



Moraga-Orinda Fire District
BOARD OF DIRECTORS
REGULAR BOARD MEETING MINUTES
November 18, 2020
(Approved: December 16, 2020)

1. OPENING CEREMONIES

The Board of Directors convened a teleconference Open Session at **5:03 p.m.** on **November 18, 2020**, via the Zoom application, <https://us02web.zoom.us/j/89155928749>, webinar id: 891 5592 8749 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	
Director Donner	Gloriann Sasser, Admin. Services Director	
Director Jex	Jonathan Holtzman, District Council	

2. PUBLIC COMMENT (audio 3:11)

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 **5:05 p.m.**, the Board adjourned to Closed Session.

3. CLOSED SESSION

3.1 Public Employee Performance Evaluation

(Government Code Section 54957)
Public Employee Appointment Title: Fire Chief

3.2 Conference with Labor Negotiator

(Government Code Section 54957.6)
Agency Designated Rep: Jonathan Holtzman
Employee Organization: Local 1230, International Association of Firefighters IAFF

3.3 Conference with Labor Negotiator

(Government Code Section 54957.6)
Agency Designated Rep: Jonathan Holtzman
Employee Organization: Unrepresented Employees

3.4 Conference with Labor Negotiator

(Government Code Section 54957.6)
Agency Designated Rep: Jonathan Holtzman
Employee Organization: Moraga-Orinda Fire Chief Officers' Association

4. RECONVENE THE MEETING (audio 8:24)

4.1 Call the Meeting to Order

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

5. REPORT OF CLOSED SESSION ACTION (audio 9:10)

President Danziger stated that the Board took no reportable action on agenda items 3.1-3.4.

6. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA (audio 9:23)

President Danziger opened Public Comment.

Written public comment statements were read into the record by Staff. Written public comments are attached to these minutes (attachment A); 1) Jonathan Goodwin; 2) Cheryl Ku.

President Danziger commented that the Board would take Mr. Goodwin's comments under consideration during the next review of the Fire Chief's contract. President Danziger responded to Ms. Ku's concerns regarding the CWS system and stated that the CWS system is managed by the County Sheriff's Department and encouraged Ms. Ku to contact the Orinda Police Department. President Danziger suggested that the Board consider discussing the CWS system on future agendas. Director Jorgens shared concerns about people not being able to call for emergency services.

Bernard Riff, a Moraga resident, expressed similar concerns regarding the CWS system and inquired how the CWS functions during a power outage and if they have an independent power source to ensure that they can send out messages during a power outage. Mr. Riff suggested the Board consider putting CWS on a future agenda. Mr. Riff expressed frustration with not getting answers to these issues when contacting CWS and the Sheriff's office. President Danziger agreed with getting the item on a future agenda.

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

7. PUBLIC HEARING (audio 17:07)

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.

Fire Marshal Isaacs provided the report and reviewed the inspection processes. On April 24, 2020, the District mailed mailers out to all parcels within the District. The District became aware of 90 Estates Drive because of a fire in the yard. Staff performed an inspection, found violations, and issued a 15-day Notice to Abate to the owner. Staff had several phone calls and met with the owner on the property to review how to abate the violations. Staff conducted a second inspection after the 15-day notice and found no work had been completed. Staff recommends moving 90 ESTATES DR forward to a lien hearing, declared a nuisance, and order the Chief to abate the parcel. The board packet provided detailed documentation on the Notice to Abate that lists the violations and pictures of the violations.

President Danziger asked if the property owner communicated any intentions to attend the hearing. Fire Marshal Isaacs replied that Staff did not receive any communications from the owner. Staff issued a notice to the owner with instructions on how to participate in the hearing. President Danziger asked if a notice was posted at the property in addition to the mailed notice. Fire Marshal Isaacs answered that because Staff had met with the property owner, posting a notice on the property was unnecessary.

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

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

No further discussion by the Board.

8. CONSENT AGENDA (audio 22:49)

8.1 Meeting Minutes – October 21, 2020 (Regular)

Staff Recommendation: Approve and File

8.2 Monthly Incident Report – October 2020

Staff Recommendation: Approve and File

8.3 Monthly Check/Voucher Register - October 2020

Staff Recommendation: Approve and File

8.4 Monthly Financial Report - October 2020

Staff Recommendation: Approve and File

8.5 Quarterly Investment Report – September 2020

Staff Recommendation: Approve and File

Director Jex requested that item 8.3 and 8.4 be pulled from the Consent Calendar.

