

Moraga-Orinda Fire Protection District



BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

February 20, 2019
(Approved March 20, 2019)

1.

The Board of Directors convened in Open Session at 6:04 P.M. on February 20, 2019 at the Hacienda Mosaic Room, 2100 Donald Drive, Moraga, California. President Danziger called the meeting to order. Present were the following Directors and Staff:

Director Baitx
Director Donner
Director Jex

Director Jorgens
President Danziger
Dave Winnacker, Fire Chief

Jonathan Holtzman, District Counsel
Patricia Edwards, Interim District Clerk

2. **Public Comment**

Dan DeBusschere, Orinda resident, provided an update on the CASA Compact. The Metropolitan Transportation Commission voted to support the CASA Compact and the issue is now before the Legislature. The CASA Compact will be funded by appropriating a portion of the property tax increment. He encouraged the Board to take action to preserve MOFD's revenue stream because the loss of this revenue is not provided for in the MOFD budget.

President Danziger closed the Public Comment and the Board convened to Closed Session at 6:15 P.M.

3. **Closed Session**

3.1 **Conference with Labor Negotiator**

(Government Code Section 54957.6)

Agency Designated Representative: Jeff Sloan

Employee Organization: Local 2700 United Clerical, Technical & Specialized Employees

3.2 **Conference with Labor Negotiator**

(Government Code Section 54957.6)

Agency Designated Representative: Jeff Sloan

Employee Organization: Moraga-Orinda Fire Chief Officers Association (MOFCOA)

3.3 **Conference with Labor Negotiator**

(Government Code Section 54957.6)

Agency Designated Representative: Jeff Sloan

Employee Organization: Local 1230, International Association of Firefighters IAFF

3.4 **Conference with Labor Negotiator**

(Government Code Section 54957.6)

Agency Designated Representative: David Winnacker, Fire Chief

Unrepresented Employees: Administrative Services Director, Fire Marshal, Human Resources Benefits Manager and Fire Inspector/Plans Examiner

4. **Reconvene the Meeting**

President Danziger 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:

Director Baitx
Director Donner
Director Jex
Jeff Sloan, Labor Negotiator (teleconference)

Director Jorgens
President Danziger
Dave Winnacker, Fire Chief

Gloriann Sasser, Admin Services Director
Jonathan Holtzman, District Counsel
Patricia Edwards, Interim District Clerk

5. **Report of Closed Session Action**

There was no reportable action taken in Closed Session.

6. **Public Comment**

There was no comment from the public.

7. Proclamations

7.1 PROCLAMATION HONORING LIFE-SAVING EFFORTS OF COURTNEY NEWTON ON JANUARY 27, 2019

President Danziger presented the proclamation to Courtney Newton recognizing her life-saving CPR efforts at the Moraga Starbucks. Ms. Newton thanked the MOFD for the recognition. Chief Winnacker complimented Ms. Newton on the calmness with which she handled the incident.

7.2 PROCLAMATION HONORING VOLUNTEERS FROM THE LAMORINDA COMMUNITY EMERGENCY RESPONSE TEAM, MORAGA-ORINDA FIRE DISTRICT COMMUNICATIONS-SUPPORT UNIT AND THE LAMORINDA RADIO INTEREST GROUP

Chief Winnacker presented the proclamations honoring volunteers from the LaMOrinda Community Emergency Response Team, Moraga-Orinda Fire District Communications Support Unit and the LaMOrinda Radio Interest Group. Residents are invited to join these groups. Chief Winnacker recognized the importance of the contributions of these groups to the area's safety.

SPECIAL RECOGNITION

Chief Winnacker recognized Gordon Nathan and the Moraga Rescue One Foundation as he announced that the Gordon and Betty Moore Foundation awarded a \$100,000 grant to Rescue One to support the development of the wildfire early detection and warning system. This grant will allow the District, at no cost to residents and taxpayers, to develop and field this warning system. Mr. Nathan said that Rescue One has been in existence for 42 years. Its objective is to help the District be in the forefront of technology and life saving techniques. Development of the first of its kind early warning system with the latest technology will enhance the early fire detection, response, and evacuation procedures and make a safer community. Chief Winnacker stated that Rescue One has helped MOFD purchase and field innovative solutions to problems. MOFD President Danziger thanked Rescue One for all they do for the District.

