



Moraga-Orinda Fire District
BOARD OF DIRECTORS
SPECIAL BOARD MEETING MINUTES
January 22, 2021
(APPROVED: FEBRUARY 17, 2021)

1. OPENING CEREMONIES

The Board of Directors convened a teleconference Open Session at **4:01 p.m.** on **January 22, 2021**, via the Zoom application, <https://us02web.zoom.us/j/88230758441>, webinar id: 882 3075 8441 or 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 Jorgens called the meeting to order and requested an attendance roll call. Present were the following Directors and Staff:

President Jorgens	Director Donner (late, arrived 4:06 p.m.)	Jonathan Holtzman, District Council
Director Baitx	Director Jex	Gloriann Sasser, Admin Services Director
Director Danziger	Dave Winnacker, Fire Chief	Marcia Holbrook, District Clerk

2. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA (audio 2:58)

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

3. SPECIAL AGENDA (audio 3:23)

3.1 Modification of Urgency Ordinance 20-04, Requiring Electrical Utilities to Provide Notice of Work in High Fire-Risk Areas and Restricting Certain Electrical Utility Work During Red Flag Warning Periods.

Motion by Director Jex and seconded by Director Danziger to Waive the Reading of Modification of Urgency Ordinance 20-04, Requiring Electrical Utilities to Provide Notice of Work in High Fire-Risk Areas and Restricting Certain Electrical Utility Work During Red Flag Warning Periods. Said motion carried 4-0-1-0 roll call vote (Ayes: Baitx, Danziger, Jex, and Jorgens; Noes: None; Absent: Donner; Abstain: None).

Fire Chief Winnacker provided the report. In October 2020, MOFD adopted urgency Ordinance 20-04 requiring electrical utilities to notify the District when deploying SIPT teams within MOFD's jurisdiction and banning high risk non-emergency electrical work in high fire areas during Red Flag weather conditions. On December 18th, 2020, PG&E filed a reverse validation petition seeking declaratory or injunctive relief from this ordinance in Superior Court in Contra Costa County. These documents were provided to the District on December 23rd, 2020. District Council and staff have engaged in a series of meetings with PG&E in order to determine if modifications were acceptable to both parties, which preserve the spirit of Ordinance 20-04 while minimizing the compliance burden. Staff believes the changes outlined in the packet will accomplish this goal while avoiding litigation. In recognition of the dynamic nature of SIPT team deployments, staff recommends changing the current requirement of notification 48 hours in advance to no later than 0900 on the day of deployment. At PG&E's request, the SIPT team's definition is further clarified to ensure the ordinance does not apply to normal utility crews, some of whom may have training or prior experience as firefighters. The proposed change also clarifies that the District must be notified when such teams are deployed on Type VI fire apparatus.

Fire Chief Winnacker stated that Staff and District Council were involved in discussions with PG&E that allowed a better understanding of how PG&E deploys SIPT teams. The understanding included the dispatching, systems, and the deliberation process PG&E uses to determine where the SIPT teams should be located. The SIPT teams are used for other tasks that fall outside our area of concern. MOFD's focus is on high hazard electrical work in the high fire areas of the district. Staff is confident that the proposed changes preserve all of the elements that the district was concerned about while meeting PG&E valid concerns about how SIPT teams operate and sets the stage for future adoption, which will be beneficial for both the District and for PG&E and surrounding entities as we move towards a more standardized approach.

District Council Holtzman stated that MOFD engaged in significant discussion with PG&E's Council. A revised Ordinance 20-04 was developed with the Fire Chief's acceptance as the expert in what the District needs on the substance of the ordinance, and the general goals of Ordinance 20-04 were preserved. MOFD received from PG&E a signed agreement, pending signature from MOFD District Council. In exchange for making the proposed modifications, PG&E will withdraw its petition for declaratory relief with prejudice, understanding that if this Ordinance is changed, PG&E reserves its right to challenge any changes that are made.

Staff and District Council recommend adopting the Modification of Urgency Ordinance 20-04, Requiring Electrical Utilities to Provide Notice of Work in High Fire-Risk Areas and Restricting Certain Electrical Utility Work During Red Flag Warning Periods.

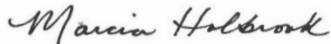
Director Danziger commended Staff and District Council for the due diligence and avoiding litigation with PG&E.

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

Motion by Director Jex and seconded by Director Donner to Adopt Modification of Urgency Ordinance 20-04, Requiring Electrical Utilities to Provide Notice of Work in High Fire-Risk Areas and Restricting Certain Electrical Utility Work During Red Flag Warning Periods. Said motion carried 5-0 roll call vote (Ayes: Baitx, Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: None; Abstain: None).

4. ADJOURNMENT (audio 12:12)

At 4:11 p.m., Director Danziger motion and seconded by Director Donner to adjourn the meeting. Said motion carried 5-0 roll call vote (Ayes: Baitx, Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: None; Abstain: None).



Marcia Holbrook, District Secretary/District Clerk