
**MORAGA-ORINDA FIRE DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING MINUTES**

February 16, 2011

(Amended & Approved March 16, 2011)

1. Opening Ceremonies

The Board of Directors convened in Open Session at 6:00 P.M. on February 16, 2011, at the Moraga-Orinda Fire Administration Building, 1280 Moraga Way, Moraga, California. President Wyro called the meeting to order and led the Pledge of Allegiance. Present were the following Directors and Staff:

President Wyro	Randall Bradley, Fire Chief
Director Olsen	Steve Meyers, District Counsel
Director Mancinelli	Sue Casey, Administrative Services Director
Director Sperling	
Director Weil	

2. Public Comment

There were no comments from the public.

3. Closed Session

At 6:05 P.M., the Board adjourned into Closed Session.

4. Reconvene the Meeting

President Wyro reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 7:07 P.M. Present were the following Directors and Staff:

President Wyro	Randall Bradley, Fire Chief
Director Olsen	Darrell Lee, Battalion Chief
Director Mancinelli	Steve Meyers, District Counsel
Director Sperling	Sue Casey, Administrative Services Director
Director Weil	Grace Santos, Administrative Secretary

Report of Closed Session Action

President Wyro reported that there was no reportable action taken on the following Closed Sessions items:

- 3.1. **Conference with Labor Negotiator** (Government Code Section 54957.6), Employee Organization: Association of Federated Firefighters IAFF, Local 1230;
- 3.3. **Conference with Real Property Negotiator** (Government Code Section 54956.8), Real Property: 3 Altarinda Drive, Orinda, CA 94563;
- 3.4. **Conference with Real Property Negotiator** (Government Code Section 54956.8), Real Property: 1150 Moraga Way, Moraga, CA 94556;
- 3.5. **Conference with Real Property Negotiator** (Government Code Section 54956.8), Real Property: 15 Altarinda Road, Orinda, CA 94563;
- 3.6. **Conference with Real Property Negotiator** (Government Code Section 54956.8), Real Property: 1 Bates Boulevard, Orinda, CA 94563;
- 3.7. **Conference with Real Property Negotiator** (Government Code Section 54956.8), Real Property: 8 Camino Encinas, Orinda, CA 94563;
- 3.8. **Conference with Real Property Negotiator** (Government Code Section 54956.8), Real Property: 1036 Country Club Drive, Building 2, Moraga, CA 94556; and
- 3.9. **Conference with Real Property Negotiator** (Government Code Section 54956.8), Real Property: 533 Moraga Road, Moraga, CA 94556.

5. Public Comment

There were no comments from the public.

6. Special Presentation

Fire OPS Presentation by IAFF Local 1230 Vice President Clive M. Savacool

International Association of Federated Firefighters IAFF Local 1230 Vice President Clive Savacool offered video presentations on Fire Operations (OPS) 101, an education and prevention event that was held on October 1, 2010. He reported that after six months of preparation, local city and Fire District officials were invited to see what the job of fire operations involved. Once completed, Mr. Savacool stated that the video would be displayed online on YouTube for public outreach, to educate the public on what firefighters do and to identify the potential impacts due to less manpower and longer response times in the event of budget reductions. He took the opportunity to thank the involvement and assistance of the MOFD during the event.

President Wyro and the MOFD Board thanked Mr. Savacool for the presentation.

7. Consent Agenda

Director Olsen requested to pull Items 7.3 – Monthly Annual/Incident Summary, and 7.6 – Quarterly Treasurer's Report from the Consent Agenda.

Director Sperling requested to pull Item 7.2 – Board Minutes of January 19, 2011, from the Consent Agenda.

It was M/S/C by a vote of 5-0 (Yes: Mancinelli, Olsen, Sperling, Weil, Wyro) to approve Items 7.4 – Monthly Financial Reports, and 7.5 – Quarterly Ambulance Billing Report.