Motion by Director Jorgens and seconded by Director Donner to approve Consent Agenda items 8.1, 8.2, and 8.5. 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 - October 2020

Director Jex questioned the \$5,000 ambulance billing for Whitman Enterprises. Administrative Services Director Sasser answered that Whitman Enterprises does the ambulance billing for the District and is under contract to receive a percentage of billing each month. Director Jex suggested the idea of bringing the ambulance billing in house and having Staff process the ambulance billing to reduce the cost of contracting the service. Fire Chief Winnacker responded that it is not a common practice for small districts due to the significant investment in additional staff and systems needed to handle the complexity of the ambulance/medical billing. MOFD is not currently staffed to perform the additional ambulance/medical billing functions.

Director Jorgens asked if the contracted price has ever been negotiated and asked if MOFD pays on billing or receipts. ASD Sasser answered that the fee is based on a percentage of revenue. MOFD received bids from other companies during the bidding process. Director Jex suggested that this is an area to review but not a priority. President Danziger recommended adding it to a future agenda item.

Director Jex questioned two invoices for West Coast Code Consultants (WC3). Fire Chief Winnacker answered WC3 provides plan check reviews and inspection services for building and fire code compliance. WC3 is contracted instead of hiring a part-time plans examiner position, which was eliminated this year. Director Jorgens asked if the fees charged by MOFD cover the cost for the consultant. Fire Chief Winnacker confirmed and shared the advantages of the current system. By using a contracted provider, MOFD only pays for services needed.

President Danziger inquired about the helium and nitrogen expense and the purpose for each. Fire Chief Winnacker stated that the helium is usually for the MOFD open houses. The helium, nitrogen, and oxygen are most likely a general code classification for gases, but would follow-up about the expense. President Danziger questioned the flu shot clinic. HR Benefits Manager Russell explained flu shots are typically included in the annual physicals; however, because of the delays seen with COVID19, MOFD hosted a flu shot clinic for all safety and non-safety personnel.

8.4 Monthly Financial Report - October 2020

Director Jex asked about the difference in the Strike Team revenue compared to the Strike Team overtime. ASD Sasser explained that the District pays the firefighter's overtime during the regular pay cycle, but there is a delay from the time the billing statements are processed by the State. Once the billing statements are processed, the Strike Team revenue is recorded. Fire Chief Winnacker added that there is always a temporary delay in balancing the Strike Team overtime with the revenue. MOFD currently has a total of \$1,326,636 in outstanding personnel charges, \$272,600 in vehicle charges, and \$568,000 in an administration fee, for a total outstanding amount \$2.167M.

Director Jorgens asked about the wear and tear on the equipment and costs associated with the maintenance. Fire Chief Winnacker explained that the regular maintenance schedule assumes an annual level of use, which the District falls below because of the close proximity of our District. The District does not incur any trackable level of increased maintenance costs because the equipment is used below the regular maintenance schedule threshold for the equipment.

Director Jorgens advised that the accounting should separate the revenue received from Strike Teams because it is not a recurring revenue stream, so it is clear that it is not part of the expected yearly income. Fire Chief Winnacker acknowledged and added that the accounting could place the revenue in the Capital Project Fund where future engines could be purchased based on the Board's direction.

Director Jex asked who was responsible for capturing and processing the billing of the Strike Teams and requested information on the systems and controls in place. ASD Sasser reviewed the F42 form, processes, procedures, and systems in place for tracking. Fire Chief Winnacker added Mary Smith, Finance Manager, is responsible for capturing and tracking the billing.

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

At 7:21 p.m., Fire Chief Winnacker announced that Director Baitx left the virtual meeting.

Motion by Director Jorgens and seconded by Director Jex to approve Consent Agenda items 8.3 and 8.4. Said motion carried 4-0-1-0 roll call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx; Abstain: None).

9. REGULAR AGENDA

9.1 Approval of Agreement for Special Services with Liebert Cassidy Whitmore to Provide Labor Negotiations Services and Appoint Donna Williamson as Lead Negotiator (audio 44:04)

Fire Chief Winnacker provided the report. The District's Memorandums of Understanding (MOU) with United Professional Fire Fighters of Contra Costa County IAFF. Local 1230 and with Moraga-Orinda Fire Chief Officers' Association expire on June 30, 2021. Per the MOU with Local 1230, the deadline to meet and negotiate ground rules is December 31, 2020, and the deadline to commence negotiations is March 1, 2021. District Council recommended the approval of the agreement for Special Services with Liebert Cassidy Whitmore to Provide Labor Negotiations Services and appoint Donna Williamson as Lead Negotiator.

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 Donner to Approve the Agreement for Special Services with Liebert Cassidy Whitmore to Provide Labor Negotiations Services and Appoint Donna Williamson as Lead Negotiator. Said motion carried 4-0-1-0 roll call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx; Abstain: None).

