



Moraga-Orinda Fire Protection District

BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

September 16, 2020
(Approved October 21, 2020)

1. OPENING CEREMONIES

The Board of Directors convened a Teleconference Open Session at **6:07 p.m.** on **September 16, 2020**, via the Zoom application, <https://us02web.zoom.us/j/82640476364>, webinar id: 826 4047 6364 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. Present were the following Directors and Staff:

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

2. PUBLIC COMMENT (audio 2:11)

President Danziger opened Public Comment on the closed session items. Public comment remained open for a minimum of 1 minute to allow for potential digital processing delays to ensure that the public had sufficient time and opportunity to send in questions or comments. There were no requests to address the Board. President Danziger closed Public Comment.

At **6:10 p.m.**, the Board adjourned to Closed Session.

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 (audio 7:20)

- 4.1 **Call the Meeting to Order**
- 4.2 **Roll Call**

President Danziger reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at **7:01 p.m.** and requested an attendance roll call. Present were the following Directors and Staff:

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

5. REPORT OF CLOSED SESSION ACTION (audio 9:20)

President Danziger stated that the Board took no reportable action on agenda items 3.1-3.3.

6. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA (audio 9:33)

President Danziger opened Public Comment.

Dan DeBusschere, Orinda resident, appealed to the Board to request that Cal Fire or the Governor attain more aerial fire suppression support either from the federal government or through the air force via FEMA grants to fight the wildfires.

Charles Porges, Orinda resident, requested an update on the Chipping Program. President Danziger replied that the chipper program would be discussed by the Fire Marshal during the Fire Marshal report, agenda item 11.3.3.

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

7. PUBLIC HEARING (audio 14:18)

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.

President Danziger commented that the first three properties will be heard together since they are owned by the same property owner. Fire Marshal Isaacs provided the report. Fire Marshal Isaacs reviewed the inspection processes, which started back in June 2020. Properties were mailed a 30-day Exterior Hazard Information letter. An inspection was performed after the 30-day notice, and violations were 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 provided a picture with a description of each violation and ways to correct the violation. A re-inspection was performed after the 15 day Notice, and violations were still found on the properties. Staff recommended moving the properties forward to a lien hearing, declared a nuisance and order the Chief to abate these parcels.

Properties with Violations

<u>CS#</u>	<u>Assessor Parcel Number</u>	<u>Owner</u>	<u>Address</u>	
20-1115	APN 273-083-031	ROACH MICHAEL F & CHRISTINE H	Oak Rd	vacant parcels
20-1111	APN 273-083-032	ROACH MICHAEL F & CHRISTINE H	Oak Rd	vacant parcels
20-1108	APN 273-083-033	ROACH MICHAEL F & CHRISTINE H	Oak Rd	vacant parcels
20-0795	APN 255-020-019	WOOD ANDREA C TRE	50 La Salle Dr	vacant parcels
20-2480	APN 260-080-001	DONG HISUK & SANJIJ TRE	42 Charles Hill Cir	vacant parcels
20-2192	APN 265-130-005	KARP LAWRENCE B & CAROL L TRE	Lomas Cantadas	vacant parcels
20-2144	APN 263-080-008	WILLIS MARILYN J TRE	10 Kittiwake Rd	structure on them
20-1064	APN 265-031-019	BUNKER KIM	9 Loma Vista	structure on them

Property #1, APN 273-083-031 (Oak Rd), Property #2 (Oak Rd), APN 273-083-032 & Property #3, APN 273-083-033 (Oak Rd), Oak Rd. The board packet provides detailed documentation on the Notice to Abate that lists the violations and pictures of the violations.

President Danziger opened the Public Hearing for comment on parcel APN 273-083-031, APN 273-083-032, and APN 273-083-033. There were no requests to address the Board. No further discussion by the Board.

Motion by Director Donner and seconded by Director Baitx to Close the Public Hearing on APN 273-083-031, APN 273-083-032, and APN 273-083-033. Said motion carried 5-0 roll call vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None; Abstain: None). President Danziger closed Public Hearing

Motion by Director Jex and seconded by Director Baitx to Declare the Properties a Seasonal and Recurrent Nuisance and Order Fire Chief to Abate the Property. Said motion carried 5-0 roll call vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None; Abstain: None).

Property #4, APN 255-020-019, 50 La Salle Dr. The board packet provides detailed documentation on the Notice to Abate that lists the violations and pictures of the violations. The parcel is very large and does not meet the fire code portion that requires complete abatement. The large parcel does require a fuel break next to the part of the parcel that abuts the improved parcels. The owner did minimal work. Staff concern is the 100' fuel break requirement, which has not been completed by the owner. Staff recommends moving the property forward to a lien hearing to complete the required fuel break.

