



Moraga-Orinda Fire District
BOARD OF DIRECTORS
REGULAR BOARD MEETING MINUTES
October 19, 2022
(APPROVED NOVEMBER 16, 2022)

1. OPENING CEREMONIES

The Board of Directors convened a teleconference Open Session at 7:00 p.m. on October 19, 2022, via the Zoom application <https://us02web.zoom.us/j/84931541055>, webinar id: 84931541055 and by phone at 669-900-6833. This meeting was conducted by webinar and teleconference in accordance with AB 361. The meeting was not available for in-person attendance.

President Donner called the meeting to order and requested an attendance roll call. Director Danziger led the pledge of allegiance.

President Donner	Dave Winnacker, Fire Chief (arrived late)	Christine Russell, HR Manager
Director Baitx	Gloriann Sasser, Admin. Services Director	Mary Smith, Finance Manager
Director Danziger	Jeff Isaacs, Fire Marshal	District Counsel Jonathan Holtzman
Director Jex	Lucas Lambert, Battalion Chief	Marcia Holbrook, District Clerk
Director Jorgens		

2. CONSENT AGENDA (audio 00:01:33)

2.1 Adopt Resolution 22-29 Re-Ratifying Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference

Director Danziger commented Governor Gavin Newsom declared he was lifting the State of emergency at the end of February 2023.

President Donner opened the public comment. There were no requests to address the Board. President Donner closed public comment.

Director Baitx moved that the meetings return to in-person. The motion died for lack of a second. President Donner stated the Directors would wait for the official lift from the Governor.

Motion by Director Danziger and seconded by Director Jorgens to adopt Resolution 22-29 Re-Ratifying Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference. Said motion carried a 4-1-0-0 roll call vote (Ayes: Danziger, Jex, Jorgens, and Donner; Noes: Baitx; Absent: None; Abstain: None).

3. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA (audio 00:03:17)

President Donner opened the public comment.

District Clerk Holbrook announced one written public comment was received after 3 p.m. from Kelly Morris-Nichols regarding a work-related incident that occurred on December 2, 2012, and the status of the payout of the work comp. District Clerk Holbrook stated the written comment exceeded the three-minute maximum time limit. President Donner allowed the extra time. District Clerk Holbrook read the letter into the record, attached to these minutes. District Clerk Holbrook noted that the MOFD Attorney referenced in the letter is the Workers Comp Attorney, not an MOFD Attorney.

District Counsel Holtzman added the attorney referenced is the third-party Worker's Comp carrier who presented information at the September 2022 meeting. The underlying issue Ms. Morris-Nichols discussed is not in the District's control. Mr. Holtzman offered to contact the carrier again and try to understand more about what was going on but emphasized that this was not an MOFD claim. President Donner clarified this is not the District going after any part of this worker's compensation settlement and that it is the third-party insurer. Mr. Holtzman stated that was correct.

Administrative Service Director Sasser explained that the District is a member of the Fire Agencies Self-Insurance System (FASIS). FASIS is a joint powers authority that provides worker's compensation insurance to Fire Protection Districts and comprises many different fire districts. The FASIS has control over this item. The District has communicated with the FASIS attorney, and the claim is working through their system. President Donner voiced the Board collectively feels that Ms. Morris-Nichols is one of our members who was in a horrible accident and is permanently disabled. The District should do whatever we can to help Ms. Morris-Nichols settle. Directors Danziger and Jorgens agreed.

There were no additional requests to address the Board. President Donner closed public comment.

4. ANNOUNCEMENTS (audio 00:12:55)

4.1 Brief information only reports related to meetings attended by a Director at District expense (Government Code Section 53232.3(d)). No Report.

4.2 Questions and informational comments from Board members and Staff. No Report.

4.3 Communications Received. No notable communications were received.

4.4 Fire Chief Updates

a. Finance Report

Finance Manager Smith provided the report and presented the status of OES reimbursements, attached to these minutes, item 4.4(a). Other items reviewed: The audit is scheduled for the week of December 12, 2022, with the final audit report expected in February 2023. Director Jex asked about the estimated amounts for 2022-2023. Finance Manager Smith explained the F42 process and that the amounts include invoices received and outstanding F42s. Director Jorgens asked if the estimated 2021-2022 amounts included invoices waiting for State approval. Finance Manager Smith answered no; the column should say "actual" versus "estimated" and will update the report.

b. Human Resources

Human Resources Manager Russell provided the report, attached to these minutes, item 4.4(b). The Firefighter Paramedic training recruitment is in the background process, and Staff will schedule the orientation and five-call evaluation in a couple of weeks. The Fire Inspector-Plans Examiner position has been reposted and is scheduled to close on October 31, 2022. One Fuels Mitigation Specialist resigned to accept a position with another agency, and Staff will be posting the position. The Battalion Chief internal only recruitment is scheduled to close on November 16, 2022, with the exam in December.

Director Jex inquired about the Fuels Mitigation Specialist turnover. HR Manager Russell answered the position had several turnovers because the position is a stepping stone. President Donner added a lot of the employees that are Fuels Mitigation Specialists have the desire to be firefighters. The position is a segue into a career industrywide. Director Jorgens asked if the District tried to groom these employees and find opportunities within the District. Fire Marshal Isaacs answered yes. Most of the Fuels Mitigation Specialists are not qualified paramedics and are entry-level. In other agencies, fire suppression does not require a person to be a qualified paramedic.

Director Danziger asked if the District had the academy lined up for the new Firefighter Paramedics. HR Manager Russell answered the District is working with the Livermore-Pleasanton academy to schedule something in December 2022 or January 2023. Director Danziger asked how the open Fuels Mitigation Specialist would impact the work in the District. Fire Marshal Isaacs stated the season is winding down with inspections and complaints. Staff will be able to keep moving forward without a noticeable slowdown.

