
**MORAGA-ORINDA FIRE DISTRICT
BOARD OF DIRECTORS
SPECIAL BOARD MEETING MINUTES
June 20, 2013
(Adopted August 7, 2013)**

1. Opening Ceremonies

The Board of Directors convened in Open Session at 6:00 P.M. on June 20, 2013, at the Orinda City Hall Sarge Littlehale Room, 22 Orinda Way, Orinda, California. President Wyro called the meeting to order. Present were the following Directors and Staff:

President Wyro	Randall Bradley, Fire Chief	Eddie Kreisberg, Labor Negotiator
Director Weil	Stephen Healy, Division Chief	Darrell Lee, Division Chief
Director Anderson	Sue Casey, Admin Services Director	Grace Santos, Board Clerk
Director Evans	John Bakker, District Counsel	

2. Public Comment

There were no comments.

3. Closed Session

At 6:02 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 7:16 P.M. Present were the following Directors and Staff:

President Wyro	Randall Bradley, Fire Chief	Darrell Lee, Division Chief
Director Weil	Stephen Healy, Division Chief	Sean Perkins, Battalion Chief
Director Anderson	Sue Casey, Admin Services Director	Jerry Lee, Battalion Chief
Director Evans	John Bakker, District Counsel	Grace Santos, Board Clerk

Report of Closed Session Action

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

5. Public Comment

Bill Brobeck, commented on a fire that occurred in 2011 in Bollinger Canyon.

6. Consent Agenda

Motion by Director Evans and seconded by Director Weil to adopt and file all Consent Agenda items. Said motion carried a unanimous (4-0) voice vote (Ayes: Anderson, Evans, Weil, Wyro).

6.1 Board Minutes of January 16, 2013

Action: Adopt and File

6.2 Monthly/Annual Incident Summary for May 2013

Action: Adopt and File

6.3 Monthly Financial Reports

Action: Adopt and File

6.4 Surplus Vehicle

Action: Adopt and File

7. Regular Calendar

7.1 Board of Directors Vacancy

On May 15, 2013, Director Frank Sperling announced his resignation (effective May 24, 2013) from the Moraga-Orinda Fire District Board. The vacancy will require the remaining Board to fill the balance of the unexpired term by appointment or through an election. Failure of the Board to fill the vacancy could result in an appointment by the County Board of Supervisors.

If the Board chooses to fill the vacancy by appointment, the vacancy must be filled within 60 days after notification of the vacancy or the effective date of the vacancy, whichever is later. The effective date of May 24, 2013 is the later date and therefore, if the Board decides to fill the vacancy through an appointment, the appointment must be made prior to July 23, 2013. Staff recommends the following process and timeline if the Board chooses to fill the vacancy by appointment:

- On June 21, 2013, post a notice of the vacancy in at least three conspicuous places in the District (required by statute). Issue a press release, post on the district website, and distribute an announcement that identifies the vacancy and the requirements to fill the term of the vacancy. All local public agencies and service organizations within the District will be provided a copy of the announcement.
- Require interested parties to submit summaries of their qualifications to District Headquarters at 1280 Moraga Way, Moraga, California by 5:00 pm by Friday, June 28, 2013.
- At the Regular Board meeting on Wednesday, July 3, 2013 (or a Special Meeting on July 10, 2013), the Board can review applications and/or interview applicants for the open position and choose an applicant based on the review and/or interview.

Proposed Appointment

June 21, 2013
June 28, 2013
July 3 (or 10), 2013

Timeline Recommendation

Post a Notice of Vacancy
Close Posting
Review applications and/or interview applicants

In lieu of making an appointment the Board may call an election to fill the vacancy. The person elected would fill the seat through the remainder of the term, which expires in December 2014. The election must be called within 60 days of notification or the effective date of the vacancy, whichever is later. The effective date, May 24, 2013, is the later date and therefore the election should be called by July 23, 2013. After the election is called, the election is required to be held on the next established election date that is 130 or more days after the date the Board of Directors calls for the election.

The next established election date that is 130 or more days after the June 20, 2013 is November 5, 2013. For an odd year election the cost is approximately \$7.40 per registered voter. In District 1 there are approximately 5,000 registered voters. The estimated cost for the election would be \$37,000. An all-mail-in ballot would be slightly less but similar in costs.

