

**REPORT AND RECOMMENDATIONS OF THE JOINT TASK FORCE RE
GOVERNANCE OF INTEGRATED PUBLIC SAFETY SERVICES IN FRESNO COUNTY
DECEMBER 5, 2006**

Background:

In early 2006, the Greater Fresno Area Chamber of Commerce (the "Chamber") engaged a consultant, Management Partners Incorporated (the "Consultant"), to look into the possibility of consolidating and/or integrating public safety services in Fresno County, and asked for its report and recommendation by April of 2006. For reasons included in the Consultant's reports, the law enforcement report was issued on May 10, 2006 and the report and recommendations relating to fire and emergency medical services ("EMS") was issued on September 12, 2006.

The Joint Task Force on the Governance of Public Safety Services ("Task Force") was organized based on recommendations which resulted from a joint meeting, facilitated by Chamber CEO, Al Smith, between the City of and County of Fresno on July 20, 2006.. That meeting resulted in the organization of 4 separate task forces, one of which was this Task Force. This Task Force (as were the others) was comprised of a representative from the City of Fresno, the County of Fresno, the County Sheriff's office, the Fresno Police Department, the eastern part of the County, the western part of the county, the Fresno City Council, and the Fresno County Board of Supervisors. Each of the task forces was headed by a Chamber leader and included a facilitator. Victoria J. Salisch, an attorney with Lang, Richert & Patch, chaired this Task Force and Justice Brad Hill, of the Fifth District Court of Appeals, was the facilitator. The Chamber Governmental Affairs Manager, Amy Huerta, attended most meetings, took notes, assisted in gathering information, and assisted with production of minutes and agendas for the meetings. A list of the official Task Force members and staff is attached hereto as Exhibit "A." Although the initial mission did not include fire and EMS, it soon became apparent that, at a minimum, the fire and EMS officials needed to be "at the table", and they were invited.

The Task Force meetings were open to anyone who wished to attend and join the discussions. All cities in the County, fire and EMS officials, and Task Force members received notices of the time and place of meetings. Many others attended, and after the first couple of meetings, fire and EMS people regularly attended. This Task Force held its first meeting on August 18, 2006. During the next two weeks, Task Force members and Chamber staff gathered and distributed numerous models from other communities which had already entered into some type of joint public services arrangements. The meetings were held on Friday mornings every two weeks in August and September and every week in October. On September 22, 2006, all of the task force chairs and Chamber leadership held a joint meeting at the New Exhibit Hall of the Convention Center, and invited officials with all of the cities of Fresno County, the County of Fresno, and fire and EMS officials as well as law enforcement officials to attend. The purpose of this meeting was to provide information to those not regularly attending the task force meetings and to obtain feedback from interested parties.

As of the August 31 meeting of this Task Force, the various models had been reviewed,

were discussed, and an outline of issues was developed. The gathering of information continued, however, throughout the process. All decisions of the Task Force were made on a consensus basis. At various points, Task Force members had meetings with a number of law enforcement officials and city managers outside the official Task Force meetings to keep them apprised of the process and obtain feedback.

Core Principles.

1. Participants must have some level of control over those providing services.
2. A governance model for dispatch services could work for all services which might be integrated, regardless of when each is instituted.
3. Better safety for our citizens and economic efficiencies for taxpayers are the primary and long-term goals.
4. All participants in integrated services must have trust in the process.
5. All participants must have a vote and a "seat at the table".
6. The initial financial commitment for smaller entities must be easy for them to handle, and the City and County of Fresno must encourage the smaller entities to join.
7. The City and County of Fresno must commit to this for the long term as they must stand behind any bonds which might be issued by a JPA.
8. Current employees should find the transition seamless and without loss of benefits already earned.

Decisions/Recommendations Made by Joint Task Force on Governance.

