



Moraga-Orinda Fire District
BOARD OF DIRECTORS
REGULAR BOARD MEETING MINUTES
February 15, 2023
(APPROVED MARCH 15, 2023)

1. OPENING CEREMONIES

The Board of Directors convened a teleconference Open Session at 6:01 p.m. on February 15, 2023, via the Zoom application <https://us02web.zoom.us/j/85681463918>, webinar id: 85681463918 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.

Vice President Roemer called the meeting to order, requested an attendance roll call, and led the pledge of allegiance.

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

2. CONSENT AGENDA (audio 00:02:36)

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

Vice President Roemer opened Public Comment. There were no requests to address the Board. Vice President Roemer closed Public Comment.

Motion by Director Danziger and seconded by Director Jorgens to approve Consent Agenda item 2.1. Said motion carried a 4-0-1-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, and Roemer; Noes: None; Absent: Jex; Abstain: None).

3. PUBLIC COMMENT- CLOSED SESSION ITEMS (audio 00:02:45)

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

At **6:04 p.m.**, the Board adjourned to Closed Session.

4. CLOSED SESSION

4.1 Conference with Labor Negotiator

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

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

At **7:00 p.m.**, the Board adjourned the Closed Session.

5. RECONVENE THE MEETING (audio 07:00)

Vice President Roemer reconvened the Moraga-Orinda Fire District Board of Directors' regular business meeting at **7:03 p.m.** and requested an attendance roll call. Present were the following Directors and Staff:

President Jex (absent)	Dave Winnacker, Fire Chief	Mary Smith, Finance Manager
Director Danziger	Jeff Isaacs, Fire Marshal	Jonathan Holtzman, District Counsel
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 07:40)

Vice President Roemer stated that the Board took no reportable action on agenda items 4.1-4.3.

7. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA (audio 07:49)

Vice President Roemer opened Public Comment. There were no requests to address the Board. Vice President Roemer closed Public Comment.

8. PROCLAMATION (audio 08:24)

8.1 Proclamation Recognizing Black History Month February 2023

The Moraga-Orinda Fire Protection District Board of Directors proclaimed February 2023 as Black History Month in recognition of African Americans - past and present - in our community. Director Danziger expressed appreciation.

Vice President Roemer opened Public Comment. There were no requests to address the Board. Vice President Roemer closed Public Comment.

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 (audio 00:11:23)

Fire Marshal Isaacs provided the report. The District held a public hearing and first reading on January 18, 2023. Written comments from the City of Orinda and the Town of Moraga were received and discussed during the January 18, 2023 public hearing. At the January meeting, the Board directed Staff to remove Section 503.4.1, Traffic Calming Devices, from Fire Code Ordinance 23-01. The redline and final versions of Ordinance 23-01 are included in the board packet. No new or additional comments were received from the public, City of Orinda or Town of Moraga. Staff recommended to waive the second reading and adopt Ordinance 23-01.

Director Danziger asked if construction permits are required for new driveways. Fire Marshal Isaacs confirmed. Director Jorgens commented there are areas in the Fire Code Ordinance that need clarification. Fire Chief Winnacker answered, as discussed at the January meeting, there are some areas where the Code gives the Fire Code Official discretion. Staff proposed producing internal policies and information sheets that would guide an applicant and preserve the flexibility that allows the Fire Code to be conformed to in the situation of unanticipated circumstances. Director Jorgens recommended informational sheets for the following areas.

1. 403.11.1 Standby Personnel.

Fire Chief Winnacker explained the District requires Standby Personnel when the number of people gathering at an occupancy exceeds the parameters under which the existing fire protection and life safety measures built into the structure would not be adequate.

2. 503.1.5 Existing fire trail systems shall be maintained.

Fire Chief Winnacker explained fire trails shall be maintained to allow access no later than June 1 of each year to coincide with the Weed Abatement Ordinance 23-03. Staff understands that environmental conditions could affect the maintenance of the fire trail. In those cases, the applicant must submit for modifications and create an alternate means of access.

3. Clarifying guidelines for Traffic Calming Measures.

Fire Chief Winnacker stated guidelines are pending further discussions with the City of Orinda and the Town of Moraga. Staff proposed issuing a blanket permit to the City and the Town for Traffic Calming Measures other than speed bumps, speed humps, and tabletops (any physical alteration to the roadway that would substantially alter the speed over which emergency apparatus could travel); or a statement saying those are exempt based on this finding, or a ministerial permit can be issued.

Director Danziger inquired about spark arrestors. Fire Chief Winnacker explained all approved spark arrestors can be found on the State Fire Marshal (SFM) materials listing or associated ASTM or UL. Fire Marshal Isaacs confirmed. The manufacturer of the spark arrestors must be on the approved list. Director Danziger inquired about the fire ratings that are imprinted on doors. Fire Chief Winnacker explained the fire rating for walls, doors, and windows are about fire transmission. The ratings are uniform and standard versus the Wildland Urban Interface (WUI) uniform code, which is not adopted in all places. California is the only State with Chapter 7A of the California Building Code that establishes minimum standards to

protect life and property for a building in a WUI fire area, and CRC Section R337 for Materials and Construction Methods for Exterior Wildlife Exposure within a WUI fire area.

Vice President Roemer opened Public Hearing and Comment. There were no requests to address the Board. Vice President Roemer closed Public Comment.

