

Moraga-Orinda Fire Protection District



BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

April 17, 2019
(Approved May 15, 2019)

1. The Board of Directors convened in Open Session at 6:03 P.M. on April 17, 2019 at the Mosaic Room, 2100 Donald Drive, Moraga, California. President Danziger called the meeting to order and requested an attendance roll call. Director Baitx was absent. Present were the following Directors and Staff:

Director Donner
Director Jex

Director Jorgens
President Danziger
Dave Winnacker, Fire Chief

Admin. Services Director Gloriann Sasser
Jonathan Holtzman, District Counsel (late)
Patricia Edwards, Interim District Clerk

2. PUBLIC COMMENT

President Danziger opened the public comment. There were no requests to address the Board. President Danziger closed the Public Comment.

3. CONSENT AGENDA

3.1 Meeting Minutes – March 20, 2019 (workshop), and March 20, 2019

Staff Recommendation: Approve and File

3.2 Monthly Incident Report for March 2019

Staff Recommendation: Approve and File

3.3 Monthly Check/Voucher Register – March 2019

Staff Recommendation: Approve and File

3.4 Monthly Financial Report – February 2019

Staff Recommendation: Approve and File

Director Jex questioned the expenditure for Michael Ross Investigations. Chief Winnacker explained that when internal matters require investigation, and if District counsel is not qualified, it is necessary to retain outside investigators. They worked in conjunction with Jon Holtzman's office. Director Jex asked for clarification regarding the retirees' health insurance contribution as the year to date exceeds the budgeted amount. Administrative Services Director (ASD) Sasser responded that the District pays the entire retiree medical bill to CalPERS. The retiree's share is then withheld from their pension check. She noted that the District will get back more than they budgeted because the retiree cost is higher. Chief Winnacker stated that there is a higher outlay but also a higher recovery. Director Jex questioned the \$34,000 for outside attorney fees. Ms. Sasser stated that the payment to Renee Public Law is due to an increased activity in February.

Motion by Director Jex and seconded by Director Jorgens to approve the Consent Agenda. Said motion carried a 4-0-1 voice vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx) and all Consent Agenda items were approved. There was no comment from the public.

Chief Winnacker requested that the Board allow item 6.3 Fire Chief Updates to be taken out of order. There was no objection from the Board.

6.3 Fire Chief Updates

Chief Winnacker introduced Firefighter Larsen. He started with the Alameda County Fire Department Academy, was seriously injured, recovered, and graduated from the Berkeley Fire Academy. He is currently on probationary firefighter/paramedic status. Firefighter Larsen stated that he is excited to be part of MOFD.

4. REGULAR AGENDA

4.1 Long Range Financial Forecast April 2019

Chief Winnacker provided the report. The report incorrectly listed the Long Range Financial Plan Ad Hoc Committee as the source but the report was prepared by staff based on direction from the March Workshop. The item carries over from the previous month's discussion and does not require a vote.

Director Donner stated that the Ad Hoc Committee did not discuss increasing staff from 17 to 19. He asked that staff find funds to pay for the increased staffing as it would benefit the District. Chief Winnacker suggested that it be addressed in the Budget Workshop. Director Jorgens suggested that the Forecast be accepted. Director Jex stated that the presumption of Capital Expenditures is basically reflected in the Capital fund. For 2022 and 2023, this reflects an assumption of debt payment for Station 41. He noted that the Debt Fund does not reflect the activity. ASD Sasser explained that, for accounting purposes, when debt is issued the expenditure will be reflected in the Debt Service Fund. The Capital Plan shows what the cost would be for the next 15 years to replace Station 41 and the Administration Building. Chief Winnacker stated that the \$8M is from a several year old plan and does not reflect the current environment. President Danziger acknowledged the work of staff and stated that the Long Range Financial Forecast is a dynamic plan.

President Danziger opened the public comment. There were no requests to address the Board. President Danziger closed the Public Comment. The Board took no action on this item.

4.2 Increase Emergency Preparedness Coordinator Position from 0.5 to 1.0 for the Period April 18, 2019 through December 31, 2019

Chief Winnacker provided the report. Dennis Rein currently serves as the Emergency Preparedness Coordinator. He is also the District's Public Information Officer and coordinates the CERT Program. He is a retired annuitant and receives benefits from his former employer. He has been instrumental in the preparation activities in advance of the North Orinda Fuel Break Project. He brings valuable experience to the position. Adding the hours needed for him to coordinate the Fuel Break Program will not incur a benefits cost to the District. The District may be able to bill the additional hours against the state's fuel break grant. President Danziger noted that these programs address concerns from the community. He suggested that the District might want to expand this project in the future.