1. Type of Entity or Contract. Once the Task Force agreed on the process and meeting times, it first discussed what the governance model should be. The Task Force gathered models from many entities both within and outside of the State of California, and reviewed those before coming to a decision. The majority of the models reviewed had created separate entities, but a few used a contractual relationship. Because it was strongly felt that all entities involved would want some level of control not found in a pure contractual relationship, it was decided, and is recommended, that a separate entity under the California Joint Powers Authority, pursuant to Government Code Section 6500 et. seq., should be created (the "JPA"). A contractual relationship would not provide the desired levels of control.

It was next determined that the JPA should contain a provision that every entity joining must "have a seat at the table" through a representative appointed to the Board of Directors by each

member. It was further recognized that as a separate entity, the JPA would have the power to issue bonds. The Task Force then determined that it should make recommendations on several of the most significant governance issues to be contained in the organizational documents of the JPA. As a separate entity, the JPA would be entitled to contract with other entities, such as other counties or organizations which either do not want to become members, or with whom the JPA prefers to have a contractual relationship. For example, the County's joint fire and EMS dispatch center currently provides all services by contract with other entities, including some of the other adjoining counties. The JPA could do the same.

2. Voting Structure. The discussion of the appropriate voting structure was a lengthy one. Several models were examined. Weighted voting of some sort was deemed to be necessary in recognition of the disparate sizes and service usages of the various entities. Due to the significantly larger size of the County and City of Fresno as compared to the smaller entities which might join, some of the models reviewed might not achieve the intended result. The City of Fresno alone has more than one-half of the population of the County, and the County of Fresno is also significantly larger than any single smaller entity. These larger entities would use more services and have greater financial responsibility, and must therefore have a vote which reflects that. The Task Force believes that it is necessary to balance the needs of the City of Fresno and County of Fresno for a higher level of control with the needs of the smaller entities for a meaningful vote. If the weight given to the City of Fresno were to be based on population or usage (as several of the other models had chosen to do), it alone would have more than one-half of the vote. The attendance of the City of Fresno at a meeting would be necessary to have a quorum to conduct business and would result in that city effectively having veto power over all decisions. This would render all other votes meaningless. The Task Force believes that smaller entities must have a meaningful voice at the table, but also recognizes that for some that may only mean having the opportunity to be heard on the issue before the Board.

A proposal was made and accepted that each of the City and County of Fresno should have 40% of the vote with the remaining 20% apportioned among the smaller entity members (cities, fire districts, etc.). The possibility that few, if any, smaller entities might join, given that they cannot be forced to do so, was discussed. Giving 20% of the vote to a single very small city, for example, would not be acceptable to the larger members. The Task Force would like to see most, if not all, of the smaller entities join the JPA, but realistically, some will not. It is therefore recommended that under no circumstance should any single smaller entity have a weighted vote of more than 5%. If, for example, only 2 smaller entities should join, they would each have 5% of the vote and the City and County of Fresno would each have 45% of the vote.

After discussions with many of the smaller cities, it was determined that there are probably at least 7 or 8 which would be inclined to join if the governance model seemed fair to them. A further discussion ensued that if the City of Clovis, with a population of approximately 100,000 and growing, were to join, it must be allotted a greater vote and would share in a greater amount of the expenses than the other smaller entities which might join. At least as to law enforcement, it does not seem likely that the City of Clovis would join at this time. The Task Force therefore felt

that if and when the City of Clovis were to join, the voting structure would need to be adjusted, and that could be negotiated between Clovis and the Board of the JPA at that time. We suggest, however, that under no scenario should the City of Fresno, or the County of Fresno have less than a 35% vote each, leaving 30% to be divided among the smaller entities.

Recognizing that there may be a number of different services offered by the JPA, and that not all entities joining the JPA would participate in all services, it is further recommended that Members of the Board would only vote on issues relating to the services to which the entity he or she represents subscribes.