Vince Maiorna referenced Item No. 7.1 and requested clarification regarding a December 2009 letter from the Contra Costa County Employees' Retirement Association (CCCERA), which reported that the MOFD's underfunded actuarial accrued liability was \$11 million, which was not mentioned in the latest auditor's report. Administrative Services Director Casey explained that the report had not come out until after the audit was completed, which was why it wasn't included in the report.

Director Sperling requested that page one of Item 7.2 – Board Meeting Minutes of January 19, 2011, the Opening Ceremonies be corrected to reflect that he was a Director and not the President. He added that Director Wyro on that page should be changed to *President Wyro*. To Item 10.9 on Page 5, he asked that the motion be corrected to reflect a 5-0 vote in the affirmative. In addition, the adjournment should be corrected to reflect that *President Wyro* had called for the adjournment of the meeting.

Director Weil noted that on Item 7.3 – Monthly/Annual Incident Summary, the Total Value for Station BC4 was \$2,000,050.00, but the two numbers above it were zero. Director Olsen also noted other errors on the report. Chief Bradley advised the Board that there were computer errors and that they would be corrected.

As for Item 7.6 – Quarterly Treasurer's Report, Director Olsen asked for District Counsel Meyer's assistance on the duties of the Board Treasurer. He also found the low interest rate from Wells Fargo Bank for the pension obligation fund to be appalling. Administrative Services Director Casey clarified that the interest rate was valid for the pension obligation bonds, and while appalling she stated that was the current rate. She stated that it was for the trust agreement when the District originally set up a \$500,000 deposit for the pension obligation bond. District Counsel Meyers explained that the power and duties of the Treasurer was delegated to staff.

It was M/S/C by a vote of 5-0 (Yes: Mancinelli, Olsen, Sperling, Weil, Wyro) to approve Items 7.1 – Board Meeting Minutes of December 15, 2010; 7.2 – Board Meeting Minutes of January 19, 2011, as amended; 7.3 – Monthly/Annual Incident Summary, as amended; and 7.6 – Quarterly Treasurer's Report.

8.1 Draft Long Range Financial Forecast Update

Administrative Services Director Casey reported that at the Finance Committee Meeting on 01/06/11, several changes and additions to the Draft Long Range Financial Forecast were discussed. At the meeting, Staff was directed to update the Forecast.

The changes included:

- Changing the General Fund Property Tax Trend to 1.5% for 2011/12, 1.5% for 2012/13 and 2% for the final three years of the forecast

- Including new development revenue and property tax to fund the GASB UAAL in the General Fund forecast
- Increases in the CCCERA employer rate contributions
- Extending the Special Revenue Fund Long Range Financial Forecast projections from a five to a ten year forecast
- Revising the Projected Fund Balances so that the General Fund and Special Revenue Fund Balances are accounted for separately.

After continued discussion by members of the Board and Staff, President Wyro advised of the need for policy decisions relative to some changes proposed by the Board. He recommended that the Board receive the report and agendaize a conversation on the proposed changes. He urged an approach to the issue in an organized fashion since a discussion needed to occur to establish the policy.

The Board thanked Staff and the Finance Committee for the draft Long-Range Financial Forecast Update.

8.2 Resolution 11-04, A Resolution of the Board of Directors of Moraga-Orinda Fire District Authorizing the Fire Chief to Sign a Joint Exercise of Powers Agreement for the East Bay Regional Communications System Authority.

(See 8.3)

8.3 Resolution 11-05, a Resolution of the Board of Directors of Moraga-Orinda Fire District Approving a Project Operating Agreement with the East Bay Regional Communications System Authority and Authorizing the Execution and Implementation of Same.

Chief Bradley reported that on November 3, 2010, Staff presented information to the Board concerning the District's potential participation in the East Bay Regional Communications System Authority (EBRCSA). On December 15, 2010, EBRCSA Director William McCammon presented information to the Board and answered a series of questions concerning funding, operating costs, systems coverage and governance.

