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

**April 20, 2011**

(Amended and Adopted May 18, 2011)

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**1. Opening Ceremonies**

The Board of Directors convened in Open Session at 6:00 P.M. on April 20, 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 Sperling	
Director Weil	
Director Mancinelli – absent	

**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 7:00 P.M. Present were the following Directors and Staff:

President Wyro	Randall Bradley, Fire Chief	Michael Mentink, Fire Marshal
Director Olsen	Darrell Lee, Division Chief	Steve Meyers, District Counsel
Director Sperling	Stephen Healy, Division Chief	Grace Santos, Administrative Secretary
Director Weil	Sean Perkins, Battalion Chief	
Director Mancinelli - absent		

**5. Report of Closed Session Action**

President Wyro reported that there was no reportable action taken on Item **3.1. Conference with Labor Negotiator**, (Government Code Section 54957.6), Agency Designated Representative: Bill Avery Employee Organization: Association of Federated Firefighters IAFF, Local 1230.

**6. Public Comment**

Gordon Nathan, resident of Moraga, thanked everyone for attending the Citizen of the Year Award dinner on April 15, 2011, and for the plaque that the MOFD Board and Staff presented to him.

**7. Consent Agenda**

Director Sperling and Olsen asked to pull Item 7.2 – Monthly/Annual Incident Summary.

It was M/S/C by a vote of 4-0 (Yes: Olsen, Sperling, Weil, Wyro; Absent: Mancinelli) to approve Item 7.1 – Board Minutes of March 16, 2011, and 7.3 – Monthly Financial Reports.

Director Sperling commented that the new format of the Monthly/Annual Incident Summary seemed easier to read. However, he felt it would be more logical for the time to be reported in minutes, seconds (rather than in minutes and fractions of a minute), and asked if it would be difficult to have it changed. Chief Bradley stated that the format was based on a form that Director Olsen provided from Con Fire and was not sure if it could easily be changed, but would look into it. President Wyro commented that if it would be too difficult to change, he could adapt to the way it is. Director Sperling agreed and stated that he could adapt as well.

Director Sperling asked if the District used median or mean response times and suggested that the report be aligned with the Standards of Coverage. Chief Bradley stated that he did not know the answer but would look into it, and offered to include the metric on the report for comparison.

It was M/S/C by a vote of 4-0 (Yes: Olsen, Sperling, Weil, Wyro; Absent: Mancinelli) to accept Item 7.2 – Monthly/Annual Incident Summary.

**8.1 Authorization to Issue “Request for Proposal (RFP)” for Architectural and Engineering Services for the Replacement of Fire Station 43**

President Wyro asked the Board for permission to move Item 8.2 after 8.3. The Items would be taken in the following order: Item 8.1, Item 8.3, Item 8.2 and Item 8.4. The other Board members agreed to follow this order.

At the Special Board meeting on April 6, 2011, the Board accepted and approved the District’s Facilities Ad Hoc Committee Report. This report identified the replacement of Fire Station 43 as the District’s number one priority based upon the building’s age, lack of adequate space for personnel and equipment, and most importantly, structural seismic concerns. At the same meeting, the Board instructed Staff to begin the process of replacing Fire Station 43. Selecting a firm for Architectural and Engineering Services is the initial step in the replacement process.

There were many comments and questions from the Board and Staff about the difference between an RFQ and an RFP. District Counsel Meyers stated that an RFQ is used when seeking someone who has the qualifications to design a particular facility. An RFQ response includes the respondent’s background, a resume of the work they have done, their references, pricing structures, and licenses. An RFP generally is a request for a proposal on a specified project or service such as seeking a qualified architect to design a facility. The District in this case is seeking proposals from firms that have designed similar facilities in the past.

Director Olsen suggested that Staff consider selecting an overall project manager. He also commented that the Board should maintain oversight through a facilities committee, as it did for the Station 42 & 44 Projects, and that the committee should first consider selecting an overall project manager, and then proceed with the request for architectural services once the project has been defined. Chief Bradley stated that Staff has every intent to hire a project manager, but has not decided at what phase one should be brought on board. His intent was to hire a project manager to do constructability reviews and work with the architect during the construction drawing process, which is a very common practice in the construction field for public agencies. He added that it is the Board’s decision on whether or not to form an oversight committee and stated that he would like to use the fire station designed by the firefighters. The goal is to get a good project manager, a suitable design, make sure that costs are kept under control, and that change orders are limited through thorough constructability review at the design and construction drawing phases. He stated that the Board would play a limited role and would not be directly involved in the design phase of the fire station. However, Staff would report to the full Board at each phase. Chief Bradley would like Directors Olsen and Mancinelli to sit on the Architectural Selection Committee and help select an architectural firm.

Jonathan Goodwin, resident of Canyon, commented that it seemed sensible to have a Director participate to keep an eye on things, but added that they should not become overly involved.

