

Moraga-Orinda Fire Protection District



BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

January 16, 2019
(Approved March 20, 2019)

1. **Opening Ceremonies**
2. **Call the Meeting to Order**
3. **Roll Call**
4. **Pledge of Allegiance**

The Board of Directors convened in Open Session at 7:00 P.M. on January 16, 2019 at the Sarge Littlehale Room, 22 Orinda Way, Orinda, California. Director Baitx was absent. President Danziger called the meeting to order. Present were the following Directors and Staff:

Director Donner	President Danziger	Kathy Leonard, Fire Marshal
Director Jex	Dave Winnacker, Fire Chief	Gloriann Sasser, Admin Services Director
Director Jorgens	Jonathan Holtzman, District Counsel	Grace Santos, District Clerk

5. **Public Comment**

President Danziger opened the public comment.

Bernard Riff, Moraga resident, expressed concern about an article in the Lamorinda Weekly entitled "PG&E to Conduct Wildfire Safety Program in Moraga". He asked if PG&E's work would be coordinated with MOFD staff and if a similar program would be conducted in Orinda. As a CERT volunteer in the Moraga evacuation drill, he observed that the traffic lights flashed red instead of yellow. He stated that this created confusion and would be a serious problem in the event of an actual evacuation. Chief Winnacker responded that PG&E conducted an accelerated wildfire risk reduction program in North Orinda, Moraga, and Canyon in the fall. This resulted in 8,000 trees either cut to the ground or trimmed. In June, Moraga, MOFD, and PG&E coordinated extensive mitigation work on Miner Road resulting in a four-day road closure and 300 trees were either cut or trimmed. PG&E does not recognize internal political boundaries and their work is not limited to a single sub jurisdiction. The current work is driven by annual inspection and the expansion of the CPUC requirements. He added that the traffic lights in Moraga are not capable of flashing yellow so they default to flashing red. Orinda, Moraga, and the police departments are aware of the problem and working for a solution.

Dan DeBusschere, Orinda resident, informed the Board that the CASA Compact passed the Metropolitan Transportation Commission. A Legislative Committee will be established. Certain revenue plans for the CASA Compact threaten MOFD's revenue stream. The CASA Compact would withhold 45% of the property tax incremental revenue growth from MOFD. The District stands to lose approximately \$1.3M annually. He urged the Board to support the housing program but not the intended funding source. If this passes, Orinda cannot balance its budget. He offered to provide the Board with updates as information becomes available.

President Danziger directed staff to put this item on the next Board agenda.

Kimberly Parkers, Moraga resident, stated that some of the group which has banded together to work on the CASA Compact have begun to lobby Sacramento. She stated that no legislation is going to be passed by virtue of the signing of this agreement but this will maintain the group's ability to be part of the discussion.

President Danziger closed the Public Comment.

6. **Not Used**

7. **Public Hearing**

- 7.1 **Opportunity for public comments contesting weed abatement notification given by the Fire District**

In accordance with the California Health and Safety Code, the Board of Directors must hold a public hearing to confirm the costs of abatement incurred by the Fire District in abating separate parcels of land. The purpose of the hearing is to review any objections from property owners legally responsible to be assessed. Confirmation of the costs includes the passing, approval, and adoption of Resolution 19-01

which includes the necessary documents to be submitted to the Contra Costa County Auditor-Controller Tax Division for enrollment on the property tax roll.

On April 15, 2018, notices to abate vegetation were sent to all properties within the boundaries of the Fire District with a compliance date of June 15, 2018. Property owners who were non-compliant and received notices to abate vegetation hazards were given a minimum of 15 days (as required by Ordinance) to remove the vegetation. If such removal was not completed by the requested removal date, the Fire District, after inspection and proper second and final notices, conducted the required abatement of the property. A contracted company conducted the removal in accordance with the instructions from the Office of the Fire Marshal and the vegetation clearance standards. After the work order was executed, the property owners were billed for the work and had an opportunity to pay prior to the District processing a lien on the property.

President Danziger opened the public hearing to hear public comment. There was no public comment. President Danziger closed the Public Hearing. There were no questions from the Board for Fire Marshal Kathy Leonard. President Danziger noted that there is an amended list of parcels as several property owners paid the fees after the agenda was posted. The Weed Abatement Parcel List needed to be updated before submitting to the County. President Danziger asked how much money the District recovers from the property tax records. Chief Winnacker stated that the County places the lien on the property and the County Treasury makes the payments to the District. The County carries the debt until the property changes hands.

