



# EAST CONTRA COSTA FIRE PROTECTION DISTRICT

Board of Directors Regular Meeting

**Monday January 9, 2012– 6:30 P.M.**

Meeting Location: 3231 Main Street, Oakley

## BOARD OF DIRECTORS

Pat Anderson  
Steve Barr  
Robert A. Brockman

Kevin Romick - President  
Joel R. Bryant- Vice President  
Jim Frazier

Robert Kenny  
Cheryl Morgan  
Erick Stonebarger

## AGENDA

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### PUBLIC COMMENTS

At this time the public may address the District Board on subject matters pertaining to District business listed on the Consent Calendar, Closed Session, Future Agenda Items, or items *not* listed on the agenda. Remarks may be limited to 3-minutes subject to the discretion of the Board President and with the concurrence of the Board of Directors. Please complete and submit a "Public Comment Speaker Card" with the District Clerk.

### CONSENT CALENDAR

Consent Calendar items are considered routine in nature and will be enacted by the Board in one motion. If discussion or public comment is required, any Board Member may request the item be removed from the Consent Calendar and considered separately.

**C. 1** Approve minutes from December 5, 2011 Regular Board of Directors Meeting.

### PUBLIC HEARINGS

Members of the public wishing to address the Board on a listed item shall complete and submit a "Public Comment Speaker Card" with the District Clerk.

## DISCUSSION ITEMS

- D.1 Receive Grand Jury Report #1202 "Fire Protection- What Can You Afford?"
- D.2 Receive Update from District Town Hall Meeting and Public Outreach.
- D.3 Receive Update Parcel Tax

## INFORMATIONAL STAFF REPORTS

- 1. Service calls for November 2011
- 2. State Homeland Security Grant for Emergency Operation Equipment for Oakley Station

## DIRECTORS' COMMENTS

## INFORMATIONAL REPORTS AND REQUESTS FOR FUTURE AGENDA ITEMS FROM BOARD MEMBERS

This portion of the agenda shall provide an opportunity for Board Members to report on activities, committee or event attendance pertaining to District business or to request a future item to be placed on the agenda.

## ADJOURN TO CLOSED SESSION 3231 Main Street, Oakley on the following matters:

- 1. CONFERENCE WITH LABOR NEGOTIATOR  
*pursuant to Government Code Section 54957.6*  
Agency designated representative: Board President and Vice President  
Employee Organizations: International Association of Fire Fighters, Local 1230, AFSCME Local 2700, East County Fire Fighters Association (Reserves), Unrepresented Management.
- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
*pursuant to Gov. Code section 54956.9 (a)*  
*Name of Case: City of Brentwood, et al v. Robert Campbell, Contra Costa Sup. Ct. No. MSN 11-1029.*

## RECONVENE TO OPEN SESSION – 3231 Main Street, Oakley

Report from closed session (if any)

## ADJOURN TO THE NEXT REGULAR BOARD MEETING SCHEDULED: February 6, 2012

### POSTING STATEMENT

A copy of this agenda was posted **January 6, 2012 at the East Contra Costa Fire Protection District Administrative Office, 134 Oak Street, Brentwood, CA 94513.** Pursuant to CA Government Code §54957.5, disclosable public records and writings related to an agenda item distributed to all or a majority of the Board of Directors less than 72 hours prior to this meeting is available for public inspection at the East Contra Costa Fire Protection District Administrative Office, 134 Oak Street, Brentwood, CA 94513.

NOTICE In compliance with the Americans with Disabilities Act, any individuals requesting special accommodation to attend and/or participate in District Board meetings may contact the District Administrative Office at (925) 634-3400. Notification 48 hours prior to the meeting will enable the District to make reasonable accommodations.



