



Moraga-Orinda Fire Protection District

BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

March 25, 2020
(Approved April 29, 2020)

1. The Board of Directors convened a Teleconference Open Session at **4:15 p.m.** on March 25, 2020, via the Zoom application, <https://zoom.us/j/644799507>, and webinar id: 644 799 507 or by Phone 1-669-900-6833. Pursuant to Executive Order N-25-20, Teleconferencing Restrictions of the Brown Act have been suspended. MOFD following the latest Public Health Order from the Contra Costa Health Services issued on March 16, 2020. At this time, all formal public meetings will continue remotely.

President Danziger called the meeting to order and requested an attendance roll call. Present were the following Directors and Staff:

President Danziger	Director Jorgens	Jonathan Holtzman, District Counsel
Director Baitx	Dave Winnacker, Fire Chief	Marcia Holbrook, District Clerk
Director Donner	Gloriann Sasser, Admin Services Director	
Director Jex	Christine Russell, HR Benefits Manager	

2. **PUBLIC COMMENT (audio 1:30)**

President Danziger opened Public Comment. Public comment remained open for a minimum of 3 minutes to allow for potential digital processing delays to ensure that the public had sufficient time and opportunity to send in questions or comments via the Zoom Chat, by the designated email at MOFD.org, or by Facebook.

Hatti Hamlin, an Orinda resident, sent in an email comment on behalf of the Dalewood/Amber Valley Firewise neighborhood committee. Ms. Hamlin expressed that the Firewise committee is very supportive of Fire Chief Winnacker's proposed fire code and would also like the Board to reserve resources for helping with residential fire risk mitigation.

President Danziger responded that the Board would take the comment under consideration.

President Danziger closed Public Comment.

3. **CONSENT AGENDA (audio 9:41)**

- 3.1. **Meeting Minutes – February 19, 2020**

Staff Recommendation: Approve and File

- 3.2. **Monthly Incident Report – February 2020**

Staff Recommendation: Approve and File

- 3.3. **Contra Costa County Employees' Retirement Association Investment Performance Review – Period Ending: December 31, 2019**

Staff Recommendation: Approve and File

- 3.4. **Authorize Contract with Delta Dental of California for the Period April 1, 2020- March 31, 2021**

Staff Recommendation: Authorize a contract with Delta Dental of California for the period April 1, 2020 through March 31, 2021.

Director Jorgens commented that the CCCERA statement does not reflect the true market returns as of the statement date and that there is a delay in reporting of the actual performance of the portfolio.

President Danziger requested clarification from the staff. Fire Chief Winnacker explained that the reporting varied on the asset classification. Some of the assets report the prior year's performance. Some elements of CCCERA's portfolio has to do with market equities that are as of December 31, 2019, but a significant portion of the portfolio is as of December 31, 2018.

President Danziger opened Public Comment.

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Hatti Hamlin, an Orinda resident, sent an email comment stating that Firewise Dalewood/Amber Valley Committee feels strongly that any funds currently not committed should be used for residential mitigation efforts. In our community, we have many senior citizens who don't have the financial capability to do all the requested/specified mitigation work. Rather than adding firefighter staff, we'd like to see the money put into prevention.

President Danziger thanked Ms. Hamlin for the comment and noted that budget discussions would be on our upcoming agenda for the next fiscal year, and that it would be appropriate to discuss it at that time.

President Danziger closed Public Comment. No further discussion by the Board.

Motion by Director Jex and seconded by Director Jorgens to approve Consent Agenda items 3.1 through 3.4. Said motion carried 5-0 roll call vote (Ayes: Baitx, Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: None).

4. REGULAR AGENDA (audio 16:47)

4.1. Adopt Resolution No. 20-05 Adopting Amendment-3 to Employment Agreement Between Moraga-Orinda Fire District and David Winnacker

President Danziger mentioned that there was a typographical error on the agenda. The Resolution number showed 20-03, and it should be 20-05.