Director Danziger asked if a preference is given (for hiring non-sworn positions) to local residents and veterans. HR Manager Russell answered that the District does not have a policy at this time.

c. Fire Marshal

Fire Marshal Isaacs provided the report and reviewed the statistics in the Monthly Fire Prevention report included in the Board packet, item 4.4(c). Current projects are evacuation route re-inspections, property transfer inspections, complaints, the County Fire Code, and Zone Zero Work Group. Director Jex inquired about the 2021 outstanding inspections. Fire Marshal Isaacs explained that most of those parcels had been cited for additional complaints, which keeps the case open. Director Jex asked if the 2022 numbers reflect the current activity. Fire Marshal Isaacs confirmed.

Director Jorgens asked if the District has compliance with the large landowners. Fire Marshal Isaacs answered yes. Some were compliant by the due date of June 1, and some required a citation to be issued to get them to comply. Director Danziger inquired about the status of the school inspections. Fire Marshal Isaacs answered Staff intended to use the inspections as a training opportunity for the new Fire Inspector/Plans Examiner. With the delay in hiring the new Inspector, Staff will work with West Coast Code Consultants to complete the inspections.

d. Home Hardening Grant Program

Fire Marshal Isaacs provided the report. Staff has ordered 1800 feet of bushfire mesh material and has 800 feet remaining. The District has received 30+ in-kind requests and four requests for reimbursement. President Donner asked how much of the \$500K grant has been utilized. Fire Marshal Isaacs did not have that information. President Donner requested information on how the grant is doing and the status with the funding. Fire Marshal Isaacs will work with the Finance Manager and send that information to the Board. Director Jorgens estimated the amount spent to be \$25K.

Director Danziger inquired how the District is advertising the home hardening grant program. Fire Marshal Isaacs answered it is being publicized through the Firewise Communities and Fire Adapted Community Ambassadors. Staff waited to receive the initial feedback to ensure the homeowners liked the product. Based on the feedback, Staff will proceed with promoting the program.

Director Jorgens asked about the status of providing all metal gutter protectors. Fire Marshal Isaacs informed that Staff reviewed a product and is researching to ensure it is listed on the Office of the State Fire Marshals approved material list. Director Danziger requested information on the cost of the mesh and the number of applications received for the rebates.

e. Tunnel East Bay Hills Fuel Break Project

Fire Marshal Isaacs provided the report and shared a map of the five work areas of the project. Work has been performed in work area 2 and portions of work area 1 because the land is owned by East Bay Municipal District (EBMUD). EBMUD has the required CEQA documents to allow the work. Sequoia, the District's environmental consultant firm, is doing the CEQA work for the other work areas three, four, and portions of five. Work areas six and a small portion of five are also on the EBMUD lands, and work will soon be conducted in those areas.

Fire Marshal Isaacs shared that UC Berkeley recently had grant work stopped by the Courts because they did not complete their environmental documents correctly. MOFD is working with Sequoia Consultants to ensure that the District is doing due diligence on the project. The environmental work should be done in spring 2023. Due to the experience from the North Orinda Shaded Fuel Break (NOSFB), Staff will be able to complete the project within the three-year time limit.

Director Jex inquired about the two work areas labeled number 4. Fire Marshal Isaacs explained the area was split into two because it is private property and operationally made sense. In addition, a portion of the upper work area in area 4 will tie into a grant from Cal Fire that Contra Costa County Fire Protection District received.

President Donner asked if the District follows the same criteria as the NOSFB in all the work areas. Fire Marshal Isaacs confirmed. Work area six (on the top of Flicker Ridge) has some sensitive environmental areas. Staff is working with the EBMUD biologist and the Sequoia environmental consultants. Those areas will not move beyond a 100' fuel break.

Director Danziger asked if the District had a Project Manager for the project. Fire Marshal Isaacs said the project is budgeted for two positions (Project Coordinator and Assistant Project Coordinator). Staff will hire those positions when the project is ready to begin after the environmental documents are ready. Director Danziger asked if the District would follow the normal hiring process to hire people. HR Manager Russell answered Staff would need to check the requirements in the contract. Fire Marshal Isaacs recommended using the same Project Coordinator used for the NOSFB. President Donner asked if the plan was to hire the same person. Fire Marshal Isaacs answered if allowed by the contract and HR requirements.

Director Jex inquired how the piles would be mitigated. Fire Marshal Isaacs answered the District would burn the piles. In some areas where burning is not the best treatment method, Staff will chip. Director Danziger noted a correction to the agenda. Item 4.4e reads "Tunnel Easy Bay Fuel Fuel Break Project" and should read "Tunnel Easy East Bay Fuel Fuel Break Project".

f. Operations

Battalion Chief Lucas Lambert provided the report, attached as item 4.4(f). On October 1, 2022, the public was invited to join MOFD staff for the Fall Open House Event. Firefighters served a pancake breakfast, demonstrated vehicle extrication, and showed off some of the District's specialized equipment. Battalion Chief Lambert expressed gratitude for the support the local community organizations and agencies provided. Proceeds from the event were donated to the Alisa Ann Rush Burn Foundation. On October 7, 2022, Crews responded to a vehicle 100' down an embankment with the driver trapped in the vehicle. Crews established a low-angle rope system to access the patient. The patient was extricated from the vehicle and hoisted to the roadway with a technical rescue system. On October 11, 2022, a dump truck driver lost control of the vehicle, flipping it on its side. The patient was extricated, and the hazardous materials leaking from the vehicle were mitigated. On October 17, 2022, Crews responded to a motor vehicle accident on eastbound Hwy 24. Upon arrival, the accident scene was blocking all lanes of traffic. Two patients were trapped inside the vehicle, quickly extricated, and transported to the hospital in critical condition.

President Donner asked about the protocol when responding to freeway incidents. Battalion Chief Lambert explained protocol is two apparatuses (one is an engine and one truck), an ambulance, and

one Battalion Chief. The District works collaboratively with all agencies within the county and the CHP to slow traffic flow countywide.

MOFD has experienced a significant increase in public education events. Crews have enjoyed re-engaging with the community and are thankful for these opportunities to educate the public and interact with the community. Battalion Chief Lambert shared pictures from a Moraga Royale Grandparents day with participation from one of the local sports teams.

