



Moraga-Orinda Fire Protection District

BOARD OF DIRECTORS SPECIAL BOARD MEETING MOFD/CITY OF ORINDA JOINT MEETING MINUTES

March 16, 2022

(Approved: April 20, 2022)

The Board of Directors convened in Open Session with the City of Orinda City Council Joint Meeting at **5:04 p.m.** on **March 16, 2022**, hosted by the City of Orinda via the Zoom application. Log in provided <https://tinyurl.com/3n84hz9e>, webinar id: 982 9302 3942, and by phone at 1-669-900-9128. This meeting was conducted by webinar and teleconference only in accordance with AB 361. The meeting was not available for in-person attendance.

A. CALL TO ORDER/ROLL CALL

MOFD: **Present:** President Michael Donner, Board member Steve Danziger, Board member John Jex, Board member Craig Jorgens, Fire Chief Dave Winnacker, District Counsel Jon Holtzman, District Clerk Marcia Holbrook

Absent: Board member Gregory Baitx

Orinda: **Present:** Mayor Dennis Fay, Vice Mayor Inga Miller, Councilmembers: Darlene Gee, Nick Kosla, Amy Worth, City Manager David Biggs, City Clerk Sheri Smith

Absent: None

B. PLEDGE OF ALLEGIANCE - MOFD President Michael Donner led the pledge of allegiance

C. ADOPTION OF AGENDA

Motion by **MOFD Board member Jorgens** and seconded by **MOFD President Donner** to adopt the agenda with no changes. Said motion carried a 4-0-1-0 roll call vote of the MOFD Board of Directors (Ayes: Danziger, Jex, Jorgens, and Donner; Noes: None; Absent: Baitx; Abstain: None). Said motion carried a 5-0 roll call vote of the Orinda City Council (Ayes: Gee, Kosla, Worth, Miller, and Fay); Noes: None; Absent: None; Abstain: None).

D. DISCUSSION

1. Roadside Vegetation Clearance – Discuss and identify opportunities to expedite roadside vegetation clearance, especially along key evacuation routes, and Provide Direction, if any

Fire Chief Winnacker reviewed the roadside vegetation clearance requirements of the fire code to maintain unobstructed roadside 3 feet horizontally and 10 feet vertically. The 3-foot horizontal requirement in many areas is impractical in places where brush and other plantings are used as screening. In those particular areas, the District has worked with the residents to find a compromise where residents have been asked to trim back anything overhanging the roadside and trim up the bottom to create an air gap. The fire code also requires 10 feet of trimming and limbing back of trees from the roadside to create a separation of ladder fuels within 10' of the roadside. This requirement has been challenging to enforce, and enforcement activities have focused on homes.

The District will continue to expand enforcement; however, the community is a long way from cultural acceptance of this requirement throughout the District. The District continues to expand education and outreach before enforcement to achieve voluntary compliance. Fire Chief Winnacker listed the roadside inspections and clearance priorities as 1) along the evacuation routes; 2) the perimeter of the community (these are the areas where the District is worried about a fire encroaching into the populated portions from the surrounding wilderness); and 3) the areas are identified in the prioritization maps included in the CWPP, specifically the threat to Lives Static Map (the threat to buildings/homes) and threat to Lives Dynamic Map (the threat to evacuation routes/roadsides).

City Manager Biggs reported that in October 2021, the City Council received a report about roadside vegetation and clearance. City Manager Biggs explained a division of labor with the City's ability to enforce roadside vegetation and clearance under the use of the roads for transportation and travel purposes rather than the fire code. There is a slight overlap in enforcement with the City's ability to enforce clearance of up to 15' to allow vehicular traffic and lower-level clearance for sightline distances. This report can be made available.

City Manager Biggs stated a disconnection between what the City can do versus the District under the fire code. City Manager Biggs stated that a discussion was held between the City, Assemblymember Rebecca Bauer-Kahan, and State Senator Steven Glazer's office about whether or not a city wanted to have the ability to get more involved in the fire code and legislative fix. No action has been taken, but possible in the future. City Manager Biggs stated that this topic was discussed at a prior council meeting.

