

THE BOARD OF DIRECTORS OF THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT

Adopted this Resolution on 09/14/2021 by the following vote:

John Gioia
Candace Andersen
AYE: **Diane Burgis**
 Karen Mitchoff
 Federal D. Glover

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2021/8

In the Matter of Resolution of 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, and the East Contra Costa Fire Protection District were formed pursuant to the same enabling legislation, the Fire Protection District Law of 1987, commencing with Section 13800 of the California Health & Safety Code, **WHEREAS**, the efficient operation of fire protection districts is an integral part of providing adequate fire protection services to a district's residents and could potentially have significant impacts on public safety; and **WHEREAS**, the District desires 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 also desires 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**, notice of intent to adopt this resolution of application has been given to the East Contra Costa Fire Protection District; and **WHEREAS**, the territory proposed to be reorganized is considered to be inhabited and encompasses the areas described in the map attached to this Resolution and incorporated by reference as Exhibit A, and a map of the proposed boundary following reorganization is attached to this Resolution and incorporated by reference as Exhibit B; and **WHEREAS**, the East Contra Costa Fire Protection District has a current service deficit of three fire stations, based on previous fire station closures, and, once the deficit is remedied, is anticipated to need three additional fire stations, to keep up with land use plans already approved by the cities of Brentwood and Oakley and the County of Contra Costa, and development anticipated to occur over the next twenty years; and **WHEREAS**, the efficiency, effectiveness and the economy of fire protection services to individuals within the affected districts can be improved by the reorganization of the two districts into one entity; and **WHEREAS**, the reorganization of the two districts into one entity will enable the reorganized district to better meet the fire, rescue, and emergency medical service needs of the residents of the reorganized district, as described in the Plan for Services attached to this Resolution and incorporated by reference as Exhibit C; and **WHEREAS**, the District has assumed Lead Agency status for this project under the California Environmental Quality Act (CEQA), commencing at California Public Resources Code Section 21000, on behalf of the two districts; and **WHEREAS**, this reorganization is categorically exempt from CEQA pursuant to Class 20 (Changes in Organization of Local Agencies), Title 14, Chapter 3, Section 15320(b) of the California Code of Regulations; 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.

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

1. Adoption of Resolution of Application. This Resolution of Application is hereby adopted and approved by the Board of Directors of the Contra Costa County Fire Protection District. The Contra Costa Local Agency Formation Commission is hereby requested to dissolve the East Contra Costa Fire Protection District and reorganize the territory described in Exhibit A and expand the sphere of influence for the Contra Costa County Fire Protection District as described in Exhibit B, and annex East Contra Costa Fire Protection District to the Contra Costa County Fire Protection District according to the terms and conditions stated below and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization

Act of 2000.

2. **Terms and Conditions.** The District requests that, under the Contra Costa Local Agency Formation Commission's conditioning powers under Government Code section 56886, the reorganization described above be subject to the following terms and conditions:
 - 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 the 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.
 - b. **Employees.** From and after the Effective Date, all employees of the dissolved East Contra Costa Fire Protection District shall become employees of the District.
 - c. **Duties.** The District, as the successor agency, shall function under and carry out all authorized duties and responsibilities assigned to a Fire Protection District as outlined in the Division 12, Part 2.7, Chapter 1, Health & Safety Code, Fire Protection District Law of 1987 (commencing with Section 13800) and other applicable laws.
 - d. **Revenue Transfer.** Before LAFCO issues the Certificate of Filing for the reorganization (Revenue and Taxation Code Section 99(b)(6)), the Board of Directors of the District shall commence and complete a property tax transfer process to be effective Prior to issuance of the LAFCO Certificate of Filing, and take all other required steps to transfer from the East Contra Costa Fire Protection District to the District all income, 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.
 - e. **Oversight; Advisory Commission.** The composition of the District Board of Directors shall remain unchanged. The composition of the Contra Costa County Fire Protection District Advisory Fire Commission shall be adjusted to ensure that at least one member of the advisory fire commission is a resident of land currently within the service area of the East Contra Costa Fire Protection District until the existing three-station deficit in the East Contra Costa Fire Protection District's service area is addressed and eliminated.
 - f. **Land Rights.** The reorganization does not change the rights the East Contra Costa Fire Protection District had in the lands in their respective territories immediately prior to the reorganization. Those rights run with the land and will become District rights as the successor.
 - g. **Service Demand.** The District will eliminate the current deficit of three fire stations within the East Contra Costa County Fire Protection District service area and will strive to do so within six years after the Effective Date and, thereafter, will build additional necessary stations as soon as practicable to meet the needs of the East Contra Costa County Fire Protection District service area, based on the anticipated development in the area over the next 20 years.
3. **Other Acts.** The Officers and staff of the District are hereby authorized and directed, jointly and severally, to do any and all things, to execute and deliver any and all documents, which, in consultation with District Counsel, they may deem necessary or advisable in order to effectuate the purposes of this Resolution, and any and all such actions previously taken by such Officers or staff members are hereby ratified and confirmed.

Contact: Lewis T. Broschard III, Fire Chief (925)
941-3300

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: September 14, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

cc: