



Moraga-Orinda Fire Protection District

BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

July 15, 2020
(Approved August 19, 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
- Assessment Without Transport: \$631
- First-Responder Fee: \$631
- Mileage: \$43
- Oxygen: \$131

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." (audio160:34)

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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| <p>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.</p> <p>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.</p> <p>F3. Not all fire districts and fire departments in Contra Costa County use predetermined polygons and routing algorithms in their evacuation plans.</p> <p>F4. Fire districts and fire departments in Contra Costa County recommend that residents comply with law enforcement's orders to evacuate during an emergency.</p> | <p>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.</p> <p>F6. The October 2019 Public Safety Power Shutoff (PSPS) events disrupted emergency response efforts and communications in Contra Costa County.</p> <p>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.</p> <p>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.</p> |
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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