



EAST CONTRA COSTA FIRE PROTECTION DISTRICT

Board of Directors Regular Meeting

Monday February 6, 2012– 6:30 P.M.
Meeting Location: 3231 Main Street, Oakley

BOARD OF DIRECTORS		
Pat Anderson	Kevin Romick - President	Robert Kenny
Steve Barr	Joel R. Bryant- Vice President	Cheryl Morgan
Robert A. Brockman	Jim Frazier	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,
AFSCME Local 2700, East County Fire Fighters Association (Reserves),
Unrepresented Management.

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.

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 January 9, 2012 Regular Board of Directors Meeting.
- C. 2** Approve District Response CCC Grand Jury Report #1202-
“Fire Protection- What Can You Afford?”

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 Update from District Town Hall Meeting and Public Outreach.
- D.2** Review Draft Ordinance and Resolution for Proposed Parcel Tax and Scheduling a Special Meeting to Consider Adoption.

INFORMATIONAL STAFF REPORTS

- 1. Service calls for January 2012
- 2. Grant Updates

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: March 5, 2012

POSTING STATEMENT

A copy of this agenda was posted **February 3, 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 January 9, 2012– 6:30 P.M.

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

CALL TO ORDER – (6:30P.M) By President Romick

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

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

PUBLIC COMMENTS – (6:31 P.M.)

There were no public speakers.

CONSENT CALENDAR – (6:32 P.M.)

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

Motion by: Director Anderson to approve Consent Calendar Items; C1

Second by: Director Stonebarger

Vote: Motion carried 9:0

PUBLIC HEARINGS

NONE

DISCUSSION ITEMS

***D.1** Receive Grand Jury Report #1202 "Fire Protection- What Can You Afford?"
(6:55 P.M.)

Reviewed item by item on the Grand Jury Report #1202 "Fire Protection- What Can You Afford?" and gave direction for staff to come back with a draft of District Responses.

Director Stonebarger requested information if any Grand Jury members are living in the East Contra Costa Fire Protection District.

There were 4 public speakers. – Olga Jones, Gil Guerrero, Vince Wells & Bob Mankin

***D.2** Receive Update from District Town Hall Meeting and Public Outreach.
(6:32 P.M.)

Ehrlich Campaign gave a presentation on the update of the Public Information Campaign to date.

D.3 Receive Update Parcel Tax
(7:49 P.M.)

Director Brockman requested that staff brings back 3% from 5% Summary of Costs

There were 2 public speakers. - Randy Alder & Vince Wells

* Upon President Romick's request, Board had approved that item D2 be heard prior to item.

INFORMATIONAL STAFF REPORTS - (8:25 P.M.)

1. Service calls for November 2011 - Chief Henderson provided a report.
2. State Homeland Security Grant for Emergency Operation Equipment for Oakley Station - Chief Henderson provided a status update with work to start in February.

DIRECTORS' COMMENTS- (8:31 P.M.)

Director Bryant thanked all the firefighter for a good job.

Director Frazier addressed Willy West's Recovery.

Director Kenny thanked all the firefighters for an excellent job on a 12/10/11 fire.

Director Kenny offered a raffle to shave his beard to benefit Engineer Willy West.

INFORMATIONAL REPORTS AND REQUESTS FOR FUTURE AGENDA ITEMS FROM BOARD MEMBERS - (8:31 P.M.)

Director Barr requested for the next Regular scheduled meeting the following updates:
Parcel Tax Update
Ballot language

ADJOURN TO CLOSED SESSION 3231 Main Street, Oakley on the following matters: (8:35 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.

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.

Report from a Closed Session

(9:35 P.M.)

Chief Henderson reported that during the closed sessions, the Board gave direction to Negotiator for item 1.

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

(9:40 P.M.)

Motion by: Director Kenny to adjourn to the next Board meeting, February 6, 2012

Second by: Director Bryant

Vote: Motion carried 9:0

BOARD OF DIRECTORS AGENDA ITEM NO. C-2

Meeting Date: February 6, 2012

Subject/Title: District Response to Contra Costa County Grand Jury Report No. 1202 "Fire Protection-What Can You Afford?"

Submitted by: Fire Chief Henderson

RECOMMENDATION FOR ACTION

Approve and authorize a District response to Contra Costa County Grand Jury Report No. 1202, "Fire Protection-What Can You Afford?"

