



EAST CONTRA COSTA FIRE PROTECTION DISTRICT

Board of Directors Special Meeting

Monday July 11, 2011 – 6:30 P.M.

Meeting Location: 3231 Main Street, Oakley

BOARD OF DIRECTORS

Pat Anderson
Steve Barr
Robert A. Brockman

Kevin Romick -Vice President
Joel R. Bryant
Jim Frazier

John Jewell
Robert Kenny
Erick Stonebarger

AGENDA

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:

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,
East County Fire Fighters Association (Reserves), and Unrepresented Management
2. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION
pursuant to Gov. Code section 54956.9 (c).

RECONVENE TO OPEN SESSION – 3231 Main Street, Oakley

Report from closed session (if any)

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.

WORKSHOP- Next Steps for the District; Funding and Organizational Options

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 June 6, 2011, Regular Board of Directors Meeting.
- C.2** Approve minutes from June 27, 2011, Special 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** Selection of District Board Officers: President, Vice President for the remainder of the 2011 Calendar Year.
- D.2** Consider Next Steps for the District; Funding and Organizational Options

INFORMATIONAL STAFF REPORTS

- 1.** Service calls for June 2011
- 2.** Contra Costa County Office of the Sheriff Certificate of Valor

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 THE NEXT REGULAR BOARD MEETING SCHEDULED: August 1, 2011

POSTING STATEMENT

A copy of this agenda was posted **July 8, 2011, 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 June 6, 2011 – 6:30 P.M.

BOARD OF DIRECTORS		
Pat Anderson	Erick Stonebarger-President	Jim Frazier
Steve Barr	Kevin Romick-Vice President	John Jewell
Robert A. Brockman	Joel R. Bryant	Robert Kenny

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

Call to Order and Adjourn to Closed Session – (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,
East County Fire Fighters Association (Reserves), Unrepresented Management.
2. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION
pursuant to Gov. Code section 54956.9 (c).
3. CONFERENCE WITH LEGAL COUNSEL- PENDING LITIGATION, pursuant to Gov.
Code section 54956.9(a); Mike Taylor v. East Contra Costa Fire Protection District Case
Number C11-00698

RECONVENE TO OPEN SESSION – (6:30 P.M.) 3231 Main Street, Oakley

Report from closed session - The Board in closed session gave direction to Staff & Council regarding Litigations & Negotiations.

1. The Board gave direction to Staff
2. The Board gave direction to Staff
3. The Board gave direction to Council

PLEDGE OF ALLEGIANCE – (6:30 P.M.) Led by Chief Henderson

ROLL CALL - (6:31 P.M.) - Directors Present: Anderson, Barr, Brockman, Bryant, Frazier, Jewell, Kenny, Romick, Stonebarger

ORGANIZATION OF THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT BOARD OF DIRECTORS – (6:31 P.M.)

- A.1** Administration of Oath of Office for new Board Director – Jake Gonzalez, Battalion Chief of East Contra Costa Fire Protection District administered the Oath of Office to Director Jewell.

PUBLIC COMMENTS – (6:34 P.M.)

CONSENT CALENDAR– (6:37 P.M.)

- C.1** Approve minutes from May 2, 2011, Regular Board of Directors Meeting.
C.2 Approve Amendment to Agreement for General Counsel Services for FY 2011-12.
C.3 Approve the continuation of District administrative services by Contra Costa County for FY 2011-12.
C.4 Approve Amendment to Agreement for Public Liability and Other Self-Insurance.

Motion by Frazier to approve Consent Calendar Items; C1, C.2 (Resolution 2011-03), C.3 (Resolution 2011-04) & C.4 (Resolution 2011-05)

Second by Kenny

Vote: Motion carried 9:0

Ayes: Anderson, Barr, Brockman, Bryant, Frazier, Jewell, Kenny, Romick, Stonebarger,

DISCUSSION ITEMS

(6:38 P.M.)

- D.1** Next Steps for the District; Funding and Organizational Options.

After Public Comment President Stonebarger announced that he would be stepping down as the Board President at the end of the meeting.

The Board established an Ad Hoc Committee to research revenue enhancements for the district. The Ad Hoc Committee is comprised of Director Bryant, Director Frazier & Director Kenny. Director Frazier requested that Local 1230 (Gil Guerrero) attend the committee meeting.

Motion by Frazier to established an Ad Hoc Committee. Second by Brockman

Vote: Motion carried 9:0

Ayes: Anderson, Barr, Brockman, Bryant, Frazier, Jewell, Kenny, Romick, Stonebarger

(7:33 P.M.)

- D.2** Rescheduling of July 4, 2011, Regular Board of Directors Meeting.

Motion by Kenny to reschedule the Regular Board of Directors meeting to the second Monday in July (July 11, 2011) due to the holiday, seconded by Jewell
Vote: Motion carried 9:0
Ayes: Anderson, Barr, Brockman, Bryant, Frazier, Jewell, Kenny, Romick, Stonebarger

PUBLIC HEARINGS- (7:34 P.M.)

PH.1 Adopt Fiscal Year 2011-12 Preliminary Operating, Development Fee and Other Fund Budgets.

Motion by Kenny to Adopt Fiscal Year 2011-12 Preliminary Operating (*Resolution 2011-06*), Development Fee and Other Fund Budgets (*Resolution 2011-07*). Second by Romick
Vote: Motion carried 9:0
Ayes: Anderson, Barr, Brockman, Bryant, Frazier, Jewell, Kenny, Romick, Stonebarger

INFORMATIONAL STAFF REPORTS – (7:50 P.M.)

Service calls for May 2011

DIRECTORS' COMMENTS – (7:55 P.M.)

INFORMATIONAL REPORTS AND REQUESTS FOR FUTURE AGENDA ITEMS FROM BOARD MEMBERS- (7:58 P.M.)

ADJOURN TO THE NEXT SPECIAL BOARD MEETING SCHEDULED: June 27, 2011 – (7:58 P.M.)

Motion by Kenny to adjourn to the next special BOD meetings. Second by Jewell
Vote: Motion carried 9:0
Ayes: Anderson, Barr, Brockman, Bryant, Frazier, Jewell, Kenny, Romick, Stonebarger,



EAST CONTRA COSTA FIRE PROTECTION DISTRICT

Meeting Minutes

Board of Directors Regular Meeting

Monday June 27, 2011 – 6:30 P.M

BOARD OF DIRECTORS		
Pat Anderson	Kevin Romick -Vice President	John Jewell
Steve Barr	Joel R. Bryant	Robert Kenny
Robert A. Brockman	Jim Frazier	Erick Stonebarger

Preceded by a Special Meeting at 6:30 P.M., 3231 Main Street, Oakley

CALL TO ORDER– (6:30 P.M)

PLEDGE OF ALLEGIANCE– (6:30 P.M.) Led by Chief Henderson

ROLL CALL- (6:31 P.M.) - Directors Present: Anderson, Barr, Brockman, Bryant, Frazier, Kenny, Romick, Stonebarger
- Directors Absent: Jewell

PUBLIC COMMENTS- (6:31 P.M.)

CONSENT CALENDAR- (6:31 P.M.)

PUBLIC HEARINGS- (6:31 P.M.)

DISCUSSION ITEMS

(6:31 P.M.)

D.1 Review process and options for the selection of District Board officers for remainder of 2011 calendar year.

The Board will call for an election at the July 11, 2011 Board of Directors meeting and fill both the President and Vice President offices until the next election in January required by the District Policy 1-3.5.

(6:35 P.M.)

D.2 Receive Ad Hoc Committee update and consideration of revenue alternatives.

INFORMATIONAL STAFF REPORTS- (6:40 P.M.)

None

DIRECTORS' COMMENTS- (6:40 P.M.)

INFORMATIONAL REPORTS AND REQUESTS FOR FUTURE AGENDA ITEMS FROM BOARD MEMBERS- (6:49 P.M.)

Director Frazier would like to discuss Public Outreach once the Board of Directors moves direction with new funding.

Director Anderson requested a workshop at the 07/11/2011 meeting for funding and organizational options. The workshop to be held in a round table discussion with the Executive Team.

ADJOURN TO THE NEXT REGULAR BOARD MEETING SCHEDULED: July 11, 2011-
(6:50 P.M.)

**Motion by Frazier to adjourn to the next special BOD meetings. Second by Kenny
Vote: Motion carried 8:1
Ayes: Anderson, Barr, Brockman, Bryant, Frazier, Kenny, Romick, Stonebarger,
Absent: Jewell**

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTOR'S AGENDA ITEM NO. D-1**

Meeting Date: July 11, 2011

Subject/Title: Selection of District Board Officers: President, Vice President for the remainder of the 2011 Calendar Year.

Submitted by: Chief Henderson

RECOMMENDATION FOR ACTION

Request for Board Member nominations and/or volunteers to serve as President and Vice President of the Board for the remainder of the 2011 Calendar Year.

Adopt a Resolution appointing Director _____ as President and Director _____ as Vice President of the East Contra Costa Fire Protection District Board of Directors for the remainder of the 2011 Calendar Year.

PREVIOUS ACTION

On February 3, 2010, the Board of Directors adopted Board of Director's Policy 1-3.5 identifying selection of President and Vice President each December for a one year calendar term commencing each January.

On February 3, 2010, the Board of Directors elected and appointed Director Stonebarger as President and Director Romick as Vice President for the 2010 Calendar Year

On December 6, 2010, the Board of Directors elected and appointed Director Stonebarger as President and Director Romick as Vice President for the 2011 Calendar Year.

On June 6, 2011, President Stonebarger announced that he would be stepping down as the Board President at the end of the meeting.

At the June 27, 2011, the Board called for election at the July 11, 2011 Board of Directors meeting and fill both the President and Vice President for the remainder of the 2011 Calendar Year.

SUBJECT BACKGROUND

Fire Protection District Law, California Health and Safety Code §13853, identifies officers of a fire district board and requires election of officers within 60 days of appointment or election of directors to the board. The officers of a district board are president and vice president.

Duties of the president include presiding officer of the board and representative for the board in public policy matters. Vice president shall exercise duties of the president in the president's absence and assist the president representing the board and determining issues of board interest.

At this time it is appropriate to request nominations and/or volunteers for the appointment of offices of president and vice president for the remainder of this Calendar Year.

Attachments:
Resolution

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTOR'S RESOLUTION NO. 2011-___**

**A RESOLUTION OF THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS APPOINTING DIRECTOR _____ AS
PRESIDENT AND DIRECTOR _____ AS VICE PRESIDENT FOR THE
REMAINDER OF THE 2011 CALENDAR YEAR.**

WHEREAS, Fire Protection District Law, California Health and Safety Code §13853 (“Code”), identifies officers of a fire district board and requires election of officers within 60 days of appointment or election of directors to the board; and

WHEREAS, the Code further identifies the officers of a district board as president and vice president; and

WHEREAS, on February 3, 2010, the Board of Directors adopted Board of Director's Policy 1-3.5 identifying selection of President and Vice President each December for a one year calendar term commencing each January; and

WHEREAS, the president shall be the presiding officer of the board and representative for the Board in public policy matters; and

WHEREAS, the vice president shall assist the president representing the board and determining issues of board interest and exercising the duties of president in the president's absence.

NOW, THEREFORE BE IT RESOLVED that the East Contra Costa Fire Protection District does hereby:

1. Appoint Director _____ to the office of President of the Board of Directors for the remainder of the calendar year 2011.
2. Appoint Director _____ to the office of Vice President of the Board of Directors for the remainder of the calendar year 2011.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the East Contra Costa Fire Protection District at a special meeting held on the 11th day of July 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

NAME
President, Board of Directors

ATTEST:

NAME
Clerk of the Board

BOARD OF DIRECTORS AGENDA ITEM NO. D-2

Meeting Date: July 11, 2011

Subject/Title: Consider Next Steps for the District; Funding and Organizational Options

Submitted by: Chief Henderson

RECOMMENDATION FOR ACTION

Provide direction to staff.

PREVIOUS ACTION

On May 6, 2011, the Board declined to approve a draft engineer's report related to the imposition of a fire services suppression property assessment after hearing testimony about the limited amounts of funding that the assessment would raise, a lack of community support, concerns about the approach taken by the draft report and suggestions that the Board consider other types of revenue enhancement measures. This staff report provides background for a broader discussion of the types of revenue enhancement and related organizational measures that the Board may wish to consider.

On June 6, 2011, the Board established an Ad Hoc Committee to research revenue enhancements for the District. The Ad Hoc Committee is comprised of Directors Bryant, Frazier, and Kenny, along with a representative Local 1230.

At the June 27, 2011, the Board requested to have a workshop at the July 11, 2011 meeting regarding funding and organizational options for the District.

SUBJECT BACKGROUND

Revenue Enhancement:

The District's preliminary Operating Budget for fiscal year 2011-12 is \$11,111,500. The revenue is estimated to be \$8,500,000 with \$2,650,000 in reserves to cover the expenses. The District projects a fund balance of \$742,124 in June 2012 assuming the current service level remains the same.

State law provides three options for increasing revenue that are available to the District under appropriate circumstances: adoption of a special tax, levy of a special assessment, or the establishment of user fees for cost recovery of certain services.

Special Tax:

In general, a special tax may be imposed on every property in the District to fund any of the District's authorized purposes. It would need to be levied on a parcel basis and not on the basis of assessed valuation (i.e., it could be a flat amount per parcel, or it could vary by parcel size, type of use or number of units; but it could not be a function of the assessed value). A tax must be submitted to an election and approved by a two-thirds vote of the registered voters in the District. The process for considering a tax would begin with a public hearing by the Board and

the adoption of a resolution calling for an election. The District would be responsible for election costs, estimated at approximately \$150,000-\$175,000. Dependent upon total number of registered voters District wide and participation with a County scheduled election; or, in the case of a mail ballot, the District's expenses would be the in printing, mailing, and tabulating the ballot materials. This is currently estimated to be \$100,000.

The major advantage of a special tax is the flexibility of funding. This could include services such as fire suppression and advanced life support, in addition to facilities and/or equipment as necessary. A disadvantage is the "super-majority" voting requirement of a two-thirds voter approval.

Upcoming election dates for 2012 that could be considered are February 7, 2012 or June 5, 2012 for (polling place); or a mail ballot on May 8, 2012. All these date would meet the requirements to get on the 2012-2013 tax roll and the revenue would then be received in December 2012.

Property Based Assessment:

In contrast to a tax, an assessment must reflect special benefits to real property and must be levied in proportion to the specific special benefit the assessed property receives. Special benefit is defined as a "particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large." For example, fire suppression is a benefit to real property because it preserves structures; while ambulance service would not be a property- based benefit. The assessment could be district-wide or could vary by zones.

Since the passage of Proposition 218, the levy of such assessments must be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State. The engineer's report must determine the proportional special benefit to each property from the assessment funded services. Some properties, such as vacant sites, receive very little or no special benefit from fire suppression services and probably could not be assessed. In sum, the engineer's report needs to carefully provide ample detail and support for the special benefits conferred by fire suppression services, which could be shown in terms of response times, type of services rendered, or other factors.

In contrast to a tax, an assessment may be adopted after the mailing of ballots to affected property owners and a public hearing at which the ballots are counted. So long as the majority of the ballots returned are NOT opposed ("majority protest"), the assessment passes the election. (In other words, if the property owners who would pay more than 50% of the total assessments object, the assessment cannot be levied.) Expenses would include engineering consultants and potentially election consultants to administer the creation, mailing, and tabulating of 44,000+ parcel ballots. Costs are currently estimated to be approximately \$85,000-\$100,000.

Assessment advantages include the majority protest election process and that an election may be called by the District at any time; the timing is not dependent upon County or State election schedules. Disadvantages are the requirements of proving special benefit and the limitations of funding use for only special benefit services.

User Fees:

While state law appears to prevent the District from charging fees for its essential fire suppression services, it does permit fire districts to recover certain costs incurred in providing the District services such as EMS/ambulance services, responding to motor vehicle accidents,

and other discrete activities such as inspections. Many districts around the state charge such fees, although there is a wide variety in what activity types or service users are charged. For example; some fees only affect nonresidents, others only charge for services that the department itself contracts for, while others charge for almost everything a department does except core fire suppression. In many cases some of the fees (particularly for EMS) are paid by insurance companies, which lessens the burden on the public. Fee applicability would be dependent upon District policy direction. Implementation involves a Fee Study to identify the cost of providing service and ensure the fees do not exceed those costs. The receipt of revenue from such fees would require development of a system for billing and collection, either by staff or a contractor. It should be noted, billing does not necessarily guarantee payment and collection services may be required. Estimated revenue is \$80,000 to \$100,000 per year base on emergency responses.

Public opinion polling:

Public opinion polling was conducted District-wide during the month of November 2010. Polling results were summarized in a detailed report to the Board in March. The major points included the following;

600 registered voters were polled within the District with 47% (282) of the polls taken in Brentwood, 16% (96) in Discovery Bay, 25% (150) in Oakley and 12% (72) in the unincorporated area and has an overall margin of error of plus or minus 3.68%.

