



Moraga-Orinda Fire District

Board of Directors

REGULAR MEETING

August 19, 2020

6:30 p.m. CLOSED SESSION

7:00 p.m. OPEN SESSION

Pursuant to Executive Order N-29-20, Teleconferencing Restrictions of the Brown Act have been suspended.

PLEASE NOTE TELECONFERENCE MEETING INFORMATION:

To join the Meeting:

By Phone: 1-669-900-6833

Webinar ID: 886 4656 9867

Please click the link below to join the webinar by Zoom:

<https://us02web.zoom.us/j/88646569867>

Webinar ID: 886 4656 9867

Public Participation is encouraged by joining via the ZOOM link or the dial-in information above. You can access either via a smartphone or computer App (Zoom) or via phone. Public comment will remain open for a minimum of 1 minute to allow for potential digital processing delays to ensure that the public has sufficient time and opportunity to send in questions or comments.

Written Public Comment can be provided via email at info@mofd.org. Emails will be read into the record by staff during public comment at their normal cadence and will be limited to a maximum of 3 minutes. To be read into the record, e-mail must contain in the subject line "Public Comment – Not on the Agenda" or "Public Comment – Agenda Item #" with the relevant agenda item indicated.

Live Public Comment can be provided via the Zoom app (during public comment) by the raise hand or chat function. Staff will unmute participant to allow comment. Participants will be unmuted in the order of hands raised or chat request to comment. If participating by phone, you will need to send a text message to 925-388-9166 to identify the phone number used on Zoom. Staff will announce the last four digits of your number and unmute your phone number to allow talking.

The meeting will be live streamed via the MOFD YouTube Channel. A link is accessible via the District's website.

1. OPENING CEREMONIES

- 1.1. Call the Meeting to Order
- 1.2. Roll Call

2. PUBLIC COMMENT

General public comment on any closed session item that will be heard. Comments may be limited to no more than three minutes pursuant to board policy.

3. CLOSED SESSION

3.1. **Conference with Labor Negotiator**

(Government Code Section 54957.6)

Agency Designated Representative: Jonathan Holtzman

Employee Organization: Local 1230, International Association of Firefighters IAFF

3.2. **Conference with Labor Negotiator**

(Government Code Section 54957.6)

Agency Designated Representative: Jonathan Holtzman

Employee Organization: Unrepresented Employees

3.3. **Conference with Labor Negotiator**

(Government Code Section 54957.6)

Agency Designated Representative: Jonathan Holtzman

Employee Organization: Moraga-Orinda Fire Chief Officers' Association

4. RECONVENE THE MEETING
 - 4.1. Call the Meeting to Order
 - 4.2. Roll Call

5. REPORT OF CLOSED SESSION ACTION

6. PUBLIC COMMENT – ITEMS NOT ON THE AGENDA

At the beginning of each regular District Board meeting, any member of the public may address the District Board concerning any item **not** on the Board's agenda but within the subject matter jurisdiction of the Board. Speakers will be limited to three (3) minutes unless otherwise specified by the Presiding Officer. The public will be given an opportunity to speak on each agenda item at the time it is called. The Board may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Board, no further comment from the public will be permitted unless authorized by the Board and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Board or as otherwise limited by order of the Presiding Officer or the Board..

7. PUBLIC HEARING

- 7.1. **Public Hearing on Failure to Comply with the Notice to Abate Order for the Following Properties; Declare Properties a Seasonal and Recurrent Nuisance and Order Fire Chief to Abate the Properties.** If a property owner fails to comply with an official Notice to Abate, a hearing will be held during a regular schedule district board meeting. At the hearing, the property owner or his or her agent may appear to show cause why the order should not be enforced. For good cause shown, the Board may extend the time for compliance with the order or may rescind the order. Service by mail shall be deemed complete at the time of deposit in the U.S. mail. The failure of any person in possession or owner of the property to receive such notice shall not affect the validity of these proceedings.
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Open the Public Hearing and Hear Public Comment; 4) Review documentation for each property and hear from property owner and or agent 5) Close the Public Hearing; 6) Declare properties a seasonal and recurrent nuisance and order Fire Chief to Abate the properties.

8. CONSENT AGENDA

- 8.1. **Meeting Minutes – July 15, 2020, (Regular), July 30, 2020, Special (Joint Fire Prevention Committee Meeting)**
Staff Recommendation: Approve and File
- 8.2. **Monthly Incident Report - July 2020**
Staff Recommendation: Approve and File
- 8.3. **Monthly Check/Voucher Register - July 2020**
Staff Recommendation: Approve and File
- 8.4. **Quarterly Investment Report – June 2020**
Staff Recommendation: Approve and File

9. REGULAR AGENDA

- 9.1. **Fund Balance Policy Review; Adopt Resolution 20-10 Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54 and Adopting a Revised Fund Balance Policy**
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution 20-10 Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54 and Adopting a Revised Fund Balance Policy.
- 9.2. **Approve Establishment of a Joint Fire Prevention Ad Hoc Committee with the City of Orinda and Town of Moraga**
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Appoint Two Directors to the Committee
- 9.3. **Authorize the Fire Chief to Enter Into Agreements for Contract Services with Six Contractors in the Amount Not To Exceed \$90,000 Each for Weed and Hazard Abatement Services**
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Authorize the Fire Chief to enter into agreements with Contra Costa Tree, Expert Tree Service, East Bay Tree Service, Inc., Fire Ready,

ArborWorks, and Contra Costa Tree & Stump Removal in the amount not to exceed \$90,000 each in order to create a list of six contractors that can be used to abate fire hazards.

- 9.4. **Exterior Hazard Abatement Inspections and Community Chipping Update**
Staff Recommendation: 1) No action required; Informational purposes only

10. COMMITTEE REPORTS

- 10.1. **Finance Committee (Directors Danziger and Jorgens)**
10.2. **Facilities Ad Hoc Committee (Directors Baitx and Donner)**
10.3. **Joint Fire Prevention Committee (Directors Danziger, Donner and Jorgens)**

11. ANNOUNCEMENTS

- 11.1. **Brief information only reports related to meetings attended by a Director at District expense**
(Government Code Section 53232.3(d))
11.2. **Questions and informational comments from Board members and Staff**
11.3. **Fire Chief Updates**
11.3.1. **COVID-19**
11.3.2. **Human Resources**
11.3.3. **Fire Marshal**
11.4. **Communications Received**
11.5. **Future Agenda Items**

12. ADJOURNMENT

The Moraga-Orinda Fire Protection District ("District"), in complying with the Americans with Disabilities Act ("ADA"), requests individuals who require special accommodations to access, attend and/or participate in District Board meetings due to a disability, to please contact the District Chief's office, (925) 258-4599, at least one business day prior to the scheduled District Board meeting to ensure that we may assist you.

Any disclosable public records related to an open session item on a Regular meeting agenda and distributed by the Moraga-Orinda Fire District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspections at 1280 Moraga Way, Moraga, during normal business hours.

I hereby certify that this agenda in its entirety was posted on **August 14, 2020**, at the Moraga and Orinda Fire Administration offices, Stations 41, 42, 43, 44, and 45. Agenda provided to the Moraga Town Office (Hacienda) and Orinda City Hall.



Marcia Holbrook
District Secretary/Clerk



Moraga-Orinda Fire District

TO: The Board of Directors

FROM: Jeff Isaacs, Fire Marshal

DATE: August 19, 2020

SUBJECT: **Item 7.1 – Public Hearing on failure to comply with the Notice to Abate order for the following properties; declare properties a seasonal and recurrent nuisance and order Fire Chief to abate the properties.**

BACKGROUND

In accordance with the California Health and Safety Code, California Fire Code, the Board of Directors must hold a public hearing to allow property owners the opportunity to show cause why the official Notice to Abate order should not be enforced.

On April 24, 2020, all parcels owners within the Fire District were mailed informational postcards identifying the compliance deadline and detailing specific fire code requirements for exterior hazard abatement. Fire Prevention staff performed an assessment of these parcels after the June 15 deadline and found the parcels to be in violation of the exterior hazard abatement requirements.

The properties located at 103 Barbara Rd., 8 Los Dedos, and 30 Ramona Dr. were mailed a 30-day Exterior Hazard Information letter identifying the violations that were found. An inspection was performed after the 30 days, and violations were still found on the parcels. A Notice to Abate Letter was mailed, giving the owner an additional 15 days to abate the identified violations. The Notice to Abate letter identified each violation and provided a picture with a description of each violation and ways to correct the violation. A re-inspection was performed after the 15 days; violations were still found on the properties. A letter was sent, notifying the property owners that the District would be moving forward with a lien hearing.

Two properties, APN 268063010 and APN 268120017 are unimproved parcels greater than one acre in size and represent a significant hazard and risk to neighboring homes and properties. These properties received the postcard and then an inspection that generated a Notice to abate, giving them 15 days to comply. A re-inspections was preformed after the 15 days, and violations were still found. The owners were then sent a letter notifying them of the lien hearing and process. One of the property owners has contacted the District Staff. The rest have not completed the required work to correct the violations, nor have they contacted district staff.

On August 13, 2020, an additional letter was mailed giving details about the hearing and instructions on how to access and participate in the hearing.

CONCLUSION

After the lien hearing and the declaration by the Board that the property violations are a seasonal and recurrent nuisance, Staff will begin the process to hire contractors to abate the violations and place liens on the property.

Properties with Violations

Assessor Parcel Number (APN)

1. 273-083-039
2. 262-212-007
3. 271-221-012
4. 268-063-010
5. 268-120-017

Address

103 Barbara Rd
8 Los Dedos
30 Ramona Dr
7 Austin Ct
No Address assigned vacant parcel

RECOMMENDATION

- 1) Discuss; 2) Deliberate; 3) Open the Public Hearing and Hear Public Comment; 4) Review documentation for each property and hear from property owner and or agent; 5) Close the public hearing; 6) Declare properties a seasonal and recurrent nuisance and order the Fire Chief to abate the properties.

ATTACHMENTS

- 1) Attachment A – Supporting documentation for all 5 properties with violations.



Moraga-Orinda Fire District

Office of the Fire Marshal

OFFICIAL NOTICE TO ABATE

August 11, 2020

**GU SELENE
2152 HILDA WAY
BRENTWOOD, CA 94513-5200**

Inspection ID #: 20-1119

The Moraga-Orinda Fire District has notified you in accordance with Moraga-Orinda Fire District Ordinance No.20-01 that a fire code violation on the following described property owned by you constitutes a fire hazard and that it is deemed necessary to abate such hazard as promptly as possible:

**Parcel Number: 273083039
Parcel Address: 103 BARBARA RD
ORINDA, CA 94563**

On April 24, 2020 the district mailed to you and all residence in the district an exterior hazard control post card. This post card provided information in regards to the requirements of MOFD Ordinance No.20-01 and advised you that all property owners are required to comply with the requirements in MOFD Ordinance 20-01.

On June 26, 2020 MOFD Fire Prevention Staff performed an assessment on your property which resulted in the issuance of an Exterior Hazard Notification letter, this letter advised you that violation(s) of MOFD Ordinance No.20-01 were determined to exist on your property and required that these violation(s) be fixed with 30 days.

MOFD Fire Prevention Staff performed a follow up inspection on August 10, 2020 and determined that previously identified violations remained present on your property. A 15-day Notice to Abate letter was mailed on July 27, 2020. Due to the continued presence of violations, this letter is to inform you that the Moraga-Orinda Fire District is preparing to process your property for abatement by the District. If you have question about this process or need more time please contact the District Fuels Mitigation Manager at phone # 925-258-4520 or ggraham@mofd.org

YOU ARE HEREBY FURTHER NOTIFIED that the Board of Directors of this Fire District will convene a hearing prior to declaring that this property be abated by the Fire District's contractor and that the cost of the abatement and administrative fee be assessed through a lien placed on this property

This Notice is exempt from California Environmental Quality Act (CEQA) as a fuel management activity for the protection of the environment and natural resources. If you feel that the order would cause a taking of endangered, rare, or threatened plant or animal species, please contact Moraga-

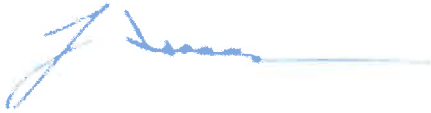
Orinda Fire Protection District before the compliance date to discuss the matter and provide documentation.

To report self compliance:

- Visit <https://user.govoutreach.com/moragaorindafdca/support.php?classificationId=33467> to complete the self-assessment form
- Please refer to your ID # 20-1119

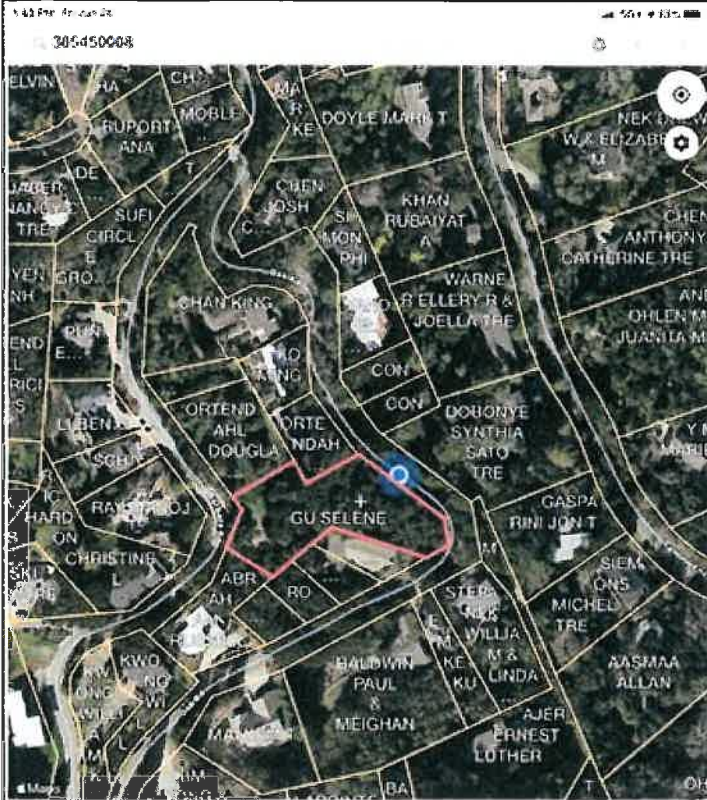
The Fuels Mitigation and Fire Prevention staff are here to help you in your fuel mitigation efforts and we thank you for your cooperation and partnership. If you have any questions or concerns, please contact the Fire Prevention Staff at (925) 258-4525 or email us at mofdaide@mofd.org

Sincerely,



Jeff Isaacs
Fire Marshal
Moraga-Orinda Fire District
1280 Moraga Way
Moraga, California 94556
Phone: 925.258.4525 | Fax: 925.376.1699 | www.mofd.org

Photographs



Owned
Address
Parcel ID

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Moraga-Orinda Fire District

Office of the Fire Marshal

OFFICIAL NOTICE TO ABATE

August 11, 2020

**DONAGHY KENT
8 LOS DEDOS
ORINDA, CA 94563-1826**

Inspection ID #: 20-0811

The Moraga-Orinda Fire District has notified you in accordance with Moraga-Orinda Fire District Ordinance No.20-01 that a fire code violation on the following described property owned by you constitutes a fire hazard and that it is deemed necessary to abate such hazard as promptly as possible:

**Parcel Number: 262212007
Parcel Address: 8 LOS DEDOS
ORINDA, CA 94563**

On April 24, 2020 the district mailed to you and all residence in the district an exterior hazard control post card. This post card provided information in regards to the requirements of MOFD Ordinance No.20-01 and advised you that all property owners are required to comply with the requirements in MOFD Ordinance 20-01.

On June 23, 2020 MOFD Fire Prevention Staff performed an assessment on your property which resulted in the issuance of an Exterior Hazard Notification letter, this letter advised you that violations(s) of MOFD Ordinance No.20-01 were determined to exist on your property and required that these violation(s) be fixed with 30 days.

MOFD Fire Prevention Staff performed a follow up inspection on August 7, 2020 and determined that previously identified violations remained present on your property. A 15-day Notice to Abate letter was mailed on July 23, 2020. Due to the continued presence of violations, this letter is to inform you that the Moraga-Orinda Fire District is preparing to process your property for abatement by the District. If you have question about this process or need more time please contact the District Fuels Mitigation Manager at phone # 925-258-4520 or ggraham@mofd.org

YOU ARE HEREBY FURTHER NOTIFIED that the Board of Directors of this Fire District will convene a hearing prior to declaring that this property be abated by the Fire District's contractor and that the cost of the abatement and administrative fee be assessed through a lien placed on this property

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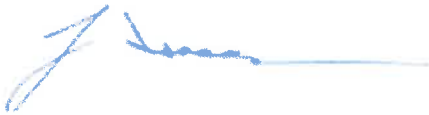
Orinda Fire Protection District before the compliance date to discuss the matter and provide documentation.

To report self compliance:

- Visit <https://user.govoutreach.com/moragaorindafdca/support.php?classificationId=33467> to complete the self-assessment form
- Please refer to your ID # 20-0811

The Fuels Mitigation and Fire Prevention staff are here to help you in your fuel mitigation efforts and we thank you for your cooperation and partnership. If you have any questions or concerns, please contact the Fire Prevention Staff at (925) 258-4525 or email us at mofdaide@mofd.org

Sincerely,



Jeff Isaacs
Fire Marshal
Moraga-Orinda Fire District
1280 Moraga Way
Moraga, California 94556
Phone: 925.258.4525 | Fax: 925.376.1699 | www.mofd.org

Photographs



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Moraga-Orinda Fire District

Office of the Fire Marshal

OFFICIAL NOTICE TO ABATE

August 11, 2020

**KORWIN PETER G
30 RAMONA DR
ORINDA, CA 94563-4319**

Inspection ID #: 20-0781

The Moraga-Orinda Fire District has notified you in accordance with Moraga-Orinda Fire District Ordinance No.20-01 that a fire code violation on the following described property owned by you constitutes a fire hazard and that it is deemed necessary to abate such hazard as promptly as possible:

**Parcel Number: 271221012
Parcel Address: 30 RAMONA DR
ORINDA, CA 94563**

On April 24, 2020 the district mailed to you and all residence in the district an exterior hazard control post card. This post card provided information in regards to the requirements of MOFD Ordinance No.20-01 and advised you that all property owners are required to comply with the requirements in MOFD Ordinance 20-01.

On June 23, 2020 MOFD Fire Prevention Staff performed an assessment on your property which resulted in the issuance of an Exterior Hazard Notification letter, this letter advised you that violations(s) of MOFD Ordinance No.20-01 were determined to exist on your property and required that these violation(s) be fixed with 30 days.