On a motion by Director Evans and seconded by Director Anderson, the Board approved the appointment option with the amendment that the district close the posting on July 10, 2013 and interview the applicants and make appointment on July 17, 2013. Failing to make an appointment, the Board will have the materials necessary to call for an election. The motion carried by a voice vote of 3-1 (Aye: Anderson, Evans, Wyro; Noes: Weil).

7.2 Further Board Discussion and Deliberation of Purchase of 1035 Lorinda Lane, Lafayette for Fire Station 46

On June 10, 2013, the Lafayette City Council passed a resolution to form an Emergency Services Task Force to analyze the effectiveness and the efficiency of the delivery of fire and emergency medical services to Lafayette residents. The City of Lafayette Staff Report from City Manager Steven Falk, dated June 3, 2013, provided the Lafayette Council and the public with deal points and LAFCO processes for the potential detachment of Lafayette from ConFire and the formation of a Lamorinda Fire District.

Based on the action taken by the City of Lafayette that indicates the District now has a potential alternative partner, Director Anderson requested that the purchase of the property on 1035 Lorinda Lane, Lafayette, be placed back on the agenda for reconsideration.

Staff also continued to meet with ConFire to determine if there is a financial arrangement that would be acceptable to ConFire and MOFD to jointly own and operate the proposed Station 46.

For either option to be viable, MOFD, the City of Lafayette and/or ConFire must control property that will be an acceptable location for a Fire Station 46.

On a motion by President Wyro and seconded by Director Evans, the Board appointed an Ad Hoc Committee to meet with the City of Lafayette to explore fire and emergency medical services within the Lamorinda communities, which is made up of Director Weil and President Wyro. Said motion carried a unanimous (4-0) voice vote (Ayes: Anderson, Evans, Weil, Wyro).

On a motion by Director Anderson and seconded by Director Evans, the Board gave the Chief authorization to proceed with negotiations with the owners of the 1035 Lorinda Lane, Lafayette. The motion carried by a voice vote of 3-1 (Aye: Anderson, Evans, Wyro; Noes: Weil).

Chief Bradley announced that they were moving agenda items 7.4 and 7.5 before item 7.3 so that the Board can take action on the appropriations limit and fire flow tax before being asked to approve the draft budget.

7.3 (Originally 7.4) Resolution 13-03 Establishing the District’s Annual Appropriations Limit for Fiscal Year 2012/2013

The California Revenue and Taxation Code mandates the California Department of Finance to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use its percentage change in population factor in conjunction with a change in the cost of living, or price factor, to calculate its appropriations limit. Section 2228(3) of the California Revenue and Taxation Code states:

If a special district is located within a single county or within more than one city or any combination of cities and unincorporated areas within a single county, the annual percentage change in population for the district shall be that established for the county or the weighted average of the percentage change of each city and the unincorporated area.

As the District is located within more than one city and unincorporated areas of Contra Costa County, the County’s annual percentage change in population was used for calculating the District’s 2013/14 appropriations limit.

On a motion by Director Evans and seconded by Director Anderson, the Board adopted Resolution 13-03 establishing the District’s annual appropriations limit for 2013/14. Said motion carried a unanimous (4-0) voice vote (Ayes: Anderson, Evans, Weil, Wyro).

7.4 (Originally 7.5) Resolution 13-04 Establishing the 2013/2014 Fire Flow Tax Rates for the Orinda and Moraga Services Zones

Every year the District is required to set the rate for the Fire Flow Tax in each of the District’s two service zones by July for the upcoming fiscal year. In order to place the tax on the County Assessor’s rolls for fiscal year 2013/14, the tax rate must be established by Board action and then levied against each parcel by the beginning of August. By ordinance, this rate is required to be established in a public forum and is typically done so at the regularly scheduled June Board of Directors meeting.

The 2012/13 Fire Flow Tax Rate was established at six cents (\$.06) in Moraga, six cents (\$.06) cents in Orinda and yielded:

	Orinda Service Zone	Moraga Service Zone	Total Revenue 2012/13
Gross Revenue	534,612.76	534,675.26	1,069,288.02
Line Item Fee	(5,182.94)	(5,557.39)	(10,740.33)
Levy Code Fee	(250.00)	(250.00)	(500.00)
Net Revenue	\$ 529,179.82	\$ 528,867.87	\$ 1,058,047.69

On a motion by Director Weil and seconded by Director Anderson, the Board adopted Resolution 13-04, Adopting Fire Flow Tax Rates of Six Cents (\$.06) in the Moraga Service Zone and Six Cents (\$.06) in the Orinda Service Zone, for Fiscal Year 2013/14. Said motion carried a unanimous (4-0) voice vote (Ayes: Anderson, Evans, Weil, Wyro).

