
**MORAGA-ORINDA FIRE DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING MINUTES
July 21, 2010**

(Amended and Approved August 18, 2010)

Opening Ceremonies

The Board of Directors convened in Open Session at 6:30 p.m. on July 21, 2010, at the Moraga Orinda Fire Administration Building, 1280 Moraga Way in Moraga, California. President Sperling called the meeting to order and led the Pledge of Allegiance. Present were the following Directors and Staff:

President Sperling	Fire Chief Bradley
Director Mancinelli	Steve Meyers, District Counsel
Director Olsen	Sue Casey, Financial Services Manager
Director Weil	
Director Wyro – absent	

At 6:31 p.m., the Board went into Closed Session.

Business Meeting

President Sperling reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 7:13 p.m. Present were the following Directors and Staff:

President Sperling	Fire Chief Bradley	Battalion Chief Lee
Director Mancinelli	Steve Meyers, District Counsel	Battalion Chief Healy
Director Olsen	Sue Casey, Financial Services Manager	Fire Marshal Mentink
Director Weil	Secretary Pokorny	

Report of Closed Session Action

President Sperling stated that there was no reportable action taken in Closed Session on Item 3.1- Public Employee Evaluation (Government Code Section 54957), Title: Fire Chief; or Item 3.2 - Conference with Labor Negotiator, (Government Code Section 54957.6), Represented employee: Fire Marshal Mentink.

As there was no action taken in closed session on Item 3.1 – Public Employee Evaluation – Title Fire Chief, Item 8.5 - Amendment to Fire Chief Bradley’s contract–review and potential approval of 1st amendment to contract was removed from the agenda.

Public Comment

Jonathan Goodwin (Canyon, CA) noted his continued hope that the Board of Directors will improve their communication with the members of the public.

Clyde Vaughn (59 Donna Maria Way, Orinda, CA) asked why the response to the Grand Jury Report was not included in the current Board packet. President Sperling responded that the item was included in the last Board meeting packet. It was approved and amended at the July 7, 2010 meeting and sent to the Grand Jury. In addition, the final version of the response to the Grand Jury Report was also posted on the District’s website.

Consent Agenda

Item 7.1 Board meeting minutes for June 16, 2010 and July 7, 2010 were removed from the Consent Agenda.

It was M/S/C to approve Item 7.2 Monthly/Annual Incident Report, (there was no report for Item 7.3).

The Board meeting minutes for June 16, 2010 and July 7, 2010 will be rewritten and submitted at the next regular Board meeting.

Elimination of an Employee Position

Second reading of Ordinance 10-01 an Ordinance of the Moraga-Orinda Fire Protection District of Contra Costa County adopting the provisions of Section 31641.04 of the Government Code permitting additional service credit.

Chief Bradley reported that the District requested that the Board approve an early retirement incentive for a District employee that meets the early retirement incentive criteria and is a member of the Contra Costa County Employees Retirement Association. If approved, the District must first adopt, by an Ordinance and a Resolution, the provisions of California Government Code Section 31641.04 Permitting Additional Service Credit. Ordinance 10-01 was introduced at

the July 7, 2010 Special Meeting and the first reading was waived. Chief Bradley recommended that the Board waive the second reading of Ordinance 10-01 and move for adoption.

After discussion by the Board and members of the public, it was M/S/C by a vote of 4-0 (Director Wyro was absent) to waive the second reading and adopt Ordinance 10-01, an Ordinance of the Moraga-Orinda Fire Protection District of Contra Costa County adopting the provisions of Section 31641.04 of the Government Code permitting additional service credit.

Resolution 10-10, a Resolution of the Moraga-Orinda Fire District adopting an early retirement incentive agreement.