President Danziger opened the public comment. There were no requests to address the Board. President Danziger closed the Public Comment.

Motion by Director Jorgens and seconded by Director Jex to approve increasing the Emergency Preparedness Coordinator Position from 0.5 to 1.0 for the Period April 18, 2019 through December 31, 2019. Said motion carried a 4-0-1 voice vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx)

Chief Winnacker requested that items 4.3 and 4.4 be addressed when Counsel Holtzman was present. The Board concurred.

4.5 Authorize the Purchase of One Type VI Fire Vehicle from Maintainer Custom Bodies for \$151,240; Approve Capital Projects Fund Budget Adjustment to Reduce Capital Contingency Expenditures \$53,000; and Increase Capital Outlay Expenditures \$53,000

Chief Winnacker provided the report. The 2019 budget request was based on assumptions regarding construction costs derived from calculating the component parts. An assessment of the District's ability to assemble the parts determined that this capacity did not exist in-house and alternatives to traditional construction would result in marginal cost savings without the benefit of an overall apparatus warranty and NFPA 1906 certification for wildland fire apparatus. Type VI apparatus are generally built on an F-550 or equivalent chassis with 150-300 gallons of water and small firefighting pump. They are lightweight with high mobility access for the operating environment in the District. This will provide a more balanced mix of vehicles for the District and increase crew efficiency. It will be based at Station 44 with the water tender and the Tiller. It will give the station an everyday response capability to areas with limited access as well as a wild land fire response paired with the water tender.

Counsel Holtzman arrived at 6:22 p.m.

Director Donner stated that the Type VI Fire Vehicle is a great apparatus. It is small and agile. Chief Winnacker added that it will be a four door, six seater. The District previously owned one about ten years ago but it was damaged in a side slope event. Director Donner asked if the goal is to have one each for Moraga and Orinda. Chief Winnacker responded that it would make sense to have two. Several years ago the District returned the state Office of Emergency Services (OES) apparatus because of difficulty

with staffing. As staffing increases, the interest in deployment opportunities increase. MOFD may be able to obtain free apparatus from OES. President Danziger asked if the Type VI requires special training. Chief Winnacker responded that it does and staff is being trained and will meet the OSHA requirements. Chief Winnacker stated that it will take 90 days to build after the order is placed. Director Jorgens asked about the bid process. Chief Winnacker stated that no RFP was needed because the vehicle was obtained through the Galveston Area Cooperative agreement which is equivalent to GSA pricing. Five companies were contacted to obtain price and specs. The price is usually over \$300K and the average price is mid \$200K. President Danziger asked if it will be a 2019 model. Chief Winnacker stated that the factory is relocating so 2019 models of the 5500 chassis are not available and this apparatus will be built on a new 2018 chassis.

There was no comment from the public. Motion by Director Jex and seconded by Director Jorgens to approve item 4.5. Said motion carried a 4-0-1 voice vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx).

4.3 Approval of Unrepresented Employee Handbook Authorizing Salary and Benefits for Unrepresented Employees Effective July 1, 2018; Approval of Salary Schedule for Unrepresented Employees Effective July 1, 2018; Incorporate the terms of the Employment Agreement with Administrative Services Director and Fire Marshal into the Unrepresented Employee Handbook; Eliminate Employment Agreement with Administrative Services Director Dated August 26, 2013; Eliminate Employment Agreement with Fire Marshal Dated June 20, 2013

Counsel Holtzman provided the report. Recently negotiated Memorandums of Understanding make it appropriate to review and update the Unrepresented Employee Handbook. The two main changes are: eliminating individual contracts with the Fire Marshall and the Administrative Services Director; and incorporating the at-will language into the Manual. This will be more efficient for the District as the only individual contract will be with the Chief. The Manual includes health, dental, and salary information.

There was no Board discussion. There was no comment from the public. President Danziger noted that the Manual will bring efficiency to the District's operations.