7.5 (Originally 7.3) Draft Preliminary General and Capital Fund Budgets for Fiscal Year (FY) 2013/2014

Normally the Preliminary Budget projections are presented to the Finance Committee prior to being discussed at a full Board meeting. However, since the Finance Committee members have not yet been appointed the Board decided that the Preliminary Budget would be presented to the full Board for review.

The 2013/14 Draft Preliminary General Fund and Capital Projects Fund budgets were presented at a Board meeting on June 5, 2013. The Board directed staff to make two changes to the Capital

Projects Fund Budget and bring the Preliminary Budget back to the next scheduled Board meeting for possible approval.

On a motion by President Weil and seconded by Director Evans, the Board approved the 2013/14 Preliminary General Fund and Capital Projects Fund Budgets. Said motion carried a unanimous (4-0) voice vote (Ayes: Anderson, Evans, Weil, Wyro).

7.6 Form Standing Committees and Ad Hoc Committees

The Board of Directors for the Moraga-Orinda Fire District have historically established Standing and Ad Hoc Committees as mechanisms to assist in performing preliminary Board work for the entire Board's later consideration.

On January 11, 2012, the Board voted to establish the following Standing Committees:

1. Finance Committee
2. Human Resources Committee

Also on January 11, 2012, the Board established the following Ad Hoc Committee. (Ad Hoc committees are formed on an as-needed basis and disbanded when the need no longer exists.)

1. Facilities Ad-Hoc Committee

Chief Bradley commented that staff did not feel the need for a Human Resource Committee. There was never a need for one in the past and staff does not feel the need for one at the time. The Board agreed with Chief Bradley.

After a brief discussion, Director Weil nominated Directors Anderson and Evans for the Finance Committee. It was also re-confirmed that Director Weil and President Wyro made up the Facilities Ad Hoc Committee.

7.7 Fire Marshal Contract

On March 30, 2012, Fire Marshal Mike Mentink retired from the Moraga-Orinda Fire District. Subsequently, staff recommended that the Fire Marshal's position not be filled and that a new job classification of "Assistant Fire Marshal" be created with the Fire Chief serving as the District's Fire Marshal. The Assistant Fire Marshal job classification allowed the District to continue carrying out the legal duties of Fire Code enforcement and life safety protection obligation but also provided a means for general fund savings that had limited impacts on service levels.

After 15 months in the Assistant Fire Marshal's position, Kathy Leonard has continued to develop skill sets and obtain certification that qualifies her to fulfill the duties as the Moraga-Orinda Fire Marshal. She is in the process of completing an analysis of the District's fee schedule, developing the next fire prevention ordinance for Board consideration and she recently completed a comprehensive revision of the exterior hazard abatement process. She has also been instrumental in developing and implementing the District's Firewise Program. All of her projects and duties have evolved over the past 15 months and now closely represent those of a Fire Marshal.

The new proposed Fire Marshal position does not include fire investigations and therefore will not require a safety pension and/or benefit package.

On a motion by Director Weil and seconded by Director Anderson, the Board approved the promotion and employment contract between Kathy Leonard and the Moraga-Orinda Fire District. Said motion carried a unanimous (4-0) voice vote (Ayes: Anderson, Evans, Weil, Wyro).

8. Announcements

8.1 Brief information only reports related to meetings attended by a Director at District expense (Government Code Section 53232.3(d))

There were no comments.

8.2 Questions and informational comments from Board members and Staff

Chief Bradley reported that there was a vegetation fire near 60 Sandhill Road, Orinda. Chief Jerry Lee was the Battalion Chief in charge of the fire. MOFD firefighters contained it within 23 minutes.

9. Public Comment

There were no comments. The Board adjourned into Closed Session at 9:14 P.M.

10. Closed Session

10.1 Conference with Real Property Negotiator

(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 Papadakos

11. Report of Closed Session Action

President Wyro reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 9:30 P.M. and reported that there was no reportable action taken during the Closed Session.

12. Public Comment

There were no comments.

13. Adjournment

At 9:31 P.M., President Wyro called for adjournment of the special meeting.



Grace Santos
Secretary to the Board