District Council Holtzman provided the report. An Ad Hoc Committee was formed to evaluate Fire Chief Winnacker's performance and appointed members of that Ad Hoc Committee Director Baitx and Director Donner negotiated with Fire Chief Winnacker with respect to his terms and conditions of employment.

Mr. Holtzman reviewed the background. The District entered into an Employment Agreement dated December 20, 2017, with David Winnacker with respect to the terms and conditions of employment of employee as Fire Chief for the District. The Employment Agreement provided for future annual salary adjustments based on performance against mutually agreed upon objectives as determined by the Board following the annual written performance evaluation. The District and Fire Chief desire to amend the Employment Agreement to provide the following:

- Annual base salary increase from \$236,500 to \$248,325 per year.
- Retention bonus - District agrees that, provided Winnacker serves until the completion of his current five-year contract on December 20, 2022, he shall be entitled to receive a one-time payment of \$75,000 as excess compensation, to be paid only after his termination of employment from the District. This payment shall not be included in compensation earnable for retirement purposes and will not be paid if CCCERA determines it to be pensionable.
- OES Mutual Aid Pay - While deployed as part of the OES Master Mutual Aid system, in addition to his regular salary, the Chief shall be paid his regular hourly pay rate for time in excess of 8 hours per day and any time on weekends. Such payment is contingent upon reimbursement of the District by third parties for the Chief's time and shall be limited to the amount of such reimbursement.
- A side letter to provide payment to the Fire Chief for time reimbursed to the District by the State for his deployment to the Kincaid Fire on a one-time only basis.

District Counsel recommends the Board adopt Resolution No. 20-05 Adopting Amendment-3 to Employment Agreement between Moraga-Orinda Fire District and David Winnacker.

Director Donner asked for confirmation that the strike team deployment is only to Northern California. Mr. Holtzman confirmed and added that the District received confirmation from CCCERA that this pay would be non-pensionable.

President Danziger stated that the Board has been discussing this matter in Closed Session for the past three months. President Danziger expressed his appreciation of the job Fire Chief Winnacker has been performing for the District. The past year has been a challenging year, and the new contract is a reflection of the Fire Chief Winnacker's performance. President Danziger included that the Fire Chief's

pay increase is comparative to the increase that was given to other employees in the District. Directors Jorgens and Jex concurred with President Danziger's statements. Director Jex asked if the contract is effective as of December 20, 2019. President Danziger confirmed.

President Danziger opened the public comment.

Mark McCullah, Local 1230 Union Representative, sent in an email stating that feedback from Local 1230, and the membership was not included in the Fire Chief Review process. Mr. McCullah asked the Board to consider our current financial climate and the bonus aspect of this contract at this time.

Mr. Holtzman responded that the District Council attempted to reach Union Representatives and the President of the Union by email and phone calls. No response was received from the Union.

President Danziger commented on how fortunate the District is to have Fire Chief Winnacker as the MOFD Fire Chief. The Fire Chief has other opportunities in the greater Bay Area and is heavily recruited. The retention bonus is warranted and needed to ensure that the Fire Chief will continue as the MOFD Fire Chief for the next five years.

Director Jorgens agreed and stated that the benchmark used for the prior Fire Chief's salary is the salary that Fire Chief Winnacker is receiving three years later. Director Jorgens expressed support of the salary and retention bonus.

President Danziger closed Public Comment. No further discussion from the Board.

Motion by Director Jorgens and seconded by Director Jex to approve Resolution No. 20-05 Adopting Amendment-3 to Employment Agreement between Moraga-Orinda Fire District and David Winnacker. Said motion carried 5-0 roll call vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None).

