

Moraga-Orinda Fire Protection District



BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

May 15, 2019

(Approved November 20, 2019)

1. The Board of Directors convened in Open Session at 6:40 p.m. on May 15, 2019 at the Sarge Littlehale Room, 22 Orinda Way, Orinda, California. President Danziger called the meeting to order and requested an attendance roll call. Present were the following Directors and Staff:

Director Baitx	President Danziger	Admin. Services Director Gloriann Sasser
Director Donner	Dave Winnacker, Fire Chief	HR Benefits Manager Christine Russell
Director Jex (via teleconference)		Jonathan Holtzman, District Counsel
Director Jorgens		Patricia Edwards, Interim District Clerk

2. PUBLIC COMMENT

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

3. CLOSED SESSION

3.1 Conference with Legal Counsel – Existing Litigation

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: *Nowicki v. Contra Costa County Employees' Retirement Association et al.*,
U.S. District Court, California Northern District Case No. 3:17-cv-00629-EDL

4. RECONVENE THE MEETING

President Danziger reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 7:13 P.M. Present were the following Directors and Staff:

Director Baitx	Director Jorgens	Dave Winnacker, Fire Chief
Director Donner	President Danziger	Admin. Services Director Gloriann Sasser
Director Jex (via teleconference)		Jonathan Holtzman, District Counsel
		Patricia Edwards, Interim District Clerk

5. REPORT OF CLOSED SESSION ACTION

President Danziger stated that there was no reportable action taken in Closed Session.

6. PUBLIC COMMENT

President Danziger opened the public comment.

Orinda's Mayor Inga Miller congratulated the District on the opening of Station 43. She offered Orinda as a resource on the housing bills and invited the District to add their support to Orinda's letters to the legislature regarding the CASA Compact/AB 1487. She stated that Orinda is watching AB 1487, SB 15, and SB 330. If Orinda is designated as a 'jobs rich community', the new legislation would allow larger developments and one-half parking space per home. This may impact street parking and accessibility for the District.

Melanie Light, Orinda resident, recommended that the Board use the projected 2020 surplus to aid residents in their fuels mitigation efforts. Community efforts like the chipper program would help unite neighborhoods.

Dan Detzner, Orinda resident, supports the Chipper program as a tool for bringing neighborhoods together. He suggested that the District give some consideration to Berkeley's cache program. It is a small building which is set aside in each neighborhood and supplied with equipment for fire and earthquake emergencies.

President Danziger closed the Public Comment.

7. CONSENT AGENDA

- 7.1 **Meeting Minutes – April 17, 2019 (regular), April 17, 2019 (workshop)**
Staff Recommendation: Approve and File
- 7.2 **Monthly Incident Report for April 2019**
Staff Recommendation: Approve and File
- 7.3 **Monthly Check/Voucher Register – April 2019**
Staff Recommendation: Approve and File
- 7.4 **Monthly Financial Report – March 2019**
Staff Recommendation: Approve and File
- 7.5 **Quarterly Treasurer's Investment Report**
Staff Recommendation: Approve and File
- 7.6 **Wittman Board Report 3-31-19**
Staff Recommendation: Approve and File

Director Jex questioned the Intergovernmental revenue and taxes for the current budget versus actual and noted a \$500K shortfall. Administrative Services Director (ASD) Sasser stated that the statement reflects financial information through March 31, 2019. There are three more months to the fiscal year. The District will receive additional property taxes from the County in April and June. She projects that revenue will exceed the budget in 2019.

President Danziger questioned the expenditures for thermal imaging cameras in both 2019 and 2020. Chief Winnacker stated that some of the equipment is getting old and the District is taking advantage of trade-in savings. There will be one camera per rig.

President Danziger asked if the District is on track for the collection of ambulance fees. ASD Sasser responded affirmatively. President Danziger also asked if the fire trail grading is on property owned by Moraga or Orinda. Chief Winnacker noted that the majority of the fire trails are on East Bay Municipal Utility District, East Bay Parks District, or private lands.

Motion by Director Jex and seconded by Director Jorgens to approve the Consent Agenda. Said motion carried a 5-0 voice vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None) and all Consent Agenda items were approved. There was no comment from the public.

8. REGULAR AGENDA

- 8.1 **Determine the Amount of the OPEB Trust Contribution and the Amount of the Pension Rate Stabilization Trust Contribution for Fiscal Year 2019 and Authorize the Transfer of District Funds to Complete the Trust Contributions**

Chief Winnacker provided the report. The District participates in the Public Agency Retirement Services (PARS) Post-Employment Benefits Trust. The District's PARS trust account includes money set-aside for other post - employment benefits (OPEB) retiree medical benefits and money set-aside for the pension rate stabilization program (PRSF) to prefund pension costs. The District makes annual contributions to both accounts. The Board has the authority to decide the amount of any contributions. The Board considered this item at the February 20, 2019 Board meeting, and discussed deferring the decision until after the Long Range Financial Forecast (LRFF) was updated. The Board voted to defer discussion of the OPEB payment to the April 2019 Board meeting. The fiscal year 2019 Budget includes \$439,771 for the OPEB contribution. The June 30, 2018 OPEB actuarial valuation report calculated a trust contribution of \$407,733. Staff requests Board direction regarding the amount of the OPEB trust contribution. The fiscal year 2019 Budget includes \$1.1M for the pension rate stabilization program trust contribution. Staff requests Board direction regarding the amount of the pension rate stabilization program trust contribution. Once the Board has determined the amount of the OPEB and pension trust contributions, staff requests the Board authorize the transfer of District funds to complete the trust contributions.

