



# Moraga-Orinda Fire District

**TO:** Board of Directors

**FROM:** Gloriann Sasser, Administrative Services Director

**DATE:** June 15, 2022

**SUBJECT:** **Item 10.4 Adopt Resolution 22-17 Establishing the Fiscal Year 2022/23 Fire Flow Tax Rates for the Orinda and Moraga Service Zones**

## **BACKGROUND**

Every year the District is required to set the rate for the Fire Flow Tax in each of the District's two service zones. In order to place the tax on the County Assessor's rolls for fiscal year 2022/23, the tax rate must be established by Board action and then levied against each parcel. Upon formation of the District in 1997, the rate was established at \$.06. This continued the fire flow tax in the Moraga Fire District that preceded the formation of MOFD and extended it to Orinda. This same rate was in effect in 1998 when portions of East Orinda were annexed. On several occasions the fire flow has been set at ~~\$.05~~, however it is has been set at \$.06 since at least 2013.

The current year FY2021/22 Fire Flow Tax Rate was established at six cents (\$.06) in both Moraga and Orinda and yielded:

|                       | Orinda Service Zone | Moraga Service Zone | Total 2021/22 |
|-----------------------|---------------------|---------------------|---------------|
| Fire Flow Tax Revenue | \$554,504           | \$542,296           | \$1,096,800   |

Staff recommends the Board adopt Resolution No. 22-17 adopting the Fire Flow Tax rate of six cents (\$.06) in both the Moraga and Orinda service zones.

## **RECOMMENDATION**

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution 22-17 Establishing the Fiscal Year 2022/23 Fire Flow Tax Rates for the Orinda and Moraga Service Zones

## **ATTACHMENT**

[Attachment A: Resolution 22-17 Adopting Fire Flow Tax Rates.docx](#)

## **RESOLUTION NO. 22-17**

### **RESOLUTION OF MORAGA-ORINDA FIRE DISTRICT ("DISTRICT") ADOPTING FIRE FLOW TAX RATES OF SIX CENTS (\$.06) IN THE MORAGA SERVICE ZONE AND SIX CENTS (\$.06) IN THE ORINDA SERVICE ZONE, FOR FISCAL YEAR 2022/23**

WHEREAS, prior to 1997, the existing fire flow tax rate for what is presently the Moraga Service Zone of the Moraga - Orinda Fire District ("District") was set at a range from zero (\$0.00) to thirty cents (\$0.30) for the predecessor to the District the dependent Moraga Fire Protection District; and

WHEREAS, by Resolution 97-16 of the Contra Costa County Board of Supervisors dated January 14, 1997, the continuation of the fire flow tax within the Moraga Service Zone of the District was made a condition of approval for the consolidation of the two dependent predecessor districts (Moraga Fire Protection District and Orinda Fire Protection District) to form the District; and,

WHEREAS, in 1997, the City of Orinda submitted a ballot measure in the regular statewide election of June 3, 1997, for adoption of a new fire flow tax in what is now the Orinda Service Zone of the District; and,

WHEREAS, the fire flow tax for the Orinda Service Zone was approved by two-thirds of the voters at the June 3, 1997 election in an amount not to exceed six cents (\$0.06), and the fire flow tax was lawfully adopted under both Article XIII A (adopted by Proposition 13) and Article XIII D (adopted by the passage of Proposition 218) of the State Constitution; and,

WHEREAS, the District's respective fire flow taxes are special taxes on property on the secured tax roll, which provide additional funds for fire protection, prevention and suppression and emergency medical services, equipment and related facilities, including water distribution facilities, for fire suppression purposes and for paying the salaries and benefits of firefighting personnel; and,

WHEREAS, the specific amount of the fire flow tax in both the Moraga Service Zone and the Orinda Service Zone of the District is to be determined annually by the District Board of Directors at a regularly scheduled meeting held prior to the end of July; and,

WHEREAS, on or about this date, the District Board considered the establishment of the rate of the fire flow special tax for the Orinda Service Zone and the Moraga Service Zone of the District, for Fiscal Year 2022/23; and,

WHEREAS, the District Chief has recommended that the Board adopt this resolution to establish the fire flow tax at a rate of 6.0 cents, in the Moraga Service Zone and 6.0 cents in the Orinda Service Zone for fiscal year 2022/23 and,

NOW THEREFORE BE IT RESOLVED, the District Board hereby adopts and approves the continuation of the fire flow tax rate of 6.0 cents for the Moraga Service Zone and 6.0 cents for the Orinda Service Zone in Fiscal Year 2022/23.