3. Board Structure. A discussion of the make-up of the Board ensued. The Sheriff pointed out that as an elected official, the sitting Sheriff must have a seat on the Board. After further discussion, it was determined that the Sheriff's primary concern is with operational matters. The Task Force believes that having members of the Board include law enforcement, fire, and EMS professionals is essential. After further discussion as to how this would affect the number of board members and the weighted voting, it was decided, and the Task Force recommends, that the member designee to the Board, for all issues ("Regular Board Members"), would be the highest official of that organization or his or her designee. For example, the mayors of the cities would either sit on the Board, or appoint someone else to sit on the Board. In addition to these Regular Board Members, there would be a representative from the Sheriff's office, the Chief of Police of the City of Fresno, and a single representative chosen by the smaller entities (one of the police chiefs for example) to represent them ("Specialized Board Members"). When fire and EMS join as members, a similar structure for representation for fire and EMS would also join the Board. These Specialized Board Members would only have a vote on operational issues, but would always be present for input when other decisions are being made which would benefit from their knowledge.

On operational issues, there should be a two-tiered voting structure. On the first vote, the Specialized Members and Regular Members would vote and everyone would have a single vote. It would then go to only the Regular Board Members who would vote in accordance with the appropriate weighted voting structure. While the Specialized Members would not be in a position to rule the decision, they would presumably have significant influence on the outcome. Further, with this representation on the Board, the Board would always have professional input available in their decision-making process. It is important to note, however, that day-to-day operations of any division under the purview of the JPA are not decided by the Board, which makes the financial and broad policy decisions, leaving operations to staff.

Many of the models reviewed provided for an alternate who can attend meetings in the absence of the regular member. The Task Force believes this should also apply to this JPA and that each of the Specialized and Regular Board Members should also have an alternate designated to attend in his or her absence. It is recommended that the alternate be appointed by the same official who appointed each of the primary members of the Board. While it is preferable to have an uneven number of Board members to avoid deadlock, the Task Force did not take a position on how that might be achieved, or if it is necessary given the weighted voting structure and number of

anticipated members.

4. Bonding/Financial Obligations. Since the JPA will have the authority to bond, it is anticipated that at some point it will do so in order to either build a joint dispatch center, joint evidence and property facility, or prisoner processing facility when the need and financial ability exists. The members of the Task Force recognize that both the City and County of Fresno will be required to stand behind those bonds. In order for the JPA to have the ability to bond, the JPA model must be strong, and its major players must be committed to remain for a significant period of time—at a minimum for a period of years beyond the term of the bonds. It is also recognized that to encourage the smaller entities to join the JPA, it will be necessary to phase their capital contributions in over a period of time. Withdrawal and termination, which will be dealt with later, will also be important factors influencing bonding ability.

It is recommended that the entities joining the JPA be billed in advance in accordance with usage of services based on usage of each in the immediate past year. If necessary, reconciliations would be made at the end of the year when actual usage is known. It is recommended that there be an initial capital contribution to “buy into” the JPA, but as mentioned above, that this be phased in for smaller entities. The capital investments and improvements will likely be a part of the overhead cost of providing services, which will be passed on to the members as they are billed based on usage. The organizational documents can either determine when billings will be made, such as quarterly, or that decision can be left up to the Board of the JPA.

5. Treasurer of the JPA. The Government Code provides that the treasurer for a JPA may be either the treasurer of the County, an internal employee of the JPA, or an outside CPA. Since the County Auditor/Controller is an elected position, and this office is experienced in handling the finances of JPA organizations, the Task Force recommends that the Treasurer for the JPA be the Fresno County Auditor/Controller.

6. Term of the JPA/Withdrawal. Several of the models reviewed by the Task Force provided for an indeterminate period of time. Others had lengthy terms such as 30 or 35 years. The Task Force recognizes that the period must, at a minimum, be about 5 years longer than any period for bond repayment. It is recommended that the term of the JPA be indeterminate (in other words, it goes on forever or until terminated by the parties). Most models, whether for an indeterminate term or a lengthy term, allow for withdrawal and termination of the JPA. The ability of the City or County of Fresno to withdraw is unlikely given the likelihood of their responsibility for the bonding, and the fact that the JPA could not likely survive without either one of these entities. However, other entities should be given the ability to withdraw under very limited circumstances. Several models require two years’ notice to withdraw, and the Task Force recommends that such be adopted in this governance model. Often withdrawal, though allowed, carries with it some financial responsibility for a period of time thereafter. The withdrawal process must not unduly hamper the operations of the JPA. It is recommended that the JPA organizational documents provide that the JPA can only be terminated by the vote of 90% of the voting power of the members. Although the City and County of Fresno would not be able to withdraw, they would

have most of the voting power and might be able to influence a sufficient amount of the remaining voting power to terminate, if it seemed the appropriate thing to do. Since there are many examples of these JPA's which have existed in excess of 20 years, the Task Force believes that it is unlikely that the parties, once involved in the JPA, will feel the need to withdraw or terminate the JPA.

