



Moraga-Orinda Fire District  
**BOARD OF DIRECTORS**  
**REGULAR BOARD MEETING MINUTES**  
January 18, 2023  
(APPROVED FEBRUARY 15, 2023)

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**1. OPENING CEREMONIES**

The Board of Directors convened a teleconference Open Session at 6:01 p.m. on January 18, 2023, via the Zoom application <https://us02web.zoom.us/j/82838271087>, webinar id: 82838271087 and by phone 669-900-6833. This meeting was conducted by webinar and teleconference only in accordance with AB 361. The meeting was not available for in-person attendance.

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

President Jex	Dave Winnacker, Fire Chief
Director Danziger	Gloriann Sasser, Admin. Services Director
Director Hasler	Mariam Morley, District Counsel
Director Jorgens	Marcia Holbrook, District Clerk
Director Roemer	

**2. CONSENT (audio 00:01:22)**

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

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

**Motion by Director Jorgens and seconded by Director Danziger to approve Consent Agenda item 2.1. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).**

**3. PUBLIC COMMENT (audio 00:02:45)**

President Jex opened Public Comment on the closed session items. There were no requests to address the Board. President Jex closed Public Comment.

At **6:03 p.m.**, the Board adjourned to Closed Session.

**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 the potential acquisition of the real properties concerning price and terms of payment.  
Real Property: 257-210-013-5

**4.2 Conference with Labor Negotiator**

Government Code Section 54957.6)  
Agency Designated Rep: Donna Williamson  
Employee Organization: Local 1230, International Association of Firefighters IAFF

At **6:36 p.m.**, the Board adjourned the Closed Session.

**5. RECONVENE THE MEETING (audio 00:03:53)**

President Jex reconvened the Moraga-Orinda Fire District Board of Directors' regular business meeting at **7:00 p.m.** and requested an attendance roll call. Present were the following Directors and Staff:

President Jex	Dave Winnacker, Fire Chief	Mary Smith, Finance Manager
Director Danziger	Jeff Isaacs, Fire Marshal	Brad Nygard, Captain
Director Hasler	Lucas Lambert, Battalion Chief	Mariam Morley, District Counsel
Director Jorgens	Gloriann Sasser, Admin Services Director	Marcia Holbrook, District Clerk
Director Roemer	Christine Russell, Human Resources Manager	

**6. REPORT OF CLOSED SESSION ACTION (audio 00:04:36)**

President Jex stated that the Board took no reportable action on agenda items 4.1-4.2.

**7. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA (audio 00:04:41)**

President Jex opened Public Comment.

Marc Evans, Orinda resident, commended the quality of the meeting minutes.

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

**8. PROCLAMATION (audio 00:06:10)**

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

The Board presented proclamations honoring retiring Directors Gregory Baitx and Michael Donner for their leadership, dedication, and service to the Moraga-Orinda Fire Protection District. Fire Chief Winnacker welcomed Michael Donner. Greg Baitx was unable to attend the meeting. Directors Danziger, Hasler, Jorgens, and Roemer expressed appreciation and thanked retiring Directors for their many years in the fire service, service to the community, and the district. President Jex expressed appreciation to retiring Director Donner for his leadership and service. Michael Donner expressed gratitude, and wished the new Board success.

**President Jex opened Public Comment.**

Vince Wells, Local 1230 Union President, acknowledged the hard work of the retiring Directors, thanked and appreciated their service on the Board, and wished them luck in their future.

Marc Evans, Orinda resident, expressed gratitude.

Jonathan Goodwin, Canyon resident, acknowledged their contributions to the district.

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

**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 (audio 00:14:18)**

Fire Chief Winnacker presented the staff report. The California Fire Code is updated every 3-years. Once published, local fire districts can make amendments and adopt the code. The proposed amendments are the product of a year-long effort led by MOFD's Fire Marshal and involving all of the Fire Marshals in Contra Costa County. The Fire Marshal Working Group created a consensus on amendments and standardized template for a county-wide fire code. Fire Chief Winnacker pointed out that the Exterior Hazard Abatement requirements (Chapter 3, Section 325) were removed from the fire code due to the assertion by a local agency that the Section was inappropriate to include in a fire code amendments as the Fire Code is a subchapter of the Building Standards Code. CalFire further reinforced this assertion in a meeting of the Building Standards Commission stating "the Building Code stops at the exterior walls of the building". As a result, Section 325 was removed from the Fire Code and placed into a separate proposed Ordinance 23-03, establishing Fuel Mitigation and Exterior Hazard Standards and Findings of Fact establishing Additional Requirements in the State Responsibility Areas and Local Responsibility Areas.

Fire Chief Winnacker noted, as of January 1, 2023, all the previously adopted amendments in Ordinance 20-01 cease to apply when the 2019 Fire Code sunsetted. The Fire Code currently in effect is the unamended 2022 California Fire Code. All amendments must be re-adopted to remain in effect and the proposed amendments are largely same ones included in the 2020 adopted amendments

Fire Chief Winnacker discussed the added language proposed to help clarify Traffic Calming Devices. The language included is taken directly from the California Code of Regulations Title 14, and describes the parameters staff will use to evaluate permit applications to install a Traffic Calming Device. It also includes review criteria previously included in the City of Orinda Neighborhood Traffic Management Plan.

Fire Chief Winnacker stated the proposed amendments were provided to the City, Town, and Contra Costa County for a 30-day comment period in November 2022 as required by law. Comments from the City of Orinda and Town of Moraga were received in December 2022 and early January 2023. Responses to the comments are included in the packet. One additional public comment was received from the City of Orinda on January 17, 2023. Staff recommended introducing and waiving the First reading of Ordinance 23-01.

Director Jorgens inquired about the status of fire code amendments adopted in 2020. Fire Chief Winnacker answered the amendments to the 2019 Fire Code have a sunset and are no longer in effect. Director Jorgens asked if this window of the sunset amendments and pending adoption of the new amendments allows builders to start projects that do not meet the local standards. Fire Chief Winnacker

confirmed. Director Jorgens recommended fixing the process for future adoption cycles. Fire Chief Winnacker replied that the process relies on when the State releases the base fire code. The State fire code is a prerequisite and was five months later than normal. Further, as a special district, MOFD must submit its proposed amendments to the City, Town, and County for comment which extends the process.

Director Jorgens inquired why the old amendments sunset. Fire Chief Winnacker explained because the amendments were to the 2019 Fire Code, which has a sunset, and to amend the 2022 Fire Code requires Board action. Director Jorgens asked why the district could not extend the 2020 amendments and apply those amendments to the new fire code. Fire Chief Winnacker reiterated those amendments were to the 2019 Fire Code which is no longer in effect. Director Jorgens asked if the Traffic Calming Devices are mandated by the State and in the base fire code. Fire Chief Winnacker confirmed.

Director Danziger asked if the Traffic Calming Measures would apply to a street like El Toyonal. Fire Chief Winnacker confirmed state law requires it would apply to portions of the road in the very high fire severity zone and to one-way sections or dead-ends. Director Danziger stated the comments from the City and Town pertain to the Traffic Calming Measures and read that the district is willing to remove the language. Fire Chief Winnacker confirmed staff has no objection to removing the traffic calming criteria. The criteria were added to assist the applicant in understanding the requirements and the manner in which applications for traffic calming measure permits would be reviewed.