After continued discussion by members of the Board and Staff, it was M/S/C by a vote of 4-0 (Yes: Olsen, Sperling, Weil, Wyro; Absent: Mancinelli) to authorize the Fire Chief to solicit qualifications and levels of experience from architects and construction managers with prior experience building fire stations for fire Station #43 and negotiate price, terms, scope of service and other conditions in terms of professional service agreement to be brought back to the Board for review, ratification and approval.

**8.3 Board Governance Model Review & Development Discussion.**

Staff was requested to provide the Board with information concerning the District’s Governance model with specific focus on the roles and responsibilities of the Board of Directors and the Fire Chief and how each interact, communicate and make decisions and develop policy. This information was provided at the April 9, 2011 Board meeting and the Board requested the item be moved to the April 20, 2011 Board meeting.

In 2009, during the team building and the District's Strategic Planning process, the Board decided to adopt the Carver Policy Governance Model informally. Policy Governance, an integrated board leadership paradigm created by Dr. John Carver, is a model of governance designed to empower boards of directors to fulfill their obligation of accountability for the organizations they govern. As a generic system, it is applicable to the governing body of non-profit organizations. The model enables the board to focus on the larger issues, to delegate with clarity, to control management's job and rigorously evaluate the accomplishment of the organization (Carver 2010).

President Wyro stated that Director Mancinelli was absent from the Board meeting but sent an email to the Board indicating that this discussion is absolutely critical, and hopes that the conclusion to these discussions will happen with the full Board in attendance.

Director Olsen stated that he was not a big fan of the Carver Model. He stated that Larry Bienati sent him an email in which he wrote, "Preceding the roll-out of the model is a conversation where you work through the Board versus operational role clarity through a facilitated alignment conversation. That is what we do in my best practice models. I suggest you cross that road first before you even consider implementing an ordinance. And I will offer to donate my time to the District, pro-bono, in order to provide that facilitator service." Director Olsen thought it was a great idea. Director Sperling agreed and stated that Dr. Bienati's offer is unbelievably kind and would support making that the next step.

Director Weil had mixed feelings about it and commented that the fundamental problem is the lack of agreement among the Board members as to their roles. He is concerned that the Board members are not in agreement and can't seem to get into agreement, and is not sure if Dr. Bienati can solve the problem or not. President Wyro stated that a facilitated process is very much needed so that the Board (and future boards) and the Chief have a clear idea of where roles and responsibilities start and stop. If the Board adopts an ordinance and three of the five Board members vote for it, all five will have to abide by it, which is the clarity that both he and Chief Bradley are looking for. He added that the meeting should happen as soon as the Board, Chief Bradley and Dr. Bienati can all get together.

Gordon Nathan, resident of Moraga, commented that, as a bystander, he saw some disturbing things during the meeting. He felt that the Board and Staff are heading in the right direction to resolve any issues and hoped the facilitated meeting turns out to be very productive. He hoped that after the meeting, there would be an opportunity for the public to read and comment on an updated Board Governance Model document.

Jonathan Goodwin, resident of Canyon, stated that there was more discussion between the Board and Staff since the last time, and noticed some improvement. He stated that the first time the Board and Staff met with Dr. Bienati the tension in the room was very fierce. During that meeting, Dr. Bienati asked Mr. Goodwin if he would mind leaving so he could get the Board and Staff to talk candidly. Mr. Goodwin stated that the Board Governance Model document will not provide safeguards and felt that Board and Staff needs to go through some process to get it sorted out. There must be a demarcation between the Board setting the policies and Staff carrying them out. Another concern that Mr. Goodwin had was accountability and transparency.

It was M/S/C by a vote of 4-0 (Yes: Olsen, Sperling, Weil, Wyro; Absent: Mancinelli) for Chief Bradley to contact Dr. Bienati and schedule a facilitated meeting as soon as possible.

## **8.2 MOFD Caldecott Tunnel 4<sup>th</sup> Bore Project Update**

The Caldecott Tunnel 4<sup>th</sup> Bore Project is one of the largest public construction and engineering projects in the Bay Area and is partially within the Moraga-Orinda Fire District. Division Chief Stephen Healy provided a brief presentation on the tunnel construction features, job hazard assessment and accident response plan.

The Board thanked Division Chief Healy for a great presentation.

## **8.4 Create a new job classification titled Emergency Preparedness Coordinator**

As part of the 2009 Moraga-Orinda Fire District Strategic Plan, (Strategy 4.2: Evaluate, revise and enhance all fire and life safety programs and delivery methods), the Fire Chief completed a review of the organization and the community to identify opportunities in the area of emergency preparedness programs. The review identified a unique opportunity for the District to provide a leadership role in

preparedness for local government agencies in the Lamorinda area by creating the new position of "Emergency Preparedness Coordinator". This move will increase efficiencies and effectiveness of disaster preparedness coordination within the community and provide a mechanism to better utilize and develop skill sets of current and future employees of the Fire District, the Town of Moraga and the City of Orinda.