PREVIOUS ACTION

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.

At the January 9, 2012 Board meeting the Board reviewed both the Grand Jury report and draft responses. The Board gave feedback for the official District response.

SUBJECT BACKGROUND

The Contra Costa County Grand Jury is essentially a "watchdog" investigative group, under the guidance of the County Superior Court, which is authorized to review and evaluate government agencies and special districts. The review purpose is to ensure public agencies' duties are lawfully conducted and performed in an efficient and economical manner. Grand Jury Reports are prepared subsequent to review and response is required of agency stakeholders.

The District responses are attached; they reflect the Board's input and for the most part, disagree with the Grand Jury's findings and recommendations. The response stresses that since February 2010 the District's main focus has been cutting costs, maintaining a service model to provide emergency services throughout the District, and researching a new revenue stream for a sustainable fire district. In addition, the District has been providing public education with town hall meetings and other outreach in order to gather public input prior to the Board taking action on a proposed parcel tax..

Attachments:

Resolution

DRAFT District response to report

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTOR'S RESOLUTION NO. 2012-____**

**A RESOLUTION OF THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS APPROVING AND AUTHORIZING A DISTRICT REPOSE
TO CONTRA COSTA COUNTY GRAND JURY REPORT NO.1202 REGARDING
ECCFPD PROPOSED PARCEL TAX.**

WHEREAS, the Contra Costa County (CCC) Grand Jury is an investigative group, under the guidance of the County Superior Court, which is authorized to review and evaluate government agencies and special districts; and

WHEREAS, the review purpose is to ensure public agencies' duties are lawfully conducted and performed in an efficient and economical manner; and

WHEREAS, Grand Jury Reports are prepared subsequent to review and response is required of agency stakeholders; and

WHEREAS, the CCC Grand Jury has prepared Report No. 1202 titled "Fire Protection-What Can You Afford?"

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

1. Approve the attached District response to Contra Costa County Grand Jury Report No. 1202.
2. Authorize the Fire Chief to respond prior to the Grand Jury's deadline of March 12, 2012.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the East Contra Costa Fire Protection District at a regular meeting held on the 6th day of February 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

NAME
President, Board of Directors

ATTEST:

NAME
Clerk of the Board

DRAFT
EAST CONTRA COSTS FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS RESPONSE TO
CONTRA COSTA COUNTY GRAND JURY REPORT NO. #1202
“Fire Protection-What Can You Afford?”

FINDINGS

1. Without new sources of revenue, the District's current operating structure cannot be sustained.

Response: **Agree:** *The current level of service would need to be cut in half, or possibly more than half.*

2. From a quality of service point of view, the current operating structure is adequate.

Response: **Emphatically Disagree:** *Several independent analysts over the past several years have questioned the adequacy of the service levels in the District, including the City Gate Report in 2006, the Grand Jury Report in 2008, and the County MSR review by LAFCO at the time the district was reorganized in 2010. As a result, even before the 2010 station closures and cuts, service levels were inadequate in many respects. Due to geography, some parts of the District have particularly inadequate service that increases the risks to life and property due to the following: long response times, lack of paramedics on units, and worn or outdated equipment/facilities. The outstanding work of our firefighters has been compensating for the lack of resources to some degree; but as time progresses, situations where the quality of personnel cannot make up for lack of proper equipment or low staffing levels will occur.*

3. The Board of Directors has not publicly explained a parcel tax option at a level necessary to sustain the current operating structure.

Response: **Emphatically 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. During consideration of the assessment, the public overwhelmingly said that the goal should be to improve services and not just maintain the current inadequate levels of services. Moreover, previously when the County Board was serving as the District's governing body, there were also discussions about the lack of financial resources. In 2007, the County Board approved preliminary work on a parcel tax.*

Nonetheless, 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.

*Response: **Disagree:** The County Board received a quote from CAL FIRE in 2006 but decided not to contract with CAL FIRE at that time. In 2011, the current Board we did seek and receive a quote from Contra Costa County Fire Protection District, but it was significantly higher than the cost of continuing to provide the services directly. As a result, the Board discussed contracting out services at the September 12, 2011 meeting, but it decided not to proceed with that approach.*

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.

*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, we have 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 in order to ensure the long term sustainability of the District's service levels.*

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.

