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It Could Happen

The "what if" scenario for Lafayette fire service

By Nick Marnell

Is Lafayette nearing its breaking point with the Contra Costa County Fire Protection District? Consider these recent comments and actions:

- In 2012, ConFire closed Lafayette's station 16.
- A potential fire station consolidation with the Moraga-Orinda Fire District has been questioned by members of the MOFD board because of their lack of faith in ConFire's finances.
- At a recent Lafayette city council meeting, supervisor Candace Andersen could not assure MOFD director Fred Weil that Lafayette's station 17 will not experience a staffing cutback in order to help fund the proposed consolidation. "She did say that two-person companies work very well, in places like Vallejo. I tried to talk to her about this after the meeting, but she wouldn't talk to me," said Weil.
- Vince Wells, president of United Professional Firefighters Local 1230, spoke guardedly about the district's future. "ConFire is at an unsafe staffing level at this point. A lot of things are not known about what is going to happen with ConFire," he said.
- ConFire's 2013-14 preliminary budget called for more station closures. "ConFire submitted a budget for fiscal year 2013-14 that required the use of \$10 million in reserve funds. Without any new revenue between now and then... essentially, the district will be virtually bankrupt," said county administrator David Twa.
- Supervisor Mary Piepho was even more blunt. "These are tragic times. The taxpayers have told us: live within your means. Lives are going to be lost; stations are going to be closed; firefighters are going to lose their jobs. The county general fund cannot supplement the fire district to the needs and expectations that the citizens deserve." Faced with these circumstances, is it possible for Lafayette to leave ConFire, and merge with the MOFD, to form a Lamorinda Fire District? Lafayette officials said they are aware of residents' concerns, but feel that any further discussion of a merger is premature.

"Our current focus is to come to an agreement on the new fire station," said Don Tatzin, vice mayor and member of the Contra Costa Local Area Formation Commission.

"We haven't studied the issue," said city manager Steven Falk.

At a recent MOFD meeting, Lafayette resident George Burt stated firmly, "If the board diminishes service to station 17, we will start a movement to withdraw (from ConFire), no question about it."

What would it take to do that?

"Any registered voter or landowner of, in this case, Lafayette, may begin a petition drive to detach Lafayette from ConFire and seek annexation into the MOFD," said Lou Ann Texeira, executive officer of the Contra Costa LAFCO. She called this type of application - one that includes both a detachment and an annexation - a reorganization. "If 25 percent of the registered voters or landowners of Lafayette sign the petition for this reorganization, the application can be forwarded to LAFCO and we will review it."

Along with the application, the petitioners must provide LAFCO a detailed plan for service and a thorough financial analysis of the proposed new entity. For example, Lafayette's portion of ConFire's unfunded pension liability will have to be estimated, who would pay it, and how. A transfer of assets will need to be negotiated, as Lafayette's fire stations and fire engines are owned by ConFire. A property tax split must be worked out with Contra Costa County; per the 2009 LAFCO Municipal Service Reviews, MOFD receives a 23 and 19 percent share of property taxes from Moraga and Orinda respectively, while ConFire receives a 13 percent share from Lafayette. Also for Lafayette to consider is that MOFD charges a fire flow tax, while ConFire does not.

LAFCO would then hold a public hearing on the reorganization, and either approve or deny the petitioners' application. If approved, another public hearing follows, termed by Texeira a "protest hearing." She explained, "If less than 25 percent of the registered voters or landowners protest Lafayette's detachment from ConFire and annexation into the MOFD, the reorganization is approved."

Unless the MOFD doesn't want Lafayette to join.

If the district can show LAFCO that the annexation will be a financial hardship, or that it will prevent the MOFD from offering proper service to its district residents, MOFD may, within 60 days of the application submission, adopt a resolution requesting termination of the reorganization. That would immediately end the process.

"It is our job to insure logical and orderly growth and the extension of services," said Texeira. "The entire LAFCO process could take six months."

Roughly the same length of time as the station 46 debate.

Reach the reporter at: info@lamorindaweekly.com

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