Director Jorgens asked if the criteria listed changed anything. Fire Chief Winnacker explained the state mandated minimums continue to apply regardless of the language included in the local amendments. Director Jorgens asked if the State mandates the Traffic Calming Devices language. Fire Chief Winnacker confirmed. Staff proposed including the criteria in the fire code amendments for clarification but has no objection to removing those criteria as the state requirements will still apply. Director Jorgens supported including the criteria to eliminate subjectivity.

Director Danziger favored removing the language due to the objections by the City and Town. Director Hasler asked if discussions had been held with the City and Town or if there had only been written communications. Fire Chief Winnacker explained discussions were held at the staff level. Staff will follow up with additional discussions based on the direction provided by the Board.

Director Danziger favored withdrawing the language based on the staff's response letter to the City and Town and not delay the adoption of the first reading. Director Jorgens opined that the City would want to know the criteria and asked how long it would take for staff to discuss the criteria with the City. Fire Chief Winnacker invited Orinda City Mayor Inga Miller for comment.

Inga Miller, Orinda City Mayor, stated that defining the criteria is difficult. The City staff is reviewing the description. Mayor Miller understood that City staff had felt comfortable with moving forward, as proposed by Fire Chief Winnacker. The topic did come up 6-8 months ago or a year ago. The City was working on how to develop those types of objective standards. Mayor Miller recommended the 2 x 2 Committee discuss and bring a recommendation to the City Council during the goal-setting Session at the end of February.

Fire Chief Winnacker thanked Mayor Miller for the impromptu comment and recommended pulling the sections associated with Traffic Calming Devices from the fire code amendments to allow the adoption process to move forward. The district could develop an internal policy (mutually agreed upon by the City and Town) that would be used to review Traffic Calming Device applications.

Director Roemer stated if the criteria are withdrawn from the amendment, the Fire Chief is not deprived of exercising discretion regarding permits for Traffic Calming Devices since the Fire Chief has the discretion to comply with the State Fire Code. Fire Chief Winnacker concurred and provided background that the criteria was taken from the Orinda Neighborhood Traffic Management Plan that was in effect from 2008 to 2022. The criteria were intended to provide the information needed to make a weighted decision which balanced the various competing public safety demands. Whether that information resides in a fire code amendment or a mutually agreed upon internal policy is the same path forward. Fire Chief Winnacker supported the additional collaboration to develop the policy, and removing the language to not delay the adoption of the first reading of the fire code.

Director Jorgens and Roemer agreed. President Jex inquired about the Orinda traffic calming measure issue discussed six months ago. Fire Chief Winnacker answered that action has not been taken on the permit application pending additional information requested from the applicant.

Director Hasler asked if there will be further discussions to develop a district policy that will be separate from the fire code if the Traffic Calming Criteria are pulled. Fire Chief Winnacker confirmed and reviewed

the value of publishing the criteria. That goal can be accomplished either in the fire code or through an internal policy outlined on an information sheet that would be distributed to applicants. The criteria established would benefit from additional collaboration with stakeholder agencies. Director Roemer was in favor of the information sheet. Director Hasler and Jorgens agreed.

Director Danziger asked if there were any new fees in the new fire code. Fire Marshal Isaacs stated several new fees are referenced in the fire code for county-wide consistency among the various fire agencies; however, no new fees were added to the district Fee Schedule and most of these fees are not applicable to the fire district. Director Danziger asked about Section 105.5.4, Cannabis/Plant Extraction-Related System(s)/Operations, and if it was in the previous code. Fire Marshal Isaacs answered the Section is new. Director Danziger asked if there was a special fee if somebody wanted to open a cannabis operation. Fire Marshal Isaacs answered there are no new special fees pertaining to a cannabis operation. Director Danziger asked if East Bay Municipal District and East Bay Regional Parks received copies of the fire code since it affects parts of their property. Fire Chief Winnacker answered the fire code does not affect their unimproved property and is limited to structures.

**President Jex opened Public Hearing and Comment.**

District Clerk Holbrook announced one written public comment was received from the City of Orinda concerning the proposed restrictions on certain types of Traffic Calming Devices being prohibited in the very high fire severity zones or single access neighborhoods and requested the Board consider alternatives.

Inga Miller, Orinda City Mayor, stated the City reduced their comments to this one item because it felt it was the most important. The ability to have traffic calming measures are important for pedestrian safety and bicycle safety. Mayor Miller favored the recommendation put forward by the Fire Chief and asked the Board to support that change.

Jonathan Goodwin, Canyon resident, recounted an issue years ago where the Town of Moraga installed two Traffic Calming Devices in front of Joaquin Moraga and Camino Pablo schools. Mr. Goodwin recommended a collaborative process to balance the concerns of the municipalities, the fire district, and public safety.

Marc Evans, Orinda resident, appreciated the dialogue but felt the Board needed to adopt the first reading of the fire code.

Brandon Haydu, Orinda resident and member of the Orinda Traffic Safety Advisory Committee, recommended the Board add more clarification for applicants, so there is a clear process.

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

Director Roemer acknowledged the public comments, agreed that Traffic Calming devices are important, and asked if it was best to outline the criteria in the Ordinance or on an informational sheet.

Director Danziger discerned that all the Directors agreed to introduce and wave the first reading and remove those sections. Director Jorgens proposed removing the Traffic Calming Device section and start the process to define the criteria separately from the code. Directors Danziger, Hasler and Roemer agreed. Director Danziger motioned to introduce and wave the first reading of Ordinance 23-01, with the exception of Section 503.4.1, Traffic Calming Devices.

~~**503.4.1 Traffic calming devices.** Traffic calming devices shall be prohibited in all VHFHSZ. All fire apparatus access roads approved for Traffic calming devices shall have a second unobstructed means of egress for evacuations. All applications for Traffic Calming Devices shall provide the following information:~~

- ~~1. Traffic volume.~~
- ~~2. Posted speed limit.~~
- ~~3. Number of accidents in the three previous years attributed to excessive speed.~~
- ~~4. The Traffic Engineer's determination that the site is suitable.~~
- ~~5. Summary of education efforts.~~
- ~~6. Summary of enforcement efforts.~~
- ~~7. Number of citations or warnings issued.~~

Fire Chief Winnacker clarified that the motion was to amend the proposed Ordinance 23-01 by removing 503.4.1 and approving the first reading and procedure. Director Danziger confirmed. Director Roemer asked for clarification by passing that motion what effect would that have on the Fire Chief's discretion. Fire Chief Winnacker reviewed the three elements of Section 503.4.1. The elements were included in the local amendment for clarity but are not required to be restated in the fire code amendment because

the elements are the State minimum. However, one of the elements provides the criteria to which Traffic Calming Devices are judged, but does not list the limits, just the categories.