9.2 Approval of Resolution 20-15, A Resolution of the Moraga-Orinda Fire District Requiring Insurance Company Compliance with the Public Resources Code and Government Code (audio 47:04)

Fire Marshal Isaacs provided the report. On several occasions, Staff was contacted by residents concerned that their insurance company was requiring fuel mitigation, which exceeded the District's Fire Code standards. Staff researched the issue and identified relevant elements of the Government Code and Public Resources Code. Fire Marshal Isaacs added that when residents contacted the District, they expressed concern that their failure to comply with their insurance company might result in the cancelation of their insurance. Working with District Counsel, Staff identified Government Code section 51182(a)(3) states the following shall apply to Local Responsibility Areas.

An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under paragraph (1) if a fire expert, designated by the fire chief or fire official from the authority having jurisdiction, provides findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.

In addition, Staff identified Public Resources Code section 4291(a)(1)(C)(3) which states the following shall apply to State Responsibility Areas.

An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under paragraph (1) if a fire expert, designated by the director, provides findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.

Staff recommended approving Resolution 20-15, A Resolution of the Moraga-Orinda Fire District requiring insurance company compliance with the public resources code and government code to increase awareness of the Government Code Public Resource Code as they pertain to insurance company requirements.

Director Danziger asked Fire Marshal Isaacs to summarize Resolution 20-15 into simple verbiage. Fire Marshal Isaacs provided an example of a resident who contacted the District and said she was being required to remove three oak trees on her property. The resident asked the District to inspect the trees to see if they were a fire hazard. Staff inspected the property and confirmed the oak trees complied with the District's Fire Code. The District questioned the insurance company's Fire Expert's expertise to impose regulation that exceeded the District's Fire Code. Resolution 20-15 advises the insurance companies to comply with the government code sections and public resource code specified in the resolution. Fire Chief Winnacker stated that the codes stated above require one set of standards within the jurisdiction. The Fire

District establishes that set of standards. Resolution 20-15 increases awareness of the regulations that MOFD is the agency that has jurisdiction within this area. If it is determined that additional work needs to be done on a property, it needs to be in conjunction with the District to reduce the confusion generated by having de facto multiple sets of standards being applied within the jurisdiction.

President Danziger asked if the Fire Marshal will provide documentation to the property owner or the insurance company saying the property has been inspected and is in compliance. Fire Chief Winnacker answered that the District establishes the standards that apply within the District's jurisdiction. The insurance company can inspect the home and determine if the home complies with the District's standards. The insurance company cannot apply an arbitrary set of standards that differ from the Fire Code.

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 Donner to Approve Resolution 20-15, A Resolution of the Moraga-Orinda Fire District requiring insurance company compliance with the public resources code and government code. Said motion carried 4-0-1-0 roll call vote (Ayes: Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: Baitx; Abstain: None).

10. COMMITTEE REPORTS (audio 57:17)

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 Ad Hoc Committee (Directors Danziger and Jorgens)

No report

11. ANNOUNCEMENTS (audio 57:47)

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. A significant upsurge in COVID19 in the county and Nationwide continues to be of concern. Staff continues to provide resources and encourage the adoption of the best science when it comes to disease transmission and precautions both internally for members of the District as well as with the public. Staff continues to monitor PPE levels. MOFD is well stocked, and the Grant recently received allowed supplies to expand over 4,000 masks on hand with additional orders on the way. Fire Chief Winnacker expressed that MOFD is well positioned for the expected increase in COVID19 as temperatures move into colder weather. MOFD is working towards preparing for the twin pandemic element by providing members access to flu shots and planning for future safety precautions. The staff stays engaged with County Health Department and with others to ensure that when vaccines come online, Staff is quick to respond to protect the workforce and the community. Director Donner inquired about the current positivity rate. Fire Chief Winnacker answered that it is currently 3.6 percent.

11.3.2 Human Resources

Human Resource Benefits Manager Russell provided the report. The Battalion Chief recruitment filing deadline is December 1, 2020. The Moraga Valley Presbyterian Church will host the three-part assessment center on Tuesday, December 8, 2020. Outside raters have been secured at the rank of Battalion Chief or higher to assist with the process. No applications were received to date. Historically applicants submit applications two to three days before the deadline. President Danziger asked what happens if MOFD receives only one application. HR Benefits Manager Russell stated the situation would need to be evaluated. Fire Chief Winnacker said that three applications are expected. HR Benefits Manager Russell continued with the report and reviewed that the annual firefighter physicals have started. Personnel has three options (Kaiser, Occumed, or employees own personal physician) when scheduling their annual physicals. President

Danziger asked if MOFD is offering these options because of the pandemic. Fire Chief Winnacker confirmed. President Danziger asked if they have a document that explains what needs to be done when the firefighter goes to the appointment. HR Benefits Manager Russell answered Staff has a packet that contains the NFPA standards and forms that the physician needs to complete.