Chief Bradley explained that Items 8.2 and 8.3 were combined into one staff report. On November 3, 2010, Staff presented information to the Board concerning the District's potential participation in the East Bay Regional Communications System Authority (EBRCSA). On December 15, 2010, additional information was presented by the Director of EBRCSA and the Board directed staff to develop the first resolution. On January 19, 2011, a resolution was brought to the Board with a question as to whether or not the District would become a part of the Joint Powers Authority (JPA) Board or enter into an operating agreement to become part of the system. Staff worked with District Counsel on all issues and determined that it was in the best interests of the District to join the EBRCSA since it offered the District the ability to influence policy.

Director Sperling stated that while it made sense procedurally to combine the two items for discussion, he wanted it made clear for the benefit of the public that the items were separate. President Wyro clarified that the staff report covered both items, although for the benefit of the audience, the public may speak to each item, if desired.

Director Olsen recommended that the Board support the staff recommendation since there was no choice other than to proceed. He referenced Page 3 of the December 15, 2010 meeting minutes, when the item had last been discussed, at which time the Board had been informed that it needed to join the JPA and EBRCSA, or find another dispatch system. Since there was no other dispatch system, the District had no choice but to move in concert with every other jurisdiction in both Alameda and Contra Costa counties.

It was M/S/C by a vote of 5-0 (Yes: Mancinelli, Olsen, Sperling, Weil, Wyro) to adopt Resolution 11-04, a Resolution of the Board of Directors of Moraga-Orinda Fire District Authorizing the Fire Chief to Sign a Joint Exercise of Powers Agreement for the East Bay Regional Communications System Authority.

It was M/S/C by a vote of 5-0 (Yes: Mancinelli, Olsen, Sperling, Weil, Wyro) to adopt Resolution 11-05, a Resolution of the Board of Directors of Moraga-Orinda Fire District Approving a Project Operating Agreement with the East Bay Regional Communications System Authority and Authorizing the Execution and Implementation of Same.

8.4 Introduction and First Reading of Ordinance 11-04, Amending Ordinance 10-02, an Ordinance of the Moraga-Orinda Fire District of Contra Costa County Establishing and Adopting a Schedule of Fees and Collections Policies for Cost Recovery of Fire Based Emergency Services.

Chief Bradley reported that Ordinance 10-02 was adopted by the Board of Directors at a regular Board meeting held on October 20, 2010. At that meeting, the Board requested Staff to amend certain sections of the Ordinance. A new Ordinance, which amended Ordinance 10-02, was presented at the January 19, 2011 Board meeting. The Board discussed the amendments but requested that the item be brought back to the February Board meeting for further discussion.

Administrative Services Director Casey reported that on October 20, 2010, the Board had adopted Ordinance 10-02, which had established and adopted a schedule of fees and collection policies for cost recovery of Fire Based Emergency Services. During that time, the Board asked staff to amend certain sections of the Ordinance. A new Ordinance was submitted on January 19, 2011, with the requested changes. During that time, the Board also requested that the item be returned for discussion.

Based on the discussion during the last meeting, there were two options before the Board; Options A and B. Option A would change the Ordinance by strike out where all at-fault drivers, regardless if they are a resident of the District, would be billed for services if they were uninsured. Option B retained the wording of the original Ordinance and followed the ambulance billing policy where a resident of the District, even if uninsured, would not be billed.

Director Olsen recalled that when the issue was last discussed by the Board there had been discussion about the fact that State law required everyone to carry automobile insurance. If the uninsured were allowed to defy the law, he suggested that the Ordinance was sending the wrong message. Director Mancinelli stated that, from what he understood, the California Vehicle Code (CVC) allowed someone not to carry insurance if a bond was posted. If someone posted a bond, he or she would not be in violation of the law.