Fire Chief Winnacker added a point of clarification for the application for Traffic Calming Measures on Dalewood submitted six months ago. The district asked for additional information for the components listed in the fire code and in the City of Orinda's Neighborhood Transportation Management Plan that was in effect at the time the application was submitted. That information was not submitted with the application and prevented the district from acting on that proposal. The missing elements were required in order to ensure that the enforcement and outreach had occurred prior to the engineering modification of the roadway.

Fire Chief Winnacker reconfirmed that if Section 503.4.1 is removed, the state minimums will remain in effect. The criteria for reviewing applications for Traffic Calming Devices could be worked out on a separate informational sheet in a collaborative manner between the City, Town, County, and Fire District. Director Roemer appreciated the clarification.

**President Jex opened Public Comment on the motion. There were no requests to address the Board.**

**Motion by Director Danziger and seconded by Director Roemer to amend the proposed Ordinance 23-01 by removing Section 503.4.1 in its entirety, introduce and wave the 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. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).**

**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 (audio 01:03:40)**

Fire Chief Winnacker provided the report. On January 1, 2023, the 2022 California Fire Code went into effect. The California Fire Code is contained in Title 24 Part 9 of the California Code of Regulations and falls under the California Building Standards Code. As such, it is appropriately limited to building, roadways, and water supply standards, as well as other construction standards based on occupancy type. The State of California's Fuel Break and Hazardous Vegetation Standards are not listed in the California Fire Code but are found in the Public Resource Code or Government Code. In keeping with the standards established by the State Board of Forestry and Office of the State Fire Marshal, District Staff moved the Fuel Breaks and Hazardous Vegetation requirements from the MOFD fire code amendments and created separate Ordinances.

Fire Chief Winnacker added the benefit of establishing separate Ordinances for these standards, will also allow the ability to make changes as needed without waiting for the triennial fire code update. Staff proposed ordinance 23-03, Establishing Fuel Mitigation and Exterior Hazard Abatement Standards in all State Responsibility and Local Responsibility Areas within the district around structures. The Ordinance is similar to Section 325 in fire code Ordinance 20-01 with several additions. Fire Chief Winnacker highlighted the following changes:

- **Zone 0.**  
Zone 0 did not exist when the 2019 Fire Code amendments were made, and the State Board of Forestry is currently finalizing the requirements and considering defining Zone 0 as 0 to 5 feet from a structure. The Zone 0 requirements still need to be finalized by the Board of Forestry, and those final requirements are unknown. For Ordinance 23-03, Zone 0 is being defined as a new category. The mitigation requirements are to maintain all ground areas within 2 feet of any Structure or attached deck free of combustible ground cover, including combustible mulch and bark. Hardscape materials, such as gravel, pavers, concrete, and other noncombustible mulch materials are permitted. The proposed requirements within that category are unchanged from the previous fire code amendments Ordinance 20-01, Section 325. Fire Chief Winnacker noted there is also an element that previously existed under the definition of hazardous vegetation and the 100-foot requirement for removing the non-irrigated brush. It was a blanket ban on brush, with exemption given for single specimen species. Item 1 (L) Non-irrigated brush is not permitted and has been added.
- **Zone 1:** Item (D) Non-irrigated brush is not permitted and has been added. The addition is designed to address the presence of large concentrations of non-irrigated coyote brush within 100

feet of a structure. Additional elements have been added defining an outbuilding and the requirements for fuel mitigation around outbuildings to reduce the possibility that an outbuilding will ignite, producing enough heat flux to overwhelm the space between the outbuilding and cause ignition of the primary structure. The addition is in accordance with the best practice and science published by the Institute for Business and Home Safety (IBHS).

- **Zone 2:** Item (e) Fences. No Person who has any ownership or possessory interest in or control of any Parcel within the Fire District shall construct or allow to be constructed or placed on the parcel any screen, fence, or other structure made, in whole or in part, of bark, mulch, or wood chips within 100 feet of a Structure or within 10 feet of the paved edge of a Fire Apparatus Access Road. This section has been added in response to several concerns and complaints received about fences that have been built along major evacuation routes. These fences are not permitted under city ordinance, however exceptions have been granted on several recent occasions. Staff felt the presence of the vertical configurations of combustible material was inconsistent with the community's desire for fire safety and the limited number of evacuation routes.

Director Jorgens inquired about ADUs. Fire Chief Winnacker answered ADUs are not covered under outbuildings and are subject to the same requirements that apply to the primary structure. Director Jorgens stated it is then treated like a second house on the property. Fire Chief Winnacker responded that is correct specific to the fuel mitigation elements of this Ordinance. Director Danziger asked if the existing fences with mulch would be affected by the new Ordinance. Fire Chief Winnacker answered the existing fences are considered existing non-conforming and not subject the Ordinance. Director Danziger inquired what happens if one of those homeowners who already have this fence with mulch and wanted to extend the fence is subject to the new Ordinance. Fire Chief Winnacker answered yes.

Director Danziger inquired about adding language to remove Cortaderia selloana (Pampas Grass) by 2024:

(d) Roadside Vegetation

(3), By December 31, 2023, remove all Junipers (genus Juniperus) and Bamboo (genus Bambusa) from within 10 feet of the paved edge of Fire Apparatus Access Road.

Fire Chief Winnacker proposed delaying that addition to allow time for staff to vet the request and bring it back to the Board as an amendment for next year. Director Danziger agreed.

**President Jex opened Public Hearing and Comment.**

Marc Evans, Orinda resident, requested clarification on the 2 feet and the 5 feet requirements.

Fire Chief Winnacker explained that "the box" is 2 feet out and 1 foot up from the base of the structure and is an existing local amendment that would remain unchanged. Zone 0 is being defined in the Ordinance in anticipation of standards currently being developed by the State and Board of Forestry which will use this term. Once the Board of Forestry publishes those State minimums, they will apply in any SRA area with a Fire Hazard Severity Zone rating of any kind (moderate, high, very high) and any LRA (high and very high). Staff does not know what the final state requirement will be and thought it would be helpful to introduce the concept of Zone 0 in advance of these future updates. The Ordinance is built around the same framework the State uses with three distinct zones.

Mr. Evans asked if he was going to plant something expensive, should it be planted 5 feet away instead of 2 feet away. Fire Chief Winnacker stated from a science based recommendation, it should be 7-feet if it is at the corner and 5 feet from walls, however the requirement in the Ordinance is unchanged at 2-feet from the structure. Fire Chief Winnacker added that the 5-feet would be limited requirement that only applied to State designated areas in the high and very high fire hazard severity zones. Adopting the 5-feet in other areas would require additional action by the Board to extend the State minimum. Mr. Evans commented on the amendment prohibiting fences with mulch and recommended people use rocks.

Inga Miller, Orinda City Mayor, expressed concern with adding the non-irrigated brush to the definition of the hazardous vegetation list because brush includes shrubs and that would prevent non-irrigated shrubs in the Orinda downtown development. Mayor Miller stated it contravenes State laws to use xeriscaping landscaping. The other concern is the tree canopy and who will enforce those new tree canopy rules. The 2 x 2 Committee has been discussing planting many trees, and the proposed Ordinance will not allow the City to have those types of trees downtown. Mayor Miller requested the 2 x 2 Committee and Staff have more discussion.