President Danziger asked if this was a vacant property. Fire Marshal Isaacs confirmed.

President Danziger opened the Public Hearing for comment on parcel APN 255-020-019. There were no requests to address the Board.

President Danziger asked District Council if a vote was needed to close the public hearing. District Council Holtzman stated that it was not needed.

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

Motion by Director Jorgens and seconded by Director Donner to Declare the Property a Seasonal and Recurrent Nuisance and Order Fire Chief to Abate the Properties. Said motion carried 5-0 roll call vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None; Abstain: None).

Property #5, APN 260-080-001, 42 Charles Hill Cir. The board packet provides detailed documentation on the Notice to Abate that lists the violations and pictures of the violations. Fire Marshal Isaacs stated that the property does not have a structure on it and reviewed the pictures provided in the Board packet. The fire code violations are immediately adjacent to the road, which is an evacuation route in an emergency. Staff recommends moving the property forward to a lien hearing to abate the hazards.

President Danziger opened the Public Hearing for comment on parcel APN 260-080-001. 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 Properties. Said motion carried 5-0 roll call vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None; Abstain: None).

Property #6, APN 265-130-005, Lomas Cantadas. The board packet provides detailed documentation on the Notice to Abate that lists the violations and pictures of the violations. Fire Marshal Isaacs stated that the property has issues that are immediately adjacent to an evacuation route, as shown in the packet's photos. Staff has made numerous attempts via mail to contact the property owner. Staff recommends moving the property forward to a lien hearing to abate the hazards.

President Danziger opened the Public Hearing for comment on parcel APN 265-130-005. 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 the Property a Seasonal and Recurrent Nuisance and Order Fire Chief to Abate the Properties. Said motion carried 5-0 roll call vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None; Abstain: None).

Property #7, APN 263-080-008, 10 Kittiwake Rd. The board packet provides detailed documentation on the Notice to Abate that lists the violations and pictures of the violations. Fire Marshal Isaacs reviewed that the parcel has a structure located on the property and shows a for sale sign in front of the property. Staff made contact with the Realtor and was informed that the Realtor would communicate with the owner about the abatement notice and violations for the parcel. Work has not been completed on the parcel, and Staff has not been able to make contact with the owner. Staff recommends moving the property forward to a lien hearing to abate the hazards.

President Danziger opened the Public Hearing for comment on parcel APN 263-080-008. There were no requests to address the Board. President Danziger closed Public Hearing.

Director Jorgens asked if the work will be completed by the contractors approved at the August 19, 2020 board meeting. Fire Chief Winnacker confirmed and stated that having the approved list of contractors will allow Staff to move very quickly to abate the hazards.

Director Jex asked if Staff has started work on the previously approved properties to abate the hazards. Fire Chief Winnacker confirmed and stated more information would be provided under the Fire Marshal's report.

No further discussion by the Board.

Motion by Director Jorgens and seconded by Director Donner to Declare the Property a Seasonal and Recurrent Nuisance and Order Fire Chief to Abate the Properties. Said motion carried 5-0 roll call vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None; Abstain: None).

Property #8, APN 265-031-019, 9 Loma Vista. The board packet provides detailed documentation on the Notice to Abate that lists the violations and pictures of the violations. Fire Marshal Isaacs stated that the property had received numerous complaints. The property was inspected on June 26, 2020, and multiple notices were sent out. Fuels Mitigation Manager Graham worked with the property owner who attempted to complete some abatement work, but not enough work was completed to satisfy the Notice to Abate order. Fire Marshal Isaacs reiterated that MOFD is here to work with the property owners and help the owners abate their properties successfully. In addition, owners have to work with MOFD within the time limits, and the work cannot be deferred for months. Staff recommends moving the property forward to a lien hearing. If the property owner still wants to contact MOFD to work with Staff, MOFD will continue to work with the property owner before sending one of our contractors out to abate the property. President Danziger noted that we are three months into the abatement process.

