

RESOLUTION NO. 2024-18

RESOLUTION OF APPLICATION

**BY THE BOARD OF DIRECTORS OF THE RODEO HERCULES FIRE PROTECTION DISTRICT
REQUESTING THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
TO INITIATE PROCEEDINGS FOR THE DISSOLUTION OF THE RODEO HERCULES FIRE
PROTECTION DISTRICT AND SUBSEQUENT ANNEXATION OF THOSE TERRITORIES INTO
THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT**

RESOLVED, by the Board of Directors of the Rodeo Hercules Fire Protection District (the "District") that:

WHEREAS, the District and the Contra Costa County Fire Protection District were formed pursuant to the same enabling legislation, the Fire Protection District Law of 1987, commencing with Section 13800 of the California Health & Safety Code; and

WHEREAS, the efficient operation of fire protection districts is an integral part of providing adequate fire protection services to a district's residents and could potentially have significant impacts on public safety; and

WHEREAS, the District and the Contra Costa County Fire Protection District have shared a long history of cooperative efforts including interdependent operational response, training, community risk reduction efforts, and community outreach; and

WHEREAS, the District desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code for reorganization that includes annexation, by the Contra Costa County Fire Protection District, of the territory within the Rodeo Hercules Fire Protection District and dissolution of the Rodeo-Hercules Fire Protection District; and

WHEREAS, the Contra Costa County Fire Protection District also desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for reorganization; and

WHEREAS, notice of intent to adopt this resolution of application has been given to the Contra Costa County Fire Protection District; and

WHEREAS, the territory proposed to be reorganized is considered to be inhabited and encompasses the areas described in the map attached to this Resolution and incorporated by reference as Exhibit A, and a map of the proposed boundary following reorganization is attached to this Resolution and incorporated by reference as Exhibit B; and

WHEREAS, the Rodeo Hercules Fire Protection District's future financial projection forecasts increased reliance on the reserve fund to meet the capital needs and growing costs of compensation and benefits for both present and retired employees which is outpacing revenues, and forecasts a structural financial deficit with no practical means to achieve or maintain regulatory compliance within fire service requirements and best practices; and

WHEREAS, parcel owners within the RHFPD pay three special parcel taxes and/or assessments that are unique to the territory: Measure O (2016) and (2) Benefit Assessments that are above and beyond Ad Valorem tax; and

WHEREAS, the efficiency, effectiveness and the economy of fire protection services to individuals within the affected districts can be improved by the reorganization of the two districts into one entity; and

WHEREAS, the reorganization of the two districts into one entity will enable the reorganized district to better meet the fire, rescue, and emergency medical service needs of the residents of the reorganized district, as described in the Plan for Services attached to this Resolution and incorporated by reference as Exhibit C; and

WHEREAS, the Contra Costa County Fire Protection District has assumed Lead Agency status for this project under the California Environmental Quality Act (CEQA), commencing at California Public Resources Code Section 21000, on behalf of the two districts; and

WHEREAS, this reorganization is categorically exempt from CEQA pursuant to Class 20 (Changes in Organization of Local Agencies), Title 14, Chapter 3, Section 15320(b) of the California Code of Regulations; and

WHEREAS, in accordance with Section 56853 of the California Government Code, the legislative bodies of the two districts are adopting substantially similar resolutions of application for this reorganization.

NOW the Board of Directors of the Rodeo-Hercules Fire Protection District does **RESOLVE** as follows:

1. Adoption of Resolution of Application. This Resolution of Application is hereby adopted and approved by the Board of Directors of the Rodeo-Hercules Fire Protection District. The Contra Costa Local Agency Formation Commission (LAFCo) is hereby requested to dissolve the Rodeo-Hercules Fire Protection District and reorganize the territory described in Exhibit A, and expand the sphere of influence for the Contra Costa County Fire Protection District as described in Exhibit B, and annex the Rodeo-Hercules Fire Protection District to the Contra Costa County Fire Protection District according to the terms and conditions stated below and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