*Response: **Disagree:** As noted above, the Grand Jury estimate fails to recognize the Board's Reserve Policy for Capital Improvements and Equipment Replacement. The Reserve Policy is not just an academic exercise: many of the District's facilities are in need of upgrading or replacing. The Bethel Island Fire Station was condemned by the County several years ago and only parts of it may be used for vehicle storage, while firefighters occupy a now several-years-old prefabricated temporary facility. District equipment is also dated and needs to replace three type 1 structure engines and 3 type wild land engines.*

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.

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.

Response: **Disagree:** *The Board held a public hearing devoted to examining service models based on both current and projected revenue models in August 2011. The Board, with staff assistance from the City of Brentwood finance staff and Executive Committee reviewed the following options: Balanced Budget or Baseline Service Models and Zone Concept;*

The Balanced Budget or Baseline Service Model would contain either 3 or 4 stations within Brentwood, Discovery Bay, and Oakley with staffing level of either 2 or 3 personnel per station.

Zone Concept would set a base level service level across the District on existing District revenues. The District could be divided into service areas within the District and each service area could be set the desired level of enhanced service with its zone.

The Board has directed staff to work prepare a proposed timeline to make necessary cuts and operational plan for the fiscal year beginning July 1 should the tax not be adopted, which the Board will be considering this spring. The District Board strongly believes that without further revenue, the only financially "viable" service option will be grossly inadequate to protect the District.

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

Response: **Disagree:** *The District has been in continuous negotiations with our labor groups over the last several months, but the contents of the discussions are confidential. See Agendas reflecting closed sessions of the District Board to provide direction to labor negotiators dated January 9, 2012, December 5, 2011.....*

RECOMMENDATION

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

The recommendation has been and continues to be 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 has been and continues to be implemented: *The Board and its Ad-Hoc Committee on financing have looked at several staffing models. As noted above, public comments during a Board meeting devoted to service models unanimously demanded that the District needs to improve service, not just maintain the 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. We do note, however, that due to the requirements of state law on considering revenue questions; the District must make a selection and propose it approval or rejection by the voters – the Board cannot submit a menu of options to the voters.*

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

This recommendation has been carefully considered but rejected. *As noted above, this suggestion is not new and the District has received quotes from both CAL FIRE and CON FIRE. The Board decided, most recently in September 2011, that it did not want to contract out services at this time. The reasons include that the contracting option appeared to be more expensive than our current service model and would deny the local control that the County Board and LAFCO intended to promote when the current Board was created in 2009 to replace governance of the District by the County Board.*

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 has been and continues to be implemented: *As noted above, the Board has been working on cost containment continuously since the governance change in February 2010, which included the closing of two fire stations, not filling open positions, not providing firefighter or staff cost of living increases, 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 has been and continues to be implemented: The Board previously looked at several staffing models and services levels and received extensive public comment on the need to provide for a sustainable District that protects and serves the long term needs of its residents. The Board will continue to consider service model options through and during the public hearing prior to considering placing the parcel tax on the ballot. The options include a parcel tax at a different level as well as the alternate methods for providing services with no additional revenue discussed above in our response to Finding No. 8.

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 has been and continues to be 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, which will continue through the public hearing next month. At the January Board meeting, the Board reviewed a detailed report from its Consultant on the issues raised by the public, and the Board considered that in directing the staff as it works on preparations for the tax propose. Similarly, the Board will continue to review the public input and consider revisions to its plans at its board meetings until the public hearing.

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

The recommendation has been and continues to be 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 being implemented: As noted above in our responses to Findings 7, 8 and 9, the staff has been working on District options, including 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 in the coming months.

BOARD OF DIRECTORS AGENDA ITEM NO. D-1

Meeting Date: February 6, 2012

Subject/Title: Receive Update on Public Outreach

Submitted by: Chief Henderson

RECOMMENDATION FOR ACTION

Receive Update on the Town Hall Meeting 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:

Community outreach on the behalf of the District began in October and has continued through January. The month of December saw the first in a series of Town Hall Meetings 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.

In January, the District organized three Town Hall Meetings (Oakley, Bethel Island, and Brentwood) along with presentations to three local service clubs (Oakley Sunday Seniors, Brentwood Lions Club, and Brentwood Kiwanis).

Mail piece #2 was presented and recently approved by the Ad-Hoc committee and is scheduled to arrive in mailboxes around February 9, 2012. The mailer invites the public to attend 8 additional meetings within the months of February and March and provides an update on the District' efforts to place a parcel tax on the June 5, 2012 ballot.