President Danziger opened the Public Hearing for comment on parcel APN 265-031-019. District Clerk Holbrook informed the Directors that Ms. Bunker was trying to participate in the meeting. Ms. Bunker had called in earlier and was listed as an Attendee, but has dropped off the call. At 5:43 p.m. today, Ms. Bunker sent in email correspondence (attachment A). The email is a document showing that the property is in escrow. President Danziger asked if Ms. Bunker was the owner selling the property. District Clerk Holbrook confirmed. Director Jorgens commented that the new buyer should be informed of the lien or work done on the property. Fire Chief Winnacker clarified that the information forwarded included the title company and the title processor. Staff will follow up with the title processor to ensure that they understand that not only is there a current fire code violation associated with this house, but that tax lien funded work has been approved to ensure that the disclosure has occurred. **There were no further 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 Properties. Said motion carried 5-0 roll call vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None; Abstain: None).

8. CONSENT AGENDA (audio 36:01)

- 8.1. **Meeting Minutes – August 19, 2020 (Regular)**
Staff Recommendation: Approve and File
- 8.2. **Monthly Incident Report - August 2020**
Staff Recommendation: Approve and File
- 8.3. **Monthly Check/Voucher Register - August 2020**
Staff Recommendation: Approve and File
- 8.4. **Monthly Financial Report – August 2020**
Staff Recommendation: Approve and File

President Danziger requested that item 8.3 be pulled from the Consent Calendar. Directors Jorgens requested that item 8.4 be pulled from the Consent Calendar.

Motion by Director Jorgens and seconded by Director Jex to approve Consent Agenda items 8.1 and 8.2. Said motion carried 5-0 roll call vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None; Abstain: None).

- 8.3 **Monthly Check/Voucher Register - July 2020**
President Danziger asked about the four checks that have a zero amount on the last page. Administrative Services Director Sasser answered that they are voided checks.
- 8.4 **Monthly Financial Report - July 2020**

Director Jorgens asked if the two and a quarter million dollar revenue budget shortfall is a timing issue. Administrative Services Director Sasser confirmed and explained that property tax income would come in October, December, and June. Ambulance revenue will come in each month. ASD Sasser added that due to the COVID economic climate, an in-depth budget review would be presented each quarter versus only twice a year. Director Jorgens requested if footnotes could be added to the reports of future explanations that could be helpful to the Directors.

Motion by Director Jorgens and seconded by Director Jex to approve Consent Agenda items 8.3 and 8.4. Said motion carried 5-0 roll call vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None; 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.

9. REGULAR AGENDA

9.1. **Draft GASB 75 OPEB Valuation Report as of June 30, 2020, and Approval of OPEB Funding Policy (audio 41:56)**

Administrative Service Director Sasser provided the report. The District provides retiree health insurance benefits to employees. Government Accounting Standards Board Statement No. 75 requires the District to complete a roll-forward report of the actuarial valuation produced for the prior fiscal year for the District's other post-employment benefits (OPEB) plan. GovInvest has completed the draft valuation report calculating the long-term costs associated with the District's OPEB plan. Staff recommends that the Board provide direction to staff regarding the Draft GASB 75 OPEB Valuation Report as of June 30, 2020, and approve the OPEB Funding Policy. ASD Sasser stated that the final GASB 75 OPEB Valuation Report will be presented to the board at the next meeting for approval.

Roger Burton, GovInvest Actuary, reviewed the GASB 75 OPEB Valuation Report and answered the board's questions. Director Jorgens asked if six and a quarter is still a valid number for the projected earnings rate for the OPEB plan investments. Mr. Burton answered that it is a conservative estimate. The rates from Calpers used in the evaluations have increased where MOFD's have stayed the same. If the Board decided to lower the rate, it would increase the liability, changing the assumptions. Director Jex asked if the change would be rolled over for five years. Mr. Burton confirmed. Director Jorgens asked about the three percent used for the Assumed Rate of Payroll Growth. Mr. Burton answered that three percent is the assumption that CalPERS uses, and it is the assumption that was approved. Directors Jorgens and Danziger discussed using the actual contracted percentage. Mr. Burton responded that the payroll assumptions could be updated for the 2020/2021 years based on the board's direction. Mr. Burton concluded that he would follow up with the District about potentially changing the Discount Rates and Payroll Growth assumptions. Director Jorgens requested that it be put on the next agenda for discussion.

Director Jex asked if the report will go to the auditors. ASD Sasser answered that the report needs to be completed for audit purposes to record the liability. Staff recommended that the Board review the draft and provide input to the actuary for the report, and the board would then approve the report at the next board meeting.

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 Jorgens and seconded by Director Jex to approve the OPEB Funding Policy. Said motion carried 5-0 roll call vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None; Abstain: None).

