
**MORAGA-ORINDA FIRE DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING MINUTES
August 7, 2013
(Adopted August 21, 2013)**

1. Opening Ceremonies

The Board of Directors convened in Open Session at 6:00 P.M. on August 7, 2013, at the Moraga Library Community Room, 1500 St. Mary's Road, Moraga, California. Director Anderson was absent. Director Evans called the meeting to order. Present were the following Directors and Staff:

Director Evans	Stephen Healy, Interim Fire Chief	Eddie Kreisberg, Labor Negotiator
Director Weil	Sue Casey, Admin Services Director	Darrell Lee, Division Chief
Director Famulener	Steve Meyers, District Counsel	Grace Santos, Board Clerk
President Wyro (teleconference)		

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

Director Evans reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 7:00 P.M. Director Anderson was absent. Present were the following Directors and Staff:

Director Evans	Stephen Healy, Interim Fire Chief	Jerry Lee, Battalion Chief
Director Weil	Sue Casey, Admin Services Director	Darrell Lee, Division Chief
Director Famulener	Steve Meyers, District Counsel	Grace Santos, Board Clerk
President Wyro (teleconference)	Kathy Leonard, Fire Marshal	

5. Report of Closed Session Action

Director Evans reported that there was nothing to report.

6. Public Comment

There were no comments from the public.

7. Special Presentation - Installation and swearing in ceremony of Director Kathleen Famulener administered by the Honorable John Kennedy, Judge of the Superior Court, Contra Costa County.

The Honorable Judge, John Kennedy, administered the oath of office to Director Kathleen Famulener, who was appointed on July 22, 2013.

8. Consent Agenda

President Wyro asked to remove the Board Minutes for June 20, 2013, and discuss separately. Motion by President Wyro and seconded by Director Weil to adopt and file the Board Minutes of July 15, 2013 and July 22, 2013. The motion carried by a voice vote of 3-0 (Ayes: Evans, Weil, Wyro; Absent: Anderson; Abstain: Famulener).

After a brief discussion, motion by President Wyro and seconded by Director Weil to adopt and file the Board Minutes of June 20, 2013, as amended. The motion carried by a voice vote of 3-0 (Ayes: Evans, Weil, Wyro; Absent: Anderson; Abstain: Famulener).

8.1 Board Minutes of July 22, 2013

Action: Adopt and File.

Board Minutes of July 15, 2013

Action: Adopt and File.

Board Minutes of June 20, 2013

Action: Amend minutes to reflect the motion in 7.2 to read, "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."

Action: Adopt and File.

9. Regular Calendar

9.1 Administrative Services Director Contract

On July 22, 2013, the Board of Directors provided the Interim Fire Chief with the framework to negotiate a contract with Ms. Sasser, a candidate for the Administrative Services Director position that will be vacated by Ms. Casey. On July 29, 2013, an agreement was reached within the framework. Ms. Sasser will start on August 26, 2013.

On a motion by Director Weil and seconded by Director Famulener, the Board approved the Administrative Services Director contract with the corrected effective date from August 7, 2013 to August 26, 2013. Said motion carried a unanimous (4-0) voice vote (Ayes: Evans, Famulener, Weil, Wyro; Absent: Anderson).

9.2 Fire Prevention Fee Study

The Fire Prevention Division provides a wide range of services; both to the public and internally to support operations and other agencies. Services include fire and life safety inspections for new construction and existing occupancies, plan review for all new developments, issuance of operational permits, participation in the City and Town planning process, code consulting, code development and public education related to all aspects of life safety and fire engineering, fire hazard abatement, code enforcement, Company inspection support, fireworks enforcement, public relations and information.

The District is authorized to establish fees for individual services or activities under Article XIII B, Section 8 of the California State Constitution, which limits fees to the established cost of the service. Additionally, several constitutional laws, such as Proposition 218, State Government Codes 66012 through 66024, as well as Health and Safety Codes 13916, et seq., set parameters under which user fees typically administered by local government are established and administered.

The current fee schedule for plan review and permit issuance by the District was last updated effective January 17, 2005 and cites the 2001 California Fire Code. We are now using the 2010 Fire Code and will soon adopt the 2013 CFC.

In March 2013, the District contracted with NBS, an independent consulting company to conduct a fee study analysis in order to compare the approximate annual services generated at current fee levels to the estimated total annual cost of providing services. The results of the study found that the District is only recovering 43% of the cost. NBS is recommending we achieve a 96% recovery rate of fees for services.