Our consultant is here tonight to answer any questions regarding our public information project.

Public Education/Outreach Schedule

The Consultant has provided the following schedule of public education and outreach activities updated as of February 1, 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, 1:00 PM
 - 01/17/12 Town Hall Meeting - Oakley City Hall, 6:30 PM
 - 01/18/12 Brentwood Lions Club -7:00 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, 10:00 AM
-
- Draft mailer piece #2 to Ad-Hoc Committee

February:

- 02/07/12 Delta Soroptomist, Brentwood, 7:15 PM
- 02/11/12 Westmont of Brentwood, 10:30 AM
- 02/16/12 Town Hall Meeting - Brentwood City Council Chambers 6:30 PM
- 02/22/12 Town Hall Meeting – Knightsen Garden Club 7:00 PM
- 02/23/12 Town Hall Meeting – Oakley City Hall, 6:30 PM
- 02/29/12 Town Hall Meeting – San Joaquin Yacht Club – Bethel Island, 6:30 PM

March:

- 03/01/12 Town Hall Meeting – CSD, Discovery Bay, 6:30 PM
- 03/22/12 Oakley Chamber of Commerce @ Black Bear Diner, 12:00 PM
- 03/26/12 Brentwood Rotary Club @ Nines, 1:00 PM
- 03/27/12 Discovery Bay Chamber of Commerce

BOARD OF DIRECTORS AGENDA ITEM NO. D2

Meeting Date: February 6, 2012

Subject/Title: Review Draft Ordinance Authorizing Parcel Tax and Draft Resolution Calling Special Election to Submit Ordinance to Voters

Submitted by: Chief Henderson

RECOMMENDATION FOR ACTION

Review draft ordinance and resolution related to the submission to the voters of a \$197 annual parcel tax at the June 5, 2012 election, and provide direction to staff related to scheduling a public hearing to consider same not later than March 9, 2012. Staff recommends that a special meeting be held on February 27, 2012 for that purpose

PREVIOUS ACTION

At the January 9 meeting you provided initial direction to staff on the development of a proposed parcel tax question to be submitted to the voters. Staff has developed the attached ordinance and resolution to reflect your direction.

SUBJECT BACKGROUND

Sections 13911 and 13913 of the California Health and Safety code authorize the District to adopt an ordinance, subject to two-thirds voter approval, to levy a special tax on all parcels of real property in the District for the purpose of providing fire protection and emergency services. The next election date at which the District may submit a measure to the voters is June 5, 2012, which is also an established statewide election date. If the District determines to call an election on June 5, 2012, the District may request, pursuant to Section 10403 of the Elections Code, that the County consolidate the District's election with the statewide election on the same date. Approval of the attached draft Resolution is required to submit a special tax measure to the voters. Specifically, the Resolution:

1. Calls a special district election to be held on June 5, 2012,
2. Orders a ballot question to approve Ordinance No. _____ to levy the proposed special tax to be submitted to the voters, with the language of the ballot question stated in the Resolution,
3. Incorporates by reference, as Exhibit A, Ordinance No. _____ imposing the special tax,
4. Authorizes the District Clerk or the Fire Chief of the District to contract with the County to procure and furnish any election supplies and equipment to lawfully conduct the election, at costs to be reimbursed by the District, Requests the County to consolidate the special District election with the statewide election to be held on June 5, 2012,
5. Authorizes the County Election Department to canvass the returns for the special district election, and
6. Agrees to reimburse the County for any costs to consolidate the special district election.

Upon approval by the voters, the Ordinance imposes the special tax for the purpose of enhancing the existing level of emergency fire prevention and fire protection services, funding capital improvements and adding paramedic services. Beginning with fiscal year 2012-13, the maximum amount of the special tax is \$197.00 per parcel. Beginning with fiscal year 2013-14 and for each fiscal year thereafter, the maximum amount of the special tax will increase by the lesser of 3% or the percentage increase in the CPI. Each year, the Board of Directors must establish the amount of the special tax levy for the next fiscal year, in an amount that is at or below such maximum amount. The special tax will be collected in the same manner, on the same dates, and will be subject to the same penalties and interest and other changes and taxes collected on the county tax roll.

