

*The People are the City*



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401 East Chapman Avenue – Placentia, California 92870

February 24, 2020

Sent via email to: [edmond.rodriquez@calchiefs.org](mailto:edmond.rodriquez@calchiefs.org)

Edmond A. Rodriguez, President  
Executive Board Members  
California Fire Chiefs Association  
1851 Heritage Lane, Ste. 138  
Sacramento, CA 82815

**SUBJECT: Placentia Fire and Life Safety Department**

Dear President Rodriguez and Executive Board Members:

On December 5, 2019, the California Fire Chiefs Association (“CFCA”) sent a letter to its entire membership outlining concerns CFCA has with the City of Placentia’s (“City”) plans to implement its own Fire and Life Safety Department. On January 21, 2020 you sent a second letter to the City, in which you outlined on behalf of Fire Chiefs throughout California your “grave concerns” over Placentia’s fire and emergency medical service (“EMS”) model and copied the Orange County Fire Authority (“OCFA”) Board of Directors and the Placentia City Council.

This letter is being sent in response to that correspondence to clarify the public record concerning the numerous false and defamatory statements that your organization has chosen to broadcast statewide concerning the City, its officials and its employees. This response is also an effort to ensure that truthful information regarding the City’s service model is available for the public’s review, and to eliminate the gratuitous and fallacious public safety fear-mongering exhibited in the tone and tenor of your letters.

Let me state at the outset that the Placentia City Council and staff are extremely bothered by the manner and content of your letters because of the significant number of false and defamatory statements contained therein. Not only are these statements highly troubling to the City, but they likely have crossed the line into legally actionable false statements that should be retracted. In addition, we have shared the facts and circumstances surrounding the issuance of your false and purposefully misleading letters with the League of California Cities, the International City/County Management Association and the Orange County City Managers Association.

It is unclear to our City why the CFCA executive board has chosen to rush forward to make so many false statements, without even having attempted once to contact us to seek a clarification of what the City’s actual plans are for establishing its own local fire department. The City has always been available to discuss our plans, and you have rebuffed our offer to meet. In fact, the City indicated that it was prepared to send its Senior

Executive Fire Advisor to Sacramento to meet with you and the Executive Board for that very purpose, but that offer was subsequently rebuffed as well. The lack of professional courtesy you and the Executive Board have exhibited in your approach to Placentia is disturbing and represents conduct unbecoming of a Fire Chief.

We also find it difficult to understand why an organization which has been established to help promote local control, and whose very own bylaws are contradictory to your actions has chosen to take such a contrary and unprecedented stance in attacking a local City, presumably at the behest of large fire unions, such as OCFA and California Professional Firefighters ("CPF"). It has also come to our attention, that OCFA Fire Chief Brian Fennessy has reached out to you to solicit support regarding his statements on Placentia's Fire and Life Safety Department, which may have a variety of local and legal implications.

We also find it telling that the CFCA statewide letter of December 5, 2019, was sent within hours of a similarly worded letter sent by California Professional Firefighters to all unionized firefighters in California. That letter directed them not to apply to Placentia's new department based on the same misinformation and lies as the CFCA letter, in a blatant attempt to discredit our organization and directly interfere with our ability to recruit or enter into valid employment contracts. Again, this was done without ever having reached out to the City to ask questions about, to seek clarification of, or to verify any information or fact purportedly stated in the letters.

Further denigrating Placentia while demonstrating collusion, in the latest CPF newsletter to its members, Brian Rice, CPF's President, extolls his members with his opinion that the Placentia model is designed to purposely weaken and demean the fire service in the entire State of California. He goes on to state at the end of his letter: "I promise you that we will continue to meet this head on, with, I expect the continued support of management [i.e. support from fire chiefs]."

The City believes CFCA's coordinated actions with CPF and OCFA potentially violate several tenets of the International Association of Fire Chiefs' ("IAFC") Code of Ethics. The actions of CFCA, and specifically those of the Executive Board, may also be considered defamatory, violate the terms of their employment contracts with their respective agencies and your employment organizations' personnel policies, Government Code sections 3204 and 3206, and laws prohibiting the use of public funds for political purposes. Additionally, NLRA and NLRB regulations may be implicated. The CFCA Executive Board must be aware that knowingly spreading false and defamatory information, which could have easily been verified, and colluding with other agencies for the purpose of anti-trust type behavior which results in damage to our City, could very well lead to legal liability for you and your organization as well as the organizations that employ you due to your attendance and dues paid with public funds.

