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## Why Are the Station 46 Negotiations Taking So Long?

By Nick Marnell



Site of proposed fire station 46 at 1035 Lorinda Lane in Lafayette Photo A. ?Scheck

Some mergers take just months to complete, like the recent formation of the Kraft Heinz Company between Kraft Foods and ketchup maker H.J. Heinz. Some take longer. The Contra Costa County Fire Protection District board of directors in June authorized Fire Chief Jeff Carman to negotiate a contract with the Moraga-Orinda Fire District to build and operate fire station 46, a joint venture to replace MOFD's aging station 43 in north Orinda and ConFire's closed station 16 in western Lafayette. An agreement has yet to be reached.

Frustration with the station 46 negotiations boiled over at the April 20 Lafayette Emergency Services Task Force meeting. "Here we sit, after 18 months, with no fire station," said Jim Fajardo, task force member. "The taxes continue to be paid, our marbles are all in this basket. At what point do we go back to the initial suggestions, and not hold our breath waiting for this?"

"Our residents are asking us what is going on," said co-chair Traci Reilly, a Lafayette city council member. The city, unhappy with the closure of station 16, created the task force in 2013 to investigate alternative delivery of its fire and emergency medical service, and the initial options discussed included secession from ConFire and merging with MOFD. "All of us around the table are getting impatient," said task force member Peter Clark. "It doesn't seem to be that complex of a problem."

"From my perspective, it is complex," said Carman. "It's a 40-year, \$200 million contract, and you can't just pull one down from the shelf." He explained that in substance, both districts are in agreement with the deal, but language changes need to be resolved, because each lawyer sometimes writes language that is not agreeable to the other side. Carman used the example of purchasing new equipment.

What will the equipment be able to do, and who decides? He also pointed out that, since ConFire has agreed to pay half of the station 46 operating costs, what happens if MOFD's costs rise more than ConFire's? "We are trying to leave very little to the imagination," said the chief. "This isn't a competition. We just want to make sure our agencies and our customers are protected well into the future."

But Clark continued to push back. "It's a mathematical fact that every month this is delayed saves ConFire \$100,000," he said, referring to the estimated \$2 million annual operating cost of the station, which is to be split evenly between districts. "It doesn't save me anything," said Carman. "If I could get the station on the street tomorrow morning I've got the money to do it and I'm ready to go." Supervisor Candace Andersen confirmed that it wasn't about the money. "Absolutely not," she said. "My greatest priority as ConFire director is to get a fire station built in western Lafayette."

Also scrutinized was MOFD's performance. "There is significant opposition to this, from Orinda's point of view," said Orinda resident Richard Nelson. The grass roots Committee to Save Our Honey Hill Fire Station circulated a petition against building the new station, claiming that station 46 will increase response times in north Orinda.

"A total of 100 citizens have signed that petition," said MOFD director Steve Anderson. "Out of 7,000 voters, tell me, is that significant?" He said that the petition drive has not been a factor in holding up the merger; Carman confirmed that the drive has not stalled the ConFire efforts either.

MOFD Chief Stephen Healy acknowledged that the Honey Hill opposition has added to the amount of time he's had to spend on the agreement. "They've asked for a sophisticated analysis, which made for a lot more work than I thought," he said. "But I'm glad we did it." Healy hired a company to update a report on response times in the north Orinda area, and the report will be available to the public at upcoming station 46 workshops.

Though the firefighters' union initially balked at the staffing model proposed for station 46 Vince Wells, Local 1230 president, said that the union is not holding up the deal. "It's not us," he said. "We're anxiously awaiting to look at the contract ourselves. I don't know what the districts have put on paper."

Neither MOFD lead counsel John Bakker nor county counsel Sharon Anderson responded to a request seeking reasons for the delay in the negotiation. "I wouldn't really say it's delayed," said MOFD board president Alex Evans, whose division includes station 43. "I would say it's complicated and these things take a long time."

"If lawyers want to get something done they can work night and day to get it done," said Clark. Task force member Jim Cunha agreed. "Sending stuff back and forth can take an eternity," he said. "Did you ever think about everyone sitting down in the same room?" Carman said that in the next couple of weeks the lawyers, board representatives and chiefs plan to do that very thing.

Once a tentative agreement is negotiated, MOFD plans to conduct public meetings in Moraga and Orinda to explain the financial and operational details of the joint venture. When asked by the task force to confirm a date that a tentative agreement might be reached, Carman indicated June or July.

"This contract will outlast my tenure at ConFire and I don't want someone to inherit my mistakes," said Carman. "So while I recognize that this is moving slower than I'd hoped, I am confident that we are covering all our bases.

"It's moving at the pace it needs to move."

Reach the reporter at: [info@lamorindaweekly.com](mailto:info@lamorindaweekly.com)

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