



## MORAGA-ORINDA FIRE DISTRICT BOARD OF DIRECTORS

Regular Meeting  
February 20, 2013  
6:00 P.M. – Closed Session; 7:00 P.M. – Open Session

### PLEASE NOTE NEW MEETING ADDRESS:

Hacienda de las Flores  
Closed –Conference Room  
Open – Mosaic Room  
2100 Donald Drive  
Moraga, CA 94556

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1. OPENING CEREMONIES
  - 1.1. Call the meeting to Order
  - 1.2. Roll Call
  - 1.3. Pledge of Allegiance
2. PUBLIC COMMENT

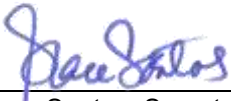
The public is invited to speak on any matter not appearing on the agenda and within the subject matter jurisdiction of the District. Comments should be limited to three minutes. Please state your name and address for the record.
3. CLOSED SESSION
  - 3.1. **Conference with Labor Negotiator**  
(Government Code Section 54957.6)  
Agency Designated Representative: Edward Kreisberg  
Employee Organization: Association of Federated Firefighters IAFF, Local 1230
  - 3.2. **Conference with Legal Counsel – Existing Litigation**  
(Government Code Section 54956.9 (a))  
City of Brentwood et.al v. Campbell
  - 3.3. **Conference with Real Property Negotiators**  
(Government Code Section 54956.8)  
Agency Negotiator: Randall Bradley  
Under Negotiations: Instructions to negotiator will concern price and terms of payment.  
Real Property: 1035 Lorinda Lane, Lafayette, CA  
Negotiating Parties: Chris and John Papadacos
  - 3.4. **Conference with Real Property Negotiators**  
(Government Code Section 54956.8)  
Agency Negotiator: Randall Bradley  
Under Negotiations: Instructions to negotiator will concern price and terms of payment.  
Real Property: 2 Charles Hill Road, Orinda  
Negotiating Parties: Paul Garvey
  - 3.5. **Conference with Real Property Negotiators**  
(Government Code Section 54956.8)  
Agency Negotiator: Randall Bradley  
Under Negotiations: Instructions to negotiator will concern price and terms of payment.  
Real Property: Northeast Corner of El Nido Ranch Road and Sunnyhill Road, Lafayette, CA  
Negotiating Parties: City of Lafayette
  - 3.6. **Conference with Real Property Negotiators**  
(Government Code Section 54956.8)  
Agency Negotiator: Randall Bradley  
Under Negotiations: Instructions to negotiator will concern price and terms of payment.  
Real Property: Corner of El Nido Ranch Road and Westbound Onramp to State Route 24, Lafayette, CA  
Negotiating Parties: Cal Trans

4. RECONVENE THE MEETING
  - 4.1. **Call the meeting to Order**
5. REPORT OF CLOSED SESSION ACTION
6. CONSENT AGENDA
  - 6.1. **Board Minutes**  
Board Meeting Minutes of September 5, 2012  
Board Meeting Minutes of September 19, 2012  
Board Meeting Minutes of October 3, 2012  
Staff Recommendation: Receive and File
  - 6.2. **Monthly/Annual Incident Summary**  
Staff Recommendation: Receive and File
  - 6.3. **Monthly Financial Reports**  
Staff Recommendation: Receive and File
  - 6.4. **Quarterly Ambulance Billing Report**  
Staff Recommendation: Receive and File
7. REGULAR CALENDAR
  - 7.1. **Update on Fire Station 43/16 Concept Process Proposal**  
Staff will provide the Board with an update on Fire Station 43/16 proposal.  
Staff Recommendation: 1) Review; 2) Discuss; 3) Provide direction to Staff
  - 7.2. **Caldecott Tunnel Fourth Bore Project - Update**  
Staff will provide the Board with an update on the Caldecott Tunnel Fourth Bore Project.  
Staff Recommendation: 1) For Information Only; No Action Required
  - 7.3. **Mid-Year Budget Review**  
Staff will provide the Board with information on the Mid-Year Budget.  
Staff Recommendation: 1) Review; 2) Discuss; 3) Provide direction to Staff
8. ANNOUNCEMENTS
  - 8.1. **Brief information only reports related to meetings attended by a Director at District expense**  
(Government Code Section 53232.3(d))
  - 8.2. **Questions and informational comments from Board members and Staff**
9. ADJOURNMENT

*The Moraga-Orinda Fire Protection District ("District"), in complying with the Americans with Disabilities Act ("ADA"), requests individuals who require special accommodations to access, attend and/or participate in District Board meetings due to a disability, to please contact the District Chief's office, (925) 258-4599, at least one business day prior to the scheduled District Board meeting to ensure that we may assist you.*

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Moraga-Orinda Fire District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspections at 1280 Moraga Way during normal business hours.