Battalion Chief Lambert described a Probationary Firefighter training exercise. Probationary Firefighters are tested on several different evolutions that simulate emergency incidents. Battalion Chief Lambert showed pictures of the training scenarios on vertical ventilation. Battalion Chief Lambert reported that Crews are still committed to the Mosquito Fire. Efforts have shifted to repair and rehabilitation of the forest.

President Donner opened Public Comment for items 4.1-4.4.

Jonathan Goodwin, Canyon resident, inquired about the abandoned cars off the road on Pinehurst and Wildcat Canyon and if the District was trying to find a way to note those vehicles in the dispatch system to reduce wasted resources in responding to these calls. Battalion Chief Lambert answered the District has collaborated with the Dispatch Center and CHP. The vehicles have been noted and are a burden to the District. The District does investigate every incident for the possibility of somebody being in the vehicle. Every time the District responds, the vehicle is marked with an identifier.

Mr. Goodwin commented about the brush pile removed in Moraga but left on the ground in the unincorporated areas and the appearance of being discriminatory. Mr. Goodwin asked if the Fire Marshal has been able to attend the Diablo Fire Safe Council and Hills Emergency Forum (HEF) meetings and the status of Cheryl Miller's potential retirement. Fire Marshal Isaacs answered that he has been attending the meetings and is the Diablo Fire Safe Council Vice President, and he deferred to Ms. Miller about her retirement plans. Fire Marshal Isaacs assured no discrimination, ill will, or intent regarding the piles left on the ground in the unincorporated area. Those remaining piles were evaluated, and it was determined that the best method to remove them was to wait for the change in weather when they could be safely burned.

There were no additional requests to address the Board. President Donner closed Public Comment.

5. CONSENT AGENDA (audio 1:01:07)

- 5.1 Meeting Minutes – September 20, 2022 (Regular): Approve and file
- 5.2 Monthly Incident Report – September 2022/Staff Recommendation: Approve and file
- 5.3 Monthly Check/Voucher Register – September 2022/Staff Recommendation: Approve and file
- 5.4 Monthly Financial Report – September 2022/Staff Recommendation: Approve and file
- 5.5 Approval of GASB 75 OPEB Valuation Report Measured as of June 30, 2022: Approve
- 5.6 Reject Claim from Jon Bensley in the amount of \$3,821.38: Reject
- 5.7 Authorize the purchase of one Type VI wildland fire apparatus from Ward Apparatus in the amount of \$250,685.15 and approve a Capital Projects Fund expenditure budget adjustment increase in the amount of \$686.
- 5.8 Declare one 2005 Ford Ranger and one 2008 Chevy Suburban surplus

President Donner opened Public Comment for Consent agenda items. There were no requests to address the Board. President Donner closed Public Comment.

Motion by Director Danziger and seconded by Director Jex to approve Consent Agenda items 5.1-5.8. Said motion carried a 5-0 roll call vote (Ayes: Baitx, Danziger, Jex, Jorgens, and Donner; Noes: None; Absent: None; Abstain: None).

6. REGULAR AGENDA

6.1 Quarter One Financial Update and Budget Review FY2023 (audio 1:02:05)

Administrative Services Director Sasser provided the report, attached to these minutes, Item 6.1. A financial update was prepared through the end of the first quarter, July 1, 2022, through September 30, 2022. The budget was adopted in June 2022 and projected a General Fund surplus of \$292K. The updated projected surplus based on financial information through the first quarter is \$380K. ASD Sasser reviewed the status of each of the revenue and expense categories.

Revenue – Less than budget \$385K

- Property tax meet budget
- Ambulance services less than the budget by \$154K
- Strike team revenue less than budget by \$230K
- Fire prevention/plan review less than budget by \$29K due to a slowdown in plans submitted to the District

Expenditures – Less than budget \$461K

- Salaries less than budget by \$589K and Retirement contributions less than budget by \$242K due to six vacant or unpaid Firefighter Paramedic positions and one vacant Fire Inspector/Plans Examiner position
- Overtime exceed budget by \$444K due to the six vacant firefighter paramedic positions
- OPEB contribution exceed budget by \$16K. The budget includes \$351K for the annual OPEB trust pre-funding contribution for retiree health benefits. The latest updated actuarial report on the Consent Calendar calculated the updated contribution at \$367K. The projected actuals in this financial update include the \$16K higher contribution amount.

The District started the fiscal year with \$18.7M in unrestricted cash and investments and \$15.1M in General Fund unrestricted fund balance. The projected surplus would increase the unrestricted fund balance to \$15.5M, exceeding the Fund Balance Policy minimum of 17% and less than the Policy goal of 50%. Director Jorgens asked about the monthly revenue graph and revenue payments. ASD Sasser explained the revenue comes in July and again in December.

The Capital Projects Fund has a projected surplus of \$1.8M due to a budgeted transfer from the General Fund of \$3.1M. The purpose of the planned transfer is to accumulate funds in the Capital Projects Fund to pay for the future Station 41/Administration rebuild project. The transfer is subject to Board approval during the Mid-Year Budget Review process in February 2023.

The Debt Service Fund has a planned use of reserves of \$1.7M due to the final pension obligation bond payment. The pension obligation bonds were paid-in-full on July 1, 2022. The Tunnel East Bay Hills Fuel Break Fund has a projected surplus of \$360K. Director Jex asked if the projection amount for the Tunnel East Bay Hills Fuel Break Fund is a total amount or just for the current year. ASD Sasser answered the current year. Director Danziger suggested taking a closer look at the budget projections for Strike teams when setting the budget for 2023-2024. Director Jorgens expressed concerns about the portfolio decline due to the economic forecast and housing markets. Director Jorgens requested Staff bring back an update on the long-range financial plan and variables that might impact the portfolio.

