



**EAST CONTRA COSTA FIRE PROTECTION DISTRICT**  
Board of Directors Regular Meeting

**Monday March 5, 2012 – 6:30 P.M.**  
Meeting Location: 3231 Main Street, Oakley

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

**AGENDA**

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**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 February 6, 2012 Regular Board of Directors Meeting.

**C.2** Approve minutes from February 27, 2012 Special Board of Directors Meeting.

## **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** Adopt a Resolution of the Board of Directors of the East Contra Costa Fire Protection District Amending its Resolution NO.2012-02 by Amending and Restating Exhibit A Thereto

**D.2** Approve Filing a Written Argument Regarding the Proposed Parcel Tax.

**D.3** Appoint Directors to Successor Agency Oversight Boards for the Cities of Brentwood and Oakley.

## **INFORMATIONAL STAFF REPORTS**

1. Service calls for February 2012

## **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: April 2, 2012**

### **POSTING STATEMENT**

A copy of this agenda was posted **March 2, 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 February 6, 2012– 6:30 P.M.**

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

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**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:**  
(6:00 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.

**RECONVENE TO OPEN SESSION – 3231 Main Street, Oakley**  
(6:30 P.M.)

President Romick reported that during the closed sessions, the Board gave direction to Staff.

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

**PLEDGE OF ALLEGIANCE – (6:31 P.M)** Led by Chief Henderson

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

**PUBLIC COMMENTS - (6:32 P.M.)**

There were no Public Speakers

**CONSENT CALENDAR - (6:32 P.M.)**

**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?"

**Motion by: Director Kenny to approve Consent Calendar Items;**

**Second by: Director Frazier**

**Vote: Motion carried 9:0**

**Motion by: Director Kenny to approve Consent Calendar Items; C2 with the amendment version of the corrections.**

**Second by: Director Anderson**

**Vote: Motion carried 9:0**

**PUBLIC HEARINGS**

NONE

**DISCUSSION ITEMS**

**D.1** Receive Update from District Town Hall Meeting and Public Outreach.  
(6:32 P.M.)

There were no Public Speakers

**D.2** Review Draft Ordinance and Resolution for Proposed Parcel Tax and Scheduling a  
(6:35 P.M.) Special Meeting to Consider Adoption.

President Romick called for a Special Board of Directors meeting for February 27, 2012

There were no Public Speakers

**C. 2** Approve District Response CCC Grand Jury Report #1202-  
"Fire Protection- What Can You Afford?"

At the request of the General Counsel, the Board returned to consideration of this item to consider corrections and revisions to the response.

**Motion by: Director Kenny to approve Item C2, as amended.**

**Second by: Director Anderson**

**Vote: Motion carried 9:0**

**INFORMATIONAL STAFF REPORTS - (7:22 P.M.)**

1. Service calls for January 2012 & Trench Rescue in Brentwood- Chief Henderson provided a report.
2. Grant Updates - Chief Henderson provided a status on the FEMA Grant for the ladder truck – the district qualified. The Safer grant is being prepared for submission.

**DIRECTORS' COMMENTS - (7:30 P.M.)**

Director Bryant thanked all the firefighter for a good job on the Trench Rescue.  
Director Frazier asked Local 1230 for and update on Willy West Recovery.  
Director Kenny thanked all the firefighters for an excellent job.  
Director Kenny addressed the raffle to shave his beard to benefit Engineer Willy West.

**INFORMATIONAL REPORTS AND REQUESTS FOR FUTURE AGENDA ITEMS FROM BOARD MEMBERS- (7:30)**

Director Barr requested a future agenda item to discuss contacting agencies within the District and providing them information regarding the proposed parcel tax

**ADJOURN TO THE SPECIAL BOARD MEETING SCHEDULED: February 27, 2012 - (7:35P.M.)**

**Motion by: Director Kenny to adjourn to the next Board meeting, February 27, 2012**  
**Second by: Director Romick**  
**Vote: Motion carried 9:0**



# EAST CONTRA COSTA FIRE PROTECTION DISTRICT

## Meeting Minutes Board of Directors Regular Meeting

**Monday February 27, 2012– 6:30 P.M.**

*Meeting Location: 3231 Main Street, Oakley*

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

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**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:**  
(6:05 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.

**RECONVENE TO OPEN SESSION – 3231 Main Street, Oakley - (6:25 P.M.)**

President Romick reported that during the closed sessions, the Board gave direction to Staff for item 1.

