

CALENDAR FOR THE BOARD OF DIRECTORS  
**CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT**  
BOARD CHAMBERS, ADMINISTRATION BUILDING, 1025 ESCOBAR STREET  
MARTINEZ, CALIFORNIA 94553-1229

KAREN MITCHOFF, *CHAIR*  
FEDERAL D. GLOVER, *VICE CHAIR*  
JOHN GIOIA  
CANDACE ANDERSEN  
DIANE BURGIS

MONICA NINO, CLERK OF THE BOARD AND COUNTY ADMINISTRATOR, (925) 655-2075  
LEWIS T. BROSCHARD III, FIRE CHIEF

**To slow the spread of COVID-19, in lieu of a public gathering, the Board meeting will be accessible via television and live-streaming to all members of the public as permitted by Government Code section 54953(e). Board meetings are televised live on Comcast Cable 27, ATT/U-Verse Channel 99, and WAVE Channel 32, and can be seen live online at [www.contracosta.ca.gov](http://www.contracosta.ca.gov).**

PERSONS WHO WISH TO ADDRESS THE BOARD DURING PUBLIC COMMENT OR WITH RESPECT TO AN ITEM THAT IS ON THE AGENDA MAY CALL IN DURING THE MEETING BY DIALING **888-278-0254** FOLLOWED BY THE ACCESS CODE **843298#**. To indicate you wish to speak on an agenda item, please push "#2" on your phone. Access via Zoom is also available via the following link: <https://ccccounty-us.zoom.us/j/87344719204>. To indicate you wish to speak on an agenda item, please "raise your hand" in the Zoom app. To provide your contact information, please contact Clerk of the Board at [clerkoftheboard@cob.cccounty.us](mailto:clerkoftheboard@cob.cccounty.us) or call 925-655-2000.

Meetings of the Board are closed-captioned in real time. Public comment generally will be limited to two minutes. Your patience is appreciated. A Spanish language interpreter is available to assist Spanish-speaking callers.

A lunch break or closed session may be called at the discretion of the Board Chair. Staff reports related to open session items on the agenda are also accessible online at [www.contracosta.ca.gov](http://www.contracosta.ca.gov).

**SPECIAL MEETING**  
**ANNOTATED AGENDA & MINUTES**  
**February 22, 2022**

Present: Director John Gioia; Director Candace Andersen; Director Diane Burgis; Director Karen Mitchoff;  
Director Federal D. Glover

Staff Present: Monica Nino, County Administrator  
Lewis Broschard, Fire Chief

1:00 P.M. Convene and call to order.

**Convened today's meeting at 2:30 p.m. Adjourned today's meeting at 2:47 p.m.**

## **DISCUSSION ITEMS**

D. 1 CONSIDER Consent Items previously removed.

**There were no consent items on today's agenda.**

D. 2 PUBLIC COMMENT (2 Minutes/Speaker)

**No name given.**

- D.3** CONSIDER adopting Resolution 2022/3 amending Resolution 2021/8 to clarify District's intent regarding assumption of contracts and the terms for revenue transfer; ACKNOWLEDGE anticipated District revenue sources resulting from the requested Annexation; and PROVIDE direction to staff. (Lewis T. Broschard III, Fire Chief)

**Speaker: No name given.**

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

## **GENERAL INFORMATION**

The Board meets in its capacity as the Board of Directors of the Contra Costa County Fire Protection District pursuant to Ordinance Code Section 24-2.402. Persons who wish to address the Board of Directors should complete the form provided for that purpose and furnish a copy of any written statement to the Clerk.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Clerk of the Board to a majority of the members of the Board of Directors less than 72 hours prior to that meeting are available for public inspection at 1025 Escobar Street, First Floor, Martinez, CA 94553, during normal business hours. All matters listed under CONSENT ITEMS are considered by the Board of Directors to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Board or a member of the public prior to the time the Commission votes on the motion to adopt. Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Chair calls for comments from those persons who are in support thereof or in opposition thereto. After persons have spoken, the hearing is closed and the matter is subject to discussion and action by the Board. Comments on matters listed on the agenda or otherwise within the purview of the Board of Directors can be submitted to the office of the Clerk of the Board via mail: Contra Costa County

Fire Protection District Board of Directors, 1025 Escobar Street first floor, Martinez, CA 94553; by fax: 925-655-2006 or to [clerkoftheboard@cob.cccounty.us](mailto:clerkoftheboard@cob.cccounty.us).