The Ordinance provides an exemption from the special tax for any parcel that is exempt pursuant to any provision of the Constitution, California State law, or any paramount law. This exemption covers property owned by other government entities, but does not currently cover property owned by non-profit organizations like churches or charities. The Ordinance does authorize the Board of Directors to adopt further exemptions (i.e., for non-profits) by resolution should it choose to do so subsequently.

The Ordinance also increases the District's appropriation limit established under Article XIII B, Section 6 of the Californian Constitution by the amount of the proceeds received for the special tax.

Service Model:

The Board requested that the service model be modified to reflect a 3% increase instead of 5% per year, projections timeline be changed from 5 to 10 years and that actual replacement costs are added to the model. (See attached)

It is estimated that replacement costs will run approximately \$896,000 in the first year plus the Board's current policy of 1% of the Operating Budget expenditures for Capital Improvements and 1% for Equipment Replacement. If the District had been fully funding its replacement funds in past, a total of approximately \$12.1 million would have been set aside in replacement. The replacement costs were based on the following timelines:

Fire Stations	50 years
Fire Engines	15 years
Water Tenders	20 years
Staff Vehicles	6 years
Fire Boat	25 years

Attachments:

Resolution:

Ordinance:

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS RESOLUTION NO. 2012-**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT CALLING A SPECIAL ELECTION ON TUESDAY, JUNE 5, 2012, ORDERING THAT A QUESTION RELATING TO THE LEVY OF A SPECIAL PARCEL TAX BE SUBMITTED TO THE VOTERS AT THE SPECIAL ELECTION, AND REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA CONSENT TO THE CONSOLIDATION OF THE SPECIAL DISTRICT ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON SAID DATE AND TO RENDER SPECIFIED SERVICES TO THE DISTRICT PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, pursuant to its rights and authority under State law, the Board of Directors of the East Contra Costa Fire Protection District (the "District") may call a Special Election to be held in the District on June 5, 2012 for the purpose of submitting a ballot measure to the voters of the District; and

WHEREAS, pursuant to the authority of Sections 13911 and 13913 of the California Health and Safety Code, and other applicable law, the District may levy a special tax on all parcels of real property in the District for the purpose of providing fire protection and emergency services, subject to the approval by a two-thirds vote of the qualified voters of the District voting in an election on the issue; and

WHEREAS, the County of Contra Costa will conduct its portion of a Statewide Election on June 5, 2012 in territory that is in part the same as the District; and

WHEREAS, it is desirable that this Special District Election be consolidated with the Statewide Election to be held on the same date and that within said District the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of Contra Costa canvass the returns of the Special District Election, and that this Consolidated Election be held in all respects as if there were only one election.

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

SECTION 1. The foregoing findings are true and correct.

SECTION 2. Pursuant to its rights, powers and authority, the Board of Directors of the District does hereby call a Special District Election to be held on June 5, 2012 and orders the following question to be submitted to the voters at the Special District Election.

East Contra Costa Fire Protection District Emergency Services Protection Measure. To preserve existing emergency services, add paramedic services and prevent further layoffs of up to one half of existing firefighters and the 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 adjustment not to exceed 3%?	YES
	NO

SECTION 3. The full text of Ordinance No. 12-001, attached to this Resolution as Exhibit A and incorporated herein by reference, shall be printed on the voter pamphlet.

SECTION 4. The ballots to be used at the election shall be in form and content as required by law.

SECTION 5. The District Clerk and/or Fire Chief are authorized, instructed and directed to contract with the County of Contra Costa to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment, personnel and paraphernalia that may be necessary in order to properly and lawfully conduct the election, at costs to be reimbursed by the District.

SECTION 6. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. Notice of the time and place of holding the election is given, and the District Clerk is authorized, instructed and directed to give further or additional notice of the election in time, form and manner as required by law.

SECTION 8. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Contra Costa is hereby requested to consent and agree to the consolidation of the Special District Election with the Statewide Election on Tuesday, June 5, 2012, for the purpose of submitting the above-described ballot measure to the voters of the District.

SECTION 9. The County Election Department is authorized to canvass the returns of the Special District Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 10. The Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 11. The District recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 12. That the District Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Contra Costa forthwith.