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

**PLEDGE OF ALLEGIANCE– (6:31 P.M) - Led by Chief Henderson**

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

**PUBLIC COMMENTS - (6:32 P.M.)**

*There were 2 Public Speakers – Gil Guerrero & Vince Wells (Local 1230) \_*

**CONSENT CALENDAR**

NONE

**PUBLIC HEARINGS- (6:34 P.M.)**

**PH.1** Adopt Resolution Calling a Special Election On Tuesday June 5, 2012 And Ordering That A Question Relating To The Levy Of A Special Parcel Tax Be Submitted To The Voters At That Special Election.

**Motion by: Director Frazier for a motion to adopt the Resolution Calling a Special Election On Tuesday June 5, 2012 And Ordering That A Question Relating To The Levy Of A Special Parcel Tax Be Submitted To The Voters At That Special Election, as amended to add a sunset of June 30, 2023 (Resolution 2012-02)**

**Second by: Director Barr**

**Vote: Motion carried 9:0**

*There were 8 Public Speakers – Stephen Smith, Gene Clare, Clark Groseclose, Steve Reid, Vickey Rinehart, Steve Huebner, Ben Andres & Karen Roggie*

**DISCUSSION ITEMS**

**D.1** Consider Options for Filing a Written Argument Regarding the Proposed Parcel Tax - (7:35 P.M.)

Direction was given to Staff to write a draft Argument Regarding the Proposed Parcel for review at the next Regular Board of Directors Meeting, March 5, 2012.

**Motion by: Director Bryant for the staff to write a draft Argument Regarding the Proposed Parcel Tax for the next Board meeting, March 5, 2012**

**Second by: Director Brockman**

**Vote: Motion carried 9:0**

**D.2** Requesting Participation from Outside Agencies in District's Public Information Effort Related to Proposed Parcel Tax. - (7:41 P.M.)

*There was 1 Public Speaker. – Steve from Discovery Bay*

**INFORMATIONAL STAFF REPORTS**

NONE

**DIRECTORS' COMMENTS - (7:50 P.M.)**

Director Bryant thanked Local 1230 for their support.  
Director Frazier update on Willy West Fund Raiser on March 24, 2012.  
Director Kenny addressed the raffle to shave his beard to benefit Engineer Willy West

**INFORMATIONAL REPORTS AND REQUESTS FOR FUTURE AGENDA ITEMS FROM BOARD MEMBERS - (7:55 P.M.)**

**ADJOURN TO THE NEXT REGULAR BOARD MEETING SCHEDULED: March 5, 2012 - (7:55 P.M.)**

**Motion by: Director Anderson to adjourn to the next Board meeting, March 5, 2012**  
**Second by: Director Barr**  
**Vote: Motion carried 9:0**



## BOARD OF DIRECTORS AGENDA ITEM NO. D-1

**Meeting Date:** March 5, 2012

**Subject/Title:** Adopt a Resolution of the Board of Directors of the East Contra Costa Fire Protection District Amending its Resolution NO. 2012-02 by Amending and Restating Exhibit A Thereto

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

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### RECOMMENDATION FOR ACTION

Adopt a resolution that amends and restates Exhibit A to Resolution 2012-2 to make a minor change requested by the County Counsel.

### PREVIOUS ACTION

At the February 27 meeting, the Board passed Resolution 2012-2 to place the question of a parcel tax on the June 5 ballot. Exhibit A to the Resolution contains the text of the Ordinance levying the tax that would be placed before the voters.

Under state law, the County Counsel prepares an impartial analysis of the measure that will be printed in the voter information materials. The County Counsel's office contacted us on March 2 and requested that the District Board clarify what County Counsel sees as a potential ambiguity in the application of the consumer price index process in the Ordinance. As a result, the resolution before the Board changes the words "each fiscal year" in the second sentence of Section 2 of the proposed Ordinance to "fiscal year 2012-13." The revised sentence is shown below with deleted language stricken through and the new language underlined:

"The maximum amount of the special tax for ~~each~~ fiscal year 2012-13 shall be \$197.00 per parcel."

