the District would elicit a portion of the property tax share received by other local agencies (e.g., the cities, the County or the schools).

Residential population growth in the ECCFPD boundary is projected to be significantly faster than the countywide average. Brentwood is projected to be the fastest-growing city in the County. Growth in Oakley is projected to be on par with neighboring Antioch and Pittsburg. Residential growth areas include Trilogy at the Vineyards, Rose Garden, Palmilla, Cypress Corridor, the Lakes and Cecchini Ranch in Discovery Bay, Byron Airport, and Delta Coves in Bethel Island. In the long-term, growth is expected to increase the population from 106,386 in 2008 to 158,515 in 2030.

Commercial growth is also projected to be significantly faster in ECCFPD compared with the countywide average. Oakley and Brentwood are projected to have the highest job creation rates in the County, outpacing neighboring Antioch and Pittsburg. In the longterm, growth is expected to increase the job base from 17,480 in 2008 to 34,251 in 2030.

The District's facility needs have evolved rapidly in the last decade due to consolidation of formerly separate fire districts, a shift from on-call to staffed stations in much of the service area, and rapid growth. There are as many stations and personnel serving the Discovery Bay and Byron area (with a combined population of about 13,368 and 673 annual service calls) as the cities of Oakley and Brentwood (with a combined population of about 84,000 and 3,500 annual service calls). A number of the fire stations are no longer strategically located to minimize both costs and response times. At a minimum, FS 54, FS 58 and FS 93 (Oakley) are not strategically located.

In the urban areas, ECCFPD provides minimally adequate service levels. ECCFPD staffs fire stations with two personnel per station regardless of whether a station is located in an urban area or outlying town; by contrast, four personnel per apparatus is the recommended urban staffing level. The District does not offer paramedic services. Response times meet certain guidelines some of the time, but fall short of meeting guidelines 90 percent of the time. ECCFPD's staffing level of 0.5 sworn staff per 1,000 people is substantially lower than the countywide average (0.8), as well as the Bay Area average for urban fire providers (0.9). Based on staff certification levels, ECCFPD staff credentials and skills appear to be adequate. Training hours per sworn staff member are lower than the countywide average.

Possibly related posts: (automatically generated)

- [Fire - Where do we go from here \(attached\)](#)
- [East Grays Harbor Still Putting Band Aids on EMS Issue](#)
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(Attachment to previous column)

Romick in Oakley

Talking about Oakley and East County

October 24, 2008

Fire - Where do we go from here

Posted by Kevin under [City Info](#)[\[2\] Comments](#)

During the last two years, discussions have been underway with representatives from Contra Costa County, Oakley and Brentwood regarding the status of the East Contra Costa Fire Protection District (ECCFPD). Concern continues to grow about the possible effectiveness of its operations. However, these discussions have stalled.

The district is woefully underfunded. Fire services are funded with property taxes, the 1% of the assessed value that we all pay. If you live in Oakley \$0.06 of every dollar in property taxes is spent on fire. In Brentwood the amount increases to \$0.07. However, if you live in Antioch its \$0.15, in Pittsburg its \$0.16, in Concord its \$0.13, Walnut Creek is \$0.14 and in San Ramon its \$0.13. These amounts vary across communities as a result of an archaic allocation scheme developed in 1978 with the passage of Prop 13.

The present funding has the district operating with two firefighters on each engine and no paramedics, which falls short of the industry standard of three firefighters. One of the three firefighters on each engine should be a trained paramedic. The salary and benefit levels for the district personnel are substantially below industry levels.

A 2006 study, performed by Citygate, served to accentuate these deficiencies. The study concluded that far East County will eventually need 10 fire stations with three firefighters on each engine. Again, one of the firefighters on each engine should be a trained paramedic. According to the study, it would cost the district about \$18 million to achieve that level of service. The study also concluded that a tax increase is necessary to provide more money to fund this service.

There was one option that the Citygate study did not address: a merger with Contra Costa Fire District (Con Fire). Incorporating all 10 stations into Con Fire would be cost prohibitive. But, if we are merging are 10 stations necessary? Can adding 7 stations serve the majority of the protection area and still achieve the most effective and safe emergency responses? Can the Department's Automatic Vehicle Locator (AVL) System (a system that uses satellites to track fire department units to allow the dispatch of the closest unit to any given emergency) reduce response time by tracking a units exact location and status thereby allowing the closest unit to be dispatched? Oakley and Brentwood are planning to build one station each in the near future. Are the locations best suited to the delivery of emergency services? Will they create overlaps with existing stations?

The residents living in the Con Fire district (Antioch, Clayton, Concord, Lafayette, Martinez, Pittsburg, Pleasant Hill, San Pablo, Walnut Creek, Bay Point, Clyde, El Sobrante, Pacheco, Port Chicago) pay the same 1% property tax that far East County residents pay. Before we ask far East County residents to pay more to receive the same services we need to create a regional view of the fire services provided by Con Fire, ECCFPD and possibly the whole County. The view needs to answer the key questions of merger, number of stations, station location and how we can fully capitalize on the AVL that is currently in place to capture economies of scale that come with expansion.

The residents of far East County deserve the same fire protection services afforded the rest of the county. The fire fighters of ECCFPD have been underpaid and understaffed for years. They deserve to have equipment above the minimum standard, staffing at the minimum standard, and to be paid the average of their peers that do the same job.

2 Responses to "Fire - Where do we go from here"

1. [Mike Harmon](#) Says:[October 24, 2008 at 10:30 am](#)

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2. [John](#) Says:[October 24, 2008 at 1:07 pm](#)

great write up. Every point and piece of information was right on target.

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Tuesday, April 14, 2009

ECCFPD: East Contra Costa Fire Protection District - LAFCO - EMS - MSR

Contra Coastal LAFCO initiated a countywide fire and emergency medical services (EMS) Municipal Service Review (MSR).

Bottom Line: ECCFPD provides minimally adequate service levels.

- ECCFPD staffs fire stations with two personnel per station regardless of whether a station is located in an urban area or outlying town; by contrast, four personnel per apparatus is the recommended urban staffing level.
- The District does not offer paramedic services.
- Response times meet certain guidelines some of the time, but fall short of meeting guidelines 90 percent of the time.

The **report** from this review became available in April 2009.

What: Municipal Service Review - MSR is a comprehensive study designed to better inform LAFCO, local agencies, and the community about the provision of municipal services. Service reviews capture and analyze information about the governance structures and efficiencies of service providers and identify opportunities for greater coordination and cooperation between providers. The MSR is a prerequisite to a Sphere of Influence determination and may also lead a LAFCO to take other actions under its authority.

Bethel Island. In the long-term, growth is expected to increase the population from 106,386 in 2008 to 158,515 in 2030.

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Info Source: romickinoakley.wordpress.com - [Link](#)

Related Links: [Municipal Service Review - Fire and Emergency Medical Services MSR now available.](#) - [Link](#)

ECCFPD Home: www.eccfpd.org/ - [Link](#)

Splain Lucy: In 1963, the California Legislature responded to the urban boundary wars, and the problem of public finance and service they created, by enacting the Local Agency Formation Commissions (LAFCOs). This law established a commission in each county responsible for overseeing most forms of local government boundary change, including incorporation, annexations, and special district formations. In the interest of more orderly development, LAFCOs were to act as judges of boundary disputes among governments and communities. Since 1963, numerous changes have been made to the law, culminating in the current Cortese-Knox-Hertzberg Act of 2000, operative January 1, 2001.



Posted by [California Fire news\(Who am I?\)](#) at [4/14/2009 10:06:00 AM](#)