



EAST CONTRA COSTA FIRE PROTECTION DISTRICT

BOARD OF DIRECTORS

Adam Langro

Carrie Nash

Brian Oftedal
President

Stephen Smith
Vice President

Joe Young

AGENDA

Board of Directors Special Meeting

Due to COVID-19, this meeting can be attended by Conference Call ONLY

Call In Number: 1(872) 240-3212 Access Code: 490-316-781

<https://global.gotomeeting.com/join/490316781>

Monday, July 20, 2020

5:00 PM

SPECIAL MEETING

Please Note:

Members of the public are encouraged to attend remotely at the phone number or website listed above. Directions for providing public comment via teleconference will be provided at the beginning of the meeting. Public comments submitted to RRUBIER@ECCFPD.ORG prior to the meeting will be summarized during the meeting and posted online at: <https://www.eccfpd.org/2020-07-09-eccfpd-board-of-directors-meeting>.

Upon request, the District provides for written agenda materials in appropriate alternative formats or other disability-related modification or accommodation to enable individuals with disabilities to participate in and provide comments related to public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, auxiliary aid, service or alternative format requested at least two days before the meeting. Requests should be emailed to RRUBIER@ECCFPD.ORG, or submitted by phone at 1(925) 634-3400. Requests made by mail (sent to Regina Rubier, 150 City Park Way, Brentwood, CA 94513) must be received at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.

1. Call to Order

Note: All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board.

2. Pledge of Allegiance
3. Roll Call
4. Public Comment

Members of the public may address subject matters pertaining to District business listed on the Consent Calendar, Closed Session, Future Agenda Items, or items not listed on the agenda. Public comments by each individual speaker shall be limited to three minutes. 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.
5. Closed Session
 - 5.a. Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8
 Property: 1535 Discovery Bay Boulevard, Discovery Bay CA; APN 008-200-010
 Agency negotiator: Laura Ratcliffe and Fire Chief Brian Helmick
 Negotiating party: Discovery Bay Community Services District
 Under negotiation: Price and terms of payment
6. New Business
 - 6.a. Approve Contract with Scott Kivel, Esq. for Special Legal Counsel Services
[6.a -- Staff Report and Reso Special Legal Services Agreement.pdf](#)
 - 6.b. Approve Sale of Real Property, 3024 First Street, Byron, CA APN 002-130-002-5
[6.b. - Staff Report and Resolution for Fire Chief Authorization to Execute Byron Property.pdf](#)
7. Board Reports and Requests
8. Date and Place of Next Meeting:
 Wednesday, August 12, 2019 at 6:30 p.m.
 Brentwood City Hall - Council Chambers
 150 City Park Way
9. Adjourn

POSTING STATEMENT

A copy of this agenda was posted **at the East Contra Costa Fire Protection District Administrative Office, 150 City Park Way, 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, 150 City Park Way, 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.

Note: All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board.

Board of Directors Regular Meeting Agenda Item Report

Meeting Date: July 20, 2020

Submitted by: Regina Rubier

Submitting Department: Administration

Item Type: Discussion

Agenda Section: Closed Session

Subject:

Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8

Property: 1535 Discovery Bay Boulevard, Discovery Bay CA; APN 008-200-010

Agency negotiator: Laura Ratcliffe and Fire Chief Brian Helmick

Negotiating party: Discovery Bay Community Services District

Under negotiation: Price and terms of payment

Suggested Action:

Attachments:

Board of Directors Regular Meeting Agenda Item Report

Meeting Date: July 20, 2020

Submitted by: Regina Rubier

Submitting Department: Administration

Item Type: Resolution

Agenda Section: New Business

Subject:

Approve Contract with Scott Kivel, Esq. for Special Legal Counsel Services

Suggested Action:

Attachments:

[6.a -- Staff Report and Reso Special Legal Services Agreement.pdf](#)

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

Meeting Date: July 20, 2020

Subject/Title: Authorize the Fire Chief to execute an Agreement with the law firm of Scott Kivel, Esq. to provide Specialized Legal Services

Submitted by: Brian Helmick, Fire Chief

RECOMMENDATION FOR ACTION

Adopt a Resolution authorizing the Fire Chief, to execute an Agreement with the law firm of Scott Kivel, Esq. to provide Specialized Legal Services.

STRATEGIC INITIATIVE

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

- Goal C: Maintain a high-performing workforce
 - Strategy C3: Maximize employee retention by improving compensation and benefits as can be afforded by the District.

PREVIOUS ACTION

On June 12, 2019, by Resolution 2019-15, the Board of Directors approved an extension of the Agreement for General Counsel Services with the law firm of Hanson Bridgett LLP to provide District legal services for Fiscal years 2019-20 through 2022-23.

BACKGROUND

As East Contra Costa Fire Protection District (District)'s general counsel, Hanson Bridgett has been assisting with a request for the District's fire suppression personnel to be de-pooled from Contra Costa County Fire Protection District (ConFire) employees in the Contra Costa County Employees Retirement Association (CCCERA) pension system. On April 13, CCCERA provided the District with a letter from ConFire formally opposing the de-pooling request. That letter makes ConFire and the District legally adverse in this matter.

Hanson Bridgett represents Contra Costa County (but not ConFire) on matters unrelated to ECCFPD. Contra Costa County has taken this representation creates a legal conflict for Hanson Bridgett in the CCCERA de-pooling matter, which the County will not waive.

On July 15, 2020, ECCFPD staff and Director Young interviewed three reputable firms that specialize in employee benefits law and has selected Scott Kivel, Esq. to represent ECCFPD in the de-pooling matter. Mr. Kivel's hourly rate will be \$425; his paralegal's hourly rate will be \$195.

FINANCIAL IMPACT

This item has been budgeted in the 2020-21 Operating Budget under account number F01-1000-70239.00.

ATTACHMENTS

Resolution

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

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RESOLUTION NO. 2020-__

**AUTHORIZING THE FIRE CHIEF TO EXECUTE AN AGREEMENT WITH THE LAW FIRM OF
SCOTT KIVEL, ESQ. TO PROVIDE SPECIALIZED LEGAL SERVICES**

WHEREAS, the East Contra Costa Fire Protection District (District) participates in the Contra Costa County Employees Retirement Association (CCCERA) to provide retirement benefits for its employees; and

WHEREAS, in its role as General Counsel to the District, Hanson Bridgett LLP has assisted the District with a request to de-pool its fire suppression personnel from a two-employer pooled retirement cost group within CCCERA; and

WHEREAS, on April 13, 2020, CCCERA informed the District that the other employer in the retirement cost group, Contra Costa County Fire Protection District, wrote a letter to CCCERA opposing the District's request for de-pooling; and

WHEREAS, Hanson Bridgett represents Contra Costa County (but not Contra Costa County Fire Protection District) on matters unrelated to the District, and Contra Costa County has taken the position that this representation creates a legal conflict for Hanson Bridgett in the de-pooling matter, which the County will not waive; and

WHEREAS, on July 15, 2020, the District interviewed three reputable law firms that specialize in employee benefits law and selected the law firm of Scott Kivel, Esq. to represent the District in the de-pool de-pooling matter; and

WHEREAS, Staff recommends that the Board authorize execution of a contract with the law firm of Scott Kivel, Esq., including rates of \$425 per hour for Mr. Kivel and \$195 per hour for paralegal support.

NOW, THEREFORE BE IT RESOLVED that the East Contra Costa Fire Protection District does hereby authorize the Fire Chief to execute an agreement with the law firm of Scott Kivel, Esq. to represent the District in its effort to de-pool its fire suppression employees from Contra Costa County Fire Protection District's within the CCCERA retirement system, in a form acceptable to legal counsel.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the East Contra Costa Fire Protection District at a regular meeting held on the 20th day of July, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Brian J. Oftedal
President, Board of Directors

ATTEST:

Regina Rubier
Clerk of the Board

Board of Directors Regular Meeting Agenda Item Report

Meeting Date: July 20, 2020

Submitted by: Regina Rubier

Submitting Department: Administration

Item Type: Resolution

Agenda Section: New Business

Subject:

