



**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: August 10, 2021

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

RECOMMENDATION(S):

1. ADOPT Resolution No. 2021/8, a resolution of application to the Contra Costa Local Agency Formation Commission (LAFCO) requesting that LAFCO initiate proceedings for the annexation of the East Contra Costa Fire Protection District (ECCFPD) into the Contra Costa County Fire Protection District (District), and to transfer all of the assets, rights, and responsibilities of the ECCFPD to the District as the successor agency.
2. APPROVE and AUTHORIZE the Fire Chief, or designee, to submit to LAFCO an application for the annexation of the ECCFPD and a plan for providing services within the territory of the reorganized District, and to provide any additional data and information as may be required by LAFCO pertaining to the annexation of the ECCFPD.
3. AUTHORIZE the Fire Chief, or designee, to execute an indemnification agreement between the District and LAFCO in substantial conformity with the agreement attached hereto as

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **08/10/2021** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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: August 10, 2021

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

By: , Deputy

cc:

RECOMMENDATION(S): (CONT'D)

Attachment A.

4. FIND that the annexation of the ECCFPD into the District is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 CCR 15320 (Class 20): the changes in the organization or reorganization of local governmental agencies do not change the geographical area in which previously existing powers are exercised; and DIRECT the Fire Chief, or designee to file a Notice of Exemption with the County Clerk.

5. DIRECT the Fire Chief, or designee, to arrange for the payment of (i) the \$6,530 application fee to LAFCO, (ii) the \$2,060 sphere of influence review fee to LAFCO, (iii) the \$200 environmental review fee to LAFCO, (iv) a \$1,200 deposit fee payable to the County Surveyor for LAFCO required maps and legal description, (v) a \$50 handling fee to the County Clerk for the filing of the Notice of Exemption, and (vi) a \$25 handling fee to the Department of Conservation and Development for processing costs related to the Notice of Exemption.

FISCAL IMPACT:

The immediate fiscal impact related to today's action is \$8,790 filing fees due to LAFCO, \$1,200 in fees due to the County Surveyor, and \$75 in filing and handling fees related to the Notice of Exemption. Based on the fiscal analysis completed by AP Triton in their "Fire District Annexation Feasibility Study" (July, 2021, pp. 155-163) the fiscal impact of annexation is anticipated to be positive, providing funding for additional resources and increases in reserves over the 5-year projection period. For the first full year of combined operations, expected to be FY 2022/2023, the total revenue available from the East Contra Costa Fire Protection District is estimated at \$20.5 Million with anticipated expenses for personnel and services provided at \$18 Million, including the opening and staffing of Fire Station 55 in Oakley and the staffing of an additional crew at Fire Station 52 in Brentwood. (100% Fire District General Fund)

BACKGROUND:

East Contra Costa Fire Protection District History and Current Operations

The East Contra Costa Fire Protection District (ECCFPD) is a relatively new fire district, having been formed in 2002 by the consolidation of the East Diablo Fire District (EDFD), Oakley Fire District (OFD), and Bethel Island Fire District (BIFD). The EDFD was originally formed through the merger of four much older fire districts. After a fire in 1924, the community formed the OFD. The BIFD was created in 1947, was dissolved in 1994, and became part of CCCFPD. In 1999, BIFD was re-created and became part of ECCFPD.

The ECCFPD encompasses an area of approximately 249 square miles. Data from U.S. Census Bureau data indicates a 2019 resident population of approximately 139,000

persons.

The ECCFPD is an all-hazards fire district providing traditional structural fire suppression, wildland firefighting, basic life support emergency medical services (EMS) and rescue services. The ECCFPD deploys its apparatus and personnel from three fire stations and has an ISO PPC® rating of 4/9. The ECCFPD contracts with Cal Fire for the winter staffing of a three-person engine located near Morgan Territory on Marsh Creek Road.

ECCFPD's Fire Prevention Bureau provides inspections, code enforcement, plan reviews, fire investigations, and various public education programs. In addition, the Bureau conducts inspections of public and private properties for compliance with its weed abatement ordinance.

For emergency operations, the ECCFPD relies heavily on CCCFPD for automatic and mutual aid assistance on a daily basis due to reduced staffing levels of the ECCFPD. The lack of adequate fire and EMS resources within the ECCFPD service area leads to an overdependence on aid and support from CCCFPD which, in turn, places a burden on CCCFPD to provide a balance of support to ECCFPD communities and the communities served directly by CCCFPD along the highway 4 corridor.