# EAST CONTRA COSTA FIRE PROTECTION DISTRICT

## Meeting Minutes Board of Directors Regular Meeting

**Monday December 5, 2011 – 6:30 P.M.**

<b>BOARD OF DIRECTORS</b>		
Pat Anderson	Kevin Romick - President	Robert Kenny
Steve Barr	Joel R. Bryant	Cheryl Morgan
Robert A. Brockman	Jim Frazier	Erick Stonebarger

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**Preceded by a Special Closed Session Meeting at 6:00 P.M., 3231 Main Street, Oakley**

**6:00 P.M. – Call to Order and Adjourn to Closed Session on the following matters:**  
(6:00 P.M.)

1. CONFERENCE WITH LABOR NEGOTIATOR  
*pursuant to Government Code Section 54957.6*  
Agency designated representative: Board President and Vice President  
Employee Organizations: International Association of Fire Fighters, Local 1230, AFSCME Local 2700, East County Fire Fighters Association (Reserves), Unrepresented Management.

**RECONVENE TO OPEN SESSION – (6:37 P.M) – 3231 Main Street, Oakley**

Chief Henderson reported that during the closed sessions, the Board gave direction to Staff.

**CALL TO ORDER– (6:37 P.M) By President Romick**

**PLEDGE OF ALLEGIANCE– (6:37 P.M) Led by Chief Henderson**

**ROLL CALL- (6:38 P.M)** Directors Present: Anderson, Barr, Brockman, Romick, Bryant, Kenny, Morgan, Stonebarger  
Directors Absent: Frazier

**PUBLIC COMMENTS- (6:40 P.M.)**

*There was 1 Public Speaker. - Gil Guerrero*

**CONSENT CALENDAR - (6:41 P.M.)**

**C. 1** Approve minutes from November 7, 2011, Regular Board of Directors Meeting.

**Motion by: Director Stonebarger to approve Consent Calendar Items; C1**  
**Second by: Director Barr**  
**Vote: Motion carried 8:0**

**PUBLIC HEARINGS**

**NONE**

**DISCUSSION ITEMS**

**D.1** Selection of District Board Officers: President, Vice President for the 2012 Calendar Year.  
(6:42 P.M.)

**Motion by: Director Stonebarger to appoint Director Romick as President**  
**Second by: Director Barr**  
**Vote: Motion carried 8:0**

**Motion by: Director Barr to appoint Director Bryant as Vice President**  
**Second by: Director Anderson**  
**Vote: Motion carried 8:0**

**D.2** Receive Update on the Parcel Tax and Public Outreach.  
(6:44 P.M.)

Receive Update on the Parcel Tax and Public Outreach - Staff provided information to the status of outreach planning and staff and legal are starting to work on the draft ballot measure for the board to review at the next Board Meeting scheduled for January 9, 2012

*There was 1 Public Speaker. - Randy Alder*

**INFORMATIONAL STAFF REPORTS- (7:36 P.M.)**

**1.** Service calls for November 2011 - Chief Henderson provided a report.

**DIRECTORS' COMMENTS - (7:38 P.M.)**

**NONE**

**INFORMATIONAL REPORTS AND REQUESTS FOR FUTURE AGENDA ITEMS FROM BOARD MEMBERS - (7:38 P.M.)**

**NONE**

**ADJOURN TO THE NEXT REGULAR BOARD MEETING SCHEDULED: January 9, 2012**

**Motion by: Director Barr to adjourn to the next Board meeting, January 9, 2012**

**Second by: Director Stonebarger**

**Vote: Motion carried 8:0**

## BOARD OF DIRECTORS AGENDA ITEM NO. D-1

**Meeting Date:** January 9, 2012

**Subject/Title:** Receive Grand Jury Report #1202, "Fire Protection-What Can You Afford"

**Submitted by:** Chief Henderson

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### RECOMMENDATION FOR ACTION

Receive Grand Jury report and provide direction to staff on developing a written response to be presented to the Board for approval at its February meeting.

### PREVIOUS ACTION

None.

### SUBJECT BACKGROUND

On December 23, 2011 the Contra Costa County Grand Jury mailed their report #1202, "Fire Protection-What Can You Afford?" The report has 9 findings and 8 recommendations. The District is required to provide a written response within 90 days in accordance with California Penal Code Section 933.5(a) and 933.5(b). The District response is due by March 12, 2012.

The following summarizes the findings and recommendations of the report, and includes suggested response language. Staff requests comments and direction from the Board on the report to help prepare the final response which will be returned to the Board of final approval at next month's meeting.

