



# Moraga-Orinda Fire District

## Board of Directors

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### **AMENDED AGENDA**

### **REGULAR MEETING**

**February 15, 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/85681463918>  
Webinar ID: 856 8146 3918

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**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](mailto: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.

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#### 1. OPENING CEREMONIES

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

#### 2. CONSENT AGENDA

##### 2.1 **Adopt Resolution 23-05 Re-Ratifying Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference**

Staff Recommendation: Adopt Resolution 23-05 Re-Ratifying Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference

[Attachment: Resolution 23-05 AB 361 RE-RATIFYING Subsequent Resolution](#)  
[Attachment: Contra Costa County Recommendations for Safe Public Meetings Dated 2/1/23](#)

3. PUBLIC COMMENT - CLOSED SESSION ITEMS  
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 Labor Negotiator - Local 1230, IAFF**  
(Government Code Section 54957.6)  
Employee Organization: Local 1230, International Association of Firefighters IAFF  
Agency Designated Representative: Donna Williamson
  - 4.2 **Conference with Legal Counsel – Anticipated Litigation**  
Significant Exposure to Litigation under Government Code Sections 54956.9(d)(2) and 54956.9(e)(3) – one potential case
  - 4.3 **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
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 Recognizing Black History Month February 2023**  
The Moraga-Orinda Fire District takes pride in joining Americans throughout the country in recognizing the month of February as Black History Month.  
[Attachment: Black History Month Proclamation 2023](#)
9. PUBLIC HEARING
  - 9.1 [Second Reading and Adoption 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 second 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) Adopt 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.  
[Attachment: Ordinance 23-01 MOFD 2022 Fire Code redline](#)  
[Attachment: Ordinance 23-01 MOFD 2022 Fire Code.pdf](#)

[Attachment: 2022.12.21 Office of the Fire Chief-City of Orinda Fire Code Responses](#)  
[Attachment: 2023.01.05 Office of the Fire Chief-Town of Moraga Fire Code Response](#)  
[Attachment: 2023.01.11 - Public Comment Orinda City Council - First Reading](#)

- 9.2 [Second Reading and Adoption 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 Second 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) Adopt Ordinance 23-03, Establishing Fuel Mitigation and Exterior Hazard Abatement Standards in all State Responsibility and Local Responsibility Areas with the District

- 9.3 [Attachment: Ordinance 23-03 Defensible Space and Exterior Hazard Abatement Ordinance](#)  
[Second Reading and Adoption 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 Second 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) Adopt 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.

[Attachment: Ordinance 23-04 Fuel Break Ordinance](#)

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

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Conduct a public hearing; 4) Introduce and Waive the Second Reading of Ordinance 23-02; 5) Adopt Ordinance 23-02 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

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

[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**

[Attachment: 01- Ellen Dale](#)

[Attachment 02- Jonathan Goodwin](#)

[Attachment 03- Jonathan Goodwin](#)

- 10.4 **Fire Chief Updates**

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

[01-January 2023 Fire Prevention Report.pdf](#)

## 11. CONSENT AGENDA

**11.1 Meeting Minutes – January 18, 2023 (Regular)**

Staff Recommendation: Approve and File

Attachment: [01-18-23 Regular Minutes DRAFT](#)

**11.2 Monthly Incident Report – January 2023**

Staff Recommendation: Approve and File

Attachment: [Monthly Incident Report - January](#)

**11.3 Monthly Check/Voucher Register – January 2023**

Staff Recommendation: Approve and File

Attachment: [Check Register January 2023.pdf](#)

**11.4 Quarterly Investment Report - December 31, 2022**

Staff Recommendation: Approve and File

Attachment: [Quarterly Investment Report 12.2022.pdf](#)

**11.5 Approval of Salary Schedule Unrepresented Employees Effective January 1, 2023**

Staff Recommendation: Approve and File Salary Schedule Unrepresented Employees Effective January 1, 2023

Attachment: [Salary Schedule-Unrepresented Effective 01-01-2023.pdf](#)

**11.6 Authorize Contract with Delta Dental of California for the Period April 1, 2023 through March 31, 2025**

Staff Recommendation: Authorize contract with Delta Dental of California for the period April 1, 2023 through March 31, 2025.

**11.7 Authorize Acceptance of the FY 2021 Assistance to Firefighters Grant in the Amount of \$447,780 for the Purchase of 66 Self-Contained Breathing Apparatus Units**

Staff Recommendation: 1) Authorize Acceptance of the FY 2021 Assistance to Firefighters Grant in the Amount of \$447,780 for the Purchase of 66 Self-Contained Breathing Apparatus Units

Attachment A - Award Package.pdf

**12. REGULAR AGENDA**

**12.1 Adopt Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code**

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code

Attachment: [Resolution 23-04 Adopting Findings for 2022 Fire Code \(v.2 1-12-22\) - Final 2.15.23.docx](#)

**12.2 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](#)

**12.3 Establish an Ad Hoc Committee to Develop Plans for Expanding the Fire Prevention Program**

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Establish an Ad Hoc Committee to Develop Plans for Expanding the Fire Prevention Program; 4) Appoint Directors to Serve on this Committee

**12.4 Mid-Year Budget Review FY2023 and Approval of General Fund Revenue Budget Adjustment Increase in the Amount of \$393,363, General Fund Expenditure Budget Adjustment ~~Decrease~~**

**Increase** in the Amount of \$195,370, and Authorize an Operating Transfer Out of the General Fund into the Capital Projects Fund in the Amount of \$3,100,000.

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Approve General Fund Revenue Budget Adjustment Increase in the Amount of \$393,363, General Fund Expenditure Budget Adjustment ~~Decrease~~ **Increase** in the Amount of \$195,370, and Authorize an Operating Transfer Out of the General Fund into the Capital Projects Fund in the Amount of \$3,100,000.  
Attachment A: Mid Year Budget Review 22-23.pdf

- 12.5 **Determine the Amount of the OPEB Trust Contribution and the Amount of the Pension Rate Stabilization Trust Contribution for Fiscal Year 2023 and Authorize the Transfer of District Funds to Complete the Trust Contributions**

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Determine the amount of the OPEB trust contribution and the amount of the pension rate stabilization trust contribution for fiscal year 2023 and authorize the transfer of District funds to complete the trust contributions.

- 12.6 **Resolution 23-06, a Resolution of the Board of Directors of the Moraga-Orinda Fire Protection District nominating a Director as a Representative of Special Districts on the Contra Costa Local Agency Formation Commission**

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) If the Board would like to nominate a Director to serve on the Contra Costa Local Agency Formation Commission, it is recommended that the Board adopt a resolution to nominate a Moraga-Orinda Fire District Board member to serve as a special district representative on the Contra Costa Local Agency Formation Commission

Attachment: LAFCO Announcement of Upcoming Special District Seat on Contra Costa County Local Agency Formation Commission

Attachment: Resolution 23-06 LAFCO Candidate Nomination.docx

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](http://www.mofd.org/agendas).

I hereby certify that this agenda in its entirety was posted on February 10, 2023, at the Moraga and Orinda Fire Administration offices, Stations 41, 42, 43, 44, and 45 and electronically at [www.mofd.org/agendas](http://www.mofd.org/agendas). Agenda provided to the Moraga Town Office (Hacienda) and Orinda City Hall.



Marcia Holbrook  
District Secretary/Clerk