Chief Bradley explained that the District wishes to eliminate the position of Telecommunications and Electrical Support Technician. This position is currently under contract and rather than offering severance pay, the District would like to make available an early retirement incentive to this employee. Bob Williams, who currently holds the position of Telecommunications and Electrical Support Technician is a valuable, loyal, and well-respected individual and has agreed to come back in a part-time capacity. The list of primary duties performed by Mr. Williams are: coordinating and assisting in negotiating contracts with outside telecommunications vendors, programming; minor maintenance of the radios, MDTs, pagers and the station alert system; responding to 2nd alarm fires as a communications unit leader or other duties as assigned by the incident commander, represents the District on several County and East Bay communication and technical groups and coordinates the District's Communication Support 245 Community Volunteer Team. When this position is eliminated, the duties will be reassigned to a District telecommunications program and a Captain will manage the program. With the elimination of this position, the District will realize a savings in six months. Chief Bradley recommended adoption of Resolution 10-10 Offering Early Retirement Service Incentive. District Counsel Meyers requested an amendment to Resolution 10-10 to change the date in Item b from July 21, 2010 to August 20, 2010.

Public Comment - Vince Maiorana (23 Lost Valley Dr., Orinda, CA) asked what the difference was between a "Golden Handshake" and "Spiking". Director Olsen replied he did not feel that this incentive was either one. He added that this was a clear savings to the District and would result in minimal costs to treat a valuable employee fairly. Directors Mancinelli and Weil agreed that it was a benefit to the District, especially when the individual was willing to come back to help the District on a part-time and volunteer basis.

After continued discussion by the Board and members of the public, it was M/S/C by a vote of 4-0 (Director Wyro was absent) to adopt Resolution 10-10, a Resolution of the Moraga-Orinda Fire District adopting an early retirement incentive agreement with an amendment to change the date from July 21, 2010 to August 20, 2010.

Facility Needs Ad Hoc Committee

Chief Bradley explained that at the Work Session meeting on July 7, 2010 Staff provided the Board with an overview of facilities with a recommended order of priority to address facility needs. The Chief requested that the Board appoint a facility ad hoc committee to provide direction to Staff. President Sperling suggested that the committee provide the Chief with information and guidance. Board members discussed the possibility of including members of the community. There were many questions about how the Board would facilitate the community's involvement. Board members would like to explore the idea further. The Chief requested that the Board only appoint Board members now and added that the committee could be expanded later if needed. Discussion continued regarding open and closed meetings for ad hoc committee meetings. The Board agreed that all ad hoc committee meetings should be open when appropriate.

After continued discussion by the Board and members of the public, it was M/S/C (Director Wyro was absent) to appoint Directors Mancinelli and Olsen to the Facility Ad Hoc Committee.

Status of the MOFD Wildland Program

Chief Bradley presented an overview of the 2010 MOFD Wildland Fire Prevention and Response Programs.

1. MOFD will determine staffing levels for Red Flag Days on a case-by-case basis. The decision will be driven by the time of the year. The Fire Chief will make the final decision.
2. MOFD has considered developing automatic aid agreements with Fire Departments/Districts in Alameda County. Due to multiple radio systems, computer aided dispatch systems and dispatch centers, it was determined that mutual aid (request resources when needed) is a better option than automatic aid agreements.
3. The MOFD Exterior Hazard Abatement Program was expanded to include an additional 1,300 homes due to the District's adoption of the State's Fire Hazard Severity maps. Notices were sent to homeowners and the District is in the process of inspecting those properties. Due to late rains, additional properties and reduction in reserve firefighter support, the District is behind with those inspections. The District plans to use engine companies to complete the required inspections.
4. A portion of MOFD's District that is within City or Town limits are within Cal Fire determined Mutual Threat Zones (MTZ). These areas are identified by the State that has the potential of impacting State Responsibility Areas. The District is currently negotiating with Cal Fire to expand the MTZ's to include more of the District.

5. MOFD firefighters completed the RT-130 Wildland-Firefighter Refresher training in the month of June. Classroom and manipulative training drills were both included as part of the training curriculum.
6. Chief Bradley met with Orinda City Manager Janet Keeter, Orinda Police Chief Jennings, and Emmanuel Ursu, Director of Planning to discuss the development of a comprehensive Wildland Urban Interface Program. The proposal is to use the Sleepy Hollow Subdivision as a starting point. The District is in the process of combining the International Associations of Fire Chiefs Ready, Set, Go Program with the National Fire Protection Association's FireWise Communities Program, with a science based evacuation planning process and with the District's risk-based mapping process to develop a comprehensive Wildland Urban Interface Program that will be the first of its kind in the country.