Jonathan Goodwin, Canyon resident, commented that Moraga is missing out on not being involved in the 2 x 2 Committee, and it gives the impression of special treatment.

Director Jorgens explained the 2 x 2 Committee was formed because the City of Orinda has Measure R funds to spend on fuel abatement, and Moraga does not. Mr. Goodwin suggested it would be helpful to incorporate Moraga in the process.

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

At approximately 8:16 p.m., Director Danziger experienced technical difficulties. The meeting paused for a minute until the connection was re-established.

Director Jorgens stated more discussion with the City staff and 2 x 2 Committee should happen before the second reading. Fire Chief Winnacker deferred to the Board regarding the 2 x 2 Committee.

Fire Chief Winnacker said there were two elements in the previous amendments to the Fire Code where "brush" was explicitly prohibited. The first was under definitions for hazardous vegetation, defined as vegetation that is combustible and dangerous to the public safety by creating a fire hazard, including, but not limited to, seasonal and recurrent grasses, weeds, stubble, brush, dry leaves, dry needles, dead, dying, or diseased trees, and any other vegetation determined by the Fire Code Official. Hazardous vegetation is not allowed within 100 feet of a structure and was also defined to include brush.

**325.6.3 Clearance of brush or vegetative growth from structures.** Any person owning, leasing, controlling, operating, or maintaining any structure in, upon, or adjoining any hazardous fire area shall at all times maintain defensible space around and adjacent to the structure by removing and clearing away all combustible material for a distance not less than 100 feet from all portions of the structure. Distances may be increased or decreased by the fire code official based on site-specific analysis of local conditions.

*Exception:* Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy succulents, or similar plants used as ground cover, provided that they do not form a means of readily transmitting fire as determined by the fire code official.

Fire Chief Winnacker suggested language can be added to clarify exemptions. The prohibition of brush within 100 feet of a structure is not a new requirement. Non-irrigated brush is combustible, and there is a clear distinction between irrigated and non-irrigated brush in the Ordinance. The non-irrigated brush is combustible, and if the combustible brush is located within 100 feet of structures, this landscaping choice is at odds with the Community's desire to be fire-adapted. Fire Chief Winnacker noted that xeriscaping appears to offer numerous non-brush options which would not be effected by this section of the Ordinance.

Staff requested direction. Director Jorgens suggested more dialogue between the staff and, after that dialogue, possibly the 2 x 2 Committee. President Jex asked how many more readings would happen for the Ordinance. Fire Chief Winnacker answered a second reading. Fire Chief Winnacker noted a response was sent to the City staff regarding the question about brush and will share the District's response with the Town of Moraga. A 2 x 2 Committee meeting may be scheduled before the second reading in February. However, amendments to the proposed Ordinance should be made during the first reading or move forward with the first reading. Staff to have more discussions and gather more information. If that information results in an amendment, there will be a third reading.

Director Hasler asked if there is an Ordinance currently in place. Fire Chief Winnacker explained this is a new Ordinance. The elements of the Ordinance were included in the Fire Code amendments; however, they were moved from the Fire Code amendments into a standalone Ordinance. Only when the proposed Ordinance is passed will staff be able to enforce defensible space. The proposed Ordinance is not time-sensitive now but will be if it moves beyond March or April. Director Roemer asked if the Board retains the ability to make changes or amendments during the year. Fire Chief Winnacker confirmed.

Director Jorgens asked if the City or Town must approve the Ordinance. Fire Chief Winnacker answered the Ordinance does not require ratification from the City, Town, or County. Director Roemer commented that the Ordinance is in the community's best interest and is a high priority for it to go into effect. Director Roemer favored passing the Ordinance and keeping an open mind to amendments. Director Jorgens agreed. Director Hasler asked if the proposed Ordinance had been shared with the staff of both Orinda and Moraga. Fire Chief Winnacker confirmed, and input was received from the City. The City and Town

have not had much time to digest the proposed Ordinance. There is a 2 x 2 Committee scheduled before the second hearing. The second reading is scheduled to provide an opportunity for engagement by elected officials on this item.

Inga Miller, Orinda City Mayor, commented that the City staff received knowledge of the Ordinance through the public process and found it on the MOFD website. Mayor Miller did not believe the City received a copy before the release of the packet. City staff reviewed the proposed Ordinance today and identified minor amendments. The City had been previously informed that there were no changes and became aware of the changes yesterday. Mayor Miller suggested passing the proposed Ordinance without the changes and making changes after a public process in which the public (the City and 2 x 2 Committee) has had a chance to review.

President Jex liked the recommendation. Director Hasler suggested presenting the documents in redline, so the reader knows what has changed. Fire Chief Winnacker explained the challenge is the requirements were a subsection of the previous fire code. Staff believes the requirements are unchanged from Section 325 in the previous fire code. Brush has always been banned within 100 feet of structures and the new language is in many ways more permissive. Director Jorgens asked if the district could exclude the Orinda downtown area instead of changing definitions. Fire Chief Winnacker replied that the question is about applicability and if it applies in a wildland-urban interface wildfire area or a very high fire hazard severity zones in SRA, which limits regulations to those areas primarily on the perimeter of the community to the North. Fire Chief Winnacker shared concerns with exempting specific areas from certain requirements and the confusion that will be created with the public understanding of what is required. Staff requested direction.

Director Hasler asked if the prior version of the proposed Ordinance (when it was included in the fire code) was non-irrigated brush considered or was it just called brush and the proposed Ordinance is defining something more precise. Fire Chief Winnacker explained it stated you could not have brush within 100 feet of a structure; however, exceptions were made for single specimens of trees, ornamental vegetative fuels, or cultivated ground cover, such as green grass, ivy, succulent or similar plants used as these examples of ground cover do not form a means of readily transmitting fires (determined by the fire code official). The way it was interpreted was a specimen species was planted, maintained, and irrigated. What resulted was a person would point to their backyard full of encroaching wild coyote brush and say this is my specimen species. That was not how the Fire Code was intended, and the intention of the new language was to clarify the requirements to provide certainty to residents without requiring fire code interpretation. Fire Chief Winnacker stated an option is to revert to the original definition. The item would need to be pulled and rewritten. The previous language (quoted above) was drawn from State law and did not lend itself to the layperson's understanding and required a tremendous amount of interpretation on the staff's part.

Director Jorgens opposed changing the brush definition or going back to the previous version. Director Jorgens favored approving the first reading of the Ordinance and having negotiations to devise a solution that solves the Orinda downtown plan. Director Roemer agreed.

Marc Evans, Orinda resident, encouraged keeping what is in place.

James Duff submitted a question via the Chat asking for the definition of brush, shrub vs cacti vs bush vs immature trees.

Fire Chief Winnacker defined (from the NWCG definition) brush as woody vegetation that is not an immature tree. A young tree growing is not considered brush, and large grass is not brush. Woody vegetation that will not generally grow into a tree is typically further characterized by having multiple sprouts instead of a single trunk. Director Danziger provided coyote brush as an example. Fire Chief Winnacker confirmed it is the primary example. The Ordinance addresses non-irrigated brush, which creates conditions for rapid fire spread. Director Danziger asked if this included pampas grass. Fire Chief Winnacker answered no because pampas grass does not have a woody component.