9.2. **Resolution 20-13 – A Resolution of the Moraga-Orinda Fire Protection District of Contra Costa County, Amending the District Conflict of Interest Code (audio 94:35)**

District Council Holtzman provided the report. All local government agencies are required by statute to adopt a Conflict of Interest Code that includes provisions designating the positions within the agency required to report certain financial interests, the manner of reporting those financial interests, and standards for when the employees will be disqualified from participating in the making of certain decisions. Conflict of Interest Codes must specifically list positions that make or participate in making decisions for or on behalf of the District. The primary purpose of the Code is to require disclosure of investments, interests in real property, sources of income, and business positions that designated positions may affect in their decision-making. At a regular Board meeting on August 15, 2018, the Board of Directors adopted

Resolution 18-15 – a Resolution of the Moraga-Orinda Fire Protection District of Contra Costa County Adopting a Conflict of Interest Code. District Council has conducted the required biennial review of the Conflict of Interest Code and has determined to remove two positions and add three positions and associated disclosure categories to the list of “Designated Positions” in the Code. In accordance, Section 1 of Resolution 20-13 Amending the District Conflict of Interest Code and Section 2 of the Conflict of Interest Code have been amended to remove positions “Assistant Fire Marshal” and “Fire Inspector/Plans Examiner”; add three new positions of “Finance Manager”, “Fuels Mitigation Manager” and “Fuels Mitigation Specialist”, and replace “Consultant” with “Consultant/New Positions.” No other substantive changes were made to the Code.

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

President Danziger asked about the removal of the Assistant Fire Marshal and Fire Inspector/Plans Examiner positions. Fire Chief Winnacker answered that the positions have been removed and replaced with a different positions. The positions were removed from this year's budget to more accurately display to the board and the public where MOFD plans to allocate resources to fill the requirements and not the positions. Director Jorgens commented that more than one document in our procedures and codes that affects conflicts of interest. Director Jorgens supported making the COI policy changes but noted additional restrictions that govern the Board. Director Jorgens requested those topics be on the next agenda.

No further discussion by the Board.

Motion by Director Jorgens and seconded by Director Donner to Adopt Resolution 20-13 – A Resolution of the Moraga-Orinda Fire Protection District of Contra Costa County, Amending the District Conflict of Interest Code. Said motion carried 5-0 roll call vote (Ayes: Baitx, Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: None; Abstain: None).

9.3. **Approve a Capital Projects Fund Expenditure Budget Adjustment Increase in the Amount of \$57,870 and Approve a Capital Projects Fund Revenue Budget Adjustment Increase in the Amount of \$53,258 to Replace a Destroyed 2019 Dodge 2500 Pickup Truck with a 2021 Dodge 2500 Pickup Truck (audio 100:47)**

Fire Chief Winnacker provided the report. In June 2020, during a controlled burn event, a District-owned 2019 Dodge 2500 pickup truck was rolled and destroyed in an accident. The destroyed truck was purchased in 2019 under the State of California purchasing contract. The cost breakdown: Dodge 2500 w/ tax \$32,181, Emergency equipment installed \$7,749, Radio and antennae \$3,461, Graphics \$1,712, with a total cost of Utility \$45,103. District insurance coverage provides reimbursement based on a comparable vehicle analysis and reimbursement of equipment costs. The District received insurance reimbursement for the Utility Truck and equipment on September 4, 2020, in the amount of \$53,258. Staff recommended replacing the destroyed truck with a 2021 Dodge Ram 2500 pickup truck to be purchased under the State of California purchasing contract. The cost breakdown: Truck and sales tax \$36,538, Emergency equipment \$5,175, Radio and antennae \$4,050, iPad, modem and accessories \$4,613, Upgraded bumper, rack, shocks \$2,774, Graphics \$1,720, Labor \$3,000, with a total cost of truck \$57,870. Fire Chief Winnacker concluded that a Capital Projects Fund budget adjustment is necessary to increase expenditures \$57,870 for the replacement truck purchase and to increase other financing source revenue \$53,258 for the insurance reimbursement.

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

Director Jorgens asked how much the net loss will be for the District. Fire Chief Winnacker answered \$4,612. President Danziger asked if the Apparatus Committee recommended this vehicle replacement. Fire Chief Winnacker confirmed.

No further discussion by the Board.

Motion by Director Jorgens and seconded by Director Jex to Approve a Capital Projects Fund Expenditure Budget Adjustment Increase in the Amount of \$57,870 and Approve a Capital Projects Fund Revenue Budget Adjustment Increase in the Amount of \$53,258. Said motion carried 5-0

roll call vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None; Abstain: None).

