



# EAST CONTRA COSTA FIRE PROTECTION DISTRICT

Board of Directors Regular Meeting

**Monday January 4, 2016 – 6:30 P.M.**

Meeting Location: 3231 Main Street, Oakley

## BOARD OF DIRECTORS

Steve Barr  
Robert Kenny  
Jonathan Michaelson

Joel Bryant-President  
Ronald Johansen-Vice President  
Cheryl Morgan

Randy Pope  
Erick Stonebarger  
Joe Young

## AGENDA

---

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### ORGANIZATION OF THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT BOARD OF DIRECTORS

- A.1 Recognize Outgoing Directors Cooper and Smith
- A.2 Administration of Oath of Office for Directors Barr and Stonebarger, who have been appointed to the Board of Directors by the Brentwood City Council

### 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. Members of the public wishing to address the Board may submit a "Public Comment Speaker Card" to the District Clerk. While the District encourages your comments, State law prevents the Board from discussing items that are not set forth on this meeting agenda. The Board and staff take your comments very seriously and, if appropriate, will follow up on them.

### 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 7, 2015 Regular Board of Directors Meeting

January 4, 2016 Agenda  
Page 1 of 2

**C.2 Approve Minutes from December 28, 2015 Special Board of Directors Meeting**

**DISCUSSION ITEMS**

- D.1 Selection of District Board Officers: President, Vice President for the 2016 Calendar Year**
- D.2 Discuss Filling of Open Seats on Finance Committee**
- D.3 Discuss Filling of Open Seats on Public Education/Outreach Committee**
- D.4 Schedule a Public Hearing Regarding Proposed Schedule of Fees and Introduce and Waive First Reading of Ordinance Adopting a Schedule of Fees for the Recovery of Emergency Medical First-Responder Service Costs**
- D.5 Receive Operational Update for December 2015**

**INFORMATIONAL STAFF REPORTS**

- 1. Receive Update on Firefighter Recruitment

**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.

**RECESS TO CLOSED SESSION ON THE FOLLOWING MATTERS:**

- 1. Public Employee Performance Evaluation Pursuant to Government Code Section 54957(b)(1)  
Title: Fire Chief

**REPORT ON THE CLOSED SESSIONS**

**ADJOURN TO THE REGULAR BOARD MEETING SCHEDULED: February 1, 2016**

All items appearing on the agenda are subject to action by the Board.

**POSTING STATEMENT**

A copy of this agenda was posted **December 31, 2015 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 including such records and writing distributed less than 72 hours prior to this meeting are 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  
BOARD OF DIRECTOR'S AGENDA ITEM NO. D-1**

**Meeting Date:** January 4, 2016

**Subject/Title:** Selection of District Board officers: President, Vice President for the 2016 Calendar Year

**Submitted by:** Hugh Henderson, Fire Chief

---

**RECOMMENDATION FOR ACTION**

Request for Board Member nominations and/or volunteers to serve as President and Vice President of the Board for the 2016 Calendar Year

Adopt a Resolution electing Directors to serve as President and Vice President of the East Contra Costa Fire Protection District Board of Directors for the remainder of the 2016 Calendar Year.

**PREVIOUS ACTION**

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

Following actions taken by an appointing authority in December 2014, on January 5, 2015 the Board of Directors re-elected Director Bryant as President and Director Johansen as Vice President for the 2015 Calendar Year.

Similarly, the election of officers for 2016 has been delayed until the January meeting to allow the City of Brentwood to make appointments/re-appointments to the Board of Directors in December.

**SUBJECT BACKGROUND**

The Fire Protection District Law, at 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, vice president and secretary or clerk.

Duties of the President include, but are not limited to, serving as presiding officer of the Board and representative for the Board in public policy matters. The Vice President shall exercise the duties of the President in the President's absence and assist the President representing the Board and determining issues of Board interest. The Fire Chief or his designee serves as Clerk of the Board.

At this time it is appropriate to request nominations and/or volunteers for election to the offices of President and Vice President for the Calendar Year commencing January 2016.