Director Jex asked if there was a way to get an update on the OPEB and Pension Fund as of December 31, 2021. ASD Sasser answered that the CCCERA investment return report is available quarterly. Director Jorgens commented that the CCCERA quarterly reports do not reflect the current market. President Donner recommended the discussion continue as a future agenda item. Director Jorgens suggested the District could have the representative from GovInvest provide scenarios. President Donner responded that the District cannot predict what the market will do but can look at the figures. Director Danziger and Jorgens agreed. Director Jorgens commented that given our strong (inaudible) not to invest in international markets, CCCERA is heavily invested in international markets, which has declined 40%.

President Donner opened the public comment. There were no requests to address the Board. President Donner closed public comment. No further discussion by the Board.

6.2 Format of the Monthly Financial Report (audio 1:14:51)

Administrative Services Director Sasser provided the report. At the September 2022 board meeting, Staff was directed to present options for the monthly financial statements to add context to the monthly report. Staff proposed a Monthly Summary as an addition to the monthly General Fund financial statements. The monthly summary will compare revenue and expenditure categories to the current year's budget and to the prior year's actual. The summary will also include comments and explanations of variances or other significant items to note if district revenue and expenditures are on or off course.

Director Jorgens asked if the summary would include an explanation if the District had anticipated being at X-point and is at Y-point and explain why it is different. ADS Sasser confirmed that Staff would include that information. Director Jex stated the quarterly reports show a fund balance for the three major funds. Director Jex requested a summary balance sheet every quarter. ASD Sasser answered all of the funds are reported on a monthly basis in the financial statements on the Consent calendar. Director Jex replied the statements do not include a fund balance. ASD Sasser confirmed. Director Jex explained that the report needs to show the changes in the fund balance. Director Jex requested to see the fund balances more frequently than quarterly and the full balance sheet every quarter. ASD Sasser concurred. Director Danziger supported the recommendation to have a summary of the monthly statements. Director Jorgens agreed.

President Donner opened the public comment. There were no requests to address the Board. President Donner closed public comment. No further discussion by the Board.

6.3 Emergency Paid Sick Leave - COVID-19 Pandemic (audio 1:22:28)

Human Resources Manager Russell provided the report. In April 2020, the MOFD board approved additional sick leave of 144 hours to all employees to minimize the impact of the COVID-19 pandemic. On March 19, 2021, Governor Newsom signed SB95. SB95 required employers to provide an additional 80 hours of COVID-19 supplemental paid sick leave to full-time employees and a prorated to part-time employees. In April 2021, the Board approved a sick leave policy to comply with SB95 mandates. On February 9, 2022, Governor Newsom signed SB114. The law reauthorized COVID-19 supplemental paid sick leave effective February 19, 2022, through September 30, 2022, with retroactivity to January 1, 2022. On September 30, 2022, Governor Newsom signed AB152 into law. AB152 extends the deadline for employees who have not exhausted their supplemental paid sick leave allotments to use such leave until December 31, 2022. The amendment extends the period when employees who have not used their supplemental paid sick leave can use the sick leave if necessary. The District complies with AB152, and the Board required no action.

President Donner opened the public comment. There were no requests to address the Board. President Donner closed public comment. No further discussion by the Board

At approximately 8:25 p.m., Fire Chief Winnacker arrived.

6.4 Single Role EMT and Paramedic Positions. (audio 1:26:43)

Fire Chief Winnacker provided the report. At the May 2022 regular board meeting, Staff was directed to form a working group to develop a proposal to implement single role paramedics to increase ambulance staffing. At the June 2022 regular board meeting, Staff was directed to gather further information regarding area departments that have implemented single role ambulance models. At the September 2022 regular board meeting, Staff was directed to place the item on the October 2022 agenda. Fire Chief Winnacker read the staff report into the record.

Staff held meetings with the San Ramon Valley Fire District, Berkeley Fire Department, and the South San Francisco Fire Department regarding their programs. South San Francisco is in the process of implementing a program by July 1, 2023. While still being developed, this program will engage local residents by sponsoring EMT training opportunities and providing a hiring preference for residents to create career pathways. South San Francisco intends to support EMT employees participating in paramedic school with City-sponsored tuition and internship opportunities. The proposed program also includes a closed-loop hiring process for single role paramedics from the pool of EMTs. San Ramon Valley Fire Protection District implemented a single role paramedic program in the spring of 2022. The program has served as a hiring pool for Firefighter/Paramedic (FF/PM) vacancies, with qualified members being offered the opportunity to apply for positions with SRVFPD. With the SRVFPD deployment model, single role ambulances are being added to the system as an additional response resource. Berkeley Fire Department recently implemented single role EMT and paramedic positions. In the Berkeley deployment model, implementation of single role ambulance staffing is combined with increased Firefighting (FF) staffing on selected apparatus and changes in the supervisory structure.

In all cases, it was confirmed that the firefighter FLSA exemption does not apply, and all hours worked in excess of 40 hours a week are considered FLSA overtime. The fully burdened annual cost per MOFD position is estimated (includes salary, benefits, and employer payroll taxes) for the FF/PM \$260,000 (this position is included in the current Memorandum of Understanding (MOU) with Local 1230). The Single Role Paramedic is \$154,000 (this position is included in the current MOU), and the Single Role EMT is \$143,000 (this position is not recognized/included in the current MOU with Local 1230 and is included in this staff report for discussion only).

There are several ways the District could implement single role paramedics and EMTs. Implementation is subject to Meet and Confer with Local 1230 per the current MOU. One possible way to implement this would be to place one paramedic and one EMT on M45. This would require the District to employ three single role paramedics and three single role EMTs at an annual cost of \$891,000 per ambulance. In addition, it could be necessary to add a supervisory employee resulting in additional costs with a represented Capt/PM or BC being a reasonable surrogate to estimate the cost of new supervisory position. This would be subject to Meet and Confer.

A second implementation option would be to staff two single role ambulances (M45 and M41). Board direction would be required regarding the assignment of the six FF/PMs currently assigned to M41. The current budget includes funding for 57 Safety positions. Section 24 of the MOU with Local 1230 dictates minimum staffing. Per the MOU, the present minimum staffing level of Safety personnel is 17. The MOU

states the District may reduce the number of safety personnel to 53 and hire six single role paramedics to staff District ambulances with on-duty minimum staffing of two single paramedics per shift. Should the Board decide to staff two ambulances with single role paramedics and/or EMTs instead of FF/PM, per the MOU, the District would also have the option to reduce the number of Safety positions.