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

Director Jex stated that he was comfortable with the recommended amount in the budget for both the OPEB and PRSF. With the projected budget surplus in the LRFF, Director Jorgens noted that there are sufficient funds for this year for both OPEB and PRSF. Chief Winnacker stated that the increased revenues and decreased expenditures allow for the full recommended contribution to both funds while continuing to add funds to the unrestricted reserve.

Motion by Director Jorgens and seconded by Director Donner to authorize the actuarial amount of \$407,733 to the OPEB trust contribution and \$1.1M to the PRSF for Fiscal Year 2019 and Authorize the Transfer of District Funds to Complete the Trust Contributions. Said motion carried a 5-0 voice vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None).

8.2 Approval of Salary Schedules Effective July 1, 2019

Chief Winnacker provided the report. Effective July 1, 2019, all employee classifications covered by Memorandums of Understanding (MOUs) shall receive the following salary increases: Local 1230 – 3% wage increase + 2% equity adjustment; Local 2700 – 3% wage increase; and Moraga Orinda Fire Chief Officers' Association – 3% wage increase. The District also has employee classifications that are unrepresented and not covered by an MOU. Staff recommends unrepresented employees (except the Fire Chief) receive the same 3% wage increase as represented employees. This is consistent with previous fiscal years.

President Danziger opened the public comment. There were no requests to address the Board. President Danziger closed the Public Comment. There was no discussion by the Board members.

Motion by Director Jorgens and seconded by Director Donner to approve the Salary Schedules Effective July 1, 2019. Said motion carried a 5-0 voice vote (Ayes: Baitx, Donner, Jex, Jorgens, and Danziger; Noes: None; Absent: None).

8.3 Proposed Annual Operating Budget Fiscal Year 2020

ASD Sasser provided the report. Staff developed proposed goals, projections, and budget proposals based on the Strategic Plan and Business Plan. Discretionary expenditures were discussed by the Board on April 17, 2019 in a public workshop to obtain direction and public input. The proposed Budget projects General Fund revenue at \$26.5M which is \$802K or 3.1% more than the amount of General Fund revenue projected to be received in fiscal year 2019. Total General Fund expenditures are projected to be \$24.7M. Projected revenue exceeds nondiscretionary expenditures by \$1.8M. Staff is seeking Board direction regarding the excess. General Fund revenue is projected to exceed 2019 by 3.1% primarily due to property taxes which are projected to increase 4.3%. Ambulance fees are projected to increase 3.5%. Salaries and benefits expenditures are budgeted at \$21.1M. Operating expenses are budgeted at \$2.5M. Transfers to Debt Service and Capital are budgeted at \$1.1M. Restricted reserve contributions for OPEB and PRST for 2020 will be determined by Board direction. The proposed Budget projects a Debt Service Fund surplus of \$244K, and a Capital Projects Fund deficit of \$174K. Projected unrestricted fund balance in the General Fund as of June 30, 2020 is \$9.3M, in the Debt Service Fund \$3.5M, and in the Capital Projects Fund \$4.4M.

There are 78.7 authorized positions in the proposed Budget including the fuels mitigation unit and emergency preparedness coordinator. The safety roster has funding for 57 positions. By 2020, all positions will be filled. Salaries are proposed at \$10.1M (an 11% increase over 2019) due to 5% salary increase and increase in staffing to fill the 57 safety positions. Retirement costs are \$5.4M (14% increase over 2019) due to increase in permanent salaries and increase in number of filled Firefighter Paramedic positions. Overtime is projected at \$2.4M. This is a decrease from FY2019 due to the hiring of additional Firefighter Paramedics. Health insurance is projected at \$1.2 M with retiree health insurance at \$925,000. Workers' compensation insurance costs are projected to increase \$142K or 16%. The proposed Budget does not include contributions for OPEB and PRST for 2020 pending Board decision.

Director Jorgens noted that the proposed Budget did not include contributions to OPEB or PRST. Chief Winnacker stated that this deviates from what is identified in the Long Range Financial Forecast (LRFF) as the recommended contributions to OPEB and PRST. Director Jorgens noted that if the District made

the full contributions in 2020 that the District would be in a \$1.1M deficit and the General Fund balance would decrease. Director Jex stated that the budget needs to include the OPEB and PRST contributions and at a rate similar to what was contributed in 2019 per the LRFF. He recommended that these amounts be added to the operating budget before it is released. Director Jex noted that the operating budget is released to the public and should reflect that there is no addition to the General Reserve if the required OPEB and PRST contributions are made per the LRFF. He stated that omitting this information is misleading. Director Jex noted that the Board deferred the OPEB and PRST contributions until it was known that the funds were available. This is what was done in last year's operating budget. The Board may make a change at mid-year and decide the amount to contribute to OPEB and PRST. President Danziger paraphrased Director Jex's comments and said that the \$1.8M is not a surplus and should be shown in the budget as a deficit. Director Jorgens agreed and noted that this is a set of ongoing obligations and should be put in the budget as a place holder to indicate that the District needs to set aside funds to meet these obligations. Director Jex concurred that this is a recognized obligation and approved in the ten-year financial forecast. President Danziger asked if the Board can allocate the surplus funds to OPEB and PRST and then change the decision about the allocation. Chief Winnacker noted that allocation of the surplus is a policy question. The term 'surplus' is not accurate. A more accurate term is 'discretionary'. Contributions to OPEB and PRST are in conformance with the LRFF. He added that there is a conflicting request from the Board to establish a 50% unrestricted reserve. Staff requests Board direction on which policy to follow. Director Jorgens stated that the Budget should reflect what a normal OPEB and PRST contribution would be. Director Donner noted that the Board can earmark the funds. Director Jorgens added that budget earmarks do not authorize the expenditure. Director Jex stated that if the expenditures are reflected in the budget, the expectation is that the payment will be made. Chief Winnacker added that to include the full actuarial payment to OPEB and PRST requires \$2.56M which results in a \$700,000 deficit in 2020. Director Jex concurred that these figures are correct and that the Board will review the District's financial status in January and decide in May what the actual contributions will be. President Danziger stated that he needs to hear the rest of the budget before deciding.