Motion by Director Jorgens and seconded by Director Donner to approve item 4.3 Said motion carried a 4-0-1 voice vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx)

4.4 Adopt Resolution No. 19-04 Adopting Amendment-2 to Employment Agreement Between Moraga-Orinda Fire District and David Winnacker

Counsel Holtzman provided the report. Amendment-2 to the Employment Agreement between the District and the Fire Chief provides for the annual base salary to increase from \$215,000 to \$236,500 annually and to clarify that the District medical and dental plan contributions are the same as employees in the Moraga-Orinda Fire Chief Officers' Association.

Director Jorgens thanked Chief Winnacker and stated that the Chief is doing a terrific job and has high visibility in the community. President Danziger concurred and applauded the Chief's proactive work and the fuel break grant. Director Donner stated that the Chief is doing a great job. Director Jex also concurred and stated that the Chief has exceeded his expectations of what could be accomplished in one year in terms of labor negotiations and Station 43.

President Danziger opened the public comment. There were no requests to address the Board. President Danziger closed the Public Comment.

Motion by Director Jorgens and seconded by Director Donner to approve item 4.4 Said motion carried a 4-0-1 voice vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx)

4.6 Commercial Vehicle Purchase – Authorize the Purchase of Two Dodge 2500 Pickup Trucks; Authorize General Fund Budget Adjustments; Authorize Capital Projects Fund Budget Adjustments

Chief Winnacker provided the report. MOFD has a long history of participation in the California Fire Assistance Agreement (CFAA) through the provision of mutual aid with members regularly deploying on Type I and III engines as part of county and regional strike teams and as single resources filling command and general staff positions. In order to become qualified to fill these positions, members must complete a standardized qualification process governed by the California Incident Command Certification System (CICCS). Members of the District who have experience in the System from prior service in other areas have made efforts to expand access to the System for MOFD members to achieve experience with large scale fires in other communities. This is critical for the development of skills and experience which will be needed when a large-scale fire occurs in this District. The out of county program exposes staff to experiences other than day-to-day responses inside the district and increases their awareness of new and emerging techniques. In the event of a large-scale fire, staff will be able to organize the response based on experience they gain while deployed on large fires in other areas.

This program is identified as one of the Lines of Effort in the Strategic Wildfire Prevention Plan. In order to deploy as single resources, the firefighter must be in a vehicle. A rental vehicle may be authorized but is typically difficult to locate. Having a vehicle available is critical to enable staff to get to an incident. The State reimburses for the member's pay, an administrative handling fee, and the cost of the vehicle. In 2017-2018, these single resource vehicle reimbursements totaled \$29,074.80. In year to date 2018-2019, reimbursements totaled \$18,476. Although not inexpensive, staff anticipates a ten-year service life and believes the acquisition and maintenance costs will largely be recovered through CFAA deployments and associated Office of Emergency Services (OES) reimbursement. During the winter, a vehicle of this size is required for transporting the chipper. Chief Winnacker stated that the Fire Chief Contingency Fund has sufficient funds to make this purchase.

Director Jex noted that the money will be taken out of the Capital Fund and financing would not be needed. President Danziger asked if the vehicles are purchased through the same program as the Type VI. Chief Winnacker responded that the District will purchase the vehicle through the State GSA contract which is approximately \$3,500 cheaper per vehicle than the government discount available through open market pricing. The District obtained five quotes and the GSA contract provides the best pricing. President Danziger asked when the vehicle will be delivered. Chief Winnacker responded it could take as long as 150 days so it is important to order now in advance of the fire season. Director Donner asked if the order can be expedited. Director Jorgens asked if it will be a 2019 model. Chief Winnacker said that it will be a 2019 model and the state specs allow for 150 days delivery. The vehicle is a pick-up truck design with four doors, an open bed with a liner, and four-wheel drive. This vehicle is a general utility vehicle.

President Danziger opened the public comment. There were no requests to address the Board. President Danziger closed the Public Comment.

Motion by Director Jex and seconded by Director Jorgens to approve item 4.6 Said motion carried a 4-0-1 voice vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx)