9.4. Approval to Accept FEMA Assistance to Firefighters Grant Supplemental in the Amount of \$36,103.50 and Authorize a Fiscal Year 2021 General Fund Revenue Budget Adjustment Increase in the Amount of \$32,821 (audio 105:00)

Fire Chief Winnacker provided the report. In May 2020, MOFD applied to the Assistance to Firefighter Grant – COVID-19 Supplement (AFG-S). The purpose of the AFG-S is to provide funds for the purchase of PPE and related supplies, including reimbursements, to prevent, prepare for, and respond to the coronavirus. On September 2, 2020, MOFD received notice of award for \$36,103.50. The AFG-S requires a 10% cost-share of the total amount. The District has 30 calendar days from the notice of award to accept or decline the grant. Fire Chief Winnacker explained that the grant's acceptance would result in a General Fund revenue increase of \$32,821. The AFG-S requires a 10% cost-share (\$3,282.14). The District has already met this cost-share requirement with qualified reimbursable PPE purchases prior to the notice of award. Fire Chief Winnacker took a moment to thank Battalion Chief Lee for his expertise in seeking and obtaining grant-funding opportunities. The Board also conveyed their appreciation for BC Lee's efforts in getting this grant.

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

Director Jex asked for clarification on the 10% cost-share of the grant. Fire Chief Winnacker answered that the grant was specifically written to allow applicants (awardees) to be credited for previously purchased items purchased to protect our members while responding to calls during the COVID-19 pandemic. We were able to credit money already spent on equipment towards the cost-share requirement. Director Jex asked for clarification on the \$32,000 budget adjustment. Fire Chief Winnacker explained that the \$36,000 is considered the full amount of the grant, and the 10% which has been cost-shared comes out of our revenue, our previous expenditures. The actual amount of money to be received is the \$32,000 amount.

No further discussion by the Board.

Motion by Director Jex and seconded by Director Jorgens to accept the FEMA Assistance to Firefighters Grant Supplemental in the Amount of \$36,103.50 and Authorize a Fiscal Year 2021 General Fund Revenue Adjustment increase in the Amount of \$32,821. Said motion carried 5-0 roll call vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None; Abstain: None).

9.5. Cost Recovery for El Toyonal Power Pole Fire (audio 110:37)

Fire Chief Winnacker provided the report. On June 24, 2020, equipment owned by Pacific Gas & Electric (PG&E) caused a vegetation fire on El Toyonal in Orinda. The fire burned a small area under the power lines before being extinguished by MOFD crews. Due to the slope and heavy vegetation in the surrounding area, there was significant potential for spread. The rapid response was enabled by numerous fire reports to include several witnesses who notified station 45 in person and provided valuable information that assisted in the fire cause and origin investigation. On June 30, 2020, staff sent an invoice to PG&E for cost recovery in the amount of \$1,695.01. The invoice was paid-in-full by PG&E on July 24, 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.

Fire Chief Winnacker requested before moving to the next agenda item, a notification (attachment b) was received from Ms. Kim Bunker, who experienced trouble getting into the meeting for the lien hearing. District Clerk Holbrook contacted Ms. Bunker during the meeting to assist with the technical issues.

President Danziger reopened the Public Hearing for comment on Item 7.1, on Property #8, APN 265-031-019, 9 Loma Vista giving opportunity for the property owner or an agent for the property owner to make a comment to the board regarding this notice.

Kim Bunker expressed her apology for her property and that it wasn't handled sooner. Ms. Bunker stated that she is in escrow, and it was supposed to close two weeks ago. The buyer has been working with Ms.

Bunker on this issue. The Buyer knows everything and offered to bring out a crew. Ms. Bunker asked the buyer to wait until escrow closed because of liability issues. Ms. Bunker commented that many things need to be moved, chopped, and crunched, and told the buyer that she wanted to make sure they had workers comp and stuff. The problem is that escrow was extended. This evening, Ms. Bunker spoke to the buyer and stated that he will call MOFD in the morning, but could also be on this call if it helps since he is the person buying the property. Ms. Bunker expressed that they both do not want to have a lien and will handle this right away. Ms. Bunker requested if they can have additional time (how little it is, it doesn't matter), and they will handle the citation.

Fire Chief Winnacker reviewed the two and a half months of communications with the property owner and commented that MOFD is always committed to moving toward voluntary compliance. Fire Chief Winnacker noted that because the hazard has been brought to the board, voluntary compliance has not been achieved. If the new owner is committed to doing the work on a very rapid and timely basis, Staff would work with the owner. Staff recommended that the Board continue with the lien's approval. The lien's approval approves the authority for staff to order and schedule and do the work needed to bring the property in compliance. Fire Chief Winnacker reiterated that Staff is committed to working with the current owner and the new owner to have this work accomplished promptly without the district having to be involved. Fire Chief Winnacker pointed out that if the Board does not take action tonight, the next time this could be considered would be at the regular meeting in October.