ASD Sasser introduced the Budget sections. President Danziger questioned the process for input into the description of the Board's Standard Level of Performance. Counsel Holtzman recommended that the Board provide guidance to staff and that the Board submit their changes to staff in writing. ASD Sasser stated that the budget, by state law, must be adopted by October 1, 2019 but it is not submitted to the state. It is part of the District's business processes. Director Jorgens said the Budget seems to be policy and not money. He questioned the philosophy part. Counsel Holtzman stated that most governmental budget documents included language and financial components. Everything in the adopted budget is subject to Board approval. He recommended that the Board provide one-way comments to the Chief. If requested changes are not in the final document, the Board can amend the language in the adoption process. Director Jorgens noted that, unlike the Departments, the Board's Goals and Objectives do not have any economic impact on the District. Director Jex said the Board can determine what should be included in the Budget document. ASD Sasser stated that the Board should provide this information in the Budget. Director Donner suggested a simple Mission Statement. President Danziger suggested that the Board of Directors send their comments to the Chief. President Danziger asked if he could submit changes in the text for other Divisions. The Chief responded affirmatively. Counsel Holtzman stated that, ultimately, the entire Budget is the Board's document.

ASD Sasser provided the Finance and Administration Division report. The Budget is \$1.2M and includes the Fire Chief's contingency of \$100,000. Information Technology (IT) is outsourced to a third party provider and is budgeted at \$170,000. Changes in IT services were identified and IT savings are projected for 2020. President Danziger asked who performs the telestaff management. ASD Sasser responded that Definitive Networks, Inc. (DNI) upgrades District software and District data is stored on DNI's cloud servers.

HR Benefits Manager Christine Russell provided the report for the Human Resources Division. She reviewed the Goals and Objectives. President Danziger asked if the sexual harassment training pertains to Directors. Counsel Holtzman responded no. President Danziger asked about nametags and badges. Chief Winnacker stated that the District's identification cards are being upgraded and they will be provided to the Board once the design is finalized.

Chief Winnacker provided the report for the Fire Prevention Division. He reviewed the Standard Level of Performance, Goals and Objectives including adopting the 2018 California Fire Code and associated MOFD Ordinance. He noted that anything that MOFD adopts also has to be adopted by Orinda, Moraga, and Contra Costa County. Director Jorgens questioned the future of the fuels mitigation and chipping programs. Chief Winnacker stated that the Budget currently includes a four-person fuels mitigation crew with one program manager who are all part time. President Danziger asked if they only work during the fire season. Chief Winnacker stated that planning work can be done in the winter but some work is seasonal and wet weather is also a factor to consider.

Battalion Chief Jerry Lee presented the report for the Emergency Preparedness Program (\$178,000 proposed budget); Emergency Medical Services (\$132,000); and the Support Services (\$30,500 proposed budget) Divisions. He reviewed the Standard Level of Performance and the 2020 Goals and Objectives for each section. Building costs for the District include: \$11,400 for the Administration Building; \$44,100 for Station 41; \$40,370 for Station 42; \$21,650 for Station 43; \$32,800 for Station 44; and \$49,170 for Station 45.

Battalion Chief (BC) Matt Nichols reviewed the Standard Level of Performance and 2020 Goals and Objectives for the Emergency Operations Division. The projected budget is \$17,948,000. President Danziger questioned the data sets for the Operations Division. BC Nichols stated that staff receive daily data including response times and turnout times. Data are analyzed to determine any discrepancies, the reasons for the discrepancies, and mitigate any issues. Chief Winnacker stated that they are working on identifying the trends in order to allocate the resources to resolve it. Director Jorgens asked about the increase in the cost of services and supplies. Chief Winnacker stated that equipment is needed for new staff. Some equipment needs repair or replacement. President Danziger questioned the fire trail grading on public land. Chief Winnacker stated that EBMUD does some of the grading. Director Jorgens stated private landowners are required to maintain the fire trail. President Danziger asked why MOFD does it for private landowners. Chief Winnacker stated that MOFD is not required but does some of the fire trail grading to insure that the District has access to the area when needed. President Danziger asked if the HOA that owns part of the fire road is required to maintain it. Chief Winnacker stated it would be necessary to review the covenants and permits when they were built to determine their responsibility.

BC Matt Nichols reviewed the Standard Level of Performance and 2020 Goals and Objectives for the Communications Division. The projected budget is \$312,290. The District modems need to be replaced. The portable radios need to be replaced as they are no longer supported by Motorola. Director Jorgens noted that there is poor Wi-Fi reception in some areas. BC Nichols stated that the rigs are equipped with modems that produce Wi-Fi for the areas which they are in. Director Donner asked if there are any radio 'dead' spots in the District. BC Nichols stated that there are a few in Canyon. There are specific repeater channels for the Caldecott Tunnel if the District needs to work with Oakland.

BC Nichols reviewed the Standard Level of Performance and 2020 Goals and Objectives for the Apparatus Division. The estimated budget is \$276,000. The Type VI vehicle should arrive in late July. Chief Winnacker stated that the cost of the vehicles ordered at the April Board meeting are included in the 2019 budget but the upfitting is included in the 2020 budget except for the BC vehicles.