SECTION 13. That the District Clerk shall certify to the passage and adoption of this Resolution and enter it into the official records of the District.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the East Contra Costa Fire Protection District at a regular meeting held on the ___ day of _____ 20__ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

NAME
President, Board of Director

ATTEST:

NAME
District Clerk

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS ORDINANCE NO. 2012-**

AN ORDINANCE OF THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT TO AUTHORIZE THE LEVY OF A SPECIAL TAX TO FINANCE FIRE PROTECT AND EMERGENCY SERVICES AND AUTHORIZING AN INCREASE IN THE APPROPRIATIONS LIMIT FOR THE EAST CONTRA COST FIRE PROTECTION DISTRICT.

THE BOARD OF DIRECTORS OF THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT DOES HEREBY ORDAIN THE FOLLOWING:

Section 1. Authority, Purpose and Intent.

Pursuant to the authority of Sections 13911 and 13913 of the California Health and Safety Code, and other applicable law, there is hereby levied and assessed a special tax by the East Contra Costa Fire Protection District on all parcels of real property in the East Contra Costa Fire Protection District for each fiscal year. It is the sole purpose and intent of this ordinance to impose a special tax for fire protection and emergency services.

Section 2. Special Tax Imposed.

A special tax for the purpose specified in Section 4 of this ordinance shall be imposed on all parcels of real property in the East Contra Costa Fire Protection District for each fiscal year, commencing with fiscal year 2012-13. The maximum amount of the special tax for each fiscal year shall be \$197.00 per parcel. Beginning with fiscal year 2013-14 and for each fiscal year thereafter, the maximum amount of the special tax shall increase by the lesser of (i) three percent or (ii) the percentage by which the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose Area published by the Bureau of Labor Statistics of the United States Department of Labor, or any successor to that index, increased in the twelve months prior to March of the calendar year in which the adjustment is made.

The records of the Contra Costa County Assessor as of March 1st of each year shall determine the use and improvement of each parcel for the calculation of the special tax applicable to that parcel in the following fiscal year.

For the purposes of this ordinance, the term "parcel" shall mean a parcel of real property having a separate assessor's parcel number as shown on the last equalized assessment roll of Contra Costa County.

Section 3. Annual Levy.

The Board of Directors shall annually by an affirmative vote of at least a majority of its members establish the amount of the special tax levy, in an amount that does not exceed the maximum amount specified in Section 2 of this ordinance. The special tax shall not be measured by value of the property.

Section 4. Special Fund, Use of Tax Proceeds.

The proceeds of the special tax imposed by this ordinance shall be placed in a special fund to be used solely for the purpose of enhancing the existing level of emergency fire prevention and fire protection services, funding capital improvements and adding paramedic services.

Section 5. Collection.

The special tax imposed by this ordinance shall be collected in the same manner, on the same dates, and shall be subject to the same penalties and interest as other charges and taxes fixed and collected by the County of Contra Costa on behalf of the East Contra Costa Fire Protection District. Said special tax, together with all penalties and interest thereon, shall constitute a lien upon the parcel upon which it is levied until it has been paid, and said special tax, together with all penalties and interest thereon, shall, until paid, constitute a personal obligation to the East Contra Costa Fire Protection District by the persons who own the parcel on the date the tax is due.

Section 6. Amendment.

The Board of Directors shall be empowered to amend this ordinance by an affirmative vote of at least a majority of its members to carry out the general purposes of this ordinance, to conform the provisions of this ordinance to applicable state law, to modify the methods of collection, or to assign the duties of public officials under this ordinance.

In no event shall the Board of Directors amend this ordinance to increase the maximum amount of the special tax established in section 2 of this ordinance, unless approved by two-thirds of the voters voting thereon.

Section 7. Exemptions.

The special tax shall not be imposed upon any parcel that is exempt from the special tax pursuant to any provision of the Constitution, California State law, or any paramount law. The Board of Directors by resolution may adopt exemptions to the special tax imposed by this ordinance.

Section 8. Appropriations Limit.

The appropriations limit of the East Contra Costa Fire Protection District established under Article XIII B, Section 6 of the California Constitution shall be increased by the proceeds received from the special tax imposed by this ordinance.

Section 9. Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The Board of Directors, and the electorate by referendum, do hereby declare that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional.

Section 10. Effective Date.

This ordinance shall be adopted and become effective only if approved by two-thirds of the voters voting thereon, at an election to be held on June 5, 2012.

Section 11. Attestation.

The President is hereby authorized to attest to the adoption of this ordinance by signing where indicated below.

