

Resolution No. 2022/3

In the Matter of Resolution Clarifying Application by the Board of Directors of the Contra Costa County Fire Protection District requesting the Contra Costa Local Agency Formation Commission to initiate proceedings for the dissolution of the East Contra Costa Fire Protection District and Subsequent Annexation of those territories into the Contra Costa County Fire Protection District

RESOLVED, by the Board of Directors of the Contra Costa County Fire Protection District (the "District") that:

WHEREAS, the District submitted a resolution of application, Resolution No. 2021/8 (the "Resolution"), to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code for annexation, by the District, of the territory within the East Contra Costa Fire Protection District; and

WHEREAS, the East Contra Costa Fire Protection District submitted a substantially similar resolution of application to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for reorganization; and

WHEREAS, in accordance with Section 56853 of the California Government Code, the legislative bodies of the two districts are adopting substantially similar resolutions of application for this reorganization; and

WHEREAS, both resolutions provide that employees of the dissolved East Contra Costa Fire Protection District will become employees of the District; and

WHEREAS, it has been the Board's consistent position that current employees of the East Contra Costa Fire Protection District who are transitioning to District employment will receive the same compensation and benefits applicable to similarly situated employees of the District ; and

WHEREAS, requiring the District to assume various employment agreements between the East Contra Costa Fire Protection District and its employees would lead to conflicting employment terms and confusion for all parties and is not consistent with the Board's intent; and

WHEREAS, Paragraph 2, subsection (d), of the Resolution contains an incorrect legal reference concerning the transfer of revenues from East Contra Costa Fire Protection District to the District; and

WHEREAS, the Board desires to clarify the language of the Resolution to address these concerns;

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the District as follows:

1. Subsection (a) of paragraph 2 of the Resolution is hereby deleted in its entirety and replaced with the following:
 - a. Successor Agency. Upon and after the date of recording in the official records of Contra Costa County of LAFCO's final and complete approval of the dissolution of the East Contra Costa Fire Protection District and the District's assumption of the duties and obligations of the East Contra Costa Fire Protection District (the "Effective Date"), the District shall be the successor to and of the East Contra Costa Fire Protection District. All rights, responsibilities, properties, contracts, assets and liabilities, and functions of the East Contra Costa Fire Protection District are to be transferred to the Contra Costa Fire Protection District as the successor to the East Contra Costa Fire Protection District, except the District shall not assume any of East Contra Costa Fire Protection District's collective bargaining agreements, express or implied contracts for retiree health/OPEB for its active employees, or any other employment agreements with its active employees.

2. Subsection (d) of paragraph 2 of the Resolution is hereby deleted in its entirety and replaced with the following:
 - d. Revenue Transfer. Once LAFCO has recorded the LAFCO Certificate of Filing, the District shall take all required steps to transfer from the East Contra Costa Fire Protection District to the District all income and revenue, from taxes or any other source, for which there is a continuing right to tax distribution, or historical distribution or allocation of funds, including but not limited to Measure H funds and Byron-Bethany Irrigation District funds. All previously authorized charges, fees, assessments, and/or taxes currently in effect, levied or collected by the East Contra Costa Fire Protection District, including through municipal and county development impact fees and community facilities districts, shall continue to be levied, collected, tracked, expended and administered by the successor agency in accordance with the authorizing actions of such financial mechanisms.