MOFD Fire Prevention Staff performed a follow up inspection on August 7, 2020 and determined that previously identified violations remained present on your property. A 15-day Notice to Abate letter was mailed on July 23, 2020. Due to the continued presence of violations, this letter is to inform you that the Moraga-Orinda Fire District is preparing to process your property for abatement by the District. If you have question about this process or need more time please contact the District Fuels Mitigation Manager at phone # 925-258-4520 or ggraham@mofd.org

YOU ARE HEREBY FURTHER NOTIFIED that the Board of Directors of this Fire District will convene a hearing prior to declaring that this property be abated by the Fire District's contractor and that the cost of the abatement and administrative fee be assessed through a lien placed on this property

This Notice is exempt from California Environmental Quality Act (CEQA) as a fuel management activity for the protection of the environment and natural resources. If you feel that the order would cause a taking of endangered, rare, or threatened plant or animal species, please contact Moraga-

Orinda Fire Protection District before the compliance date to discuss the matter and provide documentation.

To report self compliance:

- Visit <https://user.govoutreach.com/moragaorindafdca/support.php?classificationId=33467> to complete the self-assessment form
- Please refer to your ID # 20-0781

The Fuels Mitigation and Fire Prevention staff are here to help you in your fuel mitigation efforts and we thank you for your cooperation and partnership. If you have any questions or concerns, please contact the Fire Prevention Staff at (925) 258-4525 or email us at mofdaide@mofd.org

Sincerely,

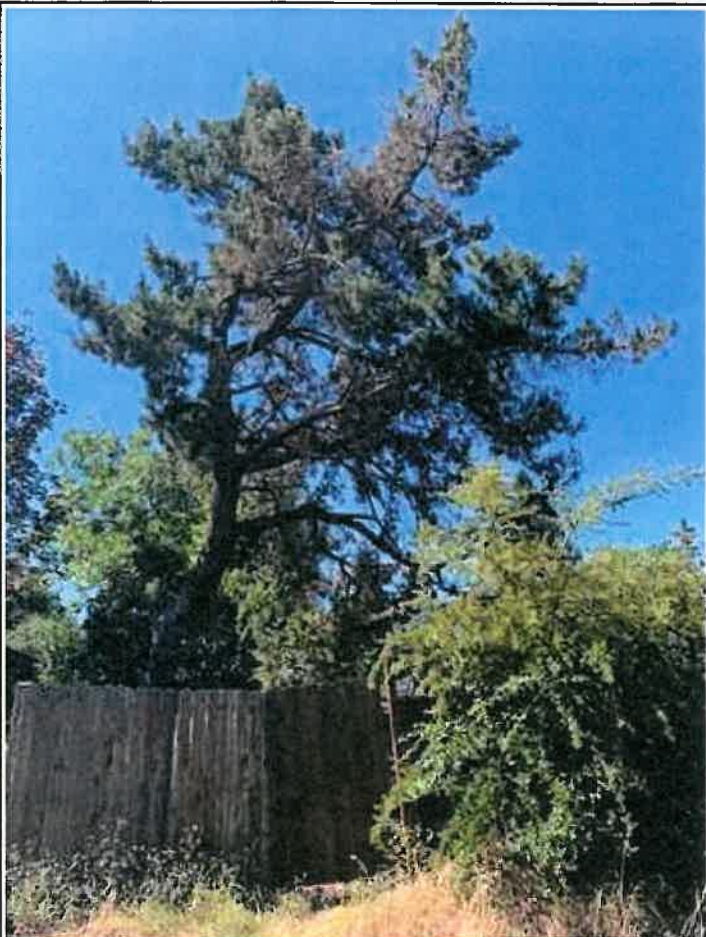


Jeff Isaacs
Fire Marshal
Moraga-Orinda Fire District
1280 Moraga Way
Moraga, California 94556
Phone: 925.258.4525 | Fax: 925.376.1699 | www.mofd.org

Photographs



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Moraga-Orinda Fire District

Office of the Fire Marshal

OFFICIAL NOTICE TO ABATE

August 11, 2020

**CANTAGALLO DAVID & BEVERLY D
PO BOX 292
BELVEDERE TIBURON, CA 94920-0292**

Inspection ID #: 20-0858

The Moraga-Orinda Fire District has notified you in accordance with Moraga-Orinda Fire District Ordinance No.20-01 that a fire code violation on the following described property owned by you constitutes a fire hazard and that it is deemed necessary to abate such hazard as promptly as possible:

**Parcel Number: 268063010
Parcel Address: 7 AUSTIN CT
ORINDA, CA 94563**

On April 24, 2020 the district mailed to you and all residence in the district an exterior hazard control post card. This post card provided information in regards to the requirements of MOFD Ordinance No.20-01 and advised you that all property owners are required to comply with the requirements in MOFD Ordinance 20-01.

On June 24, 2020 MOFD Fire Prevention Staff performed an assessment on your property which resulted in the issuance of an Exterior Hazard Notification letter, this letter advised you that violations(s) of MOFD Ordinance No.20-01 were determined to exist on your property and required that these violation(s) be fixed with 30 days.

MOFD Fire Prevention Staff performed a follow up inspection on August 10, 2020 and determined that previously identified violations remained present on your property. A 15-day Notice to Abate letter was mailed on June 24, 2020. Due to the continued presence of violations, this letter is to inform you that the Moraga-Orinda Fire District is preparing to process your property for abatement by the District. If you have question about this process or need more time please contact the District Fuels Mitigation Manager at phone # 925-258-4520 or ggraham@mofd.org

YOU ARE HEREBY FURTHER NOTIFIED that the Board of Directors of this Fire District will convene a hearing prior to declaring that this property be abated by the Fire District's contractor and that the cost of the abatement and administrative fee be assessed through a lien placed on this property

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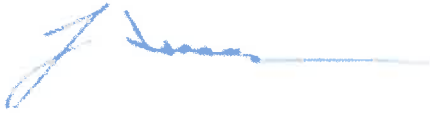
Orinda Fire Protection District before the compliance date to discuss the matter and provide documentation.

To report self compliance:

- Visit <https://user.govoutreach.com/moragaorindafdca/support.php?classificationId=33467> to complete the self-assessment form
- Please refer to your ID # 20-0858

The Fuels Mitigation and Fire Prevention staff are here to help you in your fuel mitigation efforts and we thank you for your cooperation and partnership. If you have any questions or concerns, please contact the Fire Prevention Staff at (925) 258-4525 or email us at mofdaide@mofd.org

Sincerely,



Jeff Isaacs
Fire Marshal
Moraga-Orinda Fire District
1280 Moraga Way
Moraga, California 94556
Phone: 925.258.4525 | Fax: 925.376.1699 | www.mofd.org

Photographs



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No abatement efforts as of 7/28.



No abatement efforts as of 7/28.



Moraga-Orinda Fire District

Office of the Fire Marshal

OFFICIAL NOTICE TO ABATE

August 13, 2020

**SOUTHWOOD VALLEY ESTATES LLC
21009 SEVEN SPRINGS PKWY
CUPERTINO, CA 95014-5158**

Inspection ID #: 20-1543

The Moraga-Orinda Fire District has notified you in accordance with Moraga-Orinda Fire District Ordinance No.20-01 that a fire code violation on the following described property owned by you constitutes a fire hazard and that it is deemed necessary to abate such hazard as promptly as possible:

**Parcel Number: 268120017
Parcel Address: BATES BLVD
ORINDA, CA 94563**

On April 24, 2020 the district mailed to you and all residence in the district an exterior hazard control post card. This post card provided information in regards to the requirements of MOFD Ordinance No.20-01 and advised you that all property owners are required to comply with the requirements in MOFD Ordinance 20-01.

On July 1, 2020 MOFD Fire Prevention Staff performed an assessment on your property which resulted in the issuance of an Exterior Hazard Notification letter, this letter advised you that violations(s) of MOFD Ordinance No.20-01 were determined to exist on your property and required that these violation(s) be fixed with 30 days.

MOFD Fire Prevention Staff performed a follow up inspection on August 10, 2020 and determined that previously identified violations remained present on your property. A 15-day Notice to Abate letter was mailed on July 1, 2020. Due to the continued presence of violations, this letter is to inform you that the Moraga-Orinda Fire District is preparing to process your property for abatement by the District. If you have question about this process or need more time please contact the District Fuels Mitigation Manager at phone # 925-258-4520 or ggraham@mofd.org

YOU ARE HEREBY FURTHER NOTIFIED that the Board of Directors of this Fire District will convene a hearing prior to declaring that this property be abated by the Fire District's contractor and that the cost of the abatement and administrative fee be assessed through a lien placed on this property

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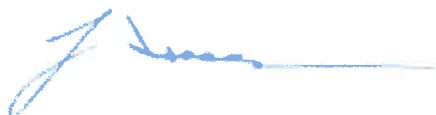
Orinda Fire Protection District before the compliance date to discuss the matter and provide documentation.

To report self compliance:

- Visit <https://user.govoutreach.com/moragaorindafdca/support.php?classificationId=33467> to complete the self-assessment form
- Please refer to your ID # 20-1543

The Fuels Mitigation and Fire Prevention staff are here to help you in your fuel mitigation efforts and we thank you for your cooperation and partnership. If you have any questions or concerns, please contact the Fire Prevention Staff at (925) 258-4525 or email us at mofdaide@mofd.org

Sincerely,



Jeff Isaacs
Fire Marshal
Moraga-Orinda Fire District
1280 Moraga Way
Moraga, California 94556
Phone: 925.258.4525 | Fax: 925.376.1699 | www.mofd.org

1:58 PM Tue Aug 11

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268120017



Owner
SOUTHWOOD VALLEY ESTATES LLC

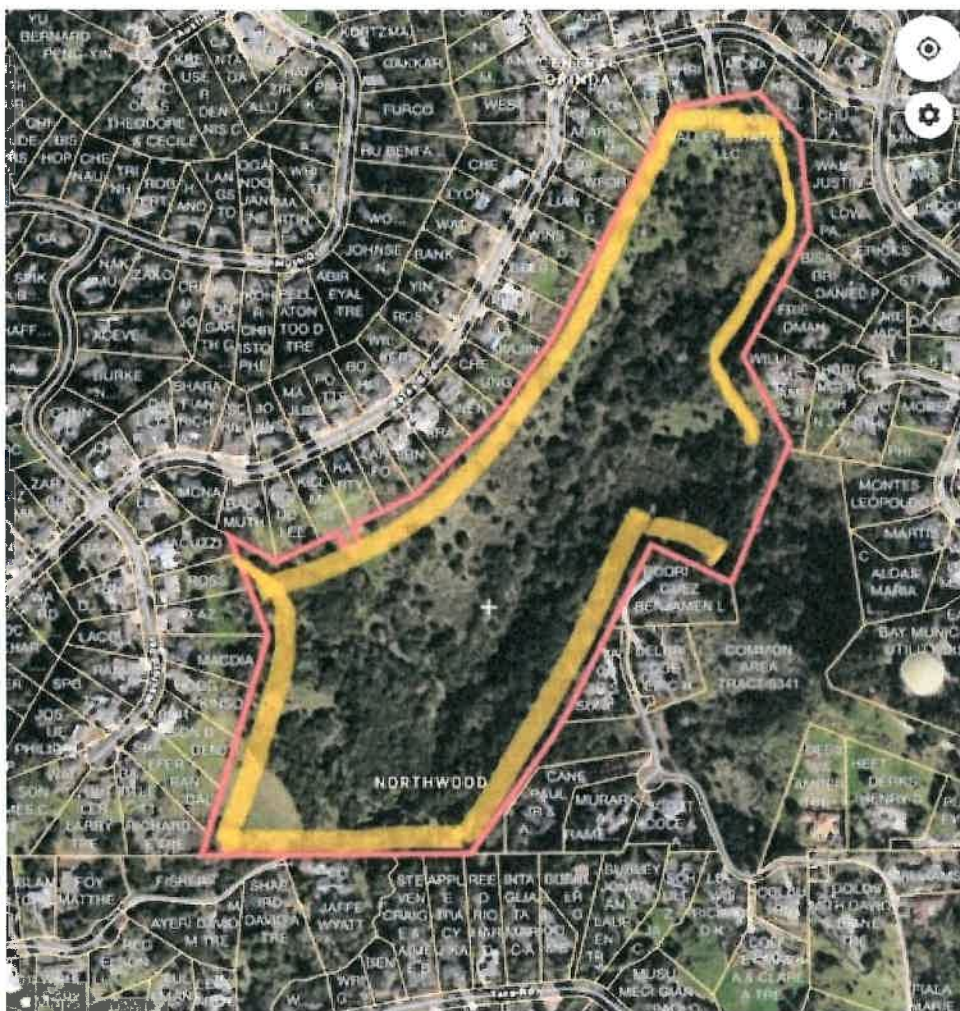
Address
Name RATES

Parcel ID
268120017

2:48 PM Mon Aug 10

Signal strength, Wi-Fi, and battery icons

🔍 Oak rd, orinda



Owner
SOUTHWOOD VALLEY ESTATES LLC

Address
None listed

Parcel ID
205214011



Moraga-Orinda Fire Protection District

BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

July 15, 2020

1. OPENING CEREMONIES

The Board of Directors convened a Teleconference Open Session at 7:04 p.m. on July 15, 2020, via the Zoom application, <https://us02web.zoom.us/j/81686857616>, Webinar Id: 816 8685 7616 and by phone 669-900-6833. Pursuant to Executive Order N-29-20, Teleconferencing restrictions of the Brown Act have been suspended. MOFD is closely following the latest Public Health Order from the Contra Costa Health Services issued on March 17, 2020. At this time, all formal public meetings will continue remotely.

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

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

Fire Chief Winnacker introduced two new members to the Moraga-Orinda Fire District: Firefighter Paramedic Stephen Cooke and Firefighter Paramedic Joshua David. On July 13, 2020, the Firefighter Paramedic Trainees graduated from the Alameda County Fire Academy. Firefighter Paramedic Cooke and Firefighter Paramedic David took a moment to introduce themselves to the Board. The Board congratulated and welcomed our new Firefighter Paramedic members.

2. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA (audio 10:08)

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

3. PUBLIC HEARING (audio 11:42)

3.1. Public Hearing on Failure to Comply with the Notice to Abate Order for the Following Properties; Declare Properties a Seasonal and Recurrent Nuisance and Order Fire Chief to Abate the Properties.

Fire Chief Winnacker encouraged owners or agents of the properties to raise their hand, email, or text District Secretary Holbrook to speak during the public hearing. President Danziger stated that he would need to recuse himself from discussion and deliberation on properties numbered 4, 5, 6, & 7. Fire Chief Winnacker provided the report. The eight parcels had been identified as non-compliant during the inspection process. The board packet contains copies of communications and pictures issued to the owners of the parcels. Fire Chief Winnacker explained that the properties are large undeveloped parcels with no structures and covered with unmaintained wild grasses, brush, and trees. The parcels represent a significant threat to the community and could form large receptive fuel beds during the upcoming fire season. If embers became established on these parcels, they would start a very large fire that would be difficult to control, and residents would be threatened by wildfire emanating from these lands.

Properties with Violations

Assessor Parcel Number (APN)	Address	Assessor Parcel Number (APN)	Address
1. 255-240-029	3 Rae	5. 271-340-028	No Address assigned
2. 261-140-025	No Address assigned	6. 271-340-029	No Address assigned
3. 261-140-026	No Address assigned	7. 271-340-030	No Address assigned
4. 271-340-027	No Address assigned	8. 270-460-005	46 Cedar Terrace

Fire Chief Winnacker reviewed the violations cited in each property:

Property #1, APN 255-240-029. Property #1 has been the recipient of complaints over the last several years. Extensive email communications between MOFD and the property owner are provided, extending back into 2018 and before. Director Jorgens asked about situations where owners are stranded out of town and are not getting their mail. Fire Chief Winnacker answered that MOFD has had extensive back and forth email communications with the property owner, who has become unresponsive. MOFD has received no indication that the violation Notices to Abate have not being received.

President Danziger opened the Public Hearing for comment on parcel APN 255-240-029. There were no requests to address the Board. President Danziger closed Public Hearing. No further discussion by the Board.

Motion by Director Jorgens and seconded by Director Jex to Declare the Property a Seasonal and Recurrent Nuisance and Order Fire Chief to Abate the Property. Said motion carried 4-0-1-0 roll call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx; Abstain: None).

Property #2 APN 261-140-025 and Property #3 261-140-026. The two undeveloped parcels lie between Tigertail and Valley View. The parcels have had no fuel mitigation work and are heavily overgrown. The parcels are located on a steep north-facing slope around Miner Road in a very high fire hazard severity zone. The result of no fuel mitigation work has created an extreme fire loading on these parcels.

President Danziger opened the Public Hearing for comment on parcel APN 261-140-025 and APN 261-140-026. There were no requests to address the Board. President Danziger closed Public Hearing. No further discussion by the Board.

Motion by Director Jorgens and seconded by Director Jex to Declare Properties a Seasonal and Recurrent Nuisance and Order Fire Chief to Abate the Properties. Said motion carried 4-0-1-0 roll call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx; Abstain: None).

Director Jorgens suggested reviewing property #8 out of order so President Danziger could discuss and deliberate the property before recusing himself from discussion and deliberation on properties numbered 4, 5, 6, & 7. All Directors agreed.

Property #8, APN 270-460-005. Staff identified the requirement to create a fuel break around the perimeter and to remove dead or dying trees and all combustible material. The parcel is a large open parcel coming down off of the Mulholland Ridge. The owner has been unresponsive to the unmitigated fuels on the parcel.

President Danziger opened the Public Hearing for comment on APN 270-460-005. There were no requests to address the Board. President Danziger closed Public Hearing. No further discussion by the Board.

Motion by Director Jorgens and seconded by Director Jex to Declare Property a Seasonal and Recurrent Nuisance and Order Fire Chief to Abate the Property. Said motion carried 4-0-1-0 roll call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx; Abstain: None).

President Danziger recused at himself 7:30 p.m. from discussion and deliberation on properties numbered 4, 5, 6, & 7. President Danziger handed the proceedings over to Vice President Jorgens and left the virtual teleconference meeting.

Fire Chief Winnacker proceeded to review the violations cited for all four properties: Property #4, APN 271-340-027, Property #5, APN 271-340-028, Property #6, APN 271-340-029 and Property #7, APN 271-340-030. The undeveloped parcels are located on the northeastern side of Moraga Way at El Camino Moraga. Staff has been engaged with the owner over the last several years, which is owned by an LLC with offices in Long Beach and Hong Kong. Staff has been in communication with the owners via their contractor, who was acting as an intermediary. The contractor complied by clearing out the roadside, but not across the creek (which is accessed by a single driveway) due to the expense. The owners and the contractor have become unresponsive to the violation notices issued on these parcels.

