

---

---

**MORAGA-ORINDA FIRE DISTRICT**  
**BOARD OF DIRECTORS**  
**REGULAR BOARD MEETING MINUTES**  
**JUNE 20, 2007**  
(Approved July 18, 2007)

---

---

**Opening Ceremonies**

The Board of Directors convened in Open Session at 6:00 p.m. June 20, 2007 at the Moraga Fire Administration Building, 1280 Moraga Way in Moraga, California. President Wyro called the meeting to order and led the Pledge of Allegiance.

Present were the following Directors and Staff:

President Wyro	Chief Nowicki
Director Gottfried	Battalion Chief Collins
Director Sperling	Austris Rungis, Chief Negotiator, IEDA
Director Weil	
Director Wilson	

At 6:02 p.m., the Board went into Closed Session.

**Business Meeting**

President Wyro 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 Wyro	Chief Nowicki	District Counsel Meyers
Director Gottfried	Battalion Chief Borden	Administrative Manager Casey
Director Sperling	Battalion Chief Collins	Secretary Pokorny
Director Weil	Fire Marshal Hoover	
Director Wilson		

**Report of Closed Session Action**

President Wyro reported that there was no reportable action taken concerning Item 2.1, Conference with Labor Negotiators (Government Code Section 54957.6) Agency Designated Representatives: Austris Rungis, Chief Negotiator, IEDA; and Fire Chief Pete Nowicki, Employee Organizations: Association of Federated Firefighters IAFF, Local 1230.

**Public Comment** - There were no public comments at this time.

**Consent Agenda**

It was \*M/S/C by unanimous vote, to approve the Consent Agenda except for Items 6.1, 6.5 and 6.7.

6.1 – Special Board Meeting Minutes of May 30, 2007 - Mr. Dick Olsen (1861 Andrews Dr., Moraga) requested that the wording be changed under the 2<sup>nd</sup> Public Comment on the first page. He would like it to say, “Mr. Olsen asked about the format of the revised Long Range Financial Plan and specifically whether that document will continue to include a Long-Term Capital Reserve Fund.”

Special Board Meeting Minutes of June 11, 2007 - Mr. Olsen requested that Public Comment be added under the Agreement between Wilder and MOFD (after the first paragraph), and the following sentence be included in his comments “Mr. Olsen complimented Chief Nowicki on his initiative and persistence in negotiating the Wilder Agreement and congratulated him on the successful result of those efforts.”

President Wyro requested that his comments regarding GASB 45 on page two be stricken from the minutes. Director Weil requested that Director Sterling’s name be inserted instead of his name on page two under Public Comments. Director Weil and Sperling will be added to the 3<sup>rd</sup> paragraph under Discussion of Orinda 2006/07 additional one-cent Fire Flow Assessment. In the 4<sup>th</sup> paragraph, the words “Director Gottfried seconded it” would be stricken and” M/S/C by unanimous vote” would be inserted.

Paragraph 3 of the 3<sup>rd</sup> page: Director Sperling requested in that the sentence ending with “the improvement of water pipes was prioritized” be changed to “was given a lower priority,” and, “He is open to raising the Fire Flow Tax in Moraga one-cent to help with funding” be stricken.

Director Weil requested that the word District be changed to zones in his comment, “he would like hearings to be held in both Districts.” President Wyro requested that his comment “should Measure Q have passed” be stricken.

\*Moved/Seconded/Carried

6.5 – Ambulance Billing - Director: Wilson asked what Series 1 and Series 2 meant. Admin. Manager Casey reported that she had forgotten to change them to say Billings and Receipts.

6.7 - Accounts payable check register reconciliation: Director Sperling asked questions about an expenditure of \$5,053.29 and was told it was for Ethernet ports that needed to be switched on the computer system.

It was \*M/S/C by unanimous vote to approve Items 6.1, 6.5 and 6.7 of the Consent Agenda as amended.

**Board discussion and approval of the Battalion Chief’s Memorandum of Understanding (MOU).**

Chief Nowicki reported that the Board has been working with the Battalion Chiefs for some time on their new Memorandum of Understanding (MOU).

He recommended that the Board approve the MOU for the Battalion Chiefs.

It was \*M/S/C by unanimous vote to approve the Battalion Chiefs Memorandum of Understanding.

**Proposed 2008 Master Fee Schedule for Ambulance Transport.**

Chief Nowicki thanked Battalion Chief Healy for his investigative work comparing other agencies ambulance fee schedules with MOFD’s, and then for setting what he believes are appropriate ambulance transport fees for the District. The mileage fee proposed is still below current American Medical Response (AMR) fees. The Chief recommended that the Board approve the proposed 2008 Master Fee Schedule for Ambulance Transport.