President Donner asked if San Ramon implemented one of their five ambulances with this single role. Fire Chief Winnacker confirmed.

Director Danziger asked a series of questions about the single role model (would stations 41 and 45 be included, would there be 12-hour shifts, or one 24-hour shift and one 12-hour shift, and what would the District do with the two additional firefighters). Director Danziger stated he was conflicted about the single role model and was inclined to support the restoration staffing in the current model because a supervisory position would not be needed, and the District would gain two firefighters. President Donner expressed concern about bringing in new medics and EMTs in a complicated District and response times. President Donner opposed going from 17 to 15 on a daily basis.

Director Jex commented the cost for Berkeley implementation was \$400K and requested to see the net cost for a total package before proceeding. Director Danziger agreed that that information was a piece, but the Board must also look at the best model for the District and community. If the District could hire six more FF/PMs, that would be the safest model for the community. It would not require a new supervisor or any other negotiations. Director Jex asked what the motivation and rationale were for the three other Districts that implemented the single-role model. Director Jorgens stated that was one of the questions he submitted to Fire Chief Winnacker (what was the logic, the math, the process the other Districts went through, the pros and cons) to leverage the logic and the rationale on the data that other Districts used. Director Jorgens said this information would make a material difference in the District's long-range finances.

President Donner opened the public comment.

Daniel Elbanna, Local 1230 Union Representative, opposed removing two firefighters from the District, considering that the District has just under 50% non-restricted reserves, with two additional reserve accounts (OPEB and Pension Stabilization Fund) and supported the hiring of FF/PM. In looking at the total cost of the single role model, plus adding the supervisor role, the difficulty in recruiting an EMT and Paramedic would add cost. The EMT and paramedic turnover is high, and training, hiring, and recruiting expense would add a lot to the cost. Mr. Elbanna calculated a \$300K difference between hiring FF/PM versus paramedic/EMT. For \$300K, the District can hire FF/PM on medic 45, increasing operational ability and service levels. District Clerk Holbrook announced the 3-minute time limit expired for public comment. President Donner allowed the speaker to conclude his comments. Mr. Elbanna concluded he opposed any consideration of the single role model and encouraged the Board to vote to increase staffing to 19 FF per shift at the November board meeting.

Jonathan Goodwin, Canyon resident, posted a chat message stating the specific scenario is unknown in terms of the District's needs and Standards of Coverage.

Jonathan Goodwin, Canyon resident, commented that the staff report provided no basis for deciding. Mr. Goodwin recommended the Board base the decision on need and go back to the original basic standards of coverage document made by Fire Chief ~~Johnson~~ Johnston. Mr. Goodwin suggested the District hire a consultant to put forward a process to assist the Board in the decision-making process. District Clerk Holbrook announced the 3-minute time limit expired for public comment. President Donner allowed the speaker to conclude his comments. Mr. Goodwin concluded that the Board should consider the need of the District and community.

President Donner shared he has received over 200 emails in support of hiring FF/PM. Director Danziger supported hiring a consultant and holding a workshop with somebody to guide the Board. Director Danziger has also received 300 emails supporting the restoration of staffing.

There were no further requests to address the Board. President Donner closed public comment.

Director Danziger suggested a special meeting in November to discuss how to go forward and find somebody to help the Board work through the process. President Donner asked if the Board is allowed to hold a special meeting regarding the issue. District Counsel Holtzman answered a special meeting is allowed to discuss the issue.

Director Jorgens commented on potential scheduling conflicts for council members and other people and the reason for the Regular meetings. It would be better to cover the topic at a Regular meeting. Director Jex added it takes time for Staff to be able to gather the information requested, prepare the information for the staff report, and hire a consultant.

Director Baitx stated the topic had been discussed multiple times, and the Board has received numerous reports. Director Baitx favored the Board moving forward with making a decision. Director Baitx opposed hiring a consultant. Director Jorgens asked what the long-range financial impact of the decision would be for the District and if Director Baitx felt he had the data to make the decision. Director Baitx answered yes.

President Donner supported holding a Special meeting to discuss this issue. In the Special meeting, the directors could discuss the long-range financial plan and the various scenarios. Director Jorgens added the Board could talk about the rationale used by the other agencies and the pros and cons. President Donner agreed that a Special meeting should be held to discuss and deliberate on the issue.

Director Jorgens suggested holding the Special meeting/workshop before or after the Regular meeting. Director Danziger agreed. President Donner requested the Board provide staff direction. Director Danziger suggested the Board submit in writing specific items or questions for the Fire Chief to cover in a staff report. Directors Jorgens and Jex agreed.

Fire Chief Winnacker restated that the direction is to schedule a Special meeting before the next regularly scheduled meeting to continue the discussion of this topic. The Directors will submit questions in advance of the meeting. Fire Chief Winnacker requested the questions be submitted as soon as possible. Some of the items mentioned will require a significant amount of staff work to research. Fire Chief Winnacker stated it would be constructive if the questions included specific scenarios and the time horizon within which the model information is being sought. Fire Chief Winnacker cautioned that some questions might be too complex to answer within the time allotted. Staff will endeavor to answer all of them in a comprehensive manner. Director Jorgens stated Staff could provide that feedback if Staff cannot answer the questions, and the timeframe can be discussed.

President Donner asked if the Directors were clear on how to ask their questions. The Directors did not have any questions on how to submit the inquiries. Director Danziger asked if the Board could vote on items at the Special meeting. District Counsel Holtzman answered there are some limitations on certain types of businesses that can be voted on at Special meetings. Mr. Holtzman to look into the legal code regarding limitations. Director Jex stated the Special meeting would precede the Regular meeting. Mr. Holtzman replied if it is preceding the Regular meeting, then it does not matter. If the Board is going to act on something, that item has to be agendaized. The Board cannot act on an item that is not on the agenda.