### Finding:

1. Without new sources of revenue, the District's current operating structure cannot be sustained. Suggested Response: **Agree:** *The current level of service would need to be cut in half.*
2. From a quality of service point of view, the current operating structure is adequate. Suggested Response: **Disagree:** *Many parts of District believe that stations closures and cuts already made in 2010 caused services to become inadequate. Moreover, due to geography, some parts of the District believed that service was inadequate even before the 2010 cuts.*
3. The Board of Directors has not publicly explained a parcel tax option at a level necessary to sustain the current operating structure. Suggested Response: **Disagree:** *The Board has been discussing the full range of options over the past two years, including significant consideration of a benefit assessment in the Spring of 2011 that was focused at maintaining current levels of service. The Board will continue to review its options as it moves through the statutory process of considering whether to place a tax measure on the ballot..*

4. The Board has not considered contracting for all fire suppression services from CAL FIRE, a capable, recognized provider of those services.

Suggested Response: **Agree:** *The Board has not requested a quote for service from Cal-Fire. However, we did seek and receive a quote from ConFire in 2011, which was significantly higher than the cost of continuing to provide the services directly. The Board did discuss Cal-Fire and the process to obtain a quote in the September 12, 2011 meeting and the direction by the Board was not to request a quote.*

5. The \$197 parcel tax exceeds the amount required to support the Board's proposed expanded operating structure, resulting in substantial reserves and costs to the taxpayers.

Suggested Response: **Disagree:** *The \$197 parcel includes funding both the Capital Improvement and Equipment replacement funds, which are critical parts of any well run fire service to replace aging and unsafe equipment and facilities. The funds were established in the spring of 2010; however, were only able to fund them at 10% of the appropriate levels due to the need to devote funds to the Operating Budget. Both the Capital Improvement and Equipment Replacement funds should be funded at 1 million dollars a year.*

6. The Grand Jury estimates the proposed \$197 parcel tax will generate about 50% more revenue over a four year period that is needed to sustain the current operating structure.

Suggested Response: **Disagree:** *As noted above, the Grand Jury estimate fails to recognize the Board's reserve policy for Capital Improvements and Equipment Replacement.*

7. Only one approach to solving the problem is being presented in the public information sessions. As a result, the residents have not been presented with other options.

Suggested Response: **Disagree:** *As noted above, the Board has had numerous public meetings to discuss the financial options available to it over the past two years. The current outreach and town hall meetings are designed to provide public education and obtain comment and input on the approach the Board selected for consideration on the basis of the prior meetings.. Until the Board completes the statutory public hearing required to place a tax measure on the ballot, the approach to solving the problem remains subject to change. The Public Hearing must be held before March 9, 2012 to meet the deadline for the June 5, 2012 election; we are currently contemplating a February hearing date.*

8. The Board is not offering a viable service option in the event a \$197 parcel tax initiative for an expanded operating structure is not passed by voters in June 2012.

Suggested Response: **Disagree:** *The Board has directed staff to work on this. Staff has provided a timeline to make necessary cuts for the next fiscal year and is working on the final operational plan that could go into effect July 1, 2012.*

9. It is not clear that the Board is actively pursuing negotiations with collective bargaining units to reduce costs.

Suggested Response: **Disagree:** *The District is currently in negotiations with our labor groups but the contents of the discussions are confidential.*

### **Recommendations:**

1. The Board should consider other available operating structure alternatives before deciding on a ballot measure.

**The recommendation is being implemented:** *The District has been working on this since June 2010 by considering options such as further cuts, new or increased fees, a benefit assessment and a parcel tax.*

2. The board should consider whether the current operating structure provides adequate service levels and should be included as an alternative.

**The recommendation is being implemented:** *The Board and its Ad-Hoc Committee on financing have looked at several staffing models. Public comments during a Board meeting devoted to service models were that the District needed to improve service, not stay status quo. Nonetheless, the staff continues to work on options for service models in the event the Board decides not to pursue a parcel tax or if it does and the tax does not obtain voter approval.*

3. The Board should consider outsourcing all fire suppression services to Cal-Fire for the current operating structure as a potential costs saving measure.