Director Sperling thought that because it was hard to know what other Districts will charge before their yearly fee schedule is adopted, he suggested that the District evaluate MOFD transport fees every 6 months.

It was \*M/S/C by unanimous vote to approve the proposed 2008 Master Fee Schedule for Ambulance Transport.

**Fire Flow Tax Rates for 2007/2008 and possible adoption of Resolution 07-05, adopting Fire Flow Tax rates of 5.0 cents in the Moraga and Orinda Service Zones for Fiscal Year 2007/2008.**

Chief Nowicki opened the discussion by noting that at the May Board of Directors meeting, it was recommended that the tax rates be set at five cents for the Moraga and Orinda fire zones. He deferred questions to Battalion Chief Collins who has been working on Fire Flow Tax rates for a last few years.

Director Wilson reported that the Fire Flow tax has been supported by the public, and Resolution 07-05 should be approved. He would not be opposed to the money already collected for the additional one-cent in Orinda, going toward water pipe repair.

Director Gottfried discussed options that were addressed at the last meeting but offered several more regarding keeping the Orinda Zone at six cents and using the additional one-cent for water pipe repairs in Orinda or setting both Moraga and Orinda at six cents to help defray water pipe repairs in Orinda. President Wyro agreed and added that when the two Districts merged in 1997, one of the options for use of the Fire Flow Tax in Orinda was to help with water pipe repair.

Director Weil reported that the extra one-cent was to provide supplemental funds for Measure Q, not to raise \$89,000 every year to repair Orinda’s water pipes.

**Public Comment**

Mr. Dick Olsen remarked that the Moraga’s fire flow tax wording is very specific where Orinda’s Fire Flow Tax wording is more vague about where and how the tax should be used.

Mr. Clyde Vaughn (59 Donna Maria Way) agreed with Director Weil and was tired of hearing about what one zone was doing differently than the other zone, if in fact the District was supposed to be combined.

Mrs. Betty Murphy (248 Ivy Dr., Orinda, CA) feels that the extra one-cent should be used for water pipe repair. That is what the citizens thought the money was to be used for and it is documented in the past minutes.

Ms. Pat Dunn (36 Los Dedos, Orinda, CA) reported coming before the Board of Directors for 10 years pleading for water pipe repair. There isn’t enough water in 27% of Orinda to fight fires. Approval of an additional one-cent in Orinda would be a start to facilitate a program for future water pipe repair.

Mr. Jonathan Goodwin (Canyon, CA) requested that the Board look at the District as a whole.

After additional discussion by the Board of Directors, Director Gottfried proposed an amendment to Resolution 07-05 to increase Orinda Fire Flow Tax Zone from five-cents to six-cents and keep Moraga Fire Flow Tax at five-cents. It was seconded by President Wyro. It was defeated by a Roll Call vote of 3 to 2.

AYES: Director Gottfried, and President Wyro

NOES: Directors Weil, Wilson and Sperling    ABSENT: None    ABSTAIN: None

Director Wilson made a motion to approve Resolution 07-05 adopting Fire Flow Tax rates of 5.0 cents in the Moraga and Orinda Service Zones for Fiscal Year 2007/2008, and it was seconded by Director Weil. By a 3 to 2 Roll Call vote, Resolution 07-05 was approved.

AYES: Directors Sperling, Weil, and Wilson

NOES: Directors Gottfried and President Wyro      ABSENT: None      ABSTAIN: None

**Preliminary Operations/Capitol Budget for Fiscal Year 2007/2007 and possible adoption of Resolution 07/06, establishing the District's spending limit under the Gann Initiative.**

Chief Nowicki thanked staff and especially Admin. Manager Casey for the dedication and support that they have shown working on the 2007/2008 budget. The Board of Directors gave direction to staff to make several changes to the Preliminary budget and those changes have been integrated into the budget as requested. The three priorities the Chief would like to take effect immediately are negotiations, a dedicated ambulance at Station 45, and an additional position in Fire Prevention.

Director Weil asked if the Capital Outlay fund could become a reserve fund. President Wyro stated that the Fire Flow Tax has only been used for capital expenses, a policy set by the Board, but the Board could vote to change that policy.

Director Sperling thought the construction impact fees should go into the Capital budget. District Counsel agreed.

President Wyro suggested the Board adopt a policy addressing impact fees arising from new construction within the District. He also commended Admin Mgr. Casey for a great job on the 2007/2008 budget.

