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

**June 17, 2009**

*(Approved July 15, 2009)*

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**Opening Ceremonies**

The Board of Directors convened in Open Session at 6:31 p.m. June 17, 2009, at the Moraga Orinda Fire Administration Building, 1280 Moraga Way in Moraga, California. Acting President Sperling called the meeting to order and led the Pledge of Allegiance. Present were the following Directors and Staff:

President Wilson	Fire Chief Nowicki
Director Mancinelli	Bill Avery, Chief Negotiator
Director Sperling	
Director Weil	
Director Wyro	

At 6:33 p.m., the Board went into Closed Session

**Business Meeting**

Acting President Sperling reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 7:03 p.m. Present were the following Directors and Staff:

President Wilson	Fire Chief Nowicki
Director Mancinelli	District Counsel
Director Sperling	Battalion Chief Maxwell
Director Weil	Battalion Chief Healy
Director Wyro	Battalion Chief Trumpf
	Sue Casey, Financial Services Manager
	Secretary Pokorny

**Report of Closed Session Action**

Acting President Sperling stated that there was reportable action on Item 3.1, Conference with Labor Negotiator, regarding meet and confer negotiations with Local 1230 in that Board members had reached a tentative agreement subject to contract language. The agreement will be brought back for discussion and possible acceptance at the July 1<sup>st</sup> Board meeting. There was no reportable action on Item 3.2, Conference with Labor Negotiator, regarding meet and confer negotiations with Moraga-Orinda Fire District Chief Officers Association

**Public Comment**

Mr. Clyde Vaughn (59 Donna Maria Way, Orinda) asked for another explanation of why the public is not allowed to enter the Administration building during Closed Session. Acting President Sperling replied that the item had been discussed at the June Board meeting.

**Consent Agenda**

It was M/S/C by unanimous vote to approve the Consent Agenda.

**Special Presentation**

At 7:15 p.m., Chief Nowicki moved the meeting to the apparatus bay to celebrate the promotions of Battalion Chief Darrell Lee, Engineer Dan Dick and Engineer/Paramedic John Whittington. The District welcomed Claudia Samson, as the new Accounts Payable Clerk and recognized Chris Davies as the District's "hero", for saving a family during a recent fire in Concord.

**Resolution 09-03 regarding possible suspension of Proposition 1A (2004).**

Chief Nowicki reported on the possible suspension of Proposition 1A (2004) and the proposal of the Governor to borrow 8% of property tax revenue from public agencies to help balance the State budget. At the May 20, 2009 Board meeting, the Chief had recommended that the Board of Directors adopt Resolution 09-03; finding a severe fiscal hardship will exist if additional local property tax revenues are seized and additional unfunded mandates are adopted by the State of California. The Directors had asked Staff to bring the Resolution back to the Board in June for adoption after they had a chance to review it.

Although the Governor has since changed his proposal, Chief Nowicki requested that the Board adopt Resolution 09-03 regarding possible suspension of Proposition 1A and send it to the State just in case the Governor changes his mind.

It was M/S/C (President Wilson was absent) to adopt Resolution 09-03.

### **Preliminary Operations/Capital Budget for Fiscal Year (FY) 2009/2010.**

Chief Nowicki thanked Staff and especially Financial Services Manager Sue Casey for all the hard work that went into the preparation of the 2009/2010 Budget. At the June 3<sup>rd</sup> Special Meeting only three Directors were present and Staff was directed to put the item back on the agenda for discussion at the June 17<sup>th</sup> Board meeting when all the Directors would be present. Since then, there was a change made to the 2009/2010 Budget overview page that was distributed to the Board and to the public.

Director Wyro stated that there had been a lot of time spent on the budget and he thanked Manager Casey for her patience and hard work. Acting President Sperling added that last year's budget in comparison to this year's budget is different because items are categorized differently. Director Weil expressed concern because of the uncertainty of the economy and he doesn't like to see such a large deficit. He would like to see what the budget would look like with 1%, 2% or 3% cut in expenditures. Director Wyro stated that no one likes to see red numbers but he believes the budget is still fiscally responsible and the Board has to be ready to react if the economy doesn't improve.