Multiple LAFCO Municipal Services Review (MSR) studies have concluded that annexation of the ECCFPD into the larger Contra Costa County Fire Protection District would provide improved levels of service, strengthen firefighter training programs, reduce response times, and be more efficient than the current structure of service delivery.

ECCFPD Organizational Structure

The ECCFPD employs 37 uniformed and non-uniformed personnel, which includes 10 firefighters, nine Engineers, nine Captains, four Battalion Chiefs. The Fire Chief supervises several administrative and support staff positions, the Fire Marshal, and four Battalion Chiefs (BCs).

Three Battalion Chiefs are responsible for their respective shifts (A, B, and C) in addition to managing one of three programs—Logistics, Training, or EMS & Safety. A fourth BC supervises Fire Suppression/Operations.

The Fire Marshal supervises two Fire Inspectors and one administrative position within the Bureau. The Fire Chief has direct supervision of the Chief Administrative Officer and several other administrative positions.

Annexation Study

In December 2020 an annexation study was commissioned to determine the feasibility of annexing either the ECCFPD and the Rodeo-Hercules Fire Protection District (RHFPD). The study was concluded and presented to the governing bodies of all three fire protection

districts in mid-July by AP Triton. The study concluded it was feasible, and recommended that Contra Costa County Fire Protection District (CCCPCD) pursue the annexation of both the other fire districts.

In the case of the ECCPCD their governing board signaled an interest and willingness to pursue annexation into the District during their board meetings and also by adopting a draft resolution of application to that effect.

The RHPCD board of directors continues to hold public meetings on the subject of annexation, including workshops and town halls, with more planned in the coming weeks. The RHPCD board is not at a point in their deliberations on the issue of annexation to render a decision and needs additional time to determine if annexation is in the best interest of their fire district and the communities they serve.

Due to the ongoing public meetings in Rodeo-Hercules, and the unknown length of time needed by the RHPCD governing body, it is prudent to move forward with the LAFCO processes for annexation of the ECCPCD at this time. If the Rodeo-Hercules board of directors determines they want to pursue annexation we will return to the board to seek approval to apply to annex RHPCD, either separately or as part of the original annexation plan involving all three fire districts.

Proposal for Annexation

The District will request the annexation of the ECCPCD be taken 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 ECCPCD.

The District will further request that, under the Contra Costa Local Agency Formation Commission's (LAFCO) conditioning powers under Government Code section 56886, the annexation of the ECCPCD be subject to the following terms and conditions:

1. 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.
2. Employees. From and after the Effective Date, all employees of the dissolved East Contra Costa Fire Protection District shall become full-time employees of the District.

3. 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 et seq.) and other applicable laws.
4. Revenue Transfer. Before LAFCO issues the Certificate of Completion for the reorganization, the Board of Director of the District shall commence and complete a property tax transfer process, as outlined in Section 99 et seq. of the Revenue and Taxation Code, 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 improvement or assessment districts, shall continue to be levied and collected by the successor agency.
5. Service Zones. The District may establish service zones, areas of benefit, and/or such other structure as may be necessary to ensure that the debts and obligations of the dissolved district are borne by the residents of the dissolved district that incurred the debt or obligation.
6. 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, for no less than five years from the Effective Date, 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.
7. 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.
8. Service Demand. The District shall strive to eliminate the current deficit of fire stations within the East Contra Costa County Fire Protection District service area within six years after the Effective Date and, thereafter, to build out additional 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.

The annexation of the ECCFPD into the District will enable the reorganized district to better meet the emergency fire, rescue, and medical service needs of the residents of the District, as described in the Service Plan attached hereto as Attachment B. Ultimately, this request is in the best interest of the residents served in the East County area and the most efficient use of both taxpayer dollars.

CONSEQUENCE OF NEGATIVE ACTION:

The application seeking annexation of the East Contra Costa Fire Protection District will not be filed.

CLERK'S ADDENDUM

Speakers: Tanya Little, Cofounder of the PHREED collaborative (Pinole, Hercules, Rodeo, El Sobrante for Equity and Diversity); Sara Creeley, Hercules; Susan Keefe, Hercules. Written commentary was received from Tanya Little (attached).

CONTINUED to September 14, 2021.

ATTACHMENTS

Resolution 2021/8

Resolution 2021/8 - Exhibit A ECCFPD District Map

Resolution 2021/8 - Exhibit B Proposed District Map

Attachment A - Form of LAFCO Indemnification Agreement

Attachment B - Service Plan