Attachments:  
Resolution

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

\* \* \*

**RESOLUTION NO. 2016-**

**ELECTING DIRECTOR \_\_\_\_\_ AS PRESIDENT AND DIRECTOR  
\_\_\_\_\_ AS VICE PRESIDENT FOR THE 2016 CALENDAR YEAR**

**WHEREAS**, the Fire Protection District Law at 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, vice president and secretary or clerk; and

**WHEREAS**, on February 3, 2010, the Board of Directors adopted Board of Directors Policy 1-3.5 providing for selection of President and Vice President each December for a one year term commencing each January, and naming the Fire Chief or his designee as Clerk of the Board; and

**WHEREAS**, on January 5, 2015, the Board adopted Resolution 2015-1 appointing Director Joel Bryant as President and Director Ronald Johansen as Vice President for the remainder of calendar year 2015.

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

1. Elect Director \_\_\_\_\_ to the office of President of the Board of Directors for the remainder of calendar year 2016.
2. Elect Director \_\_\_\_\_ to the office of Vice President of the Board of Directors for the remainder of calendar year 2016.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the East Contra Costa Fire Protection District at a regular meeting held on the 4<sup>th</sup> day of January, 2016 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Joel Bryant  
President, Board of Directors

ATTEST:

---

Hugh Henderson  
Clerk of the Board

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT  
BOARD OF DIRECTORS AGENDA ITEM NO. D-2**

**Meeting Date:** January 4, 2016

**Subject/Title:** Discuss Filling of Open Seats on Finance Committee

**Submitted by:** Joel Bryant, Board President

**Prepared by:** Hugh Henderson, Fire Chief

---

**RECOMMENDATION FOR ACTION**

Discuss filling of the open seats on the Finance Committee.

**PREVIOUS ACTION**

On May 6, 2013, by Resolution 2013-08, the Board of Directors established a Finance Committee consisting of up to four members of the Board of Directors as appointed by the Board President.

The Finance Committee has a standing meeting on the third Thursday of each month at 10:30 AM at Fire Station 93 in Oakley.

**SUBJECT BACKGROUND**

On December 15, 2015, the Brentwood City Council made new appointments to the Board of Directors leaving one member (Director Young) on the Finance Committee.

Board President Bryant seeks Board input on membership of the Finance Committee for 2016. If Director Bryant does not continue as Board President in 2016, the new President will have authority to appoint the Committee members.

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT  
BOARD OF DIRECTORS AGENDA ITEM NO. D-3**

**Meeting Date:** January 4, 2016

**Subject/Title:** Discuss Filling of Open Seats on Public Education/Outreach Committee

**Submitted by:** Joel Bryant, Board President

**Prepared by:** Hugh Henderson, Fire Chief

---

**RECOMMENDATION FOR ACTION**

Discuss filling of the open seats on the Public Education/Outreach Committee.

**PREVIOUS ACTION**

On May 6, 2013, by Resolution 2013-08, the Board of Directors created a Public Education/Outreach Committee consisting of up to four members of the Board of Directors as appointed by the Board President.

The Public Education/Outreach Committee has a standing meeting on the third Monday of each month at 7 PM at Fire Station 93 in Oakley.

**SUBJECT BACKGROUND**

On December 15, 2015, the Brentwood City Council made new appointments to the Board of Directors leaving openings on the Public Education/Outreach Committee. Also, one member of the Committee asked to be relieved of his Committee appointment.

The Public Education/Outreach committee currently has two members (Directors Morgan and Kenny). Board President Bryant seeks Board input on membership of the Public Education/Outreach Committee for 2016. If Director Bryant does not continue as Board President in 2016, the new President will have authority to appoint the Committee members.

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT  
BOARD OF DIRECTORS AGENDA ITEM NO. D-4**

**Meeting Date:** January 4, 2016

**Subject/Title:** Schedule a Public Hearing Regarding Proposed Schedule of Fees and Introduce and Waive First Reading of an Ordinance Adopting a Schedule of Fees for the Recovery of Emergency Medical First-Responder Service Costs

**Submitted by:** Hugh Henderson, Fire Chief

---

**RECOMMENDATION FOR ACTION**

Introduce and waive the first reading of an ordinance adopting a schedule of fees reflecting the costs to the East Contra Costa Fire Protection District (District) of providing emergency medical first-responder services and permitting recovery of those costs, and set February 1, 2016, at 6:30 p.m., as the hearing date and time for proposed adoption of the ordinance.

**PREVIOUS ACTION**

On December 17, 2015, the Finance Committee received and discussed a draft of the ordinance, and recommended that the Board of Directors set a public hearing to consider its ordinance.

**SUBJECT BACKGROUND**

Under the Fire Protection District Law of 1987, if a district finds it does not have adequate revenue available to provide the services that it is empowered to provide including: 1) fire protection services, 2) rescue services, 3) emergency medical services, 4) hazardous material emergency response services, 5) ambulance services, or 6) any other services relating to the protection of lives and property, it may raise additional revenue pursuant to several alternative methods.