8. Consent Agenda

President Danziger requested that Board members signify their intent to approve the Consent Agenda by voice vote and stating "aye". All Board members responded affirmatively. All items on the Consent Agenda were approved and filed: 8.1 Meeting Minutes – December 5, 2018, December 13, 2018, and December 19, 2018; 8.2 Monthly Incident Report for January 2019; 8.3 – Monthly Check/Voucher Register for December 2018 and January 2019; 8.4 – Monthly Financial Reports for December 2018; 8.5 – Quarterly Treasurer's Report; and 8.6 Quarterly Ambulance Report. There was no comment from the public.

9. Regular Agenda

9.1 Approval of a Memorandum of Understanding between the District and the Moraga-Orinda Fire Chief Officers Association for the period July 1, 2018 – June 30, 2021; Approval of Salary Schedule Effective July 1, 2018

Chief Winnacker provided the staff report. Jeff Sloan, District Counsel, participated by teleconference. Mr. Sloan noted that the negotiations included six intensive preplanning meetings and five negotiating sessions. The Board was updated via Closed Sessions. The Memorandum of Understanding (MOU) includes: salary increases (8% over three years); elimination of take home District issued vehicles to battalion chiefs (estimated savings \$12,000 annually); continued cap on retiree health care premium benefits at 2010 rates; no change to retirement contributions; and the inclusion of a management rights provision. Mr. Sloan (by telephone) noted that the MOU does not include higher rates for dental benefits which was an oversight. He recommended that the MOU be amended to include the adjustment to dental benefits. There was no Board discussion.

President Danziger opened Public Comment. There was none.

Director Jorgens noted that MOFD battalion chiefs' duties are more extensive than comparables in the survey. Director Jex's motion to approve the MOU and include the dental adjustment was seconded by Director Jorgens. Mr. Holtzman clarified the motion and stated that the monthly amounts for the dental are: employee only \$51.20; employee plus one \$90.12; and employee plus two or more are \$136.35.

Director Jorgens added that the cost would be approximately \$9,000 per year. Said motion carried a 5-0 voice vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None).

9.2 Approval of a Memorandum of Understanding between the District and the United Clerical, Technical & Specialized Employees AFSCME, Local 2700 for the period July 1, 2018 – June 30, 2021; Approval of Salary Schedule Effective July 1, 2018

Jeff Sloan, District Counsel, (by telephone) stated that the negotiations included intensive preplanning meetings and negotiating sessions. The Board was updated via Closed Sessions. He noted that the parties involved saw comparables in a different light from the battalion chiefs. With the 3% salary increase, these positions were above the median and mean and equity adjustments were not necessary or appropriate. Significant items in the MOU include: 8% salary increase over 3 years; elimination of alternative work schedules; elimination of vacation buy back effective July 1, 2020; retiree health care premium benefits are capped at 2010 rates through the contract; and elimination of the stipend-in-lieu of medical benefits program.

President Danziger opened Public Comment. There was none.

Motion by Director Jex and seconded by Director Donner to approve the MOU between the District and the United Clerical, Technical & Specialized Employees AFSCME, Local 2700 for the period July 1, 2018 – June 30, 2021; Approval of Salary Schedule Effective July 1, 2018. Said motion carried a 5-0 voice vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None).

9.3 Approval of Amended Memorandum of Understanding between the District and United Professional Fire Fighters of Contra Costa County I.A.F.F. Local 1230, AFL-CIO for the period July 1, 2018 – June 30, 2021 to Amend Language for the Janus Decision and Consideration of Dental Plan Contribution Language

Chief Winnacker provided the report. In June 2018, the Supreme Court issued a ruling (known as the “Janus Decision”) that ended compelled union dues for public employees. In October 2018, the Board approved a Memorandum of Understanding (MOU) between the District and United Professional Fire Fighters of Contra Costa County I.A.F.F. Local 1230, AFL-CIO (Local 1230.) The MOU contained previous language regarding compelled union dues. Over the last few months, the District has worked together with Local 1230 to write new language that complies with the Janus Decision. It is necessary at this time to approve an amended MOU that reflects the new language. There is no cost to the District by adopting the amended Janus language. The new MOU language stayed the same as the previous MOU regarding the dental program.