7. Personnel/Union Issues. The Task Force recognizes that personnel and union issues could cause significant problems for the acceptance of this proposal. A plan must be adopted to make the process as simple for employees as possible. Further, the Task Force finds that dispatchers are highly trained individuals who, in many instances, might not want to be placed in other positions within the entity for which they work. Likewise, replacing dispatchers is not simple, as it takes approximately 18 months to train them. Other employees not wanting to become a part of the JPA might be easier to place elsewhere, and more importantly, to replace in their present positions. The Task Force believes there will be a transition period, which may take some time. It is anticipated that there would be some anxiety among employees, and the goal should be to make this as easy as possible for them. The ultimate goal is to have all personnel in the integrated portion of public safety services be employees of the JPA. This may take a period of years, however.

The Task Force recommends that the employees be given reassurances and choices during a one-year transition period. Because dispatchers cannot easily be replaced, there should be a limit on the number who can transfer to another position within the entity organization each year. The number of 6 per year as a maximum for dispatchers is recommended. The Task Force is advised that the pension plans of each of the unions for the various entities have reciprocity. This should assure that employees making a transfer do not lose benefits already earned. The JPA must offer comparable salaries and benefits. If the JPA were to offer higher salaries but more realistic pension and medical benefits, it is believed that many of the current employees would ultimately opt for the higher salaries and become employees of the JPA. During a transition period of up to 5 years, it may be necessary for the entity joining the JPA to contract some of its employees to the JPA to allow those who do not want to become employees of the JPA to remain employees of the member entity by which they are employed at the time.

The Task Force recommends that by the end of 10 years, all employees be employed by the JPA. It is considered likely that employees who are nearer retirement would opt to remain employees of their current entity, while younger employees might be more likely to join the JPA sooner. Both the City and the County of Fresno report that at any given time each has from 5 to 7 vacancies among dispatchers. With this understanding, the Task Force believes that no employee's position need be eliminated. The savings can be obtained through eliminating vacant positions and attrition. It is also reported that the job of dispatcher being a high stress position, there is a significant amount of turnover at both the County and City of Fresno. The majority of the dispatchers do not remain much longer than 5 years. Each time a position vacates in this manner, any new hiring would be undertaken by the JPA. Since dispatchers are more difficult to replace, it is anticipated that employees in other areas of service will be less difficult to transition. If such an employee chooses to relocate within another department of the joining entity, the JPA would fill

those positions or not as the need exists. It is not likely that services other than dispatch will require a limit on the number of transfers per year.

In summary, the goal as to employees is to make the transition as easy as possible, with the employees having a seamless or better transition. In other words, the employee would keep the same or better salary and benefits during the transition period. Since the employees of the City of Fresno, County of Fresno, smaller cities and other entities are often represented by different unions, once an employee transitions to employment by the JPA, it will be up to the JPA employees, both new and transitioned, to determine which union, if any, will represent them. The Task Force recommends that the plans and goals regarding transition be communicated to the employees and their unions as soon as the plan is in place, and that maximum efforts be made to assure them that they will not lose jobs, salary or benefits as a result of the integration of the public safety service departments by which they are currently employed.

