



Moraga-Orinda Fire District

Board of Directors

REGULAR MEETING

January 18, 2023 – 6:00 PM
6:00 p.m. CLOSED SESSION
7:00 p.m. OPEN SESSION

This meeting will be conducted by webinar and teleconference only in accordance with AB 361. To protect our residents, officials, and staff, and in accordance with AB 361, all public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

PLEASE NOTE TELECONFERENCE MEETING INFORMATION:

To join the Meeting:
By Phone: 1-669-900-6833

Please click the link below to join the webinar by Zoom:
<https://us02web.zoom.us/j/82838271087>
Webinar ID: 828 3827 1087

Public Participation is encouraged by joining via the ZOOM link or the dial-in information above. You can access it either via a smartphone or computer App (Zoom) or via phone.

Live Public Comment can be provided via the Zoom app (during public comment) by the raise hand feature. If participating by phone, dial *9 to *raise your hand*. Staff will call on participants by the name provided or last 4 digits of phone number for dial-in attendees. When your name or number is called, a notification is sent requesting that you unmute your microphone. Participants will be called in the order of hands raised to comment.

Written Public Comment can be provided via email at info@mofd.org.

- Emails received by **3pm** on the day of the meeting will be forwarded to the Board of Directors. Emails will be made a part of the public record and available to view by 5pm on the day of the meeting by following this link [mofd.org/agendas](https://www.mofd.org/agendas)
- Comments may also be submitted by e-mail during the meeting up until the closure of the public comment period on the relevant agenda item. These will be read into the record by staff at their normal cadence and will be limited to a maximum of 3 minutes.

If you are participating via meeting link (i.e. web platform), and experience technological difficulties, please re-join the meeting by phone via phone number provided above. In the event the meeting broadcast is disrupted, or if a technical issue on the agency's end disrupts public comment, the board will pause the meeting and will not take any further action on items on the agenda until access is restored. The meeting will be live streamed via the [MOFD YouTube Channel](#). A link is accessible via the District's website.

1. OPENING CEREMONIES

- Call the Meeting to Order
- Roll Call
- Pledge of Allegiance

2. CONSENT AGENDA

2.1 **Adopt Resolution 23-02 Re-Ratifying Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference**

Staff Recommendation: Adopt Resolution 23-02 Re-Ratifying Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference

[23-02 AB 361 RE-RATIFYING Subsequent Resolution](#)

[Attachment: Contra Costa County Recommendations for safe public meetings](#)

3. PUBLIC COMMENT

General public comment on any closed session item that will be heard. Comments may be limited to no more than three minutes pursuant to board policy.

4. CLOSED SESSION

4.1 **Conference with Real Property Negotiators**

(Government Code Section 54956.8)

Agency Negotiator: David Winnacker

Negotiating parties: Moraga School District

Under Negotiations: Consideration of and authorization to proceed with real estate negotiations by the Fire Chief regarding potential acquisition of the real properties concerning price and terms of payment. Real Property: 257-210-013-5

4.2 **Conference with Labor Negotiator - Local 1230, IAFF**

(Government Code Section 54957.6)

Employee Organization: Local 1230, International Association of Firefighters IAFF

Agency Designated Representative: Donna Williamson

5. RECONVENE THE MEETING

- Call the Meeting to Order
- Roll Call

6. REPORT OF CLOSED SESSION ACTION

7. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA

At the beginning of each regular District Board meeting, any member of the public may address the District Board concerning any item not on the Board's agenda but within the subject matter jurisdiction of the Board. Speakers will be limited to three (3) minutes unless otherwise specified by the Presiding Officer. The public will be given an opportunity to speak on each agenda item at the time it is called. The Board may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Board, no further comment from the public will be permitted unless authorized by the Board and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Board or as otherwise limited by order of the Presiding Officer or the Board.

8. PROCLAMATION

8.1 **Proclamation Honoring Retiring MOFD Directors Baitx and Donner**

The MOFD Board will present a proclamation honoring retiring MOFD Directors Gregory Baitx and Michael Donner for their leadership, dedication and service to the Moraga-Orinda Fire Protection District.

