

To: East Contra Costa Fire Bd of Dir

From: David Twa, County Administrator

Date: October 29, 2009



**Contra
Costa
County**

Subject: ECCFPD Governance Resolution

RECOMMENDATION(S):

Acting in its capacity as the Board of Directors of the East Contra Costa Fire Protection District, ADOPT Resolution No. 2009/527 to change the governing structure of the East Contra Costa Fire Protection District from an appointed board of directors composed of the Contra Costa County Board of Supervisors to a board comprised of directors appointed by the cities of Brentwood and Oakley and the County of Contra Costa.

FISCAL IMPACT:

The East Contra Costa Fire Protection District is an independent special district and receives its share of ad-valorem property tax according to Proposition 13. A change to the governing structure of the fire district would not affect the amount of ad-valorem property tax the fire district receives.

BACKGROUND:

The Contra Costa County Board of Supervisors consented to a change in the governing structure of the East Contra Costa Fire Protection District from an appointed board of directors comprised of the Contra Costa County Board of Supervisors to a board composed of directors appointed by the cities of Brentwood and Oakley and the County of Contra Costa on October 27, 2009, Resolution 2009/940.

☒ APPROVE

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ OTHER

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **11/10/2009**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES	5	NOES	
ABSENT		ABSTAIN	
RECUSE			

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 10, 2009

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: EMY L. SHARP, Deputy

Contact: Richard Seithel, 335-1024

cc:

BACKGROUND: (CONT'D)

As mentioned in the October 27 board order, changing the governing structure of the East Contra Costa Fire Protection District is a two-step process. The first step was accomplished when the Board of Supervisors, the City Council of Brentwood (Resolution 2009-211), and the City Council of Oakley (Resolution 142-09) consented to the change at their October 27 meetings. (Attached are copies of the signed resolutions.) The purpose of this board order is to fulfill the second-step of the process: the Board of Supervisors, acting in its capacity as the Board of Directors gives authority to the new Board of Directors appointed by the Cities of Brentwood and Oakley and the County. The new governing structure will take effect 90 days after the adoption of Resolution 2009/527. It is anticipated that the cities and the County will make their appointments within the month of December.

This change in the governing structure will not change the legal status of the East Contra Costa Fire Protection District. The District is an independent public agency under the Fire Protection District Law of 1987. A change in the governing structure will neither affect any conditions of employment of any fire district employee nor any of the District's assets, rights, or liabilities.

SIGNED RESOLUTION

Item No. C.28

Date: Nov. 10, 2009

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 11/10/2009 by the following vote:

AYES: ☒ 5
NOES: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2009/527

A RESOLUTION OF THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT BOARD OF DIRECTORS to change the governing structure of the East Contra Costa Fire Protection District from an appointed board of directors comprised of the Contra Costa County Board of Supervisors to a board comprised of directors appointed by the cities of Brentwood and Oakley and the County of Contra Costa.

Recitals

- A. On June 4, 2002, pursuant to Resolution No. 2002/358, the Contra Costa County Board of Supervisors approved an application to the Local Area Formation Commission of Contra Costa County ("LAFCO") to consolidate the Oakley, Bethel Island, and East Diablo Fire Protection Districts into a single fire protection district called the "East Contra Costa Fire Protection District" and to dissolve the Oakley, Bethel Island, and East Diablo Fire Protection Districts, effective September 12, 2002.
- B. On August 14, 2002, pursuant to Resolution No. 02-24, LAFCO approved Contra Costa County's application to consolidate the Oakley, Bethel Island, and East Diablo Fire Protection Districts into the East Contra Costa Fire Protection District (the "District").
- C. The District is an independent public agency organized, existing, and exercising essential government functions pursuant to the Fire Protection District Law of 1987 (Health and Safety Code sections 13800 through 13970).
- D. The District consists of unincorporated Contra Costa County territory and the territory of the cities of Brentwood and Oakley.

Contact: Richard Seithel, 335-1024

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 10, 2009

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

RESOLUTION NO. 2009/527

E. In a fire protection district that contains unincorporated county territory and the territory of one or more cities, the Fire Protection District Law of 1987 authorizes two types of appointed boards of directors.

F. One type of appointed board of directors can be comprised of only a county board of supervisors. (Health and Saf. Code, § 13837(b).) Pursuant to LAFCO Resolution No. 02-24, the Contra Costa County Board of Supervisors is currently the appointed District Board of Directors.

G. Alternatively, an appointed board of directors can be comprised of directors appointed by a county board of supervisors and directors appointed by each city council located within district boundaries. (Health and Saf. Code, § 13837(a).) Under this structure, each entity's governing board appoints directors according to each entity's proportionate share of population. This type of appointed board requires each entity to appoint at least one director to the board. The governing board of each entity can appoint its own members as directors, as long as each appointed director lives within the boundaries of the fire protection district.

H. The city councils of Brentwood and Oakley, the Contra Costa County Board of Supervisors, and the District Board of Directors desire to change the District board governing structure and how District directors are appointed so as to provide proportional population representation for Brentwood, Oakley, and the County.

NOW, THEREFORE BE IT RESOLVED, the East Contra Costa Fire Protection District Board of Directors resolves as follows:

1. The Board of Directors of the East Contra Costa Fire Protection District will be comprised of nine directors.
2. The members of the Board of Directors of the East Contra Costa Fire Protection District will henceforth be appointed by the City Council of the City of Brentwood, the City Council of the City of Oakley, and the Board of Supervisors of the County of Contra Costa.
3. The Brentwood City Council will appoint four directors. The Oakley City Council will appoint three directors. The Contra Costa County Board of Supervisors will appoint two directors.
4. The Brentwood City Council, the Oakley City Council, and the Contra Costa County Board of Supervisors may appoint its own members as directors, provided the members are otherwise eligible to serve on the District Board of Directors.
5. Each director must be a resident of the District.
6. The term of office of each director will be four years or until his or her successor qualifies and takes office. Appointed directors will serve at the pleasure of their respective appointing authority and may be removed with or without cause upon a majority vote of the members of the appointing authority or if the director is no longer eligible to serve on the District Board of Directors.
7. Within 60 days after the initial appointment of all directors, the District Board of Directors will meet and elect its officers. The officers of the District board will be a president, a vice president and a secretary or clerk. The secretary or clerk may be a member of the District board, or the District board may employ a clerk to perform the duties of the secretary. The District board may create additional officers and elect directors to those positions, provided that no District director may hold more than one office.
8. Any subsequent vacancy on the District Board of Directors will be filled by the appointing authority within 90 days after the vacancy.
9. Because the number of directors is based on the number of people residing in each participating jurisdiction, the 2010 United States Census and each Census thereafter will be the basis for future population determinations. Within 180 days after the issuance of Census numbers, the District Board of Directors will consider the numbers and if necessary reconstitute director composition to account for proportional population changes.
10. This change in the District's governing structure does not change the legal status of the East Contra Costa Fire Protection District as an independent public agency organized, existing, and exercising essential government functions pursuant to the Fire Protection District Law of 1987. This change in the District's governing structure has no effect on any conditions of employment of any District employee and has no effect on any of the District's assets, rights or liabilities.
11. This change in the District's governing structure becomes effective 90 days after the date of adoption of this resolution. After that date, the Board of Supervisors will no longer be the District Board of Directors.