4.2. Approval of Unrepresented Employee Handbook Authorizing Salary and Benefits for Unrepresented Employees Effective March 26, 2020; Approval of Salary Schedule for Unrepresented Employees Effective March 26, 2020 (audio 29:40)

Administrative Services Director Gloriann Sasser provided the report. On December 9, 2019, AFSCME Local 2700 disclaimed interest in the representation of Moraga-Orinda Fire District employees employed in the bargaining unit heretofore represented by Local 2700. Therefore it is necessary to include the three positions previously represented by Local 2700 into the Unrepresented Employee Handbook. The following positions are being added to the Handbook: Accountant, District Secretary/District Clerk, and Payroll Technician (part-time). The Handbook has been updated to add details from the Local 2700 MOU that are needed to maintain the status quo salary and benefits for the three affected positions. The Handbook has also been updated to add details of the status quo salary and benefits for the new District positions of Fuels Mitigation Manager, Fuels Mitigation Specialist, and Office Specialist.

Staff recommends the approval of the Unrepresented Employee Handbook Authorizing Salary and Benefits for Unrepresented Employees effective March 26, 2020, and the approval of Salary Schedule for Unrepresented Employees effective March 26, 2020. ASD Sasser mentioned that the District Council made some slight amendments to the attachments after the agenda was sent out. Updated attachments have been posted to the MOFD website and distributed to the Board. President Danziger acknowledged receipt of the amendments.

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

Motion by Director Jorgens and seconded by Director Jex to approve Unrepresented Employee Handbook Authorizing Salary and Benefits for Unrepresented Employees Effective March 26, 2020; approve Salary Schedule for Unrepresented Employees Effective March 26, 2020. Said

motion carried 5-0 roll call vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None).

5. COMMITTEE REPORTS (audio 37:04)

5.1 Finance Committee (Directors Danziger and Jorgens)

No report.

5.2 Audit Ad Hoc Committee (Directors Danziger and Jex)

No report.

5.3 Facilities Station 41 Ad Hoc Committee (Directors Baitx and Donner)

No report.

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

No report.

6. ANNOUNCEMENTS (audio 37:25)

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

(Government Code Section 53232.3(d))

Directors Donner and Danziger reported attendance at the Moraga Chamber of Commerce Annual Awards dinner. Mechanics Bank was recognized as Business of the Year, and CERT was recognized as the Non-profit of the Year, and attendance at the Contra Costa County Fire Commission Association meeting.

6.2 Questions and informational comments from Board members and Staff

No Comments.

6.3 Fire Chief Updates (audio 40:05)

6.3.1 COVID-19

Fire Chief Winnacker provided the report. California has reported 2,535 COVID-19 cases and 53 deaths. Half of the cases are people younger than age 50. The state announced schools are closed until May 1, 2020, and parks are being addressed as areas in which significant violations of the social distancing guidelines are leading to increased park closures.

Contra Costa County has reported 108 COVID-19 cases and one death. The death was an older adult with some underlying issues. However, California does have the only known youth death associated with Covid-19. There have been no significant impacts to either Health Care Facilities or First Responders across the County and in the District. 911 EMS responses and transports are down significantly from last month as well as the Emergency Department volume at all County hospitals. The County is developing its capacity to include new tent facilities to expand existing capacity. There were 15 new cases over the past 24 hours, and there are ample testing supplies on hand within the County.

MOFD worked with the County to identify opportunities for testing through the county lab with a one-day turnaround for First Responders. Rapid testing is critical to MOFD's ability to maintain response capability as the virus continues to spread. Access to short turnaround testing is critical to our continuity of operations. MOFD has expanded the cleaning and industrial hygiene regime by adding additional resources to decontaminate and sanitize. The watchword is treat everyone and yourself as if you are positive. MOFD is focused on reducing transmission in both directions and will continue to maintain those enhancements as we go forward to protect the most vulnerable.

The Rescue One Foundation purchased an AeroClave decontamination system for ambulances and other apparatus for MOFD. Decontaminating the back of an ambulance is very challenging, and the AeroClave fogger will help get into the nooks and crannies and the hidden spaces. MOFD continues to plan for the COVID-19 pandemic to be a long term event with some estimates showing a flatter curve spiking in October 2020. MOFD is making sure that our resources are resilient to handle the needs of the community over the long term.