2. Terms and Conditions. The Rodeo-Hercules Fire Protection District Board of Directors requests that, under the Contra Costa County Local Agency Formation Commission's conditioning powers under Government Code section 56886, the reorganization described above be subject to the following terms and conditions:
- a. Successor Agency. Upon and after the date of recording in the official records of Contra Costa County LAFCo's final and complete approval of the dissolution of the Rodeo-Hercules Fire Protection District and the Contra Costa County Fire Protection District's assumption of the duties and obligations of the Rodeo-Hercules Fire Protection District (the "Effective Date"), the Contra Costa County Fire Protection District shall be the successor of the Rodeo-Hercules Fire Protection District. All rights, responsibilities, properties, contracts, assets and liabilities, and functions of the Rodeo-Hercules Fire Protection District are to be transferred to the Contra Costa County Fire Protection District as the successor to the Rodeo-Hercules Fire Protection District.
 - b. Employees. From and after the Effective Date, all employees of the dissolved Rodeo-Hercules Fire Protection District shall become employees of the Contra Costa County Fire Protection District.
 - c. Retiree Health. From and after the Effective Date, Contra Costa County Fire Protection District will ensure all retirees of the Rodeo-Hercules Fire Protection District shall receive the same healthcare subsidy as they received prior to annexation.
 - d. Duties. The Contra Costa County Fire Protection District, as the successor agency, shall function under and carry out all authorized duties and responsibilities assigned to a Fire Protection District as outlined in Division 12, Part 2.7, Chapter 1, Health & Safety Code, the Fire Protection District Law of 1987 (commencing with Section 13800) and other applicable laws.
 - e. Revenue Transfer. Before LAFCo issues the Certificate of Filing for the reorganization (Revenue and Taxation Code Section 99(b)(6)), the Board of Directors of the District shall commence and complete a property tax transfer process to be effective prior to issuance of the LAFCo Certificate of Filing, and take all other required steps to transfer from the Rodeo-Hercules Fire Protection District to the Contra Costa County Fire Protection District all income, from taxes or any other source, for which there is a continuing right to tax distribution, or historical distribution or allocation of funds, including but not limited to Measure H funds, Measure O funds, Redevelopment Agency (RDA) dissolution pass-through funds, and benefit assessment funds. All previously authorized charges, fees, assessments, and/or taxes currently in effect, levied or collected by the Rodeo-Hercules Fire Protection District, including through municipal and county development impact

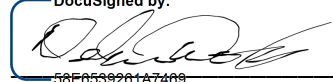
fees and community facilities districts, shall continue to be levied, collected, tracked, expended and administered by the successor agency in accordance with the authorizing actions of such financial mechanisms.

- f. Oversight; Advisory Commission. The composition of the District Board of Directors shall remain unchanged. The composition of the Contra Costa County Fire Protection District Advisory Fire Commission shall be adjusted to ensure that at least one member of the Advisory Fire Commission is a resident of land currently within the service area of the Rodeo-Hercules Fire Protection District for a period of at least five years from the date of annexation.
 - g. Oversight; Measure O. The Contra Costa County Fire Protection District Board of Directors shall reestablish the Measure O Oversight Committee as a committee of the Board of Directors and the District Board of Directors will appoint members to the District committee. The oversight committee shall consist of entirely residents of the territory of the former Rodeo-Hercules Fire Protection District in accordance with the text of Measure O, and the ordinance that enacted Measure O.
 - h. Land Rights. The reorganization does not change the rights the Rodeo-Hercules Fire Protection District had in the lands in their respective territories immediately prior to the reorganization. Those rights run with the land and will become Contra Costa County Fire Protection District rights as the successor.
 - i. Use of Funds. The Contra Costa County Fire Protection District will ensure all funds received from Measure O, benefit assessments, development impact fees, and community facilities districts derived from the territories of the former Rodeo-Hercules Fire Protection District are accounted for and expended within the geographic areas they were derived in compliance with applicable statutes and regulations.
 - j. Preservation of Fund Balances. The Rodeo-Hercules Fire Protection District will ensure all personnel-related expenses impacting the use of fund balance or reserve funds beyond those approved prior to the date of resolution are mutually agreed upon with Contra Costa County Fire Protection District prior to expending those funds.
 - k. Fire Station 76. The Contra Costa County Fire Protection District shall have access to operate the facility with at least the same covenants contained in the existing lease agreement between the Rodeo-Hercules Fire Protection District and the City of Hercules.
3. Other Acts. The officers and staff of the District are hereby authorized and directed, jointly and severally, to do any and all things, to execute and deliver any and all documents, which,

in consultation with District Counsel, they may deem necessary or advisable in order to effectuate the purposes of this Resolution, and any and all such actions previously taken by such officers or staff members are hereby ratified and confirmed.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Rodeo Hercules Fire Protection District at a special meeting thereof held on the 31st day of July, 2024, by the following vote:

AYES: 3
NOES: 2
ABSTENTIONS: 0
ABSENT: 0

DocuSigned by:

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Chair of the Board
Rodeo Hercules Fire Protection District

ATTESTED:
DocuSigned by:
Kimberly Corcoran
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Clerk of the Board

Attachments:

- Exhibit A - Map of territory of the Rodeo Hercules Fire Protection District
- Exhibit B - Map of proposed Contra Costa County Fire Protection District boundaries
- Exhibit C - Plan for Services