Moreover, what is most disconcerting about CFCA's behavior is that Placentia is not the only city in California to exercise its right to leave a large fire agency in order to maintain local control over these critical services. The Cities of Victorville and Calimesa are two

recent examples in Southern California of communities that have formed their own departments, the latter of which provides a defined contribution retirement benefit to its fire personnel. Yet CFCA and CPF did not actively coordinate efforts to undermine those communities. It is evident that Cal Chiefs and CPF have launched this blatant anti-competition campaign against the City of Placentia because we have chosen to provide our employees with a commensurate and financially sustainable retirement benefit, as well as contracting with a private service provider for 911/Advanced Life Support Services. But what you seem to have ignored is that cities such as San Diego and Calimesa are already providing their firefighters with a 401k type of retirement benefit, instead of a traditional pension and also utilize private paramedics for 911 ALS services. In fact, OCFA Chief Brian Fennessy's former Fire Department ("San Diego Fire-Rescue") utilizes private paramedics in many of its stations and also provides its firefighters a defined contribution benefit nearly identical to Placentia's. Yet, to our knowledge, CFCA and CPF have never sent any statewide letters seeking to undermine those cities' efforts to hire experienced firefighters with their retirement benefit program.

Placentia has also become aware of several Fire Chiefs throughout the State that have taken exception to CFCA's unprofessional actions and conduct unbecoming of CFCA in this respect. Those Chiefs have acknowledged that CFCA's actions are more befitting of a fire union, and not that of a professional organization composed of department heads whose jobs are to focus on what is best for their respective communities, and not necessarily on what is best for fire union members. Many of those Chiefs are also aware of the long-standing tradition of CFCA focusing on State and Federal legislation while promoting local control. Collectively, the aforementioned information demonstrates an unprecedented action taken by you and the Executive Board to actively undermine a local City's right to exercise local control under its contract and goes against the Council-Manager form of government while creating legal implications for you and the organizations that employ you.

With all of the aforementioned information, I will now provide a factual and accurate response to address each of the alleged concerns in your letter.

#### **Statement by CFCA in its Letter**

"The proposed model in Placentia does not attempt to follow established national standards for staffing and fire ground responses to emergency incidents and further threatens the health and safety of this community in the following respects:

- Mandates for the first response reduction in service from ALS to BLS
- Turns the complete provision and oversight of day-to-day EMS care and delivery to a private provider with no fire department oversight or management
- Provides for dangerous sub-par staffing in an urban community with no regard for firefighter safety and no commitment to established state and national standards for deployment, fire ground operations and minimally acceptable staffing ratios

- Relies on constant mutual aid from surrounding communities, impacting their delivery of service in respective communities, and endangers the established statewide system”

**1. “Mandates for the first response reduction in service from ALS to BLS”**

**Response: This is an inaccurate statement.** Placentia has Health and Safety Code sec. 1797.201 (201) rights and has worked collaboratively with the Orange County LEMSA (“OCEMS”) and medical director to ensure the proposed ALS program meets accepted standards. Lynch will deploy licensed Paramedics with 911 experience in Placentia, as occurs in the many jurisdictions throughout the state that use private ALS providers, including some of the communities your fire departments serve. As such, Placentia exercises the same local control that the California Fire Chiefs Association (“CFCA” or “Cal Chiefs”) has so publicly and vehemently fought for the past several decades. This right to develop and manage its system is not predicated on the stipulations or approval of other neighboring fire agencies, the California Professional Firefighters (“CPF”), or the CFCA Executive Board. Placentia is authorized by law, particularly Health and Safety Code sec. 13801 *et seq.* and its 201 rights, to exercise local control over fire and ALS services within the City.

