



EAST CONTRA COSTA FIRE PROTECTION DISTRICT

Board of Directors Regular Meeting

Monday February 2, 2015 – 6:30 P.M.

Meeting Location: 3231 Main Street, Oakley

BOARD OF DIRECTORS

Greg Cooper
Robert Kenny
Jonathan Michaelson

Joel Bryant-President
Ronald Johansen-Vice President
Cheryl Morgan

Randy Pope
Stephen Smith
Joe Young

AGENDA

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. 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 January 5, 2015 Regular Board of Directors Meeting
- C.2** Adopt a Resolution Confirming the District's Participation under the Public Employees' Medical and Hospital Care Act (PEMHCA) as a Contracting Agency and Fixing the District's Contribution Rates under PEMHCA

DISCUSSION ITEMS

- D.1** Receive Draft Revised Preliminary Engineer's Report for Proposed Fire Suppression Assessment from NBS
- D.2** Receive Operational Update for January 2015

INFORMATIONAL STAFF REPORTS

1. Receive Overview of Governance Model Changes Between 2010 and 2015

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 CLOSED SESSION ON THE FOLLOWING MATTERS:

1. Conference With Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9: East Contra Costa County Firefighters Association v. East Contra Costa Fire Protection District. Unfair Practice Charge No. SF-CE-1020-M

REPORT ON THE CLOSED SESSIONS

ADJOURN TO THE REGULAR BOARD MEETING SCHEDULED: March 2, 2015

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

POSTING STATEMENT

A copy of this agenda was posted **January 30, 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

Meeting Minutes

Board of Directors Regular Meeting

Monday January 5, 2015 – 6:30 P.M.

Meeting Location: 3231 Main Street, Oakley

BOARD OF DIRECTORS		
Greg Cooper	Joel Bryant-President	Randy Pope
Robert Kenny	Ronald Johansen-Vice President	Stephen Smith
Jonathan Michaelson	Cheryl Morgan	Joe Young

CALL TO ORDER: (6:30 P.M.)

PLEDGE OF ALLEGIANCE: (6:30 P.M.)

ROLL CALL: (6:30 P.M.)

Directors Present: Bryant, Cooper, Johansen, Michaelson, Morgan, Pope, Smith, Young

Directors Absent: Kenny

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

A.1 Administration of Oath of Office for Directors Bryant and Young, who have been reappointed to the Board of Directors by the Brentwood City Council

Chief Henderson administered the Oath of Office to Director Bryant and Director Young.

PUBLIC COMMENTS: (6:33 P.M.)

There were two (2) Public Speakers – Gil Guerrero, Mark Whitlock

CONSENT CALENDAR: (6:37 P.M.)

C.1 Approve Minutes from December 1, 2014 Regular Board of Directors Meeting

Motion by: Director Young to approve Consent Calendar Item C.1

Second by: Director Smith

Vote: Motion carried: 8:0:0

Ayes: Bryant, Cooper, Johansen, Michaelson, Morgan, Pope, Smith, Young

Noes:

Abstained:

Absent: Kenny

DISCUSSION ITEMS

(6:37 P.M.)

D.1 Selection of District Board Officers: President, Vice President for the 2015 Calendar Year

Motion by: Director Smith to select District Board Officers: President Joel Bryant and Vice President Ronald Johansen for the 2015 Calendar Year

Second by: Director Young

Vote: Motion carried: 8:0:0

Ayes: Bryant, Cooper, Johansen, Michaelson, Morgan, Pope, Smith, Young

Noes:

Abstained:

Absent: Kenny

(6:40 P.M.)

D.2 Receive Operational Update for December 2014

Chief Henderson gave an Operational Update for December 2014

There was one (1) Public Speaker – Vince Wells

INFORMATIONAL STAFF REPORTS: (6:58 P.M.)

1. Receive Update on Potential Fire Suppression Benefit Assessment and Related Timeline

Chief Henderson provided an informational update related to a work being done by the District's consultant NBS to prepare for distribution of an updated draft engineer's report for consideration by the board. The anticipated timeline was outlined as follows:

01/15/2015 – The Finance Community to receive draft Engineers Report

01/23/2015 – Submittal of final comments to NBS

02/02/2015 – Presentation of the Engineers Report to the Board of Directors

03/13/2015 – If pursued, mailing of benefit assessment ballots to be mailed out

04/27/2015 – If pursued, public hearing and opening and tabulation of ballots

2. Receive Update on Outreach Plan for Potential Benefit Assessment

Chief Henderson provided an informational update related to a work being done by the District's consultant TBWB on an updated outreach plan focused on public education surrounding a potential fire suppression assessment proceeding to include:

- Updated talking points
- Update FAQ's
- Updated fact sheets
- Social media messages
- A draft mail for consideration at the January 26 Outreach and Education Committee meeting, with mail-out planned for after the February 2nd Board meeting

3. Receive Update on Temporary Closure and Re-opening of Knightsen Fire Station

Chief Henderson provided an update on repairs conducted at the Knightsen station during a temporary closure beginning October 24, 2014, including the following information:

- Effective January 1, 2015, Station 94 reopened.
 - All repairs were conducted on schedule.
 - Issues related to the water system, septic system and mold in the station have all been addressed and relevant tests for bacteria and mold have been re-run and come back clean.
 - There was great staff cooperation during the closure at all levels.
 - Staff is developing a new plan for regular, ongoing inspection of the facilities to guard against future similar problems going unnoticed.
4. Receive Update on Transfer of Administrative Services from Contra Costa County to City of Brentwood

Chief Henderson provided an informational update related to the transfer of administrative services for the District, including the following:

- The last County Accounts Payable transmittal was done on 12/24/2014
- The last County Payroll (for December time) will be run on 01/10/2015
- Accounts Payable transmittals through the City of Brentwood started today
- The first Payroll through the City of Brentwood is scheduled for 01/13/2015
- All Benefits moved out of Contra Costa County as of 12/31/2014
- Staff and Legal Counsel are still working on finalizing the CalPERS Health contract for consideration by the Board at its next meeting.

DIRECTORS' COMMENTS: (7:15 P.M.)

President Bryant thanks ECCFPD for participation in the holiday parades and the outstanding job our firefighters did throughout the busy holiday season.

INFORMATIONAL REPORTS AND REQUESTS FOR FUTURE AGENDA ITEMS FROM BOARD MEMBERS: (7:16 P.M.)

ADJOURN TO CLOSED SESSION ON THE FOLLOWING MATTERS: (7:16 P.M.)

1. Conference With Labor Negotiator Pursuant to Government Code Section 54957.6:
Agency designated representatives: Fire Chief and Glenn Berkheimer
Employee Organizations: International Association of Fire Fighters, Local 1230, AFSCME Local 2700, and East Contra Costa Battalion Chiefs Association
2. Conference With Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9: East Contra Costa County Firefighters Association v. East Contra Costa Fire Protection District. Unfair Practice Charge No. SF-CE-1020-M

REPORT ON THE CLOSED SESSIONS: (8:32 P.M.)

No reportable action for item number 1

No reportable action for item number 2

**ADJOURN TO THE REGULAR BOARD MEETING SCHEDULED: February 2, 2015:
(8:33 P.M.)**

**Motion by: Director Michaelson to adjourn to the next Regular Board Meeting
scheduled on February 2, 2015**

Second by: Director Young

Ayes: Bryant, Cooper, Johansen, Michaelson, Morgan, Pope, Smith, Young

Noes:

Abstained:

Absent: Kenny

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

Meeting Date: February 2, 2015

Subject/Title: Adopt a Resolution Confirming the District's Participation under the Public Employees' Medical and Hospital Care Act (PEMHCA) as a Contracting Agency and Fixing the District's Contribution Rates under PEMHCA

Submitted by: Shayna van Hoften, Legal Counsel

RECOMMENDATION FOR ACTION

Adopt a resolution confirming the District's participation under the Public Employees' Medical and Hospital Care Act (PEMHCA) as a contracting agency and fixing the District's contribution rates under PEMHCA.

PREVIOUS ACTIONS

At the July 8, 2013 Board of Directors meeting, the Board adopted Resolution 2013-14 approving a Memorandum of Understanding (MOU) with the International Association of Firefighters (IAFF), Local 1230.

At the April 7, 2014 Board of Directors meeting, the Board adopted Resolution 2014-9 approving an MOU with the United Clerical, Technical and Specialized Employees AFSCME, Local 2700, and Resolution 2014-10 approving an MOU with the East Contra Costa Battalion Chiefs Association.

At the May 5, 2014 Board of Directors meeting, the Board adopted Resolution 2014-13 approving an amended and restated employment agreement with Fire Chief Hugh Henderson.

Under the three MOUs, the parties acknowledged the District's intent to provide medical coverage for the respective bargaining units under PEMHCA (or "CalPERS Health").

The current Local 1230 MOU requires the District to pay 87% of the CalPERS Kaiser premium at each employee level (i.e., employee only, employee + one, employee + two or more) toward the covered employee's CalPERS medical premium. PEMHCA (and the current CalPERS contract for IAFF members) requires participating employers in CalPERS Health to also pay equal employer contributions toward the cost of coverage for enrolled eligible retirees, and the District has accordingly done so.¹

The MOUs for the members of the bargaining units represented by the East Contra Costa Battalion Chiefs Association and AFSCME Local 2700 require that the District contribution for health coverage be the same as the District provides for members of the bargaining unit represented by IAFF Local 1230.

The employment agreement with the Fire Chief provides that the Fire Chief is entitled to the same benefits afforded other District employees, including health benefits.

¹ See Cal. Gov't Code § 22892(b).

SUBJECT BACKGROUND

The District has historically contracted with Contra Costa County to provide human resources and payroll functions. As part of those services, the County provided and administered health benefits for all eligible District employees and retirees. The County performed this role for the District from the time the District was formed in 2002, when the Bethel Island Fire Protection District, East Diablo Fire Protection District, and Oakley Fire Protection District were consolidated into the East Contra Costa Fire Protection District. The District now performs its own human resources functions, effective January 1, 2015. As part of the process for transitioning services from the County, the District has begun the process of entering into its own health benefits contracts, including one for CalPERS Health.

District firefighters who are members of IAFF Local 1230 currently receive County-administered CalPERS medical benefits under the CalPERS contract (and CalPERS employer name) of one of the District's predecessor agencies – the no longer existent East Diablo Fire Protection District. The Board-approved transition of human resources and payroll services from the County, as well as the current Board-approved MOUs, evidence the District's intent to provide medical coverage through CalPERS for all District employees and retirees (not just those under the IAFF Local 1230 bargaining unit) under a District-administered CalPERS contract at the contribution rates currently provided for under the IAFF Local 1230 MOU.

Accordingly, District staff has been working with the CalPERS Contract & Membership Services division to establish and implement a new CalPERS contract under the District's current name. A CalPERS Health benefits contract for medical coverage is established by filing a Board-approved resolution with CalPERS, in the form and manner that CalPERS requires. The resolution must fix the employer's contribution rates toward the cost of coverage for all covered individuals under PEMHCA.

At this time, District staff recommends that the Board approve the attached PEMHCA resolution provided by CalPERS. The rates listed in the attached resolution represent 87% of the 2015 CalPERS Kaiser premiums at each employee level, as required under the District's MOUs with its respective bargaining units. Note further that CalPERS has recognized the District as a current contracting agency under PEMCHA due to the current resolution on file for IAFF Local 1230 employees and retirees currently covered under the name East Diablo Fire Protection District, as confirmed by the attached resolution.

Once the Board approves, and CalPERS accepts, the new resolution, the District can provide medical benefits to all eligible District employees and retirees under the District-administered CalPERS contract, effective on the first day of the second month following the date the District files the resolution with CalPERS. This date is projected to be April 1, 2015, upon which all eligible District employees and retirees will have CalPERS medical benefits with the previously-approved District contribution rates as set forth in the attached resolution.

There is no fiscal impact related to this action. Further, adoption of the attached PEMHCA resolution does not require any action under California Government Code section 7507, because the Board's adoption of the resolution does not change the cost of the District's already-approved post-employment benefits (*i.e.*, retiree medical benefits).