Councilmember Gee asked if there are any areas where roadside clearance is considered a problem or needs attention. Fire Chief Winnacker confirmed and explained that the primary evacuation routes are not compliant. The District specifically targeted the areas for the last 4 years, and very few neighborhoods have achieved compliance to reduce the potential for wildfire spread. City Manager Biggs commented that the City has addressed City-owned orphaned parcels last year and plans to ensure the City complies with the fire code deadline each year.

MOFD Boardmember Jorgens talked about two ways to approach the problem, enforcement and incentives. Director Jorgens recommended that approaching the problem with more funding incentives like chipping services to make houses safer would be most effective. Mayor Fay concurred.

Councilmember Worth expressed appreciation for the ordinances and work the District has been doing to ensure compliance. Councilmember Worth asked about the District's outreach plan for the high-priority evacuation corridors and the upcoming removal of Junipers deadline.

Fire Chief Winnacker answered that the early season notification is scheduled to be mailed to all residents who live along the evacuation routes and a direct mailer postcard to all homes. Those residents that live along the evacuation routes have received letters specific with information, an explanation of the regulations, and the importance of bringing their parcels into compliance. Through education, outreach, and the 30-day notice, those homes previously informed will receive citations. The outreach and education plan will occur now through June 1. On June 1, Staff will shift from chipping to inspections and enforcement. Fire Chief Winnacker detailed the fire code and citation process. MOFD Boardmember Danziger asked when the postcards would be mailed. Fire Chief Winnacker answered the month of April and outlined the postcard is mailed in April, personalized letter for the evacuation routes in May, and enforcement begins on June 1.

Vice Mayor Miller asked if the District was aware of how much the homeowners on the evacuation routes have invested in fuel mitigation. Fire Chief Winnacker answered that the District is unaware of any mechanism the District could use to track the value of fuel mitigation work completed by a homeowner. The value would be challenging to track because some people do the work as part of their regular maintenance and complete the work themselves. Fire Chief Winnacker clarified that compliance is making sure annual grass and weeds are cut, removing dead material which fell during the winter, clearing encroaching brush, and removing any dead trees. City Vice Mayor Miller asked if there have been non-voluntary abatement and liens placed on those properties. Fire Chief Winnacker confirmed three properties from last year.

Mayor Fay asked if the District could provide a percentage of what has been cleared. Fire Chief Winnacker explained that Staff had not performed the analysis of the roads. That process begins when the District moves into the inspection process. Fire Chief Winnacker explained that the process includes using 360-degree cameras and lidar to map the roadside and have a full inventory. Mayor Fay asked if it would be more than 50%. Fire Chief Winnacker confirmed. Mayor Fay commented that the SSTOC has been working on ways to motivate residents that have been reluctant to get their properties clear and asked what the City can do to help attain better compliance with the fire code. Fire Chief Winnacker answered the continued reinforcing of the messaging and emphasized that there are a finite number of evacuation routes which will be strained to support a community wide evacuation.

Mayor Fay opened public comment.

Paula Rieinman, Orinda resident and SSTOC member, shared information on a Fire Safe Marin Home Evaluation Program that runs through their fire department and the use of grants. Fire Chief Winnacker described a similar District program called the Fire Adaptive Community Ambassador (FAC-A) program. District-trained volunteer community members go to homes and conduct home assessments. The home visits are tracked on an app, and handouts are provided to the residents in English and Spanish. The feedback from the community is that the FAC-A group has been well received. Boardmember Jorgens provided additional information on how the District supports Firewise neighborhoods and how Firewise is another powerful mechanism that helps with grants.

Charles Porges, Orinda resident, recommended funding the issue of vegetation removal for homeowners on a cost-sharing basis. Mr. Porges asked if the City or District knew why homeowners were not doing the work (financial, physical). Fire Chief Winnacker expressed concern about centralized solutions that could be addressed from a resident bottom-up solution and emphasized the need for residents to maintain their homes from fire. The maintenance of the parcel is the parcel owner's responsibility. Fire Chief Winnacker noted there are over 14,000 parcels in the District.