**Discussion Point:** *The Board did discuss requesting a quote from Cal-Fire in September 2011, however did not move forward with a request. Staff seeks direction on whether the Board would like staff to pursue a Cal-Fire quote. The Board did request a quote from Contra Costa County Fire Protection District as a service model. CCCFPD was more expensive than our current service model.*

4. All possible cost containment opportunities; including resolution of union agreement, should be considered in Board's evaluation of alternatives for providing services.

**The recommendation is being implemented:** *The Board has been working on cost containment since the governance change in February 2010, which included the closing of two fire stations, not filling open positions, and deferring the replacement of equipment/station repairs in fiscal year 2010-2011. As noted above, the staff continues to work on options for future service models based on the available revenue.*

5. For all operating structures considered, the Board should conduct the analyses required to whether the additional revenue being requested from the taxpayers is the minimum reasonably required to fund and sustain each alternative.

**This recommendation is being implemented:** *The Board previously looked at several staffing models and services levels and received extensive public comment on the need to build a sustainable District.*

*The Board will continue to consider whether service model options through and during the public hearing prior to considering placing the parcel tax on the ballot.*

6. The Board should inform and educate the residents of the District regarding alternative operating structures and associated costs, and solicit their input.

**The recommendation is being implemented:** *The District hired an outreach/education Consultant in September 2011 and started the education process with an aggressive schedule of Town Hall Meetings as well as an informational mailer to the public. Public input is being received at each of these meetings and is expected to continue through the public hearing next month.*

7. After receiving public input, the Board should decide on the most appropriate operating structure and propose an appropriate parcel tax initiative.

**The recommendation is being implemented and will culminate in the Public Hearing for the proposed Parcel Tax.**

8. The Board should consider developing a viable service alternative to be implemented in the event of the parcel tax initiative failing.

**The recommendation is been implemented:** *The staff has been working on a balanced budget staffing model in the event the parcel tax is not approved by the Board or the voters, which will be presented to the Board for its consideration.*

Attachments: Contra Costa County Grand Jury Report #1202.

Contra Costa County Grand Jury Report 1202  
Fire Protection – What Can You Afford?

It's Your Choice

TO: Board of Directors, East Contra Costa Fire Protection District

**SUMMARY**

The East Contra Costa Fire Protection District (District) is currently confronting a critical funding issue that has been worsening for three years. In response, the District has implemented staff reductions and fire station closures, but still provides an acceptable level of service. However, the current level of service cannot be maintained without additional revenue.

Rather than developing a revenue solution to sustain the current operating structure, the Board of Directors (Board) is in the process of pursuing a parcel tax ballot initiative of \$197 to establish an expanded operating structure. Over a five-year planning period, this tax will generate revenue beyond what is needed for the proposed expanded operating structure. At the time this report was written, the residents had not been advised of alternative solutions. Additionally, no viable alternative has been identified if the parcel tax does not pass.

The Board should consider all operating structure alternatives and inform the residents of the options. These should be presented so residents can express their desired service level expectations while considering the associated cost. After receiving resident input, the Board should prepare its proposed operating structure and the associated parcel tax for a ballot measure. Concurrently, the Board should prepare a plan in case the ballot measure does not pass.

The residents will then be in a position to make an informed decision.

**BACKGROUND**

Created in 2002 by consolidating three smaller and mostly volunteer fire districts (Oakley-Knightsen, Bethel Island, and East Diablo), the East Contra Costa Fire Protection District provides fire suppression and basic life support emergency medical response services to the cities of Oakley and Brentwood, a portion of the city of Antioch and the unincorporated communities of Bethel Island, Byron, Discovery Bay, and Knightsen. In 2011, it is estimated that about 70% of the District's responses will be for emergency medical services.

The District's current operating structure consists of 48 full time equivalent fire suppression

personnel working out of six stations, four management positions and one administrative position. It also includes medical emergency response, advanced life support (paramedics), and ambulance services, all provided through a contract with Contra Costa County Emergency Medical Services by American Medical Response, Inc. at no cost to the District.