The polling results show that a super majority tax measure (requiring a two-thirds approval for passage) has only 58% to 60% support regardless of dollar amount (\$96, \$84, or \$72) and the opposition is firm at approximately 25% across all dollar amounts. The first 200 voters were polled with a starting amount of \$125 receiving an approval rate of 50%.

The approximate level of support by community is as follows:

Brentwood	65%
Oakley	58%
Unincorporated	64%
Discovery Bay	51%
Summerset (Brentwood)	78%

District Organization:

The District was founded in 2002 through the consolidation of three small fire districts and organized under the Fire Protection District Law of 1987 (Health and Safety Code Sections 13800 through 13970) (the "Law"). The District was initially governed by a board consisting of the County Board of Supervisions pursuant to section 13837(b) of the Law. In October of 2009, the County Board authorized a change in the composition of the board pursuant to section 13837(a) of the Law, which permits the County Board and the City Councils within the District to appoint board members in proportion to the population under each body's jurisdiction, provided that each body appoints at least one board member. The current board was so appointed and took office in February 2010.

Section 13848 of the Law provides that an appointed fire protection district board may be changed to an elected board with majority approval of the District voters. The question may be placed on the ballot by resolution of the current board; or in the alternative, upon petition of 25% of the registered voters in the District. If the voters approve of the change, the election for the

board members must be held at the next general election. In other words, conversion to an elected board requires a two-step process: 1) Question to the voters of converting to an elected board; if passed, then 2) Election of board candidates by the voters at a general election.

Under section 13846 of the Law, the elected board may be either at-large or by division (i.e., districts) proportionate to population. Once a method is chosen and a board elected; in order to change to the other method, the question must be put to the voters. Under the circumstances here, the ballot question on whether to move to an elected board should also specify whether the board would be at-large or by division.

If the measure approving an elected board structure passes, the election would be administered with candidate filing and other requirements in accordance the Election Code. Also, if the board were to be elected by division, the District would need to be split into districts of as nearly equal population as feasible. The election would be for the entire nine member board; once the board is elected, new terms of office would be staggered as provided in Section 10505 of the Elections Code. (Specifically, the newly elected directors would meet and divide themselves by lot into two groups of 4 members and 5 members. The 5 members would serve a four-year term and the 4 members would serve a two-year term.) Subsequent elections would always be for four-year terms.

Finally, note that the current size of the Board, nine members, was set by the County and Cities and under section 13845 of the Law cannot be changed without a vote of the electorate. Thus, if the board wishes to propose electing a board consisting of a different number of members that change would have to be submitted to the voters as part of the question on changing to an elected board.

The estimated costs to moving to an elected Board of Director are \$200,000 to \$400,000 depending on polling place or mail ballot election.

Communities discuss and explore alternative fire service options:

In May, the Brentwood City Council discussed its concerns about the District's revenue challenges, the potential for future service cuts and options for a fire service back-up plan should the District fail in raising significant new revenues. The City Council directed City staff to prepare the necessary paperwork to apply to LAFCO for Brentwood to leave the District and organize a City-only fire department and return to Council for further consideration. The Brentwood City Council is expected to receive and consider this information in June.

Also in May, the Oakley City Council considered a similar plan but decided to defer further consideration while the District revenue issues are addressed.

On June 28, 2011, the Brentwood City Council approved moving forward with starting the LAFCO process for the detachment from the District and a formation of a new Brentwood Fire Protection District.

Finally, staff has received information that some of the residents from the Marsh Creek/Morgan Territory area have contacted LAFCO and San Ramon Valley Fire Protection District regarding their options to leave the District and instead receive fire service from San Ramon.

Ad Hoc Committee

The Ad Hoc Committee has met three times since the June 6, 2011 Board Meeting. The Committee has focused on three areas;

- 1- Service models: The Committee is reviewing different service models with the numbers of stations and staffing levels for the current needs and the needs of the District in the future. Staff is preparing costing for each of the models.
- 2- Service providers: The Committee is researching whether a larger agency such as Contra Costa County Fire Protection District could provide improved service for the District with regional resources.
- 3- Election dates and voter turnout: The Committee is reviewing past election data and voter turnout within the District to help forecast the best time to go out to the voters with a parcel tax.

In light of these developments, staff is seeking direction.