[Attachment: Proclamation Gregory Baitx](#)

[Attachment: Proclamation Michael Donner](#)

9. PUBLIC HEARING

9.1 [First Reading of Ordinance 23-01, adopting the 2022 Edition of the California Fire Code, with certain amendments, and by reference, the International Fire Code, 2021 Edition, published by the International Code Council and repealing Ordinance 20-01](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Conduct a public hearing; 4) Introduce and waive the First reading Ordinance 23-01, an Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, adopting the 2022 Edition of the California Fire Code, with certain amendments, and by reference, the International Fire Code, 2021 Edition, published by the International Code Council and repealing Ordinance 20-01; consideration of Findings of Fact pursuant to Section 18941.5 of the Health and Safety Code; 5) Direct changes if needed.

[Attachment: Ordinance No. 23-01 MOFD 2022 Fire Code Adopt Amend \(1-11-2023\) \(first reading\).pdf](#)

[Attachment: 2022.12.21 Office of the Fire Chief - City of Orinda Fire Code Responses.pdf](#)

[Attachment: 2023.01.05 Office of the Fire Chief - Town of Moraga Fire Code Response.pdf](#)

9.2 [First Reading of Ordinance 23-03, Establishing Fuel Mitigation and Exterior Hazard Abatement Standards in all State Responsibility and Local Responsibility Areas with the](#)

[District.](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Introduce and Waive the First Reading of Ordinance 23-03 an Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, establishing Fuel Mitigation and Exterior Hazard Standards and Findings of Fact Establishing Additional Requirements in the State Responsibility Areas and Local Responsibility Areas.; 4) Open the public hearing and accept comments from the public; 5) Close the public hearing; 6) Provide direction to staff.

Attachment: [Ordinance 23-03 Fuel Mitigation and Exterior Hazard Abatement](#)

- 9.3 [First Reading of Ordinance 23-04, Adopting Requirements for Fuel Breaks on Parcels in Both the State Responsibility and Local Responsibility Areas within the Fire District, Adopting Findings of Fact, and Repealing Ordinance 22-02.](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Introduce and Waive the First Reading of Ordinance 23-04 an Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, An Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, Adopting Requirements for Fuel Breaks on Parcels in Both the State Responsibility and Local Responsibility Areas within the Fire District, Adopting Findings of Fact, and Repealing Ordinance 22-02; 4) Open the public hearing and accept comments from the public; 5) Close the public hearing; 6) Provide direction to Staff.

Attachment: [Ordinance No. 23-04 Fuel Break Ordinance \(first reading\).pdf](#)

- 9.4 [First Reading of Ordinance 23-02, Revising a Schedule of Fees for District Services](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Introduce and Waive the First Reading of Ordinance 23-02, An Ordinance of the Moraga-Orinda Fire District of Contra Costa County Revising a Schedule of Fees for District Services and the revised Fee Schedule effective March 18, 2023; 4) Open the public hearing and accept comments from the public; 5) Close the public hearing.

Attachment A: [Ordinance No. 23-02 Schedule of Fees \(first reading\)](#)

Attachment B: [Exhibit A - Fee Schedule 2023.pdf](#)

10. **ANNOUNCEMENTS**

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

(Government Code Section 53232.3(d))

- 10.2 **Questions and informational comments from Board members and Staff**

- 10.3 **Communications Received**

- 10.4 **Fire Chief Updates**

- a. **Finance Report**
- b. **Human Resources**
- c. **Fire Marshal**
- d. **Tunnel East Bay Hills Fuel Break Project**
- e. **Operations**

[Year End 2022 Fire Prevention Report JDI 1 12 23.docx](#)

11. **CONSENT AGENDA**

- 11.1 **Meeting Minutes – December 21, 2022 (Special), December 21, 2022 (Regular)**

Staff Recommendation: Approve and File

Attachment: [12-21-22 Special Minutes DRAFT.pdf](#)

Attachment: [12-21-22 Regular Minutes DRAFT.pdf](#)

- 11.2 **Monthly Incident Report – December 2022**

Staff Recommendation: Approve and File

Attachment: [Monthly Incident Report](#)

- 11.3 **Monthly Check/Voucher Register – December 2022**

Staff Recommendation: Approve and File

Attachment: [Check Register Dec 2022](#)

- 11.4 **Monthly Financial Report – December 2022**

Staff Recommendation: Approve and File

[Balance Sheet 12.31.2022.pdf](#)
[Income Statement 12.31.2022.pdf](#)

11.5 **2023 Listing of Board Assignments**

Information Only

[Attachment: 2023 Listing of Board Assignments](#)

12. REGULAR AGENDA

12.1 [Adopt Resolution 23-01 Approving an Investment Policy for District Funds](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution 23-01 Approving an Investment Policy for District Funds.