Battalion Chief Steve Gehling presented the Standard Level of Performance and 2020 Goals and Objectives for the Training Division. The projected budget is \$152,900. He stated that the District plans to increase the low frequency, high-risk exercises. Director Jorgens asked who staffs the station when the firefighters are at off site trainings. Chief Winnacker stated that there are three options depending on the type and length of training, training location, and how many staff are involved. President Danziger asked if the training area behind Station 41 is adequate. BC Gehling stated that there are limited scenarios that can be conducted at Station 41. Training is noisy and may present a problem when the nearby housing project is completed.

ASD Sasser addressed the Capital Projects Funds Division. The proposed expenditure is \$297,200. It includes a \$150,000 contingency for unplanned capital needs, the BC vehicle, Station 45 basement drainage improvements, Station 44 improvements, and thermal imaging cameras. Director Jorgens stated that the contingency seems large. Chief Winnacker stated that any item which exceeds \$100K

must be presented to the Board for approval. The Board would be apprised of any unanticipated expenditures. Director Jorgens stated that the 50% contingency for Capital Project Funds is high.

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

President Danziger noted several items for discussion: distribution of surplus; workshop items; OPEB and PRST contributions; staffing; and fuels mitigation. President Danziger asked if the fuels mitigation aides and supervisor are included in the 2020 budget. Chief Winnacker replied that two aides, two supervisors and one manager are in the 2020 budget. President Danziger asked about the identified parcels in Moraga and Orinda which have not been mitigated. The District needs to enforce the MOFD Ordinance. He does not support MOFD efforts on city owned properties and this position should be clearly communicated. He wants Moraga and Orinda to be told that they need to mitigate their properties. Chief Winnacker stated that the properties are not in priority order but they do provide an immediate threat to adjacent homes and represent large receptive fuel beds. President Danziger stated that MOFD needs to clearly communicate that they need to do fuels mitigation. Director Jex asked why the city and town would be exempt from fuels mitigation compliance. Chief Winnacker replied that they are not. Director Jorgens asked how they can be forced to comply. Counsel Holtzman stated that he will research that question. Director Jorgens said that the residents may feel that they pay fire protection fees so MOFD should be responsible for the mitigation. Director Donner noted that they have Public Works Departments to maintain their properties. Chief Winnacker stated that he is in constant communication with city and town staff but he is not involved in a political discussion with elected officials. Chief Winnacker stated that he will continue to engage staff. He suggested that the Board liaison to these agencies talk to the elected officials. President Danziger suggested that a letter be sent. Director Jorgens added that the letter should include the properties, guidelines, and expectations. Director Jex suggested that the letter be sent by the Fire Marshal. Chief Winnacker stated that it is more appropriate for the letter to come from the Board and be signed by the Board. Director Donner asked if the Board liaisons have met with elected officials. Director Jorgens supported the letter as a starting point for the discussion. President Danziger suggested that a letter be drafted and discussed at the next meeting. Director Jorgens suggested that a letter to the Councils include information about the requirements for fuels mitigation. Chief Winnacker stated that the information has been provided to Moraga and Orinda staff. Counsel Holtzman stated that the Board could not take action at this meeting because the item was not agendized.

Director Baitx questioned the increase in staffing from 17 to 19 and asked if the District is running 19 staff per operational period. Chief Winnacker stated that there are 17 staff on duty per day. Director Baitx asked if MOFD is budgeted for 19 positions. Chief Winnacker stated that there are two additional positions authorized as floaters. Director Baitx said that MOFD has the budget for 19. Chief Winnacker stated that the current policy is 17 per day. The additional staffing was in place from 2006 to 2013. Director Donner stated that MOFD is budgeted for 19 per day. Chief Winnacker stated that the District is budgeted and authorized for 17 positions per day. Director Baitx asked for clarification on the Budget staffing. Chief Winnacker stated that the two additional positions are authorized as floaters for vacation relief in an attempt to reduce overtime. The budget is not providing for more than 17 positions per day. Chief Winnacker stated that, on any given day, there are always additional people off on injury, sick leave, or vacation. Chief Winnacker stated that increasing staff to 19 per day requires Board authorization. Director Donner expressed confusion about the staffing numbers. Chief Winnacker expects full authorized staffing by early 2020. The two floaters would be used for vacation relief to fill vacancies. Chief Winnacker stated that vacation relief would be eliminated if the Board authorizes 19 positions. President Danziger asked if the District has experienced a day with full staffing and two floaters. Chief Winnacker replied no.

Local 1230 representative Mark McCullah recommended that the Board review the SAFER grant staffing. Chief Winnacker stated that the SAFER grant did not increase staffing from 17 to 19. Director Jorgens added that the Board defeated the motion to increase staffing to 19 for the SAFER grant as a condition to accepting the grant. The grant was approved for overtime and floaters. President Danziger stated that, in an ideal world, more staffing would be preferred. He noted that the Grant is almost done. He would support 19 positions if the District could make it happen financially. Director Jex stated that he was not sure that the grant was a good thing. It changed the structure and pattern for personnel. The

District does not have the funds now for staffing. Additional staff is not justified if it does not improve incident response time. Director Donner added that all cities which had previously cut services have now restored them. Director Jorgens said the question is what are MOFD's priorities. Two full time staff on the ambulance does not help North Orinda response time. It does not solve the problem of response time in the outer areas. He asked if a very marginal service increase is more important than a surge in fire prevention in the District. Director Donner noted that many Orinda residents are not aware that Orinda does not have a staffed ambulance like Moraga does. Director Jorgens stated that there have been no complaints from Orinda residents regarding poor ambulance service. Director Jorgens stated that an ambulance from Station 16 in Lafayette is faster than one in the District. Director Donner stated that it occasionally leaves the District vulnerable. The Board discussed the potential impact on insurance. Director Jorgens said that his insurance is more concerned with fuels mitigation than ambulance service. Director Baitx stated that he would like to see two floaters be added as medics to Station 45. President Danziger stated that it was important but questioned how the District would pay for it.