PASSED, APPROVED and ADOPTED this 15<sup>st</sup> day of June, 2022 at a regular meeting of the District Board of Directors held virtually on June 15, 2022, on motion made by Director \_\_\_\_, seconded by Director \_\_\_\_, and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: **June 15, 2022**

Resolution: **22-17**

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Michael Donner, President  
Board of Directors

I certify that this is a full, true and correct copy of the original document which is on file in my office, and that was passed and adopted by the Moraga-Orinda Fire Protection District on the date shown.

ATTEST:

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Marcia Holbrook  
District Secretary/District Clerk

District Clerk Holbrook announced that a member of the public had raised their hand after the close of public comment.

**Vice President Danziger re-opened the public comment.**

District Clerk Holbrook announced Anthony Stephens by name and promoted the attendee to panelist to speak. Mr. Stephens did not respond after multiple announcements of his name. No further discussion by the Board.

**10.2 Resolution 22-15 Adopting a Modified Schedule of Cost Recovery Fees for Emergency Medical Services (audio 2:03:24)**

Administrative Services Director Sasser provided the report. Emergency medical services are partially paid for by ambulance transport cost recovery fees, and non-transport emergency medical services cost recovery fees. Staff recommended the Board increase ambulance transport fees based on the Consumer Price Index (CPI) for the San Francisco – Oakland – Hayward, CA area. The April 2022 CPI increased 5.00%. Staff recommended the Board adopt Resolution 22-15 Adopting a Modified Schedule of Cost Recovery Fees for Emergency Medical Services effective July 1, 2022.

**Vice President Danziger opened the public comment. There were no requests to address the Board. Vice President Danziger closed public comment.**

Director Jorgens inquired about adding a fuel recovery fee. Fire Chief Winnacker answered Staff would need to research the inquiry to determine if fuel recovery is permissible and bring a modification to the fee schedule back to the Board if allowed.

**Motion by Director Jorgens and seconded by Director Donner to adopt Resolution 22-15 Adopting a Modified Schedule of Cost Recovery Fees for Emergency Medical Services. Said motion carried 3-0-2-0 roll call vote (Ayes: Donner, Jorgens, and Danziger; Noes: None; Absent: Baitx and Jex; Abstain: None.** No further discussion by the Board.

**10.3 Resolution 22-16 Establishing the District's Annual Appropriations Limit for Fiscal Year 2022/23 (audio 2:05:50)**

Administrative Services Director Sasser provided the report. Each year the Board of Directors is required to establish an appropriations limit for the District per California Government Code Section 7910. In accordance with the calculation formula established in the Government Code, the District's appropriations limit for Fiscal Year 2022/23 is \$36,207,281. Staff recommended the Board adopt Resolution 22-16 Establishing the District's Annual Appropriations Limit for Fiscal Year 2022/23.

**Vice President Danziger opened the public comment. There were no requests to address the Board. Vice President Danziger closed public comment.**

Vice President Danziger inquired about the formula for the percent change in population in conjunction with the percentage change. ASD Sasser explained the percentage change in per capita personal income was 7.55%, and the population change in Contra Costa County was -.41%. Those two factors are used to add to the last year's limit and to calculate this year's limit. Vice President Danziger asked if the equation is to subtract the negative -.41% from 7.55%. ASD Sasser confirmed.

**Motion by Director Jorgens and seconded by Director Donner to adopt Resolution 22-16 Establishing the District's Annual Appropriations Limit for Fiscal Year 2022/23. Said motion carried 3-0-2-0 roll call vote (Ayes: Donner, Jorgens, and Danziger; Noes: None; Absent: Baitx and Jex; Abstain: None.** No further discussion by the Board.

**10.4 Adopt Resolution 22-17 Establishing the Fiscal Year 2022/23 Fire Flow Tax Rates for the Orinda and Moraga Service Zones (audio 2:09:22)**

Administrative Services Director Sasser provided the report. Every year the District is required to set the rate for the Fire Flow Tax in each of the District's two service zones. In order to place the tax on the County Assessor's rolls for fiscal year 2022/23, the tax rate must be established by Board action and then levied against each parcel. The current year FY2021/22 Fire Flow Tax Rate was established at six cents (\$.06) in both the Moraga and Orinda service zones. Staff recommended the Board adopt Resolution 22-17, adopting the Fire Flow Tax rate of six cents (\$.06) in both the Moraga and Orinda service zones.