4.7 Discuss CASA Compact

Counsel Holtzman provided the report. The materials which he provided summarize the CASA Compact's tax aspects and its potential effects on the District. The information is current through April 10, 2019. The final Compact was published in January 2019. Element 9 of the Compact is the funding option. One possible funding option is the 20% revenue sharing contribution from local governments. The CASA Compact has no binding agreement. Bills have been introduced in Sacramento to implement various portions of the Compact. AB1487 creates the Housing Alliance for the Bay Area (HABA). HABA is comprised of nine members from MTC and nine members from ABAG. HABA would be authorized to raise and allocate new revenue by placing various funding measures on the ballot in all or a subset of the nine counties in the Bay Area. AB 1487 does not contain any reference to the 20% property tax increment but it does discuss other taxes. AB 1487 talks about a parcel tax, gross receipts tax, business tax, half-cent sales tax, general obligation bond, and revenue bond. HABA has the authority to place measures on the ballot in each county and requires a special election with their language for the measure. AB 1487 has a tremendous potential to increase taxes with no other method besides the ballot. Director Jex clarified that the ballot would be done by county. Director Jorgens asked if the counties would be voting on taxes which impact their own county or have multi county impact. Counsel Holtzman replied that AB 1487 does not discuss any internal arrangements. It is a bill with broad power. Director Jorgens asked

what authority the county has to reallocate Moraga and Orinda tax revenue. Director Jex noted that there will be a lot of litigation. Counsel Holtzman recommended that it is best to provide updates as available. Counsel Holtzman stated that HABA is seen by many as a direct challenge to local control. Housing is a regional problem. Matters of statewide concern are an exception to the broad home rule powers in California.

President Danziger opened the public comment.

Dan DeBusschere, Orinda resident, provided two handouts to the Board (see Attachment A): a legislative summary of AB 1487 and a proposed MOFD resolution regarding AB 1487. He stated that, although housing is needed, local funding is inadequate. He recommended that the state fund the proposal which would transfer the responsibility for the funding to state appropriations and governor approval. State funds would have no effect on MOFD. He noted that the bill does not provide any start-up funding. President Danziger stated the Board cannot take action on AB 1487. Counsel Holtzman suggested that the Board defer action until the details are available and discuss the item at a future meeting. Director Jex noted that, if the bill comes before the legislature for a vote, there is no time to react. If the Board wants to become more involved in the issue, Counsel Holtzman recommended that the Board obtain the services of someone in Sacramento to watch this bill. In order to take action, the item needs to be agendized as an action item. Director Jorgens asked if it should be agendized as a concept or specifics. Director Jex stated that Moraga, Orinda, and Lafayette are unified in their approach. Director Jorgens stated that the District does not want a third party in control of its funding. President Danziger stated that the Los Angeles City Council opposed a similar bill (SB 50) by a vote of 12-0.

Kimberleigh Korpus, Town of Moraga Vice Mayor, stated that Orinda, Moraga, and Lafayette met in March. All three mayors are concerned about this issue and are working together to get amendments to the CASA Compact. An important meeting is scheduled for April 25, 2019. She suggested an ad hoc committee to give input to the mayors. President Danziger suggested that the District reach out to the mayors and work with them to address the Board's concerns. Mr. DeBusschere noted that a legislative meeting for SB 50 and AB 1487 is set for April 24, 2019.

President Danziger requested that the item be on the Board's next meeting agenda.

President Danziger adjourned the Regular Board meeting to the Public Budget Workshop at 7:18 p.m.

President Danziger reconvened the Regular Board Meeting at 9:11 p.m. Director Baitx was absent. Present were the following Directors and Staff:

Director Donner	Director Jorgens	Admin. Services Director Gloriann Sasser
Director Jex	President Danziger	Jonathan Holtzman, District Counsel
	Dave Winnacker, Fire Chief	Patricia Edwards, Interim District Clerk

5. COMMITTEE REPORTS

5.1 Finance Committee (Directors Danziger and Jorgens)

No report.

5.2 Audit Ad Hoc Committee (Director Jex)

No report.

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

No report.

5.4 Facilities Ad Hoc Committee (Directors Baitx and Donner)

No report.

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

No 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))

President Danziger reported that he attended the Fire District Association of California Conference in Napa. The District paid for his Conference registration (\$395) and he paid for all other costs. He stated

that he learned a lot, made good contacts, and met several of the District's vendors. He recommended that the other Directors attend next year.

6.2 Questions and informational comments from Board members and Staff

No report.

6.3 Fire Chief Updates

Chief Winnacker stated that the District's Open House will be held on Saturday, May 4, 2019 at Station 45. Representatives from CERT, prevention staff, and Rescue One will be present and the emphasis will be on fuels mitigation.