President Danziger opened Public Comment. There was none. Director Danziger noted that both items were discussed in the negotiations and were accepted. There was no Board discussion.

Motion by Director Baitx and seconded by Director Donner to approve the Amended Memorandum of Understanding between the District and United Professional Fire Fighters of Contra Costa County I.A.F.F. Local 1230, AFL-CIO for the period July 1, 2018 – June 30, 2021 to Amend Language for the Janus Decision and Consideration of Dental Plan Contribution Language. Said motion carried a 5-0 voice vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None).

9.4 Mid-Year Budget Review Fiscal Year 2019 and Approval of Budget Adjustment

Administrative Services Director Sasser provided the report and reviewed the budget process. The original budget adopted in June 2018 was a balanced budget that projected a General Fund surplus of \$171K, a Debt Service Fund surplus of \$241K, and a Capital Projects Fund deficit of \$236K. In October 2018, a new MOU with I.A.F.F. Local 1230 was approved which included a 5% salary increase. The original budget did not include appropriations for the salary increase. As a result, in November 2018, the board approved a General Fund budget adjustment to increase expenditure appropriations by \$754,206. This resulted in a General Fund budgeted deficit of \$583K for the fiscal year 2019.

Based on updated revenue and expenditure projections, the Mid-Year Budget Review now projects increased revenue and a General Fund surplus of \$99K. Total General Fund revenue is projected to exceed budget \$682K. Four significant revenue items were detailed. Property tax revenue is expected to meet the budget of \$20.9M which is a 5.1% increase over FY2018. Ambulance service revenue is

expected to exceed budget by \$440K. This is due in part to a 15% increase in transports. Another contributing factor is that the District modified its emergency medical services cost recovery fee structure effective July 1, 2018. The single base fee of \$2,500 per transport is consistent with the rates and practices of other area transport providers. Strike team cost recovery is projected to exceed budget by \$192K due to increased strike team activity because of the significant 2018 wildfire activity.

Director Jorgens questioned the reason for the increase in ambulance service. Chief Winnacker attributed it to the aging demographics, increased calls for Highway 24, and mutual aid to Lafayette. President Danziger asked how ambulance charges are reimbursed. Chief Winnacker explained the process. Director Jex expressed concern that the District is heading to a serious deficit within two years because it has inadequate general reserves. He asked if the projections are realistic. Chief Winnacker stated that the budget is developed with conservative assumptions across the board. He added that there are very few unknown budget elements at this time. Although the \$100K surplus is small, the budget does allow for \$1.6M to be contributed to OPEB and pension rate stabilization. Director Jorgens remarked that the District laid off staff in 2008 due to a lack of funds. Director Jex noted that the monies in the pension stabilization fund would not cover District expenses for one year. The Long Range Plan needs to address increased revenues. He is also concerned about the potential impact of the CASA Compact. Director Jex stated that the District needs to address the problem. The District will need to borrow funds if a serious capital need occurs. He suggested that operational changes may be needed.

President Danziger opened Public Comment. Johnson Buchanan, resident, asked Director Jex to reiterate his concerns. Director Jex stated that the General Fund is basically reserved funds. There is no tax revenue in the first six months of the year and so the District borrows from the county. Other Districts have established a 50-60% General Fund reserve goal to cover this deficit period. The District needs to increase its General Fund balance.

Motion by Director Danziger and seconded by Director Baitx to approve an increase in the General Fund revenue budget in the amount of \$681,856. Said motion carried a 4-1 vote (Ayes: Baitx, Donner, Jorgens, and Danziger; Noes: Jex).

