

***RODEO-HERCULES FIRE PROTECTION DISTRICT***

**MEMORANDUM**

**TO:** RHFDP Board of Directors

**FROM:** Bryan Craig, Fire Chief

**DATE:** October 13, 2021

**RE:** Rodeo-Hercules Fire Protection District Adoption of a Resolution to Continue Conducting Board of Directors Meetings Remotely Due to Health and Safety Concerns for the Public and Making Related Findings

---

**RECOMMENDATION**

Staff recommends that the Board of Directors (the “Board”) of the Rodeo-Hercules Fire Protection District (the “District”) adopt a resolution to continue conducting Board and Measure O Oversight Committee meetings remotely due to health and safety concerns for the public and making related findings in compliance with AB 361 (2021).

**BACKGROUND**

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID 19.

On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means. Additionally, the State implemented a shelter-in-place order, requiring all non-essential personnel to work from home.

District staff worked successfully to create virtual meetings for the Board. The virtual meetings have allowed the Board to continue to conduct District business from safely and in compliance with local public health orders and has allowed the District to ensure the public’s continued access to government meetings while also ensuring the public’s safety.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, ended the provisions of Executive Order N-29-20 and set a date of October 1, 2021, for agencies to transition back to public meetings held in full compliance with the Brown Act.

Since the issuance of Executive Order N-08-21, the highly contagious Delta variant has emerged, causing a spike in cases throughout the state. As a result, the Contra Costa Health Department issued a Health Order requiring masks indoors in public places, regardless of vaccination status, starting August 3, 2021.

On September 16, 2021, the Governor signed AB 361 (2021) which allows for local legislative and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the Board make specified findings. AB 361 took effect immediately.

## **DISCUSSION**

The California Legislature approved AB 361 and the Governor signed the bill into law on September 16, 2021. The bill will allow local legislative bodies to continue to meet remotely after the October 1st deadline. A local agency's legislative body and advisory bodies will be allowed to continue to meet remotely when:

- The local agency holds a meeting during a declared state of emergency
- State or local health officials have imposed or recommended measures to promote social distancing
- Legislative bodies declare the need to meet remotely due to present imminent risks to the health or safety of attendees

The District meets the requirements to continue holding meetings remotely in order to ensure the health and safety of the public:

- The District is still under a state of emergency as declared by the Governor
- County Health orders require that all individuals in public spaces maintain social distancing and wear masks
- The District cannot maintain social distancing requirements for the public, staff, Board members, and advisory body members in their meeting spaces

Now that AB 361 was signed into law, the Board would need to declare every 30 days that it must continue to meet remotely in order to ensure the health and safety of the public.

Staff recommends that the Board adopt a resolution to declare these findings are true so that it may continue to meet remotely.

## **FISCAL IMPACT**

There is no fiscal impact.

## **Attachments:**

Resolution  
Governor's Executive Order N-29-20  
Governor's Executive Order N-08-21  
AB 361

**RESOLUTION NO. 2021-09**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RODEO – HERCULES FIRE PROTECTION DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR’S ORDER N-15-21 ON SEPTEMBER 20, 2021, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE RODEO – HERCULES FIRE PROTECTION DISTRICT FOR THE PERIOD OCTOBER 13TH THROUGH NOVEMBER 11, 2021 PURSUANT TO BROWN ACT PROVISIONS.**

**WHEREAS**, the Rodeo-Hercules Fire Protection District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

**WHEREAS**, all meetings of the Rodeo-Hercules Fire Protection District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business; and

**WHEREAS**, on September 16, 2021, the Governor signed AB 361 (2021), which allows for local legislative bodies and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the District make specific findings. AB 361 (2021) took effect immediately; and

**WHEREAS**, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological, or human-caused disasters; and

**WHEREAS**, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, such conditions now exist in the District, specifically, Governor Newsom has declared a State of Emergency due to COVID-19; and

**WHEREAS**, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, ended the provisions of Executive Order N-29-20 and set a date of October 1, 2021, for agencies to transition back to public meetings held in full compliance with The Brown Act; and

**WHEREAS**, since the issuance of Executive Order N-08-21, the highly contagious Delta variant has emerged, causing a spike in cases throughout the state; and

**WHEREAS**, because of the rise in cases due to the Delta variant of COVID-19, the District is concerned about the health and safety of all individuals who attend District Board meetings; and

**WHEREAS**, the Board of Directors does hereby find a State of Emergency to exist in California as a result of the threat of COVID-19 and the Governor's declaration of a state of emergency; and

**WHEREAS**, the Board of Directors hereby finds the presence of COVID-19 and the increase of cases due to the Delta variant would present imminent risks to the health or safety of attendees, including the legislative bodies and staff, should the City's legislative bodies hold in person meetings; and

**WHEREAS**, the Board of Directors shall ensure that its meetings comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF RODEO-HERCULES FIRE PROTECTION DISTRICT HEREBY RESOLVES AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that by virtue of the Governor's declaration of a state of emergency and the Contra Costa County Department of Public Health's recommendations that individuals continue to socially distance, meeting in person would present imminent risks to the health or safety of attendees and will continue to cause conditions of peril to the safety of persons within the District.