The Grand Jury has validated that the level of service provided with the current operating structure meets the needs of the residents of the District. There has been no loss of life or property directly attributable to the service levels provided through the current operating structure.

District operations have been funded primarily through an allocation of property tax revenues: 7% in Brentwood, 5% in Oakley, and 9% on average in unincorporated areas. Because of Proposition 13 and the original volunteer firefighter component at the time of formation, these property tax allocations are well below the average for other fire districts countywide. They range between 12% to 16% in cities and 13% in unincorporated areas. While the revenues covered all operating expenses in 2002 through 2007, they began dropping in Fiscal Year 2008-2009 and continue to drop as assessed property values decrease.

The District forecasts that continued operation in the current manner and without additional revenue sources will result in the District running out of operating funds and reserves by Summer 2012.

Since their appointment in 2010, the District's Board has been studying the financial problem from three perspectives: alternative operating structures, cost containment opportunities, and revenue enhancement initiatives.

Some cost containment actions have been implemented, such as staff reductions and closure of two stations. The reductions have not adversely impacted service, as evidenced by the fire insurance rating for the District remaining unchanged. However, a significant operational expense, benefits paid to personnel covered by a collective bargaining agreement, has not been addressed. The current agreement expired in November 2011.

In 2011, the Board spent much of its time evaluating alternative operating structures that result in expanded resource requirements: more stations, more equipment, more personnel -- and methods to generate the additional funds needed to support that expansion. The public record does not reflect that the Board has considered seeking a parcel tax required simply to maintain the current operating structure.

The District currently contracts with the California Department of Forestry and Fire Protection (CAL FIRE) for coverage during the non-peak fire season in the Marsh Creek - Morgan Territory Area. CAL FIRE provides some manner of emergency services, including fire suppression, to local government via contract in 35 counties and may be able to provide the fire suppression services in the balance of the District. Although the Board received cost estimates from the Contra Costa Fire Protection District for coverage of the District, the Board has not looked at CAL FIRE for outsourcing all fire suppression services, which may result in lower overall costs of operation.

At the Board meeting of October 3, 2011, the Board considered a five-year plan for an expanded operating structure based on eight stations and 72 fire fighters, including first responder paramedics. An initial parcel tax proposal of \$187, which did not pass, was deemed by the Board to be inadequate to sustain this structure as it would have resulted in deficit spending by the third year. Subsequently the Board adopted a five-year plan for an operating structure based upon seven stations and 63 firefighters, including first responder paramedics. This approach would add almost 20 new positions falling within the coverage of the collective bargaining agreement.

The District is contemplating a ballot initiative for a parcel tax to generate the required funds in June 2012 for the expanded operating structure. The proposal at the time this report was written is for a parcel tax of \$197, with an automatic increase of 5% each year with no sunset provision. Over the five-year planning period, the tax will generate more revenue than necessary to support the proposed expanded operating structure. Based on its assumptions, the Board estimates that the amount of unused funds at the end of a five-year period will be \$11.8 million.

The District has hired a consultant, at a cost not to exceed \$120,000, to develop and lead implementation of a public education/outreach program. The first public education brochure being distributed by the District presents the \$197 parcel tax, approved by the Board on September 12, as the only option to prevent station closures and lay-offs.

Finally, in the event that the parcel tax fails, the District reports that they will be forced to close additional stations and reduce their firefighter staffing from 48 to 24.

## FINDINGS

1. Without new sources of revenue, the District's current operating structure cannot be sustained.
2. From a quality of service point of view, the current operating structure is adequate.
3. The Board of Directors has not publicly explained a parcel tax option at a level necessary to sustain the current operating structure.
4. The Board has not considered contracting for all fire suppression services from CAL FIRE, a capable, recognized provider of those services.
5. The \$197 parcel tax exceeds the amount required to support the Board's proposed, expanded operating structure, resulting in substantial reserves and cost to the taxpayers.
6. The Grand Jury estimates the proposed \$197 parcel tax will generate about 50% more revenue over a four year period than is needed to sustain the current operating structure.
7. Only one approach to solving the problem is being presented in public information sessions. As a result, the residents have not been presented with their other options.