Director Donner asked if the District would incur overtime costs if the two floaters were sent to Station 45. Chief Winnacker said it would be marginally less expensive than the \$1.45M costs because overtime is less expensive. Chief Winnacker stated that the important number for the third ambulance usage is the transports. The time on task of available time for year to date is .15% for Medic 42 and .18% for Medic 43. The Board discussed the possibility of changing the policy so that AMR is contacted for service after the District's second ambulance is dispatched instead of after the third ambulance. Directors Donner and Baitx supported this policy change. Chief Winnacker stated that it could be done at Board's direction and would reduce maintenance costs, training costs, but increase the charge to residents. Director Jorgens stated that all residents should have the same cost for transport service regardless of who responded. President Danziger asked how often the agreement is reviewed. Chief Winnacker said it is a mutual aid agreement. Chief Winnacker stated that part of the reason why the District was formed was in response to the resident's frustration with response time for ambulances coming from Concord. He suggested that the District needs to keep the third ambulance in the District as a back-up vehicle. Director Donner stated that cancelling the third ambulance provides better medical service and fire service to the District. Chief Winnacker discussed options in terms of subsidizing the transport cost to the District, minor savings for medical equipment, surplus the rig, and realizing a slight reduction in engine response time. The Board discussed several scenarios regarding third ambulance calls. President Danziger stated that the bigger question is the whole service model which may need to be discussed.

Local 1230 representative Mark McCullah stated that the issue is really about risk. From a risk standpoint, it is a risk having no one available in the District when one is needed.

Director Jorgens summarized the budget questions into three issues: OPEB and PRST, fuels mitigation, and staffing. Chief Winnacker stated that Station 41 was included in response to Board concerns of using debt financing for capital construction. He does not anticipate any problems with securing financing for that project. President Danziger noted that additional funds for fire prevention activities were not discussed. Chief Winnacker stated that the greatest return from investment from a prevention standpoint is fuels mitigation, Fire Wise assessments, and requests for chipper service. From a prevention standpoint, one approach is to harness the gardeners as fuels mitigation workers. He noted that when the District provided work inside the resident's fence line, the residents get fussy and work was slowed. He recommended focusing on outreach and education to guide residents to best practices to target fuels mitigation. The relatively low cost chipper has a high impact. One of the biggest concerns from residents is that they do not know where to start. The District does have a list of contractors who can perform the work. The Board discussed the chipper program, the fuels mitigation aides, and the fire prevention aides. President Danziger stated that the Board needs to prioritize which fire prevention expenditures would secure the best impact. Chief Winnacker stated that the best results would be achieved through a year round fuels mitigation program. Director Jex cautioned against adding additional projects and expanding multiple projects with unskilled staff in addition to the management and resources for the North Orinda Shaded Fuel Break Project (NOSFB). He strongly recommended coordinating what is included in the 10 year forecast with the operating budget.

Director Jex signed off from the teleconference at 10:07 p.m.

Director Jorgens discussed expanding the chipper program. Chief Winnacker stated that the program could be expanded but he is requesting Board direction on how to allocate the limited resources. Counsel Holtzman stated that the Board needs to allocate funds but does not have to specify the exact use for the purpose of the budget. Director Jorgens noted that there is \$150,000 in the capital budget. Chief Winnacker noted the discussion for funding OPEB and PRST, staffing, and fire prevention are competing priorities. Director Jorgens stated that the District could use reserves. Chief Winnacker noted that this would be in conflict with another Board goal of achieving 50% in unrestricted reserves.

Local 1230 representative Mark McCullah stated that the Board should read the intent of the SAFER grant. He quoted a section of the grant to support his position.

Director Donner expressed interest in opening Medic 45 for the safety of the community and the firefighters. President Danziger concurred but expressed concern about the funding.

Vince Wells, Vice President of Local 1230, supports the District's efforts for fire prevention and fuels mitigation. There should be a balance and he supports increasing staffing to fill the ambulance.

Director Donner made a motion to stop the third ambulance effective immediately. Counsel Holtzman recommended that it is not a budget item and should be agendaized. President Danziger suggested contributing \$1.8M to OPEB and PRST or some other amount as the full actuarial cost is \$2.5M. Director Jorgens asked if the District can have a deficit budget. Counsel Holtzman stated that the District could use reserves or budget \$1.8M. He noted that the LRFF does not support deficit spending. Director Jorgens recommended allocating \$1.8M to OPEB and PRST and adding \$150,000 to fuels mitigation from the CAP budget and the Chief's contingency.

Director Jorgens made a motion to put \$1.8M in OPEB and PRST and add \$150,000 to fuels mitigation from the CAP budget and the Chief's contingency. Director Baitx did not support the \$150,000 for fuels mitigation. President Danziger seconded the motion. Counsel Holtzman recommended that the Board make two separate motions.

Director Jorgens' motion was amended to allocate \$559,108 to OPEB and the balance of the \$1.8M (\$1,240,892) to PRST was seconded by President Danziger. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Donner, Jorgens, and Danziger; Noes: None; Absent: Jex).

Director Jorgens made a motion to reallocate a total of \$150,000 from the CAP budget and the Chief's contingency funds to enhance MOFD's fuels mitigation project. The Chief has the authority to allocate the amount from each fund. Director Donner asked if fuels mitigation includes fire prevention. Chief Winnacker stated that it does not. Fire prevention is specific to Fire Wise and nonpunitive assessments. Fuels mitigation is specific to the chipper program. The motion was seconded by President Danziger. Said motion carried a 3-1-1 voice vote (Ayes: Donner, Jorgens, and Danziger; Noes: Baitx; Absent: Jex).

