

Moraga-Orinda Fire Protection District



BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

October 19, 2016
(Approved November 2, 2016)

1. Opening Ceremonies

The Board of Directors convened in Open Session at 7:00 P.M. on October 19, 2016 at the Orinda Library Auditorium, 26 Orinda Way, Orinda, California. President Anderson called the meeting to order.

Present were the following Directors and Staff:

President Anderson	Director Weil	Grace Santos, District Clerk
Director Barber	Stephen Healy, Fire Chief	
Director Evans	John Bakker, District Counsel	
Director Famulener	Gloriann Sasser, Admin Services Director	

2. Public Comment

Lucas Lambert, Firefighter-Paramedic gave a slideshow presentation regarding a few of MOFD's most recent noteworthy incidents.

Richard Nelson, Orinda Resident, stated that he is worried about the District's financial situation and that it would not be able to meet its pension obligations.

3. Consent Agenda

Motion by Director Weil and seconded by Director Barber to receive and file Item 3.1 Meeting Minutes, 3.2 Monthly Incident Report, and 3.3 Monthly Check/Voucher Register. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Evans, Famulener and Weil).

4. Regular Calendar

4.1 Station 43 Construction Project Bid Award

On August 30, 2016, the District issued plans for bidding. Newspaper advertising was executed on September 6, 13, and 20, 2016. A pre-bid conference was held on September 20, 2016. The bids were opened on October 4, 2016 and eight (8) bids were received.

Pacific Mountain Contractors is qualified and had the lowest bid at \$2, 660,129. The budgeted amount for construction was \$3,317,443.

Staff will recommend a budget adjustment for the difference in the mid-year budget review.

After a brief discussion by members of the Board and staff, motion by Director Weil and seconded by Director Famulener to award construction bid for Station-43 to Pacific Mountain Contractors. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Evans, Famulener and Weil).

4.2 Station 43 Solar Power Budget Approval

Staff researched solar power for station-43 with our Construction Manager, Steve Stewart. The piping, conduit, and brackets for solar panels were incorporated into the design of the new station and are already part of the scope of the construction bid, which was received on October 4, 2016.

To complete the installation and use solar power, the District needs to execute a professional services contract, which can be done through Steve Stewart as part of the Station-43 project.

Mr. Stewart has experience with this. The next step is to authorize staff to direct Mr. Stewart to execute a design/built contract for the acquisition and installation of the solar panels and system.

Staff presently has the authority to execute this contract, which is expected to be less than \$50K. The ordinary bid processes are not required as this is a solar energy project.

After a brief discussion, the Board directed staff to explore various purchasing options and costs, and to present the information at a future meeting.

4.3 Discussion of Perceived Funding Equity between Taxpayers of Orinda and Moraga

Since 1999, per Board resolution, the District has provided all services on an integrated basis. At that time, the Board determined that the operating and capital accounts of the Moraga and Orinda zones, when allocated, benefit both service zones of the District. As a result, revenue and expenditures have been accounted for on an integrated basis since 1999.

At the June 15, 2016 Board meeting, information was presented regarding perceived funding inequities between taxes paid and services received by the taxpayers of Orinda and Moraga. The Board directed staff to schedule another meeting to discuss this issue and to hear the public's concerns. The Board directed staff not to spend additional time in research or financial accounting, but instead allow the public to bring additional detail and information to the meeting.

Steve Cohn, Orinda resident, stated that the discussion was not about tax equity or fairness. It was about carrying through on a contract between the City of Orinda and the residents of Orinda. Mr. Cohn feels that MOFD should keep track of how many tax dollars come from Orinda property tax payers, allocate the cost of services between Orinda and Moraga (including the unincorporated areas), and then make sure that Orinda tax dollars are used for services in Orinda, and that Moraga tax dollars are used for services in Moraga.

Richard Nelson, Orinda resident, agreed with Mr. Cohn and stated that MOFD should move towards a more fair and equitable structure. He suggested the District think about what equity means, look into possible solutions and adopt one.

Janet Maiorana, Orinda resident, stated that Orinda was subsidizing Moraga, paying more for each firefighter. She commented on an Orinda fire flow tax to pay for water pipe upgrades, which was to be used solely in Orinda, how it took 10 years for Orinda to have a fully staffed paramedic ambulance, and how Moraga is not paying their fair share in taxes. She stated that Orinda should only be responsible for the unfunded liabilities of Orinda firefighters and that detaching and forming an Orinda Fire District is the only financially sane option for Orinda taxpayers.