Director Danziger asked if the Directors decided to go to 19 in staffing, would that require a Meet and Confer? Fire Chief Winnacker confirmed. The current minimum staffing referenced in the L1230 MOU specifies 17 as the minimum staffing. Increasing the minimum staffing would require opening the MOU and negotiations.

Director Danziger acknowledged if this Board decided on any of the possibilities or scenarios, the Board would not be able to vote on the item next month because any of the options would have to go to negotiations. The topic can be discussed, but the Board cannot approve it since it would have to go through that process. District Counsel Holtzman confirmed.

Fire Chief Winnacker clarified that the only scenario envisioned in the MOU, not subject to bargaining, would be the implementation of single role paramedics based on a reduction in safety staffing. The single role model is subject to a Meet and Confer but not bargaining since it is already envisioned in the MOU. Every other option would be subject to bargaining.

Fire Chief Winnacker restated the Board's direction to schedule a Special meeting before the next regularly scheduled meeting. The topic will be the same agenda item presented tonight. The substance of the staff report will be responses to the questions received from the Directors. Fire Chief Winnacker reiterated the request for specificity on the questions to be submitted and the potential that there may be questions too complex to be answered within the available time. All directors agreed. No further discussion by the Board.

6.5 Establish an Ad-Hoc Committee to investigate with the Contra Costa County Board of Supervisors if MOFD Members are eligible to receive the federal COVID-19 relief one-time \$2,500 payment. (audio 2:05:38)

Fire Chief Winnacker provided the report. At the September 21, 2022, board meeting, a director expressed interest in establishing an Ad-Hoc Committee to determine with the Contra Costa County Board of Supervisors if MOFD First Responders are eligible to receive the federal COVID-19 relief one-time \$2,500 payment. Fire Chief Winnacker read the staff report into the record. President Donner volunteered for the committee. Director Jorgens nominated Director Baitx. Director Baitx recused himself due to his employment with Con Fire. Director Danziger volunteered.

President Donner opened the public comment. There were no requests to address the Board. President Donner closed public comment.

Motion by Director Jex and seconded by Director Jorgens to establish an Ad-Hoc Committee to investigate with the Contra Costa County Board of Supervisors if MOFD Members are eligible to receive the federal COVID-19 relief one-time \$2,500 payment and appoint Directors Donner and Danziger to the Ad-Hoc Committee for Federal COVID-19 relief bonuses. Said motion carried a 5-0-0 roll call vote (Ayes: Baitx, Danziger, Donner, Jex and Jorgens; Noes: None; Absent: None; Abstain: None).

7 COMMITTEE REPORTS (audio 2:07:00)

7.1 Audit Committee (Directors Danziger and Jex). No Report

7.2 East Bay Hills Wildfire Prevention and Vegetation Management Joint Powers Agency Meetings (Directors Danziger and Jorgens). No Report

7.3 Facilities Station 41 Ad Hoc Committee (Directors Baitx and Donner). No Report.

7.4 Joint Fire Prevention Ad Hoc Committee w/City of Orinda (Directors Donner and Jorgens). Director Jorgens reported a meeting was held on Monday, October 17, 2022. The City of Orinda is hiring a full-time person to work on prevention and communications. The City has started its Grant program for the City of Orinda, focusing on the emergency routes. Director Danziger asked for an update on a recent grant that MOFD received. Fire Chief Winnacker shared it is not a grant but a State budget line item to enhance wildfire mitigation programs to include an \$800K appropriation for a three-year pilot expansion of MOFD's fuels mitigation program (adding two additional Fuel Mitigation Specialist positions for 3-years). Staff is working through the administrative process with the State. As that information is received, Staff to bring the item back to the Board for approval.

President Donner opened the public comment.

Jonathan Goodwin, Canyon resident, asked for an update on Station 41/administration building project. Fire Chief Winnacker answered Staff is in preliminary discussion with various property owners.

There were no requests to address the Board. President Donner closed public comment.

8. ANNOUNCEMENTS (audio 2:15:00)

8.1 Future Agenda Items.

President Donner asked since the Fire Inspector/Plans Examiner position reopened, if the District should hire an Assistant Fire Marshal instead. Fire Chief Winnacker answered that an Assistant Fire Marshal (DFM) has higher qualifications, certifications, capabilities, and pay and is considered a promotional opportunity for an Inspector. Fire Chief Winnacker could bring analysis to the Board for consideration. A DFM would result in a more qualified member who would be autonomous and requires less supervision. President Donner explained his thought process is that both the Fire Chief and Fire Marshal are at capacity, and the District could hire somebody that could help the fire prevention program and support the Fire Chief and Fire Marshal.

Director Jorgens responded that it was an interesting idea; however, the risk when hiring somebody with a lot of qualifications and performing the job of a Plans Examiner could be frustrating for that person. The District would need to ensure there is enough for them to do so the job is enriching. Fire Chief Winnacker answered that because of the District's size and limited Staff, everybody needs to be able to move across the spectrum from very mundane to very complex duties.

Director Danziger requested a report on the District giving preference to hiring local residents and veterans (it does not need to be on the November agenda). Director Danziger requested statistics on the citation program to include financial information about Data Ticket, their contract, how much is paid to Data Ticket for processing, how much the District has billed, and how much the District has received on the citations. The report could be included as part of the Fire Marshal's monthly report.

President Donner requested a review of the District's pension. Director Jorgens requested a review of the long-range financial plan and scenarios of what the District thinks is going or could happen with the current and future economy. Director Jorgens to send in some data on scenarios. GovInvest may need to be involved.

Director Danziger requested a timeline summary report on the Tunnel East Bay Hills Fuel Break. Fire Chief Winnacker responded that the fuel break project is event-driven based on the environmental review. Staff to present a timeline of expected actions, but a significant portion of the timeline is outside Staff's control and is unknowable because the project timeline depends on the environmental report and the additional actions that report generates. Director Danziger suggested leaving the topic under the Fire Chief Update to provide the Board with a regular update. Fire Chief Winnacker concurred and reiterated the project does not have a CEQA exemption. The environmental review is a lengthy and time-consuming process. Once that review is complete, Staff will be able to then move quickly on the project. If the environmental review runs long, there is a possibility that the project will move into the next fire season.