The District will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Clerk of the Board at least 24 hours before the meeting, at (925) 655-2000. An assistive listening device is available from the Clerk, First Floor. Copies of recordings of all or portions of a Board meeting may be purchased from the Clerk of the Board. Please telephone the Office of the Clerk of the Board, (925) 655-2000, to make the necessary arrangements. Applications for personal subscriptions to the Board Agenda may be obtained by calling the Office of the Clerk of the Board, (925) 655-2000. The Board of Directors' agenda and meeting materials are available for inspection at least 96 hours prior to each meeting at the Office of the Clerk of the Board, 1025 Escobar Street, First floor, Martinez, California.

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[www.co.contra-costa.ca.us](http://www.co.contra-costa.ca.us)

### **ADVISORY COMMISSION**

The Contra Costa County Fire Protection District Advisory Fire Commission is scheduled to meet next on Monday, April 11, 2022, at 7:00 p.m. at their Administrative Office, 4005 Port Chicago Highway, Suite 250, Concord, CA 94520.

**AGENDA DEADLINE: Thursday, 12 noon, 12 days before the Tuesday Board meetings.**

### **Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):**

The Contra Costa County Fire Protection District has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

**AB** Assembly Bill

**ABAG** Association of Bay Area Governments

**ACA** Assembly Constitutional Amendment

**ADA** Americans with Disabilities Act of 1990

**AFSCME** American Federation of State County and Municipal Employees

**ARRA** American Recovery & Reinvestment Act of 2009

**BAAQMD** Bay Area Air Quality Management District

**BART** Bay Area Rapid Transit District

**BayRICS** Bay Area Regional Interoperable Communications System

**BGO** Better Government Ordinance

**BOC** Board of Commissioners

**CALTRANS** California Department of Transportation  
**CAER** Community Awareness Emergency Response  
**CAL-EMA** California Emergency Management Agency  
**CAO** County Administrative Officer or Office  
**CCE** Community Choice Energy  
**CBC** California Building Code  
**CCCFPD (ConFire)** Contra Costa County Fire Protection District  
**CCHP** Contra Costa Health Plan  
**CCTA** Contra Costa Transportation Authority  
**CCRMC** Contra Costa Regional Medical Center  
**CCWD** Contra Costa Water District  
**CFC** California Fire Code  
**CFDA** Catalog of Federal Domestic Assistance  
**CEQA** California Environmental Quality Act  
**CIO** Chief Information Officer  
**COLA** Cost of living adjustment  
**ConFire (CCCFPD)** Contra Costa County Fire Protection District  
**CPA** Certified Public Accountant  
**CPF** – California Professional Firefighters  
**CPI** Consumer Price Index  
**CSA** County Service Area  
**CSAC** California State Association of Counties  
**CTC** California Transportation Commission  
**dba** doing business as  
**EBMUD** East Bay Municipal Utility District  
**ECCFPD** East Contra Costa Fire Protection District  
**EIR** Environmental Impact Report  
**EIS** Environmental Impact Statement  
**EMCC** Emergency Medical Care Committee  
**EMS** Emergency Medical Services  
**et al.** et alii (and others)  
**FAA** Federal Aviation Administration  
**FEMA** Federal Emergency Management Agency  
**FTE** Full Time Equivalent  
**FY** Fiscal Year  
**GIS** Geographic Information System  
**HCD** (State Dept of) Housing & Community Development  
**HHS** (State Dept of) Health and Human Services  
**HOV** High Occupancy Vehicle  
**HR** Human Resources  
**HUD** United States Department of Housing and Urban Development  
**IAFF** International Association of Firefighters  
**ICC** International Code Council  
**IFC** International Fire Code  
**Inc.** Incorporated  
**IOC** Internal Operations Committee  
**ISO** Industrial Safety Ordinance  
**JPA** Joint (exercise of) Powers Authority or Agreement