Vice President Jorgens opened the Public Hearing for comment on properties: #4, APN 271-340-027, #5, APN 271-340-028, #6, APN 271-340-029 and #7, APN 271-340-030. There were no requests to address the Board. Vice President Jorgens closed Public Hearing. No further discussion by the Board.

Motion by Director Jex and seconded by Director Donner to Declare Properties a Seasonal and Recurrent Nuisance and Order Fire Chief to Abate the Properties. Said motion carried 3-0-2-0 roll call vote (Ayes: Donner, Jex, and Jorgens; Noes: None; Absent: Baitx and Danziger; Abstain: None).

President Danziger returned to the Regular Board meeting at 7:38 p.m.

Director Jex asked about the timetable for hiring the contractors to perform the work and tax lien process. Fire Chief Winnacker answered that MOFD would post an RFP, identify qualified contractors, perform the work and invoice the owner. The District will pay the contractor's invoice and file a lien on the parcel if the property owner does not pay the MOFD invoice. Director Jex asked how long MOFD holds the receivables before reimbursed from the County. ASD Sasser answered that MOFD places the lien onto the tax roll and receives reimbursement within one year from the County due to the Teeter plan. The lien will go onto the owner's tax bill for collection by the County.

Director Donner commented that the parcels are located on our major evacuation routes and next to Firewise communities. Director Donner expressed the importance of mitigating these properties.

Director Jorgens commented that he understood the lien process differently and thought that when a lien is placed on the property, it did not have to be paid until the property was either sold or refinanced versus adding the lien to a tax bill. Fire Chief Winnacker responded that Staff would follow up with the County to confirm the process. Director Jex requested more information on how the lien placed on the property versus adding the lien to a tax bill would impact the Teeter plan.

No further discussion by the Board.

- 3.2. **Public Hearing on Fire Code Adoption and Second Reading of Ordinance 20-01 Adopting the 2019 California Fire Code and the 2018 International Fire Code with Fire District Amendments; consideration of Findings of Fact pursuant to Section 18941.5 of the Health and Safety Code.** Fire Chief Winnacker provided the report and reviewed the major changes outlined in the Staff report.

Staff recommended to introduce, and waive the second reading of Ordinance 20-01 – an Ordinance of the Moraga-Orinda Fire District of Contra Costa County Adopting the 2019 California Fire Code and the 2018 International Fire Code with Fire District Amendments; consideration of Findings of Fact pursuant to Section 18941.5 of the Health and Safety Code.

President Danziger opened the Public Hearing. There were no requests to address the Board. President Danziger closed the Public Hearing.

President Danziger asked if there would be a separate fee for real property transfer inspections. Fire Chief Winnacker answered that a self-report feature had been added to the website allowing residents to upload photos of their properties. Staff is able to assess the property from the office. In addition, Realtors can review properties through a special portal to view a property's status prior to selling the property. MOFD does not anticipate a fee.

President Danziger asked if a garage is a habitable structure. Fire Marshal Isaacs answered that the fire code and building code defines habitable structure as anything greater than 120 square feet. Fire Chief Winnacker added that a habitable structure means a major outbuilding like a garage. A detached garage by its very nature is usually in some proximity to the home, and the fire loading is significant.

No further discussion by the Board.

Motion by Director Jorgens and seconded by Director Jex to waive and adopt the second reading Ordinance 20-01 – An Ordinance of the Moraga-Orinda Fire District of Contra Costa County Adopting the 2019 California Fire Code and the 2018 International Fire Code with Fire District Amendments; consideration of Findings of Fact pursuant to Section 18941.5 of the Health and Safety Code. Said motion carried 4-0-1-0 roll call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx; Abstain: None)

3.3. Public Hearing on Burn Ban Adoption and Urgency Ordinance 20-03 Setting Forth the Requirements and/or Restrictions Pertaining to Banning Open Burning and Recreational Fires during High Fire Conditions and Providing for Enforcement Options and Penalties

Fire Chief Winnacker provided the report. Every year open burning, camp fires, bonfires, and recreational fires escape control and require an emergency response from fire agencies. By restricting the time of year that open burning is allowed, MOFD can reduce the threat to the community posed by uncontrolled wildfire. One of the issues identified by Staff over the last several weeks (as a result of a series of complaints from a neighborhood) is that MOFD does not have the authority to ban the use of an open flame or recreational fires inside the jurisdiction. This stands in sharp contrast to the areas of the District that are in the State Response Area (specifically Bollinger Canyon and the parklands to the East and the North of the District where the State via Cal Fire can declare and enforce a burn ban). The multiple complaints received from this neighborhood are regarding a resident who has been conducting open burning in their backyard, which is not a violation of the fire code. Currently, MOFD does not have the ability to ban open burning and recreational fires. MOFD has recommended to the local complaining residents that they contact Air Quality because it may violate air quality standards. However, the open burning happening in this neighborhood caused concern as the Moraga and Orinda towns move into the highest fire danger season.

MOFD has an opportunity to take the appropriate measures to prevent a fire that could rapidly spread out of control and cause loss of property or loss of life. Staff recommends adopting the urgency ordinance 20-03 to allow the Fire Chief to ban open burning during times of high fire threat and align MOFD with CAL FIRE to reduce the risk of fire in our community. For special events that require the use of open burning or recreational fires, no-cost permits are available from the District. The purpose of the permit is to ensure appropriate safety measures such as cleared space, firefighting water, and procedures to fully extinguish the fire are in place. Further, requiring a permit ensures the District is aware of the event and can institute patrols of the area as needed.

President Danziger opened the Public Hearing. There were no requests to address the Board. President Danziger closed the Public Hearing.

Director Donner suggested increasing communications on backyard fires, wood-burning fires, and red flag days. Fire Chief Winnacker agreed. Director Jorgens asked about the enforcement options and penalties. Fire Chief Winnacker answered section 2, item (c), any person who fails to comply may be subject to a fine of \$500.00 per each day of violation. Director Jex supported the ordinance.

No further discussion by the Board.

Motion by Director Jorgens and seconded by Director Donner to adopt the Burn Ban and Urgency Ordinance 20-03 Setting Forth the Requirements and/or Restrictions Pertaining to Banning Open Burning and Recreational Fires during High Fire Conditions and Providing for Enforcement Options and Penalties. Said motion carried 4-0-1-0 roll call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx; Abstain: None).

4. CONSENT AGENDA (audio 64:58)

- 4.1. **Meeting Minutes – June 17, 2020, (Regular), June 22, 2020, Special (Joint Fire Prevention Committee Meeting)**
Staff Recommendation: Approve and File
- 4.2. **Monthly Incident Report for June 2020**
Staff Recommendation: Approve and File
- 4.3. **Monthly Check/Voucher Register – June 2020**
Staff Recommendation: Approve and File
- 4.4. **Monthly Financial Report (Preliminary) – June 2020**
Staff Recommendation: Approve and File
- 4.5. **Quarterly Investment Report – March 2020**
Staff Recommendation: Approve and File
- 4.6. **Dissolve the Audit Ad Hoc Committee**
Staff Recommendation: Dissolve the Audit Ad Hoc Committee
- 4.7. **Declare Surplus Vehicles and Authorize Staff to Dispose of the Surplus Items**
Staff Recommendation: Declare the 1994 International 4700 Ambulance and 2008 Chevrolet Suburban surplus and authorize Staff to dispose of the surplus items

President Danziger requested that item 4.3 be pulled from the Consent Calendar. District Clerk Holbrook stated a correction to June 17, 2020, Regular Board Meeting minutes on pages 3 and 4, 2019 International fire code should say 2018.

Motion by Director Jorgens and seconded by Director Jex to approve Consent Agenda items 4.1, 4.2, 4.4, 4.5, 4.6, 4.7. Said motion carried 4-0-1-0 roll call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx; Abstain: None)

Director Jex asked about a payment to Calpers. ASD Sasser answered that MOFD makes monthly payments to Calpers for medical insurance.

Motion by Director Jorgens and seconded by Director Donner to approve Consent Agenda item 4.3. Said motion carried 4-0-1-0 roll call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx; Abstain: None)

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

5. REGULAR AGENDA (audio 69:29)

5.1. PARS OPEB Pre-Funding and Pension Rate Stabilization Trust Program Annual Client Review

Administrative Services Director Sasser provided the report. The District pre-funds retiree healthcare benefits using an irrevocable trust. The District also sets aside money in a pension rate stabilization trust. The District participates in the Public Agency Retirement Services (PARS) Public Agencies Post-Employment Benefits Trust. PARS provides an annual client review of the trust program. Executive Vice President Mitch Barker and High Mark Capital Management Senior Portfolio Manager Andrew Brown attended the meeting and presented their annual review. (This information is available in Attachment A for Item 5.1 "OPEB Pre-Funding Trust Program & Pension Rate Stabilization Program Client Review.")

Director Jorgens asked why MOFD is not investing more in the S&P 500 for better consistent performance. Mr. Brown responded that 40% of the assets are invested in the S&P 500, but the firm believes in diversification.

Director Jex asked how often the asset allocations are adjusted. Mr. Brown responded that over the last 12 months, the asset allocation had been modified five or six times. Director Jex asked why 23.56% of the portfolio is invested in fixed income. Mr. Brown answered the main reason is due to the uncertainties with the virus. If the stock market goes down 15-20%, the bonds held in the cash investments will not.

Director Jorgens asked if a portfolio was available that looks more like the S&P 500. Mr. Brown responded that that type of portfolio is not a standard product. Director Jorgens asked if other options are available in capital appreciation. Mr. Brown answered that there are five investment objectives. Capital appreciation is the most aggressive allocation, and the other investment objectives are more conservative asset allocation models. President Danziger supported the investment portfolio.

President Danziger opened Public Comment. There were no requests to address the Board. President Danziger closed Public Comment. No action was taken by the Board as this was an informational only item.

5.2. Exterior Hazard Abatement Inspections Update (audio 117:00)

Fire Marshal Isaacs provided the report. On April 24, 2020, all parcels owners within the Fire District were mailed informational postcards identifying the compliance deadline and detailing specific fire code requirements for exterior hazard abatement. Fire Prevention staff began exterior hazard assessments on June 16, 2020, and completed assessments along the evacuations routes. Thirty days after the initial assessment, Staff will re-inspect the properties that had violations. If a violation is found, the property will be issued Notice to Abate and 15 days to comply. After the 15 day warning period, Staff will conduct another re-inspection. If violations are found, a pre-lien notification will be issued to the property owner with the date, time, and location of the public hearing advising that the property will be scheduled for a lien hearing.

SUMMARY OF EXTERIOR HAZARD ABATEMENT INSPECTIONS:

- 2,383 Assessments completed
- 697 Violations (65 properties self-reported the work completed and passes assessment, and 80 of the failed assessments came from citizens' complaints)

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

President Danziger closed Public Comment. No action was taken by the Board as this was an informational only item.

5.3. Resolution 20-11 Establishing a Modified Schedule of Cost Recovery Fees for Emergency Medical Services to Implement Health Care Facility Fees (audio 125:25)

Fire Chief Winnacker provided the report. At the April 2020 meeting, the Board requested information regarding the District's ambulance billing process, including collections efforts and write-off procedures with regard to opportunities to make up lost revenue associated with decreased ambulance calls for service. This item was further discussed with a staff report at the May 2020 meeting. The District responded to 2,309 emergency medical calls during FY2019 with gross revenue of \$1,864,494. The District has experienced a reduction of approximately 50% in call volume since the onset of the COVID-19 health crisis. Reduction in call volume negatively impacts ambulance revenue while the District's costs remain the same. The District has a long-standing policy of writing off charges for residents that exceed insurance reimbursement. The District is obligated to accept Medi-Care and Medi-Cal reimbursement that is significantly below MOFD ambulance rates (avg. Medi-Care payment: \$469, avg. Medi-Cal: \$149, avg. Private Insurance: \$1,780, and avg. Transport: \$697).

At the June 2020 meeting the Board approved the following fee schedule:

- Emergency Ambulance Response Base Rate: \$2,629
- Mileage: \$43
- Assessment Without Transport: \$631
- Oxygen: \$131
- First-Responder Fee: \$631

At the April meeting, the Board requested more information regarding opportunities to increase ambulance revenue. At the May meeting, three methods to increase revenue were presented. The Board expressed interest in pursuing a facility fee for health care facilities that generate significant call volume. MOFD responds to these facilities for both ambulance transports and calls, such as a lift assist, that do not result in transport to a hospital. The chart provided in the staff report shows MOFD responses to these facilities in 2019. Six facilities generated 14% of the District's emergency medical calls for service. Due to the age of the residents, the majority of these calls are reimbursed by Medi-Care at \$469 per transport with no reimbursement for No Transport responses.

MOFD responds to outpatient health care facilities operated by John Muir and Sutter, which generates a significant number of calls with observed increases in the late afternoon and early evening immediately before the facilities close. In order to increase ambulance revenue, Staff recommends adding a Health Care Facility Transport Fee: \$1,500 and Health Care Facility Response with No Transport: \$500 to the ambulance fee schedule. These new fees will be billed to the facility, not the patient, and based on 2019, call volume would have generated \$515K in additional ambulance revenue.

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

Director Donner asked if any other cities or agencies are billing these types of fees to health care facilities. Fire Chief Winnacker answered that he was not aware of any other agencies in the area and that District Council has confirmed there are no issues with MOFD charging such a fee. Director Donner asked if the facilities have been made aware that there could be a possible fee imposed for calling MOFD for non-urgent services. Fire Chief Winnacker confirmed and explained that there are times when it is a staffing decision made based on economics. It is appropriate if the resource is being used to augment the professional care facility that the facility pay for the use of the service.

Director Jorgens asked if a decrease in demand was expected or just an increase in revenues. Fire Chief Winnacker answered that a reduction in demand is expected from the Outpatient Care Facilities. At the Board and Care Homes, a reduction in lift assist is expected, but it is unknown in regards to ambulance transports.

President Danziger opposed the facility fee out of concern that the fee would be passed along to the resident and suggested that the information in the staff report be shared with the facilities to motivate them to hold back on some of those calls near the end of the shifts.

Director Jorgens commented that there are two different kinds of facilities, one is the emergency medical facility (urgent care) choosing to transport people at the end of closing of the facility, and the other is the senior care facilities. Director Jorgens recommended separating the fees and supported imposing a facility fee to the Urgent Care Facilities and delaying a fee to the senior care facilities until it can be determined if the fee would be passed along to the residents. Director Jex supported a facility fee on the Urgent Care Facilities. Director Donner agreed with both Directors Jex and Jorgens.

No further discussion by the Board.

Motion by Director Jorgens and seconded by Director Jex to adopt Resolution 20-11 Establishing a Modified Schedule of Cost Recovery Fees for Emergency Medical Services to Implement Health Care Facility Fees for Urgent Care Facilities and not for the Senior Care Facilities. Said motion carried 3-1-1-0 roll call vote (Ayes: Donner, Jex, and Jorgens; Noes: Danziger; Absent: Baitx; Abstain: None)

5.4. Fund Balance Policy Review; Adopt Resolution 20-10 Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54 and Adopting a Revised Fund Balance Policy. (audio 141:45)

Administrative Services Director Sasser provided the report. The District has a Fund Balance Policy (Policy) that requires an annual review by the Board. The policy has been reviewed along with various risk areas facing the District. Due to COVID19, the District is facing additional short-term risk in the areas of ambulance revenue and Fire Prevention revenue. The District is also facing long-term risk in the areas of property tax revenue, pension expenditures, unfunded liabilities, and capital replacement. The existing policy requires the District to maintain a minimum fund balance in the general fund 17% of budgeted revenues with a goal of achieving a 50% year-end general fund balance in the long term. Staff recommends the Board adopt resolution 20-10, which includes no changes to the current fund balance policy.

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

Director Jex opposed the minimum fund balance of 17% because it would only provide two months of cash to cover operations, which is not adequate to maintain operations. Other Districts have fund balance policies of 60% to 80%. Director Jex recommended that the minimum fund balance should be at least 30% to 35%.

Director Jorgens asked what the projected balance will be at the FY end. ASD Sasser answered projected balance is 38% on June 30, 2020. Director Jorgens recommended increasing the minimum fund balance to 30% and keeping the Goal at 50%.

Director Donner opposed increasing the minimum and supported keeping the minimum at 17% with the Goal at 50%. President Danziger supported leaving the minimum at 17% with a goal of 50% fund balance.

No further discussion by the Board.

Motion by Director Donner to adopt Resolution 20-10 Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54 and adopting a Revised Fund Balance Policy with a minimum fund balance of 17% with a goal of 50%. The Motion was not considered by the Board, as it did not receive a second.

Motion by Director Jorgens and seconded by Director Jex to Adopt Resolution 20-10 Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54 and adopting a Revised Fund Balance Policy modifying the minimum

fund balance to 30% with a goal of 50%. Said motion failed 2-2-1-0 roll call vote (Ayes: Jex and Jorgens; Noes: Donner and Danziger; Absent: Baitx; Abstain: None)

Director Jorgens asked for the purpose of the policy review. ASD answered that it is routine for the policy to be reviewed on an annual basis because economic circumstances change (COVID-19, for example). Without the adoption of a new Resolution, the current Resolution 19-10 remains in place. District Council Holtzman recommended that the agenda item be continued at the next Board meeting when all five Directors are present.

5.5. Resolution 20-12 Authorizing an Agreement that Designates Citibank, N.A. as a Provider of District Banking Services and the Fire Chief, Administrative Services Director and/or Finance Manager to Execute District Checks, Drafts, Notes or Other Instruments for the Payment of Money. (audio 156:44)

Administrative Services Director Sasser provided the report. Due to the recent reclassification of the Accountant position to Finance Manager, it is recommended that the Finance Manager become an authorized signer on the Citibank accounts. The following positions are recommended to be authorized signers: Fire Chief, Administrative Services Director, and Finance Manager. Staff recommends the Board adopt Resolution 20-12 Authorizing an Agreement that Designates Citibank, N.A. as a Provider of District Banking Services and the Fire Chief, Administrative Services Director, and/or Finance Manager to Execute District Checks, Drafts, Notes or Other Instruments for the Payment of Money.

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

President Danziger asked if more than one person has to sign the checks and/or if there is a dollar limit that requires more than one signature. ASD Sasser answered checks \$10,000 or higher require two signatures. Director Jorgens asked if MOFD holds fraud insurance. ASD Sasser confirmed.

No further discussion by the Board.