President Danziger stated that the District does not have the funds for additional staffing in the 2020 budget. The decision will be deferred to a later date and will be revisited in the future.

President Danziger noted comments received from Steve Cohn by email on May 15, 2019 for the record.

8.4 Resolution 19-05 Establishing the 2019/20 Fire Flow Tax Rates for the Orinda and Moraga Service Zones

Chief Winnacker provided the report. Every year the District is required to set the rate for the Fire Flow Tax in each of the District's two service zones. In order to place the tax on the County Assessor's rolls for fiscal year 2019/20, the tax rate must be established by Board action and then levied against each parcel. The current year FY2018/19 Fire Flow Tax Rate was established at six cents (\$.06) in both Moraga (\$536,303) and Orinda (\$547,942) for a total of \$1,084,245. Staff recommends the Board adopt Resolution 19-05 adopting the Fire Flow Tax rate of six cents (\$.06) in both the Moraga and Orinda service zones.

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

Director Jorgens stated that this is a complicated issue and some residents feel that the tax burdens for Moraga and Orinda are not equal. President Danziger stated that some citizens do not understand the concept of 'fire district' and that MOFD provides service to both Moraga and Orinda and does not allocate its services by city.

President Danziger read an email from Orinda resident Steve Cohn (dated April 15, 2019) (Attachment A, last paragraph) into the record.

Richard Olsen, Moraga resident, stated that Mr. Cohn's analysis is false. He stated that it would be a violation of the requirements for the approval of the formation of the District to charge Moraga residents more than Orinda residents for the District's services.

Motion by President Danziger and seconded by Director Jorgens to approve item 8.5 Resolution 19-05 Establishing the 2019/20 Fire Flow Tax Rates for the Orinda and Moraga Service Zones. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Donner, Jorgens, and Danziger; Noes: None; Absent: Jex).

8.5 CASA Compact Update

District Counsel Holtzman provided the report. He stated that AB 1487, which provides the funding mechanism for the CASA housing bill, has been amended. There were several changes to the Housing Alliance for the Bay Area (HABA). The most recent amendment removed the number of appointments to HABA from the Metropolitan Transportation Commission (MTC) and from the Association of Bay Area Governments (ABAG) and left a 'blank'. There is no direct funding mechanism for the bill other than what the HABA board might place tax measures on county ballots.

Director Jorgens asked who will decide where the funds will be spent versus where it is raised. Counsel Holtzman stated that the bill could be placed on any ballot and the funds could be allocated regionally.

Dan DeBusschere, Orinda resident, stated that AB 1487 is a threat to the District's future revenue. The bill is currently in Appropriations in a suspense file. There could be substantial state liabilities for start-up expenses and may take 2-3 years to establish. At the May 2, 2019 Contra Costa Mayors' Conference meeting, the mayors voted unanimously to oppose AB 1487. Mr. DeBusschere suggested that the District combine their efforts with the Mayors' Conference to oppose the legislation. He provided the Board with a suggested Resolution (Attachment B). He suggested that the resolution be on next month's MOFD agenda so that the Board can take action on the item. Director Jorgens suggested that the District co-sign the letter with the City of Orinda. President Danziger stated that it would be on the June agenda.

9. COMMITTEE REPORTS

9.1 Finance Committee (Directors Danziger and Jorgens)

No report.

9.2 Audit Ad Hoc Committee (Director Jex)

No report.

9.3 Long Range Financial Plan Ad Hoc Committee (Directors Donner and Jorgens)

No report.

9.4 Facilities Ad Hoc Committee (Directors Baitx and Donner)

No report.

9.5 Fire Chief Performance Evaluation Ad Hoc Committee (Directors Baitx and Donner)

No report.

10. ANNOUNCEMENTS

10.1 Brief information only reports related to meetings attended by a Director at District expense

(Government Code Section 53232.3(d))

Director Donner reported that he attended the Orinda School Board meeting. He reported that they have cleared the creek area behind OIF and would like to partner with the District for the chipper program.

10.2 Questions and informational comments from Board members and Staff

No report.

10.3 Fire Chief Updates

HR Benefits Manager Christine Russell reported on the District's recruitment status. The firefighter/paramedic opening closed on May 1. To date, 147 applications were received. The potential candidate count decreased after applying the minimum qualifications. Oral boards are scheduled for May 21-23, 2019. The goal is to finalize the eligible candidates by September 1, 2019 so that they can enroll in the Berkeley academy on October 1, 2019. There are four applications to date for the internal Captain position which closes on May 26, 2019. The Plans Examiner/Inspector position is open. The District has contracted with a third party service to provide plans examiner/fire inspector services during the recruitment for this position to deal with a significant backlog of plans. Chief Winnacker noted that there is a small pool of qualified candidates who can perform this service.

Chief Winnacker provided an update on Station 43. The building is complete and staff is preparing a final punch list. The Grand Opening will be held on June 15, 2019 at 9:00 a.m.

Chief Winnacker attended four public outreach events. Two community Fire Safety Workshops are scheduled for May 23, 2019 (Orinda) and June 5, 2019 (Moraga). The deadline to comply with the Wildfire Risk Reduction Requirement is June 15, 2019.