I hereby certify that this agenda in its entirety was posted on February 15, 2013, at the Moraga and Orinda Fire Administration offices, Stations 41, 42, 43, 44, and 45. Agenda provided to the Moraga Town Office (Hacienda) and Orinda City Hall.

  
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Grace Santos, Secretary to the Board

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**MORAGA-ORINDA FIRE DISTRICT  
BOARD OF DIRECTORS  
REGULAR BOARD MEETING MINUTES  
September 5, 2012**

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**1. Opening Ceremonies**

The Board of Directors convened in Open Session at 6:00 P.M. on September 5, 2012, at the Moraga Library Community Room, 1500 Saint Mary's Road, Moraga, California. President Weil called the meeting to order. Present were the following Directors and Staff:

President Weil	Randall Bradley, Fire Chief	Grace Santos, Board Clerk
Director Wyro	Edward Kreisberg, District Negotiator	Steve Meyers, District Counsel
Director Sperling	Sue Casey, Admin Services Director	

**2. Public Comment**

There were no comments from the public.

**3. Closed Session**

At 6:02 P.M., the Board adjourned into Closed Session.

**4. Reconvene the Meeting**

President Weil reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 7:05 P.M. Present were the following Directors and Staff:

President Weil	Randall Bradley, Fire Chief	Grace Santos, Board Clerk
Director Wyro	Darrell Lee, Division Chief	Steve Meyers, District Counsel
Director Sperling	Sue Casey, Admin Services Director	

**5. Report of Closed Session Action**

President Weil reported that there was no reportable action taken during the Closed Session.

President Weil removed Item 7.2 – Collective Bargaining Process from the agenda. As the California Public Employees' Pension Reform Act (PEPRA) was recently passed by the California Legislature the Board would like to give the District Labor Negotiator some time to study the changes before proceeding. He instructed Counsel and Staff to prepare a detailed process document for the Board to review. He would like to include the item on a future agenda when the Board has all five members so that the two new members are included in the discussion.

**6. Public Comment**

There was no public comment.

**7. Regular Calendar**

**7.1 Grand Jury Report 1211 "Contra Costa County Fire Protection and Emergency Response Services, Leveraging Combined Strengths to Address Individual Weaknesses"**

On June 06, 2012, the Moraga-Orinda Fire District received the Contra Costa County Grand Jury Report No. 1211, "Contra Costa County Fire Protection and Emergency Response Services- Leveraging Combined Strengths to Address Individual Weakness".

The Grand Jury requested that the District respond to seven findings and four recommendations. Staff has developed draft responses for the Board's consideration. District Council reviewed the draft responses and made no changes. All Board members agreed with Chief Bradley's responses to the report.

On a motion by Director Wyro and seconded by Director Sperling, the Board approved Chief Bradley's response to the Grand Jury Report as the District's response. The motion carried by a unanimous (3-0) voice vote.

**7.3 Resolution 12-07, A Resolution of the Moraga-Orinda Fire Protection District of Contra Costa County, Amending the District Conflict of Interest Code**

All local government agencies are required by statute to adopt a Conflict of Interest Code that include provisions designating the positions within the agency that will be required to report certain financial

interests, the manner of reporting those financial interests, and standards for when the employees will be disqualified from participating in the making of certain decisions.

Conflict of Interest Codes must specifically list positions that make or participate in making decisions for or on behalf of the District. Typically, positions that involve voting on matters, negotiating contracts, or making recommendations on purchases without substantive review must be included in codes.

A primary purpose of the Code is to require disclosure of those types of investments, interests in real property, sources of income and business positions that designated positions may affect in their decision-making.

At a regular Board meeting on August 18, 2010, the Board of Directors adopted Resolution 10-12 – A Resolution of the Moraga-Orinda Fire Protection District of Contra Costa County Adopting a Conflict of Interest Code.

District Staff conducted the required biennial review of the Conflict of Interest Code and determined that one position should be removed, and one position should be added to the list of “Designated Positions” in the Code. In accordance, Section 2 of Resolution 10-12 Adopting a Conflict of Interest Code and the Conflict of Interest Code has been amended to remove the position of “Fire Prevention Officer” and a new position of “Assistant Fire Marshal” has been added.