Section 3. Remote Teleconference Meetings. The Fire Chief and Board Clerk and legislative bodies of Rodeo-Hercules Fire Protection District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with AB 361 (2021) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 11, 2021 or such time the Board of Directors adopts a subsequent resolution in accordance with AB 361 (2021) to extend the time during which the legislative bodies of Rodeo-Hercules Fire Protection District may continue to teleconference.

PASSED AND ADOPTED by the Board of Directors of Rodeo-Hercules Fire Protection District, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Steve Hill, Chairperson

ATTEST:

\_\_\_\_\_  
Kimberly Corcoran, Clerk of the Board

***RODEO-HERCULES FIRE PROTECTION DISTRICT***

**MEMORANDUM**

**TO: BOARD of DIRECTORS**

**FROM: Bryan Craig, Fire Chief**

**DATE: October 13, 2021**

**RE: Executive Summery**

---

**BACKGROUND:**

During the September 8, 2021 regular Board meeting, the Board of Directors directed staff to develop an executive summary on current and upcoming challenges for the Fire District.

**REPORT:**

**Recruitment:** During our previous recruitment cycles, the Fire District has relied primarily on the Joint Apprenticeship Committees (JAC) Firefighter Candidate Testing Center (FCTC) list of potential firefighter candidates. The Firefighter Candidates placed on this list have already completed the minimum qualifications required to become an applicant for the Fire District. Firefighter 1 Certification, Candidate Physical Ability Test (CPAT), High School Diploma or General Education Development (GED), valid California Driver's License, and Emergency Medical Technician-Basic (EMT-B).

After the application is screened for accuracy, applicants are invited to participate in oral interviews conducted by their peers. Successful candidates are presented conditional offers of employment based on the successful completion of a Background Investigation, Polygraph, and Psychological testing. Candidates that complete this portion of the process are interviewed by the Fire Chief for final selection.

**Retention:** What makes firefighters want to leave their department? Even more importantly, what motivates them to stay? Is it money, opportunity, benefits? Or is it a combination of all? Understanding money is essential. Firefighters need to support themselves, and their families. This analogy also holds true for their benefits. But opportunity is most likely the driving factor. Opportunity is another form of compensation, and it comes from respect, inclusion, and empowerment of your personnel and the opportunity to advance through the ranks.

Respecting our personnel, and feeling that their work is valued is highly motivating. The knowledge that their coworkers, leaders, and community appreciate them is crucial for retention.

Inclusion and a sense of belonging to a department are also critical for retention. The Fire department is traditionally thought of as your "fire family." This sense of family can be a driving force for personnel choosing to stay with our department. When people feel that they don't belong or are not appreciated, they will always be open to leaving.

Finally, personnel want to feel appreciated and that their participation is creating new opportunities for them. They need to feel empowered through training and the opportunity of education, and inclusion in decision-making processes and availability to move into leadership roles.

If these types of opportunities are available, people will tend to stay with an organization. When they are absent, they will look elsewhere for that fulfillment.

We are currently facing a challenge: several larger departments throughout the bay area are aggressively hiring entry-level firefighters due to staffing shortages. Gone are the days of long lines of firefighters waiting in line for applications for a hand full of jobs. Now applicants can pick and choose the department that offers them the most pay and opportunities.

Compounding this concern is that Contra Costa Consolidated Fire, where our personnel already pictured themselves working, is in the process of hiring lateral firefighters for a March 2022 Fire Academy. After polling our Fire District personnel, up to 10 may likely leave the department, and finding qualified candidates to fill positions in this job market may be challenging. This significant loss of experienced personnel from our department will be difficult, if not impossible to overcome without making some drastic decisions regarding our staffing model.

**Succession Planning:** Succession planning within the department has traditionally been to identify positions that will become vacant through attrition or retirement. Once those are identified, the application process is started. Unfortunately, the Fire District doesn't have a scripted pathway to prepare employees for filling those vacant positions. The district has identified this gap in succession planning and will be implementing preparatory training in knowledge, skills, and abilities during our upcoming examination processes to ensure employee success in the process.

Currently, the staff is scheduling Captain and Engineer examinations for the first quarter of 2022.

Also, to provide long-term succession planning and more overhead management, the staff recommends hiring a Deputy Chief to assist with day-to-day operations and provide support to the line personnel and the Fire Chief. A recommendation regarding this position will be presented to the board during midyear budget adjustments.

**Training:** Due to budgetary constraints, the Fire District currently hasn't employed a dedicated training officer for many years. Training has primarily been left to the on-duty Captain and using outside training instructors. This gap in employee development will be addressed by re-establishing a relationship with California Specialized Training Institute (CSTI). Working with CSTI, the Fire District will establish a training curriculum for our personnel and college-level education certification classes that will be offered at our facility to our personnel and outside agencies. When classes are held at our facility, the Fire District receives a facility fee, generally in the form of waved tuition for our personnel.