Director Baitx requested an action item for the Regular meeting on the Special meeting staffing discussion item and asked about the description needed for the agenda. District Counsel Holtzman answered the description of the action to be taken needs to include the essence of the action the Board is planning to take. The actions could list multiple actions; for example, it could say the Board will choose between A and B. The action does require specificity because of the Brown Act. The idea of the Brown Act is the Board is putting the public on notice of what might happen in that meeting. This requires some decisions to be made ahead of time regarding the presented options.

Director Baitx asked if one of the options could be restoring Medic FF roles to medic 45. District Counsel Holtzman explained the Board would not be able to act on that because that is a Meet and Confer item. The Board could take preliminary action to tell the Fire Chief to go forward. The second issue is the Fire Chief is the one who establishes the staffing.

Fire Chief Winnacker clarified the minimum staffing and MOU would be subject to Board direction. The Board's direction would be to go Meet and Confer and negotiate. Meet and Confer and negotiation are staff functions. Staff needs the Board to provide direction regarding what Staff is meeting and conferring to establish or negotiate. Anything that involves bargaining and the modification of the MOU would then come back to the Board for approval. The action item for next month would be to provide direction. From that direction, Staff under the Fire Chief's direction would move forward with either the bargaining or the Meet and Confer.

Director Baitx reviewed that the action for the agenda would be for the Board to give direction. Fire Chief Winnacker confirmed, as Counsel mentioned, that direction needs to be provided regarding the action items to ensure that Staff is capturing the Board's intent. Director Baitx stated one of the options would be to restore fire medics to medic 45. Director Danziger asked if that option meant the daily staffing would go from 17 to 19. Director Baitx answered yes. President Donner asked if any other Directors wanted to put an action item on this agenda regarding the staffing, single role, and medic issue. Director Jorgens felt there needed to be more data to know what the other alternative would be or the objective, which is the purpose of the workshop.

President Donner opened the public comment.

Jonathan Goodwin, Canyon resident, recommended the Board consider the future economy if hiring an Assistant Fire Marshal. Based on history, this is the first position to be terminated to help make the budget. Mr. Goodwin reiterated comments that future staffing should be based on the needs of the District.

There were no requests to address the Board. President Donner closed public comment.

President Donner dedicated the meeting in memory of John Baitx.

9. ADJOURNMENT

At 9:34 p.m., President Jorgens motioned and seconded by Director Jex to adjourn the meeting. Said motion carried a 5-0 roll call vote (Ayes: Baitx, Danziger, Jex, Jorgens, and Donner; Noes: None; Absent: None; Abstain: None).

Marcia Holbrook
District Secretary/District Clerk

For an audio recording of this and other Board meetings, please visit the MOFD District Board Meeting at www.mofd.org/agendas.

From: [Kelly Nichols](#)
To: [Info](#)
Subject: Fwd: Good evening, I reached out to the Board last month for any help possible...
Date: Wednesday, October 19, 2022 5:20:21 PM

Sent from my iPhone

Begin forwarded message:

From: Kelly Nichols <[REDACTED]>
Date: October 19, 2022 at 4:54:55 PM PDT
To: Kelly Nichols <[REDACTED]>
Subject: Good evening, I reached out to the Board last month for any help possible...

Good evening, I reached out to the Board last month for any help possible to resolve my work comp ‘lien’ issues and be able to recover my settlement from an accident on duty that retired me in December of 2012. As I had previously mentioned, I settled in March prior to going to trial. Before settling we contacted MOFD’s counsel, asking for a number that they had in mind. We got no response. I should also mention, that over a year ago, before [REDACTED], [REDACTED], MOFD, and myself were

headed to trial, a settlement offer was made. We could not, again, get any sort of number from MOFD's counsel, which forced us to all go to trial. In trial, MOFD, was suing along side of myself, [REDACTED], and [REDACTED], in hopes of recouping some of their work comp costs. MOFD lost!! The green sheets and after accident reports from the incident on HWY 24, December 2nd, 2012 showed negligence on MOFD's behalf, and Freeway responses were changed, as well as OAG's, and Policies and Procedures. MOFD. Still has the opportunity to appeal that outcome. I am extremely frustrated, as this has been long enough. I had my knee replaced in July and used my own insurance, not Work comp, even though it had been approved through Athens. That right there is a credit of around \$50k. Shortly after my last email to the Board of Directors, MOFD's counsel

reached out to my attorneys, in hopes of resolution. They were scheduled to meet twice and finally had an exchange. I received a call and an email from my attorney, regarding their proposal. It was that I keep all the settlements awarded to me, and walk away from future medical care (work comp). I agreed. I do have more surgeries and a lifetime of care needed, but I was ok with using my own insurance from there on out. I was told that my attorney would touch base with my work comp attorney and they would all get everything in writing. This was on a Friday. Next thing I hear on Monday from my attorney, is that now they have changed their mind. Still would not give us what number they had in mind. Well, guess what? They have a number now and it's \$300K!! This is the most frustrating thing I've ever dealt with! Perhaps if I had known

any amount they were looking for, and it was that much, I would have never settled! If you all would like to know, we settled for \$890k, of which 40% plus attorney fees went to my attorneys. So, MOFD believes that they should receive \$300k and I would get about \$100k out of this and everything I have gone through! That's unbelievable! This case has been going on for 10 years. During that time MOFD's original counsel, Hourihan, has retired, as well as one of my attorneys. The attorney I'm still dealing with told me a couple weeks after all this, that he is now working for free, and has never had to deal with anything like this in all his years. He told me he could not keep helping me, and I should contact my work comp attorney. I did so, and he told me, 'this is a third party lawsuit' and has nothing to do with him or work comp. He reached out to my attorney

and said it is unfair that he got paid and is now done with helping me out. That has since passed, but I'm certain you can all understand my frustration. The last time I sent an email to the Board I caught a lot of grief, and was threatened by MOFD's counsel. I'm feeling that I am being retaliated against and harassed. I sent out an email to all MOFD retirees. I asked if any of the 'men' who had been disability retired and awarded any money had ever had to payback work comp fees. I've had several responses, and not one has had to go through any of this. I'm happy to send copies of email responses. I'm a Moraga native. My family has been very active in the fire department for over 50 years. I loved my job so much and was very devoted to this community. I find it hard to believe that the citizens I grew up with and would sacrifice for, would be okay

with all this! I don't want to have to explore other legal routes, but I'm finding myself backed into a corner at this point. Thanks for listening.