I hereby certify that the foregoing ordinance was PASSED, APPROVED AND ADOPTED by the people of the East Contra Costa Fire Protection District voting on the 5th day of June, 2012.

NAME
President, Board of Directors

ATTEST:

NAME
District Clerk

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
ANTICIPATED SERVICE MODEL
3/0 STAFFING WITH ALS
\$197 - 3% ANNUAL INCREASE**

	FY 2012/13 6 Stations 48 Fire Suppression 3/0 Staffing - 4 Stations 2/0 Staffing - 2 Stations	FY 2013/14 6 Stations 54 Fire Suppression 3/0 Staffing	FY 2014/15 6 Stations 54 Fire Suppression 3/0 Staffing	FY 2015/16 6 Stations 54 Fire Suppression 3/0 Staffing	FY 2016/17 7 Stations 63 Fire Suppression 3/0 Staffing	FY 2017/18 7 Stations 63 Fire Suppression 3/0 Staffing	FY 2018/19 7 Stations 63 Fire Suppression 3/0 Staffing	FY 2019/20 7 Stations 63 Fire Suppression 3/0 Staffing	FY 2020/21 7 Stations 63 Fire Suppression 3/0 Staffing	FY 2021/22 7 Stations 63 Fire Suppression 3/0 Staffing
Beginning Fund Balance		3,260,400	4,879,273	6,349,885	7,401,606	6,205,706	5,210,413	4,122,351	2,969,997	1,700,574
Revenue										
Property Tax	7,723,509	7,723,509	7,723,509	7,723,509	7,877,979	8,035,538	8,196,249	8,360,174	8,527,378	8,697,925
RDA Pass-through	199,327	199,327	199,327	199,327	203,314	207,380	211,528	215,758	220,073	224,475
CFD	149,141	152,124	155,167	158,270	161,435	164,664	167,957	171,317	174,743	178,238
New Revenue Source	8,618,089	8,921,015	9,234,589	9,559,184	9,895,190	10,243,006	10,603,047	10,975,744	11,361,542	11,760,900
Total Revenues	16,690,066	16,995,975	17,312,591	17,640,290	18,137,918	18,650,588	19,178,781	19,722,993	20,283,735	20,861,538
Expenditures										
Administration and Fixed Costs	2,244,048	2,358,739	2,472,444	2,555,618	2,630,279	2,712,357	2,794,938	2,880,779	2,970,064	3,062,992
Station Costs	921,047	948,678	977,139	1,006,453	1,205,248	1,241,405	1,278,647	1,317,007	1,356,517	1,397,212
Staffing Costs:										
Captain	3,322,482	3,755,921	3,997,463	4,155,267	5,005,821	5,185,300	5,353,803	5,530,362	5,715,521	5,909,876
Engineers	3,094,422	3,314,554	3,532,607	3,678,526	4,441,106	4,609,842	4,764,078	4,925,836	5,095,622	5,273,988
Firefighters	1,907,908	3,068,148	3,273,089	3,412,371	4,125,838	4,288,576	4,434,849	4,588,343	4,749,546	4,918,986
Cal Fire Contract	348,715	359,176	369,951	381,050	392,482	404,256	416,384	428,875	441,741	454,994
One Time Paramedic/New Staff Costs	75,000	372,600		200,000	308,900					
EBRCSA Ongoing Costs	54,000	57,240	57,240	57,240	62,100	62,100	62,100	62,100	62,100	62,100
Chevron Refund	300,000									
OPEB Actuary - Every Two Years	20,000		20,000		20,000		20,000		20,000	
Capital Improvement Fund	122,876	142,351	146,999	154,465	181,918	185,038	191,248	197,333	204,111	210,801
Equipment Replacement Fund	122,876	142,351	146,999	154,465	181,918	185,038	191,248	197,333	204,111	210,801
Total Expenditures	12,533,374	14,519,758	14,993,932	15,755,455	18,555,608	18,873,913	19,507,294	20,127,968	20,819,335	21,501,751
Revenues over (under) Expenditures	4,156,692	2,476,217	2,318,659	1,884,835	(417,690)	(223,325)	(328,513)	(404,975)	(535,600)	(640,213)
20% Reserve	2,506,675	2,903,952	2,998,786	3,151,091	3,711,122	3,774,783	3,901,459	4,025,594	4,163,867	4,300,350
Unreserved	1,650,017	2,832,665	4,199,145	5,083,629	3,272,794	2,207,598	980,441	(308,218)	(1,729,470)	(3,239,989)
Ending Fund Balance	4,156,692	5,736,617	7,197,932	8,234,720	6,983,915	5,982,381	4,881,900	3,717,375	2,434,397	1,060,361
Actual Replacement Cost in Excess of Board Policy	896,293	857,344	848,046	833,115	778,210	771,968	759,549	747,379	733,823	720,442
Ending Fund Balance less Replacement	3,260,400	4,879,273	6,349,885	7,401,606	6,205,706	5,210,413	4,122,351	2,969,997	1,700,574	339,919

