

# Everyone Still Not on Board

By Nick Marnell

At a recent meeting of the Moraga-Orinda Fire District, Fire Chief Randall Bradley presented a draft of the deal points for the joint purchase and operation of a proposed fire station 46 with the Contra Costa County Fire Protection District. The MOFD board wanted clarification on some of the negotiated terms in the draft of the deal points, and the ensuing discussion took nearly two hours.

One of the terms stated that the district may not pursue or initiate annexation of Lafayette into MOFD, which was unacceptable to director Fred Weil. He explained that, should Lafayette pass a resolution that it wanted to be annexed into the district, the word "pursue" would prevent the MOFD from moving along the path of annexation. "It's one thing to say we won't initiate," said Weil. "It's another thing to say that we won't 'pursue.'"

"Just remove the word," suggested board president Frank Sperling. Bradley cautioned the board: "Based on my negotiations with ConFire, without that piece, I don't think we would have an agreement."

Weil also asked for a "maintenance of effort" clause to be added to the document. "If ConFire pays for 46 by degrading service to station 17, this becomes a bad deal for us," said Weil. Bradley said that there was no way he could negotiate a deal that required another jurisdiction to keep all service levels the same for the next 40 years.

"We couldn't make that same promise," he said.

The proposed staffing structure of the new station was discussed. ConFire's model calls for one paramedic in each three-person company; MOFD is migrating toward a full firefighter-paramedic district, according to Bradley, who said that ConFire was unwilling to pay for half the cost of a full paramedic company. "So, in

order to get equal cost sharing, we must use their model, and not ours?" asked Weil.

"They have not agreed to pay for three full-time paramedic-firefighters," responded Bradley.

Not specifically addressed in the draft was that, in the event of a Red Flag emergency, the district will have the right to first call the California Department of Forestry and Fire Protection, not ConFire, for backup. "Our first option will always be CAL FIRE, because that's free," explained Bradley, who said that he believes ConFire will agree to that procedure, which is followed by the MOFD.

The directors also objected to a clause that implied, should ConFire drop out before completion of the station, the site at 1035 Lorinda Lane in Lafayette would have to be sold even if MOFD did not want to withdraw from the project. "The non-withdrawing agency should have the option to continue," said Sperling.

The directors did not vote on any of the individual discussion items. The only board action taken was a motion for staff to release the remaining \$7,500 deposit to the seller of the Lorinda Lane property, to continue to spend district funds for due diligence on the property, and to address and clarify with ConFire the areas of concern in the draft of deal points so that a joint powers agreement can be finalized.

As they did on the previous motion involving proposed station 46, directors John Wyro, Steve Anderson and Alex Evans voted yes; Weil and Sperling voted no.

The MOFD board of directors will reconvene on May 8. (The board of supervisors met on May 7, after our press deadline. Check our website at www.lamorindaweekly.com for the latest developments.)

# It Could Happen

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"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 Teixeira, 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 re-

view 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 petitioner's application. If approved, another public hearing follows, termed by Teixeira 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 Teixeira. "The entire LAFCO process could take six months."

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



**Moraga-Orinda Fire District Board of Directors Meetings**  
The Moraga-Orinda Fire District holds Board Meetings on the first and third Wednesday of every month at 7 p.m. Any exceptions will be posted in advance.

**Next meeting: District Board Meeting - May 15, 2013, 7 p.m.**

(Go to [www.mofd.org](http://www.mofd.org) as the meeting date approaches for location and more information)

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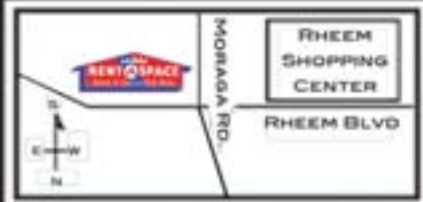
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**Lamorinda Fire News Briefs on page A12**