President Danziger opposed the reconsideration of agenda item 7.1. President Danziger recommended Ms. Bunker and the new owner take care of the violation immediately and contact the Fire Marshal. Ms. Bunker stated that the lien was placed without her being there and does not believe it is fair. Director Jorgens clarified that the lien hearing allows MOFD to go out and hire someone to do the work. The Board has approved the authority to complete the work. If you can complete the work within the timeframe, MOFD would not need to hire a contractor and incur the expense or execute on the lien. The lien only occurs if MOFD has to go out and abate the hazards and incur the expense. Ms. Bunker asked if making the lien now is one more thing that has to clear escrow. President Danziger answered that a lien had not been placed on the property. Director Jorgens clarified that the Board's action authorizes the Staff to abate the hazard, leading to a lien. Director Jex added that MOFD has an obligation to inform the escrow company of the violations and that has to be done. Ms. Bunker understood and stated the buyer knows what needs to be done, and it is also in the escrow papers. Director Jorgens commented that the escrow has not closed and the same reasons expressed earlier for not mitigating the property still exist (liability and worker's comp) until it actually closes.

District Council Holtzman reminded the Directors that there had not been a vote to reopen this item. If the Board concludes that the position would be the same, then there is no need to reopen item 7.1. All Directors agreed not to reopen agenda Item 7.1, Property #8, APN 265-031-019, 9 Loma Vista. President Danziger suggested the owner and/or the new owner contact the Fire Chief or Fire Marshal.

President Danziger closed public hearing comment. No further discussion from the board.

10. COMMITTEE REPORTS (audio 112:50)

- 10.1 **Finance Committee (Directors Danziger and Jorgens)**
No report.
- 10.2 **Facilities Station 41 Ad Hoc Committee (Directors Baitx and Donner)**
No report.
- 10.3 **Joint Fire Prevention Committee (Directors Danziger and Jorgens)**
No report

11. ANNOUNCEMENTS (audio 129:00)

- 11.1. **Brief information only reports related to meetings attended by a Director at District expense**
(Government Code Section 53232.3(d))
No report.
- 11.2. **Questions and informational comments from Board members and Staff**
No report.
- 11.3. **Fire Chief Updates**
 - 11.3.1 **COVID-19**
Fire Chief Winnacker provided the report. MOFD had a member who tested positive as a result of fire activity and deployments out of County. Members were exposed. In partnership with the labor group, the exposed members were rapidly identified and moved off duty for testing. The

station and equipment were rapidly decontaminated. All exposed members tested negative and were able to return to work. Staff continues to take the disease transmission protocols very seriously. We continue to profile our enhanced PPE measures both internally and externally with the general statement that everyone Staff comes in contact with is COVID positive, which is designed to protect our members from exposure to the disease and protect the public from exposure to disease.

11.3.2. **Human Resources**

Human Resource Benefits Manager Russell provided the report. The District's promotional testing schedule indicates that the next Battalion Chief Examination process is to be hosted in December 2020 in accordance with this policy. The recruitment must be posted 90 days prior to the examination date, scheduled for December 8th, for this particular process. Once the examination process is complete, the eligibility list will be established from this Recruitment and will be good for two years. President Danziger asked about the deadline. HR Benefits Manager Russell answered the application period is September 1st through December 1st.

11.3.3. **Fire Marshal**

Fire Marshal Isaacs provided the report. Plan review submittals have increased due to the Wilder development. Staff started the annual inspections as required by the State Fire Marshal's Office for all apartments and schools within the fire district. Fire Marshal Isaacs shared photos and success stories on the hazard abatement program and commented that the lien hearings have successfully achieved compliance. Other success stories were shared with education and outreach to property owners by the Fuels Mitigation staff. A manageable two-year mitigation plan was created with a large property owner. Staff inspected the property and other surrounding properties and, with the collaboration and education provided to all homeowners on the ridge, resulted in the large parcel owner mitigating his property and creating a shaded fuel break by working with the surrounding property owners. Fire Marshal Isaacs concluded that Staff is working on finalizing the chipper program and securing a lease and training for the chipper truck. The chipper program is looking to start the first or second week of October.