9.5 Determine the Amount of the OPEB Trust Contribution and the Amount of the Pension Rate Stabilization Program Trust Contribution for Fiscal Year 2019 and Authorize the Transfer of District Funds to Complete the Trust Contributions

Chief Winnacker provided the report. The District participates in the Public Agency Retirement Services (PARS) Post-Employment Benefits Trust. The District's PARS trust account includes money set-aside for other post - employment benefits (OPEB) retiree medical benefits and money set-aside for the pension rate stabilization program to prefund pension costs. The District makes annual contributions to both accounts. The Board has the authority to decide the amount of any contributions. The fiscal year 2019 Budget includes \$439,771 for the OPEB contribution. The June 30, 2018 OPEB actuarial valuation report calculated a trust contribution of \$407,733. The fiscal year 2019 Budget includes \$1,100,000 for the pension rate stabilization program trust contribution.

Director Jorgens noted that a decision on this item would be made after the mid-year budget status was known. Director Jex stated that, considering the budget adjustments, the bottom line is a break-even situation with no contributions. Chief Winnacker noted that the Board approved a \$1.6 million contribution to OPEB and pension rate stabilization and an additional \$100K surplus. Director Jex noted that that the original budget reflected higher revenue over expenditures but unanticipated expenses reversed this. Chief Winnacker stated that the previous budget did not anticipate the pay raise but the mid-year budget adjustments allows the District to make the fully budgeted contribution to OPEB and the pension rate stabilization and an additional \$100K contribution. Director Jex noted that a break-even budget is not an adequate budget if there is no plan to add to the general reserve fund. Chief Winnacker noted that the Board has the option to decide not to make an OPEB and pension fund contribution which allows \$1.7M for the reserve. Director Jorgens noted that the OPEB and pension trust contributions are special use reserves. Mr. Holtzman stated that the Board cannot withdraw OPEB and pension rate stabilization funds. Director Jex noted that there, with this contribution, the pension rate stabilization fund will have \$1.9M but the annual pension obligation is \$5M. Without a general fund reserve, the District will be out of money when bills are due. He asked the Board to think about deferring OPEB contributions until June. Chief Winnacker noted that the OPEB contribution is 100% voluntary and at the Board's discretion.

Director Jex asked when information from CCCERA is expected. Chief Winnacker stated that the information is usually available in September-October. Property tax information should be available in April.

President Danziger opened Public Comment. There was none.

Director Jex recommended deferring the OPEB payments for two months until the Board discusses the long-range financial plan. Director Donner's motion to defer the OPEB trust contribution and the pension rate stabilization trust for 60 days was seconded by Director Jorgens. Mr. Holtzman suggested a clarification of the motion as the Board has not decided to make the payment. Director Donner proposed a revised motion to defer discussion of the OPEB payment to the April Board meeting. The motion was seconded by Director Jorgens. Said motion carried a 5-0 voice vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None).

9.6 Review of the Budget Development Policy and Approval of the Annual Operating Budget Timeline Fiscal Year 2020

Chief Winnacker provided the report. The District approved a Budget Development Policy (Policy) on January 17, 2018. The purpose of the Policy is to provide a process for developing the Annual Operating Budget (Budget). A Budget Timeline has been drafted based on the Policy. Per the Policy, the Proposed Budget shall be submitted to the Board in May at a public Budget Workshop. The Proposed Budget shall then be revised based on Board direction at the Budget Workshop and then submitted to the Board in May at the regular Board meeting. Per the Policy, the Proposed Budget is not submitted to the Finance Committee. Chief Winnacker asked for Board direction to approve the process and to select dates in order to comply with the Policy. He suggested that the Budget meetings could be held on May 1st or May 8th for final approval at the Board's May 15th meeting. Director Jorgens stated that two meetings should be sufficient starting with a Public Workshop. Director Jex clarified that community input could be given at the Workshop. President Danziger asked how the process is started. Chief Winnacker responded that the program managers discuss priorities and identify budget requests in April. The Budget is presented in a Workshop for the public to identify their priorities. The Budget is then provided to the Board. Director Jorgens noted that if the Budget is not approved on time, the old Budget rates would be in effect. Director Jex recommended that the community meeting include a discussion of long-range plans.