Additionally, an in-house comparative analysis was performed using fee data of similar services and fees from six (6) neighboring or similar fire agencies. The results of the analysis found that MOFD charges 38% less per hour for fire inspections. Plan review hourly rate fees, even without the additional project valuation factor that many agencies use, was an average of 59% lower.

On a motion by Director Weil and seconded by Director Famulener, the Board authorized staff to proceed with updating the fee schedule. Said motion carried a unanimous (4-0) voice vote (Ayes: Evans, Famulener, Weil, Wyro; Absent: Anderson).

9.3 Staffing for Adequate Fire & Emergency Response (SAFER) Grant Acceptance

In July 2012, MOFD applied for the Department of Homeland Security Federal Emergency Management Agency Staffing for Adequate Fire and Emergency Response (SAFER) grant. The SAFER grant provides financial assistance to fire agencies to maintain or improve staffing and deployment capabilities to effectively respond to fires and fire related emergencies. The grant priorities are 1) to rehire firefighters that have been laid off 2) to preserve existing positions threatened by budget reductions 3) to hire new firefighters to increase staffing levels.

On July 12, 2013, MOFD received notification of award in the amount of \$1,157,612 to hire four (4) firefighters to prevent service reductions based on current and forecasted budgetary constraints. Acceptance of the grant is required within 30 days of the notification.

The SAFER grant will reimburse 100% of salaries and benefits paid to the firefighter for a two (2) year performance period (see schedule). MOFD is not obligated to maintain employment of the firefighters hired under 2012 SAFER grant guidelines after the two year period of performance. Cost

for pre-employment, training, and personal protective equipment (PPE) is non-reimbursable under the SAFER grant.

Under the terms of the award, MOFD is required to hire four (4) firefighter paramedics and begin the two-year period of performance within 90 days of award. Request for reimbursements may be submitted as soon as the performance period begins (typically on a quarterly basis).

Director Evans asked staff to provide a report outlining what the overtime costs would be with and without the grant, as well as what the estimated overtime savings would be for the District.

On a motion by Director Weil and seconded by Director Famulener, the Board authorized the Interim Fire Chief to accept the grant award. Said motion carried a unanimous (4-0) voice vote (Ayes: Evans, Famulener, Weil, Wyro; Absent: Anderson).

10. Announcements

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

There were no reports.

10.2 Questions and informational comments from Board members and Staff

Director Weil reported that he would be attending the Contra Costa County Fire Commissioners meeting and dinner on August 15, 2013. President Wyro reported that he would also be attending the meeting.

Director Weil reported on the status of the Fire Chief search. He has researched potential consulting firms to manage the search. Director Weil will discuss the matter further with Director Anderson when he returns from vacation.

Interim Fire Chief Healy reported that former Director Sperling came to visit and asked him to inform the MOFD Board of his involvement with the Montclair Wildland Prevention Assessment District in Oakland.

Interim Fire Chief Healy reported that staff completed an update on the MOFD freeway policy. The policy was distributed to all MOFD personnel last week and training will begin next week.

On July 22, 2013, Orinda hosted the Everyday Heroes Golf Tournament to honor MOFD Firefighters Kelly Morris, Michael Rattary and Stephen Rogness, who were injured while attending to an accident on Highway 24.

There is the potential for having 18 Firewise Communities within the District. Before he left, former Chief Bradley worked hard to get each community through the five required steps to get recognized as a Firewise Community. The District submitted its first application for the Sleepy Hollow community, which will be nationally recognized in the next few weeks. MOFD will be the first agency in Contra Costa County to have a Firewise Community.

There was a small vegetation fire on July 31, 2013, in west Moraga. Battalion Chief Jerry Lee was on duty. The fire was reported at 3:27 p.m. with no structures threatened. An estimated 1 acre was charred. Firefighters controlled the fire at 3:57 p.m.

The Caldecott Tunnel ribbon cutting is scheduled for some time in late October or early November.

11. Special Presentation

Director Evans presented Administrative Services Director Sue Casey with a proclamation for her leadership and years of service to the Moraga-Orinda Fire District. They thanked her for her hard work and wished her luck in her new job with American Canyon.

12. Adjournment

At 8:23 P.M., Director Evans called for adjournment of the regular meeting.



Grace Santos
Secretary to the Board