**Lamorinda** Lafayette-Moraga-Orinda Area  
**LAFCo** Local Agency Formation Commission  
**LLC** Limited Liability Company  
**LLP** Limited Liability Partnership  
**Local 1** Public Employees Union Local 1  
**Local 1230** Contra Costa County Professional Firefighters Local 1230  
**MAC** Municipal Advisory Council  
**MBE** Minority Business Enterprise  
**MIS** Management Information System  
**MOE** Maintenance of Effort  
**MOU** Memorandum of Understanding  
**MTC** Metropolitan Transportation Commission  
**NACo** National Association of Counties  
**NEPA** National Environmental Policy Act  
**NFPA** National Fire Protection Association  
**OES-EOC** Office of Emergency Services-Emergency Operations Center  
**OPEB** Other Post Employment Benefits  
**OSHA** Occupational Safety and Health Administration  
**PACE** Property Assessed Clean Energy  
**PARS** Public Agencies Retirement Services  
**PEPRA** Public Employees Pension Reform Act  
**RFI** Request For Information  
**RFP** Request For Proposal  
**RFQ** Request For Qualifications  
**SB** Senate Bill  
**SBE** Small Business Enterprise  
**SEIU** Service Employees International Union  
**SUASI** Super Urban Area Security Initiative  
**SWAT** Southwest Area Transportation Committee  
**TRANSPAC** Transportation Partnership & Cooperation (Central)  
**TRANSPLAN** Transportation Planning Committee (East County)  
**TRE** or **TTE** Trustee  
**TWIC** Transportation, Water and Infrastructure Committee  
**UASI** Urban Area Security Initiative  
**UCOA** United Chief Officers Association  
**vs.** versus (against)  
**WAN** Wide Area Network  
**WBE** Women Business Enterprise  
**WCCTAC** West Contra Costa Transportation Advisory Committee



Contra  
Costa  
County

To: Contra Costa County Fire Protection District Board of Directors  
From: Lewis T. Broschard III, Chief, Contra Costa Fire Protection District  
Date: February 22, 2022

Subject: Amending the Resolution of Application for the Annexation of the East Contra Costa Fire Protection District

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**RECOMMENDATION(S):**

1. CONSIDER adopting Resolution 2022/3, amending Resolution of Application for Annexation No. 2021/8 to clarify the District’s intent regarding assumption of contracts and the terms of revenue transfer;
2. ACKNOWLEDGE East Contra Costa Fire Protection District revenue sources to be assumed by the District as successor agency, as shown on Exhibit A, resulting from the requested annexation; and
3. PROVIDE direction to staff.

**FISCAL IMPACT:**

No additional fiscal impact. This action acknowledges revenue sources to be transferred to the Contra Costa County Fire Protection District (the “District”) from the East Contra Costa County Fire Protection District (“ECCFPD”), which were not specifically outlined in the original Resolution of Application adopted by the District in Resolution No. 2021/8 on September 14, 2021. If Resolution 2022/3 is not adopted to clarify issues regarding the District’s assumption of employment contracts, this would likely result in an assumption of additional costs and related liabilities by the District that were not contemplated in the feasibility analysis informing the recommendation supporting consolidation of ECCFPD with the District and would require additional financial analysis to determine cost impacts.

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APPROVE
  OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR
  RECOMMENDATION OF BOARD COMMITTEE

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Action of Board On: **02/22/2022**  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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

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: February 22, 2022  
Monica Nino, County Administrator and Clerk of the Board of Supervisors

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

By: June McHuen, Deputy

FISCAL IMPACT: (CONT'D)

BACKGROUND:

On September 14, 2021, the Board of Directors adopted Resolution No. 2021/8, a resolution of application to LAFCO requesting that LAFCO initiate proceedings for the annexation of the ECCFPD into the District pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code. The resolution contains the requested terms and conditions of annexation, including those relating to the District assuming the contracts of ECCFPD as its successor agency and the terms of the revenue transfer to the District. The ECCFPD Board of Directors adopted a substantially similar resolution on September 16, 2021, which it also submitted to LAFCO. The law regarding annexations provides that when substantially similar resolutions are adopted by the affected local agencies, LAFCO must approve, or conditionally approve, the proposal.

On January 31, 2022, LAFCO's Executive Officer issued a Certificate of Filing, deeming the applications submitted by ECCFPD and the District complete and setting the matter for hearing on February 9, 2022. Prior to the hearing, the District requested that LAFCO continue the matter to permit the District to clarify its resolution regarding successor agency obligations, employees, and revenue transfer. At the February 9 meeting, LAFCO voted to expand the District's sphere of influence to include the ECCFPD but agreed to continue the hearing on the applications until its next meeting on March 9, 2022.

The proposed clarifications to the District's resolution are sought to ensure consistency with the Board of Directors' ongoing position regarding the transition of employees. Employees of the dissolved ECCFPD are to become employees of the District without interruption of service or seniority. The same terms and conditions of employment will apply to these employees as to similarly situated District employees. The proposed amendment would avoid a situation where the transitioning employees are potentially subject to different contracts and employment terms than similarly situated employees in the same classifications and the resultant confusion and uncertainty this would cause. Specifically, the revisions would clarify that the District would not assume ECCFPD's collective bargaining agreements, implied or express agreements between ECCFPD and its current employees for retiree health/OPEB, and other employment contracts between ECCFPD and its current employees. For example, the District would not assume ECCFPD's employment agreement with its Fire Chief.

