

# Moraga-Orinda Fire Protection District



## BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

February 3, 2016  
(Approved March 2, 2016)

### 1. Opening Ceremonies

The Board of Directors convened in Open Session at 6:00 P.M. on February 3, 2016 in the Sarge Littlehale Community Room, 22 Orinda Way, Orinda, California. President Anderson called the meeting to order.

Present were the following Directors and Staff:

President Anderson	Director Weil
Director Barber	Stephen Healy, Fire Chief
Director Evans	Grace Santos, District Clerk
Director Famulener	

### 2. Public Comment

There were no public comments.

### 3. Closed Session

At 6:01 P.M., the Board adjourned into Closed Session.

### 4. Reconvene the Meeting

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

President Anderson	Director Weil	Gloriann Sasser, Admin Services Director
Director Barber	Stephen Healy, Fire Chief	Grace Santos, District Clerk
Director Evans	Kathy Leonard, Fire Marshal	
Director Famulener	Felipe Barreto, Battalion Chief	

### 5. Report of Closed Session Action

President Anderson reported that the Board completed Item 3.1 – Public Employee Evaluation of the Fire Chief.

### 6. Public Comment

Jonathan Goodwin, resident of Canyon, accused staff of purposely sabotaging the SRA grant application and asked the Board to make corrections to the September 2, 2015 meeting minutes to reflect what he said. He also asked the Board to consider adding an item on a future agenda to discuss how to address updates to meeting minutes requested by the public. Mr. Goodwin read a prepared letter (attached) outlining the updates he wanted staff to make. President Anderson asked Mr. Goodwin to read his letter so that those interested could listen to the details in the audio recording.

### 7. Public Hearing

#### 7.1 Public Hearing to consider the proposed revision to the Schedule of Fees for District Services

On August 7, 2013, Fire Prevention staff reported on the results of a third party independent fee study analysis and in-house comparable agency survey in order to evaluate MOFD's current fees.

The Board instructed staff to continue development of a new fee structure, with substantiating data that will restructure fees for services and reflect the true cost of providing those services for revenue cycle improvement to the District. In 2014, along with the adoption of the 2013 California Fire Code and Ordinance 13-01, the updated fee schedule was adopted.

The District may, if authorized by the Board of Directors, increase fees and charges based on annual adjustment of the Consumer Price Index (CPI) Urban Wage Earners, San Francisco-Oakland-San Jose, California region, measured as of October of each year. In 2015, the updated fee schedule was adopted by the Board to reflect the annual adjustment of the CPI.

Staff proposed the adoption of a new fee schedule for 2016 based on the most recent CPI adjustment as of October 2015.

Fire Marshal Leonard pointed out two minor amendments to the published fee schedule:

- The fee amounts for AP11.1, R 3.1 Residential Day Care Occupant Load 7-14, were left blank. The 2015 fee should be \$194 and the new proposed 2016 fee amount should be \$199.
- The description for WA1 was left out and incorrect amounts were listed for 2015 and 2016. The description should be "Weld Inspection" and the 2015 fee should be \$221 (not \$634) and the new proposed 2016 fee should be \$227 (not \$350).

There were no comments from the public and President Anderson closed the public hearing.

Motion by Director Famulener and seconded by Director Barber to adopt Resolution 16-04, based upon the amended Fee Schedule, a Resolution of the Moraga-Orinda Fire District Revising a Schedule of Fees for District Services. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Evans, Famulener and Weil).

## 8. Consent Agenda

President Anderson stated that the minutes still show that he is one of the members of the Finance Committee. He directed staff to update the information so that it reflects Directors Barber and Weil instead.

Motion by Director Evans and seconded by Director Barber to receive and file all items 8.1 – Board Meeting Minutes, 8.2 – Quarterly Treasurer's Report, 8.3 – Quarterly Ambulance Billing Report, and 8.4 – Annual Operating Budget Timeline, with an amendment to the minutes to reflect the directors on the Finance Committee accurately;. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Evans, Famulener and Weil).