There were no further requests to address the City Council or MOFD Board of Directors. No further discussion.

2. Update on Chipper Program – Receive an Update on the joint MOFD/City Chipper program, Discuss, and Prove Direction, if any

City Manager Biggs deferred to Fire Chief Winnacker for updates since the District manages the City Chipper and the scheduling of appointments. City Manager Biggs announced that the City was promoting March as “Trim, Stack, Chip month.”

Fire Chief Winnacker provided background on the MOFD Board-approved truck and chipper received a couple of weeks ago. The District has started chipping service and is utilizing a skid steer with a grapple to increase the crew's efficiency. A chipper truck has been rented as an interim solution until the purchased chipper truck is received. March is typically slow, and an increase in usage is expected 6-8 weeks from the compliance deadline. Mayor Fay asked about the statistics on the pounds/tons that have been chipped. Fire Chief Winnacker shared the link to the fuel mitigation portal.

Mayor Fay asked if there was anything the City could learn from the District's chipper experience that would make the City's chipper more efficient and inquired about the potential market for the used wood chips. Fire Chief Winnacker answered that the District is engaged in ongoing conversations with CAL FIRE about the potential for a biomass cogeneration plant. A site has not been identified as numerous regulatory issues need to be resolved prior to such a system being put into service. The District's primary means of disposing of the chips (when suitable) is to broadcast them back on the ground to retard future ground fuel growth. The other alternative is to haul them to the green waste transfer station.

Boardmember Jorgens shared the success of the chipper program in the Sleepy Hollow neighborhood, where the HOA organized a “No Juniper Left Behind” campaign and received a \$5K grant from the Diablo Fire Safe Council. The grant was used to hire an arborist to assist with the tree removal.

Mayor Fay opened public comment.

Charles Porges, Orinda resident, suggested the District or City provide grants to neighborhoods as incentives. Mayor Fay supported the idea.

There were no further requests to address the City Council or MOFD Board of Directors.

Boardmember Jorgens asked MOFD District Counsel if the City or the District could provide grants. MOFD District Counsel Holtzman answered that a properly structured grant program would be permissible. Mayor Fay inquired further about the details of a properly structured program. District Counsel Holtzman explained that a properly structured program would include an established criterion linked to a public benefit. The key is that the grant must be structured around that public benefit. Mayor Fay requested written information if it was available to share with the Orinda City Attorney. MOFD District Counsel Holtzman agreed. Boardmember Jorgens noted that the City of Woodside has a similar program.

3. Staffing/Resource Models – Discuss and identify opportunities to encourage and guide fuel reduction efforts on private properties and neighborhood preparedness, and Provide Direction, if any

City Manager Biggs provided the update. The SSTOC has discussed and collaborated on securing outside funding with the Fire Chief and legislative leaders. Six counties in West Santa Clara County received funding through the budget process last year to fund Wildland Fire Specialist. The idea of a two to three-year pilot project to help encourage people to become compliant before enforcement. City Manager Biggs stated that the District has the ambassador program, a volunteer-based effort that could support that, and the question is how best to fund the positions he described. The City has been looking at other models and outside funding. The City has an independent firm finding grants and working on an application due on April 14th for funding. City Manager Biggs inquired about the best approach if the funding is received.

Mayor Fay expressed the importance for the District and the City to form a partnership where both partners bring resources to the table. Mayor Fay stated that the City has the Measure R and asked what resources the District could bring to the table in terms of advancing fuel mitigation throughout Orinda. MOFD Boardmember Jorgens answered the management of the free chipper program, the training and management of the FAC-A Ambassadors, and the Fuel Mitigation Staff that perform inspection and enforcement. The District is holding a budget workshop, and part of the discussion will be about having some kind of a grant program for the entire District, not just in Orinda.