**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 AMENDING ITS RESOLUTION NO. 2012-02 BY  
AMENDING AND RESTATING EXHIBIT A THERETO**

**WHEREAS**, pursuant to its rights and authority under State law, the Board of Directors of the East Contra Costa Fire Protection District (the "District") adopted its Resolution No. 2012-02 to 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**, the ballot measure calls for voter approval of a parcel tax as imposed by proposed Ordinance No. 2012-01, which is attached as Exhibit A to Resolution No. 2012-02 and incorporated therein by reference; and

**WHEREAS**, the ballot measure and Ordinance No. 2012-01 provide that the proposed parcel tax is subject to an annual cost of living adjustment not to exceed three percent; and

**WHEREAS**, Section 2 of Ordinance No. 2012-01 authorizes the cost of living adjustment by providing as follows: "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."

**WHEREAS**, it is desirable that the second sentence of Section 2 of Ordinance No. 2012-01 be revised by striking "each fiscal year" and inserting "fiscal year 2012-13" to clarify that beginning fiscal year 2013-14 and each fiscal year thereafter, the maximum amount of the special tax is subject to an annual cost of living adjustment.

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

SECTION 1. Declare that the foregoing findings are true and correct.

SECTION 2. Amend Resolution No. 2012-02 by approving an amended and restated Ordinance No. 2012-01, attached as Exhibit A hereto, to make the clarifying change described in the forgoing recitals.

SECTION 3. Direct the District Clerk 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 4. Direct the District Clerk to 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 March 2012 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
NAME  
President, Board of Director

ATTEST:

\_\_\_\_\_  
NAME  
District Clerk

## ORDINANCE NO. 2012-01

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

**THE PEOPLE OF THE EAST CONTRA COST FIRE PROTECTION DISTRICT DO HEREBY ORDAIN AS FOLLOWS:**

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.

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 fiscal year 2012-13 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 1<sup>st</sup> 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.

Annual levy; Public Hearing.

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.

The Board of Directors shall conduct a public hearing regarding the proposed annual levy of the special tax during the budget hearing for the applicable year. Notice of the public hearing shall be published in accordance with District procedures at least ten (10) days prior to the hearing.

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.

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.

#### 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.

#### 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.

#### 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.

#### 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.

#### 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.

#### Termination.

Unless extended by another vote of the electorate pursuant to state law, this Ordinance shall be null and void as of twelve o'clock midnight, June 30, 2023, and shall have no force and effect whatsoever after said time and date. Notwithstanding the previous sentence, Section 5, relating to collection and enforcement of liens or obligations for the special tax procedures have been completed.

#### 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.**

By:

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
District Clerk

## BOARD OF DIRECTORS AGENDA ITEM NO. D-2

**Meeting Date:** March 5, 2012

**Subject/Title:** Approve Filing a Written Argument in Favor of the Proposed Parcel Tax

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

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### **RECOMMENDATION FOR ACTION**

Approve filing a written argument in favor of the District's proposed parcel tax to the Contra Costa County Election Division for inclusion in official ballot materials.

### **PREVIOUS ACTION**

At the February 27, 2012 Board Meeting, staff was directed to bring a draft argument back to the Board.

### **SUBJECT BACKGROUND**

Under state law, the Board has the right to to file a written argument in favor of the District's proposed parcel tax with printed names and signatures of the persons submitting it (in accordance with Article 4; Chapter 3, Division 9 of the California Election Code). The written argument needs to be filed with the Contra Costa County Election Division by March 9, 2012.

Tonight staff has attached a written argument in favor of the proposed parcel tax for approval.

Attachment:

## **Protect Fire and Emergency Response Times.**

In an emergency, seconds count. When a fire is raging or an accident happens, every minute of response time is critical. That's why it's so important to vote yes on Measure X – to make sure firefighters, paramedics, and other emergency response personnel are there when you need it.

**Without Measure X, 50% of our firefighters will be laid off and up to four fire stations will close,** leaving 8 firefighters (daily) to protect 105,000 residents, responding to 6,000 annual service calls. Homeowner's insurance rates would increase.

Our Fire District provides fire protection, emergency medical services and disaster preparedness services to residents, schools, and businesses throughout far East County. Brentwood, Oakley, Discovery Bay, Bethel Island, Knightsen, Byron, Marsh Creek and Morgan Territory depend on our critical emergency services. We've been underfunded for decades and recently implemented the following cuts:

- closed two fire stations in 2010
- 5 firefighting positions unfilled
- eliminated administrative positions
- deferred equipment repairs

Further cuts will increase response times, putting our homes, health, and families in danger.