Chief Winnacker provided an update on the status of fuels mitigation. The chipping program is underway. Assessments were conducted along major evacuation routes including Moraga Way, Miner Road, Aberdeen, and Glorietta to assess fuels mitigation compliance. Approximately 80% of the area is not in compliance. He noted that parcel owners have received ample notification regarding their requirements. Homes which are not in compliance will be red tagged. With receipt of a red tag, property owners have seven days to fix the issue. If the work is not completed, the District will contract to perform the work and a lien will be placed against the property to pay for the work. The cost of the lien is carried by the county until paid by the property owner. Director Jorgens noted that the District should be careful with young, somewhat inexperienced staff. The Chief added that the District accepts some degree of risk with part time, nonbenefitted staff but the staff is operating under direction. President Danziger asked if suppression crews were conducting some of the inspections. Chief Winnacker stated that they are not.

10.4 Communications Received

Chief Winnacker reported that complimentary correspondence was received regarding the District's EMS service. One complaint was received but it was determined to be sent in error.

10.5 Future Agenda Items

Director Donner requested that the third ambulance be placed on the next agenda.

President Danziger requested that an action item regarding the CASA Compact resolution be included.

11. ADJOURNMENT

At 11:18 p.m., Director Jorgens motion to adjourn the meeting was seconded by Director Baitx. Said motion carried a 4-0-1 vote (Ayes: Baitx, Donner, Jorgens, and Danziger; Noes: None; Absent: Jex).

Attachment A: Email received from Steve Cohn on May 15, 2019

Attachment B: Dan DeBusschere's handouts to the Board – a proposed MOFD resolution regarding AB 1487.

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: Steve Cohn [mailto:steve_cohn@comcast.net]
Sent: Wednesday, May 15, 2019 11:13 AM
To: Winnacker, David <dwinacker@mofd.org>; Craig Jorgens - MOFD <Craig.Jorgens@gmail.com>; Gregory Baitx <gbaitx@mofd.org>; John Jex - MOFD <mmjjex@gmail.com>; Michael Donner - MOFD <mddonnermofd@gmail.com>; Steve Danziger - MOFD <stevedformofd@gmail.com>
Cc: Amy Worth - Orinda Council <aworth@cityoforinda.org>; Darlene Gee - Orinda Council <dgee@cityoforinda.org>; Dennis Fay - Orinda Council <dfay@cityoforinda.org>; Inga Miller - Orinda Council <imiller@cityoforinda.org>; Nick Kosla- Orinda Council <nkosla@cityoforinda.org>
Subject: MOFD Budget and Fire Flow Parcel Tax

For the record, I would like to make the following comments on two items which are on Wednesday evening's (5/15/2019) agenda:

Item 8.3: Proposed Annual Operating Budget Fiscal Year 2020

1) In the second paragraph of "Background" it is stated that "The proposed Budget projects a General Fund surplus of \$1.8M" without the caveat that this excludes any funding of the Pension Rate Stabilization or OPEB Trust Funds. Last year \$1.5 million was put into these funds. The Long Range Financial Forecast, which was approved just last month, shows \$2.6 million going into these funds. Item 8.1 on the current agenda discusses the amounts that should go into these trusts. To state that there will be a \$1.8 million surplus, with the underlying assumption that nothing goes into these trusts, seems a bit "disingenuous". Maybe I am just a bit sensitive about MOFD's level of debt but I could not help but comment.

2) Surplus Allocation

I strongly object to the consideration of increasing total responders per shift from 17 to 19 with the addition of a two-person ambulance crew at Orinda's Station 45. The proposal says this will cost an additional \$1.4 million annually. In the event that MOFD has an additional \$1.4 million, it would be a waste to spend it on a seventh response team. I understand that this increase in staffing is not in the budget but I want to object to currently, or maybe ever, considering it. There are better things to do with the money.

The cost aside, I question that this additional unit will add any incremental service to the residents of Orinda and MOFD. This response unit would be stationed at Orinda's Station 45, in addition to the three-person engine unit already there. While the 2012 study by The Orinda Task Force showed that 40% of all Code 3 incidents in Orinda were NOT responded to within the District's benchmark of 6 minutes, it is hard to believe that another unit, stationed at the same place as an existing unit, would improve the response to the 40% of Orinda that is underserved. I have not heard of any study (by a firm such as Deccan International) refuting this belief.

The District has 17 responders serving the District's 35,000 residents; an average of about 5 responders per 10,000 residents. I believe that this is 2-3 times the average of other local districts. The reason for this high ratio is that Orinda and Moraga are spread out (low population density). However, rather than spreading out the responders, they are concentrated in five stations with three in four of the stations; five in the fifth. This is the "fire model" even though 90 percent of all time critical emergencies are medical in nature (requiring only two or even one first responder) and only 5 percent are for fires. Of the fires, only one or two percent of total incidents are structure fires, best served by a three-person first

response unit. The largest threat are vegetation fires which often require significant regional mutual aid involving ten or twenty response units. As for the structure fires, if an effort was made to “sprinkler” as many structures as possible (as opposed to waiting for a fire to occur and then responding in force), the risk to life and property would drop significantly.

I understand that the “proposed” additional unit would be a medical response unit but in the staff memo it is called a “suppression unit”, so I assume, like the Moraga ambulance, it would be staffed by very expensive paramedic firefighters. It is great that all of our firefighters do “double duty” (fight fires and act as medical responders), but how many do we need?

The staff report says that MOFD responds to 3,762 incidents annually with 2,308 of them being medical in nature (EMS). When the Orinda Task Force studied MOFD’s operations based on 2009 data, there were 2,962 total dispatches. However, 585 of them were recalled in route and 201 were false alarms, resulting in a net of only 2,176. And further, only 1,421 of those were Code 3 (time critical). Of those, 1,278 (90% of the total) were EMS calls. These were covered by MOFD’s seven paramedic response teams (there were seven in 2009), averaging one EMS response per team every other day. If there had been “only” six response teams, the average would have risen to four responses per week.