Jonathan Goodwin, Canyon resident, recommended the Board adjust and understand the approval process beyond the Fire District. The approval process for the Fire District means having public meetings and comment.

**There were no additional requests to address the Board.**

Director Jorgens favored approving the first reading with no changes, possibly approving the second reading when presented, and having additional discussions. Director Roemer agreed.

**President Jex opened Public Comment on the motion. There were no requests to address the Board. President Jex closed Public Comment.**

**Motion by Director Jorgens and seconded by Director Roemer to waive and adopt the 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 with no changes. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).**

**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 (audio 01:43:31)**

Fire Chief Winnacker provided the report. Ordinance 23-04 is an update to Ordinance 22-02 (adopted in March 2022) to establish requirements for undeveloped parcels within the Fire District outside the triennial fire code update cycle. These items have been historically included in the Fire Code. Staff recommended moving the items out of the fire code. Unlike the two proposed ordinances, the existing Ordinance 22-02 would remain in effect until the proposed Ordinance 23-04 is adopted. Fire Chief Winnacker reviewed one significant change was the sliding scale of the size of the parcel which determined the size of the fuel break. Staff recommended having a single standard consistent with the best fire science. Staff recommended the following:

- Parcels less than one acre will continue to require total abatement. This is unchanged.
- Parcels greater than one acre would be required to create a 100-foot fuel break around the entire parcel. In the previous Ordinance, this was broken down into parcels with 5 acres or less at a different standard, with a slightly smaller (30') perimeter.
- The requirement applies to parcels that are both developed and undeveloped.
- If the parcel has a structure on it, the defensible space requirements will apply within 100 feet of the structure.
- A perimeter requirement would apply around the edge of the parcel. When the two requirements overlap the more restrictive shell applies.
- Staff continues to recommend if there are multiple contiguous parcels with the same owner, those parcels can be treated as a single parcel upon application by the owner. This applies to large landowners. This is unchanged.

Fire Chief Winnacker discussed a previous requirement for cross breaks within large parcels. Staff found it difficult to enforce, mainly because it was difficult to access areas with steep terrain. The standards are more appropriate for areas with lower slopes, less brush, and fewer trees that allow better access. The work along the perimeter of the fuel breaks and the roadside better serves the district. Director Jorgens asked for a summary of the requirements.

Fire Chief Winnacker summarized the requirements: annual grass cut to less than 3 inches, removal of all hazardous vegetation, removal of all non-irrigated brush, removal of all combustible material that is non-vegetative, removal of dead, disease, or dying trees. There are no requirements to remove a healthy tree, but there is a requirement to maintain trees (remove ladder fuels greater than 6 feet above the ground). Trees in the fuel break area must be limbed and ground fuels removed. There are no requirements to disturb soil (plowing, tilling, or bulldozing). There is a requirement to cut annual grass and vegetation to less than 3 inches. There is also an environmental caveat to comply with CEQA. Director Jorgens asked if Oak trees are a fire hazard. Fire Chief Winnacker responded the issue is the foliage's proximity to the ground or ground fuels, not the tree itself. Staff did not call out specific species (except eucalyptus and Bamboo). Staff would work with a property owner if there were concerns about a specific tree.

**President Jex opened Public Comment.**

Marc Evans, Orinda resident, supported the recommendation.

Jonathan Goodwin, Canyon resident, asked if the 100-foot fuel breaks applied to public agencies.

Fire Chief Winnacker stated there are no State mandates for fuel mitigation on publicly owned land in California. The proposed Ordinance is written in a manner that applies to all parcels under the district's jurisdiction. The Ordinance would apply in all SRA parcels regardless of ownership. Mr. Goodwin expressed concern about the proposed Ordinance and opposed the fuel break requirements.

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

Director Jorgens responded that the district has tried to have collaborative discussions with the other agencies. Director Jorgens motioned to approve the first reading without changes. Director Roemer agreed.

**President Jex opened the public comment on the motion. There were no requests to address the Board.**

**Motion by Director Jorgens and seconded by Director Roemer to waive and adopt the 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. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).**

**9.4 First Reading of Ordinance 23-02, Revising a Schedule of Fees for District Services (audio 01:57:01)**

Fire Marshal Isaacs provided the report. The revised Fee Schedule is based on the annual change in the Consumer Price Index (CPI) Urban Wage Earners, San Francisco-Oakland-San Jose, CA region, which increased by 6.0% effective October 2022 (most recent). Four additional fees have been added for services related to repeated false alarms to reflect the cost of service and the impacts such calls have on the district's ability to provide coverage to all residents. Staff recommended the Board introduce and waive the first reading of Ordinance 23-02, adopting a revised Schedule of Fees for District Services and the revised District Fee Schedule effective March 18, 2023

Director Jorgens inquired about the false alarm fees. Fire Marshal Isaacs confirmed a couple of locations have 12 to 15 false alarm calls in a 30-day period. Director Jorgens asked if the location was Saint Mary's College. Fire Marshal Isaacs confirmed. Director Jorgens asked who was charged the fee. Fire Marshal Isaacs answered Saint Mary's College. President Jex asked if the fees are paid. Fire Marshal Isaacs confirmed. Director Danziger asked what the numbers in parentheses mean on the fee schedule. Fire Marshal Isaacs explained the number applies to the number of hazardous materials per permit, and some are an hourly rate. Director Danziger asked if the alarm fees are the only new fees. Fire Marshal Isaacs confirmed.

**President Jex opened Public Comment. There were no requests to address the Board. President Jex closed Public Comment.**

**President Jex opened Public Comment on the motion. There were no requests to address the Board. President Jex closed Public Comment.**

**Motion by Director Jorgens and seconded by Director Danziger to waive and adopt 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. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).**

**10. ANNOUNCEMENTS (audio 02:02:40)**

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

**10.2 Questions and informational comments from Board members and staff. No Report**

**10.3 Communications Received.**

- City of Orinda Fire Code Responses.
- Town of Moraga Fire Code Response
- Founding Fire Chief Jim Johnston, from 1997 to 2006, passed away. Funeral services are being arranged in Chico at the end of the month. The district will attend.

**10.4 Fire Chief Updates**

**a. Finance Report**

Finance Manager Smith presented the status of OES reimbursements, attached to these minutes as item 10.4(a). Other items reported on 12/16/2022, \$16M in tax revenue was deposited to the County Cash account. On 12/21/2022, \$15.8M was transferred to LAIF. Tax revenue exceeded the budget in the amount of \$165K. All W-2's were completed and distributed. 1099's are in process and will be completed by January 31, 2023. The Auditor has postponed the FY22 audit due to staffing issues (originally scheduled for the week of 12/12/22). The audit is scheduled for the week of 2/13/23, with the final report expected in March 2023. Staff will issue RFP for the new audit firm for FY23.