MOFD Boardmember Danziger commented that the District has been very aggressive and successful getting grants. Examples are the North Orinda Shaded Fuel Break (NOSFB) and the \$7M East Bay Tunnel Grant. Mayor Fay commented on the \$400K administrative fee charged for the NOSFB and expected a \$700K administrative fee for the new East Bay Tunnel grant. Mayor Fay requested that the District consider dedicating the administrative fees (roughly \$1.1M) to fire prevention activities and grants and possibly ongoing maintenance of the fuel breaks. MOFD President Donner added that the District currently has 4 full-time Fuel Mitigation Specialists performing inspections and enforcements year-round.

Mayor Fay suggested cross-training between the organizations and listed examples such as training the City's Public Works employees, the District's Administrative Staff, and/or Firefighters. MOFD Boardmember Danziger commented that it is probably not a reasonable expectation. Fire Chief Winnacker emphasized that available time for the MOFD Administrative Staff, Fire Suppression, and other Staff are fully allocated with their existing job duties, so there is no excess capacity. The fire suppression staff is fully committed to their duties in addition to the logistical challenge of a rotating shift schedule.

Councilmember Worth suggested pursuing joint communication tools to maximize the message to the community. City Manager Biggs stated that the SSTOC is looking at how Orinda can get more Firewise neighborhoods to get more community buy-in and involvement.

Mayor Fay opened public comment.

Nick Waranoff, Orinda resident, commended the MOFD for their work and encouraged the Orinda City Council to redirect City resources and funds away from unnecessary projects toward funding fire prevention. Mr. Waranoff expressed concern over the upcoming fire season.

There were no further requests to address the City Council or MOFD Board of Directors.

4. Updates on other items of Interest:

a. Annual Joint Meeting

Mayor Fay recommended an annual joint meeting and short-term subcommittee lasting less than 6 months and consisting of two members of the City council and two members of the MOFD Board of Directors. MOFD Boardmember Jorgens supported the recommendation. MOFD President Donner stated that the MOFD Board of Directors needed to adjourn the meeting due to the start of the regularly scheduled Board of Directors meeting. MOFD Boardmember Danziger supported the recommendation and stated that establishing an ad hoc joint committee will be placed on a future agenda item at the next regular MOFD Board Meeting.

b. Grant Opportunities/Funding in support of fire prevention and emergency preparedness

This item was not discussed.

c. Fire Code Update and other code changes

This item was not discussed.

5. Next Steps – Discuss possible next steps regarding ongoing collaboration on fire prevention and emergency preparedness, and Provide Direction, if any

This item was not discussed.

E. PUBLIC FORUM

One written public comment received from Donna Johnke expressing concern about PG&E's use of herbicides was forwarded to the MOFD Board of Directors and Orinda City Council. Written Public Comments, attachment A.

There were no further requests to address the City Council or MOFD Board of Directors.

F. ADJOURNMENT

The joint meeting with the City of Orinda and MOFD adjourned at **6:03 p.m.**

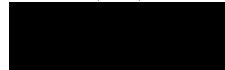
Marcia Holbrook

Marcia Holbrook
District Secretary/District Clerk

From: [Holbrook, Marcia](#)
Cc: [Jon Holtzman](#); [Sasser, Gloriann](#); [Winnacker, David](#); [Holbrook, Marcia](#)
Subject: FW: Question over concern about PG&E use of herbicides for vegetation management and fire mitigation
Date: Wednesday, March 16, 2022 11:30:28 AM

Hi Directors,
Please see correspondence received.
~Marcia

Marcia Holbrook, District Secretary/District Clerk
Moraga-Orinda Fire District
1280 Moraga Way, Moraga, CA 94556
Phone: (925) 258-4501



-----Original Message-----

From: Sheri Smith <ssmith@cityoforinda.org>
Sent: Wednesday, March 16, 2022 9:10 AM
To: Amy Worth <[REDACTED]>; Darlene Gee <[REDACTED]>; Dennis Fay <[REDACTED]>; Inga Miller <[REDACTED]>; Nick Kosla <[REDACTED]>
Cc: David Biggs <[REDACTED]>; Holbrook, Marcia <[REDACTED]>; Winnacker, David <[REDACTED]>
Subject: FW: Question over concern about PG&E use of herbicides for vegetation management and fire mitigation

Mayor & Councilmembers, Please communication below.