On a motion by Director Sperling and seconded by Director Wyro, the Board adopted Resolution 12-07 – a Resolution of the Moraga-Orinda Fire District of Contra Costa County, Amending the District Conflict of Interest Code. The motion carried by a unanimous (3-0) voice vote.

#### **7.4 Schedule Public Meetings for New Director Orientations**

The District will have two new Board members in December when the Board of Supervisors appoints Alex Evans (District 5) and Steve Anderson (District 3) to fill the two current Board vacancies. Because both candidates ran unopposed, the appointments will take place in lieu of elections. To prepare for their appointments, the current MOFD Board has requested that staff schedule two public Board workshops to assist the new members as they assume their new legal and governance responsibilities.

Staff proposed the workshops to be held as part of the first regular scheduled Board meetings in October and November. Mr. Evans and Mr. Anderson agreed to participate. The proposed schedule and discussion topics are:

Date and Time	Workshop Element(s)
Wednesday, October 3, 2012, 7:00 p.m.	Legal requirements of Board Members
Wednesday, November 7, 2012, 7:00 p.m.	Governance, protocols, policies and decorum

Chief Bradley stated that District Counsel Meyers would facilitate the legal requirements of the Board Members. The Board suggested that an outside facilitator, a neutral party, manage the governance, protocols, policies and decorum portion.

The Board was in consensus to approve the schedule for the New Director orientations.

### **8. Committee Reports**

#### **8.1 Brief information only reports related to meetings attended by a Director at District expense**

(Government Code Section 53232.3(d))

There was nothing to report.

#### **8.2 Questions and informational comments from Board members and Staff**

Chief Bradley gave a brief report on the tragic event that occurred on Interstate 680 – the shooting of the CHP Officer. An MOFD Battalion Chief was on the way to work when he came upon the incident and rendered aid to the wounded officer. He was one of the first emergency responders on scene.


Chief Bradley reported that while the District has sent its firefighters and fire engines to other agencies throughout the state, it has been a moderate fire season. There is a current red flag warning due to lightening concerns.

Chief Bradley reported that the new fire engine would be placed in service in two weeks. Staff will bring the new engine to a future Board meeting for the Board to see.

President Weil asked Chief Bradley on the status of property and the new administrative site. Chief Bradley reported that and his fellow Facility Committee Member are finalizing a draft staff report to bring to include on the agenda for the September 19 meeting.

**9. Adjournment**

At 7:52 P.M., President Weil called for adjournment of the regular meeting.

  
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Grace Santos  
Secretary to the Board

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**MORAGA-ORINDA FIRE DISTRICT  
BOARD OF DIRECTORS  
REGULAR BOARD MEETING MINUTES  
September 19, 2012**

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**1. Opening Ceremonies**

The Board of Directors convened in Open Session at 6:00 P.M. on September 19, 2012, at the Hacienda Mosaic Room, 2100 Donald Drive, Moraga, California. President Weil called the meeting to order. Present were the following Directors and Staff:

President Weil	Randall Bradley, Fire Chief	Grace Santos, Board Clerk
Director Wyro	Edward Kreisberg, District Negotiator	Steve Meyers, District Counsel
Director Sperling	Sue Casey, Admin Services Director	

**2. Public Comment**

There were no comments from the public.

**3. Closed Session**

At 6:02 P.M., the Board adjourned into Closed Session.

**4. Reconvene the Meeting**

President Weil reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 7:04 P.M. Present were the following Directors and Staff:

President Weil	Randall Bradley, Fire Chief	Grace Santos, Board Clerk
Director Wyro	Darrell Lee, Division Chief	Steve Meyers, District Counsel
Director Sperling	Sue Casey, Admin Services Director	

**5. Report of Closed Session Action**

President Weil reported that there was no reportable action taken during the Closed Session.

**6. Public Comment**

There was no public comment.

**7. Consent Agenda**

Motion by Director Sperling and seconded by Director Wyro to receive and file Consent Agenda Item 7.1 – Board Minutes. Said motion carried a unanimous (3-0) voice vote.

Director Sperling asked to remove item 7.2 and 7.3 from the Consent Calendar and discuss separately.

Motion by Director Wyro and seconded by Director Sperling to receive and file Consent Agenda Items 7.2 – Monthly Incident Summary and 7.3 – Draft Monthly Financial Reports. Said motion carried a unanimous (3-0) voice vote.

**7.1 Board Minutes of June 20, 2012**

Action: Receive and File.

**7.2 Monthly/Annual Incident Summary**

Action: Receive and File.