Kelly Morris (Nichols)

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Sent from my iPhone



Moraga-Orinda Fire District

Finance Report

October 19, 2022

STRIKE TEAM REIMBURSEMENT – OES

- Strike Team Receivable Update:

	<u>Estimated 2021-2022</u>	<u>Estimated 2022-2023</u>
OES Strike Team Receivable	\$1,661,062	\$576,363
OES Payments Received	<u>\$1,541,011</u>	<u>\$39,867</u>
Net Receivable Outstanding	\$120,051	\$536,495

- 2021-2022 – Payment received 9/23- 2 Calf Canyon invoices outstanding
- 2022-2023 – Payment received 10/4

- Other Items – Audit scheduled for the week of December 12th with the final audit report expected in February, 2023



Moraga-Orinda Fire District

Human Resources Update

October 19, 2022

Recruitment Update

- Firefighter Paramedic Trainee
- Fire Inspector / Plans Examiner
- Fuels Mitigation Specialist
- Battalion Chief

MOFD Board Update October 19, 2022







Financial Update Quarter One

July 1, 2022 – September 30, 2022

Quarter One General Fund Surplus Projections

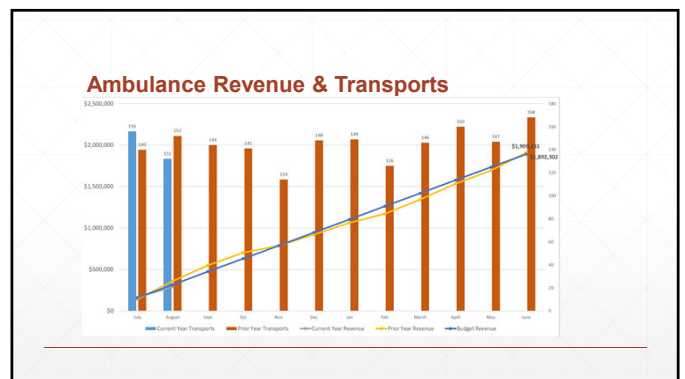
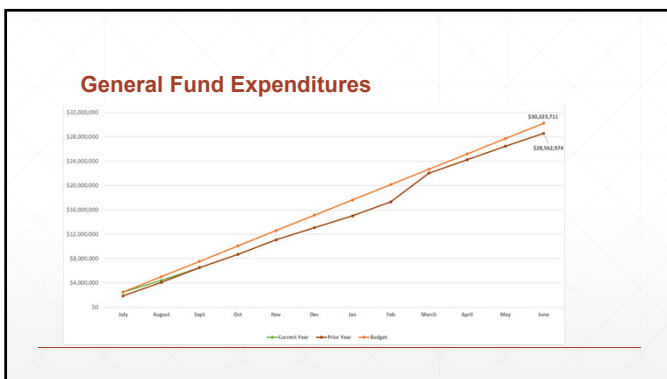
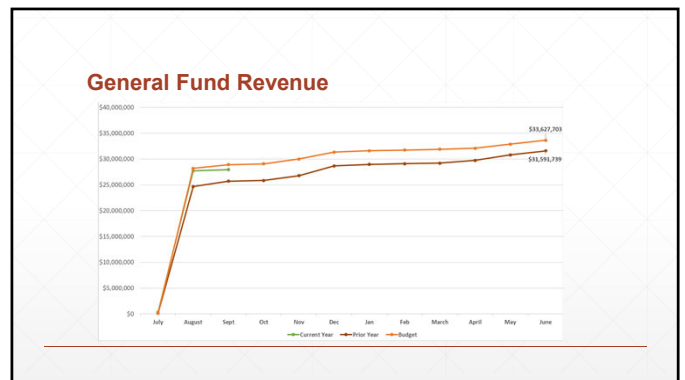
- Budget surplus \$292K
- Projected surplus \$380K

	Budget June 2022	Projected After Quarter One
Revenue	\$33.5M	\$33.2M
Expenditures	\$30.1M	\$29.8M
Transfer out to Capital Projects Fund	\$3.1M	3.1M
Surplus	\$292K	\$380K

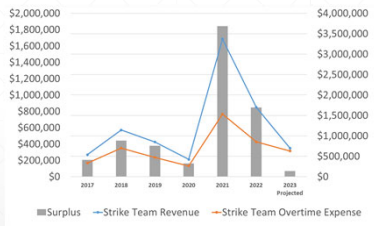
Quarter One Financial Update

Revenue – Less than budget \$385K **Expenditures – Less than budget \$461K**

- Property tax meet budget
- Ambulance services (\$154K)
- Strike team revenue (\$230K)
- Fire prevention/plan review (\$29K)
- Salaries less than budget \$589K
- Overtime exceed budget \$444K
- Retirement contributions less than budget \$242K
- OPEB contribution exceed budget \$16K



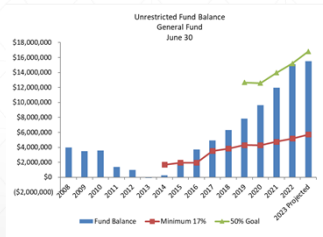
Strike Team Activity



Unrestricted Cash and Investments



General Fund Unrestricted Fund Balance



Other Funds

- Capital Projects Fund – Projected surplus \$1.8M
- Debt Service Fund – Projected deficit \$1.7M
- Tunnel East Bay Hills Fuel Break Fund – Projected surplus \$360K

Financial Update Plan FY2023