Motion by Director Jex and seconded by Director Donner to Adopt Resolution 20-12 Authorizing an Agreement that Designates Citibank, N.A. as a Provider of District Banking Services and the Fire Chief, Administrative Services Director and/or Finance Manager to Execute District Checks, Drafts, Notes or Other Instruments for the Payment of Money. Said motion carried 4-0-1-0 roll call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx; Abstain: None)

5.6. Grand Jury Report 2007 "Wildfire Preparedness in Contra Costa County." (audio 160:34)

Fire Chief Winnacker provided the report. On June 8, 2020, MOFD received Contra Costa County Grand Jury Report No. 2007 "Wildfire Prevention in Contra Costa County." The report requires a response from the MOFD Board by September 11, 2020. The Grand Jury Report 2007 made nine findings, and eight pertain to MOFD. Finding F9 does not pertain to MOFD:

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|--|---|
| F1. During a Red Flag Warning, fire districts and fire departments in Contra Costa County often deploy pre-positioned firefighting strike teams to maximize the ability to respond to wildfires. | F5. Not all fire districts and fire departments in Contra Costa County use new technologies, such as ground sensors, drones, satellites, and fire spotting cameras, for early detection of fires. |
| F2. Fire districts and fire departments in Contra Costa County require property owners to perform weed abatement on their property to reduce the risk of fire spread. | F6. The October 2019 Public Safety Power Shutoff (PSPS) events disrupted emergency response efforts and communications in Contra Costa County. |
| F3. Not all fire districts and fire departments in Contra Costa County use predetermined polygons and routing algorithms in their evacuation plans. | F7. Fire districts and fire departments in Contra Costa County are not always informed by PG&E when the utility is performing non-emergency maintenance work that presents a high fire risk during a Red Flag Warning. |
| F4. Fire districts and fire departments in Contra Costa County recommend that residents comply with law enforcement's orders to evacuate during an emergency. | F8. An ordinance passed by the San Ramon Valley Fire Protection District, requiring PG&E to give advance notice of non-emergency maintenance work that presents a high fire risk, enables the fire district to pre-position a team at the utility worksite and recover labor and equipment costs. |

Fire Chief Winnacker stated that items F1, F2, F3, F4, F5, F6, and F7 are items that Staff recommends agreement. Item F8 is an ordinance passed by the San Ramon Valley Fire District requiring PG&E to

give advance notice of non-emergency maintenance work that presents a high fire risk, enables the fire district pre-position a team at the utility worksite and recover labor and equipment costs. This is the subject of active litigation. Fire Chief Winnacker continued to review that there are several items R3, R5, R6, and R7 under recommendations that do not apply to MOFD. Recommendation R1 does not apply to MOFD because it has already been implemented.

- R1. The Board of Directors of CCC Fire Protection District, East CC Fire Protection District, Rodeo-Hercules Fire Protection District, and San Ramon Valley Fire Protection District should consider directing their Fire Chief to update wildfire evacuation plans and incorporate predetermined polygons and advanced routing technology, by June 30, 2021. MOFD has already applied the technology, and the Grand Jury appears to have reviewed our model as one they recommend being incorporated throughout the County. Fire Chief Winnacker noted that MOFD recently received approval for a grant to field evacuation polygons to the entire County. The District will use the evacuation polygons for the virtual evacuation exercises in the upcoming weeks. The evacuation polygons will be expanded to the rest of the County, so when evacuation orders cross city lines, the same systems will be used on both sides of the city line within the County.
- R2. The Board of Directors of CCC Fire Protection District, East Contra Costa Fire Protection District, Moraga-Orinda Fire Protection District, Rodeo-Hercules Fire Protection District, and San Ramon Valley Fire Protection District should consider identifying funds to adopt or expand the use of new technologies, such as ground sensors, drones, satellites, and fire spotting cameras, to help detect fires in high-risk areas, by June 30, 2021. Fire Chief Winnacker recommended that the Board responds in agreement as the District has already installed and using the cameras and ground-based sensors.
- R4. The Board of Directors of Contra Costa County Fire Protection District, East Contra Costa Fire Protection District, Moraga-Orinda Fire Protection District, and Rodeo-Hercules Fire Protection District should review and consider mechanisms, such as the ordinance passed by the San Ramon Valley Fire Protection District, that would enable their fire district to recover labor and equipment costs from PG&E for overseeing electrical utility work that presents a high fire risk, by June 30, 2021. Fire Chief Winnacker recommends responding that this item requires further study

Staff recommended the following responses:

Findings:

- F1-F7. Agree with the findings
- F8. Partially disagree with the finding.
- This item is the subject of current litigation brought against San Ramon Valley by PG&E.

Recommendations:

- R2. Concur with the recommendation and believe option 1 (recommendation has been implemented) is an appropriate response.
- R4. Staff defers to Counsel but suggests withholding endorsement of this recommendation until current litigation is resolved. Consider option 3 (recommendation requires further analysis).

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

Motion by Director Donner and seconded by Director Jorgens to Approve the Responses to the Grand Jury 2007 “Wildfire preparedness and Contra Costa County” report. Said motion carried 4-0-1-0 roll call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx; Abstain: None)

6. COMMITTEE REPORTS (audio 169:10)

6.1 Finance Committee (Directors Danziger and Jorgens)

No report.

6.2 Facilities Ad Hoc Committee (Directors Baitx and Donner)

No report.

6.3 Joint Fire Prevention Committee (Directors Danziger, Donner, and Jorgens)

President Danziger reported he and the two Mayors are planning to meet on Friday, July 17, 2020.

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

7. ANNOUNCEMENTS (audio 172:48)

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

No report.

7.2. Questions and informational comments from Board members and Staff

No report.

7.3. Fire Chief Updates

7.3.1. COVID-19

Fire Chief Winnacker provided the report. MOFD has seen a significant increase in the number of fires in the County. There were over 80 fires the night of the Fourth of July. Two County strike teams were set up, and MOFD was able to contribute a Type 3 and a Water Tender to those fires. MOFD discourages the use of illegal pyrotechnics. A fire occurred across the street in downtown Orinda station 45, where it approaches El Toyonal. The fire spread was slow, and engines put a ring around the fire before it spread. MOFD continues to engage PG&E for more information regarding the cause as their investigation continues. MOFD has submitted an invoice to PG&E for cost recovery. Another fire occurred when a tree branch fell and pulled PG&E wires. MOFD continues to follow up with PG&E to identify if that tree had been inspected or needed to be trimmed. Staff will provide an update when that information is available. The District has had several other small vegetation fires throughout the area, and it is expected that those will continue throughout the year. High fire warnings are in place for the northern part of the State. Pre-deployment has occurred to include a few members from MOFD to the far northern part of the State in advance of the anticipated lightning systems and potential for a complex fire. Fire season is expected to continue until it rains in November or December. MOFD encourages everyone to remain diligent about the work they can do to reduce the fire threat. Fire Chief Winnacker commended the great work that the Fuels Mitigation team has been doing in the community.

7.3.2. Human Resources

Fire Chief Winnacker provided the report. In addition to the new recruits, MOFD has completed mandatory Cal OSHA training related to COVID-19. HR Benefits Manager Russell has stayed abreast of the ever-evolving environment of COVID-19 workers comp, and best practices to ensure both line personnel and Staff are following the latest guidelines.

7.3.3. Fire Marshal

The report was provided agenda item 5.2

7.4. Communications Received

No report.

7.5. Future Agenda Items

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

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

8. ADJOURNMENT (audio 182:00)

At 10:00 p.m., Director Donner motion and seconded by Director Jex to adjourn the meeting. Said motion carried 4-0-1-0 roll call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx; Abstain: None).



Marcia Holbrook,
District Secretary/District Clerk



Moraga-Orinda Fire Protection District

BOARD OF DIRECTORS
SPECIAL BOARD MEETING

MOFD/MORAGA/ORINDA

JOINT FIRE PREVENTION COMMITTEE MINUTES

July 30, 2020

1. OPENING CEREMONIES

The Joint Subcommittee convened in Open Session at **4:08 p.m.** on **July 30, 2020**, via the Zoom application, Hosted by the City of Orinda. Log in provided <https://tinyurl.com/yyjoyzf2>, webinar id: **992 4909 4891** and by phone **1-669-900-9128**. Pursuant to Executive Order N-29-20, Teleconferencing restrictions of the Brown Act have been suspended. MOFD is closely following the latest Public Health Order from the Contra Costa Health Services issued on March 17, 2020. At this time, all formal public meetings will continue remotely.

A. Call to Order/Roll Call

MOFD:

President Steve Danziger,
Boardmember Craig Jorgens

City of Orinda:

Mayor Darlene Gee
Councilmember Dennis Fay

Town of Moraga:

Mayor Kymberleigh Korpus
Councilmember Steve Woehleke

B. Adoption of Agenda

Orinda Mayor Gee welcomed everybody, and the Subcommittee unanimously adopted the agenda as proposed.

C. PUBLIC FORUM

The Subcommittee took public comment.

Charles Porges, Orinda Resident, read into record a letter to the MOFD Board regarding the Chipper program (Attachment A).

Michael Gordon, Orinda Resident, expressed concern about the last live evacuation drill and requested if the Orinda Country Club could open/unlock/remove fencing during red flag warning days. An email was submitted to the Joint Subcommittee. (Attachment B).

Linda Landau, Orinda Resident, requested that the MOFD Free Chipper Program be continued.

D. Agenda Items

D.1 Discuss and consider approval of Fire Prevention Subcommittee Charter

MOFD Boardmember Danziger announced that originally the MOFD had three members on the Joint Fire Prevention Subcommittee. The MOFD will only have two members who serve on the Subcommittee. The Charter has been revised to reflect the change in membership.

The Subcommittee reviewed the Charter (Attachment A) and agreed on the following revisions:

- Editing the first sentence under Composition and Appointments to remove the words "no less than"
- Adding MOFD in front of Board of Directors for better clarification
- Adding Evacuation Planning to Goals and Objectives
- Leave the language as originally written under the Goals and Objectives, section iii

Orinda Mayor Gee will amend the Charter document and redistribute to the Subcommittee members and members to take the Charter back to respective Agencies for approval.

D.2 Orinda presentation on inclusion of fire mitigation on public property and right-of-way as a priority in a potential sales tax measure in November

Orinda Mayor Gee reviewed the City of Orinda's proposed sales tax increase of one cent. The one-cent sales tax would replace the current ½ cent sales tax and would be in effect for 20 years. The general sales tax would require a majority vote to pass. The City of Orinda council has discussed that the sales tax would be available for fire prevention efforts, public drainage projects, and future public road maintenance. The City of Orinda expects the tax to generate about 2.4 million dollars a year and has

discussed a schedule where the City of Orinda would make a very significant front-loading of those monies to catch up on a lot of fuel mitigation in the city of Orinda.

Councilmember Fay asked Chief Winnacker about the cost of the fuel mitigation. Fire Chief Winnacker answered a two-person crew with a truck and chipper is approximately \$200,000 a year with an estimated increase of three percent per year.

Linda Landay, Orinda Resident, expressed support of the proposed sales tax increase.

**D.3 Report from MOFD on Compliance Levels with 2020 Exterior Hazard Abatement Inspections
Report from MOFD on Fire Fuel Reduction in Caltrans Right-of-Way**

Fire Chief Winnacker provided the report. From June 16-July 16: 2,306 Assessments completed; 667 Failed assessment; 204 Re-Inspections (netted an additional 75 Failed assessments); 463 Parcels are scheduled to be re-inspected as the 30-day notice expires from the initial assessment; and Inspections with all the follow-ups expected to be completed by the end of August.

At the July MOFD Board Meeting, the Board of Directors conducted a lien hearing on eight undeveloped vacant parcels. After the lien hearing, the MOFD Board declared that the property violations are a seasonal and recurrent nuisance. The Fire Prevention Staff has begun the work order process to abate the violations and place liens on the property.

Hattie Hamlin, Orinda Resident, asked if MOFD is done performing the assessments for this year. Fire Chief Winnacker confirmed due to the amount of time given to allow the residents to complete the work (a 30-day assessment followed by a 15-day period). MOFD will continue to respond and inspect complaints.

Mark Evans, Orinda Resident, asked if the statistics shared both for this year as well as future years will be available at the MOFD Board Meeting. Fire Chief Winnacker confirmed.

Fire Chief Winnacker updated the Subcommittee on the status of Caltrans, reviewed the internal and state-level procedures, policies, and manuals that guide the Caltrans work. MOFD has identified several areas from the Caltrans standards where Caltrans is not meeting their requirements to remove brush, grass, and vegetation. MOFD is working with Caltrans to ensure that they follow their procedures and manuals for the production of future Roadside Fire Prevention Plan guidelines. The guidelines are developed with input from local Fire Officials as required by their procedures. Councilman Fay requested more information on the Caltrans guidelines when available.

Mark Evans, Orinda Resident, asked if MOFD has the authority to stop work being performed by Caltrans on Red Flag days. Fire Chief Winnacker answered that CalTrans has been very clear that, as a state agency, they are exempt from local regulation and are guided by state level laws, codes, policies, and guidelines.

Charles Porges, Orinda Resident, asked Fire Chief Winnacker about working with other agencies to increase fuel reduction efforts in the open spaces which surround the community. Fire Chief Winnacker answered by encouraging residents and elected officials to communicate directly with the directors and elected officials who represent the entities controlling these lands. The most effective way to see an allocation of additional resources from those entities to do work on their lands that surround the populated areas of the district is through public input.

D.4 Fire Code Update

Fire Chief Winnacker updated the Subcommittee that the MOFD Board of Directors passed the second reading at the July 15, 2020 board meeting. The Fire Code is referred to the City of Orinda and Town of Moraga for ratification.

D.5 Future Agenda Items

The Subcommittee made the following suggestions

- Review other neighborhoods that took aggressive fuel mitigation and avoided being destroyed by wildfire

- Evacuations and inviting the Moraga and Orinda Police Chiefs
- Lessons learned from this fire season
- Education and outreach on the Community Warning System
- Increased street signage on roads for no parking on red flag days
- How the City and Town can assist MOFD with outreach and education, fuel mitigation on publicly owned parcels, continued engagement from the police department, and assistance from elected officials with Caltrans, East Bay Parks and East Bay Municipal Utility District

Ken Light, Orinda Resident, suggested to Moraga Mayor Korpus to reach out to the Orinda Firewise Council to encourage the Moraga community to become Firewise neighborhoods.

Charles Porges, Orinda Resident, suggested MOFD provide a prioritized fuels mitigation plan. Fire Chief Winnacker commented that a comprehensive Wildfire Prevention Strategic Plan, published at the February 2019 board meeting as item 9.7, is located on the MOFD website at <https://www.mofd.org/home/showdocument?id=526>.

D.6 Set Date for Next Meeting

Next Meeting Date: During the month of September

E. ADJOURNMENT

The subcommittee agreed to adjourn the meeting at **6:00 p.m.**



Marcia Holbrook
District Secretary/District 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>

PUBLIC FORUM - Attachment A

MOFD Board members,

There are few days left before the fire season. Many residents have previously asked you to continue the free chipper service. Chief Winnaker said he could continue a modest chipper service but you did not authorize it. He also stated that more fuel gets eliminated by the free chipper service than any other way. Not continuing the chipper over the summer is a grave political mistake, even if demand exceeded your ability to provide prompt service. From what has been said I believe there are outstanding requests for this service that could be addressed in the next thirty days before the program restarts.

I further inform you that charging residents even a modest amount will result in a lower demand. This will be counterproductive to the goal of eliminating as much fuel as possible as quickly as possible which must be your stated objective. Charging for the service when it restarts would also be a serious mistake.

Please show your resolve to clear fuels by purchasing two (possibly used) chippers as soon as possible. One of which can be sold in five years or whenever it is no longer needed. Your budget, which the citizens provide through taxes, is large enough even during covid.

I understand that this is a financial ask by the citizens who reside in the MOFD service area. I submit to you that it is your duty to do much more than has been done in the past which is why we now have this massive problem. You have inherited this because inadequate attention and funding were allocated by decades of prior board members. You must now do all you can to rectify the past mistakes.

The citizens are now watching your decisions carefully.

Thank you,
Charles Porges.

Attachment B - Public Comment

Marcia Holbrook

From: Sheri Smith [REDACTED]
Sent: Tuesday, August 11, 2020 8:52 AM
To: Marcia Holbrook
Subject: FW: Fire Prevention

From: Michael Gordon [REDACTED]
Sent: Wednesday, July 29, 2020 3:48 PM
To: Sheri Smith [REDACTED]
Subject: Fire Prevention

CAUTION: This email is from an external source. Be careful when clicking links or opening attachments!

TO BE SUBMITTED FORMOFD/MORAGA/ORINDA FIRE PREVENTION SUBCOMMITTEE MEETING
TO BE HELD ON JULY 30, 2020

There is one critical situation that I feel needs to be addressed:

Several months ago (NOT the recent virtual evacuation drill) there was a fire evacuation drill that entailed actually evacuating from one's house, as would have been the case in a real fire situation. Cars escaping from Orinda Downs and Sleepy Hollow jammed Miner Road and were only able to move at a "snail's pace" down Miner Road alongside the Orinda Country Club golf course.

In such a circumstance, with the fire fast approaching, one would try to escape on foot onto the wide open spaces of the golf course. However, because the OCC golf course has high fences and only a couple of small gates, which are invariably locked, everyone would have been trapped with the flames fast approaching. Miner Road alongside the OCC golf course is a FIRE TRAP (because of the high fences and locked gates)! This is a tragedy waiting to happen!

Is there something that can be done about this, such as OCC being required to take down fences and to keep unlocked and open its very few gates?

Thanks,
Michael Gordon

D.1 - Attachment A

JOINT FIRE PREVENTION SUBCOMMITTEE CHARTER

CITY OF ORINDA– MORAGA-ORINDA FIRE DISTRICT – TOWN OF MORAGA

PURPOSE:

Ad Hoc subcommittee comprised of elected representatives from the City of Orinda, the Town of Moraga, and the Moraga-Orinda Fire District (MOFD) to explore ways to support MOFD's coordination of activities associated with fire prevention in the Moraga-Orinda Fire District jurisdiction.

GOVERNANCE AND AUTHORITY:

The subcommittee shall be fully open to public participation, and it shall be noticed in the same manner as are meetings which are subject to the Brown Act. Administrative coordination, notice distribution, and agendas for the subcommittee shall be alternated as necessary between the Orinda City Clerk and MOFD staff. No minutes will be prepared for meetings.

The subcommittee has no direct powers or authority to make public policy or to take any action that will bind any of the member agencies. However, the subcommittee members can make recommendations to their respective agencies (the Orinda City Council, the Moraga Town Council and the MOFD Board) for consideration and action by those agencies.

COMPOSITION AND APPOINTMENTS:

The subcommittee shall have no less than six members; composed of two members of the Orinda City Council, two members of the Moraga Town Council, and two Directors of MOFD.

