

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS**

Meeting Date: September 21, 2021

Subject/Title: Authorize Execution of Community Facilities Agreement with City of Brentwood

Submitted by: Brian Helmick, Fire Chief

RECOMMENDATION FOR ACTION

Staff recommends that the East Contra Costa Fire Protection District ("ECCFPD" or "District") Board of Directors (Board) authorize the Fire Chief to execute a Community Facilities Agreement with the City of Brentwood related to mandatory annexation of certain developments into ECCFPD's Community Facilities District (CFD).

STRATEGIC INITIATIVE

East Contra Costa Fire Protection District Strategic Plan 2019-2023 and Implementation Action Plan (IAP):

- Goal A: Ensure financial stability and sustainability
 - Strategy A3: Pursue local and District-wide development fees and Community Facilities District(s) to cover costs resulting from new growth.

PREVIOUS ACTIONS

Through a series of actions taken on November 9 and December 9, 2020, and April 14 and July 14, 2021, the Board (a) held a public hearing, and conducted and certified the results of a landowner election to establish CFD No. 2020-1 (Fire Protection and Emergency Response Services) and Future Annexation Area; (b) approved a fiscal impact analysis supporting a special tax within CFD 2020-1; (c) adopted an ordinance to levy a the special tax establishing; and (d) established an appropriations limit for CFD 2020-1.

BACKGROUND

The City of Brentwood's City Council is slated to consider an urgency ordinance adding Chapter 17.635 ("Emergency Medical and Fire Protection Service Funding") to the City of Brentwood Municipal Code. Under the urgency ordinance, if a new development is located within the boundaries of the CFD and triggers an additional demand for services provided by the CFD by increasing the number of residential dwelling units or nonresidential floor area over 2,000 s.f., it must annex to the CFD before receiving a building permit. If the special tax imposed by the CFD expires, lapses, or is repealed (as by initiative or preemptive state law), the emergency medical and fire protection services to the development may be reduced due to the lost revenue.

To allocate the costs and responsibilities to administer the CFD's special tax and to distribute its proceeds, City and District staff negotiated a Community Facilities Agreement. Under that agreement, tax proceeds will reimburse the City and District for their respective expenses as to the formation and administration of the CFD, and the District will devote the balance of the funds to its emergency medical and fire protection facilities and services. The agreement also requires the District to indemnify and defend the City against challenges to the special tax.

This urgency ordinance will be followed by a regular ordinance as part of a two-track approval process. The urgency ordinance would take effect immediately upon adoption. The regular ordinance would be subject to review by both the Planning Commission and City Council. The regular ordinance would take effect 30 days after adoption and would repeal and replace the urgency ordinance.

ATTACHMENTS

Resolution

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS
STATE OF CALIFORNIA**

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RESOLUTION NO. 2021-__

**AUTHORIZING THE FIRE CHIEF TO EXECUTE A COMMUNITY FACILITIES AGREEMENT
WITH THE CITY OF BRENTWOOD**

WHEREAS, the East Contra Costa Fire Protection District (District) adopted a five-year Strategic Plan in December 2018 and a related Implementation Action Plan (IAP) in February 2019; and

WHEREAS, the Strategic Plan establishes District goals of pursuing local and District-wide development fees and a Community Facilities District (CFD) to cover costs resulting from new growth in the District's service area; and

WHEREAS, the District pursued the formation of a CFD and, on April 14, 2021, the District's Board of Directors adopted Resolution No. 2021-14 "Forming Community Facilities District No. 2020-1 (Fire Protection and Emergency Response Services)," pursuant to which it completed the proceedings for the establishment of CFD 2020-1 and a future annexation area; and

WHEREAS, the City of Brentwood is slated to consider a series of ordinances under which new developments located within the boundaries of the CFD must annex to the CFD before receiving a building permit if the developments would trigger an additional demand for services provided by the CFD by increasing the number of residential dwelling units or nonresidential floor area over 2,000 s.f.; and

WHEREAS, staff recommends that the Board of Directors authorize the Fire Chief to execute a Community Facilities Agreement with the City of Brentwood under which tax proceeds will reimburse the City and District for their respective expenses as to the formation and administration of the CFD; the District will devote the balance of the funds to its emergency medical and fire protection facilities and services; and the District will indemnify and defend the City against challenges to the special tax.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the East Contra Costa Fire Protection District hereby authorizes the Fire Chief to execute a Community Facilities Agreement with the City of Brentwood as described above.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the East Contra Costa Fire Protection District at a special meeting held on the 21st day of September, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Brian J. Oftedal
President, Board of Directors

ATTEST:

Regina Rubier
Clerk of the Board