Assumptions:

- 1) Total Property Tax revenues based on FY 2011/12 projections including 4.41% (approx. \$360,000) decline from 2010/11 levels.
- 2) Property Tax and RDA Pass-through revenue decreased 2% FY 2012/13, no increase FY 2013/14, 2014/15, 2015/16 and 2% increase FY 2016/17 and each year thereafter.
- 3) CFD revenue reported at total to be assessed FY 2011/12 and increased 2% per year.
- 4) Number of Parcels Year One based on Reported amount as of October 2010, Increase 1/2% per Year.
- 5) New Revenue Per Parcel Amount \$197 Increasing 3% per Year.
- 6) All Positions filled with FTEs beginning July 2013.
- 7) Estimated Salary Increase of 2% per Year.
- 8) Estimated Employee Group Insurance Increase of 7% per Year.
- 9) Retirement Increase based on 12/31/10 Actuarial Valuation through FY 2017/18. Estimated no increase thereafter.
- 10) Overtime based on 360 Hours of backfill for Vacation/Sick per Position per Year.
- 11) OPEB Contribution based on funding 85% of estimated ARC and would require Actuary to validate.
- 12) ALS Salary Captain plus 10%
- 13) Reserve Program included at District Budget Level.
- 14) Fixed, Station, and Cal Fire costs increased 3% per Year.
- 15) Principal and Interest on Lease Purchases Equipment not included - Final Payment 2011/12.
- 16) Equipment and Capital Replacement Based on 1% of Budgeted Expenditures not Actual Replacement Costs Based on Current Board Policy.
- 17) EBRCSA One Time Costs Grant Awarded (Matching portion from Replacement Funds)

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
SALARY AND BENEFIT INCREASES**

	FY 2011/12 % / RATE	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22
Salary and Benefits											
Permanent Salaries		2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
FICA/Medicare	1.4500%										
Retirement Expense	78.6700%	8.80%	7.82%	6.67%	0.38%	-2.09%	-1.28%	0.00%	0.00%	0.00%	0.00%
Employee Group Ins. - Health Insurance	18,480	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%
Employee Group Ins. - Dental Insurance	895	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%
Employee Group Ins. - Life Insurance	15	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%
Overtime Hours - Vacation/Sick 30 Hrs Month	360										
Unemployment Ins.	0.6230%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%
Workers Comp Ins.	11.39032%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
OPEB Pre-Pay/Retiree Medical- Per Employee	6,387	8,421	10,700	13,211	15,582	18,420	21,396	22,514	23,690	24,927	26,229

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
ANTICIPATED SERVICE MODEL TIMELINE**

Timeline	Ramp Up	Effective Date of Change	Paramedic One Time Costs	Number of New Employees	One Time Per New Employee Costs (EBRCSA \$6,100 Other \$6,000)	EBRCSA Changes per New Employee
July-December 2012	Recruitment/Testing for Paramedic Firefighters	7/1/2012	75,000			
January-June 2013	11 paramedic firefighters - Change Captains to Paramedic Captains	1/1/2013				
July-December 2013	Place 2 paramedic engines in service. One in Brentwood and Oakley Staff to 54	7/1/2013	200,000	6	12,100	540
January-June 2014	Place a third paramedic engine in service.	1/1/2014	100,000			
July-December 2014		7/1/2014				
January-June 2015		1/1/2015				
July-December 2015	Place fourth paramedic engine in service.	7/1/2015	100,000			
January-June 2016	Place fifth paramedic engines in service.	1/1/2016	100,000			
July-December 2016	Open 7 th station and bring staffing to 63 personnel and place the sixth paramedic engine in service.	7/1/2016	100,000	9	12,100	540
January-June 2017	Place seventh paramedic engine in service.	1/1/2017	100,000			