Appointments of subcommittee members shall be made by the Orinda City Council, Moraga Town Council and MOFD Board of Directors. Each appointment term shall be for one year. Subcommittee members are not subject to term limits and can continue to serve on the subcommittee for longer than a single term if designated by their respective agencies. Changes to the subcommittee composition can be made by the respective agencies appointing the members.

CHAIR AND VICE-CHAIR:

A Chair and Vice-Chair for the subcommittee shall be nominated and selected annually by a quorum of the subcommittee membership. The Chair and Vice-Chair shall not be from the same member agency.

The Chair and Vice-Chair shall serve a one-year term. Chair and Vice-Chair nominations and selections will be re-visited annually. The Chair and Vice-Chair are not subject to term limits in their roles and can continue to serve in the same position in back-to-back appointments on the subcommittee if designated by their fellow voting members of the subcommittee.

D.1 - Attachment A

TERM OF THE SUBCOMMITTEE:

The subcommittee shall form and meet starting in June 2020 and the subcommittee will automatically sunset on June 30, 2021, except as set forth herein. The term of the subcommittee may be extended once per calendar year for a period not to exceed 12 months, upon the approval of a two-thirds majority of voting subcommittee members and ratification by each of the member agencies. Subcommittee continuation requires the on-going participation of the City of Orinda, the Town of Moraga and MOFD, and so the subcommittee may be terminated at any time upon the formal withdrawal from the subcommittee by any of the participating agencies.

MEETINGS:

The subcommittee shall meet at least quarterly but can elect to meet more frequently. Meeting dates will be selected by mutual availability with adequate public notice. There will not be a designated regular meeting day or time.

Meeting locations can rotate and do not have to be conducted in the same location each time. Electronically held meetings will be allowed if designated as allowable under State of California regulations.

Meeting agendas will be confirmed with the Orinda City Clerk by the subcommittee Chair. The Chair will solicit both subcommittee and staff input in the development of meeting agendas.

STAFF LIAISON:

The primary Staff Liaisons to the subcommittee shall be the MOFD Fire Chief and the City Manager for the City of Orinda. The Town Council for the Town of Moraga is not required, but has at all times the option to appoint a single staff member as an additional Staff Liaison to the subcommittee. Meetings will be scheduled to include all appointed Staff Liaisons' participation. Additional staff attendees from each of the participating agencies are welcome but not required.

COSTS:

Costs for administrative support by the Orinda City Clerk shall be borne by the City of Orinda, and no legal costs will be incurred on behalf of the subcommittee without the express authorization of each of the member agencies. Any other costs incurred by a member agency in association with subcommittee participation shall be borne by that individual agency.

GOALS AND OBJECTIVES:

To enhance fire prevention and public safety throughout MOFD's jurisdiction by (i) keeping member agencies updated on MOFD outreach and fire prevention efforts, techniques, priorities and programs through their appointed subcommittee members and Staff Liaisons, (ii) providing feedback on MOFD's outreach and fire prevention efforts and programs, and (iii) exploring ways the member agencies can

D.1 - Attachment A

better facilitate MOFD's outreach and fire prevention efforts. Taking public input will be a valued part of the subcommittee activities.

ADOPTION AND CHANGES TO CHARTER:

Adoption of this Charter must be approved by at least a two-thirds majority of voting subcommittee members, and ratified by each of the member agencies according to their voting procedures for such matters. Similarly, changes to this Charter must be approved by at least a two-thirds majority of voting subcommittee members and ratified by each of the member agencies according to their voting procedures for such matters.

D.1 - Attachment A

JOINT FIRE PREVENTION SUBCOMMITTEE CHARTER

CITY OF ORINDA ~~— TOWN OF MORAGA —~~ MORAGA-ORINDA FIRE DISTRICT ~~— TOWN OF~~
MORAGA

PURPOSE:

Ad Hoc subcommittee comprised of elected representatives from the City of Orinda, the Town of Moraga, and the Moraga-Orinda Fire District (MOFD) to explore ways to support MOFD's coordination of activities associated with fire prevention in the Moraga-Orinda Fire District jurisdiction.

GOVERNANCE AND AUTHORITY:

The subcommittee shall be ~~conducted and noticed under the requirements of the Brown Act and shall be~~ fully open to public participation, and it shall be noticed in the same manner as are meetings which are subject to the Brown Act. Administrative coordination, notice distribution, and agendas for the subcommittee shall be ~~carried out by~~ alternated as necessary between the Orinda City Clerk and MOFD staff. No minutes will be prepared for meetings.

The subcommittee has no direct powers or authority to make public policy or to take any action that will bind any of the member agencies. However, the subcommittee members can make recommendations to their respective agencies (the Orinda City Council, the Moraga Town Council and the MOFD Board) for consideration and action by those agencies.

COMPOSITION AND APPOINTMENTS:

The subcommittee shall have no less than six members ~~and no more than 7 members~~; composed of two members of the Orinda City Council, two members of the Moraga Town Council, and ~~at least two Directors of MOFD. MOFD is not required, but shall have the option to appoint up to a total of three Directors to the subcommittee, and in such case, MOFD shall identify at the time of any such third appointment which two of its three appointed Directors are empowered to vote as members of the subcommittee. The third member shall have no voting power.~~ two Directors of MOFD.

Appointments of subcommittee members shall be made by the Orinda City Council, Moraga Town Council and MOFD Board of Directors. Each appointment term shall be for one year. Subcommittee members are not subject to term limits and can continue to serve on the subcommittee for longer than a single term if designated by their respective agencies. Changes to the subcommittee composition can be made by the respective agencies appointing the members.

CHAIR AND VICE-CHAIR:

A Chair and Vice-Chair for the subcommittee shall be nominated and selected annually by a quorum of the subcommittee membership. The Chair and Vice-Chair shall not be from the same member agency.

D.1 - Attachment A

The Chair and Vice-Chair shall serve a one-year term. Chair and Vice-Chair nominations and selections will be re-visited annually. The Chair and Vice-Chair are not subject to term limits in their roles and can continue to serve in the same position in back-to-back appointments on the subcommittee if designated by their fellow voting members of the subcommittee.

TERM OF THE SUBCOMMITTEE:

The subcommittee shall form and meet starting in June 2020 and the subcommittee will automatically sunset ~~in December~~ on June 30, 2021, except as set forth herein. ~~→~~ The term of the subcommittee may be extended once per calendar year for a period not to exceed 12 months, upon the approval of a two-thirds majority of voting subcommittee members and ratification by each of the member agencies. Subcommittee continuation requires the on-going participation of the City of Orinda, the Town of Moraga and MOFD, and so the subcommittee may be terminated at any time upon the formal withdrawal from the subcommittee by any of the participating agencies.

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COSTS:

Costs for administrative support by the Orinda City Clerk shall be borne by the City of Orinda, and no legal costs will be incurred on behalf of the subcommittee without the express authorization of each of

D.1 - Attachment A

the member agencies. Any other costs incurred by a member agency in association with subcommittee participation shall be borne by that individual agency.

GOALS AND OBJECTIVES:

To enhance fire prevention and public safety throughout MOFD's jurisdiction by (i) keeping member agencies updated on MOFD outreach and fire prevention efforts, techniques, priorities and programs through their appointed subcommittee members [and Staff Liaisons](#), (ii) providing feedback on MOFD's outreach and fire prevention efforts and programs, and (iii) exploring ways the member agencies can better facilitate MOFD's outreach and fire prevention efforts. Taking public input will be a valued part of the subcommittee activities.

ADOPTION AND CHANGES TO CHARTER:

Adoption of this Charter must be approved by at least a two-thirds majority of voting subcommittee members, and ratified by each of the member agencies according to their voting procedures for such matters. Similarly, changes to this Charter must be approved by at least a two-thirds majority of voting subcommittee members and ratified by each of the member agencies according to their voting procedures for such matters.

MOFD Response Time Summary by Incident Type (grouped) for All Code 2 and Code 3 Responses.

Will only show Incident Types that are applicable. EMS/Rescue \ Structure Fires (actual type is in a structure) \ Vegetation Fires \ Other Types Grouped - Alarms/Hazards/Pub Svc/Etc... Data is Based On Completed RMS Incident Report Data Entered by Company Officer. Resp. Data Based on "First Arriving Unit". "In District" = Moraga, Orinda, Canyon. "Out of District" = Lafayette & any Other City Aid Provided to.

	July, 2020										Totals	
	All Others (Alarms / Pub Service / Etc.)			EMS / Rescue			Veg Fires			Vehicle Accidents		
	Bieber	In District	Out of Dist.	In District	Out of Dist.	In District	Knightsen	Out of Dist.	In District	Out of Dist.		
Incident Totals	1	68	4	132	4	2	1	4	7	3	226	
Median Turnout	0.05	1.24	1.03	1.10	0.78	1.77	3.97	1.05	0.87	0.60	1.17	
Median Resp Time	528.43	6.27	11.43	5.84	14.41	6.23	57.05	20.54	5.15	6.50	6.20	
Resp Time (90th%)	528.43	10.12	12.32	8.32	18.52	6.23	57.05	32.40	14.50	12.95	11.17	

Code 3 Response Time Summary by City and Incident Type. Times shown are based on the First Responding Units Arrival at Scene of Emergency.

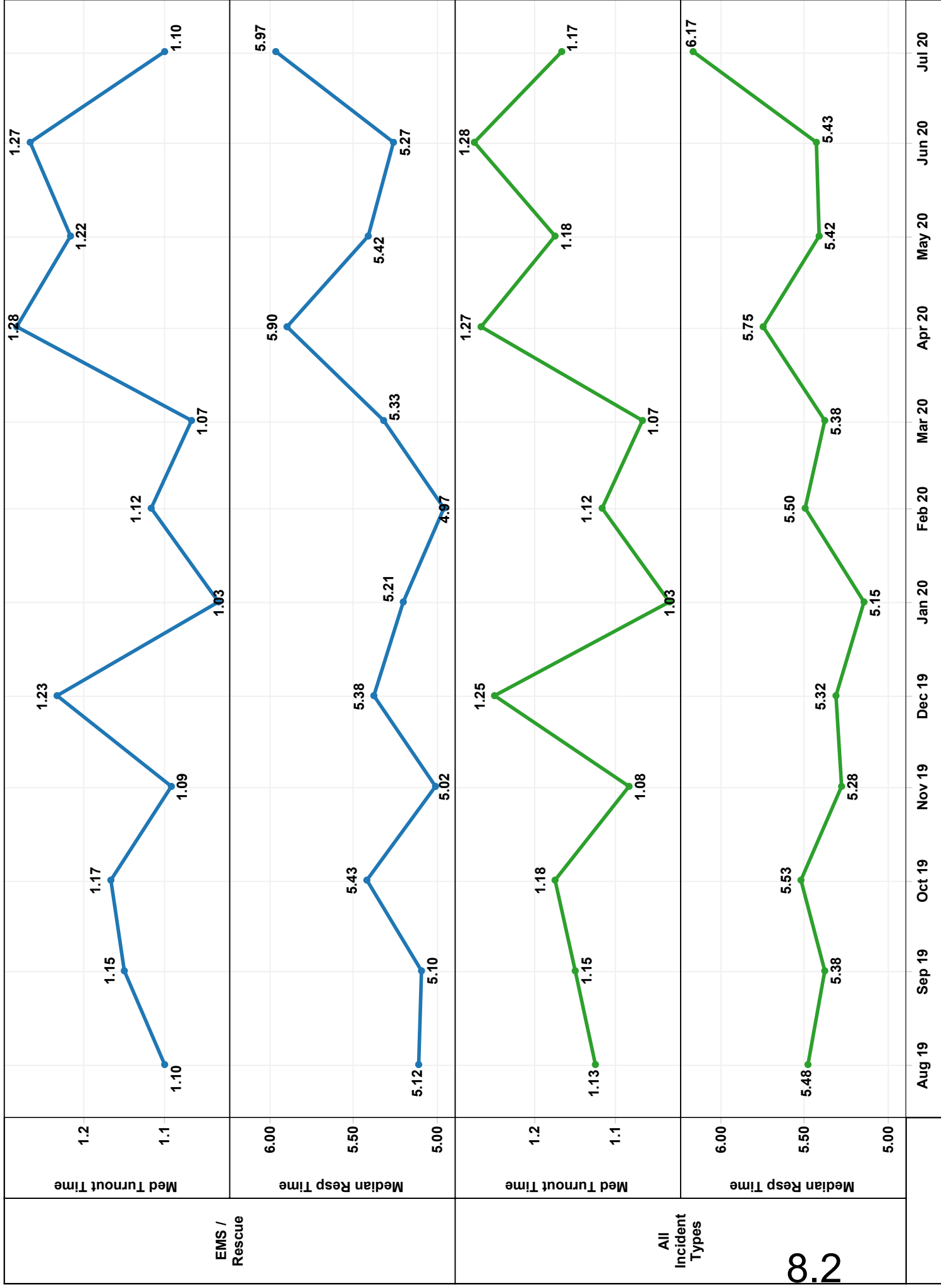
	July, 2020										
	Incident Totals			Median Turnout			Median Resp Time			Resp Time (90th%)	
	EMS / Rescue	All Other Types	Totals for City	EMS / Rescue	All Other Types	Totals for City	EMS / Rescue	All Other Types	Totals for City	EMS / Rescue	All Other Types
Orinda	52	17	69	1.30	1.22	1.23	6.62	7.27	6.84	9.35	9.64
Moraga	45	16	61	1.02	1.41	1.10	5.00	4.50	6.70	6.23	6.51
Lafayette	3	2	5	0.60	0.79	0.60	5.97	11.43	12.05	6.50	12.05
Canyon	2	2	4	1.42	1.42	1.42	14.79	14.79	16.00	16.00	16.00
Overall Total	137			1.18			5.86			8.37	

Response Totals By Incident Type

	Aug 19	Sep 19	Oct 19	Nov 19	Dec 19	Jan 20	Feb 20	Mar 20	Apr 20	May 20	Jun 20	Jul 20	Total
All Others (Alarms / Pub Service / Etc.)	110	116	194	129	98	113	88	87	75	79	93	107	1,289
EMS / Rescue	177	165	176	169	191	179	166	157	103	132	148	137	1,900
Structure Fires	2		5	2	1	3	3	1	2		7		23
Veg Fires	4	1	6			1	1		2	1	8	7	30
Vehicle Accidents	19	21	21	24	48	29	18	23	12	9	14	11	249
Grand Total	312	303	402	324	338	321	276	268	194	221	270	262	3,491

Run Chart for MOFD EMS / Rescue and All Incident Types for the last full 12 months. Median Turnout and Response Times By Month for First At Scene

Units



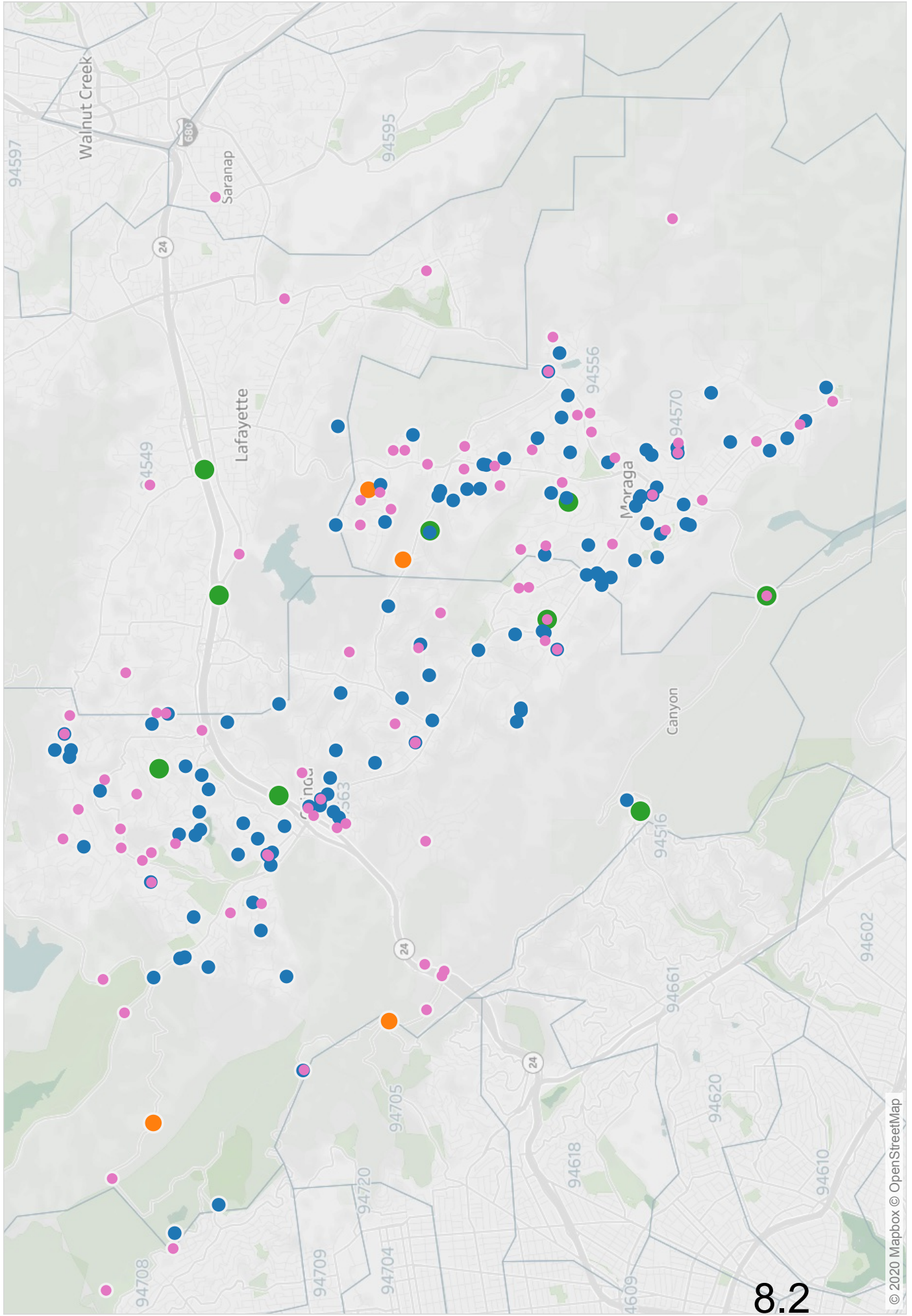
Incident Types

■ All Others (Alarms / Pub Service .. EMS / Rescue

■ Veg Fires

■ Vehicle Accidents

Incident Location Map for MOFD July 2020



Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 50 - General Fund
 From 7/1/2020 Through 7/31/2020