Ellen Dale, Orinda resident, began by stating that Moragans, plus 700 south Orinda homes that were part of the original Moraga Fire District, allocate about 4 cents less for fire service and about 4 cents more for County services. Ms. Dale gave a brief history on the issue, the Revenue Enhancement Task Force (RETF), FAIR and the Emergency Services Task Force groups. A Tri Agency Committee consisting of members from the Orinda and Moraga Councils and the MOFD Board formed to hear public comments on the issues raised, and, after holding numerous public hearings decided that there was nothing there.

Joffa Dale, Orinda resident, commented on the zone boundaries of Moraga and Orinda. Mr. Dale stated that Orinda's service levels need improvement and should be restored to what they were. He asked that MOFD provide the same level of service to north Orinda as the rest of the fire district by putting a fully staffed ambulance in Orinda.

John Wyro, Orinda resident, was concerned about rehashing a subject that was studied and investigated every two years since the formation of MOFD, and that there is no new information to add. Mr. Wyro stated that since day one, MOFD has always operated as one District. The money should be kept locally – within the Moraga-Orinda Fire District. It is one community and the MOFD Board's job is to be responsive to that district, and that is what they have been doing.

Richard Olsen, Moraga resident, stated that the issue was exhaustively aired not that many years ago, and that there is no new information being presented – just the same arguments that have already been offered and analyzed. Mr. Olsen commented on FAIR's unfair principle, that government services should be provided proportionately based entirely upon the relative financial contributions made by those who live in territories that are served by a single government organization.

Dave Trotter, Moraga Town Council member, appointed liaison to MOFD, and Moraga resident, defined the component of the Tri Agency Committee and their objective. He was on the committee in 2009 and felt that it was a waste of time then and a waste of time now. He stated that the Moraga-Orinda Fire District is one district serving two communities, and decisions on how to allocate resources and provide services throughout the District should be left to the MOFD Board to decide.

Director Weil stated that the District has to look at the issue and decide how it plans to operate as an integrated district. He emphasized that service is the most important thing to concentrate on, focusing on services that MOFD can provide to the entire district, taking into account geographic needs and demographic issues. Director Weil commented that the District should not be spending time on things that can't be changed, like the State Legislature's allocation of taxes.

Director Famulener agreed with comments made by Director Weil and thanked those who did their research and spoke. She feels that no new information has been presented and the District should continue with the findings of the Tri Agency Committee in 2009. Director Famulener agreed that the ambulance services to Orinda need to be restored, as well as the firefighters' salaries. MOFD is one integrated district and has to continue as one.

Director Evans stated that the District should not make this issue a priority at the moment, but look into it more in the future and eventually put it to rest. Priority should be placed on the financial, long-term viability of the District first, and until the District can pay for the service that is required, inequity has to be a lower priority. The Board should regularly discuss the inequity issue and not ignore the concerns. The District must ensure that it is providing service with a disregard to city boundaries.

Director Barber thanked the staff and the speakers for their input and research. He doubted that the problem will go away and suggested having a group of UC Berkeley graduate students study the inequity issue and report to the MOFD Board for future consideration. Director Barber does not want to take any steps that would adversely affect the ability of the District to provide adequate service to all parts of the community.

President Anderson complimented Mr. Cohn for the time, energy, effort and dedication he put into the issue. President Anderson stated that the District's mission is to fight fires and to provide emergency services to the community. He stated that he would not vote on anything that would impact the financial flow of the resources to the District or to spend any staff time or money on an independent study by graduate students.

The Board directed staff to complete the Strategic Plan, review the Standards of Cover, the Long Range Financial Plan, and the Mid-Year Budget before any reconsideration of the inequity issue can occur.

5. Committee Reports

5.1 Finance Committee (*Directors Barber & Weil*)

There was nothing to report.

6. Announcements

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

(Government Code Section 53232.3(d))

There was nothing to report.

6.2 Questions and informational comments from Board members and Staff

Chief Healy thanked Firefighter Lucas Lambert for his presentation on noteworthy incidents.

7. Adjournment

At 10:40 P.M., President Anderson called for adjournment of the regular meeting.



Grace Santos
Secretary to the Board