President Danziger opened Public Comment. Robert Mitchum, Orinda resident, suggested that the Board provide targeted issues in order to focus community input.

President Danziger made a motion to hold a Special Meeting on May 1st to discuss the Budget followed by a regular Board meeting on May 15th. Director Jorgens asked how long it would take staff to incorporate comments. Chief Winnacker stated that staff could incorporate comments in a one week turnaround time frame. Chief Winnacker stated that staff will work with the Directors to schedule the meetings. The motion died.

9.7 Wildfire Prevention Strategic Plan

Chief Winnacker provided the report. The Plan is designed to coordinate staff efforts. He summarized the major fires that occurred since 1905. Factors that currently contribute to a fire threat include: a compressed rainy season as a result of climate change; exclusion of fire from the ecosystem; and expansion of development in wilderness areas. In 1923, the fuel load consisted of oak woodland, grassland, and savanna with an average of one tree per acre. In 2019, the fuel load was complicated with the presence of more than 100 trees per acre and suburban development. He added that low humidity, not hot days, increases the speed of fire spread. There is no simple solution to the problem of reducing the risk of catastrophic wildfire. Recognizing this fact, MOFD is committed to a sustained, multidisciplinary effort organized along seven lines of effort over the next five years. The Lines of Effort include: external fuels mitigation projects; internal fuels mitigation projects; wildfire preplanning; evacuation planning; building code updates; community outreach and education; and early detection and notification systems.

Director Jorgens asked if these efforts have the potential to become a significant budget issue for MOFD. Chief Winnacker responded that, with the Board's decision to hire a new Fuels Mitigation Manager and the four aides, MOFD is working with large landowners to conduct fuel mitigation efforts. MOFD is in a pilot phase to determine what works and what does not and the community demand and need, in order to appropriately allocate resources for maximum effect. Director Jorgens asked if MOFD should be one of the instigators of fuel mitigation. President Danziger asked if water pressure is an issue and how MOFD can work with EBMUD. Chief Winnacker responded that EBMUD's Policy 303 directs that they will maintain a water system to their as designed capacity of 500 gallons. He noted that there are some hydrants which do not meet this 500-gallon threshold. MOFD identifies these hydrants and provides the information to EBMUD. EBMUD has laid approximately 23 miles of replacement pipe in Orinda to increase water pressure. EBMUD will not put additional funds into the system if the 500-gallon minimum is met. Chief Winnacker stated that all MOFD fire hydrants are marked with the pressure and gallons per minute (GPM). Director Jorgens stated that EBMUD's replacement philosophy is "If it is broken, we fix it. Otherwise it is working pretty well." EBMUD does not have emergency power backup. Chief Winnacker is working on how to identify and access reliable water supplies. Water supply is also a tremendous problem in Canyon which is not served by EBMUD. Director Jorgens noted that Chief Winnacker did an inventory of water supplies and related accessibility. Chief Winnacker stated that EBMUD refills its reservoirs at night and the reservoirs provide the water to fire hydrants. EBMUD has a single water system which serves residential, industrial, and firefighting uses. Director Danziger stated that it is important to get information such as Pulse Point and Reverse 911 to the public on a wider scale. He encouraged MOFD to expand its efforts to publicize important information at a minimal cost including adding it to the MOFD agendas and distributing handouts with permits. Chief Winnacker stated that MOFD is working with the City of Orinda in its project to underground high-risk electrical lines.

President Danziger opened Public Comment. Jonathan Goodwin, resident, complimented the Board on their wildfire prevention efforts. He disagreed with the fire spread models which were presented. He would like MOFD to place resources where the people are most likely to be impacted. President Danziger encouraged residents to take advantage of available programs and information.