8. Fire and EMS Services. As indicated earlier in this report, fire and EMS officials have been present at most of the Task Force meetings. While the initial focus was on law enforcement (the Consultant's report not having been received until about one month after the Task Force began its work), it is recommended that at the appropriate time, fire and EMS services become a part of the same JPA. The Task Force believes that a single JPA can accommodate all safety services which are at any time integrated. Based on the knowledge obtained from the fire and EMS officials and the Consultant's report, the Task Force believes that it is important that fire and EMS services be integrated as soon as possible. The problem is complicated by the variety of different districts, methods of providing services, and methods of financing which exist in the County of Fresno. At this point, the Chamber's Consultant is recommending long-term contracts between fire districts and the City of Fresno for improvement of services in the fire and EMS arena. As with any other entity, no district can be forced to join the JPA, but if a district were to contract with the City of Fresno, which would be a member of the JPA, it would at least be a *de facto* member of the JPA. Further, many of the districts contract with the State of California to provide services. Those contracts must be examined to determine if an agency wanting to join the JPA, or contract with it or the City of Fresno, could do so and when it would be possible.

The Task Force has been advised by both law enforcement and fire and EMS officials, that a dispatcher for fire and EMS services is trained quite differently from a dispatcher trained to be a law enforcement dispatcher. The skills and training for fire and EMS are compatible with each other but not with law enforcement. Further, although an excellent dispatcher could be trained to perform either type of dispatching, it is not possible for a single dispatcher to handle calls for fire and EMS while simultaneously performing law enforcement dispatching duties. It would be too stressful and would, therefore, become unsafe and inefficient. At this time, the County of Fresno is providing fire and EMS dispatch services for some districts and other counties on a contract basis from its location on Hamilton, in the City of Fresno. The County contracts with American Ambulance to operate of the dispatch center with oversight from the County of Fresno. The County is currently preparing to go out with an RFP for a new 5-year contract for such services. All who are involved with that dispatch center report that it is working very well. The Task Force

understands that as of the date of this report, the City of Fresno Fire Department has contracted, and the Clovis Fire Department is considering contracting, for dispatch services at the County Fire and EMS dispatch center.

Fire and EMS officials involved in the center at Hamilton Avenue have advised the Task Force that they see efficiencies and reasons for being involved in co-location of the fire and EMS dispatch services with law enforcement dispatch services, with the understanding that the actual dispatchers would not be interchangeable. At this moment, however, there seems to be no interest in changing the system which, at least for now, seems to be working well. Currently, the JPA contractor is the County of Fresno and the other entities are involved by contractually agreeing to pay a set amount to the County for the services. Presently, there appear to be one or two options for such services being involved in the integration effort. The services could be located in the same building with law enforcement, when such a building is available and merely contract for space and possibly equipment, or the County's contract could be assigned to the JPA for administration. The services would continue to be rendered in the same manner, and the JPA could contract with as many other agencies as might wish to become involved. Having the JPA administer the contract, rather than the County of Fresno, would facilitate an easier transition at such time that it might be decided to have the fire and EMS dispatch services handled in the same manner as the law enforcement services, by becoming actual members of the JPA which would then run the dispatch center for Fire and EMS and provide such other services which might be offered and accepted by fire and EMS.

9. Back-up for Dispatch Services. All members of the Task Force agree and understand that there should be a back-up for dispatch services in the event of a natural disaster or other event which could render the primary dispatch center inoperable. The Task Force does not take a position on the location of a joint facility or its back-up. The Task Force believes that such a decision is best left up to the Board of the JPA, which would govern the facility.

SUMMARY OF TASK FORCE RECOMMENDATIONS:

1. **Entity.** It is recommended that a separate entity, stand-alone JPA be created as quickly as possible by referring the matter to the County Counsel and City Attorney to work together to create the entity with terms consistent with the recommendations of the Task Force.
2. **JPA Authority.** The JPA should be authorized under Government Code Sections 6500 et. seq. to take all actions permitted by law, including the authority to bond and to contract with other entities.
3. **Regular Board Members.** The JPA should be governed by a Board of Directors consisting of an appointee by each entity joining the JPA plus an alternate. These appointees would be considered Regular Board Members.