Director Jorgens recalled the difficulty in finding the current Auditor. President Jex asked how many firms have been sent the RFP. ASD Sasser stated the RFP had not yet been issued. President Jex commented that the district might have to look at larger firms which may be more expensive. ASD Sasser replied that the current Auditor is not interested in providing audit services. Eide Bailly will not be bidding for the contract.

President Jex surmised the problem is a shortage in staffing. Director Hasler referenced an article in the Wall Street Journal about the staffing shortage. Director Jorgens recommended sending the RFP to other firms but be prepared to go back to Eide Bailly once the district evaluates the bids. ASD Sasser acknowledged. Director Danziger suggested talking to surrounding districts.

**b. Human Resources**

Human Resources Manager Russell provided a recruitment update. Two Firefighter-paramedic trainees have completed the pre-hiring components and will enter the Fire Academy with Livermore on 1/27/2023. The academy will last for 20 weeks. Two Fuels Mitigation Specialist candidates are moving through the background check process. If the background checks are successful, it is anticipated the candidates will start in mid to late February. Several volunteer applications have been received for the volunteer communication support unit. Volunteer interviews are scheduled for next week.

**c. Fire Marshal**

Fire Marshal Isaacs provided the report and reviewed the statistics for the 2022 year-end Fire Prevention report, included in the Board packet, item 10.4 (c). Director Danziger asked about the status of the Plans Examiner position. Fire Marshal Isaacs answered it is still open. Fire Chief Winnacker stated the position would be reposted. President Jex asked if the district-funded lien expenses incurred in 2020 and 2021 have been recovered. ASD Sasser answered yes.

**d. Tunnel East Bay Hills Fuel Break Project**

Fire Chief Winnacker provided the report and stated staff continues to work through the environmental review. Some of the environmental work was impacted by the rain and holidays, which prevented field surveys from occurring. Staff anticipates completing the environmental review in February or March. Staff plans to have the Environmental Consultant attend a regular Board meeting to provide an update. The project is on track to begin fuel mitigation activities in spring.

**e. Operations**

Battalion Chief Lambert provided the report and reviewed the past month's significant events. A large amount of consistent rainfall occurred throughout the month. A county-wide Emergency Management (OES) meeting was held and attended by the National Weather Service (NWS). The Bay Area News Group reported the storms over the three weeks period were the wettest in 161 years. Some ridge tops throughout the district received 50MPH winds to accompany the rainfall, creating dangers of changes in soil stability and downed trees and power lines. The community prepared by filling sandbags (Orinda 150,000 lbs. and Moraga 120,000 lbs.). Firefighters prepared with the close monitoring of incoming weather patterns; Cal OES sponsored Selected Resources as part of a prepositioned team. Additional resources were added to support the increase in the volume of calls for service. Battalion Chief Lambert noted the MOFD Overhead resources included:

- Fire Chief Winnacker- Liaison Officer
- Battalion Chief Lambert- Chief Officer/ Division Supervisor
- Battalion Chief Lee- Chief Officer/ Task Force Leader
- Battalion Chief Gehling- Chief Officer/ Planning Section Chief
- Captain Lacy- Safety Officer
- Captain Marquardt- Drone Operator/ Task Force Leader

Battalion Chief Lambert reviewed MOFD Members participated in an Urban Search and Rescue Task Force which was deployed in the Morgan Hill area to assist with water emergencies and rescues. Engineer Mazaika was assigned as a Water Rescue Specialist to assist as a team member of USAR TF 4. The rescue was reported on NBC news. MOFD Engineer Mathews worked with the Orinda Public Works to help clear storm drains. Battalion Chief Lambert shared photos of the areas affected by the storms. The district continues to implore drivers to slow down, avoid distractions, and be careful of emergency personnel working on roadways.

Battalion Chief Lambert concluded by sharing a story about a 75<sup>th</sup> birthday celebration of Mr. Edward Tom, who relived a missed Boy Scout trip to the fire station at age 5 years old and fulfilled that missed experience 70 years later.

**President Jex opened Public Comment for items 10.1-10.4.**

Marc Evans, Orinda resident, suggested bundling the RFP for audit services with another agency.

Jonathan Goodwin, Canyon resident, inquired about the district's emergency operation plan for when multiple incidents occur and how that would be triaged.

Fire Chief Winnacker reviewed the Department Operation Center Plan. The district relies on automatic and mutual aid when various degrees of resources are overwhelmed. The district will recall personnel and reserve apparatus to increase capacity. The Department Operation Center is managed out of station 45 or a field environment if station 45 is untenable. Mr. Goodwin inquired about the ICS procedure. Fire Chief Winnacker explained that the DOC incident management is the first line of defense, with augmentation from surrounding areas with mutual aid. Mr. Goodwin inquired about flooding and rescue. Fire Chief Winnacker explained the procedures. During the recent flooding event, the District up-staffed three Battalion Chiefs. The district can access regional specialized rescue resources quickly due to the high number of response resources available in the greater Bay Area. It is a different issue to request Command and Control resources (knowing the lay of the land and being aware of the nature of the terrain is helpful) which is why the district is quick to up-staff command positions in advance of known events. Mr. Goodwin suggested the District post the information on the website as it is reassuring to the community.

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

**11. CONSENT AGENDA (audio 02:37:34.850)**

- 11.1 Meeting Minutes – December 21, 2022 (Special), (Regular): Staff Recommendation: Approve and File
- 11.2 Monthly Incident Report – December 2022: Staff Recommendation: Approve and File
- 11.3 Monthly Check/Voucher Register – December 2022 Staff Recommendation: Approve and File
- 11.4 Monthly Financial Report – December 2022 Staff Recommendation: Approve and File
- 11.5 2023 Listing of Board Assignments: Staff Recommendation: Receive and File.

**President Jex opened Public Comment. There were no requests to address the Board. President Jex closed Public Comment.** No discussion by the board.

**Motion by Director Jorgens and seconded by Director Hasler to approve Consent Agenda items 11.1 - 11.5. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).**

**12. REGULAR AGENDA**

**12.1 Adopt Resolution 23-01 Approving an Investment Policy for District Funds (audio 02:38:56)**

Administrative Services Director Sasser provided the report. The Investment policy requires an annual review by the Board. The policy has been reviewed by staff. Staff recommended one minor change to remove reference to the Finance Committee since the Finance Committee was dissolved. Director Danziger favored approving the policy since the Board made changes last year and there are no substantial changes.

**President Jex opened the public comment.**

Jonathan Goodwin, the Canyon resident, asked if there is a similar process for retirement funds.

Director Jorgens explained there are State restrictions on the operating cash. The other are investment funds in Trusts that the district uses for long-term investments versus the year-to-year operating cash.

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

**President Jex opened the public comment on the motion. There were no requests to address the Board. President Jex closed public comment.** No further discussion by the Board.

**Motion by Director Jorgens and seconded by Director Danziger to Adopt Resolution 23-01 Approving an Investment Policy for District Funds. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).**

**~~12.2 Adopt Resolution 23-03 Approving a Veteran's and Resident Hiring Preference Policy (audio 02:42:58) – *Item pulled*~~**

Fire Chief Winnacker announced District Counsel requested the item pulled to allow counsel time to research the legality of preferential hiring policies. No discussion by the Board.