Action: Board directed staff to include the Monthly Incident Summary report on a future Board meeting agenda to discuss changes to the format of the report to be as best in alignment with the District's Standards of Coverage document and goals.

**7.3 Draft Monthly Financial Reports**

Action: Receive and File.

Action: The Board asked staff to include discussion on this item when discussing Item 8.2 – Final General and Capital Projects Fund Budgets for Fiscal Year 2012/13.

**8. Regular Calendar**

**8.1 Business ("B") Occupancy Fire Inspection Program Presentation**

The Fire Code identifies buildings by use and classifies them into types for both construction and life safety. A type "B" Occupancy is defined by use for "office, professional or service type transactions".

Fire safety in businesses is a priority for the District. Fires occurring in businesses can impact the entire community, causing civilian and firefighter injuries, economic losses, disruption of services and unemployment.

A survey of all businesses in the District was completed in late 2011 and a list of 130 businesses was established for inspection. A new program, which included a Power Point training module for the engine companies, a new inspection form, and letters to the businesses identified for inspection was developed. Training on the Inspection program was completed in May of 2012 for all line personnel.

The inspection procedure includes an initial inspection and one re-inspection (if deficiencies were found). Of the 130 inspections completed, only 16 needed follow-up for compliance by Assistant Fire Marshal Leonard.

## **8.2 Final General and Capital Projects Fund Budgets for Fiscal Year 2012/13**

The preliminary 2012/13 General and Capital Projects Fund Budgets were presented and approved by the Board at the June 20, 2012 Board meeting.

The primary goal in developing the 2012/13 General Fund and Capital Projects Fund budgets was to produce balanced financial plans that would have no impact on current service levels. This objective included funding those capital equipment needs that would fully maintain firefighter safety and operational effectiveness. The primary strategy used to accomplish this goal was a retrospective analysis of the 2011/12 budget, projected actuals and a thorough review of staffing and overtime expenditures.

The District's overall spending power was reduced by an estimated two million dollars during the 2010/11 and 2011/12 budget years due to revenue reductions and increases in retirement costs. During the 2010/11 budget development process, staff was able to submit a balanced budget without reducing service levels through the elimination of administrative positions, the renegotiating of service and employee contracts and the creation of new revenue sources and cost reduction initiatives (vehicle accident cost recovery and pay-in-lieu-of-benefit initiatives).

Although additional efforts were made during the 2011/12 budget process to develop a balanced budget without service level reductions, the further decline in revenues made that goal inaccessible. Staff did not believe it is possible to submit a balanced budget in fiscal year 2012/13 without service level reductions and/or interruptions.

On a motion by Director Wyro and seconded by Director Sperling, the Board approved the Fiscal Year 2012/13 General Fund and Capital Fund Budgets. The motion carried by a unanimous (3-0) voice vote.

## **8.3 Discuss Alternate Dates for the Regular November 2012 Board Meeting**

The date of the regular November 2012 Board meeting is scheduled for November 21, 2012, which is the evening before the Thanksgiving holiday. The Board discussed whether an alternate date for the regular November Board meeting should be selected.

The Board suggested waiting until the November 7, 2012 Board meeting before deciding whether or not having a meeting on November 28<sup>th</sup> is necessary. Chief Bradley also asked the Board to consider an alternate date for the first December meeting so that the full five-member Board can be present. Chief Bradley will work with District Counsel to get a formal date after the new Directors' appointments are official and present the Board with the date options at the next Board meeting.

## **9. Committee Reports**

### **9.1 Brief information only reports related to meetings attended by a Director at District expense**

(Government Code Section 53232.3(d))  
There was nothing to report.

### **9.2 Questions and informational comments from Board members and Staff**

Chief Bradley reported that there was a vegetation fire on September 18, which Battalion Chief Jerry Lee managed. District firefighters were on scene for over an hour but the fire was brought under control in a short amount of time. Chief Jerry Lee did a good job in managing the incident.


Chief Bradley reported that he attended the Orinda City Council meeting on September 18, 2012. A 90-page report by the Orinda Citizens Emergency Services Task Force was presented to the Orinda

City Council during open forum. The Board requested that Chief Bradley provide them with a high-level analysis of the report and present it at a Board meeting in the near future.

President Weil asked Chief Bradley if there would be a facilitator present during both New Board Member Orientation sessions. Chief Bradley reported that District Counsel will act as facilitator during the legal aspect portion of the orientation and he would work with President Weil in choosing the other facilitator for the other session.

**10. Adjournment**

At 8:19 P.M., President Weil called for adjournment of the regular meeting.

  
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Grace Santos  
Secretary to the Board

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