4. **Specialized Board Members.** In addition to the Regular Board Members, the Board should have Specialized Board Members consisting of the Sheriff of the County and an alternate, the Chief of Police of the City of Fresno and an alternate, a Chief of Police of one of the smaller cities in the County, appointed by agreement among the member cities, and an alternate, and at an appropriate time, a fire chief and EMS representative.
5. **Weighted Voting.** Voting for the Regular Board Members should be weighted so the City of Fresno and the County of Fresno each have 40% of the voting power, with the other agencies sharing the remaining 20%. No small entity would, however, have more than 5% of the voting power. In the event Clovis should join the JPA, the JPA board would negotiate with the City of Clovis regarding the terms of its involvement, including voting power.
6. **Two-Tier Voting.** The Specialized Board Members from law enforcement, fire, and EMS as defined above, would also attend all board meetings and have a vote only on operational issues. In those instances, there would be two-tiered voting. The first vote on operational issues would be taken with all board members, Specialized and Regular, having a single vote each. The second vote would include only Regular Board Members who would vote under the applicable weighted voting rules in effect at the time.
7. **Financial.** The JPA would have bonding authority and would be initially capitalized by the joining entities. In some instances, entities may contribute equipment to the JPA. The JPA must allow smaller entities to phase their initial contribution in over a period of time. The City of Fresno and County of Fresno must be willing to stand behind any bonding undertaken by the JPA. Ongoing operations would be charged to members based on usage.
8. **Treasurer.** The Treasurer of the JPA shall be the County of Fresno's Auditor/Controller.
9. **Term.** The JPA will be created with an indefinite term.
10. **Termination.** Withdrawals from the JPA would not be permitted by either the City of Fresno or County of Fresno. For either of these entities to cease to be involved in the JPA, the JPA must be terminated, which would take a 90% vote of the Regular Board Members.
11. **Withdrawal.** The smaller entities joining would be permitted to withdraw with two years' notice and some financial component to the withdrawal such as a penalty or ongoing capital contribution for a period of time.
12. **Employees.** Employees should find their benefits and salaries seamless or better during transition. Employees of any entity joining the JPA would initially have a choice to remain employees of their respective entity or be employed by the JPA. All pension benefits already earned will be preserved. Ultimately all employees working under the JPA will be

JPA employees, but the transition may take some time. In the meantime, some employees may have to be contracted to the JPA by their entity. No employee should lose his or her job, but some may be transferred to other positions. Efficiencies can be achieved by eliminating vacant positions and through attrition. No more than 6 dispatchers from the City or County of Fresno per year should be allowed to transfer to other positions.

13. **Fire/EMS.** At such time as there is a new communications center built and owned by the JPA, fire and EMS dispatching activities would be co-located. A single dispatcher would not undertake to perform both law enforcement and fire/EMS dispatching services. The contract which is currently administered by the County could either be assigned to the JPA to administer, or the fire/EMS administrators could lease space in the joint dispatch center.

14. **Dispatch Back-up.** There must be available some sort of back-up system for dispatch should the primary dispatch facility become inoperable for any reason. It is recommended that the decision as to co-location and how to provide back-up be left to the discretion of the Board of the JPA.

15. **Contract Services.** The Task Force recognizes that some of the services might well be integrated or consolidated through one or more parties contracting with another party. This Task Force recommends that any such contracts should be handled through the JPA and if entered prior to any joint facility or the creation of the JPA, such contracts should be assigned to the JPA for administration. Failure to have all integrated services administered by the JPA rather than by the individual entities, will hamper future efforts to further consolidate services and create joint facilities when appropriate.

The Task Force strongly recommends that the Fresno City Council and the County Board of Supervisors adopt its plan and create the JPA as quickly as possible. This Task Force believes that some of the other outstanding issues relating to integration of public safety services could be decided by the Board of the JPA, including the location of, and the construction timing of, a Joint Communications Center, Joint Prisoner Processing Facility, or Joint Evidence and Property Facility, as well as many of the operational issues which might still be outstanding. Since the issues regarding fire services are fairly complex, it is suggested that the Chamber could hereafter assist with the negotiation of contracts between the City and the various districts as suggested by the Consultant in his report issued in September of 2006.

Respectfully submitted,

Victoria J. Salisch, Chair of the Governance
Task Force