The Chief reported that there are five candidates currently attending the Berkeley Fire Academy and should graduate in June. He explained that the District is continually behind on replacing personnel losses from attrition due to retirements through the current once a year hiring process. He suggested a change in the number of processes to twice a year to increase the number of candidates. He noted that a recruitment is now open. In response to several questions from the board, he noted that (68%) of the District's calls are medical. A paramedic requires 1 to 11/2 years of training. An EMT requires 120 hours training. The District has five positions open with an application deadline of May 1, 2019 and this hiring includes lateral candidates. Chief Winnacker stated that it is difficult to develop paramedic skills and that the district only hires experienced paramedics with at least one year of 9-1-1 experience. Director Jorgens asked if it is cheaper to pay overtime than to hire more staff. Chief Winnacker stated that a fully loaded salary is 190% while overtime is 150% of base salary. Costs associated with staffing shortages and high mandatory hours are realized through increased sick leave, increased injuries, reduced production, and poor morale.

Chief Winnacker provided a Station 43 update. The weather delayed the keystone wall. PG&E delayed installation of the gas tap to April 18, 2019. A punch list for interior items will be prepared. The goal is to be done by the end of April at which time the temporary station will move to its permanent location. The project is on budget with only small change orders required.

Fuels Mitigation Update - the crew has been hired and the chipper will be tested next week in Canyon.

6.4 Communications Received

Governor Newsome's office called to set up a press conference for April 23, 2019 but the funds for the CalFire Prevention grant have not yet been released. Chief Winnacker attended four Fire Wise outreach events. Several more are scheduled. President Danziger asked what the width of the fuel breaks are. Chief Winnacker stated that 100 feet is in the minimum and 500 feet is the widest. It is limited by topography and other constraints.

Chief Winnacker stated that correspondence was received regarding: the CASA Compact, budget, favorable follow ups regarding the Fire Wise assessments, and positive interactions with MOFD crews on medical incidents.

6.5 Future Agenda Items

No report.

7. ADJOURNMENT

At 9:35 p.m., Director Jorgens motion to adjourn the meeting was seconded by Director Donner. Said motion carried a 4-0-1 voice vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx).

Attachment A: Dan DeBusschere's two handouts to the Board – a legislative summary of AB 1487 and a proposed MOFD resolution regarding AB 1487.

AB 1487 (Chiu D) San Francisco Bay area: housing development: financing.

Status: 4/10/2019 - From committee: Do pass and re-refer to Com. on L. GOV. (Ayes 5. Noes 2.)

Calendar: 4/24/2019 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT,
AGUIAR-CURRY, Chair

Summary

Existing law provides for the establishment of various special districts that may support and finance housing development, including affordable housing special beneficiary districts that are authorized to promote affordable housing development with certain property tax revenues that a city or county would otherwise be entitled to receive. This bill, the San Francisco Bay Area Regional Housing Finance Act, would establish the Housing Alliance for the Bay Area (hereafter "the entity") and would state that the entity's purpose is to increase affordable housing in the San Francisco Bay area, as defined, by providing for enhanced funding and technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production. The bill would establish a governing board of the entity, composed of members appointed by the Metropolitan Transportation Commission and the Association of Bay Area Governments. The bill would authorize the entity to exercise various specified powers, including the power to raise revenue and allocate funds throughout the San Francisco Bay area, subject to applicable voter approval requirements and other specified procedures, as provided. The bill would also require the board to provide for annual audits of the entity and financial reports, as provided. The bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities within the San Francisco Bay area, including charter cities.

Votes

04/10/2019 Asm. H. & C.D. (Y: 5 N: 2 A: 1) (Pass)

Proposed MOFD Board Resolution 04_17_2019 regarding AB 1487 (Chiu) current session.

MOFD Opposes AB 1487 because the bill relies solely on local funding sources such as "certain property tax revenues that a city or county would otherwise be entitled to receive".

Any sharing of existing property tax allocations will greatly impact the provision of Public Safety Services (Police, Fire, EMS, Emergency Services) and well as other locally financed programs that directly support the health and safety of the local residents. Are we going to throw Fire and Police personnel on the streets to support affordable housing?

The funding requirements for a comprehensive program to finance and develop affordable housing will run into the multiple billions of dollars a year. The MTC CASA Compact is requesting \$2.5 billion annually just to service the Bay Area. Therefore, new funding sources such as the California State General Fund must be allocated to these programs to prevent a predictable financial disaster at the local level. There is no such level of excess funding available at the local level.

Vote NO on AB 1487 unless sufficient State Funding Sources are identified to pay for the entire program.