President Sperling thanked Chief Bradley for a very informative report. He added that it helps to keep the Board up to date on the District's Wildland Program.

Cost Recovery Billing Program

Chief Bradley reported that during preliminary budget discussions, the Cost Recovery Program fell under revenue enhancements. The Cost Recovery Program would recover the fire department costs for vehicle accidents. The District responds to an average of two vehicle accidents per day with approximately half of those accidents resulting in injuries to drivers. These accidents generally require significant time and may involve the use of costly rescue and extrication equipment. California law requires everyone that owns a motor vehicle, to have at least liability insurance. This insurance covers damages caused by the driver. The California Vehicle Code supports this requirement and allows fire departments to recover costs associated with personnel, scene remediation, and the replacement or repair of equipment and materials when responding to vehicle accidents. Chief Bradley requested that the Board approve the implementation of the cost recovery program with Fire Recovery USA. If approved, a fee resolution and contract award will be introduced at the next regularly scheduled Board meeting.

Director Mancinelli reported that the trend of collecting fees is definitely starting. He questioned the fees of Fire Recovery USA and feels they are collecting more than the traditional costs of firefighting. He does not feel that Moraga or Orinda residents should be billed for these additional costs.

Director Olsen requested comparable District or Department costs. Chief Bradley replied that the District would get a sample of fees but Fire Recovery USA uses recommended fees.

After continued discussion and many questions by the Board and members of the public, Staff was directed to move forward with the Cost Recovery Plan with a fee resolution and contract. The Board also directed Staff to provide additional clarification of the fees and the billing procedure.

Committee Reports

The Board discussed the option of adding a citizen member to the Finance Committee. - Director Weil stated that the option of adding a citizen as a member of the Finance Committee was a useful idea especially during the budget process, if that person had a background in accounting. Director Olsen and President Sperling agreed that it would have to be someone with a strong financial background. President Sperling stated that one of the problems he foresees is whether the person has voting rights or sits on the committee to comment or offer information. He feels the process might need a description of duties. Chief Bradley feels that the members of the public that show up to the District's meetings are allowed to observe and comment and offer valuable information. The Chief added that the Board needs to be very careful migrating from a representative governing Board to a participatory type of Board.

After continued discussion with the Board and members of the public, the Board directed Staff to explore the issues associated with adding a member of the public to the Finance Committee. Director Weil would like to continue the discussion with Chief Bradley regarding participation and a possible description of duties. The item will be brought back for further discussion at a future Board meeting.

Revenue Updates

Financial Services Manager Sue Casey reported that the 2% increase in property tax revenues that was used in developing the Preliminary Budget was based on the 2009/2010 total taxable Assessed Value (AV) increased 4.3% over the 2008/2009 tax year as well as, the California State Board of Equalization in its annual letter announcing that the CA Consumer Price Index (CPI) directed the County Assessors to use an inflation factor of .99763 to prepare the 2010 assessment log. Although slight, it was a positive factor.

FSM Casey also stated that she used zillow.com, an online real estate market valuation that indicated that both Orinda and Moraga home values had dropped January 1, 2009 to January 1, 2010. However, reports from January 1, 2010 through May 31, 2010 indicated that both cities had actually increased in market value, 1.8% for Orinda and 1.3% for Moraga.

The County Assessor sometimes uses values through May 31, 2010 instead of closing on January 1 to do the valuations. Putting all those factors together, Staff came up with a 1.7% increase in property tax revenues and based on the 2009/2010 experience. Staff estimated a 2% increase in property tax revenue for the preliminary 2010/2010 Budget.

Chief Bradley reported that FSM Casey encouraged him to come to the Board with a more conservative number and was extremely concerned that the number was too high. Chief Bradley took into account all the factors that were presented here including the 4.7% increase from last year as well as, using his experience at Alameda County Fire; he felt the number was accurate.

FSM Casey reported that the final property tax revenue numbers came in at -.87%. After looking at the District's revenues, projected revenues are down approximately \$457,000. The other factor that came in was the supplemental property taxes that in prior years have been approximately \$400,000 - \$500,000. This year they were predicted to be \$450,000 but came in at \$200,000.