It was M/S/C with a 4-0 vote (President Wilson was absent) for Staff to report back to the Board with possible reductions of 1%, 2% and 3% of expenditures to the 2009/2010 Preliminary Budget with explanations of how each reduction would affect services.

After further discussion by Board members and members of the public, it was M/S/C with a 4-0 vote (President Wilson was absent) to adopt the 2009/2010 Draft Preliminary Budget.

### **Establishing the District's spending limit under the Gann Initiative and possible adoption of Resolution 09-04.**

Manager Casey explained that the passage of Propositions 4 and 111 defined the basis of an annual appropriations limit for state and local entities. 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 appropriate limits. Manager Casey recommended to the Board adopt Resolution 09-04 establishing the District's 2009/2010 annual appropriation limits in the amount of \$20,975,907.

After a brief Board discussion, it was M/S/C with a 4-0 vote (President Wilson was absent) to adopt Resolution 09-04 establishing the District spending limit under the Gann Initiative in the amount of \$20,975,907.

### **Report on the June 5<sup>th</sup> LAFCO Consolidation meeting in San Diego**

Chief Nowicki reported on the LAFCO Consolidation Conference that he attended on June 5. Mr. Dick Olsen and Captain Felipe Barreto also attended. The morning session of the Conference covered the history of merging and consolidation and who could benefit. The issue of how to stop a consolidation was discussed and he brought handouts back for the Board to review. Discussion continued with members of the Board and the public.

### **Purchasing Policy**

Manager Casey reported that at the May 20<sup>th</sup> Board Meeting, Directors requested that Staff report back to the Board on the current Purchasing Policy that was adopted in 2002. The Policy outlines the authority and procurement guidelines for District purchases. The Purchasing Policy was written and adopted in 2002; Manager Casey will review and bring the policy up to date. The updated policy will then be presented to the Board for adoption.

### **Presentation from T-Mobile regarding possible installation of a Site Tower at Station 43. Surplus Equipment.**

Battalion Chief Maxwell reported that T-Mobile has approached the District with the possibility of building a wireless telecommunication antenna at Station 43. T-Mobile has worked with other agencies in renting space or property on land owned by fire districts. T-Mobile will pay a lease on the property during the approval process incurring all costs associated with the project. Upon completion, T-Mobile will convert to a monthly rental agreement with the District.

Director Weil requested that a few issues be satisfied before a decision was made. He requested that the market rental rate be determined; that the renewal (five year term with five year renewals) be equal to 150%; a discussion of the termination of lease should Station 43 be closed or vacated and if the tower can be moved if Station 43 is remodeled.

After continued discussion with the Board and members of the public, Staff was directed to incorporate the questions and issues into a contract to bring back to the Board for further discussion.

### **Ad Hoc Committee Reports**

New Strategic Plan – Board members directed Staff to terminate this committee.

Negotiations with Local 1230 – No report.

New Chief Search – Chief Nowicki reported that Avery and Associates has the majority of the new Chief's announcement ready to publish and will be meeting with Acting President Sperling after the meeting to clarify a few issues.

LAFCO – (see above Report on the June 5 LAFCO meeting)

### **Correspondence**

Acting President Sperling acknowledged and expressed appreciation for the correspondence received.

### **Announcements**

Acting President Sperling reported that President Wilson and Mrs. Wilson were involved in an auto accident during their vacation. He wished them a speedy recovery.

Chief Nowicki:

- Reminded the Board of the 2009 Recruit Graduation on Friday, June 16<sup>th</sup> at 6 p.m. in Alameda.
- The CCC Fire Commissioners Association meetings have had little attendance. There were only 9 people in attendance at the May 28<sup>th</sup> meeting. It was decided to hold one more meeting and if there isn't a greater response, the meetings will be discontinued.

### **Adjournment**

At 9:32 p.m., Acting President Sperling called for adjournment of the regular Board Meeting. It was M/S/C to adjourn to the Board of Directors Work Session/Special Meeting to be held on July 1, 2009 at 7:00 p.m.

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Christine Pokorny,  
Secretary to the Board