9.8 Evacuation Exercises Review

Chief Winnacker reported that the Evacuation Exercises provided valuable information. The MOFD partnered with the Moraga and Orinda Police Departments. The Moraga Evacuation Exercise was held on December 15, 2018. Participating agencies included: LaMOrinda CERT, Moraga PD and Public Works, Orinda PD and Public Works, Lafayette PD, MOFD, CHP, Contra Costa County Community Warning System, and the Contra Costa County GIS. Seventy-four members of the CERT team also participated. The North Orinda Evacuation Exercise was held on January 26, 2019. Participating agencies included: LaMOrinda CERT, Moraga PD, Orinda PD and Public Works, MOFD, CHP, Contra Costa County Community Warning System, Contra Costa County GIS, El Cerrito Fire Department, City of Lafayette, and Contra Costa County Search and Rescue Team. Thirty members of the CERT team and MOFD Communications Support team also participated. Lessons learned from the Moraga Exercise were incorporated into the Orinda Exercise. The goals were to: refine Fire-Police evacuation coordination; refine Police-CWS evacuation notification; speed CWS-Public communication; validate North Orinda evacuation traffic assumptions; validate contra-flow traffic patterns for Miner Road; and validate Evacuation Decision Support Tool integration. Staff will continue to refine plans and coordination with surrounding agencies based on the lessons learned from these exercises.

Director Jorgens commented that the drills were a good learning exercise. President Danziger opened Public Comment. Jonathan Goodwin, resident, stated that the first multi-agency evacuation exercise in the East Bay was held in either 2006 or 2008.

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)

Director Jorgens reported that the Committee met twice and was making progress.

10.3 Facilities Ad Hoc Committee (Directors Baitx and Donner)

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

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

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

Jonathan Goodwin expressed concern that the Ad Hoc Committees were “secret” committees because he does not receive notification when they meet. Director Jorgens noted that Ad Hoc committees do not have a notice requirement. Mr. Holtzman explained that Ad Hoc committees, unlike Standing Committees, are single purpose committees and are not required under the Brown Act to post agendas.

11. Announcements

11.1 Brief information only reports related to meetings attended by a Director at District expense (Government Code Section 53232.3(d))

Directors Donner and President Danziger attended the Contra Costa County Fire Commissioners Association dinner at which a Pulse Point presentation was made. Some districts are adding first responders to the Pulse Point app.

Director Donner stated that he attended the School District meeting at no cost to the District. The School District included a Reverse 911 notice in their recent mailing which reached 2,500 households.

Director Jorgens and President Danziger attended an Orinda City Council meeting.

Director Danziger attended a Rescue One Foundation Board meeting. He also attended a Contra Costa County Special District Association meeting. He asked if MOFD is a member.

President Danziger attended a Moraga Town Council meeting to introduce himself.

11.2 Questions and informational comments from Board members and Staff

There was nothing to report.

11.3 Fire Chief Updates

Chief Winnacker discussed the closure of temporary Station 43. Thirteen members were taken ill in a short space of time so the Station was closed. As firefighters are constantly living in the Station, the Station was closed and tested and the testing came back negative. The Station is expected to be reoccupied on February 21, 2019.

He reported that new Station 43 is moving forward with slight delays due to the rain. One concern is due to PG&E changing the date of the power pole installation from February to April. When the new Station 43 is opened, obsolete items from the old Station will be surplus. Director Baitx asked why the Board was not notified at its February 8, 2019 meeting that Station 43 was vacated on January 29, 2019. Chief Winnacker stated that he is responsible for fire department operations and there was nothing to report until he had an understanding of the problem and the results of the testing. Director Donner stated that it is appropriate to notify the Board when a Fire Station is closed. The other Directors concurred.

11.4 Communications Received


Chief Winnacker reported that the District received three letters. One concerned water removal and two were commendatory regarding the professionalism of EMS service calls. He added that he attended nine meetings including Orinda Rotary, CERT, and seven fire safety meetings including four follow-ups for Fire Wise designations.

11.5 Future Agenda Items

There was nothing to report.

12. Adjournment

At 9:34 P.M., Director Jorgens' motion to adjourn the meeting was seconded by Director Baitx. Said motion carried a 5-0 voice vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None).



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>