Motion by Director Jorgens and seconded by Director Donner to adopt Resolution 19-01, Confirming and Adopting the Reported Costs Incurred by the Moraga-Orinda Fire District in Abating Public Nuisances on Certain Property within the District Pursuant to Health and Safety Code section 14912. Said motion carried a 4-0 roll-call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Absent: Baitx; Noes: None).

7.2 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. These fees have not been updated since 2005. 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, the updated fee schedule was adopted along with the adoption of the 2013 California Fire Code and Ordinance 13-01.

In October of 2016, the Board adopted Ordinance 16-02 and the 2016 California Fire Code. 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 approved by the Board to reflect the annual adjustment of the CPI.

President Danziger opened the public hearing to hear public comment. There was no public comment and President Danziger closed the public hearing.

Director Jorgens stated that last year the Resolution exempted nonprofits based in Orinda. Chief Winnacker stated that nonprofits are still exempt but the challenge has been making sure that the enforcement is correct. For nonprofits which are headquartered elsewhere are exempted for one event per year. The exemption does not apply to building permits. Nonprofits in the District are not charged event fees. Fire Marshall Leonard stated that most fees are generated as a result of building permits and inspection fees to make sure that building and fire codes are carefully analyzed and inspected. Director Jorgens asked if schools are charged these fees. Fire Marshal Leonard responded that schools are not charged fees. Chief Winnacker stated that there is a separate policy which addresses these exemptions.

Motion by Director Jex and seconded by Director Donner to adopt Resolution 19-02, A Resolution of the Moraga-Orinda Fire District Revising a Schedule of Fees for District Services. Said motion carried a 4-0 roll-call vote (Ayes: Donner, Jex, Jorgens and Danziger; Absent: Baitx; Noes: None).

8. Consent Agenda

- 8.1 **Monthly Incident Report for November and December 2018**
- 8.2 **Monthly Check/Voucher Register**
- 8.3 **Monthly Financial Reports**
- 8.4 **Contra Costa County Employees' Retirement Association Investment Performance Review Report for the Quarter Ended September 30, 2018**

Chief Winnacker stated that Minutes were not available due to staffing issues but will be included in next month's packet.

Director Jorgens questioned the Median Response Time for the two structure Fires. Chief Winnacker stated that these are automated reports and he will research this. Director Jorgens also questioned the \$14,000 annual Fire Flow Tax Collection Fee. Admin Services Director Sasser stated that it is what the District pays the County to put the Fire Flow Tax on property tax bills and collect the payments.

Director Jex questioned the Strike Team expenditures and reimbursement process. Chief Winnacker stated that the process is antiquated. MOFD's billing statements are reconciled against the Form F42 field reports. The State does pay the bills but the turnaround time is inconsistent. MOFD charges a 23% Administrative cost. The State makes no effort to process the reimbursement on either a calendar or fiscal year. Director Jex asked about the tax revenues for the current period except for \$1.7M. Ms. Sasser responded that the District expects to meet budget for this fiscal year. Director Jex also questioned the ambulance fees of \$857,131 versus the budget of \$1,133,000 and if this indicates that revenue will exceed the budget projections. Ms. Sasser stated that ambulance fees were changed to be comparable to what other agencies in the county charge. Staff is tracking this revenue.

President Danziger requested a revised Response Time Summary for the structure fires. President Danziger opened the public comment. There was none. Motion by Director Jorgens and seconded by Director Donner to accept the Consent Calendar and file item 8.1 Monthly Incident Report for November and December 2018, 8.2 Monthly Check/Voucher Register, item 8.3 Monthly Financial Reports; and item 8.4 Contra Costa County Employees' Retirement Association Investment Performance Review Report for the Quarter Ended September 30, 2018. Said motion carried a 4-0 roll-call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Absent: Baitx; Noes: None).

9. Regular Agenda

9.1 **Resolution No. 19-03 Authorizing Investment of Monies in Local Agency Investment Fund**

Admin. Services Director Sasser provided the report. The District uses the State of California Local Agency Investment Fund (LAIF) for the investment of District funds. One of the requirements of participation in LAIF is for the Board to confirm the authority of District officers to order the deposit or withdrawal of funds in LAIF. Due to the new Board treasurer and Board president, it is necessary to update the officers authorized for the District's LAIF account.