MOFD continues to integrate with the County on multiple levels and several times per day. Integration is necessary to ensure that this is a whole-of-government and a whole-of-region effort and that everything we are doing is nested within the broader County response to ensure we are not out of step with what the rest of the County is doing.

ASD Sasser reported on the implementation of MOFD's business continuity plan. One week before the Shelter-in-Place Order was issued, Administration identified the resources needed (laptops, desktops, cellular phones) and the most efficient way to deploy systems to continue operations remotely. When the County issued the Order, the Administration was ready to implement the Business Continuity Plan. The Business Continuity Plan manages all administrative functions remotely in all the Administrative Employees' homes. If the public calls any of the extensions at the Administrative office they are answered remotely by an employee, Monday through Friday, from 8:00 A.M. - 5:00 P.M. Other administrative functions such as payroll, accounts payable, and human resources are all functioning remotely. Budget preparation is progressing as scheduled, and ambulance billing continues uninterrupted. The new Covid-19 web-page on the MOFD website works to provide the latest information to our residents. The purchase and implementation of the Zoom software and Information Technologies have been successful in supporting all of the administration working remotely.

Fire Chief Winnacker added that MOFD continues to receive construction plans for review, which are exchanged via a dropbox outside the office. The County Health Order identified residential construction as one of the exempted or critical businesses. Residential construction cannot move forward without inspection. Inspections will continue to be provided utilizing remote technology.

President Danziger asked if our ability to get supplies has been impacted. Fire Chief Winnacker answered that additional supplies had been released from the County, and all agencies are submitting their requests through a single clearinghouse. The County has significant stock on hand and is distributing as needed. The County also has a pending request from the Federal stockpile routed through the state. MOFD currently does not have any PPE shortfalls. The N95 and other masks are anticipated to be in short supply. The District is following the CDC guidelines for re-use to extend the life of our supplies.

Director Donner inquired if 911 dispatch screened for COVID-19 before First Responders enter into a residence and the procedures for Firefighters/Paramedics who are exposed or show symptoms of the COVID-19 virus. Fire Chief Winnacker answered that screening is in place on every call for possible COVID-19. The pre-screening has been expanded to include anyone in the household or family member. MOFD continues to work with the County to expand the protocol to include motor vehicle accidents and codes where that screening is not occurring. MOFD responders are treating every patient that they come in contact with as a potentially positive patient. If a First Responder is exposed or is symptomatic, a policy is in place to provide an off-site quarantine or isolation location for members who choose not to go home. The district will provide a quarantine location for 14 days. The latest recommendations are seven days in quarantine from the onset of symptoms and then an additional three days after the completion of symptoms before someone is considered released for release.

Director Jorgens asked if the cities in Moraga and Orinda are open for inspections and certificates. Fire Chief Winnacker responded that the County building department is working remotely and conducting inspections on a limited basis. The majority of the inspections are carried out by the County. Fire Chief Winnacker continued to explain that our Fuel Mitigation Specialists are working in an exterior manner completing chipping from a significant amount of material that was piled up in the Campolindo neighborhood. MOFD is reassessing our ability to conduct that work outside. For example, for the last two days, we had a CalFire crew working up on Orinda Oaks on city-owned property, reducing fuels. MOFD is working with the Public Health Official to ensure that the work is in accordance with their direction and guidance regarding social distancing and standardized industrial hygiene.

President Danziger inquired about the additional sanitation and if it was being done internally. Fire Chief Winnacker confirmed. MOFD's focus is to reduce the traffic at the fire stations. The fewest number of people that the First Responders come into contact with on a daily basis, the lower the likelihood of transmission.