[Attachment A 23-01 Investment Policy Reso for District Funds.docx](#)

[Attachment B Investment Policy 2023 Legislative Version.pdf](#)

[Attachment C Investment Policy 2023.docx](#)

12.2 [Adopt Resolution 23-03 Approving a Veteran's and Resident Hiring Preference Policy](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution 23-03 a Resolution of the Moraga-Orinda Fire Protection District Approving a Veteran's and Resident Hiring Preference Policy

[Attachment A: 23-03 Veterans and Resident Hiring Preference.docx](#)

[Attachment B: Policy 21 Veteran's and Resident Hiring Preference.docx](#)

12.3 [Draft Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide Direction to Staff if needed

[Attachment: draft Resolution 23-04 Adopting Findings of Fact Justifying Amendments 2022 Fire Code](#)

12.4 [Report on East Bay Hills Wildfire Prevention Vegetation Management JPA, Hills Emergency Forum \(HEF\) and the Diablo Fire Safe Council](#)

Staff Recommendation: No Action Required; Informational purposes only

12.5 [East Bay Hills Wildfire Prevention and Vegetation Management Request for Funding in the Amount of \\$3,500](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide board direction regarding request from the East Bay Hills Wildfire Prevention and Vegetation Management group for \$3,500

[Attachment: Email from Wildfire Prevention Working Group Funding Allocation](#)

12.6 [Potential Operational and Financial Challenges Posed by an Excessive Precipitation Event Over the Winter Season](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide direction to staff

12.7 [Planning for Return to In-Person Board Meetings, New Teleconferencing Laws regarding Remote Attendance by Board members, Provide Direction Regarding the Option to Provide Virtual Public Access to Board Meetings Using Zoom Beginning March 2023, Provide Direction Regarding the Option to Broadcast Board Meetings using YouTube for Public Observation and Provide Direction Regarding Holding Future Board Meetings in a Single Location](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Conduct public meetings under the following conditions beginning March 2023: Standard (pre-pandemic) teleconference call in for board members who are unable to attend in person; 4) Provide direction to staff regarding the option to provide virtual public access to board meetings using Zoom beginning March 2023 5) Provide direction to staff regarding the option to broadcast board meetings using YouTube for public observation 6) Provide direction to staff regarding holding future board meetings in a single location.

[Attachment A: July 21, 2021 Staff Report Hybrid Option Board Meeting Staff Report](#)

[Attachment B: August 16, 2021 Staff Report Hybrid Option Board Meeting](#)

13. COMMITTEE REPORTS

13.1 **Standing Audit Committee (Directors Jex and Hasler)**

13.2 **Ad Hoc Committee Facilities Station 41 (Directors Danziger and Jex)**

13.3 **Ad Hoc Committee Investigate with the Contra Costa County Board of Supervisors if MOFD Members are eligible to receive the COVID-19 relief one-time \$2,500 payment (Directors Danziger and Hasler)**

13.4 **Ad Hoc Committee Joint Fire Prevention w/City of Orinda (Directors Jorgens and Roemer)**

14. ANNOUNCEMENTS

14.1 **Future Agenda Items**

15. ADJOURNMENT

The Moraga-Orinda Fire Protection District ("District"), in complying with the Americans with Disabilities Act ("ADA"), requests individuals who require special accommodations to access, attend and/or participate in District Board meetings due to a disability, to please contact the District Chief's office, (925) 258-4501, at least one business day prior to the scheduled District Board meeting to ensure that we may assist you.

Any disclosable public records related to an open session item on a Regular meeting agenda and distributed by the Moraga-Orinda Fire District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspections at 1280 Moraga Way, Moraga, during normal business hours, and available on our website at www.mofd.org/agendas.

I hereby certify that this agenda in its entirety was posted on January 13, 2023, at the Moraga and Orinda Fire Administration offices, Stations 41, 42, 43, 44, and 45 and electronically at www.mofd.org/agendas. Agenda provided to the Moraga Town Office (Hacienda) and Orinda City Hall.



Marcia Holbrook
District Secretary/Clerk