Marcia, Can you forward this to your MOFD Boardmembers as well? Thanks, Sheri

-----Original Message-----

From: Donna Johnke <[REDACTED]>
Sent: Tuesday, March 15, 2022 5:50 PM
To: Sheri Smith <[REDACTED]>
Subject: Question over concern about PG&E use of herbicides for vegetation management and fire mitigation

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

Dear City Council Members and MOFD Board Members and Staff,

Thank you for your continued service, and dedication in helping Orinda prepare and defend our community from wildfire. Residents of Lost Valley, Valley View, Don Gabriel and Crestview neighborhoods border a large parcel of property owned by PG&E. Historically, this parcel was used to board horses, who's grazing kept the grasses under control. However, in January 2022, PG&E contracted a crew to apply a combination of herbicides (Milestone, Telar, Garlon-A, and Round-up) to the entire 10 acre parcel, as well as areas adjacent to the substation. Some active ingredients in these chemicals may potentially cause harm to the environment through drift, and runoff.

The Moraga Substation borders Moraga Creek, which feeds into the Upper San Leandro Watershed. Drainage from the PG&E properties funnel directly into Moraga Creek. Much of the creek is riddled with debris remaining from the tree and brush removal that has occurred over the last several years. Now the creek habitat and our water supply is further threatened by an annual application of herbicide to the area. The entrance into Lost Valley used to be quite inviting with trees, grazing horses, and picturesque hillsides. Now it just looks like a wasteland. I have included pictures showing the condition of the area.

I have reached out to the Department of Fish and Wildlife to understand if any violations could be occurring but have yet to receive a response. Another neighbor has reached out to the EPA, and has received a complaint file #. Mr. Gordon Graham, Fuels Mitigation Manager for MOFD kindly returned my call and stated that currently there are no restrictions as to what methods PG&E uses to manage its fuels mitigation responsibilities. I can't help but mention that the City of Orinda, Orinda GHAD, EBRPD, EBMUD effectively maintain their open space by use of controlled burns, grazing animals such as sheep and goats, or ground clearance.

Our neighbors are concerned! Here is our question:

What can the City of Orinda, or MOFD do to encourage PG&E to consider a more sustainable practice of fuels mitigation to the areas surrounding our neighborhoods?

Our neighbors and the earth thank you for your consideration.

Sincerely,

Donna Johnke

A black rectangular redaction box covering the signature area.

From: [Holbrook, Marcia](#)
Cc: [Jon Holtzman](#); [Winnacker, David](#); [Holbrook, Marcia](#); [Sasser, Gloriann](#)
Subject: FW: Pictures of the effected areas at the PG&E Substation that should have been attached to my e-mail
Date: Wednesday, March 16, 2022 3:14:02 PM

Hi Directors,
Please see the below correspondence.
Marcia

Marcia Holbrook, District Secretary/District Clerk
Moraga-Orinda Fire District
1280 Moraga Way, Moraga, CA 94556
Phone: (925) 258-4501
[REDACTED]
Fax: (925) 376-1699



From: Sheri Smith <ssmith@cityoforinda.org>
Sent: Wednesday, March 16, 2022 3:02 PM
To: Amy Worth [REDACTED]; Darlene Gee <[REDACTED]>; Dennis Fay [REDACTED]; Inga Miller [REDACTED]; Nick Kosla [REDACTED]
Cc: David Biggs [REDACTED]; Holbrook, Marcia <mholbrook@mofd.org>
Subject: FW: Pictures of the effected areas at the PG&E Substation that should have been attached to my e-mail

From: Donna Johnke [REDACTED]
Sent: Wednesday, March 16, 2022 9:22 AM
To: Sheri Smith [REDACTED]
Subject: Pictures of the effected areas at the PG&E Substation that should have been attached to my e-mail

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

Sherie, thank you for your confirmation that my e-mail was received. Would you please forward these two pictures to the City Council and MOFD members. I don't know why they dropped off, but I feel that pictures can speak volumes. Thank you so much and I apologize for the extra step.
Donna Johnke

[REDACTED]
Orinda, Ca 94563



