

RESOLUTION NO. 96-27

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF CONTRA COSTA
MAKING DETERMINATIONS AND APPROVING THE MORAGA-ORINDA
FIRE PROTECTION DISTRICT CONSOLIDATION

RESOLVED, by the Local Agency Formation Commission of the County of Contra Costa, State of California, that

WHEREAS, a proposal for the consolidation of the Moraga Fire Protection District (MFPD) and the Orinda Fire Protection District (OFPD) has been filed with the Executive Officer of this Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including her recommendation thereon, the proposal and report having been presented to and considered by this Commission; and

WHEREAS, this Commission called for and held a public hearing on the proposal on October 9, 1996, and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, the Moraga and Orinda City Councils, as applicant for the proposed consolidation, found the proposed consolidation to be Categorical Exempt (Class 20) from the provisions of the California Environmental Quality Act (CEQA).

NOW, THEREFORE, the Local Agency Formation Commission of the County of Contra Costa DOES HEREBY RESOLVE, DETERMINE, ORDER AND FIND as follows:

1. That the effective date of the proposed consolidation will be July 1, 1997, and that will be the date of recordation with the Contra Costa County Clerk by LAFCO;
2. That the boundaries of the proposed consolidated district shall be as shown on the proposal map attached herein as Exhibit A;
3. That the name of the new successor district will be the Moraga-Orinda Fire Protection District;
4. That the appropriations limit of the consolidated district for 1997 shall be \$11,944.423;
5. Pursuant to Section 56842(d), direct that all property taxes currently received by the individual districts shall be received by the successor district;

6. That the proposed consolidation is supported by the intent of the Cortese-Knox Local Government Reorganization Act of 1985 as stated in Section 56001 of the Government Code;
7. That the affected territory is legally inhabited;
8. That the spheres of influence of the current Moraga and Orinda Fire Protection Districts be combined to create one sphere of influence for the new consolidated district;
9. That the proposal is designated as "Moraga-Orinda Fire Protection District Consolidation (LAFC 96-27)";
10. That the proposal is Categorically Exempt (Class 20) from the provision of CEQA;
11. That the proposal be subject to the following conditions:
 - 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 (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 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));
12. That the LAFCO order for consolidation shall be submitted for approval by the electorate within the boundaries of each of the current districts (Moraga and Orinda Fire Protection Districts) which would be included in the new combined district. As noted in condition 11(f), an election will also be required for the special tax in the Orinda service zone;

- 13. That in the event that either a) the special tax as noted in condition 11(f) is not approved by at least 2/3 of the voters voting in the election, or b) approval for consolidation of the two districts is not provided by a majority of the voters voting in each election, then the proposed consolidation shall not become effective and shall be terminated;
- 14. That the Contra Costa County Board of Supervisors is designated the Conducting Authority. Said Board shall conduct subsequent proceedings with notice, hearing and subject to election;
- 15. That the Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Section 56853 of the Government Code.

PASSED AND ADOPTED this 9th day of October 1996, by the following vote:

AYES: Commissioners Bishop, Jameson, McNair, Menesini, Uilkema and Meadows

NOES: None

ABSTAIN: Commissioner DeSaulnier

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date aforesaid.

Date: 10/25/96

Annamaria Perrella
Annamaria Perrella, Executive Officer