There were no Board comments. President Danziger opened the public comment. There was none. Motion by Director Donner and seconded by Director Jorgens to adopt Resolution 19-03 Authorizing Investment of Monies in Local Agency Investment Fund. Said motion carried a 4-0 roll-call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Absent: Baitx; Noes: None)

9.2 **Resolution No. 19-04 A Resolution of the Moraga-Orinda Fire Protection District Approving an Investment Policy for District Funds**

Admin. Services Director Sasser provided the report. The District's Investment Policy requires the Board to annually review the Policy. The Policy has been reviewed by staff. No changes are recommended.

President Danziger opened the public comment. There was none. There were no Board comments. Motion by Director Jorgens and seconded by Director Donner to adopt Resolution 19-04 Approving an Investment Policy for District Funds. Said motion carried a 4-0 roll-call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Absent: Baitx; Noes: None)

9.3 Teeter Plan and County Treasury

President Danziger opened the public comment. There was none. Admin. Services Director Sasser provided the report. Last year, the Board discussed the Teeter Plan and the District's participation in the County Treasury. The Board directed staff to continue to monitor the District's cash balances and bring the item back for consideration in a year. During the last year, the District did not need to borrow money from the County. The District's reserves and cash balances were high enough to carry the District through the "dry" period cash flow (period between property tax payments). The advantages to using the County Treasury is cash flow security and investment flexibility. If the Board decided in the future to return to the County Treasury, the County would allow it. Staff recommends that the District remain in the County Treasury and reevaluate the issue in January 2020.

Director Jorgens stated that the District has the ability to use the County as a line of credit and borrow if necessary. He noted that this option would cost the District the interest on its cash balances which could amount to \$27,000. Ms. Sasser stated that the District's cash balances are invested in LAIF and the District would not borrow until these funds are expended. Ms. Sasser stated that the reserve balances are required to stay in the County Treasury. The District's only investment opportunity is LAIF. Director Jorgens asked how much interest the County charges. Ms. Sasser responded that the District does not pay interest on funds which it borrows from the County Treasury. Director Jex said that the District, under the Teeter Plan, would need to expend all of its reserves before it could borrow from the County. Ms. Sasser noted that the General Fund is currently balanced and she does not expect that the District will need to borrow funds in the fall. However, she noted that the District will need approximately \$1M in Capital Projects Fund to complete Station 43. Director Donner asked for the process to reenter the Plan if the Board opts to exit the Plan. Ms. Sasser stated the County would work with the District to reenter the Plan. Director Jex asked if other Districts are using the Teeter Plan.

President Danziger opened the public comment. A resident asked why the District would opt for the Teeter Plan rather than have the flexibility to invest privately at a higher rate. Ms. Sasser noted that this is the first year that the District has not had to borrow cash. She recommended caution and that the District monitor the situation for another year, complete Station 43, evaluate future plans and then decide if a change is the best action. Director Jorgens asked what the current reserve balances are. Ms. Sasser noted that the Capital Projects Fund Reserves as of June 30, 2018 were \$8.3M. Station 43 will use \$3.3M leaving a balance of \$5M. Director Jex asked if the decision could be made in May after the Mid-Year budget adjustments are known. Ms. Sasser stated that there is no deadline. Director Jex recommended that the decision be deferred to later in the year. President Danziger suggested that questions from the Board on this item be prepared for staff. No Board action was taken on this item.

9.4 Approval of Three Month Extension of District's Payment of Enhanced Medical Insurance Contribution Rates

President Danziger opened the public comment. There was none. The Board deferred action on this item because it is related to a Closed Session item. It may be brought back after the Closed Session.

9.5 Approval of GASB 75 Valuation Report for June 30, 2018: Key Results

President Danziger opened the public comment. There was none. Admin. Services Director Sasser provided the report. At the November 7, 2018 Board meeting, the District's GASB 75 OPEB Valuation Report as of June 30, 2018 was presented and approved. During discussions, public input was provided that requested the report be summarized in simple terms and posted on the District's website. The Board directed staff to have the District's actuary produce a summary report of the District's GASB 75 Valuation Report. A one page summary of key results was prepared. Ms. Sasser noted that the report will be posted to the District's web site.