## 9. Regular Calendar

### 9.1 Introduction and First Reading of Ordinance 16-01, An Ordinance of the Moraga-Orinda Fire District Setting Forth Purchasing and Contracting Procedures and Authorities

In December 2015, the District needed to make an emergency repair to pipes at Station-45. In the case of an emergency, the current Purchasing Ordinance requires a Board meeting with all five members in attendance in order to authorize the repair of a public facility. During this process, the Board directed staff to research possible changes to the Purchasing Ordinance to give the fire chief authority to repair District facilities in an emergency without requiring the Board to meet. Staff worked with legal counsel to identify alternatives.

The proposed Ordinance 16-01 would implement the following changes:

- Section 4 – Clarifies the requirements for special and incidental services
- Section 5.1.1 – In the case of an emergency, the District Board delegates authority to the Fire Chief up to \$100,000 to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes, without giving notice for bids. The proposed change also would require the Fire Chief to report information about the emergency action to the Board at its next meeting. Currently only the Board has authority in the case of an emergency.
- Section 6 – For Public Projects of \$100,000 or more, the District Board of Directors shall be the only Purchasing and Contracting Authority. This will increase the purchasing authority delegated to the Fire Chief. Currently public projects of \$10,000 or more must be approved by the Board.

The Board discussed the proposed changes.

Motion by Director Weil and seconded by Director Famulener to introduce and waive the first reading of Ordinance 16-01, An Ordinance of the Moraga-Orinda Fire Protection District Setting Forth Purchasing and Contracting Procedures and Authorities. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Evans, Famulener and Weil).

**9.2 Resolution 16-05, A Resolution of the Moraga-Orinda Fire Protection District to Access State and Federal Level Summary Criminal History Information**

The District conducts employment background checks on candidates for most positions within the District (e.g.) Firefighter-Paramedic, Fire Chief. Presently, the District uses an outside contractor for this purpose. The District is adding "Live Scan" as an added level of screening.

Applicant Live Scan is a system for the electronic submission of applicant fingerprints and the subsequent automated background check and response, enabling the electronic transfer of the fingerprint image data, in combination with personal descriptor information, to central computers at the Department of Justice (DOJ).

To receive live scan results, the District must designate an employee. The Fire Chief has completed the 26-page application process for this position and will obtain an Originating Agency Identifier (ORI) number. As part of the application process, a resolution is required by the District to officially declare its right to have access to this information (through its designee) under California Penal Code Sections 11105(b)(11) and 13300(b)(11).

Motion by Director Weil and seconded by Director Famulener to adopt Resolution 16-05, An Ordinance of the Moraga-Orinda Fire District to Access State and Federal Level Summary Criminal History Information. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Evans, Famulener and Weil).

**9.3 Mid-Year Budget Review and Approval of Budget Adjustment**

Staff conducted a mid-year budget review of the District's Fiscal Year 2015/16 Budget, which was presented to the Finance Committee on January 22, 2016. The review allowed the District to take a broad look at its financial picture at the mid-point of the fiscal year. The review included a detailed examination of revenue and expenditures. The financial reports contain updated revenue and expenditure projections for the current fiscal year. In addition, the Long Range Financial Plan was updated which provides a financial forecast over the next 15-year period.

The primary goal in developing the 2015/16 Annual Operating Budget was to produce a balanced financial plan that retains current service levels and addresses capital equipment needs to fully maintain firefighter safety and operational effectiveness. Considerable effort was made to reduce costs wherever possible. The budget adopted in June 2015 projected a total District surplus of \$1,026,448. The Mid-Year Budget Review projects a total surplus of \$636,778 for FY 2015/16.

Administrative Services Director Sasser gave a PowerPoint presentation.

The Board discussed the amount of fund balance in the General Fund. The Board directed staff to bring the Fund Balance Policy to the Board for review during the budget process.

Motion by Director Weil and seconded by Director Famulener to:

- Approve an increase in the General Fund revenue budget in the amount of \$98,610.
- Approve an increase in General Fund expenditure appropriations in the amount of \$68,527.
- Approve a decrease in the Capital Projects Fund revenue budget in the amount of \$410,084.
- Approve a decrease in the Capital Projects Fund expenditure appropriations in the amount of \$239,495.

Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Evans, Famulener and Weil).