Attachment: Resolution

**RESOLUTION FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE
PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**

WHEREAS, (1) Government Code Section 22892(a) provides that a contracting agency under the Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892(b) of the Act, and

WHEREAS, (2) **East Contra Costa Fire Protection District, formerly known as East Diablo Fire District**, hereinafter referred to as Special District is a contracting agency under the Act; now, therefore be it

RESOLVED, (a) That the employer's contribution for each employee, retiree, or survivor shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of:

Medical Group	Contribution Per Month		
	Single	Two-Party	Family
701 United Fire Local 1230	\$621.57	\$1,243.14	\$1,616.09
702 Chief Officers	\$621.57	\$1,243.14	\$1,616.09
703 Clerical Employees Local 2700	\$621.57	\$1,243.14	\$1,616.09

Plus administrative fees and Contingency Fund Assessments; and be it further

RESOLVED, (b) That **East Contra Costa Fire Protection District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above.

Adopted at a regular meeting of the Board of Directors of the East Contra Costa Fire Protection District at Oakley, California this 2nd day of February, 2015.

Signed: _____
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-1**

Meeting Date: February 2, 2015

Subject/Title: Receive Draft Revised Preliminary Engineer's Report for Proposed Fire Suppression Assessment from NBS

Submitted by: Hugh Henderson, Fire Chief

RECOMMENDATION FOR ACTION

Receive Draft Revised Preliminary Engineer's Report for Proposed Fire Suppression Assessment from NBS.

PREVIOUS ACTION

On May 5, 2014, the Board of Directors approved a contract with NBS, a government financial services firm, for services related to the development, enactment and implementation of a potential fire suppression assessment.

On August 4, 2014, by Resolution 2014-20, the Board approved the Engineer's Report prepared by NBS and approved moving forward with the balloting process for a benefit assessment for fire suppression. The ballots were mailed to property owners on August 22, 2014.

On September 2, 2014 following the discovery of gaps in the data used for development of the Engineer's Report, primarily related to the location of fire hydrants in newer developments, the Board of Directors canceled the balloting process and directed staff to develop a plan for correcting and reissuing an engineer's report and ballots for an updated fire suppression assessment.

On November 3, 2014 the Board directed staff to further proceed with preparations for an updated fire suppression assessment proceeding and, by Resolution 2014-30, approved an amendment to the District's agreement with NBS for compilation and checking of requisite data, and development of an updated Engineer's Report.

SUBJECT BACKGROUND

District staff and NBS have been working together over the past several months to update, compile, cross-reference and confirm the completeness and accuracy of the data needed to develop a revised version of the Engineer's Report.

The District and NBS have located several additional data sources, including by working with our local government partners, with a focus on compiling a fully up-to-date map of all fire hydrants in the District. NBS has used this new data for cross-referencing against previously obtained data, and also has conducted various other data checking procedures and worked diligently with staff to resolve any and all questions raised through those processes.

At this time, NBS will present an update on the new data and the data checking procedures followed, and present a draft Revised Preliminary Engineer's Report for review by the Board.

The Board will be asked to provide comments and questions on the draft revised report at the meeting of the Finance Committee/Committee of the Whole on February 19, 2015. A final Revised Preliminary Engineer's Report will then be presented to the Board for consideration at its March 2 meeting.

If the Board of Directors elects to begin an assessment proceeding, ballots will be mailed to property owners. At present, NBS expects that ballots would be mailed no later than March 13.

The District would then host several open houses, during which the District will answer questions and collect feedback from the public about the proposed assessment. These open houses are tentatively scheduled for the evenings of March 5 and 11, and the afternoon of March 14, all at Fire Station # 93 in Oakley.

No less than 45 days after the ballots are mailed, on April 27, 2015 assuming a March 13 mailing date, there would be a public hearing on the proposed assessment, all ballots would be due, and the ballots would be opened and tabulated. Unless opposed by a majority of ballots returned, weighted by proposed assessment amount, the Board of Directors would then have the opportunity to determine whether to enact and levy a fire suppression assessment.