Check Number	Check Date	Name	Check Amount	Transaction Description
28625	7/1/2020	FDAC EBA	2,164.23	VISION & LIFE INSURANCE JULY 2020
28626	7/1/2020	PLIC	83.25	LIFE INSURANCE JULY 2020
28629	7/14/2020	IAFF Local 1230 Dues	8,112.42	Local 1230 Dues Paydate July 10, 2020
28630	7/14/2020	IAFF Local 1230 Insurance	2,036.25	Local 1230 Insurance Paydate July 10, 2020
28931	7/8/2020	Alameda County Fire Depart...	75,257.37	Alameda County Fire Dept - Repair and Service
28932	7/8/2020	American Fidelity Assurance	3,136.34	American Fidelity Assurance
28933	7/8/2020	A T and T	176.21	ATT - 925 258 9731
	7/8/2020	A T and T	680.87	ATT 925 258 9746
28934	7/8/2020	Bandwidth.com, Inc.	440.70	Bandwith - VOIP
28935	7/8/2020	Bound Tree Medical, LLC	9.97	FY2020 - Bound Tree - Covid Supplies
28936	7/8/2020	California Fire Chiefs Associat...	1,200.00	Calif. Fire Chiefs Association - Dues 20/21
28937	7/8/2020	CD Power	1,347.83	FY2020 CD Power - Generator Service
	7/8/2020	CD Power	551.72	FY2020 CD Power - Generator Service 06.09.20
	7/8/2020	CD Power	1,172.08	FY2020 CD Power - Generator Service 06.12.20
	7/8/2020	CD Power	725.00	FY2020 CD Power - Generator Service 06.15.20
28938	7/8/2020	Citrix Systems Inc.	1,190.00	Citrix 2020-21 Subscription
28939	7/8/2020	Comcast	90.10	Comcast
28940	7/8/2020	Curtis Tools For Heroes	174.00	FY2020 Curtis Tools
28941	7/8/2020	Definitive Networks, Inc.	16,092.00	FY2020 - DNI -June
28942	7/8/2020	FAIRA	57,646.00	FAIRA - Prop/Liability Insurnace 20/21
28943	7/8/2020	GOGovApps	15,360.00	GOGov - 2020/21 Subscription
28944	7/8/2020	Kronos Incorporated	3,144.61	Kronos - Telestaff 2020/21
28945	7/8/2020	M & M Sanitary	29.00	FY2020 - M&M Sanitary Service
28946	7/8/2020	Office Depot	72.19	FY2020 Office Depot - Office Supplies
28947	7/8/2020	Pitney Bowes	182.99	Pitney Bowes - June
28948	7/8/2020	Pitney Bowes Purchase Power	300.00	Pitney Bowes-Postage meter 06.18.20
28949	7/8/2020	Renne Public Law Group, LLP	17,147.04	FY2020 Renne Law - April
	7/8/2020	Renne Public Law Group, LLP	18,044.73	FY2020 Renne Law - March
	7/8/2020	Renne Public Law Group, LLP	72.00	FY2020 Renne Law - May
	7/8/2020	Renne Public Law Group, LLP	6,658.50	Renne Law - May
28950	7/8/2020	Staples Advantage	677.33	Staples - Household Supplies
28953	7/16/2020	Airgas USA, LLC	55.07	Airgas - Argon/Oxygen
	7/16/2020	Airgas USA, LLC	504.70	Airgas - Helium/Nitrogen/Oxygen
	7/16/2020	Airgas USA, LLC	350.50	Airgas - Oxygen
28954	7/16/2020	ALSCO - American Linen Divi...	545.80	Alsco Linen Service June
28955	7/16/2020	A T and T	153.85	ATT - Phone Service June
28956	7/16/2020	Bay Area News Group	230.48	Bay Area News Group - WUI Ordinance 20-02
	7/16/2020	Bay Area News Group	223.60	Bay Area News Group Fire Ordinance 20-01
	7/16/2020	Bay Area News Group	244.24	Bay Area News Group-Ord 20-22
28957	7/16/2020	Berry Bros. Towing and Trans...	337.50	Berry Bros Towing 06.09.20
	7/16/2020	Berry Bros. Towing and Trans...	450.00	Berry Bros. Towing 06.19.20
28958	7/16/2020	Biomedical Waste Disposal	79.00	Biomedical Waste - June Service
28959	7/16/2020	Bound Tree Medical, LLC	587.02	BoundTree - Sodium Chloride
	7/16/2020	Bound Tree Medical, LLC	358.55	BoundTree Respirator/Mask
28960	7/16/2020	Contra Costa County Fire Chi...	250.00	Contra Costa Fire Chiefs Association 20.21 Membership Dues
28961	7/16/2020	Cross Connections Emergenc...	31,370.28	Cross Connections - Portable Radios
28962	7/16/2020	Curtis Tools For Heroes	1,118.30	Curtis Tools - Hand Tools
	7/16/2020	Curtis Tools For Heroes	800.00	Curtis Tools - Kunle Valve
28963	7/16/2020	EBMUD	294.34	EBMUD - Water Service April-June
	7/16/2020	EBMUD	533.49	EBMUD Stn 42 - Water June
	7/16/2020	EBMUD	381.60	EBMUD Stn 42 Water- June
28965	7/16/2020	HCI General Engineering and ...	2,432.25	HCI General Engineering - 5 new windows
28966	7/16/2020	HomeTeam Pest Defense, LLC	115.00	Home Team - Pest Control service 06.01.20
28967	7/16/2020	Gary Marciel Excavating	10,427.10	Gary Marciel Excavating - Fire Trails 06.15 thru 06.20.20

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 50 - General Fund
 From 7/1/2020 Through 7/31/2020

Check Number	Check Date	Name	Check Amount	Transaction Description
28968	7/16/2020	Pacific Gas & Electric	97.63	PGE - Gas and Electric - June
	7/16/2020	Pacific Gas & Electric	981.45	PGE - Stn 44 - June - Gas & Electric
	7/16/2020	Pacific Gas & Electric	2,133.72	PGE Electric - June - Station 45
28969	7/16/2020	R.S. Hughes	285.07	R.S. Hughes - Mask bag
28970	7/16/2020	Sun Valley Heating & Air Con...	1,480.00	Sun Valley Heating and A/C - June Maintenance
28971	7/16/2020	Verizon Wireless	847.67	Verizon - Wireless June
28972	7/16/2020	West Coast Code Consultants	7,109.10	WC3 - FY2020 Plan review and inspections
28973	7/16/2020	American Fidelity	1,154.64	American Fidelity - Supplemental Ins -July
28974	7/16/2020	CC County Auditor-Controller	14,773.69	LAFCO 20-21
28975	7/16/2020	Republic Services	555.81	Republic Services - Trash Service July
	7/16/2020	Republic Services	113.85	Republic Services - Trash Service July
	7/16/2020	Republic Services	707.91	Republic Services - Trash Service July
28976	7/16/2020	Smart Clean Building Mainten...	245.00	Smart Clean - July Service
28977	7/16/2020	TIAA Commercial Finance, Inc.	223.34	TIAA - Copier Lease July
28978	7/16/2020	Wycom Systems, Inc.	160.00	Wycom - Maintenance 8/28/20-8/28/21
28979	7/24/2020	ADP, Inc.	966.85	ADP Payroll Services 7/3/20
28980	7/24/2020	The Appliance Doctor	90.00	Appliance Doctor - Dishwasher repair
28981	7/24/2020	A T and T	310.33	ATT - June
	7/24/2020	A T and T	63.47	ATT Internet July
28982	7/24/2020	Contra Costa Health Services	1,369.00	Co Co Health Services - Permit for 20/21
	7/24/2020	Contra Costa Health Services	2,246.00	Co Co Health Svcs - Permit 20/21
28983	7/24/2020	Comcast	90.01	Comcast 7/14-8/13/20 Internet
28984	7/24/2020	CPR Training Center	320.00	CPR Training Center - Sillers ACLS & PALS recertification
28986	7/24/2020	Dell Financial Services	845.24	Dell Fin Svcs - Rental August
28987	7/24/2020	Department of Toxic Substanc...	150.00	DTSC - EPA Annual renewal fees
28988	7/24/2020	FasTrak Invoice Processing D...	6.00	Fastrak - Toll Fee
28989	7/24/2020	Garrison Feil	200.00	Reimbursement - Feil Paramedic renewal fee
28990	7/24/2020	NEOGOV	4,535.56	NeoGov - 20-21 Subscription
28991	7/24/2020	Granicus	4,800.00	Granicus - GovAccess Maintenance and Hosting
28992	7/24/2020	Hunt & Sons, Inc.	4,095.89	Hunt & Sons - July
28993	7/24/2020	L.N. Curtis & Sons	1,570.18	Curtis Tools - Air compressor repair and service
	7/24/2020	L.N. Curtis & Sons	88.09	Curtis Tools - Cover plate for Hydrant Wrench
	7/24/2020	L.N. Curtis & Sons	163.13	Curtis Tools - Hose retaining band
28994	7/24/2020	Brad Nygard	200.00	Reimbursement - Nygard Paramedic Recertification
28995	7/24/2020	Otis Elevator	205.00	Otis Elevator - Maintenance 7/1-9/30/20
28996	7/24/2020	Pacific Gas & Electric	1,467.88	PGE - Gas/Electric - June
	7/24/2020	Pacific Gas & Electric	948.72	PGE - Gas/Electric June
28997	7/24/2020	Pitney Bowes Purchase Power	500.00	Pitney Bowes - Postage 07.22.20
28998	7/24/2020	Renne Public Law Group, LLP	79.00	Renne Law Group - June
	7/24/2020	Renne Public Law Group, LLP	11,122.50	Renne Law Group - June Services
28999	7/24/2020	Revel Environmental Manufac...	370.00	Revel Env. - Stn 42/41 Storm drain service
29000	7/24/2020	Verizon Wireless	56.23	Verizon June
29001	7/24/2020	A T and T Mobility	3,480.30	ATT Mobility July
29002	7/30/2020	ADT Security Services	42.99	ADT - 8/4-9/3/20
	7/30/2020	ADT Security Services	96.46	ADT 8/4-9/3/20
29003	7/30/2020	Blue Shield of California	2,978.00	Ambulance - Refund Overpayment
29004	7/30/2020	Bound Tree Medical, LLC	190.80	Boundtree - Epinephrine
	7/30/2020	Bound Tree Medical, LLC	114.17	Boundtree - Inspiratory Filter
	7/30/2020	Bound Tree Medical, LLC	2,058.17	Boundtree - IV Warmer Floor Mount
	7/30/2020	Bound Tree Medical, LLC	747.24	Boundtree - Medical supplies
	7/30/2020	Bound Tree Medical, LLC	4,038.60	Boundtree - Misc Medical supplies
	7/30/2020	Bound Tree Medical, LLC	3,522.59	Boundtree - Misc supplies
	7/30/2020	Bound Tree Medical, LLC	116.38	Boundtree - V-Vac handle
29005	7/30/2020	Contra Costa County	118.20	Ambulance - Refund Overpayment RE:10690622
29006	7/30/2020	Comcast	0.00	Comcast - 7/22-8/21/20 Station 43

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 50 - General Fund
 From 7/1/2020 Through 7/31/2020

Check Number	Check Date	Name	Check Amount	Transaction Description
29007	7/30/2020	Sarah Dailley	123.43	Ambulance - Refund Overpayment Incident 19122f
	7/30/2020	Sarah Dailley	121.47	Ambulance - Refund Overpayment Incident 19122f
29008	7/30/2020	Dell Financial Services	303.43	Dell Fin Svcs - Rental
29009	7/30/2020	Expert Tree Service	8,000.00	Expert Tree Service 6/8-6/12/20
29010	7/30/2020	James Haynes	567.57	Ambulance - Refund Overpayment
29011	7/30/2020	Hunt & Sons, Inc.	483.72	Hunt & Sons - Fuel
29012	7/30/2020	Kaiser	2,870.00	Ambulance - Refund Overpayment Incident 19091f
	7/30/2020	Kaiser	3,108.00	Ambulance - Refund Overpayment Incident 19100f
	7/30/2020	Kaiser	2,805.00	Ambulance - Refund Overpayment RE:5161284
	7/30/2020	Kaiser	2,966.18	Ambulance - refund Overpayment Incident 19020f
29013	7/30/2020	Greg Kennedy	1,080.00	Greg Kennedy RN - EMS Training
29014	7/30/2020	Noridian Medicare Part B Ref...	482.06	Ambulance - Refund Overpayment
	7/30/2020	Noridian Medicare Part B Ref...	1,172.86	Ambulance - Refund Overpayment RE:4T13KN83f
29015	7/30/2020	Zachary Olson	624.00	Ambulance - Refund Overpayment
29016	7/30/2020	Pacific Gas & Electric	821.63	PGE 6/17-7/15-20
29017	7/30/2020	PLIC	83.25	Principal Life Insurance - August
29018	7/30/2020	The Rawlings Company	2,978.00	Ambulance - Refund Overpayment RE:R05676660
29019	7/30/2020	R.S. Hughes	10,102.94	RS Hughes- Scott epic voice amps
29020	7/30/2020	Stryker Sales Corporation	4,785.86	Stryker - Gurney Repair
29021	7/30/2020	United Healthcare	185.00	Ambulance - Refund overpayment Incident 190136
	7/30/2020	United Healthcare	230.34	Ambulance - Refund Overpayment RE:327956022
29022	7/30/2020	Web TPA	324.87	Ambulance - Refund Overpayment RE:SMAPA00041144
29023	7/30/2020	Wittman Enterprises, LLC	4,015.59	Wittman Enterprises June
29025	7/30/2020	Alameda County Fire Depart...	57,750.00	2020 XAL Academy
666	7/10/2020	CCCERA	167,674.50	CCCERA/Norcal/MOPFA July
667	7/10/2020		194,489.06	Calpers 07.10.20
	7/10/2020		17,105.00	Delta Dental 07.10.20
ACH	7/30/2020	CCCERA	5,600,000.00	CCCERA Prepayment ACH
ACHEDD	7/28/2020	Employment Development De...	3,304.00	EDD Payment
USBankJune	7/15/2020	U.S. Bank	13,528.08	US Bank Calcard pymt for 6/22/20
		Total 50 - General Fund	6,473,135.10	

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 60 - North Orinda Emergency Fuel Break
 From 7/1/2020 Through 7/31/2020

<u>Check Number</u>	<u>Check Date</u>	<u>Name</u>	<u>Check Amount</u>	<u>Transaction Description</u>
28964	7/16/2020	FirePoppy Consulting	1,870.00	FirePoppy Consulting - North Orinda Shaded Fuel Break
28985	7/24/2020	Cresco Equipment Rentals	803.71	Cresco- Equip. Rental -North Orinda Shaded Break Maintenance
		Total 60 - North Orinda Emergency Fuel Break	2,673.71	
Report Total			6,475,808.81	



Moraga-Orinda Fire District

QUARTERLY INVESTMENT REPORT						
JUNE 30, 2020						
Type of Investment	Financial Institution	Date of Maturity	Par Value/ Original	Market Value	Rate of Interest	Fiscal Year-to-Date
Cash	Contra Costa County	N/A	\$ 1,105,216	\$ 1,105,216	0.00%	\$ -
Cash	Citibank	N/A	846,479	846,479	0.00%	0
Local Agency Investment Fund	Local Agency Investment Fund	N/A	12,491,248	12,552,615	1.47%	93,124
Money Market	Wells Fargo Government Money Market Fund	N/A	3,487,608	3,487,608	0.31%	266
Total			\$17,930,551	\$17,991,918		\$ 93,390
Average Weighted Yield	1.08%					

Market values obtained from monthly statements issued by Citibank and Wells Fargo Bank

Sufficient funds exist to meet the District's financial obligations for the next six months using the County of Contra Costa's "Teeter Plan." In 1949, the California Legislature enacted an alternative method for the distribution of secured property taxes to local agencies known as the "Teeter Plan". The Teeter Plan is a tax distribution procedure by which secured tax rolls are distributed to the District on the basis of the tax levy rather than on the basis of actual tax collections. While the County bears the risk of loss on delinquent taxes that go unpaid, it benefits from the penalties associated with these delinquent taxes when they are paid. In turn, the Teeter Plan provides the District with stable cash flow and the elimination of collection risk.

The June 2020 investment are in accordance with the District adopted investment policy.

Gloriann Sasser
 Administrative Services Director
 July 30, 2020



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Gloriann Sasser, Administrative Services Director

DATE: August 19, 2020

SUBJECT: Item 9.1 – Adopt Resolution 20-10 Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54 and Adopting a Revised Fund Balance Policy.

Background

This item was presented to the Board at the July 15, 2020 board meeting. The item was continued to the August 19, 2020 board meeting.

The District has a Fund Balance Policy (Policy) that requires annual review by the Board. Staff has reviewed the Policy and recommends no changes.

Fund Balance Components – GASB 54

GASB 54 requires the following components of fund balance:

- **Nonspendable** – Fund balance that cannot be spent because it is either not in a spendable form or it is legally or contractually required to be maintained intact. For example, the District has prepaid items amounts of fund balance that are nonspendable. This is the most restrictive category of fund balance.
- **Restricted** – Fund balance that can be spent only for a specific purpose as stipulated by constitution, legislation or an external resource provider. The fund balance in the District's Debt Service Fund is classified as restricted because the District's taxable pension obligation bonds agreements legally require the District to maintain these resources for the payment of debt obligations. Fund balance from money placed in the District's pension trust fund account is classified as restricted because the money is externally restricted by the requirements of the trust.
- **Committed** – Fund balance that can be spent only for a specific purpose as determined by formal action taken by the Board of Directors. The Policy establishes one category of Committed Fund Balance for capital projects.
- **Assigned** – Fund balance that is intended to be used for specific purposes but do not meet the criteria to be classified as restricted or committed. The Board is required to delegate authority to an official to assign amounts to be used for specific purposes. The Policy establishes two categories of Assigned Fund Balance: for a subsequent year's budget deficit or for other categories as determined by the fire chief or administrative services director.
- **Unassigned** – All spendable amounts not contained in the other classifications.

Minimum Fund Balance – Risk Analysis

The Policy states the District will maintain a minimum fund balance of unrestricted fund balance in the General Fund of at least 17% of budgeted General Fund revenue at fiscal year-end with a goal of achieving a 50% year-end General Fund balance. The General Fund is the District's main operating fund. The financial health of the General Fund is critical to District financial sustainability and financial health. It is fiscally prudent to maintain a reasonable amount of unrestricted minimum fund balance in the General Fund in order to have reserves available for near-term operating contingencies. It is essential that governments maintain adequate levels of fund balance to mitigate current and future risks.