**9.4 Amendment No. 4 to Fire Chief Employment Agreement Adjusting Annual Base Salary**

In 2013, the District faced significant financial challenges. In response to the financial condition of the District, the three employee labor groups, full-time management staff and the fire chief agreed to across-the-board salary reductions of 3.5%. Per the current Memorandums of Understanding, employees received a 1% salary adjustment on July 1, 2015.

The District's financial condition has improved significantly. In response to the District's improved financial condition, the Board authorized salary adjustments of 2.5% effective December 1, 2015. The

salary adjustments did not include the fire chief, who is employed under a separate employment agreement.

At the January 20, 2016 Board meeting, the Board directed staff to draft an amendment to the fire chief employment agreement. The proposed amendment would adjust the fire chief annual base salary 2.5% to \$220,000 effective February 4, 2016.

The proposed Amendment No. 4 would provide a salary adjustment to the Fire Chief equal to all other full-time employees.

Motion by Director Weil and seconded by Director Barber to approve Amendment No. 4 to the Fire Chief's Employment Agreement. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Evans, Famulener and Weil).

**10. Committee Reports**

**10.1 Finance Committee (*Directors Barber & Weil*)**

Director Barber stated that the Finance Committee met on January 22, 2016 to go over the mid-year budget review. The next meeting is scheduled for May 9, 2016 at 7pm and will take place in the Sarge Littlehale Room at 22 Orinda Way in Orinda.

**11. Announcements**

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

(Government Code Section 53232.3(d))

There were no comments.

**11.2 Questions and informational comments from Board members and Staff**

Fire Chief Healy reported that there were a couple fires during the weekend – one at Table 24 Restaurant and a residential fire.

**12. Adjournment**

At 8:15 P.M., President Anderson called for adjournment of the regular meeting.

  
Grace Santos  
Secretary to the Board

February 3<sup>rd</sup>, 2016

To: The MOFD Board of Directors  
From: Jonathan Goodwin, Canyon, Calif.

As approved by the MOFD Board, the minutes of the Board meeting of September 22, 2015 state that Mr. Goodwin asked the district to apply for a State Responsibility Grant and that Chief said that this would require between 500-1000 hours of staff time to administrate the grant. These two statements are false.

As for the first, I sent four emails to Chief Healy dated May 1, June 16, August 7, August 9 (2015) and these clearly show that I did not ask MOFD to apply for the grant. Rather, I requested MOFD as a stakeholder in the project to participate in the planning of the grant along with EBMUD, CDF and the Canyon community.

As for the second distortion, Chief Lee may be unaware, but there have been at least five vegetation grants run within the district over the past three or four years, and the district spent not a single hour of staff time on the administration of these grants.

These were:

- \$3500 in 2015 in Canyon
- 2 grants for \$5000 in 2014 in Canyon
- \$5000 in 2013 in Canyon
- 2 grants for \$5000 in Sleepy Hollow (Orinda) in either 2012 or 2013.

Likewise, any future vegetation grants would not be administrated by the district.

It should also be pointed out that although MOFD was requested to put staff time into helping create a comprehensive Vegetation Management Plan for Canyon, this portion was optional. That is, the district could have foregone that effort while still supporting the grant. However, by taking the stand he did, as is clearly shown in the audio recording of the September 2<sup>nd</sup>, 2015 board meeting, and refusing to offer a single gesture of support for the grant, Chief Healy also forced CDF to also not support the grant. If a local agency says "No," CDF cannot say, "Yes," I was told (by CDF). Thus, the entire effort was sabotaged by the Chief at a time when we all may well be heading into a fifth consecutive year of severe drought, heightened tree mortality and worsening fire conditions.

I would mention as well that I attempted to call Chief Healy several times between the August 9<sup>th</sup> email and the September 2<sup>nd</sup> Board meeting, but he never returned my communication. In the September 9<sup>th</sup> meeting, he said that the reasons for this were three.

1. Chief Rein was away on assignment.
2. Chief Healy's phone did not work.
3. His email did not work.

This entire chain of unfortunate events might have been avoided had Chief Healy surmounted these supposed hardships and contacted me during that period to discuss the matter and clarify the issues.