It appears that the total responses have risen, possibly by 40% since 2009; up to 6 Code-3 EMS responses per week per response unit. Is this too great a volume for six response teams? Is a seventh really needed?

The staff report says that of the 2,308 total annual EMS calls, 63% (1,454) require transport. That averages to four per day. Assuming half of those are in Orinda, this is two per day. Do we need a dedicated ambulance crew for two transports per day?

The staff report also says that when the ambulance from Station 45 transports a patient, all three members of the Station 45 crew go for the ride. Really? Two can’t handle the job? The District does not have the flexibility to retain one back at Station 45 and have the third person at Station 44 join him/her for the 90 minutes it takes to transport the patient and return (twice a day)?

I really think the District needs to think twice before allocating \$1.4 million a year for two more firefighters in Orinda. There is a much better way to spend that money.

For instance, a vigorous Fuel Mitigation Program in Orinda. MOFD (and the City of Orinda) needs to go beyond just advising property owners how they can save themselves. There needs to be an integrated, managed program of fuel mitigation. As you are probably aware, fire insurers may be pulling back from offering coverage in Orinda (see attached). If this really happens, property values will suffer which means Ad Valorem Tax to the single largest recipient of that tax, MOFD, will also suffer. MOFD has a vested interest in ameliorating the problem.

What do I mean by an “integrated program”? More than just identifying risk and threatening to do something about it if the property owners do not (the stick). There also needs to be “the carrot”. An incentive for property owners to get with the program.

Read what is on your website as to what is currently available:

Wood Chipper Program

- * Only from April to early summer (June?) Why not all year?
- * "But you must team up with your neighbors." That will stop about 99% of people.
- * "Chips will be re-broadcast back onto the property." So if you don't have a place to put the chips, you are out of luck.

My street is a perfect example of how the program is designed to fail. There is nowhere on the street to throw the chips (someone's front yard?). Now the chipper could come up my (400' long) driveway, off of which there is plenty of space to spread chips. But that does not help my neighbors. So we are all out of luck. The Chipper Program is a great idea (getting rid of debris is the one of the largest impediment to creating it), but it needs to be expanded and be more flexible.

Hazardous Fuels Reduction Program

* This is one big STICK. No Carrot except the Firewise Assessment program. Question: out of 7,000 residential properties in Orinda (which only cover 6.5 out of Orinda's 13 square miles), how many have requested an assessment? How many have done the work the assessment suggested? I am willing to be surprised but I bet the number is small.

Do I have a better suggestion? I don't know if it is better but it is a suggestion:

A) Providing funding for people to remove excess vegetation. This could be done through a Benefit Assessment District (BAD), with the District funded with municipal bonds which would be repaid by tax assessments on the properties receiving the service. The cost could be spread out over a number of years (ten?) and would be part of the property tax bill so if someone sold their house, the new owners would assume the payments. This would be an incentive for people selling to clean up their property. The District and the City would manage the BAD and maybe even subsidize the expenses.

B) Make the clean up as painless as possible. Do not just assess what needs to be done, but manage the cleanup. Contract with crews to do the work (at a volume discount) and inspect the product. Have a program of re-inspection to maintain.

C) Create a program (again, maybe a BAD) to finance structural "improvements" such as closing in soffits or other fire-safe building projects.

D) Create a program to finance the retrofitting of interior fire sprinklers. The more homes that are sprinklered, the lower the threat of injury and property damage from interior fires.

3) Even if the District (in conjunction with Orinda and Moraga) did not subsidize any of the cost of actual work, just managing the programs and providing the assessment and review will cost money. MOFD has \$75 million of unfunded retirement benefits and Orinda and Moraga do not have a money tree behind City Hall. Where will the funds come from?

The 2019-20 MOFD budget projects \$26.5 million in property tax revenue, \$25.5 million in Ad Valorem Tax and \$1 million from the Fire Flow Parcel Tax. Virtually all of this is used to pay and support the 17-per-shift emergency responders; an average of \$1.6 million per responder. Eight of these responders are stationed in Moraga. While they provide mutual aid to incidents in Orinda, as Orinda-based responders provide mutual aid into Moraga, for the most part they service Moraga. They "cost" about \$12.5 million

per year. Of the \$26.5 million in property taxes funding MOFD, Moraga property owners only “contribute” about \$9.2 million, \$3.3 million less than it costs for MOFD to service them.

Why aren’t Moraga taxpayers paying what it costs to serve them? Could MOFD provide additional fire protection services if they did pay what it cost? Can this be rectified?

Yes it can, at least a majority can. Before MOFD was formed, the voters of Moraga agreed to the Fire Flow Parcel Tax that is levied each year and which MOFD is going to discuss at the May 15th meeting. The “rate” on that tax can be anywhere from zero to 30 “cents”. The staff report for **Item 8.4 on the agenda** suggests a rate of 6 cents. However, if the rate for the Moraga Fire flow Tax was increased to the **statutory limit of 30 cents**, this would generate an **additional \$2.1 million of revenue**. The voters of Moraga agreed to this a long time ago. The service to them costs a lot more than what they are currently paying. It is only right that they be charged what it costs and to not expect others to pay their way, foregoing important services such as fuel mitigation to an area that has been designated a Very High Fire Hazard Severity Zone.

Sincerely,

Steve Cohn
Orinda

MOFD Resolution number _____

The MOFD joins with the Contra Costa County Mayor's Conference in opposition to AB 1487 (D. Chiu) and directs the Clerk of the Board to convey this resolution by email and follow up telephone call to Senator Steve Glazer and Assemblymember Rebecca Bauer-Kahan for their efforts in opposing this legislation with CCs to Orinda Mayor Inga Miller and Moraga Mayor Roger Wykle.