With that said, Placentia’s model is not dissimilar to several highly publicized organizations that have entered into a public-private agreement, some of which have been very openly supported by CFCA. In fact, I have it on good authority that OCFA received its own analysis and has at least considered building a formal contractual relationship with a private EMS agency. Finally, the first response to all EMS calls, regardless of their nature, will include a minimum of two paramedics and two EMTs. Given that Lynch is now acting as an agent of the City of Placentia, there will not be a reduction in service or qualifications as asserted in your letter. In fact, response will remain consistent with **NFPA 1710, 5.3.3 EMS System Functions**. The only difference from current response protocol will be the agency the paramedics work for, and the vehicle in which they arrive.

**2. “Turns the complete provision and oversight of day-to-day EMS care and delivery to a private provider with no fire department oversight or management”**

**Response: This is an inaccurate statement.** Like several other 201 right cities that enter into agreements with private providers, Placentia hired Lynch under contract as an agent of Placentia to provide emergency medical services. They will not operate independent of oversight. The City will have dedicated and highly qualified personnel whose “primary” duty will be to oversee the EMS operations, to ensure EMS services are maintained at the appropriate standards of care. The individuals providing this oversight will share the same guidance, direction, and support from Council and the City Administrator as other department heads.

- 3. “Provides for dangerous sub-par staffing in an urban community with no regard for firefighter safety and no commitment to established state and national standards for deployment, fire ground operations and minimally acceptable staffing ratios.”**

**Response: This is an inaccurate and unduly inflammatory statement.** While it is true that, as of July 1, 2020, Placentia will have severed its contractual ties with OCFA, it is irresponsible to state that our City’s leadership lacks a commitment to industry standards or firefighter safety. Declaring such without having taken the time or professional courtesy to reach out to Placentia to better understand the truth of our plans, the context or the spirit and content of our effort, is essentially a condemnation of every community struggling to balance its desire to build a safe and efficient fire department against its need for law enforcement and other essential City services. In fact, your call for a well-documented boycott of our hiring process smacks of a subversive effort to reduce the number of experienced, well-trained applicants, thereby directly impacting the safety of our personnel and the community we serve and further serving to justify your true intentions. It is also a far cry from the values espoused by CFCA (Integrity, Professionalism, Credibility, and Innovation). Moreover, by attempting to censure qualified firefighter applicants, you are guilty of the very lack of regard for firefighter safety of which you are accusing the City of Placentia.

Placentia’s City Council did determine that the City could no longer afford to maintain its over two-decade long relationship with OCFA. This difficult decision was based on the fact that during the last 10 years OCFA’s annual service costs for Placentia went up by 47%, but during this same period our police department budget had to be slashed by 9% and the City’s overall budget only increased by 12%. The rapid rate at which OCFA’s costs increased over time far outstripped the City’s ability to pay. Of course, our separation from OCFA will reduce the magnitude of administrative, training, and operational resources available to Placentia, including 4-person engine and truck companies staffed with career personnel. However, the City’s new fire department and ALS provider will create a very safe program for the residents of Placentia, without the significant fiscal burden that comes with OCFA participation.

Also, consider that NFPA 1710 (5.2.1.3) specifically clarifies that an organization can meet the standard through auto/mutual aid; thus, allowing for smaller communities to enjoy the benefits of a robust response through strong working relationships. Even with our stated fiscal constraints, Placentia has dedicated itself to building a staffing model that will provide professional fire and life safety services and which meets and exceeds industry standards. Unless the CFCA Executive Board is prepared to issue a blanket admonishment to all response agencies that are limited to 3-person companies, CFCA should not be singling out our City in this instance. It must also be equally evident to nearly every agency your Board represents that very few departments in California can meet all deployment recommendations of NFPA 1710 without reliance on auto/mutual aid, including some of your very own fire departments. For a more accurate perspective on what Placentia intends to do, consider the following:

- a. Placentia will deploy a 3-person, constant staffed department, enhanced by a reserve program that is crafted to augment, but not replace, career personnel.
- b. Placentia has just completed its selection of a highly qualified full-time Fire Chief and (3) Battalion Chiefs and is in the process of recruiting the following career employees: (6) Captains; (6) Engineers; and a blend of (6) lateral and highly trained Firefighters. Moreover, any firefighters without career experience must have completed a certified Firefighter 1 academy in order to be considered for employment.
- c. The department will staff two fully outfitted stations, which are already owned by the City. One will house a Seagrave Type-1 engine, and the other a Seagrave 100-foot Quint and an HME Type VI mini-pumper. All apparatus and staff vehicles will be brand new builds. Each heavy apparatus will be staffed with a fulltime Captain, Engineer and a Firefighter. As available, the fourth seat will be filled by a fully qualified Reserve Firefighter who will be trained and expected to perform at the same level as their career counterparts. In addition, the City has purchased and fully equipped a second Seagrave Type-1 engine for use as its reserve apparatus.
- d. HME Type VI mini-pumper: Placentia is exploring the idea of adding part-time responders that have the same level of training and experience as a fulltime firefighter. Conceptually, these positions could be filled by retired firefighters that are interested in working a few shifts per month. If adopted, the Type VI would then be staffed with an experienced Firefighter and Reserve and used to respond to routine service calls as well as vehicle and trash fires, thus leaving the heavy apparatus and their crews available for larger emergencies.
- e. Placentia's reserve program will augment its resources and will be used as an active pool for recruitment. Once fully developed, Placentia will triage and train our reserves to ensure that in no way will the safety or effectiveness of department operations be compromised. Those reserves that have been trained and vetted to ensure proficiency will be given an opportunity to enter the IDLH atmosphere, under the support and guidance of a sworn firefighter/officer. Others will deliver support outside of the IDLH.

When examining the number of apparatus, coupled with staffing, these resources collectively meet or exceed those resources directly provided to Placentia at each of our two stations. Any previous assertion that Placentia may improve upon some aspects of the existing delivery model are predicated on a reduction of out-of-service time, which will eventually lead to an increased emphasis on training, career development, community risk reduction, public education and improved auto/mutual aid to our surrounding agencies. This is in no way intended as a slight on the professionalism, experience or capacity of OCFA and its efforts in these areas.

4. **“Relies on constant mutual aid from surrounding communities, impacting their delivery of service in respective communities, and endangers the established statewide system.”**

**Response: This is a misleading, and highly exaggerated statement.** It is true that Placentia will fashion a two-station fire department situated within a relatively small footprint. Placentia appreciates that OCFA, Anaheim, and Fullerton/Brea are highly accomplished, well-staffed and resourced fire departments. Placentia also understands that its success as a response organization is, in part, dependent on a mutually beneficial relationship with each of its neighbors. There are, however, a few things missing from this statement:

- a. Most healthy inter-agency relationships, including those of well-resourced departments, depend on auto/mutual aid in order to provide an expedient service to their respective communities.
- b. It was not that long ago that many Orange County departments ran 3-person response units. In fact, the OC Annex still refers to 3-person engine and truck companies as a staffing mechanism for response. In addition, it should be noted that based upon a survey of fire staffing in Los Angeles, Orange and Riverside Counties, 63% of fire departments reporting utilize 3-person response units.
- c. There has been an inference that OCFA will be the victim of an imbalance, when in fact data from Metro Cities Fire Authority indicates the exact opposite, and this has been well documented by the Metro Cities Fire Authority in correspondence that has been sent to OCFA. Such correspondence indicates that Anaheim, Fullerton, and Brea all respond into Yorba Linda (OCFA) and Placentia (currently OCFA) at a much higher rate than OCFA does within their communities. Moreover, while OCFA has thus far been unwilling to provide the data, a separate source demonstrates that Placentia Engines 34 and 35 also respond into Yorba Linda at a much higher rate than it receives assistance from resources located within Yorba Linda. This data can be provided upon request.

An argument might be made that the sheer potential of OCFA's response resources represents an implied imbalance, particularly on any structure fire located within Placentia city limits. They would be right to a certain degree – OCFA has extensive resources. Yet, despite its vast resources, OCFA annually receives far more aid from other agencies than it provides to them, and medical aid calls are far and away the norm for fire departments, with structure fires representing a much smaller number of their calls, in Placentia's case, less than 1%.

A better answer would be for each of the stakeholders to meet as often as it takes to reach an equitable agreement. The fact that Placentia units may deploy into Yorba Linda at a higher rate may off-set the magnitude of OCFA resources on those relatively rare structure fires. The problem is, in the only formal meeting with OCFA that our consultant has had, Chief Fennessy made it clear that he "will not negotiate response;" and, that after meeting privately with Chiefs Russell and Loeser, they would then decide what level of aid to provide to Placentia.