8. The Board is not offering a viable service option in the event a \$197 parcel tax initiative for an expanded operating structure is not passed by voters in June, 2012.
9. It is not clear that the Board is actively pursuing negotiations with collective bargaining units to reduce costs.

## **RECOMMENDATIONS**

1. The Board should consider other available operating structure alternatives before deciding on a ballot measure.
2. The Board should consider whether the current operating structure provides adequate service levels, and should be included as an alternative.
3. The Board should consider outsourcing all fire suppression services to CAL FIRE for the current operating structure as a potential cost saving measure.
4. All possible cost containment opportunities, including resolution of the union agreement, should be considered in the Board's evaluation of alternatives for providing service.
5. For all operating structures considered, the Board should conduct the analyses required to determine whether the additional revenue being requested from the taxpayers is the minimum reasonably required to fund and sustain each alternative.
6. The Board should inform and educate the residents of the District regarding alternative operating structures and associated costs, and solicit their input.
7. After receiving public input, the Board should decide on the most appropriate operating structure and propose an appropriate parcel tax initiative.
8. The Board should consider developing a viable service alternative to be implemented in the event of the parcel tax initiative failing.

## **REQUIRED RESPONSES**

### **Findings**

Board of Directors - East Contra Costa County Fire Protection District 1- 9

### **Recommendations**

Board of Directors - East Contra Costa County Fire Protection District 1- 8

## BOARD OF DIRECTORS AGENDA ITEM NO. D-2

**Meeting Date:** January 9, 2012

**Subject/Title:** Receive Update on Public Outreach

**Submitted by:** Chief Henderson

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### RECOMMENDATION FOR ACTION

Receive Update on the Parcel Tax and Public Outreach

### PREVIOUS ACTION

At the September 12, 2011 Board meeting, the Board agreed to proceed forward with a parcel tax built on 7 station staffing model at \$197.00 per parcel. The Board hired Ehrlich Campaigns to start public education/outreach for the District.

### Update:

The month of December saw the first in a series of Town Halls throughout the District, updating residents on the state-of-the-district and receiving their feedback on a variety of issues ranging from parcel tax amounts, response times, past station closures etc.

Following the Consultants original outreach proposal, the December Town Hall meetings were to serve as phase 1 of the Public Information effort, with any necessary modifications occurring in the phase 2 portion of the Public Information effort.

We are ahead of schedule on the Public Information portion of parcel tax outreach because the Consultant organized additional Town Hall meetings and outreach opportunities, at a faster pace, than originally proposed, to provide the Board broader public feedback, for our January 9 meeting.

Mail piece #2 will be presented at our next Ad-Hoc committee meeting and is scheduled to be mailed district wide, in the fourth week of January.

Our consultant is here tonight to provide feedback on the first phase of the public information project.

## **Public Education/Outreach Schedule**

The Consultant has provided the following schedule of public education and outreach activities updated as of January 4, 2012:

### December:

- 12/03/11 Oakley Christmas Tree Lighting Ceremony
- 12/06/11 Summerset Joint Boards Meeting
- 12/12/11 Town Hall Meeting - Discovery Bay Elementary 6:30 PM
- 12/13/11 Town Hall Meeting - Knightsen School, 6:30 PM
- 12/15/11 Town Hall Meeting - Farm Bureau Building, Clayton, 6:30 PM

### January:

- 01/15/12 Town Hall Meeting - Oakley Sunday Seniors, 10:00 AM
- 01/16/12 Town Hall Meeting - Oakley City Hall, 6:30 PM
- 01/19/12 Town Hall Meeting - Bethel Island Scout Hall, 6:30 PM
- 01/20/12 Brentwood Kiwanis- 7:30 AM
- 01/28/12 Town Hall Meeting - Brentwood Senior Center, 10:30 AM
  