Approve Sale of Real Property, 3024 First Street, Byron, CA APN 002-130-002-5

Suggested Action:

Attachments:

[6.b. - Staff Report and Resolution for Fire Chief Authorization to Execute Byron Property.pdf](#)

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

Meeting Date: July 20, 2020

Subject/Title: Delegate Authority to Fire Chief to Execute Real Estate Conveyance Documents to Sell Decommissioned Station 57 to the Vera Cort Revocable Living Trust

Submitted By: Laura Ratcliffe and Shayna van Hoften, Legal Counsel

RECOMMENDATION FOR ACTION

That the East Contra Costa Fire Protection District (District) Board of Directors (Board) adopt a resolution to delegate authority to the Fire Chief to execute a Grant Deed and other documents necessary to convey real property known as Station 57 in Byron, California, to Vera Cort, Trustee of the Vera Cort Revocable Living Trust (Buyer) for \$380,000.

PRIOR BOARD ACTIONS

On June 12, 2019, the District's Board of Directors declared a decommissioned fire station located at 3024 First Street, Byron, CA (the "Property") as surplus following a public hearing on such declaration, pursuant to California Government Code Section 54220 *et. seq.*

SUBJECT BACKGROUND

As required by California Government Code Section 54222, the District provided a written notice of availability to various local public entities within whose jurisdiction the Property is located. None of the entities or associations contacted desired to purchase or lease the land for the purposes authorized in the Section.

In the case of the sale of this Property, the Board determined that a sale through a licensed broker would yield the highest purchase price, notwithstanding a provision of Board Policy No. 231, which generally prohibits sales commissions for the disposition of surplus property. Staff engaged CBRE to market and list the property for sale.

The District, through CBRE, received several offers on the property and engaged in negotiations with multiple potential purchasers, resulting in the Buyer offering the highest and most favorable bid after the initial high bidder opted to retract its offer. Staff and the District's brokers have completed negotiations of a Purchase and Sale Agreement with Buyer.

At this time, staff recommends that the Board authorize the Fire Chief to execute the Grant Deed and any other necessary documents to facilitate the sale of the Property to Buyer, and waive Section 231.4(f) of Board Policy No. 231 prohibiting sales commissions.

Attachment: Resolution

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

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RESOLUTION 2020 - ____

**AUTHORIZING THE FIRE CHIEF TO EXECUTE REAL ESTATE CONVEYANCE
DOCUMENTS FOR STATION 57**

WHEREAS, on June 12, 2019, the East Contra Costa Fire Protection District (District) Board of Directors (Board) declared a decommissioned fire station located at 3024 First Street, Byron, CA (the "Property") as surplus following a public hearing on such declaration, pursuant to California Government Code Section 54220 *et. seq.*; and

WHEREAS, the District complied with the provisions of California Government Code Section 54220 *et. seq.*, including providing notices of availability to relevant public agencies within whose jurisdiction the Property is located; and

WHEREAS, no public agencies were interested in purchasing the Property, and the Board determined that a sale through a licensed broker would yield the highest purchase price; and

WHEREAS, the District worked with a real estate broker to list the Property on the commercial real estate market, and received several offers on the Property; and

WHEREAS, staff recommends that the Board authorize the Fire Chief, or his designee, to execute a Grant Deed and other necessary documents to complete the sale of the Property to Vera Cort, Trustee of the Vera Cort Revocable Living Trust ("Buyer"), at a cost of \$380,000.

NOW, THEREFORE BE IT RESOLVED that the East Contra Costa Fire Protection District Board of Directors hereby finds and declares that for the purposes of the sale of the Property, it will waive the provision prohibiting sales commissions as described in Section 231.4(f) of Board Policy No. 231;

BE IT FURTHER RESOLVED that the Fire Chief, or his designee, may execute a Grant Deed and other necessary documents to facilitate the sale of the Property to Buyer.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the East Contra Costa Fire Protection District at a special meeting held on the 20th day of July, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Brian J. Oftedal,
President, Board of Directors

ATTEST:

Regina Rubier, Clerk of the Board