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THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Order on January 14, 1997, by the following vote:

AYES: Supervisors Rogers, Uilkema, Gerber, Canciamilla and DeSaulnier

NOES: None

ABSENT: None

ABSTAIN: None

SUBJECT: Moraga-Orinda Fire)
Protection District)
Consolidation)
(LAFC Res. 96-27))
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RESOLUTION NO. 97/ 16

(Gov. Code §§ 57077(a)(2),
57082, 57100, 57103(a),
57104, 57139, 57177.5,
56842.5; H+SC Sec. 13846)

Acting as conducting authority under the Cortese-Knox Act (Gov. C. Secs. 56000 et seq.), the Board of Supervisors of Contra Costa County RESOLVES that:

1. This Resolution is adopted pursuant to the Cortese-Knox Act, Government Code Sections 56000 et seq.
2. The change of organization ("boundary change") ordered by this Resolution consists of the consolidation of the Moraga Fire Protection District and the Orinda Fire Protection District into a new successor district to be known as the Moraga-Orinda Fire Protection District.
3. The exterior boundaries of the above-noted boundary change are as specified in Exhibit A hereto.
4. The affected territory for this boundary change has been determined to be legally inhabited.
5. This boundary change is subject to the following conditions, as imposed by the Local Agency Formation Commission:

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a) The Moraga-Orinda Fire Protection District shall establish separate service zones coterminous with the boundaries of the existing Moraga Fire Protection District and Orinda Fire Protection District;

b) The Moraga-Orinda Fire Protection District shall be governed by a five-member Board of Directors directly elected by divisions as specified in Exhibit B hereto (Government Code 56844(n) and Health and Safety Code 13846);

c) The new district shall honor any employment agreements for personnel employed by either the Moraga Fire Protection District or the Orinda Fire Protection District who desire to be employed with the new combined district;

d) All equipment, assets, liabilities, facilities, property, cash, fund balances, or other fiscal matters of the participating districts shall accrue to the new district;

e) The authorization to levy a special tax, or fire flow tax, as previously approved by the electorate in the Moraga Fire Protection District shall be continued, with the tax proceeds utilized solely to fund activities in the former Moraga Fire Protection District service area (Government Code Section 56844(t));

f) The authorization to levy a special tax, or fire flow tax, in the area formerly served by the Orinda Fire Protection District shall be submitted to the electorate for approval in June of 1997, with the proceeds of any approved tax utilized solely to fund activities of the Orinda Fire Protection District service area (Government Code Section 56844(b)).

6. The affected territory will be taxed for any existing bonded indebtedness of any annexing districts. The regular county assessment roll will be used for the collection of taxes and assessments in any territory annexed.

7. The purpose of the boundary change is to provide better and more efficient fire protection and emergency medical (paramedic) services to the affected territory.

8. This boundary change is categorically exempt (Class 20) under the California Environmental Quality Act ("CEQA").

9. This Board hereby accepts the representations of the consolidation proponents and finds that the five divisions set forth in Exhibit B attached hereto are as nearly equal in population as possible and comply with Health and Safety Code Section 13846. The selection, nomination and election of the Board of Directors of the new consolidated District shall be conducted as provided in the Uniform District Election Law (Elections Code Secs. 10500 et. seq.) for each of the five Divisions, with the candidate who is a resident voter in each Division and receives the highest number of votes in the Division being elected.

10. Pursuant to Government Code Section 57077(a), this Board finds that insufficient protests were filed to require termination of proceedings and, therefore, hereby ORDERS the Moraga-Orinda Fire Protection District Consolidation to be effective July 1, 1997, subject to the terms and conditions specified herein and to confirmation by the voters as hereinafter set forth.

11. At such time as confirmed by the voters, the Clerk of this Board shall transmit a certified copy of this Resolution, along with a remittance to cover any applicable fees as proved by Section 54902.5 of the Government Code, to the Executive Officer of the Local Agency Formation Commission, with a request that the Executive Officer complete the boundary change by filing a Certificate of Completion and Statement of Boundary Change.

12. The Board Clerk shall file a certified copy of this Resolution with the County Clerk (Registrar of Voters and elections official) on or before the 125th day prior to the June 3, 1997 election. Candidates for division directors shall pay for the publication of their statements of qualifications pursuant to Elections Code Section 13307. (Elec. C. Sec. 10509.)