**Fire Prevention / Community Risk Reduction:** The Fire District does not have a prevention bureau due to budgetary constraints. The Fire District relies on a part-time employee and an outside contractor for plan checks and residential care facilities inspections. Fire Marshal responsibilities regarding issuing citation notices of non-compliance of the weed abatement ordinance, fire investigations for fires requiring investigation beyond cause and origin, meetings with developers regarding preliminary permit submittal requirements, and issuing conditions of approval concerning the planned development are handled by the Fire Chief. The on-duty fire crews conduct community Risk Reduction relating to Business Inspections, pre-fire plans, and confirmation of weed abatement complaints. The Fire District sponsors CERT instructors to conduct classes at Fire District facilities. Currently, CERT classes were placed on hold due to COVID and expect to resume shortly.

**RODEO-HERCULES FIRE PROTECTION DISTRICT**

**MEMORANDUM**

**TO: BOARD of DIRECTORS**

**FROM: Bryan Craig, Fire Chief**

**DATE: October 13, 2021**

**RE: Executive Summary Developer Impact Fees**

---

**BACKGROUND:**

During the September 8, 2021 regular Board meeting, the Board of Directors directed staff to develop an executive summary on the Fire District's current Developer Impact Fee Program.

**DEFINITION:**

*A development impact fee is a monetary exaction other than a tax or special assessment that is charged by a local governmental agency to an applicant in connection with the approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project. (Gov. Code § 66000(b).) The legal requirements for enactment of development impact fee program are set forth in Government Code §§ 66000-66025 (the "Mitigation Fee Act"), the bulk of which were adopted as 1987's AB 1600 and thus are commonly referred to as "AB 1600 requirements." A development impact fee is not a tax or special assessment; by its definition, a fee is voluntary and must be reasonably related to the cost of the service provided by the local agency.*

**RECITALS:**

The Fire District has been collecting Fire Facilities Fees since 1986, in accordance with the Government Code described. The District periodically updates those fees dependent upon the burden placed on the District from current or pending new development. Recognizing this type of need, Willdan Financial Services was contracted by the Fire District to conduct a Fire Facilities Fee study and subsequent Engineers Report based on this study. An Engineers report provides the analysis and bases for the Fire Facilities Impact Fees.

The Mitigation Fee Act is contained in the Government Code Section 66000, and cities hold the legal authority to impose fees on behalf of the District within their city limits. In unincorporated areas, the County Board of Supervisors has the power to charge impact fees. Both of these entities collect these fees on behalf of the Fire District.

After the adoption of Board Resolution 2018-01, and after proper legal notification by the City of Hercules, a presentation was made during the regularly scheduled Hercules City Council meeting on May 22, 2018. The City Council disagreed with the finding in the engineer's report presented by Willdan and rejected the Districts Resolution.

Subsequently, District staff and representatives from Willdan Financial worked with the City of Hercules Staff to create a document acceptable to the City Council and updated Resolution 2018-01 to reflect those changes.

During the regularly scheduled Hercules City Council meeting on April 23, 2019, the District presented the updated Engineers Report reflecting the changes requested by the City of Hercules. Although the City Council accepted those changes, the Council voted unanimously to reduce our fees by 20% or 80% of the total value for all fees except Hotel Rooms and Accessory Dwelling Units that would remain as stated within the report.

Subsequently, the Contra Costa Board of Supervisors adopted this same fee schedule. The Fire District is bound to impose the same fees within the Fire District boundaries.

An important update was implemented when the current resolution was adopted to include an annual increase based on the Construction Pricing Index. This yearly increase affords the Fire District the financial impact of the additional cost of updating its engineer's report at approximately (\$10,000 - \$15,000).

**REPORT:**

Fee Schedule with subsequent updates:

| <b>Description</b>     | <b>2018 -<br/>100%</b> | <b>2019 –<br/>80%</b> | <b>2020 –<br/>5%</b> | <b>2021 –<br/>2%</b> |
|------------------------|------------------------|-----------------------|----------------------|----------------------|
| Single Family Dwelling | \$1680.00              | \$1344.00             | \$1774.00            | \$1817.00            |
| Multifamily Dwelling   | \$1,036.00             | \$828.80              | \$1094.02            | \$1120.00            |
| Acc. Dwelling Unit     | \$637.00               | \$625.00              | \$829.00             | \$849.00             |
| * Commercial/Retail    | \$0.84                 | \$0.672               | \$0.89               | \$0.91               |
| * Office               | \$1.13                 | \$0.904               | \$1.19               | \$1.22               |
| * Industrial           | \$0.48                 | \$0.384               | \$0.51               | \$0.52               |
| Hotel Rooms            | \$101.00               | \$101.00              | \$107.00             | \$109.00             |

\*Per 1000 square feet

**Total Fees Collected per year:**

|             |              |
|-------------|--------------|
| <b>2019</b> | \$106,852.00 |
| <b>2020</b> | \$0.00       |
| <b>2021</b> | \$829.00     |