The appropriate level of fund balance for a government agency depends on the amount of risk the government agency faces. The District's revenue stream has been relatively stable. Over the last fifteen years, property tax revenue has increased every year except three (2008, 2012 and 2013). In the three years of decline, the revenue decrease was a relatively nominal amount (largest decrease was \$357K.) However, due to the financial effects of COVID-19 the District is experiencing short term revenue uncertainty in the areas of ambulance fees and plan review/permit/inspection fees. There is also long term uncertainty regarding property tax revenue.

The majority of the District's expenditures are salaries and benefits. Salaries expenditures are primarily controlled by the Board through labor agreements and the addition or reduction of positions. Health insurance expenditures for active employees and retirees are capped by the District and controlled.

Pension expenditures are not controlled by the Board and are volatile. Pension expenditures are highly susceptible to economic changes, to actuarial assumption changes and CCCERA Board actions. The District faces risk in the area of pension costs. In order to mitigate this risk, the District established a pension rate stabilization trust fund to set aside money to pre-fund pension costs.

Another risk area to consider is unfunded liabilities. Unfunded liabilities are the extent to which the actuarial accrued liability of a plan exceeds the assets of the plan. The District has unfunded liabilities for pension and for retiree health insurance. For pension unfunded liabilities, CCCERA requires the District to pay down the unfunded liability using an 18 year closed amortization period and 7% discount rate. Pension rate stabilization trust funds can be used to pay for unfunded pension liabilities.

For retiree health insurance unfunded liabilities, the District has made significant progress to mitigate this risk area. In 2013, the District capped the amount the District pays for retiree health benefits and significantly reduced retiree health benefits to the minimum for new hires. In 2015, the District established a trust fund and began to pre-fund other post-employment benefits (OPEB.) Both of these steps reduced the District's unfunded liabilities for retiree health and reduced risk. In addition, District funding policy is to pre-fund the full annual required contribution.

The District's infrastructure is another area to consider. The primary risk areas of infrastructure for the District are buildings. Station 41 and Administration are past due for significant improvements. Station 45 also will require significant improvements in the future. The District's long term capital plan identifies necessary improvements and replacements over the next 10 years. However, due to COVID-19 capital projects have been deferred and there is uncertainty regarding when the District will be able to fund these capital projects. The District has property insurance that covers many areas of infrastructure risk. In the event of an earthquake the District

is exposed to some infrastructure risk due to the age of Stations 41, 45, and the Administration Building.

The District's CCCERA pension costs, unfunded liabilities for pension obligations, COVID-19 revenue recovery and capital replacement are the highest risk areas for the District.

Minimum Fund Balance – General Fund

The Government Finance Officers Association (GFOA) recommends a minimum of no less than two months of general fund operating revenues or expenditures (17%.) District Policy is to maintain a minimum fund balance of unrestricted fund balance in the General Fund of at least 17% of budgeted General Fund revenue at fiscal year-end with a goal of achieving a 50% year-end General Fund balance in the long term.

Recommendation

The District has made significant progress toward mitigating its high risk areas of pension costs and unfunded liabilities. However, COVID-19 has significantly changed the District's financial outlook. Capital projects have been deferred and the financial effects of COVID-19 on revenue, pension costs and unfunded liabilities are unknown and significant. Staff recommends the District continue to maintain a minimum fund balance of unrestricted fund balance in the General Fund of at least 17% of budgeted General Fund revenue at fiscal year-end with a goal of achieving a 50% year-end General Fund. No changes to the Policy are recommended at this time.

Recommended Action

- 1) Discuss 2) Deliberate 3) Adopt Resolution 20-10 classifying the various components of fund balance as defined in Governmental Accounting Standards Board Statement No. 54 and adopting a revised fund balance policy.

ATTACHMENTS

Attachment A – Moraga-Orinda Fire District Policy 12 - Fund Balance Policy
Attachment B – Resolution 20-10 and Fund Balance Policy



Approved at the Board Meeting of August 19, 2020

Moraga-Orinda Fire District Policy 12

Fund Balance Policy

Purpose:

The Fund Balance Policy establishes a policy for reporting fund balance classifications, establishes prudent reserve requirements and establishes a hierarchy of fund balance expenditures in conformance with Governmental Accounting Standards Board guidelines.

Policy:

The District will report fund balance in accordance with Governmental Accounting Standards Board Statement No. 54. The following five components will be used:

1. Nonspendable Fund Balance
2. Restricted Fund Balance
3. Committed Fund Balance
4. Assigned Fund Balance
5. Unassigned Fund Balance

The District will maintain a Minimum Fund Balance of unrestricted fund balance in the General Fund of at least 17% of budgeted General Fund revenue at fiscal year-end with a goal of achieving a 50% year-end General Fund balance in the long term.

The District will report the following amounts as Committed Fund Balance at fiscal year-end:

- Capital Projects – Fund balance derived from the Fire Flow Tax is committed to pay for District capital improvement projects as approved by the Board of Directors. The amount is equal to the fund balance in the Capital Projects Fund.

The Fire Chief or Administrative Services Director is designated to determine and define the amounts of those components of fund balance that are classified as “Assigned Fund Balance”. The District will report the following amounts as Assigned Fund Balance:

- Budgetary Deficit – Fund balance committed to pay for the subsequent year’s budget deficit. The amount is equal to the projected excess of budgeted expenditures over budgeted revenues by fund.
- Other Assigned Fund Balance categories as determined by the Fire Chief or Administrative Services Director.

The District considers restricted amounts to have been spent prior to unrestricted amounts when an expenditure is incurred for purposes for which both are available. Committed, assigned and unassigned amounts, in this order, are considered to be spent when an expenditure is incurred for purposes for which either is available.

The Board will review this policy on an annual basis.

RESOLUTION NO. 20-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORAGA-ORINDA FIRE PROTECTION DISTRICT CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE AS DEFINED IN GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 AND ADOPTING A REVISED FUND BALANCE POLICY

WHEREAS, the Moraga-Orinda Fire Protection District Board of Directors hereby finds and declares the following:

- The Governmental Accounting Standards Board has issued Statement No. 54 entitled “Fund Balance Reporting and Governmental Fund Type Definitions” which is applicable to the Moraga-Orinda Fire Protection District.
- This Board of Directors desires to classify the various components of fund balance reported by the Moraga-Orinda Fire Protection District as defined in Governmental Accounting Standards Board Statement No. 54.

THEREFORE, be it resolved by the Moraga-Orinda Fire Protection District Board of Directors the following:

- The Board of Directors hereby defines the various components of fund balance as reported by the District as presented in the attached Fund Balance Policy.
- The Board of Directors hereby adopts the attached Fund Balance Policy.
- The classification and reporting of fund balance components as required by Governmental Accounting Standards Board Statement No. 54 will continue to be effective during subsequent fiscal years.
- The Board of Directors designates the Fire Chief or Administrative Services Director as the official to determine and define the amounts of those components of fund balance that are classified as “Assigned Fund Balance”.
- Resolution 20-10 supersedes Resolution 19-10.

PASSED, APPROVED and ADOPTED this 19th day of August 2020, at the regular meeting of the District Board of Directors held virtually, on a motion made by Director ____ and seconded by Director ____, and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution 20-10

9.1B

Dated: August 19, 2020

Steven Danziger, President
Board of Directors

ATTEST:

Marcia Holbrook
District Clerk

Attachment A: Moraga-Orinda Fire District (Policy 12) Fund Balance Policy
(Approved at the Board Meeting of August 19, 2020)



Moraga-Orinda Fire District

TO: Board of Directors

FROM: David Winnacker, Fire Chief

DATE: August 19, 2020

SUBJECT: **Item 9.2 – Approve Establishment of a Joint Fire Prevention Ad Hoc Committee with the City of Orinda and Town of Moraga**

BACKGROUND

On May 5, 2020 the City of Orinda established a city council subcommittee to meet quarterly with representatives of the District board and allowing for an expansion to include the Moraga Town Council members. The purpose of the joint committee is to ensure the success of community fire prevention efforts. Working together, the City of Orinda, Town of Moraga and the District can ensure the separate agencies are up-to-date with fire prevention efforts underway, can identify where the City and Town need to assist, and can examine any opportunities to leverage resources. The City of Orinda committee will consist of two city council members.

MOFD directors have previously been appointed to liaison roles with other local government agencies:

Contra Costa County Special Districts Association: Director Jex
Contra Costa County Fire Commissioner's Association: Director Danziger
Local Agency Formation Committee: Director Donner
Orinda City Council: Director Jorgens
Moraga Town Council: Director Baitx

At the May 2020 regular board meeting, the MOFD board appointed all five members to serve as a "Committee of the Whole". Subsequently the sub-committee agreed to two members from each participating agency. As such, board action is required to appoint two members to this committee.

RECOMMENDATION

- 1) Discuss; 2) Deliberate; 3) Appoint Two Directors to the Committee

ATTACHMENT

- A. Orinda Staff Report May 5th 2020
- B. Committee Charter



City Council Staff Report

Agenda Item:	<u>I.1</u>
Date:	<u>May 5, 2020</u>
Department:	<u>Administration</u>

AGENDA TITLE: Authorization to Establish a Council Subcommittee Appointed by the Mayor to meet Quarterly with a Subcommittee of the MOFD Board and allowing for an expansion to include the Moraga Town Council

RECOMMENDATION:

Create a Council Subcommittee to meet quarterly with subcommittees of the MOFD Board and the Town of Moraga.

BACKGROUND:

The overwhelming majority of Orinda is in either a Very High or High Fire Severity Zone. It is the largest such contiguous area in Contra Costa County except for an undeveloped area in the El Cerrito/Richmond Hills.

Since the hiring of Chief Winnacker the Moraga Orinda Fire District has taken a significantly more proactive posture toward pursuing fire prevention and fuel reduction. The District has leveraged its own resources to obtain two large grants: 1) provides new software and sensing equipment; and 2) work supporting the re-establishment of firebreaks in north Orinda and adjacent areas in the County. The District is on the verge of designating a Wildland Urban Interface which will cover most of Orinda. The District is also revising and strengthening the Fire Code. It will shortly begin its annual summer fuel reduction effort.

DISCUSSION:

The Mayor is asking the Council to authorize her to designate a two person subcommittee to meet quarterly with a subcommittee of the MOFD Board, with the understanding that the subcommittee could be expanded to include the Moraga Town Council if they wish. The City has an extremely strong interest in the success of MOFD's fire prevention efforts. Virtually every property owner in the City will need to analyze their property in accordance with current standards and implement best practices by next year. An extensive outreach and education program will be required. MOFD is planning such an effort, but the importance of this requires the City to use its means to make this summer season and the next the most successful ever. A Council subcommittee working with MOFD can: ensure the City is up to date with efforts underway; identify where the City needs to assist; and examine any opportunities to leverage resources.

NEXT STEPS:

If approved, the Mayor will appoint two members and the Clerk will notify the other two agencies. If possible, the first meeting would be in late May or early June.

FISCAL IMPACT:

There is no direct fiscal impact of this action. There will be some costs associated with the meetings and staff time. The City Council will consider other fire prevention related expenditures on City property as a separate item.

Respectfully Submitted by:
Steve Salomon
City Manager

Prepared By: Steve Salomon, City Manager

Approved by:

Steve Salomon
Steve Salomon, City Manager 4/27/2020

JOINT FIRE PREVENTION SUBCOMMITTEE CHARTER

CITY OF ORINDA– MORAGA-ORINDA FIRE DISTRICT – TOWN OF MORAGA

PURPOSE:

Ad Hoc subcommittee comprised of elected representatives from the City of Orinda, the Town of Moraga, and the Moraga-Orinda Fire District (MOFD) Board of Directors (BOD) to explore ways to support MOFD's coordination of activities associated with fire prevention in the Moraga-Orinda Fire District jurisdiction.

GOVERNANCE AND AUTHORITY:

The subcommittee shall be fully open to public participation, and it shall be noticed in the same manner as are meetings which are subject to the Brown Act. Administrative coordination, notice distribution, and agendas for the subcommittee shall be alternated as necessary between the Orinda City Clerk and MOFD staff. No minutes will be prepared for meetings.

The subcommittee has no direct powers or authority to make public policy or to take any action that will bind any of the member agencies. However, the subcommittee members can make recommendations to their respective agencies (the Orinda City Council, the Moraga Town Council and the MOFD BOD) for consideration and action by those agencies.

COMPOSITION AND APPOINTMENTS:

The subcommittee shall have six members; composed of two members of the Orinda City Council, two members of the Moraga Town Council, and two Directors of the MOFD BOD.

Appointments of subcommittee members shall be made by the Orinda City Council, Moraga Town Council and MOFD BOD. Each appointment term shall be for one year. Subcommittee members are not subject to term limits and can continue to serve on the subcommittee for longer than a single term if designated by their respective agencies. Changes to the subcommittee composition can be made by the respective agencies appointing the members.

CHAIR AND VICE-CHAIR:

A Chair and Vice-Chair for the subcommittee shall be nominated and selected annually by a quorum of the subcommittee membership. The Chair and Vice-Chair shall not be from the same member agency.

The Chair and Vice-Chair shall serve a one-year term. Chair and Vice-Chair nominations and selections will be re-visited annually. The Chair and Vice-Chair are not subject to term limits in their roles and can continue to serve in the same position in back-to-back appointments on the subcommittee if designated by their fellow voting members of the subcommittee.

TERM OF THE SUBCOMMITTEE:

The subcommittee shall form and meet starting in June 2020 and the subcommittee will automatically sunset on June 30, 2021, except as set forth herein. The term of the subcommittee may be extended once per calendar year for a period not to exceed 12 months, upon the approval of a two-thirds majority of voting subcommittee members and ratification by each of the member agencies. Subcommittee continuation requires the on-going participation of the City of Orinda, the Town of Moraga and MOFD BOD, and so the subcommittee may be terminated at any time upon the formal withdrawal from the subcommittee by any of the participating agencies.

MEETINGS:

The subcommittee shall meet at least quarterly but can elect to meet more frequently. Meeting dates will be selected by mutual availability with adequate public notice. There will not be a designated regular meeting day or time.

Meeting locations can rotate and do not have to be conducted in the same location each time. Electronically held meetings will be allowed if designated as allowable under State of California regulations.

Meeting agendas will be confirmed with the Orinda City Clerk by the subcommittee Chair. The Chair will solicit both subcommittee and staff input in the development of meeting agendas.

STAFF LIAISON:

The primary Staff Liaisons to the subcommittee shall be the MOFD Fire Chief and the City Manager for the City of Orinda. The Town Council for the Town of Moraga is not required, but has at all times the option to appoint a single staff member as an additional Staff Liaison to the subcommittee. Meetings will be scheduled to include all appointed Staff Liaisons' participation. Additional staff attendees from each of the participating agencies are welcome but not required.

COSTS:

Costs for administrative support by the Orinda City Clerk shall be borne by the City of Orinda, and no legal costs will be incurred on behalf of the subcommittee without the express authorization of each of the member agencies. Any other costs incurred by a member agency in association with subcommittee participation shall be borne by that individual agency.

GOALS AND OBJECTIVES:

To enhance fire prevention and public safety throughout MOFD's jurisdiction by (i) keeping member agencies updated on MOFD outreach and fire prevention efforts, techniques, priorities and programs through their appointed subcommittee members and Staff Liaisons, (ii) providing member agencies'

feedback on MOFD's outreach and fire prevention efforts and programs, and (iii) exploring ways the member agencies can better facilitate MOFD's outreach, evacuation planning and fire prevention efforts. Taking public input will be a valued part of the subcommittee activities.

ADOPTION AND CHANGES TO CHARTER:

Adoption of this Charter must be approved by at least a two-thirds majority of voting subcommittee members, and ratified by each of the member agencies according to their voting procedures for such matters. Similarly, changes to this Charter must be approved by at least a two-thirds majority of voting subcommittee members and ratified by each of the member agencies according to their voting procedures for such matters.



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: August 19, 2020

SUBJECT: Item 9.3 – Authorize the Fire Chief to Enter Into Agreements for Contract Services with Six Contractors in the Amount Not To Exceed \$90,000 Each for Weed and Hazard Abatement Services

BACKGROUND

The Fire Chief or designated Fire Code Official is authorized to notice property owners that a violation of the fire code exists on their property. If an owner fails to comply with the Notice to Abate, the District's Board of Directors has the authority to order the Fire Chief to abate the hazard and lien the property. The Fire Code gives the District's Board of Directors the power to award a contract for fire hazard abatement work.

PROPOSAL RESULTS

In July 2020, Fire Prevention staff issued an RFP seeking contractors interested in being considered for fuel reduction work. The RFP identified the type of scope work and asked the contractors to submit pricing for the identified types of work.

The District received six proposals. Staff recommends accepting all proposals to provide multiple contracted options to expedite the abatement of the fire hazards. A list of multiple contractors will also allow multiple properties to be abated simultaneously if needed.

Of note, approval of this item will create the framework for contracted work not to exceed \$90,000 per contractor. The actual amount of contracted work will depend on board action to approved properties for lien funded work.

RECOMMENDATION

1) Discuss; 2) Deliberate; 3) Authorize the Fire Chief to enter into agreements with Contra Costa Tree, Expert Tree Service, East Bay Tree Service, Inc., Fire Ready, ArborWorks, and Contra Costa Tree & Stump Removal in the amount not to exceed \$90,000 each in order to create a list of six contractors that can be used to abate fire hazards.