Fire Chief Winnacker reported that several Diablo Fire Safe projects have recently been approved. Fire Marshal Isaac is a member of that board and has been advocating very effectively for projects within the fire district. The Sleepy Hollow Firewise Community has earned one of the Diablo Fire Safe grants. Through the grant funding, the MOFD chipper program, Staff, and Sleepy Hollow Firewise Community will be able to remove juniper encroaching on the roadside in advance of next year as and remove overhanging trees. Fire Chief Winnacker expressed appreciation for all the hard work of the Sleepy Hollow Firewise Community and looked forward to the partnership.

President Danziger inquired about the chipper truck rental agreement. Fire Chief Winnacker described the nine-month lease with the ability to terminate if needed for a nominal fee. President Danziger asked about community outreach. Fire Chief Winnacker replied the delay has been due to the difficulty in securing a truck and chipper combination. Director Jorgens asked about the training for Staff. Fire Chief Winnacker explained that Staff has already been trained on the chipper and will require in-service training on the truck's class, make, and model.

Fire Chief Winnacker continued with the Fire Chief report. Record-breaking fire in the State in all three categories that Cal Fire keeps. MOFD has members, single resources, and engine companies deployed all over the state and continues to contribute to the statewide fight. MOFD support has been everything from geographic information systems, which is a training role where members learn more about how to develop and manipulate data for geographic displays and support of an incident to line safety officers to Division supervisors to Strike team leaders. MOFD has an engine up at the North complex in Butte County and three single resources at the Oak fire in Willits and three single resources on the Red Salmon Complex up on the Klamath River. Fire Chief Winnacker emphasized that we are in the second week of September and have not yet come into what is traditionally high fire season. The forecast is that this will be a late-onset winter with the potential to have three more months of fire season. The fuels are dry with dry strong winds and well-cured fuels equal explosive fire growth. Staff continues to move forward with both aggressive enforcement of the existing fire code and adoption of the more progressive fire code. Fire Chief Winnacker stated that the County Board of Supervisors scheduled the fire code for adoption on September 22, 2020. The Board of Supervisors'

adoption is the final step in the adoption process and the new fire code will take effect 15 days following their adoption. The enhanced abatement fuel mitigation standards will come into enforcement on the new compliance date of June 1st. The extra two weeks means that we will be moving the non-compliant parcels into violation (and possible lien status) a month earlier. The new compliance deadline will support the goal of abating hazards earlier in the season. MOFD looks forward to working with the Town of Moraga, City of Orinda, and County to ensure the building code elements of ember resistant construction and sprinkler system requirements are understood and enforced.

Director Jorgens asked about Governor Newsom's agreement with the National Forest Service to mitigate up to a million acres of forest land in California before 2025 and asked if that was a good plan. Fire Chief Winnacker answered that forest management is certainly part of the problem. Observing the pre-European average trees per acre relative to now, many more trees are on the landscape due to logging, and the exclusion of wildfire has allowed the forest to become choked with combustible fuels. There are negative implications related to watershed health, tree mortality, and ultimately the quantity of biomass, particularly stressed biomass, its presence on the landscape, which sets the stage for explosive fire. Thoughtful restoration of naturally occurring and prescribed fire to the landscape is a good thing, and in many ways replicates, on a larger scale, elements of what MOFD is trying to do in our District. The implementation is different because of the populated nature, and the parcels are much smaller. The underlying science and the underlying principles are the same. MOFD looks forward to being able to contribute to that effort through both the establishment of defensible space, the implementation of more stringent building standards within the community, and the introduction of fire and working with the surrounding public landowners to ensure they are meeting their requirements for range management and defensible space along the perimeter brings a cohesive and comprehensive plan to reduce the prevalence and intensity of fire in our community.

11.4. Communications Received

No Report

11.5. Future Agenda Items

No Report

President Danziger opened Public Comment.

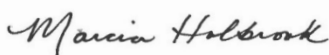
Charles Porges, Orinda resident, requested MOFD to post on social media when the Chipping Program is available. Mr. Porges inquired if MOFD is currently taking requests for service. Fire Chief Winnacker confirmed and scheduling will be prioritized based on organized neighborhoods to increase the chipper's efficiency. MOFD anticipates delays based on the number of requests already received. Director Jorgens requested Staff keep the board updated on the forecast for demand in case the Board needs to evaluate having additional capabilities.