President Danziger asked for Board discussion. He commented that the report was easy to read. Motion by Director Jorgens to approve the GASB 75 Valuation Report for June 30, 2018: Key Results was seconded by Director Donner. Said motion carried a 4-0 roll-call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Absent: Baitx; Noes: None)

9.6 Moraga Way Evacuation Exercise Review and North Orinda Evacuation Exercise

President Danziger opened the public comment. There was none. Chief Winnacker provided the report. Due to topography and limited surface street capacity, emergency evacuations of large portions of the District will be a challenge. In order to execute a time sensitive evacuation, multiple agencies will be

involved and detailed coordination will need to occur. To prepare for an evacuation, in partnership with Moraga, Orinda, and Lafayette Police Departments, Moraga and Orinda Public Works, and other surrounding agencies including Cal Fire and CHP conducted a limited scale evacuation of the Moraga Country Club on December 15, 2018. The Moraga Country Club (MCC) was selected because of its relatively small size (500 occupants), one way in and one way out, and a professional HOA staff. Approximately 360 residents signed up to participate and 120 vehicles exited from the MCC to Glorietta utilizing contra-flow traffic techniques on Moraga Way.

The exercise was successful and validated several planning assumptions and identified additional areas that require improvement. Key metrics include: 74 members of the CERT team participated as traffic monitors (41), evacuees (5), data collectors (6), division supervisors (6), and logistics and planning section staff (9). This is the largest CERT call out which demonstrates the community's engagement with CERT and concern about wild fires. The section of Moraga Way which was used for contra-flow traffic involved 71 homes with driveways to Moraga Way. These homes were notified via door hangers in advance of the exercise. Twenty-three intersections were controlled during the evacuation.

On January 26, 2019, a similar exercise to evacuate large portions of North Orinda neighborhoods of Sleepy Hollow, Dalewood (Orinda Downs) and Upper Miner. Chief Winnacker outlined the exercise. The exercise involves potentially 1,400 homes. Miner Road will be closed to eastbound traffic and all lanes converted to westbound only. Evacuees will travel from their homes following normal traffic patterns and laws to the intersection of Miner Road and Lombardy. From this point, law enforcement and CERT volunteers will institute contra-flow traffic patterns along Miner Road to Camino Pablo. Evacuees will then travel southbound on Camino Pablo to Hwy 24. Appropriate traffic control measures will be in place through the placement of police officers and CERT volunteers at intersections along the route.

This exercise will allow MOFD to validate North Orinda evacuation traffic assumptions, identify critical intersections which need police traffic control, and contra-flow traffic patterns for Miner Road. MOFD focuses outward to put the fire out. PD focuses inward to moving residents in and out of the District. The key is to get the residents out of the District through the freeway on ramps. Traffic will flow east and west. Residents will not get a choice which way they are going on Highway 24. The key is to rapidly flush the arterials and get people onto the freeway which has excess capacity to get them out of the District. Residents need to get out of the District so that upstream folks can get out and the roadways are available for firefighting equipment to get to the District. Chief Winnacker noted that residents who are interested in participating in the exercise should sign up. They must be registered in the Community Warning System (CWS) in order to be notified. MOFD will be using the CWS data base.

Chief Winnacker reviewed the events and timeline for the North Orinda exercise. He discussed the technology which will be used to update and coordinate evacuation plans. Residents should use as few vehicles as possible. The primary evacuation option is early by vehicle. Sheltering in place is an option if residents have done defensible space preparation around their home. The last option is a temporary refuge area which can be defended by the MOFD until the fire front is passed or the road congestion has eased. Director Donner asked how many people have signed up for the CWS. Chief Winnacker stated that the information is not available from County CWS. Director Donner asked how the District can encourage people to sign up for CWS. Chief Winnacker replied that they use every opportunity to encourage people to sign up. Director Jorgens complimented Chief Winnacker on his report.

10. Committee Reports

10.1 Finance Committee ((Directors Danziger and Jorgens)

The Committee did not meet and there was nothing to report.

10.2 Audit Ad Hoc Committee (Director Jex)

The Committee did not meet and there was nothing to report.

10.3 Long Range Financial Plan Ad Hoc Committee (Directors Donner and Jorgens)

The Committee did not meet and there was nothing to report.

10.4 Facilities Ad Hoc Committee (Directors Baitx and Donner)

The Committee did not meet and there was nothing to report.

10.5 Fire Chief Performance Evaluation Ad Hoc Committee (Directors Baitx and Donner)

The Committee did not meet and there was nothing to report.