6.3.2 Open House, May 9, 2020, Station 45

Fire Chief Winnacker reported that the open house is tentatively scheduled for May 9, 2020. It is anticipated that it will be canceled if the Shelter-in-place Order is extended.

6.3.3 Human Resources Update

HR Benefits Manager Russell provided the report. In response to the COVID-19 pandemic, the Senate passed the Families First Coronavirus Response Act. All government employers are required to comply with this Act. The DOL announced yesterday that the Act would take effect on April 1, 2020, and run through December 31, 2020. Amongst other things, the Act amends the Family Medical Leave Act (FMLA) by providing Public Health Emergency Leave and Public Health Emergency Paid Sick Leave to employees for COVID-19 related reasons for up to 12 weeks if the employee is unable to work or "telework." Employers must provide the first two weeks of leave at the employee's regular rate of pay. The other ten weeks are paid at two-thirds of the employee's regular rate of pay, of which they can supplement leave accruals to receive 100% of their salary. In addition, the District's Employee Assistance Program Provider, Concern Health, is providing resources to employees that include counseling options via phone and video conferencing and tips for working virtually.

HR Benefits Manager Russell continued with the recruitment updates:

1. The new Office Specialist, Mona Berestka, started on March 2, 2020. Mona supports the front counter, Fire Prevention, and the management team. Prior to Mona's employment with the District, she worked for the California Highway Patrol as the Office Technician for Investigative Services.
2. The new Fuels Mitigation Manager, Gorden Graham started on March 16, 2020 and reports to Fire Marshal Jeff Isaacs. Gorden will be overseeing the three Fuels Mitigation Specialists. Gorden comes to the District from Capstone Fire management where he worked as a Battalion Chief. Prior to Capstone, Gorden served as a Fire Captain with Sutter County Fire Department for 18 years.
3. The Engineers Promotional Exam was scheduled to take place on March 17 and 18. The District secures raters from outside agencies to assist in the rating and scoring process. This means that up to 15 people would be within close quarters. Due to the onset of the pandemic at the time, and the social distancing requirement, the District decided to reschedule the exam. The rescheduled dates are still pending.
4. The District's current payroll technician has informed us that she will be moving out of state. In order to fill the future vacancy and allow for cross-training, I opened a recruitment on March 10 with the first review of applications to occur this past Monday, March 23. We have identified 5 candidates to interview. Interviews will take place tomorrow and Friday via Zoom video conferencing.
5. The ALCO Fire Academy that our three Trainees are currently attending has developed a plan for continuing training during the pandemic.

Fire Chief Winnacker explained that the ALCO Academy reported that a partner of one of the Recruits was symptomatic for Covid-19. The Academy has been suspended for two weeks and has been conducting remote learning. Recruits have completed enough training to be classified as "a safe beginner." If the Academy is canceled, MOFD will place the Recruits in an online OJT environment for a month as an additional member on the apparatus under the teaching and evaluation of an assigned Captain. The intention is to move the Recruit through a month-long evaluated period. At the completion of that month, if the Recruit is found to be satisfactory, the Recruit would become a regular member of the MOFD staffing. Director Donner asked how many recruits we have in the Academy. Fire Chief Winnacker answered three recruits. Director Baitx asked when the recruits graduate, what will be the total for staffing line personnel. Fire Chief Winnacker answered 55.

6.4 Communications Received

6.4.1 Sanders Ranch HOA Letter

President Danziger acknowledged the Sanders Ranch HOA letter and asked Fire Chief Winnacker to update the Board on the status of the proposed fire codes.

Fire Chief Winnacker informed the Board that a letter was received from the Sanders Ranch HOA expressing concern about the proposed Fire Code changes. The proposed fire code changes were presented to the MOFD board in December and January as well as in public meetings in Orinda and Moraga. In February, the proposed fire code changes were presented to the Moraga Town

Council and to the City of Orinda. The Orinda City Council had additional questions. MOFD presented to the City of Orinda for a second time on March 3, 2020, and has directed the Orinda City Attorney to research a number of items. MOFD is working through the questions and concerns that the Orinda City Council identified. If the proposed fire code is modified, the modifications would be presented to all three bodies.