Among these methods, the District can charge a fee to recover the cost of any service it provides, such as providing emergency medical response services in case of injury or illness (known as "first-responder fees"). Such fees may not exceed the costs reasonably borne by the District in providing the service for which the fee is charged. The cost of holding the hearing described below and the costs of administering the fee also may be recovered from the fees charged. The District may not use first-responder fees for new construction or acquiring equipment.

To impose a new first-responder fee, the District must:

1. Introduce the ordinance establishing a schedule of fees that reflects the actual cost to the District of providing the covered services;
2. Publish a notice of its intent to establish a schedule of fees in accordance with Government Code Section 6066, which requires publication in a newspaper of general circulation in the jurisdiction (*The Brentwood Press*) twice in two weeks, with five days in between, for a total notice period of 14 days. The notice must provide the time and place of the hearing, generally state the matter to be discussed, and indicate where the public can access information related to the cost of services;



3. At least 14 days before the hearing, mail the notice to all interested parties who have filed a written request with the District for a mailed notice of a meeting where action on new or increased fees would be taken;
4. At least 10 days before the hearing, make public data on the cost required to provide the service, related revenues and additional similar information;
5. Hold a hearing and consider any objections or protests to the proposed schedule of fees;
6. At a regular meeting at least five days after the ordinance is introduced, adopt the ordinance; and
7. If approved, direct that a summary or full copy of the ordinance be published in the newspaper of general circulation in the jurisdiction in a manner satisfying the requirements of Government Code Section 25124, with the names of the Directors voting for and against it.

The attached draft ordinance would establish a schedule of fees for providing emergency medical first-responder services according to the following calculation:

**Emergency Medical First-Responder Fee Calculation**

**Total Hourly Rate**

Fire Captain	\$ 121.07
Fire Engineer	\$ 112.24
Firefighter	\$ 104.30

***Emergency Medical First-Responder Fee \$ 337.61***

These hourly rates were developed for and included in the District’s 2015/16 Cost Allocation Plan developed by the City of Brentwood and presented to the Finance Committee at its December 17, 2015 meeting.

The draft ordinance does not differentiate between fees for residents and fees for non-residents of the District.

The Administration of first-responder fees consists of tasks including, but not limited to: tracking of first-responder services provided; identification of financially-responsible parties; calculation of total fees to be charged; invoicing and collecting payment; and processing of waiver requests (if permitted) and appeals. The draft ordinance provides that the Fire Chief may delegate all or some tasks required for administration of the first-responder fees to another public agency in Contra Costa County.

Additionally, the draft ordinance charges the Fire Chief or his designee with developing policies and procedures required for invoicing, billing, and receiving payments under the ordinance, including a policy for discharging accounts that are not collectible.

At the February 1 meeting, the Board also will be asked to adopt a separate resolution to permit the District to waive payment of first-responder fees when payment of the fees would not be in the public interest.

The proposed ordinance and related resolution would have no effect on the provision of emergency medical first-responder services and their adoption will not be a waiver of any other means of cost recovery available to the District by law.

Attachment: Draft Ordinance

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

\* \* \*

**ORDINANCE NO. 2016-XX**

**ADOPTING A SCHEDULE OF FEES FOR THE RECOVERY OF  
EMERGENCY MEDICAL FIRST-RESPONDER SERVICE COSTS**

**WHEREAS**, the East Contra Costa Fire Protection District (District) has found that it does not have sufficient revenue to provide the services that it is charged with providing under the Fire Protection District Law of 1987 (California Health and Safety Code Section 13800 *et seq.*); and

**WHEREAS**, the District is authorized under Health and Safety Code Section 13916 to recover its actual costs reasonably borne in providing its services; and

**WHEREAS**, the District provides emergency medical first-responder services to both residents living within the District and to non-residents working in, visiting or travelling through the District; and

**WHEREAS**, the District has made a reasonable calculation of the costs it bears in providing emergency medical first-responder services, which costs include the District's actual costs of emergency medical personnel; and

**WHEREAS**, the emergency medical first-responder fee established by this ordinance is calculated based on recovering the District's actual costs of providing emergency medical first-responder services to each person at an incident for which such services are performed by the District.

