

The Brentwood Emergency Response for All Act

The people of the city of Brentwood do ordain as follows:

SECTION 1. This measure shall be known and may be cited as “The Brentwood Emergency Response for All Act.”

SECTION 2. Findings and Declarations. The people of the city of Brentwood do find and declare as follows:

A. The residents of the city of Brentwood have long valued the need for necessary emergency services in their community, as evidenced by the 1928 formation of the Brentwood Fire Protection District, 20 years before the city was incorporated. This fire services organization served the community for 56 years, until 1984 when it merged with the Eastern Fire Protection District, which served the Marsh Creek area between Brentwood and Clayton, and became the East Diablo Fire Protection District.

B. Today the regional fire district, East Contra Costa Fire Protection District (ECCFPD), provides fire and emergency medical response services at a level below industry standards, below goals set forth in the city’s General Plan of July 2014, and below levels provided by fire districts and departments in other parts of Contra Costa County. ECCFPD has just three stations and nine (9) firefighters on duty at any time, serving the needs of nearly 120,000 residents spread over 249-square miles. This situation is caused by a historical structural underfunding of the District.

C. Prior to 2002, when the county Board of Supervisors initiated the consolidation of three East County fire districts, the Average Response Time for Brentwood, and 210 square-miles of surrounding service area, was 6:03 minutes. This was on 4,485 total calls per-year for Brentwood and the surrounding area. In 2018, the 90% Response Time posted by ECCFPD for Brentwood West area was 10:22 minutes, Brentwood East was 10:36 minutes, with the District Total 90% Response Time at 12:31 minutes. The 2018 Average Response Times for Brentwood are between seven and eight minutes, and the ECCFPD Average Response Time was 8:16 minutes. In 2010 ECCFPD had eight (8) fire stations, in 2013 ECCFPD had five (5) fire stations, and now ECCFPD has three manned fire stations.

D. ECCFPD is funded at the lowest rate in the county, according to government studies. The current funding methodology was established by the state legislature four decades ago, prior to the area’s 1,500% population growth. No provision was made to adjust the district’s funding rate in response to this dramatic increase in area population, and attempts to lobby the state legislature to correct this situation have failed. Attempts to lobby local government agencies to voluntarily correct this under-funding have failed as well. This public safety emergency situation has been documented by Contra Costa County Grand Jury Reports, county Local Agency Formation Commission Municipal Services Review reports, a multi-jurisdictional task force comprised of City Managers, multiple Fire Chiefs, firefighter union representatives, and

representatives of members of the county Board of Supervisors, and fire services industry consultants.

E. The Brentwood Emergency Response for All Act would require the City of Brentwood to spend an additional \$4,765,000 of future growth in property and sales tax revenues for additional fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property.

F. The Brentwood Emergency Response for All Act would require the Brentwood City Council to conduct a review three years after its effective date, and every third year thereafter, to determine the effectiveness of its provisions and its impact on fire and emergency medical response times throughout the city.

G. The provisions of this Act may only be changed by a vote of the voters of Brentwood.

SECTION 3. The Brentwood Municipal Code is amended to add Chapter 8.50, “Brentwood Emergency Response for All Act.”

Chapter 8.50. The Brentwood Emergency Response for All Act.

8.50.010 Purpose.

The purpose of the Brentwood Emergency Response for All Act is to establish municipal policy and practices for the city Brentwood to annually spend an additional \$4,765,000 of future growth in property and sales tax revenues on additional fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property in Brentwood, without any tax increase or added cost to residents.

8.50.020 Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings set forth below:

“Applicable laws” mean the provisions of this Act, the provisions of any code adopted by reference by this code; or ordinances and regulations adopted by the city.

“City” means the general law city of Brentwood, California.

“Additional Services” shall consist of fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property.

8.50.030 Specified Expenditures

The services funded by this Chapter shall consist of any combination of additional fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property of the residents of Brentwood. These services will be in addition to any such services being funded at the time this Act is enacted. Expenditures specified by this Act shall be \$4,765,000 annually and shall be funded from the growth in property and sales tax revenues received by the City

following enactment of this Act, and except as specified in Section 8.50.060, shall be used first for this purpose.

8.50.040 Specified Expenditure Phase-in Program

The total amount of future growth of property and sales tax revenue subject to this Act annually shall be \$4,765,000, subject to the provisions of Section 8.50.060 and Section 8.50.110 of this Act. The Specified Expenditure Phase-In program shall be implemented over seven years, with \$680,714.29 expended the first fiscal year following enactment of this Act, \$1,361,428.57 expended the second fiscal year following enactment of this Act, \$2,042,142.86 expended the third fiscal year following the enactment of this Act, \$2,722,857.15 expended the fourth fiscal year following the enactment of this Act, \$3,403,571.44 expended the fifth fiscal year following the enactment of this Act, \$4,084,285.72 expended the sixth fiscal year following enactment of this Act, and \$4,765,000 expended the seventh fiscal year and every fiscal year thereafter following the enactment of this Act.

8.50.050 Specified Expenditure Reduction Prohibition.

In designating the Specified Expenditures under this Act the City of Brentwood shall budget and expend funds for these services deemed by California law as “critical to the public peace, health, and safety of the state,” and the city may not reduce the amount of Specified Expenditures except as specified in Section 8.50.060 and Section 8.50.110 of this Act.

8.50.060 Specified Expenditure Delay Provision

The phase-in of the Specified Expenditure Program may be delayed for one or more years if the city’s annual combined property and sales tax revenues fail to increase by two and one-half percent (2 ½%) in any year, using publicly reported numbers from the county Auditor-Controller and the state’s Board of Equalization.

8.50.070 Expenditure Oversight Provision

The City Council shall itemize and report the Specified Expenditures made in compliance with this Act, and make such reports available to the public as is customary to municipal administration.

8.50.080 Reserved

8.50.090 Administrative regulations.

The City Manager is authorized and directed to promulgate administrative procedures pertaining to the implementation and enforcement of this chapter.

8.50.100 Program Review.

The provisions of this chapter shall be reviewed by the city council three years after its effective date, and every third year thereafter, in order to determine the effectiveness of its provisions and its impact on the fire and emergency response times throughout the city.

8.50.110 Specified Expenditure Reduction or Elimination

If the amount of funding received by East Contra Costa Fire Protection District, or by other special districts engaged in providing Specified Expenditure services to the residents of the city

of Brentwood, is increased by a vote of the people so as to provide additional on-going funding for the services designated in this chapter, the City Council may reduce or eliminate Designated Expenditures by a comparable amount.

Section 4 Severability. If any provision, clause, sentence or paragraph of this Act, or the application to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions of this Act which can be given effect without the invalid provision or application and, to this end, the provisions of this Act are hereby declared to be severable.