Measure X will allow us to:

- maintain adequate response times to 9-1-1 calls, fires and other emergencies
- avoid multiple station closures
- prevent the layoffs of dozens of firefighters
- provide the necessary equipment needed to help you in an emergency

Money generated from Measure X will remain local, purely for fire services, expiring in 10 years and can't be taken away by the State or County.

Help make sure emergency services are there when you need it. Join us and vote YES on Measure X.



## BOARD OF DIRECTORS AGENDA ITEM NO. D-3

**Meeting Date:** March 5, 2012

**Subject/Title:** Appoint Directors to Redevelopment Successor Agency Oversight Boards for the Cities of Brentwood and Oakley

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

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### RECOMMENDATION FOR ACTION

Appoint Directors to the Redevelopment Successor Agency oversight boards for the Cities of Brentwood and Oakley.

### PREVIOUS ACTION

None

### SUBJECT BACKGROUND

The California Supreme Court delivered its decision in the California Redevelopment Association v. Matosantos case, upholding the constitutionality of AB1x 26 (the "Dissolution Act"), which dissolved redevelopment agencies as of February 1, 2012, and striking down AB1x 27, which would have permitted redevelopment agencies to continue to operate with limited powers. Under the Dissolution Act, a "Successor Agency" will be created for each former RDA to manage the remaining contractual obligations of the former RDA and oversee the dissolution of RDA assets and distribution of revenues to local taxing entities.

Under the Dissolution Act, the Successor Agency is the sponsoring community of the RDA unless it elects not to serve in that capacity. In the cases of Brentwood and Oakley, both cities have elected to serve as the Successor Agency. The actions of the Successor Agency will be monitored, and in some cases approved, by an *Oversight Board*. The Oversight Board may direct the Successor Agency to determine whether contracts, agreements or other arrangements between the former RDA and private parties should be terminated or renegotiated to reduce the Successor Agency's liabilities and to increase net revenues to the taxing entities, and then the Oversight Board oversees the distributions of property tax and other revenues to local taxing entities.

The Oversight Board of the Successor Agency will consist of 7 members appointed by/representing:

- County Board of Supervisors (two members);
- Mayor (one member);
- County Superintendent of Education (one member);
- Chancellor of California Community Colleges (one member);
- Largest special district taxing entity (one member); and
- A former RDA employee appointed by Mayor/Board of Supervisors (one member).

Under the Court's decision interpreting the Dissolution Act, the Oversight Board membership must be completed by May 1, 2012.

The actions of the Oversight Board of each Successor Agency will in turn be overseen by the Director of the Department of Finance and may be subject to disapproval or modification. The Oversight Board has specified obligations with respect to maintaining a website and providing specified notification to various state officials.

The City Managers of Brentwood and Oakley have informed the District that, as the largest special district taxing entity within both cities, the District is entitled to appoint one representative to each of the respective oversight boards.

Staff recommends that the Board appoint one Director to each of the Brentwood and Oakley Successor Agency Oversight Boards.

Resolution

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

**A RESOLUTION OF THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT BOARD  
OF DIRECTORS TO APPOINT DIRECTORS TO REDEVELOPMENT SUCCESSOR AGENCY  
OVERSIGHT BOARDS FOR THE CITIES OF BRENTWOOD AND OAKLEY**

**WHEREAS**, The California Supreme Court delivered its decision in the California Redevelopment Association v. Matosantos case, upholding the constitutionality of AB1x 26 (the "Dissolution Act"), which dissolved redevelopment agencies as of February 1, 2012; and

**WHEREAS**, Under the Dissolution Act, a Successor Agency will be created for each RDA; and

**WHEREAS**, The actions of the Successor Agency will be monitored, and in some cases approved, by an *Oversight Board*; and

**WHEREAS**, The Oversight Board of the Successor Agency will consist of 7 members appointed members including the largest Special District;

**WHEREAS**, The District is the largest taxing entity within both the Cities of Brentwood and Oakley, and is therefore entitled to appoint a representative to the Oversight Boards for the Successor Agencies for each City.

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

1. Appoint Director \_\_\_\_\_to the City of Brentwood Successor Agency Oversight Board
2. Appoint Director \_\_\_\_\_to the City of Oakley Successor Agency Oversight Board

**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:

\_\_\_\_\_  
Kevin Romick  
President, Board of Directors

ATTEST:

\_\_\_\_\_  
Hugh Henderson  
District Clerk