

BEFORE THE CITY COUNCIL OF THE CITY OF ORINDA

In the Matter of:

Approving an application to the)
Contra Costa County Local Agency)
Formation Commission requesting)
reorganization of the Orinda)
Fire Protection District and)
Moraga Fire Protection District)

Resolution No. 48-96

WHEREAS, the City of Orinda desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, commencing with Section 56000 of the California Government Code, for reorganization of the Orinda Fire Protection District and the Moraga Fire Protection District into a single district called the Moraga-Orinda Fire Protection District; and

WHEREAS, notice of intent to adopt this resolution of application has not been given to each interested and each subject agency; and

WHEREAS, the territory proposed to be reorganized is inhabited, and includes all of the territory currently within the Orinda Fire Protection District and Moraga Fire Protection District, as shown on Exhibit A, attached; and

WHEREAS, the proposed reorganization is consistent with the sphere of influence of the Orinda Fire Protection District and Moraga Fire Protection District, and the spheres of influence of the Town of Moraga and the City of Orinda; and

WHEREAS, the terms and conditions proposed for the reorganization are as follows:

1. 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.
2. The Moraga-Orinda Fire Protection District shall be governed by a five member Board of Directors directly elected by divisions (Government Code 56844 (n) and Health and Safety Code 13846).
3. 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)).

4. 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 March 1997, with the proceeds of any approved tax utilized solely to fund activities in the former Orinda Fire Protection District service area (Government Code Section 56844 (b)).

5. The LAFCO order for consolidation shall be submitted for approval by the electorate within the boundaries of each of the current districts (Orinda Fire Protection District and Moraga Fire Protection District) which would be included in the new combined District (Government Code Section 56844). As noted in condition (4) above, an election will also be required for the special tax in the Orinda service zone.

6. In the event that either (a) the special tax as noted in condition (4) above is not approved by at least 2/3 of the voters voting in the election, and does therefore, not become effective, or (b) approval for consolidation of the two districts as noted in condition (5) above is not provided by a majority of the voters voting in each election, then the reorganization requested in this application will not take effect.

7. The effective date of the consolidation shall be no later than July 1, 1997.

NOW, THEREFORE, THIS Resolution is hereby adopted and approved by the City Council of the City of Orinda and the Local Agency Formation Commission is hereby requested take proceedings for the reorganization of the Orinda Fire Protection District and the Moraga Fire Protection District, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

ADOPTED by the City Council of the City of Orinda at a meeting of said Council held on the 3rd day of September, 1996, by the following vote:

AYES: Councilmembers Abrams, Hawkins, Littlehale, Tabor and Wheatland

NOES: None

ABSENT: None


Gregg Wheatland, Mayor

Attest:


Mary R. Ellsworth, City Clerk