Director Weil stated that there were few people in the Lamorinda community who were uninsured. He would like to see the District bill and suggested that those without insurance, whether in or outside the District, were in violation of the law.

Director Sperling concurred and asked about Section 6, where the Ordinance would be effective 90 days after adoption, which would in effect be subsequent to the passage of Proposition 26. District Counsel Meyers explained that the Ordinance, if adopted, would be effective 30 days after acceptance.

Vince Maiorna expressed concern with the imposition of more fees. He stated that the next fee might be for a house fire, and if fees for service were to be charged, he stated it should be done all the way through, with the salary schedule to reflect sit down times when the hourly pay would be different when someone was not out on call. He suggested that the MOFD was opening a Pandora's Box. Clive Savacool, Local 1230 Vice President, suggested that the imposition of fees on cost recovery had become an industry standard and the fee implementation was not out of line.

It was M/S/C by a vote of 4-1 to approve Option A (Yes: Olsen, Sperling, Weil, Wyro) (No: Mancinelli).

It was M/S/C by a vote of 4-1 to approve Option A and Introduce and Have a First Reading of Ordinance 11-04, Amending Ordinance 10-02, an Ordinance of the Moraga-Orinda Fire District of Contra Costa County Establishing and Adopting a Schedule of Fees and Collections Policies for Cost Recovery of Fire Based Emergency Services. (Yes: Olsen, Sperling, Weil, Wyro) (No: Mancinelli).

8.5 Election of Committee Chair Members

At the December 15, 2010 Board meeting, the Board of Directors elected new officers. Normally, at the December Board meeting, the Board also discusses and elects new committee chair members if warranted. At the January 19, 2011 Board meeting, Staff was directed to place this item on the February Board meeting agenda for discussion.

President Wyro explained that the Board had one standing committee, the Finance Committee; an Ad Hoc Committee on Facilities; AD Hoc Committee on CCCERA; and the Tri-Agency Committee.

Director Sperling recommended the creation of a Coordinated Emergency Preparedness Plan Subcommittee for the District to work with the communities of Orinda and Moraga.

Chief Bradley advised that would be a public policy decision that would require some work. Councilmembers would also be involved in such a committee. He explained that the Emergency Preparedness Program for both Orinda and Moraga was lacking. The District helped to coordinate an Emergency Response Plan, and he spoke to both the

Orinda and Moraga Police Chiefs and Orinda and Moraga Managers, who were looking at the District to take the lead, given its skill set, location, and functionality. Chief Bradley stated that defining the scope of taking that lead would require assistance from the Board. He reported that the Town of Moraga had appointed two Councilmembers to serve on such a committee.

Directors Sperling and Olsen volunteered to serve on the committee, as did President Wyro, if needed. President Wyro recommended that Director Sperling serve as the Primary and Director Olsen as the Alternate on an Emergency Preparedness Plan Subcommittee.

No changes were made to the makeup of the Tri-Agency Committee.

Director Mancinelli stated that he would like to remain on the Finance Committee although he must balance his work with other activities, and suggested that someone else may want to serve on the Finance Committee in the next few months. President Wyro expressed the willingness to back up Director Mancinelli on the Finance Committee, if needed.

Director Weil expressed an interest in remaining on the Finance Committee.

After further discussion, and until their schedules prevented it, Directors Weil and Mancinelli remained as members of the Finance Committee.

No changes were made to the makeup of the Ad Hoc Facilities Committee.

As for the Local Agency Formation Commission (LAFCO) Committee, President Wyro noted that Special District Representative Director Olsen regularly attended LAFCO meetings. He stated that between Director Olsen and Chief Bradley, that area would be covered and a committee is not necessary.

No changes were made to the makeup of the CCCERA Depooling Ad Hoc Committee.

9.1 Finance Committee

Directors Mancinelli and Weil stated there was nothing to report.