Additionally, Section 2.(d) relating to the revenue transfer has been revised to remove an incorrect legal citation to the Revenue and Taxation Code, seemingly requiring entering into a property tax exchange agreement. LAFCO's Executive Officer has advised that the process set forth in the citation is not applicable to the annexation.

While the District's resolution broadly describes the sources of revenue that will be transferred to the district, for purposes of transparency the Board also is asked to also acknowledge that the anticipated sources of revenue following annexation include but are not limited to those shown in the attached Exhibit A.

If the Board adopts Resolution 2022/3, the Board should direct the Fire Chief, or designee, to submit the resolution to LAFCO.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to clarify the requested terms of annexation could result in confusion concerning which contracts have been assumed by the District, inconsistent employment terms for employees of the District and confusion about the terms of the revenue transfer.

CLERK'S ADDENDUM

**Speaker: No name given.**

AGENDA ATTACHMENTS

Resolution 2022/3

Exhibit A

Resolution 2022/3

Resolution 2022/3 (Redlined changes)

MINUTES ATTACHMENTS

Signed Resolution No. 2022/3



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

Adopted this Resolution on 02/22/2022 by the following vote:

|                 |                                |                          |
|-----------------|--------------------------------|--------------------------|
|                 |                                | <b>John Gioia</b>        |
|                 |                                | <b>Candace Andersen</b>  |
| <b>AYE:</b>     | <input type="text" value="5"/> | <b>Diane Burgis</b>      |
|                 |                                | <b>Karen Mitchoff</b>    |
|                 |                                | <b>Federal D. Glover</b> |
| <b>NO:</b>      | <input type="text"/>           |                          |
| <b>ABSENT:</b>  | <input type="text"/>           |                          |
| <b>ABSTAIN:</b> | <input type="text"/>           |                          |
| <b>RECUSE:</b>  | <input type="text"/>           |                          |



**Resolution No. 2022/3**

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.

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.

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

**ATTESTED: February 22, 2022**

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

By: June McHuen, Deputy

**cc:** Monica Nino, County Administrator, Tim Ewell, Chief Assistant County Administrator, Mary Ann McNett Mason, County Counsel, David Sanford, Chief of Labor Relations

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

Adopted this Resolution on 02/22/2022 by the following vote:

|                 |                                     |                          |
|-----------------|-------------------------------------|--------------------------|
|                 |                                     | <b>John Gioia</b>        |
|                 |                                     | <b>Candace Andersen</b>  |
| <b>AYE:</b>     | <input type="checkbox"/> 5          | <b>Diane Burgis</b>      |
|                 |                                     | <b>Karen Mitchoff</b>    |
|                 |                                     | <b>Federal D. Glover</b> |
| <b>NO:</b>      | <input checked="" type="checkbox"/> |                          |
| <b>ABSENT:</b>  | <input checked="" type="checkbox"/> |                          |
| <b>ABSTAIN:</b> | <input checked="" type="checkbox"/> |                          |
| <b>RECUSE:</b>  | <input checked="" type="checkbox"/> |                          |



**Resolution No. 2022/3**

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:

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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.

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

ATTESTED: February 22, 2022

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

By: June McHuen, Deputy

cc: Monica Nino, County Administrator, Tim Ewell, Chief Assistant County Administrator, Mary Ann McNett Mason, County Counsel, David Sanford, Chief of Labor Relations

## **Exhibit A**

Sources of revenue to be transferred from ECCFPD to the District upon completion of the LAFCO proceedings and recording the LAFCO Certificate of Completion, include, but are not limited to, the following:

- Measure H Funds
  - Each fire agency receives an allocation based on population served
- Byron-Bethany Irrigation District
- CFD Summer Lakes (East Contra Costa Fire CFD)
- CFD Delta Coves (Diablo Water District CFD)
- Oakley Fire CFD (City of Oakley CFD)
- East Contra Costa CFD (District wide throughout Oakley, Brentwood and county areas for new development)
- Development Impact Fees (administrative agreement with each land use agency)
- RDA Pass Through Agreements
- First Responder Fees
- Fire Prevention Fees
- Outstanding Accounts Receivable

### **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

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  - 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:
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**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 ~~the 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. ~~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~~ Once LAFCO has recorded the LAFCO Certificate of Filing, the District shall and take all ~~other~~ 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.