This position was further reinforced when Chief Fennessy refused to grant Placentia access to the regional CAD-to-CAD system housed within OCFA unless and until Placentia submitted run cards indicating what resources it would deploy on various call types; after which he would decide whether to grant access. This move, which ultimately failed, was attempted without consulting either of the other two Chiefs of Anaheim or Fullerton-Brea Fire Departments – Placentia’s neighbors – thereby effectively stonewalling any effort to generate an agreement between Placentia and Anaheim, Fullerton or Brea.

With that said, Placentia has begun meeting with Chief Russell, Chief Loeser and their staff to discuss mutual and auto aid concerns. Unlike the tone of your previous correspondence and the blanket assertions by Chief Fennessy, the conversations have been professional and should result in an agreement that meets the needs of the region. Most of the work still lies ahead, particularly in the area of EMS auto/mutual aid into their jurisdictions. Momentum is building to the point that I am confident each of the agencies will have a starting place from which to assess and adapt their response protocol when Placentia’s department is up and running.

As the City continues to develop its operations plan, we will continue to work with our neighboring agencies to make a collaborative effort to ensure the safety of the community as a whole. As previously stated, at the very least I would welcome a call from CFCA representatives to discuss concerns or questions that you may have about the proposed Placentia Fire and Life Safety Department as it is difficult to answer questions that have never been asked. We would also encourage you to meet with us during your visit to Southern California this month. It is extremely disconcerting to read letters that contain falsehoods based on speculative claims, when it can be easily proven that you have not done any due-diligence in seeking to reach out to our City before commenting.

We welcome the opportunity to discuss any of the items raised in your letter; preferably in person, or via telephone if necessary. This past Thursday you attended an in-person meeting with Orange County Fire Chiefs Association to “provide support to [our] adjacent cities with regard to Placentia.” Having traveled so far and attending a meeting that can only be a few minutes away it is confusing to us why you wouldn’t take the similar opportunity to meet with us so these concerns could have been clarified. It is not clear what “support” you would be able to provide, since you haven’t taken the time to understand what we are actually doing. We are justifiably concerned about what type of misleading information and “support” you may be providing to the Orange County Chiefs regarding the Placentia Fire and Life Safety Department.

**In light of the foregoing, Placentia feels it is only fair and proper for Cal Chiefs to rescind its communications seeking the boycott of Placentia’s hiring process and send out a retraction of the fallacious reasons upon which the call for boycotting was based. The fact is your source(s) for these claims were biased in their motives, and the Cal Chiefs Executive Board has now become complicit in the manifestation of the CPF’s tactics and agenda. Regardless, the efforts to deprive Placentia of its right to local control, and by extension its right to develop its own fire and EMS**



**model, is clearly contrary to the legal position the Cal Chiefs have historically advocated since 1980. For appointed officials such as yourself and your fellow members to take such action and engage in this unethical and irresponsible conduct in coordination with the fire union is an abuse of your official office, is conduct unbecoming of your position, a corruption of our sacred institutions, and potentially a misuse of public funds for political purposes.**

Even so, we highly encourage you to take this unique opportunity to meet with the City and to discuss your concerns, before you continue down a road of unjustified disparagement and anti-trust type behavior. If this pattern of unprofessional and union-type behavior continues, the City will utilize all remedies available to our agency related to these actions. Again, the CFCA Executive Board must be aware that knowingly spreading false and defamatory information, which could have easily been verified, and colluding with other agencies for the purpose of anti-trust type behavior which results in damage to our City, could very well lead to legal liability for you and your organization as well as the organizations that employ you due to your attendance and dues paid with public funds. The City expects your response which we anticipate will be one of professionalism, cooperation and collaboration to Placentia's request so that Placentia and Cal Chiefs can work together toward a safe environment not only in the City, but throughout the State of California.

Sincerely,



Damien R. Arrula  
City Administrator

cc: Orange County Fire Authority Board of Directors  
Orange County City Managers Association  
North Orange County City Managers Coalition  
International City/County Management Association  
League of California Cities  
City Attorney