Members of the Board discussed what the numbers meant to the budget. FSM Casey stated that the District's projected revenue total of \$18,567,444 reported in the preliminary budget is now approximately \$18,110,444.

President Sperling stated that he hoped Staff would be able to come back to the Board in September with a proposed final budget considering this new information. Chief Bradley stated that Staff was already working on the final budget.

Director Olsen stated that he expected the final budget would be in balance.

Tri-Agency Sub Committee

President Sperling stated that the last time the Tri-Agency Sub Committee met was in May. Since May, the meetings have been impossible to coordinate due to the busy calendars of some of the committee members. President Sperling feels that the meetings are important to continue discussion and cover important topics that include an overview of the Fire District, finances and reiteration of cost and the burden on the communities.

Director Olsen added that if a member of the committee is not able to meet his or her obligation then it might be a good idea to appoint another person to fill that position.

After continued discussion by the Board and members of the public, President Sperling stated that he would continue to push the committee to meet.

Correspondence

President Sperling acknowledged and expressed appreciation for the correspondence received.

Announcements

Director Olsen reported that he attended the Special District's Association meeting on Aug. 19 along with Chief Bradley. Bill Pollacek, Treasurer-Tax Collector was the featured speaker and spoke on CCCERA. Mr. Pollacek said, "District elected Board members have a fiduciary responsibility to attend CCCERA Board meetings to understand what is going on". Director Olsen does not know if all the Board members agree with that idea but feels that maybe at least one Board member should regularly attend the CCCERA Board meetings. Additional discussion included declining property values, particularly commercial property values, which will continue to have an adverse affect on property tax values and tax collection for at least a few more years. Mr. Pollacek predicted the Counties pension costs to rise from \$202 million currently to \$289 million in the near future.

Director Weil attended the Moraga Kiwanis meeting last week where the key speaker was Chief Bradley. Because the Chief had responded to an early morning fire that day, he came directly to the meeting in his turnouts minus his notes. Director Weil was very proud of the way the Chief handled himself at that meeting. After the Chief's speech, there was a question period that was very ~~extension~~ extensive and high-level. The Chief answered all the questions very well. Director Weil thanked the Chief and feels that the District was well represented.

Director Olsen and Fire Marshal Mentink attended an EBMUD briefing presented by Katy Foulkes and the senior officials from EBMUD ~~and~~ at San Pablo Reservoir on June 24. The briefing mostly discussed how EBMUD ~~spend~~ spent a ~~million~~ billion dollars on good water sources and seismic work that needs to be done to ensure water can be moved from this side of the hills to the other side. During the question and answer session, Director Olsen asked how much was being spent on the local distribution system and how much pipe does EBMUD have. Officials replied that they have 4,000 miles of pipe and will ~~place~~ replace 7-8 miles a year. According to Director Olsen, it should take approximately ~~5,000~~ 500 years to replace the pipe.

Director Olsen also mentioned the recent notice that he received from LAFCO regarding a meeting on August 11 that requested updates from Fire District's that will be included in the meeting information packet.

President Sperling mentioned the Webinar Ethics Training Class presented by the Law Office of Meyers - Nave that he recently completed online. The online training class used video cameras for both the speakers and the participants. He thought it really added value to the webinar to see someone presenting and not just hearing the person. He thought it was a very good class and relevant to the Fire District. He highly recommended the class to the other Directors.

Chief Bradley:

- The District recently had a significant structure fire. The crews did a wonderful job. The house could have been lost but the crews were aggressive and got into the attic quickly. The incident commander did a good job recognizing and requesting additional resources.
- The District is working with the Caldecott Tunnel officials on planning and mapping, as well as working with Dispatch on the different levels of alarms. Staff has been very involved.
- Preliminary discussion has begun with Local 1230 on the issue of additional compensation in lieu of medical benefits.
- Graduation: The District's Fire fighter/Paramedic graduation will take place on Thursday, August 29 at St. Mary's College from 3PM – 5PM.

Adjournment

At 8:28 p.m., President Sperling called for adjournment of the regular meeting. It was M/S/C to adjourn to the Work Session to be held on August 4, 2010 at 7 p.m.

Christine Pokorny
Secretary to the Board