**Motion by Director Jorgens and seconded by Director Roemer to pull item 12.2, Resolution 23-03 Approving a Veteran's and Resident Hiring Preference Policy from the agenda until District Counsel has time to review the legality of the policy. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).**

**12.3 Draft Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code (audio 02:44:03)**

Fire Marshal Isaacs provided the report. As part of the Fire Code Amendment Process, State law allows the district to amend the State Fire code with Findings of Fact. At the District Counsel's advice, the fact findings were pulled out of the fire code. The Finding of Facts has not changed since the 2019 fire code. A Draft of Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code, is submitted for review and discussion. Director Jorgens asked if the resolution was in addition to having them in the fire code. Fire Marshal Isaacs answered they are not included in the Ordinance. Director Jorgens asked if that satisfies the Fire Code Finding of Fact rule. Fire Marshal Isaacs confirmed.

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

**President Jex opened the public comment on the motion. There were no requests to address the Board. President Jex closed public comment.**

**Motion by Director Jorgens and seconded by Director Danziger to approve the Draft Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).**

**12.4 Report on East Bay Hills Wildfire Prevention Vegetation Management JPA, Hills Emergency Forum (HEF) and the Diablo Fire Safe Council (audio 02:46:42)**

Fire Chief Winnacker provided the report. At the December 2022 regular board meeting, a member of the public suggested a report providing additional information regarding regional wildfire risk reduction organizations. The district participates in two existing organizations: the Diablo Fire Safe Council (DFSC) and the Hills Emergency Forum (HEF). Staff has been attending meetings about the formation of a third organization called the East Bay Hills Wildfire Prevention and Vegetation Management Coordination.

Fire Chief Winnacker noted highlights of the report. The DFSC is funded through Federal and State grants. In addition to coordination and information sharing, the DFSC distributes USDA and State of California fuel reduction funds that consist of \$5K grants to community groups. MOFD does not contribute to DFSC's budget. From April 2019 - December 2022, DFSC's Partners in Wildfire Prevention program awarded \$78K to neighborhood projects within MOFD's jurisdiction. These funds were matched by \$264K from residents, which resulted in the fire safety treatment of 475 acres and 1.5 miles of homes. These projects included volunteer time from 121 residents.

The HEF was formed in 1992 following the devastating 1991 Tunnel Fire to increase coordination amongst agencies affected by this event. MOFD joined in 2006. HEF is funded by member dues and organizes monthly information-sharing meetings. In 2022 MOFD's dues were \$5,500. The HEF was recently approached by the East Bay Hills Wildfire Prevention and Vegetation Management Coordination about expanding the HEF membership to include other entities. That proposal was not supported. MOFD supported that expansion but was not in the majority.

Fire Chief Winnacker summarized that the East Bay Hills Wildfire Prevention and Vegetation Management Coordination effort continues to evolve and has been beneficial as a multi-county forum for the county-wide standardized local amendments to the Fire Code and associated Fuels Mitigation Ordinance. Director Danziger inquired about the HEF dues. Fire Chief Winnacker answered that the dues go towards the cost of the staff coordinator.

**President Jex opened the public comment.**

Jonathan Goodwin, Canyon resident, thanked Fire Chief for presenting the information.

**There were no additional requests to address the Board. President Jex closed public comment. No further discussion by the Board.**

**12.5 East Bay Hills Wildfire Prevention and Vegetation Management Request for Funding in the Amount of \$3,500 (audio 02:53:02)**

Fire Chief Winnacker provided the report. At the December 2022 board meeting, a director reported receiving an email from the East Bay Hills Wildfire Prevention and Vegetation Management group requesting \$3,500 in funding. Director Danziger did not have any additional information to add to the report. Director Danziger was not ready to approve the funding request and would need to find out if other agencies are paying the funds and where the group stands. Director Jorgens had questions about the method used

to establish the funding. Director Jorgens was also not ready to approve the funding request but was open to the group returning to the Board to discuss the request.

Director Jorgens asked if there was an example of the value of participating in the HEF group or anything else the district is doing or not doing. Fire Chief Winnacker reviewed the HEF and use of Staff resources. The value that HEF brings is not clear. HEF consumes staff time and District funding. Besides sharing information, which is different from collaboration and coordination, a Fire District and Fire Code Official has fundamentally different outlooks and charges, which has not been helpful in resolving current disagreements regarding jurisdiction and who has the authority to do what. The Diablo Fire Safe Council (DFSC) brings funds from an outside source into the community. They are not controversial and are externally funded. The work from DFSC results in a very clear return on investment. The East Bay Hills Wildfire Prevention and Vegetation Management Coordination may be valuable overtime as it evolves.

President Jex concluded that the Board was not ready to act.

**President Jex opened the public comment.**

Marc Evans, Orinda resident, talked about the benefits of helping the community groups and suggested the City of Orinda or Firewise Councils could help engage.

Fire Chief Winnacker commented that engagement continues to happen through the Diablo Fire Safe Council. There has been an expanded role of the Fire Chiefs Associations where there is a lot of information sharing through these associations and the umbrella organization of the California Fire Chiefs Association serving as the Wildland Urban Interface task force leader. The district continues to engage with neighbors because their fire is our fire and vice versa. The Diablo Fire Safe Council has seen the greatest return on investment in regards to Staff time, information sharing, and resources.

**There were no additional requests to address the Board. President Jex closed public comment.** No further discussion by the Board.

**12.6 Potential Operational and Financial Challenges Posed by an Excessive Precipitation Event Over the Winter Season (audio 03:03:53)**

Fire Chief Winnacker provided the report. During the December 2022 Board meeting, a Director expressed concern regarding a low-potential, high-impact event involving a series of stalled atmospheric rivers that could occur in the district. The Director requested a short discussion about the operational and financial challenges resulting from a series of stalled atmospheric rivers in the Bay Area like those that occurred between Christmas Eve, 1861, and January 24, 1862. Major events are addressed in Local Hazard Mitigation Plans prepared by the City, Town, and County. Links to the plans were provided in the staff report. The Contra Costa and Orinda LHMPs were completed by Tetra Tech and are consistent with LHMP plans for other regional jurisdictions. Safety Elements prepared by the County, City, and Town address the potential impact of new development.

Fire Chief Winnacker reviewed the Orinda and Moraga Local Hazard Mitigation Plans where landslides are addressed. In the Orinda plan, some very detailed maps are included showing the areas with a potential (actual) event on Zander Drive where there is a history of some earth movement. The house has been condemned, and the City has monitoring equipment in place in that area. Fire Chief Winnacker noted the safety element includes discussing atmospheric rivers and some of the challenges having to do with landslides and specifically calls out the challenges with current landslide models. It is very challenging to understand where a landslide will occur. The model that shows the impact of where that landslide will go is even tougher because there are a series of variables that intersect in very complicated ways that can shape not only the conditions that create an earth movement, but also where that earth will go and what will happen when it goes down range.