Robert Weiss, Orinda resident, thanked MOFD for the chipper program and inquired about a volunteer network to support the community, so resources do not have to leave the area. Fire Chief Winnacker reviewed the local volunteer contingent and support. Fire Chief Winnacker explained that when a firefighter is deployed from the district to support other incidents, off-duty firefighters are recalled, and staffing is maintained at all times. Fire Chief Winnacker discussed the number of opportunities for community support through the CERT program. Dennis Rein, Emergency Preparedness Coordinator, contact information is on the MOFD website and is available to review volunteer programs.

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

12. ADJOURNMENT (audio 156:14)

At 9:41 p.m., Director Jorgens motion and seconded by Director Donner to adjourn the meeting. Said motion carried 5-0 roll call vote (Ayes: Baitx, Jex, Jorgens, Donner, and Danziger; Noes: None; Absent: None; Abstain: None).



Marcia Holbrook,
District Secretary/District Clerk

Attachment A - Item 7.1 Public Hearing

From: [Kimmotion](#)
To: [Info](#)
Subject: Re Hearing Tonight at 7 PM. Kim Bunker - 9 Loma Vista Dr. - Escrow in process
Date: Wednesday, September 16, 2020 5:53:26 PM

----- Forwarded Message -----

From: Cindy Felton <noreply@title.com>
To: [REDACTED] <[REDACTED]>
Sent: Thursday, August 20, 2020, 07:35:16 AM PDT
Subject: 9 Loma Vista Dr. - Information Requested from Escrow



Start your transaction off smoothly!

Get Started

Hi Kim,

My name is Cindy, and I work for Fidelity National Title Northern California, and I've helped many sellers like you close their transaction. I'm here to help you complete the documents needed to close on 9 Loma Vista Dr., Orinda, CA.

To help this transaction go smoothly, you'll need to confirm some details with us. We'll also ask for information regarding the following:

- Property details such as Homeowner Associations (HOAs), or recent home improvements
- Lender contact information, including any home equity lines of credit

Confirming these details should take around 5 minutes, however you can pause and return at any time during the process. As you may know, real estate is very time sensitive, so a quick response is a huge help.

If you do not want to complete this information digitally or you are trying to access this email outside the U.S or Canada, please feel free to call me. I

Attachment A - Item 7.1 Public Hearing

look forward to working with you!

Sincerely,
Cindy Felton



WARNING Wire Fraud Advisory

Wire fraud and email hacking/phishing attacks are on the rise! If you receive an email containing Wire Transfer instruction, **DO NOT RESPOND TO THE EMAIL!**

- Call your escrow officer/closer immediately, using a previously known phone number and **NOT** a number provided in the email, to verify the info prior to sending funds.
- Fidelity National Title Northern California does not alter its wiring instructions. If you receive new wiring instructions, please notify your escrow officer/closer immediately.

This email was sent on behalf of Fidelity National Title Northern California

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Attachment B - Item 7.1 Public Hearing

From: [Kimmotion](#)
To: [Info](#)
Subject: I called in, I texted, I sent an email and still I was denied my hearing!
Date: Wednesday, September 16, 2020 8:10:01 PM

I was on this phone call tonight, but it would not let me in. I got there at 7 and put in the code and it told me I was on the call, but that I was muted. I texted to say that I was there, I sent an email to this address, I tried calling the text number, but I couldn't reach anyone. I had another cell phone that I was trying to reach somebody with, and I left a message on the fire district line. I tried everything in my power to get the thing to unmute me.

I had sent over proof that my house was in escrow, but I didn't get to testify about how the new owner was supposed to have taken possession over two weeks ago, and his first order was to clean the entire Property. This would have been finished by now, if escrow had not been delayed and no matter what, I wanted to handle the issue immediately.

The person running the meeting said,(I heard the whole meeting, because I was on the line, and it was just so that I could not be heard) that they wanted to work with people to work out a solution. This would have absolutely happened if I wasn't on mute!

And it could so easily be worked out! But they assumed I wasn't there, and then man, almost gleefully. sent it for a lien, and then spoke of making sure the new owner knew about it. I told one of the women I talked to at the department about the cheering tonight, that the new buyer knew about my citation and it was part of our escrow instructions, for him to immediately handle the issue with the fire department.

When I found out about this hearing, I call the new owner, and told him it was now heading for a lien, and he told me he would help me immediately clear the property. But none of this was in front of the meeting because the zoom meeting wouldn't let me in!

A woman spoke and said that I had contacted her earlier in the day, and she discussed the escrow information I sent, but then said I hadn't written any thing since - however, since 7pm I had been texting and calling and also emailed this address as well, asking for help to be able to be unmuted in the call.

I will call in the morning, to find out what can be done to allow me an actual hearing.

Kim Bunker