6.4.2 HdL Coren & Cone Email

President Danziger acknowledged the email received from HdL Coren & Cone. The email discussed the potential impact COVID-19 has on property taxes. In summary, the email determined that it is difficult to evaluate the impact.

Fire Chief added that an additional email was received from Mr. Robert Potts, Orinda resident expressing appreciation of the chipper program and the professionalism of the Fuels Mitigation Specialists. Mr. Potts talked about Scott Call and his strong advocacy for the much-needed program. Mr. Potts thanked the MOFD Board of Directors for the needed and useful service.

President Danziger asked if the chipping program was still in operation. Fire Chief Winnacker explained that the Campolindo neighborhood had a previously scheduled fuel reduction day. The neighbors created significant piles of material. Based on the window of weather and that we are able to practice social distancing and industrial hygiene, we will have the chipping crew out, reducing those piles. The County Health Officer has identified landscaping as something that individual jurisdictions can make a determination. MOFD has determined, with those controls in place, to continue to work to provide the chipping service. The fire season is not going to take any time off. MOFD is keeping that project going forward because we are looking at several weeks of warm and dry weather. MOFD will continue to reassess how to proceed, but we anticipate being able to continue to operate the chipping program through the spring with appropriate safety controls in place.

6.5 Future Agenda Items

President Danziger suggested that if the April 15, 2020 board meeting is held via the Zoom application, the meeting start time moved from 7:00 P.M. to 4:00 P.M. All Directors agreed by roll call (Jorgens, Jex, Donner, and Baitx).

President Danziger asked about the items currently planned for the April Regular Agenda. Fire Chief Winnacker answered that the annual timeline calls for a budget workshop. Staff anticipates having the updates back from GovInvest on April 1, 2020, for the Long-Range Financial Forecast. The Board will need to decide if the Finance Committee would like to meet in advance of the budget workshop. The Finance Committee meeting would be a public and noticed meeting. The Board could also hold a Special Meeting if there were a desire to review the Long-Range Financial Forecast in advance of the Budget Workshop. The annual timeline is a budget workshop in April and two budget meetings held in May and June.

Director Jex commented that previous discussion indicated that some of these items might be delayed due to the current shelter-in-place restrictions and the limited public participation. President Danziger replied that the Board would need to review the public participation capabilities and see if we can make it more user friendly. Director Jorgens suggested that Attendees could raise their hand and be unmuted so that a person could talk in the meeting and then be muted when done speaking versus email, Zoom chat, and Facebook only. President Danziger responded that he would work with staff for the next meeting.

Director Baitx requested that the discussion on increased Suppression Staffing be added back to the agenda. Director Jorgens requested that the discussion on spending funds on Fuels Reduction be added to the agenda. Director Baitx commented that the April Regular agenda should focus on the items that were pushed back from the March 25, 2020 regular agenda. Mr. Holtzman asked for clarification on the items for the April 15, 2020 agenda. Director Baitx responded that two agenda items from the March 25, 2020 meeting were the Long-Range Financial Forecast and the increased Suppression Staffing. Director Jorgens added that if the Board is going through the budget process, it should consider all expenditures.

Director Jex projected that the Long-Range Forecast would be impacted in terms of the tax revenues, and the stock market will have an impact on the unfunded pension liability. The Board can review and discuss, but won't be able to take informed action to either approve or disapprove anything until we have a better sense of the current environment.

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

7. ADJOURNMENT

At 5:37p.m., Director Baitx motion and seconded by Director Jex to adjourn the meeting. Said motion carried 5-0 roll call vote (Ayes: Baitx, Jex, Jorgens, Donner, and Danziger; Noes: None; Absent: None).



Marcia Holbrook, District Secretary/Clerk

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