MOFD is an all-hazard provider of fire, rescue, and EMS services throughout the 42 square miles of the fire district. There are specific specialized resources that a mid-size district such as ours does not have because of significant training and equipment requirements. A good example is, during the construction of the Fourth Bore, MOFD maintained a trench-in-mind rescue function because of the potential of this occurring in the community while they were boring. When that was completed, the annual training requirements for a confined space or trench entry lapsed, and the surplus equipment was disposed of as there was no longer a need to maintain that specialty. Throughout the region, there are specific technical rescue resources the district can call on for mutual aid if needed.

Fire Chief Winnacker pointed out that all MOFD members have completed technical rescue awareness and Low Angle Rescue Operations. All apparatus are also equipped for low-angle technical rescue. MOFD staff members have completed the State Fire Training Technical Rescue curriculum outlined in the staff

report. The combination of training and equipment provides MOFD members with the tools required to carry out the initial actions associated with a landslide or earth flow event. Captain Brad Nygard, Technical Rescue Program Manager, presented a PowerPoint presentation providing an overview of the district's capabilities and equipment attached to these minutes as item 12.6.

- Rope Rescue- Low/High Angle (200' Ropes, 400' Ropes, Carabiners, Pulleys, Harness)
- Stokes and Rescue Wheel
- Crane Operations with Truck 44
- Extrication (Spreaders, Cutters, Rams, Sawzall, Rotary Saw, Chainsaw, Air Chisel, Chains/Tow Straps)
- Stabilization
- Hours of Training
- Common Sense

Fire Chief Winnacker stated all the tools are used in various combinations and are the tools the staff would use in response to a landslide with the potential of people being trapped, typically inside a house. There are a lot of analogs between that infrequent event and the very frequent event of vehicle extrication. Staff believes the equipment, training, and experience (specifically used on highway 24) would apply to the aftermath of a landslide during the initial stages of the rescue. As the scene is triaged, mutual aid resources are brought in from the region to include structural collapse specialists, engineers, heavy equipment, and things that exceed what the district has on the frontline. The district will stabilize, triage, and deny entry while specialized resources are brought to minimize the damage.

Director Roemer commended the report and directed attention to the link included in the Staff report to the emergency response of the City of Orinda and the Tetra Tech report. Director Roemer quoted page 10.17 regarding the Zander Drive landslide. Director Roemer suggested the 2 x 2 Committee engage in some discussions with the City of Orinda because the City owns part of that property, and asked if staff had any thoughts on how important it is for further assessment of the property that had a landslide in the past and to find out what risk it poses in the future. Fire Chief Winnacker deferred to the owners. Director Roemer agreed but felt it deserved some follow-up because of the potential challenge to the rescue capabilities of the district. Director Roemer asked if anybody else had comments on whether this was within the wheelhouse of the MOFD.

Director Danziger deferred to the Fire Chief. Director Jorgens deferred to the Fire Chief. It is the Fire District's responsibility to know the district has the ability to rescue people if there is an issue. Otherwise, it is primarily the City and the landowner's issue. Director Roemer commended the report and was assured that the district is in a position to deal with a response.

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

**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 (audio 03:24:39)**

Fire Chief Winnacker provided the report. On October 17, 2022, Governor Gavin Newsom announced that the COVID-19 State of Emergency would end on February 28, 2023. Staff is planning for the return to in-person meetings. Staff presented options for virtual public access beginning March 2023 and requested direction. Fire Chief Winnacker noted the possibility of an extension of the State of emergency. Fire Chief Winnacker reviewed in-person meetings historically rotated between locations (Orinda and Moraga) to provide equitable access to all residents. With the addition of the virtual option, staff believes access can be provided regardless of the physical location. Staff recommended the District transition to hold meetings at a single location which would allow the district to engage in ensuring the appropriate infrastructure and equipment is available to allow a modified or hybrid option for residents to participate.

Staff reviewed the teleconference meeting laws outlined in the staff report, and advised the Directors not to avail themselves of the AB2449 remote option due to the difficulty of displaying remote video for in-person participants. Staff recommended continuing to conduct public meetings under the Standard (pre-pandemic) Teleconference Requirements (telephone call-in) for board members who are unable to attend in person.

President Jex asked about sharing the Orinda and Moraga City Council Chambers and equipment. Fire Chief Winnacker answered those options could be explored. If the option was available, staff would take advantage but recommended picking one location due to the complications of using two different systems in two different locations. Director Danziger commented that the City of Orinda directed their City Clerk to research and provide options, so there may be an opportunity to join them regarding equipment. Director Danziger asked if Joaquin Moraga Intermediate School was available. Fire Chief Winnacker answered the schools are available on a case by case basis. Director Danziger opined there might be an opportunity to work with the City of Orinda since they were going through the same process and asked if there was a requirement to offer hybrid meetings. Fire Chief Winnacker answered there is no requirement to offer a virtual public option. Director Danziger commented that attendance has increased throughout the pandemic and is in favor of offering a virtual hybrid option.

Director Jorgens agreed and favored offering the hybrid option for public participation and choosing one location. The idea of going back and forth will add a bunch of expense, hassle, and technical issues when the system must be hooked up differently each time. President Jex agreed. The equipment is heavy and has caused an employee injury in the past. Fire Chief Winnacker confirmed staff would further develop options as far as locations and requested direction regarding offering the hybrid option at a single location, understanding that the location will be outside the geographic center of the district. Staff will return in February with a proposal that has been tested and confirmed. All Directors agreed.

**President Jex opened the public comment.**

Marc Evans, Orinda resident, suggested meeting once a quarter and continuing the zoom meetings.

Director Jorgens explained the State requires that the Board return to in-person meetings with a quorum in the district at a single location. The hybrid is a way to supplement a virtual option for the public and suggested using Measure R funds to support both the City and MOFD with hybrid options.

Jonathan Goodwin, Canyon resident, commented on the difficulties of securing a single location and suggested holding the meeting outside station 41 with tents.

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

**13. COMMITTEE REPORTS (audio 03:41:43)**

**13.1 Standing Audit Committee** (Directors Jex and Hasler). No Report.

**13.2 Ad Hoc Committee Facilities Station 41** (Directors Danziger & Jex). No Report

**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 & Hasler). No Report

**13.4 Ad Hoc Committee Joint Fire Prevention w/City of Orinda** (Directors Jorgens & Roemer). No Report.

**President Jex opened the public comment. There were no requests to address the Board.**

**President Jex closed public comment.**

**14. ANNOUNCEMENTS (audio 03:42:34)**

**14.1 Future Agenda Items**

Director Jorgens requested an ad hoc committee to develop plans for expanding the fire prevention program. Director Danziger requested the status of the grant program in the Fire Marshal report.

**President Jex opened the public comment.**

Jonathan Goodwin, Canyon resident, requested forming a 2 x 2 Committee consisting of two Directors and two Local 1230 members to discuss the 17 and 19 staffing, not to find agreement, but to present all angles.

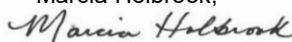
**There were no additional requests to address the Board. President Jex closed public comment.**

No further discussion by the Board.

**15. ADJOURNMENT**

**At 10:42 p.m., Director Jorgens motioned and seconded by Director Danziger to adjourn the meeting. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).**

Marcia Holbrook,

  
District Secretary/District Clerk