- Draft mailer piece #2 to Ad-Hoc Committee

### February:

- 02/07/12 Delta Soroptomist, Brentwood, 6:00 PM
- 02/11/12 Eskaton Lodge Brentwood 10:30 AM
- 02/16/12 Town Hall Meeting - Brentwood City Council Chambers
- 02/23/12 Town Hall Meeting – Oakley City Hall, 6:30 PM
- TBD Town Hall Meeting – at San Joaquin Yacht Club – Bethel Island 6:30 PM

### March:

- 03/01/12 Town Hall Meeting – CSD, Discovery Bay, 6:30 PM
- TBD Town Hall Meeting – Knightsen Garden Club

**BOARD OF DIRECTORS AGENDA ITEM NO. D-3**

**Meeting Date:** January 9, 2012

**Subject/Title:** Receive Update on the Parcel Tax

**Submitted by:** Chief Henderson

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**RECOMMENDATION FOR ACTION**

Receive update on the draft parcel tax language and provide direction.

**PREVIOUS ACTION**

At the September 12, 2011 Board meeting, the Board directed staff to conduct outreach efforts and prepare for consideration of a parcel tax built on 7 station staffing model at \$197.00 per parcel.

**Update:**

At the December 5, 2011 Board meeting the Board directed staff and legal counsel to prepare the draft language for a parcel tax ordinance.

Upon review and approval of ordinance, the Board will need to hold a public hearing and adopt a resolution that calls for a parcel tax election to be placed on the ballot. A draft summary of the proposed ordinance is included as Attachment 1.

Attachment 1

DRAFT Summary of Ordinance on Special Tax

The East Contra Costa Fire Protection District hereby submits for voter approval at a Election to be held on June 5, 2012, the following proposition:

Section 1. The East Contra Costa Fire Protection District Emergency Services Protection Measure: Shall an ordinance be enacted by the voters of the East Contra Costa Fire Protection District, (the "District"), which does the following: A) Imposes an annual special tax of one hundred ninety seven (\$197.00) dollars per parcel on all parcels of real property within the District; B) The special tax may be reduced or adjusted at the beginning of each fiscal year, commencing July 1, 2013, following a public hearing, by an amount not to exceed the lower of cost of living as determined by the Consumer Price Index (CPI) prepared by the United States Bureau of Labor Statistics or similar indicator of inflation that may come into common and widespread use, or five percent (5%); C) The special tax, as approved by the voters, shall be used only for the purposes of enhancing the existing level of District emergency, fire prevention and fire protection services, and adding paramedic services. The goal of the special tax would increase fire personnel from the current 48 to 63 firefighters within 5 years and open a 7<sup>th</sup> fire station. The tax proceeds shall be placed in an account created for that purpose by the District. The chief fiscal officer of the District shall file an annual report regarding the use of the tax proceeds as required by Government Code Section 50075.3; D) The District Board of Directors shall set policy on assessment conformity issues and shall hear all appeals of assessments and parcel conformity decisions by property owners; E) The proposed ballot title and question appear below.

Section 2. Collection of Tax. If approved by two-thirds (2/3) of the qualified electors voting at the election the special tax set forth above shall be collected annually by the District in the same manner and subject to the same penalties as other taxes collected by the County of Contra Costa (the "County"). The County is hereby authorized to deduct from the taxes received its reasonable costs of collection.

Section 3. Applicability of Tax. If approved by two-thirds (2/3) of the qualified electors voting at the election the special tax set forth above shall augment existing sources of revenue to the District and shall not apply to parcels owned by a federal or state governmental agency or another local agency.

Section 4. Election Services. The District requests that the County Registrar of Voters place the proposed ordinance to create a special tax on developed parcels before the voters of the District at a general election on June 5, 2012.

Section 5. Effective Date. This ordinance shall take effect immediately upon its adoption.

Section 6. Severability / Invalidation. This special tax shall take effect as provided herein. If any section, subsection, sentence, phrase or clause of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the ordinance.

Text of Ballot Question

“The East Contra Costa Fire Protection District Emergency Services Protection Measure. To preserve existing emergency services, add paramedic services and to prevent further layoffs of up to one half of existing firefighters and closure of up to 3 additional fire stations, shall an ordinance be adopted to enact a parcel tax of \$197 per year on each parcel of real property within the District, with an annual cost of living increases up to 5%?”