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 was nothing to report.

11.2 Questions and informational comments from Board members and Staff

Director Donner attended a LAFCO meeting to introduce himself but there was nothing to report from the meeting. President Danziger recognized Director Donner for his fund raising efforts (\$50,000) for the Camp Fire survivors. Engineer Steve Rogness also assisted in this effort.

11.3 Fire Chief Updates

Chief Winnacker stated that some time was lost due to the rain on the exterior work for Station 43. He anticipates that the concrete can be poured next week. There is an opportunity to conduct a walk through on January 24, 2019. Dry wall is largely complete. Taping is done. The roof is complete. Upper levels of siding are being done now. Doors are approximately three weeks out. The firefighter who was injured in the Moraga Way fire is fully recovered and back to work.

11.4 Communications Received

There was nothing to report.

11.5 Future Agenda Items

Director Jorgens would like an update on the MOFD's efforts on fire prevention e.g. fuel removal.

Director Jex asked if the weed abatement deadline could be earlier. Chief Winnacker responded that the deadline is an element of the California Fire Code. The Code goes through an adoption process and involves Orinda, Moraga, and the County Board of Supervisors. In the coming Code cycle, MOFD is making several recommendations which will significantly increase the fire resistant nature of construction in the District and align the Exterior Hazard Abatement Ordinance deadline with regional partners. Under the MOFD's existing authorities, the Fire Marshal can declare something a public hazard. MOFD will be aggressively providing outreach, education, and informing residents of the risk before the deadline. Due to the Board's authorization of a Fuels Mitigation Manager and four aides, there will be more staff to do the work. These efforts should be an excellent transition to get the District through this year.

Director Jorgens requested more information on the benefits of a Fire Wise designation. Chief Winnacker reported that Carroll Ranch started the Fire Wise program. They received a Fire Safety Council grant for fuels mitigation.

President Danziger asked about the impact of the new contract with Local 1230 on the budget and the Long Range Financial Forecast. Chief Winnacker stated that it is agendaized for next month.

Director Donner asked about the process for the Type VI Engine. Chief Winnacker stated that the Wildland Committee and the Apparatus Committee are reviewing specs and developing recommendations for the chassis, equipment, and layout.

President Danziger closed this part of the regular meeting and convened to Closed Session. Before closing the meeting, he requested a Moment of Silence in memory of Davis Police Officer Natalie Corona. Counsel Holtzman reminded the Board that it needs to address item 9.4 after the Closed Session.

12. Closed Session

12.1 Conference with Labor Negotiator

(Government Code Section 54957.6) Agency Designated Representative: Jeff Sloan
Employee Organization: Local 2700 United Clerical, Technical & Specialized Employees

12.2 Conference with Labor Negotiator

(Government Code Section 54957.6) Agency Designated Representative: Jeff Sloan
Employee Organization: Moraga-Orinda Fire Chief Officers Association (MOFCOA)

12.3 Public Employee Performance Evaluation

(Government Code Section 54957) Public Employee Appointment Title: Fire Chief

12.4 Conference with Legal Counsel – Existing Litigation

(Paragraph (1) of subdivision (d) of Section 54956.9) Pacific-Mountain Contractors of California, Inc. v. Moraga-Orinda Fire District, Contra Costa County Superior Court C18-02124

At 8:28 P.M., the Board adjourned into Closed Session.

13. Reconvene the Meeting

President Danziger reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 11:00 P.M. Present were the following Directors and Staff:

Director Donner	President Danziger
Director Jex	Dave Winnacker, Fire Chief
Director Jorgens	Jonathan Holtzman, District Counsel

14. Report of Closed Session Action

There was no reportable action taken in Closed Session.

9.4 Approval of Three Month Extension of District's Payment of Enhanced Medical Insurance Contribution Rates

Motion by **Director Jorgens and seconded by Director Donner** to Approve the Three Month Extension of District's Payment of Enhanced Medical Insurance Contribution Rates. Said motion carried a 4-0 roll-call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Absent: Baitx; Noes: None)

15. Public Comment

There was no comment from the public.

16. Adjournment

At 11:00 P.M., President Danziger called for adjournment of the regular meeting.



Interim District Secretary/Clerk

For an audio recording of this and other Board meetings, please visit the MOFD District Board Meeting webpage <http://www.mofd.org/board/meetings>