9.2.1 Facilities Ad Hoc Committee

Battalion Chief Lee reported that plans were drawn up and the buttress support structure work would cost approximately \$32,000, not including costs of permits. There was now a better estimate of the costs to be able to go out to bid for contractors. President Wyro expressed the willingness to assist in that process.

Director Olsen reported that the Facilities Committee had also held three additional meetings and had tours of two Oakland Fire Stations to review two-story stations, which had used the latest environmental features, to determine the feasibility of a two-story design for Station #43. He noted that Loving and Campos Architects, who had designed all of the firehouses in the ConFire District, had offered a design as to how Stations #41 and #43 could be modified. Two estimates were prepared. He stated that the information would be included in the Facilities Report that he is working on. He stated that he and Chief Bradley were scheduled to take a tour of the newest ConFire station, Station #85, to get a better sense of what a newer Loving and Campos station looks like. The Facilities Committee needed to assign priorities for its three potential major projects and discuss financing sources. He noted that Chief Bradley had already offered his thoughts and rationale on the priorities and they would be able to provide more information in the next month.

Director Weil asked if the report would include the cost of bringing Station #41 Administration Building up to Americans with Disabilities Act (ADA) standards. Director Olsen answered that he doesn't feel that it would be a good investment to just simply bring Station #41 Administration Building to ADA standards. He suggested that what the District would want to do is to expand and remodel Station #41 Administration Building or tear it down and build it out so that it houses all administrative personnel and meets the ADA standards.

9.2.2 CCCERA Depooling Ad Hoc Committee

Director Weil reported that a meeting of the CCCERA Depooling Ad Hoc Committee will be held on February 23, 2011, at 7:00 P.M and the Committee should have more information to report at the next Board meeting.

9.2.3 Tri-Agency Ad Hoc Committee

President Wyro reported that both he and Director Sperling have tried to get a response from the City of Orinda. Orinda has not found anyone to take the place of its former member. He suggested that there was possibly no need for another meeting as a Tri-Agency given the opinions of Moraga and the Fire District. He stated that while the one member from the City of Orinda would like to have a final meeting, it would not be scheduled until April because of her travel schedule. The intent was to have one more meeting with a presentation from FAIR and Orinda CARES, and questions from the audience with closing comments from the Tri-Agency Committee.

10 Announcements

Chief Bradley reported that he was pleased with the way the WUI (Wildland Urban Interface) Program is going, which was started in Sleepy Hollow. The Fire District is hosting a class during the first week of April and training 35 to 40 local residents on assessing wildfire hazards in the home ignition zone. He planned to attend the first Sleepy Hollow Firewise Board Meeting in the next week. Sleepy Hollow received a \$5,000 grant, and applied for two more grants (which they will be receiving in April) totaling \$20,000 to do fuel modifications. The first \$5,000 will be used for the removal of vegetation needed to improve properties.

Chief Bradley reported that he met with the Lions Club, who will be donating \$3,000 to the District's CPR Anytime Program. He would be approaching the Kiwanis Club in the next week to ask if they would be willing to donate to the program as well.

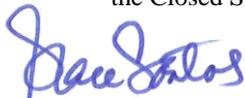
Directors Weil and Olsen reported on their attendance at the Moraga Town Council Goal Setting Meeting on February 11, 2011. The topic of the importance of emergency preparedness planning was discussed.

Director Sperling reported that he had attended the Moraga Liaison meeting on February 11, 2011, at which time Linda Borelli emphasized the importance of a coordinated effort with the Fire Districts.

President Wyro encouraged everyone to attend the Contra Costa County Fire District Association meeting scheduled for February 24, 2011. He emphasized the importance of supporting the organization. Chief Bradley and Director Weil stated that they would attend that meeting.

11 Adjournment

At 9:00 P.M., President Wyro adjourned the meeting and reported that the Board would go back into Closed Session to discuss Closed Session Item 3.2. The Closed Session ended at 10:00 P.M. There was no reportable action from the Closed Session.



Grace Santos
Secretary to the Board