11.3.3 Fire Marshal

Fire Marshal Isaacs provided the report. MOFD has 97 open cases for the Exterior Hazard Abatement compliance and 41 Realtor requests for the new portion of the Fire Code. Staff has completed the mandatory inspections for St. Mary's College and is transitioning to the schools within the District. The weed abatement contractors approved at the October 21, 2020 board meeting are completing the work authorized for North Orinda Shaded Fuel Break. Fire Marshal Isaacs shared photos of the fuels mitigation work conducted on Happy Valley Road, Sleepy Hollow Swim and Tennis, and Wagner Ranch Elementary School. President Danziger asked about the large eucalyptus trees near Wagner Ranch School. Fire Chief Winnacker explained that there are two large eucalyptus trees in the nature area that will cost \$20,000 to remove. MOFD has prioritized removing the dead or dying Monterey Pines that overhang the school's single exit route. Staff conducted a prescribed fire last Monday in the nature area as part of the ongoing plan to reduce the volume of vegetation. The prescribed fire is used as a teaching tool in the nature area while also reducing the intrusive non-native invasive species. Fire Chief Winnacker thanked and acknowledged the Orinda City Council's support, which required action to get the road closed that made the fuel mitigation work possible. MOFD appreciated the help from the City.

Fire Chief Winnacker discussed the Winter Burning Season preparation where prescribed fire will be used to burn piles built earlier this year. Staff will be working on using the Terra Torch to burn the standing coyote brush. The material handling component of burning and standing is significantly reduced, resulting in less manpower required to cut and stack if we can burn it standing. Encroaching coyote brush is one of our primary concerns for fire spread.

11.4 Communications Received

No Report

11.5 Future Agenda Items

No Report

Director Donner dedicated the meeting in memory of Sean Laffan, a 20 year veteran of the Oakland Fire Department.

12. ADJOURNMENT (audio 70:31)

At 8:05 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).

Attachment A: Written Public Comment



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>

From: [Jonathan Goodwin](#)
To: [Marcia Holbrook](#)
Cc: [Winnacker, David](#); stevedformofd@gmail.com
Subject: Comments for Item 6 Tonight
Date: Wednesday, November 18, 2020 5:58:35 PM

*Mrs. Holbrook, please read this for me under Item 6 of tonight's agenda.
Thanks very much.
~Jonathan Goodwin*

To the MOFD Board & Staff:

I'll be tuned in to a different public meeting tonight, and so I am asking the Clerk to the Board to read this statement in my stead.

You may recall that at your last meeting I voiced concern about the fire chief's planned absence from the district during a critical part of fire season. The chief advised me to view his contract. I did so and wish to report to you on what I found.

I found the board encouraging the chief to take emergency management postings, up to two per annum, and I personally support this for all the obvious reasons. However, I also noted there was no restriction on the length of these assignments--where these fires can last for months at a time--nor was there any restriction in relation to weather conditions here in the fire district.

I wish to suggest that residents of the district may, in fact, be uncomfortable with the level of risk the board is taking in this matter. As an example, I think there would be public concern if, hypothetically, it became known that when a wildfire broke out at home during Red Flag conditions, the fire chief was four hours away atop Podunk Mountain showing some politician what a fire scar looks like. Possibly an event like that would be an "October Surprise" you would rather avoid?

I would ask you to revisit and tighten up this policy, if you feel that would be worthwhile. I may be wrong, but I strongly suspect that voters want their fire chief available immediately during dangerous conditions.

Thank you.
~Jonathan Goodwin
Canyon, Calif.

From: [Cheryl Ku](#)
To: [Info](#)
Cc: [Cheryl Ku](#)
Subject: Emergency Cell Phone Notifications from CWS during Wild-fire Evacuation Warnings/Orders during last Power Shut off Oct 2020, No Internet.
Date: Wednesday, November 18, 2020 5:15:16 PM

Hello, I am concerned about lack of our Moraga/Orinda/Lafayette Residents many of whom did not have the ability to receive CWS messages, during the last PSPS Safety PG& E mandatory shut off in Oct 2020. This issue came up during the Oct 2020 Orinda MOFD Town Council Meeting as well and was going to be looked into.

I was wondering were we stand on this messaging issue. This is of high concern that we all have another available communication mechanism to be able to know when there will be an evacuation warning, and to prepare, and or a Evacuation Order.

Many residents, I am not sure what Zones, or how many were not able to receive cell phone operation at all to text, or call out on their cell phones for help.

What is going to be done about this if the Power Lines are de-energized then can we avoid the Cable and Internet wiring from being de-energized as well, or does everything need to be completely shut off?

If it does need to be shut off, how are many house-holds able to receive a signal or alert on their cell phones with not internet service?

Can this be by-passed, or what are the solution(s) for the remedy so we can all receive the messages from CWS.... Is it another Control Towner out of the area?

Please email me to let me know that you have received this email message and what is being done to remedy this situation.

Thank You.

Cheryl M. Ku, Resident of Moraga. Zone #11