Director Wilson requested that the Long Range Plan be thoroughly discussed in a Finance Committee Meeting. The Board approved this request.

**Public Comment**

Mr. Olsen stressed that the Board should approve increased staffing at Station 45 and the additional staffing in Fire Prevention. Mr. Goodwin agreed that the Board should approve the additional staffing in Fire Prevention.

After additional discussion and questions from the Board, President Wyro asked the Board to have faith in the Chief and listen to his priorities. He then made a motion to accept the Preliminary Budget and it was seconded by Director Gottfried. The Preliminary Operations/Capitol Budget for Fiscal Year 2007/2008 was approved by 3 to 2 Roll Call vote.

AYES: Directors Gottfried, Weil, and President Wyro

NOES: Director Sperling      ABSENT: None      ABSTAIN: Director Wilson

District Counsel realized that the Gann Initiative had erroneous errors and recommended that Resolution 07-06 be approved with the understanding the errors would be corrected. Director Sperling asked why the proposed budget expenditures were so close to the appropriation limit. District Counsel said he had done a cursory examination of the calculations used to determine the appropriation limit and although they appeared correct he would need to do some further research to determine if the assumptions used were correct. He recommended that Resolution 07-06 be approved with the understanding that if there were errors they would be corrected.

It was M/S/C by unanimous vote to approve amended Resolution 07-06, subject to District Counsel's research and corrections if needed because of Gann Initiative errors.

**Agreement between Wilder and Moraga-Orinda Fire District on impact mitigation measures.**

Chief Nowicki reminded the Board that a memorandum of business terms pertaining to an agreement with the Wilder developers to mitigate impacts to the Fire District's emergency response capabilities was presented at the May Board meeting. At that time, the Board agreed with the terms of the agreement. District Counsel drew up the formal legal document, which was sent to the Wilder Group for review. He recommended that the Board accept the agreement as written by District Counsel with the Wilder Group.

Director Weil noted that page 4 was missing from the Board's agreement.

It was M/S/C by unanimous vote, to accept the agreement between the Wilder Group and MOFD with the insertion of page 4.

**Committee Reports**

Chief Nowicki reported that Director Wilson requested that a discussion to add Board Committees be placed on the agenda. Director Wilson reported that all the Committees have been eliminated except for the Finance Committee. President Wyro stated that there was considerable discussion last year with the Board and District Counsel on the need for Committees. A Committee can be resurrected anytime as an Ad-Hoc Committee. After continued discussion by Board members and members of the public, it was decided to keep the Finance Committee as the only standing committee.

### **Correspondence**

President Wyro acknowledged and expressed appreciation for the correspondence received.

### **Informational Comments from Board Members and Staff**

Fire Chief Nowicki comments:

- He conveyed his sympathy to the family and friends of nine firefighters who lost their lives in the Charleston, S.C. fire.
- He congratulated FM Hoover on her proactive approach in Fire Prevention.

FM Hoover comments:

- She invited everyone to the Water Tank Dedication in Canyon to be held Saturday, June 23<sup>rd</sup> from 10 a.m. -12 p.m. She thanked everyone involved in this project, especially Fireman's Fund Insurance Company which provided the grant money for the tank, EBMUD, Jonathan Goodwin and the efforts of the community.
- MOFD and Rescue One will be hosting a 30/10 Celebration to recognize the 30<sup>th</sup> anniversary of Rescue One and the 10<sup>th</sup> anniversary of the Moraga-Orinda Fire District. and of all those who have served the previously separate Moraga and Orinda Fire Districts throughout the years. It will be held Wednesday, July 18<sup>th</sup> from 4 – 6 p.m.
- Donations can be made to any Bank of America for the firefighters who lost their lives in the Charleston fire.

### **Additional Comments**

Director Wilson asked if the traditional float was going to be in this year's 4<sup>th</sup> of July celebration. FM Hoover replied that she would not know that until Friday. He also asked about the status of the Tucker Case. District Counsel stated that there haven't been any new filings to report. Director Wilson asked about the bridge study CALPERS. Chief Nowicki has left a message with Senator Torlakson to start the process.

On behalf of the Board, President Wyro conveyed sympathy to the family and friends of Charleston , S.C. firefighters.

### **Adjournment**

At 9:20 p.m., President Wyro called for adjournment of the regular meeting. It was M/S/C to adjourn to the regular Board meeting to be held on July 18, 2007 at 7:00 p.m.

---

Christine Pokorny  
Secretary to the Board