**NOW, THEREFORE**, the Board of Directors of the East Contra Costa Fire Protection District hereby ordains as follows:

**SECTION 1. STATUTORY AUTHORITY**

This ordinance is enacted pursuant to California Health and Safety Code Sections 13910 through 13919.

**SECTION 2. APPLICABILITY**

This ordinance establishes the cost-recovery fees charged by the District in accordance with Health and Safety Code Section 13916. By adopting this ordinance, the District is enacting user fees to recover the actual costs associated with providing emergency medical first-responder services as defined in Section 3.

**SECTION 3. DEFINITIONS**

(a) "District" means the East Contra Costa Fire Protection District.

- (b) "Emergency medical first-responder services" means care provided by District personnel at an incident including, but not limited to, oxygen therapy, injury and wound management, patient packaging, operation of an automated external defibrillator, and administration of drugs.

**SECTION 4. EMERGENCY MEDICAL FIRST-RESPONDER FEE**

- (a) An emergency medical first-responder fee to recover the actual and reasonable costs borne by the District in providing emergency medical first-responder services to each person is established in the amount specified in Exhibit A, attached hereto and incorporated herein.
- (b) The emergency medical first-responder fee shall be charged to each person who receives District provided emergency medical first-responder services during a single incident.
- (c) The District Board of Directors ("Board") may adjust the amount of the emergency medical first-responder fee established by this ordinance pursuant to Health and Safety Code Section 13916, with the understanding that an adjusted fee must reflect actual and reasonable costs borne by the District in providing emergency medical first-responder services.

**SECTION 5. FEE COLLECTION**

- (a) If the District provides emergency medical first-responder services to a person, the Fire Chief, or designee, will send an invoice seeking payment of the emergency medical first-responder fee to the person who received the service and to the insurance company that provides medical insurance coverage for the person (the "insurer"), if the person, or his or her representative, has identified to the District the insurer to which the invoice should be sent.
- (b) The Fire Chief, or designee, will develop policies and procedures for invoicing, billing, and receiving payments for each emergency medical first-responder fee charged under this ordinance. The policies and procedures will include a process to discharge from accountability accounts that are not collectible.

**SECTION 6. ADMINISTRATION OF THE FEE**

The Fire Chief, or designee, may delegate all or some of the tasks required for the administration of the emergency medical first-responder fee to any other public agency in Contra Costa County. Administration of the fee will consist of tasks including, but not limited to, tracking of emergency medical first-responder services provided by the District, identification of financially-responsible parties, calculation of total fees to be charged, invoicing and payment collection, and the processing of waiver requests and appeals, if permitted.

**SECTION 7. NO EFFECT ON EMERGENCY MEDICAL FIRST-RESPONDER SERVICES**

This ordinance neither expands nor limits emergency medical first-responder services. Nothing in this ordinance relieves the District from providing emergency medical first-responder services. Emergency medical first-responder services will continue to be provided without regard to whether a person is insured by an insurer, without regard to whether a person has the ability to pay the emergency medical first-responder fee, and without regard to whether a person has or has not paid the emergency medical first-responder fee in the past.

**SECTION 8. NO WAIVER OF OTHER MEANS OF COST RECOVERY**

This ordinance does not preclude the District from recovering its emergency response costs in any other manner authorized by law.

**SECTION 9. SEVERABILITY**

If any fee or provision of this ordinance is held invalid or unenforceable by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining fees or provisions, and the Board declares that it would have adopted each remaining part of this ordinance irrespective of any such invalidity.

**SECTION 10. EFFECTIVE DATE**

This ordinance becomes effective 30 days after passage. Within 15 days after passage, this Ordinance or a summary of the Ordinance shall be published, with the names of Directors voting for and against it, once in the Brentwood Press, a newspaper published in this District.

**INTRODUCED** at a regular meeting of the East Contra Costa Fire Protection District Board of Directors held on the 4th day of January, 2016.

**PASSED AND ADOPTED** at a regular meeting of the East Contra Costa Fire Protection District Board of Directors held on the \_\_\_ day of \_\_\_, \_\_\_ by the following roll call vote.

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Joel Bryant  
President, Board of Directors

ATTEST:

\_\_\_\_\_  
Hugh Henderson, Clerk of the Board

**EXHIBIT A**

**Emergency Medical First-Responder Fee Calculation**

**Total Hourly Rate**

**Personnel Costs**

Fire Captain	\$ 121.07
Fire Engineer	\$ 112.24
Firefighter	\$ 104.30

**Emergency Medical First-Responder Fee \$ 337.61**