Lafayette contacted the District and expressed an interest in participating in this program. They also expressed a willingness to pay their pro rata share for personnel and program costs related to the position. The District contacted the Contra Costa County Fire District to discuss Lafayette's proposal.

Chief Bradley stated that this would be a part-time person – 20 hours a week. The salary range for this position will be \$35.70-\$45.90/hour with a maximum number of 1,000 hours per year. This position, if approved, will be fully budgeted for the 2011/12 fiscal year. The estimated cost will be \$50,000 a year for the entire program, and Lafayette is willing to pay a third of it, which drops the District's costs to \$34,000 a year. It would be a great opportunity for the District to create a good partnership with the Cities of Lafayette and Orinda, and the Town of Moraga.

Jonathan Goodwin, resident of Canyon, stated that it was a big step in the right direction and would be an opportunity for the District to do something magnanimous to engage in a positive way with other groups. He stated that the biggest challenge would be politics, and that the District needed to have a very clear plan. He suggested coming up with a plan for the City of Lafayette, the Town of Moraga, and the City of Orinda to operate independently, feel independent and yet be synergistic.

Director Weil asked if the Contra Costa County Fire District would be participating. Chief Bradley stated that at this time, the Contra Costa County Fire District does not have the resources to provide this service but wants to be kept informed and plans to attend meetings.

It was M/S/C by a vote of 4-0 (Yes: Olsen, Sperling, Weil, Wyro; Absent: Mancinelli) to approve the Emergency Preparedness Coordinator job classification and a budget adjustment of \$6,000.00 to fund the position for the remainder of the 2010/11 fiscal year.

#### **9.1 Finance Committee**

Director Weil reported that there will be a Finance Committee Meeting on Tuesday, May 10, at 6pm. The committee will discuss preliminary budget figures for the 2011/12 fiscal year.

#### **9.2.1 CCCERA Depooling Ad Hoc Committee**

Director Weil reported that there was a proposal to have CCCERA Counsel come to a public meeting to explain their position on depooling, as well explain why they are paying more to retirees than their Counsel has suggested. Directors Weil and Olsen recommended that a discussion happen in advance of the meeting so that District Counsel and the Ad Hoc CCCERA Depooling Committee are well prepared to cover all the issues that need to be covered. The Board directed Staff to find a time when both MOFD District Counsel and CCCERA Counsel are available to have a meeting, and suggested looking into holding the meeting at the Moraga Library.

#### **9.2.2 Tri-Agency Ad Hoc Committee**

President Wyro stated that he and Director Sperling attended the last Tri-Agency Meeting on April 11, 2011, along with Moraga Vice Mayor Metcalf, Moraga Councilmember Chew, and Orinda Councilmember Worth. There was a presentation by the FAIR and Orinda CARES groups. Directors Wyro and Sperling reported that the Tri-Agency Committee is now retired and asked if anything else needs to be done. Chief Bradley stated that the District needed to report to LAFCO. He suggested writing a letter to LAFCO (copying both the City of Orinda and Town of Moraga) to let them know that the three agencies have finished their discussions on the issue.

Director Olsen and Joffa Dale, resident of Orinda, suggested modifying the letter to make all three agencies signatories since LAFCO asked for all three agencies to get together and discuss it. President Wyro commented that the District could not speak for the Town of Moraga or the City of Orinda and recommended to the Board that the MOFD Tri-Agency Ad-Hoc Committee be retired, and if the other agencies would like to take further action, that would be up to their body to decide how to proceed.

After further discussion by the Board and members of the public, the Board directed Chief Bradley to meet with the Town of Moraga and the City of Orinda Managers, and possibly speak with a LAFCO official to discuss the best way to proceed.

**10.1 Brief information only reports related to meetings attended by a Director at District expense.**

There were no announcements to report.

**10.2 Questions and informational comments from Board members and Staff.**

Director Weil announced that he would not be present at the next regular Board meeting on May 18, 2011.

Chief Bradley reported that the MOFD Open House on April 9, 2011, was a big success. He thanked MOFD staff, Secretary Santos, Chief Lee, Chief Mentink, and their families for helping out at the event.

Chief Bradley reported that he had a positive meeting with the Lions Club on April 19, 2011, where he distributed CPR Anytime kits to the group.

Chief Bradley reported that the Wildland Urban Interface program in Sleepy Hollow is doing well and just received their fourth \$5,000 grant. He is working on expanding the program but is having difficulties getting together with the other homeowner association groups.

Director Sperling asked if weed abatement letters were mailed, and if so, when the deadline would be this year. Chief Bradley stated that the letters were mailed on April 15, 2011, and the deadline to abate is June 10, 2011.

**11 Adjournment**

At 9:38 P.M., President Wyro called for adjournment of the regular meeting.



Grace Santos  
Secretary to the Board