13. Elections

Pursuant to Government Code Sections 7902.7(c), 57077(a)(2), 57100(a), and 57103(a), this Board hereby calls a special election to be held June 3rd, 1997 on the following questions in the following areas, requiring the approvals noted:

a. Moraga Fire Protection District Measure:

- 1) By majority vote of the voters in the area of the Moraga Fire Protection District, confirmation of the Moraga-Orinda Fire Protection District Consolidation, with two separate service zones conforming to the boundaries of the current Moraga Fire Protection District and Orinda Fire Protection District and with Directors elected from five Divisions as specified in Exhibit B hereto, subject to approval of Items 13.a.2), 13.b.1) and 13.b.4), infra.
- 2) By majority vote of the voters in the combined area of the Moraga Fire Protection District and Orinda Fire Protection District, approval of an appropriations limit for fiscal year 1997-8 for the new Moraga-Orinda Fire Protection District at \$11,944,423.
- 3) Election of a Director from each Division in the area of the Moraga Fire Protection District as specified in Exhibit B hereto, with the candidate receiving the highest number of votes in each Division being elected.

b. Orinda Fire Protection District Measure

- 1) By majority vote of the voters in the area of the Orinda Fire Protection District, confirmation of the Moraga-Orinda Fire Protection District Consolidation, with two separate service zones conforming to the boundaries of the current Moraga Fire Protection District and Orinda Fire Protection District and with Directors elected from five Divisions as specified on the map of Exhibit B hereto, subject to the approval of Items 13.a.1); supra, and Items 13.b.2) and 13.b.4), infra.
- 2) By majority vote of the voters in the combined area of the Moraga Fire Protection District and Orinda Fire Protection District, approval of an appropriations limit for fiscal year 1997-8 for the new Moraga-Orinda Fire Protection District at \$11,944,423.
- 3) Election of a Director from each Division in the area of the Orinda Fire Protection District as specified in Exhibit B, with the candidate receiving the highest number of votes in each Division being elected.
- 4) By two-thirds vote of the voters in the area of the Orinda Fire Protection District, approval of a fire-flow special tax, as specified in Exhibit C hereto, for the zone to be covered by the area of the Orinda Fire Protection District, the proceeds of such tax to be used solely to fund activities in the area of the former Orinda Fire Protection District.

14. Pursuant to Government Code Sections 57133(h), 57134, 57135 and 57137, the specific language of the aforementioned ballot measures shall be as set forth in Exhibit D hereto.

15. The precincts and the polling places for the elections shall be timely determined in accordance with normal procedures by the Elections Department, so as to have precincts conforming to the map of Exhibit B and ballot measures of Exhibit D.

16. Adoption of Fire Flow Special Tax

Pursuant to Government Code Sections 50077(a),(c) and 53978 and acting as the conducting authority on behalf of the District to be formed, this Board hereby adopts the Fire Flow Special Tax ordinance of Exhibit C hereto, which Ordinance shall be submitted for approval of the voters as specified hereinabove.

17. Within five days of the call of the special elections pursuant hereto, the Clerk of this Board shall transmit a notification of election call to the Executive Officer of the Local Agency Formation Commission, in conformance with the requirements of Government Code Section 57144.

18. The County Clerk (Elections Department) and the Clerk of this Board are hereby authorized and directed to take all actions necessary or appropriate to implementing this Resolution, including:

a. Concerning the Consolidation:

- 1.) Publishing, posting, and mailing in a timely manner the notices of election required by Government Code Sections 57130 and 57131 and Health and Safety Code Section 13827;
- 2.) In a timely manner:
 - a.) Determining and fixing reasonable dates prior to the election for arguments to be submitted, in accordance with Government Code Section 57146(a);
 - b.) Publishing notice of the date for submission of arguments, in accordance with Government Code Section 57146(b),
 - c.) Receiving and selecting arguments and rebuttal arguments on the questions submitted to the voters, in accordance with Government Code Sections 57145 and 57147,
 - d.) Assembling, printing and mailing the ballot pamphlet, in accordance with Government Code Section 57148, and
 - e.) Conducting and reporting the canvas of the ballots cast, in accordance with Government Code Section 57149.

b. Concerning the elections for division directors:

- 1.) Conducting the District division director elections in accordance with the provisions of the Uniform District Election Law (Elections Code Sections 10500 et seq) and Government Code Section 57139 and Health and Safety Code Section 13828, except where otherwise required by Elections Code Section 10503; and
- 2.) Having forms available for declarations of candidacy for District division director offices in a timely manner at least 113 days prior to the June 3rd, 1997 election. (Elec. C. Secs. 10510+10511.)

ATTEST: Phil Batchelor, Clerk of the Board of Supervisors and County Administrator

By: Jim Ceccoli
Deputy