**Vice President Danziger opened the public comment.**

District Clerk Holbrook announced one written public comment was received by 3:00 p.m. from Steve Cohn, Orinda resident, requesting the Board set the Fire Flow Tax Rates to their maximum level, 6 cents for the Orinda Zone and 30 cents for the Moraga Zone. The comment was forwarded to the

Board of Directors and made available for viewing on the District website, attached to the minutes as item 10.4 public comments.

Charles Porges, Orinda resident, concurred with Mr. Cohn's comments that Moraga was not paying its fair share and requested the Board discuss raising Moraga's fire flow tax rate.

**There were no additional requests to address the Board. Vice President Danziger closed public comment.**

Director Jorgens commented that the fire district happens to be a place where the two cities intersect. Moraga and Orinda pay the same property taxes and the same amount toward the fire district. The services provided by the fire district are equivalent throughout the District. Vice President Danziger agreed. The staff report showed that the amounts are equitable between the two cities.

**Motion by Director Jorgens and seconded by Director Donner to adopt Resolution 22-17 Establishing the Fiscal Year 2022/23 Fire Flow Tax Rates for the Orinda and Moraga Service Zones. Said motion carried 3-0-2-0 roll call vote (Ayes: Donner, Jorgens, and Danziger; Noes: None; Absent: Baitx and Jex; Abstain: None).** No further discussion by the Board.

**10.5 Authorize Acceptance of the FY2021 State Homeland Security Grant Program Grant in the amount of \$250,000 to Purchase one Water Tender and Authorize Staff to Enter Into a Memorandum of Understanding with the County of Contra Costa Office of the Sheriff (audio )**

Fire Chief Winnacker provided the report. The District has been awarded a grant as a sub-recipient of an FY 2021 Homeland Security Grant Program awarded to Contra Costa County in the amount of \$250,000. The District intends to purchase a single rear axle water tender. Total cost to purchase the water tender is projected to be \$365K. This includes upfitting (radio, emergency lights, striping, and unit identification.) The grant will reimburse the District for the purchase cost of up to \$250K, resulting in a net use of Capital Projects Fund reserves of \$115,000. These amounts have been included in the proposed FY2023 Budget. Staff recommended authorizing the acceptance of the FY2021 State Homeland Security Grant Program Grant in the amount of \$250,000 to Purchase one Water Tender and Authorize Staff to Enter into a Memorandum of Understanding with the County of Contra Costa Office of the Sheriff. Fire Chief Winnacker noted the significant lag in these grants and price pressures on fire apparatus during and in the current State of the COVID pandemic. The grant submitted three years ago was intended for a fully outfitted water tender. The cost for the water tender is not the current cost. There is significant uncertainty around the cost. As Staff proceeds, if the cost has increased beyond the proposed \$365K, Staff will return to the Board and suggest the grant be returned.

President Donner asked about the capacity of the current water tender. Fire Chief Winnacker answered 3500, and the Staff is looking at 1800. President Donner asked if our water tender is worth anything on the used vehicle fire apparatus market. Fire Chief Winnacker answered there is not a lot of value for used fire apparatus. Director Jorgens asked if there were reasons the District would not want to have both water tenders. Fire Chief Winnacker answered that would be one of the recommendations worthy of the Board's consideration. Vice President Danziger asked if it takes two people to go on a water tender. Fire Chief Winnacker answered the minimum is one, but two is ideal. Director Jorgens commented if the District is not going to get a lot for selling the old one, it would be fine to keep the old one since it is still in good shape. Fire Chief Winnacker acknowledged.

**Vice President Danziger opened the public comment.**

Johnathan Goodwin, Canyon resident, prefers when the Board takes public comment after board discussion. Mr. Goodwin supported the District in purchasing a more appropriate water tender.

Charles Porges, Orinda resident, expressed support for purchasing a new water tender and keeping the old water tender. The District needs something versatile enough to get up the narrow Orinda roads.

**There were no additional requests to address the Board. Vice President Danziger closed public comment.**

**Motion by Director Jorgens and seconded by Director Donner to Authorize Acceptance of the FY2021 State Homeland Security Grant Program Grant in the amount of \$250,000 to Purchase one Water Tender and Authorize Staff to Enter Into a Memorandum of Understanding with the County of Contra Costa Office of the Sheriff. Said motion carried 3-0-2-0 roll call vote (Ayes: Donner, Jorgens, and Danziger; Noes: None; Absent: Baitx and Jex; Abstain: None).** No further discussion by the Board.