ATTACHMENTS

1. Attachment A – Weed and Hazard Abatement Services Proposal Results
2. Attachment B - AGREEMENT FOR CONTRACT SERVICES

Request for Proposal for Weed Abatement

Company	Annual Grass & Weed Removal Flat Ground Hand Crew	Annual Grass & Weed Removal Sloped Ground Hand Crew	Annual Grass & Weed Removal Mechanical Mowing	Brush Removal Hand Crew	Brush Removal Mechanical Modification	Tree Limbing	Tree Removal Less Than 24" DBH	Tree Removal Greater Than 24" DBH	Chipping Brush and up to 12" Tree Limbs	Chipping Tree Trunks	Hauling of Chips	Misc.
Contra Costa Tree	\$70 per person per hour	\$90 per person per hour	\$175 Tractor hours mowing	\$70 per person per hour	\$70 per person per hour. \$500 chipper	\$70 per person per hour	\$70 per person per hour	\$75-\$150 per person per hour	\$70-\$150 per person per hour	XXXXX	\$70 per person per hour	
Expert Tree Service	\$200 for 2-man crew per hour (additional crew member \$100 an hour)	\$200 for 2-man crew per hour (additional crew member \$100 an hour)	\$350 per hour (min. 4 hours)	\$200 for 2-man crew per hour (additional crew member \$100 an hour)	\$350 per hour (min. 4 hours)	\$200 for 2-man crew per hour (additional crew member \$100 an hour)	\$450 per free	\$3000 per free	\$200 an hour	\$500 an hour	\$20 a yard	
East Bay Tree Service, Inc.	\$100 per person per hour	\$100 per person per hour	X per person, hourly	\$100 per person per hour	\$300 per hour	\$75 per each free	\$800 per each free	\$2,500 per each free	\$100 per hour	\$200 per hour	\$37.50 per yard	*Prices do not include operators or trucks
Fire Ready	\$175 per hour per person	\$250 per hour per person	\$200 per operator, per hour + \$750 per machine per day	\$250 per hour per person	\$350 per day, per machine w/operator	\$250 per hour per person	\$250 per hour per person	\$350 per hour per person	\$300 per hour per person	\$350 per hour per person	\$425 per load	Disposal/Dump fee-determined by weight of load - TBD
ArborWorks	\$90 per hour	\$90 per hour	\$110 per hour	\$100 per hour	\$250 per hour	\$115 per hour	\$115 per hour	\$115 per hour	\$100 per hour	\$115 per hour	120.00	**See Specialized Equipment prices below
Contra Costa Tree & Stump Removal	*Day Rate for Items 1 through 11 is \$2200 per day (approximately 6-8 hours) (all inclusive)	*Hourly Rate for Items 1 through 11 is \$275 (which includes a minimum crew of 4 except for #3, #5 and #11, which is normally a crew of 1-2) (all inclusive)										
**ArborWorks Specialized Equipment (Rates Per Hour On-Site)												
Aerial Lift 75'	\$80 per hour											
Aerial Lift 100'	\$150 per hour											
ATV	\$15 per hour											
Chip/Dump Truck	\$85 per hour											
Chipper-small wheeled	\$40 per hour											
Chipper-large-wheeled (18" and above)	\$90 per hour											
Chipper-small track	\$175 per hour											
Chipper-medium track	\$250 per hour											
Crane Truck (30-ton)	\$275 per hour											
Equipment Trailer	\$15 per hour											
Grapple Truck Tandem	\$195 per hour											
Low Boy Trailer	\$75 per hour											
Low Boy Truck	\$105 per hour											
Masticator-Large	\$390 per hour											
Masticator-Medium	\$300 per hour											
Masticator-Small	\$240 per hour											
Pickup Truck 4x4	\$30 per hour											
Semi-truck w/end dump	\$185 per hour											
Skid steer	\$110 per hour											
Skidder Rubber-Tired	\$200 per hour											
Stump Grinder (small wheeled)	\$50 per hour											
Stump Grinder (large track)	\$95 per hour											
TGS 68'	\$385 per hour											
TGS 92'	\$460 per hour											
Water Trailer (300 gal bats)	\$15 per hour											
Spraying rig for IPM	\$75 per hour											
300-gallon water truck	\$95 per hour											
Excavator-small	\$110 per hour											
Excavator-medium	\$215 per hour											
Excavator-large	\$325 per hour											

**AGREEMENT FOR CONTRACT SERVICES BETWEEN
THE MORAGA ORINDA FIRE PROTECTION DISTRICT AND
XXXXXXXXXX.**

This agreement for contract services (“Agreement”) is entered into on August XX, 2020 (the “Effective Date”) between the MORAGA ORINDA FIRE PROTECTION DISTRICT, a Special District, with offices located at 1280 Moraga Way, Moraga, California (“District”) and XXXXXX. (“Consultant”) (together sometimes referred to as the “Parties”).

Section 1. SERVICES. In accordance with the terms and conditions set forth in this Agreement, Consultant agrees to perform all services described in the Scope of Work attached as Exhibit A. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, this Agreement shall prevail.

- 1.1 **Term of Services.** This Agreement shall begin on the Effective Date and shall end on December 31, 2021. Unless the term of the Agreement is otherwise terminated or modified, as provided for herein.
- 1.2 **Standard of Performance.** Consultant shall diligently perform all services required in connection with this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged in the geographical area in which Consultant practices its profession.
- 1.3 **Assignment of Personnel.** Consultant shall assign only competent personnel to perform services in connection with this Agreement.
- 1.4 **Termination.** District may cancel this Agreement at any time and without cause upon written notification to Consultant. In the event of termination, Consultant shall be entitled to compensation for services satisfactorily completed as of the date of written notice of termination; District, however, may condition payment of such compensation upon Consultant delivering to District documents and records identified in Section 8.1 of this Agreement.

Section 2. COMPENSATION. District hereby agrees to pay Consultant an amount **NOT TO EXCEED \$90,000** for all work set forth in Exhibit A, in accordance with Exhibit B, and made a part of this Agreement. In the event of a conflict between this Agreement and Consultant’s proposal regarding the amount of compensation, this Agreement shall prevail.

- 2.1 **Invoices.** Consultant shall submit invoices once a month during the term of this Agreement, based on the cost for services performed and reimbursable costs incurred prior to the invoice date to:

Moraga Orinda Fire Protection District
1280 Moraga Way
Moraga, California, 94556
Attn: Accounts Payable

- 2.2 **Payment.** District shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred.
- 2.3 **Payment of Taxes.** Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

Section 3. INSURANCE REQUIREMENTS. Before beginning any work under this Agreement, Consultant, at its own cost and expense, shall procure the types and amounts of insurance listed below for the period covered by the Agreement.

- 3.1 Consultant shall, throughout the duration of this Agreement, maintain insurance to cover Consultant (including its agents, representatives, sub-consultants, and employees) in connection with the performance of services under this Agreement. This Agreement identifies the minimum insurance levels with which Consultant shall comply; however, the minimum insurance levels shall not relieve Consultant of any other performance responsibilities under this Agreement (including the indemnity requirements), and Consultant may carry, at its own expense, any additional insurance it deems necessary or prudent. Concurrently with the execution of this Agreement by the Consultant, and prior to the commencement of any services, the Consultant shall furnish written proof of insurance (certificates and endorsements), in a form acceptable to the Fire District. Consultant shall provide substitute written proof of insurance no later than 30 days prior to the expiration date of any insurance policy required by this Agreement.
- 3.2 **Minimum Insurance Levels.** Consultant shall maintain insurance at the following minimum levels:
- (3.2)(A). **Commercial General Liability** Consultant shall maintain commercial general liability insurance for the term of this Agreement, including products liability, covering any loss or liability, including the cost of defense of any action for bodily injury, death, personal injury and property damage which may arise out of the operations of the consultant (with coverage at least as broad as ISO form CG 00 01 01 96) and in an amount not less than \$1,000,000 per occurrence/\$2,000,000 aggregate.
- (3.2)(B). **Automobile Liability** Consultant shall maintain automobile liability insurance (with coverage at least as broad as ISO form CA 00 01 07 97, (for "hired and non-owned auto") for the term of this Agreement covering any loss of liability, including the cost of defense of any action, arising from the operation, maintenance or use in an amount not less than \$1,000,000 per accident for bodily injury and property damage. This insurance shall provide contractual liability covering all motor vehicles and mobile equipment to the extent coverage may be excluded from general liability insurance.
- (3.2)(C). **Workers' Compensation** If Consultant employs any person, Consultant shall maintain Statutory Workers' Compensation Insurance as required by the State of California and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant with limits of not less than (\$1,000,000.00) per accident.
- 3.3 **Endorsements.** The insurance policies shall be endorsed as follows:

- (3.3)(A). For the commercial general liability insurance, the Fire District (including its elected officials, employees, and agents) shall be named as additional insured, and the policy shall be endorsed with a form equivalent to ISO form CG 20 10 11 85.
- (3.3)(B). Consultant's insurance is primary to any other insurance available to the Fire District with respect to any claim arising out of this Agreement. Any insurance maintained by the Fire District shall be excess of the Consultant's insurance and shall not contribute with it.
- (3.3)(C). "Certificate of Insurance will indicate Consultants insurance will not be canceled without 30 days written notice to the Fire District."
- 3.4 **Qualifications of Insurers.** All insurance companies providing coverage to Consultant shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California, and shall have an A.M Best's rating of not less than "A:VII."
- 3.5 **General Liability/Umbrella Insurance.** The coverage amounts set forth above may be met by a combination of underlying and umbrella policies so long as in combination the limits equal or exceed those stated.
- 3.6 **Waiver of Subrogation.** Consultant agrees to waive subrogation which any insurer of Consultant may acquire from Consultant by virtue of the payment of any loss. Consultant agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of District for all work performed by Consultant, its employees, agents and subcontractors.

Section 4. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES.

- 4.1 Consultant shall to the fullest extent allowed by law, with respect to all services performed in connection with this Agreement, indemnify, defend and hold harmless the District and its officials, commissioners, officers, employees, agents and volunteers from and against any and all claims that arise out of, pertain to or relate to the negligence, recklessness or willful misconduct of the Consultant. Consultant will bear all losses, costs, damages, expense and liability of every kind, nature and description that arise out of, pertain to, or relate to such Claims, whether directly or indirectly ("Liabilities"). Such obligations to defend, hold harmless and indemnify the District shall not apply to the extent that such Liabilities are caused by the sole negligence, active negligence, or willful misconduct of the District.

The foregoing obligation of Consultant shall not apply when (1) the injury, loss of life, damage to property, or violation of law arises wholly from the negligence or willful misconduct of the District or its officers, employees, agents, or volunteers and (2) the actions of Consultant or its employees, subcontractor, or agents have contributed in no part to the injury, loss of life, damage to property, or violation of law. It is understood that the duty of Consultant to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance by District of insurance certificates and endorsements required under this Agreement does not relieve Consultant from liability under this indemnification and hold harmless clause. This indemnification and

hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply. By execution of this Agreement, Consultant acknowledges and agrees to the provisions of this Section and that it is a material element of consideration.

Section 5. STATUS OF CONSULTANT.

- 5.1 **Independent Contractor.** At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of District. Consultant shall have no authority, express or implied, to act on behalf of District in any capacity whatsoever as an agent.

Section 6. LEGAL REQUIREMENTS.

- 6.1 **Governing Law.** The laws of the State of California shall govern this Agreement.
- 6.2 **Compliance with Applicable Laws.** Consultant and any subcontractors shall use due professional care to comply with all laws applicable to the performance of the work in connection with this Agreement.
- 6.3 **Licenses and Permits.** Consultant represents and warrants to District that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions.
- 6.4 **Nondiscrimination and Equal Opportunity.** In compliance with federal, state and local laws, Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement.

Section 7. MODIFICATION.

- 7.1 **Amendments.** The Parties may amend this Agreement only by a writing signed by all the Parties.
- 7.2 **Assignment and Subcontracting.** Consultant may not assign this Agreement or any interest therein without the prior written approval of the District. Consultant shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the District. Where written approval is granted by the District, Consultant shall supervise all work subcontracted by Consultant in performing the services; shall be responsible for all work performed by a subcontractor as if Consultant itself had performed such work; the subcontracting of any work to subcontractors shall not relieve Consultant from any of its obligations under this Agreement with respect to the services; and Consultant is obligated to ensure that any and all subcontractors performing any services shall be fully insured in all respects and to the same extent as set forth under Section 3, to District's satisfaction.

- 7.3 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between District and Consultant shall survive the termination of this Agreement.
- 7.4 **Options upon Breach by Consultant.** If Consultant materially breaches any of the terms of this Agreement, District's remedies shall include, but not be limited to, the following:
- 7.4.1 Immediately terminate the Agreement;
- 7.4.2 After final payment retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant in accordance with this Agreement;
- 7.4.3 Retain a different consultant to complete the work described in Exhibit A not finished by Consultant; or
- 7.4.4 Charge Consultant the difference between the costs to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that District would have paid Consultant in accordance with Section 2 if Consultant had completed the work.

Section 8. KEEPING AND STATUS OF RECORDS.

- 8.1 **Records Created as Part of Consultant's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains in accordance with this Agreement and that relate to the matters covered under the terms of this Agreement shall be the property of the District.
- 8.2 **Consultant's Books and Records.** Consultant shall maintain any and all records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the District under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.
- 8.3 **Confidential Information and Disclosure.** During the term of this Agreement, either party (the "Disclosing Party") may disclose confidential, proprietary or trade secret information (the "Information"), to the other party (the "Receiving Party"). The Receiving Party shall hold the Disclosing Party's Information in confidence and shall take all reasonable steps to prevent any unauthorized possession, use, copying, transfer or disclosure of such Information. Consultant understands that the District is a public District and is subject to the laws that may compel it to disclose information about Consultant's business.

Section 9 MISCELLANEOUS PROVISIONS.

- 9.1 **Attorneys' Fees.** If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing

party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

- 9.2 Venue.** In the event that either party brings any action against the other under this Agreement, the Parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Contra Costa or in the United States District Court for the Northern District of California.
- 9.3 Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect.
- 9.4 No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.
- 9.5 Contract Administration.** This Agreement shall be administered by the Fire Chief, or designee, who shall act as the District's representative. All correspondence shall be directed to or through the representative.
- 9.6 Notices.** Any written notice to Consultant shall be sent to:
- Company Name
Address
City, CA XXXXX
- Any written notice to District shall be sent to:
- David Winnacker, Fire Chief
Moraga Orinda Fire District
1280 Moraga Way
Moraga, CA 94556
- 9.7 Integration; Incorporation.** This Agreement, including all the Exhibits attached hereto, represents the entire and integrated agreement between District and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral. All Exhibits attached hereto are incorporated by reference herein.
- 9.8 Alternative Dispute Resolution.** If any dispute arises between the Parties that cannot be settled after engaging in good faith negotiations, District and Consultant agree to resolve the dispute in accordance with the following:
- Each party will designate a senior management or executive level representative to negotiate the dispute. Through good faith negotiations, the representatives will attempt to resolve the dispute by any means within their authority. If dispute remains unresolved after fifteen (15) days of good faith negotiations, the Parties shall attempt to resolve the disagreement by mediation through a disinterested third person as mediator selected by

both Parties. Mediation will begin within thirty (30) days of the selection of this disinterested third party, and will end fifteen (15) days after commencement. The Parties shall equally bear the costs of any third party in any alternative dispute resolution process.

The alternative dispute resolution process is a material condition to this Agreement and must be exhausted as an administrative remedy prior to either Party initiating legal action. This alternative dispute resolution process is not intended to nor shall be construed to change the time periods for filing a claim or action specified by Government Code § 900, *et. seq.*

9.9 Counterparts: This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

The Parties have executed this Agreement as of the date signed by the District.

MORAGA ORINDA FIRE PROTECTION DISTRICT

CONSULTANT

Date: _____

Date: _____

David Winnacker
Fire Chief

XXXXXXXX
Federal Tax ID XX-XXXXXX

EXHIBIT A

SCOPE OF SERVICES

SCOPE OF SERVICES

The Consultant shall provide personnel and equipment to abate fire hazards as identified by MOFD Fire Prevention Staff. MOFD Fire Prevention Staff will identify the amount and scope of work that will be required to abate the identified hazard. During declared Fire Season, the Consultant shall meet the requirements listed in Public Resource Code 4428.

PRC 4428. No person, except any member of an emergency crew or except the driver or owner of any service vehicle owned or operated by or for, or operated under contract with, a publicly or privately owned utility, which is used in the construction, operation, removal, or repair of the property or facilities of such utility when engaged in emergency operations, shall use or operate any vehicle, machine, tool or equipment powered by an internal combustion engine operated on hydrocarbon fuels, in any industrial operation located on or near any forest, brush, or grass-covered land between April 1 and December 1 of any year, or at any other time when ground litter and vegetation will sustain combustion permitting the spread of fire, without providing and maintaining, for firefighting purposes only, suitable and serviceable tools in the amounts, manner and location prescribed in this section.

(a) On any such operation a sealed box of tools shall be located, within the operating area, at a point accessible in the event of fire. This fire toolbox shall contain: one backpack pump-type fire extinguisher filled with water, two axes, two McLeod fire tools, and a sufficient number of shovels so that each employee at the operation can be equipped to fight fire.

(b) One or more serviceable chainsaws of three and one-half or more horsepower with a cutting bar 20 inches in length or longer shall be immediately available within the operating area, or, in the alternative, a full set of timber-felling tools shall be located in the fire toolbox, including one crosscut falling saw six feet in length, one double-bit ax with a 36-inch handle, one sledge hammer or maul with a head weight of six, or more, pounds and handle length of 32 inches, or more, and not less than two falling wedges.

(c) Each rail speeder and passenger vehicle, used on such operation shall be equipped with one shovel and one ax, and any other vehicle used on the operation shall be equipped with one shovel. Each tractor used in such operation shall be equipped with one shovel.

(d) As used in this section:

(1) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn over any land surface, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

(2) "Passenger vehicle" means a vehicle which is self-propelled and which is designed for carrying not more than 10 persons including the driver, and which is used or maintained for the transportation of persons, but does not include any motortruck or truck tractor.

EXHIBIT B

COMPENSATION SCHEDULE

Compensation for all tasks shall not exceed **\$90,000** for the life of the contract.

Compensation will be prices that the Consultant submitted to the District in the RFP package.



Moraga-Orinda Fire District

TO: Board of Directors

FROM: David Winnacker, Fire Chief
Jeff Isaacs, Fire Marshal

DATE: August 19, 2020

SUBJECT: Item 9.4 – Exterior Hazard Abatement Inspections and Community Chipping Update

BACKGROUND

As a result of increased public awareness following the major fires of the last three years, MOFD has been aggressively working with the community to decrease the risk of wildfire. In addition to outreach, education, and enforcement, the District has been offering free community chipping. The response to this service has been overwhelming.

From May 1st to June 12th the District conducted community chipping with as many as three chippers in service on any given day:

160.5 tons of material chipped
362 homes serviced
\$80,000 spent
170 staff days

Chipping was conducted by the MOFD fuel mitigation staff using a variety of hired vendors who provided chippers and specialized trucks to haul material.

The program was suspended on 12 June until at least 1 September as the fuel mitigation staff transitioned to the conduct of exterior hazard abatement compliance inspections along major evacuation routes and responses to community complaints of non-compliant properties. Starting 16 June, fire prevention staff conducted the following assessments and inspections:

Initial Assessments 16 June to 16 July: 2491 parcels inspected
1720 passed
771 failed

Inspections 16 July to XX July: 771
621 passed
150 failed

Complaints received: 92

Self-reports of compliance received: 179

RESUMPTION OF SERVICE

The FY210 budget includes \$100,000 for fuel mitigation spending in addition to (4) dedicated full time positions with support from administrative staff, the fire marshal, and fire chief. In order to increase efficiency, MOFD intends to lease a truck and chipper at \$10,000/month to provide community chipping through the fall, winter, and spring 2021. Leased equipment compares favorably to renting at \$1200-\$1600/ day.

RECOMMENDATION

1) No action required; Informational purposes only