Director Danziger inquired about the next steps in the adoption process. Fire Chief Winnacker explained following the adoption of the Ordinance, copies of the signed document will be forwarded to the City of Orinda, Town of Moraga, and Contra Costa County Board of Supervisors (for unincorporated areas). This submittal is required for each agency to ratify the document. Ordinance 23-01 will take effect once ratified by the aforementioned agencies. Director Danziger asked if the Ordinance would return to the Board if it is not ratified by one of these agencies. Fire Chief Winnacker confirmed. Fire Chief Winnacker assured the Board that the amendments made after the first reading were transmitted to the above agencies for additional comments. The Town of Moraga informed the District that their concerns had been addressed. The City of Orinda did not submit any additional concerns other than their original comments received during the first public hearing.

Vice President Roemer opened Public Comment on the motion. There were no requests to address the Board.

Motion by Director Danziger and seconded by Director Jorgens to waive and approve the second reading and 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. Said motion carried a 4-0-1-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, and Roemer; Noes: None; Absent: Jex; Abstain: None).

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 within the District (audio 31:23)

Fire Marshal Isaacs provided the report. 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 Ordinance and created separate ordinances. The District held a public hearing and first reading on January 18, 2023. Staff has not received any additional public comments. No changes were made to the Ordinance 23-03 from the first reading. Staff recommended waiving the second reading and adopting 23-03.

Director Danziger asked if it was acceptable to have irrigated, pruned-up coyote brush in Zone 2. Fire Chief Winnacker explained the only time the Fire Code makes distinctions between plant species are the ban on Eucalyptus and Monterey Pine trees within 6 feet of a structure or Juniper and Bamboo within 10 feet of the roadside. Staff tries to avoid making distinctions between species because it is hard for the community to differentiate between the many types. If coyote brush is used in Zone 2, and it is properly maintained and irrigated, it would not be subject to this prohibition; on the other hand, if it is Rosemary (as an example), and it was not maintained, and not irrigated it would be subject to this prohibition. Staff focuses on the condition under which the material is maintained. Director Danziger asked for the definition of irrigation. Chief Winnacker answered any drip, spray, or any manner that is artificially delivering water to that plant outside of the rainy season.

Vice President Roemer opened Public Hearing and Comment. There were no requests to address the Board. Vice President Roemer closed Public Comment. Vice President Roemer opened Public Comment on the motion. There were no requests to address the Board. Vice President Roemer closed Public Comment.

Motion by Director Jorgens and seconded by Director Danziger to waive and approve the second reading and adopt of Ordinance 23-03, Establishing Fuel Mitigation and Exterior Hazard Abatement Standards in all State Responsibility and Local Responsibility Areas with the District. Said motion carried a 4-0-1-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, and Roemer; Noes: None; Absent: Jex; Abstain: None).

9.3 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 (audio 36:03)

Fire Marshal Isaacs provided the report. In keeping with the standards established by the State Board of Forestry and Office of the State Fire Marshal, District Staff has moved the Fuel Breaks and Hazardous Vegetation requirements from the MOFD Fire Code Ordinance and created separate ordinances. The

District held a public hearing and first reading on January 18, 2023. Correspondence was received opposing the ordinance and was included in the packet under correspondence received. No changes were made to the Ordinance from the first reading. Staff recommended to waive the second reading and adopt Ordinance 23-04.

Director Jorgens asked if Ordinance 23-03 and 23-04 needed to be ratified by the City of Orinda, Town of Moraga, and Contra Costa County Board of Supervisors. Fire Marshal Isaacs answered no. Director Danziger asked if the Ordinance applies to all properties within the District. Fire Marshal Isaacs confirmed. Director Danziger asked if the Ordinance applied specifically to East Bay Regional Park District, East Bay Municipal Utility District, University of California, PG&E, the City of Orinda, and the Town of Moraga. Fire Chief Winnacker explained PG&E land is regulated by the California Public Utilities Commission (CPUC) and the Federal and State lands are specifically exempt from local jurisdiction and regulated by another agency and/or Office of the State Fire Marshal.

Director Jorgens responded to the written public comment by stating that the District was using a "big stick" to enforce rather than having discussions with the agencies, and clarified that Staff has had extensive discussions and collaboration with the agencies. Ultimately, the issue came down to the District lacking authority over those lands. Director Jorgens explained part of the reason that requirements were removed from the Fire Code was the possibility that the Fire Code might not have had the jurisdiction. Furthermore, Fire Chief Winnacker explained that the East Bay Regional Park District alleged in writing to the Board that the previous Fire Code vegetation management amendments were unenforceable. This Ordinance is in response to that allegation. Staff continues to collaborate with all landowning stakeholders within the District, including the State and the local jurisdictions, on a regular basis.

Director Danziger inquired if there was a set of different criteria for issuing citations to the above agencies. Fire Chief Winnacker stated the Administrative Citation Ordinance does not differentiate based on the type of landowner.

Vice President Roemer opened Public Comment.

District Clerk Holbrook announced one written public comment was received by 3:00 p.m. from Jonathan Goodwin, Canyon resident, opposing the enforcement method and suggesting alternative methods. The comment was forwarded to the Board of Directors and made available for viewing on the District website, attached to the minutes.

Jonathan Goodwin, Canyon resident, opposed the Ordinance and commented on the legality of requiring fuel breaks on public lands and the potential financial cost to the District.

There were no additional requests to address the Board. Vice President Roemer closed Public Comment. Vice President Roemer opened the public comment on the motion. There were no requests to address the Board.

Motion by Director Jorgens and seconded by Director Danziger to waive and approve the second reading and adopt 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 4-0-1-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, and Roemer; Noes: None; Absent: Jex; Abstain: None).

9.4 Second Reading and Adoption of Ordinance 23-02, Revising a Schedule of Fees for District Services (audio 50:34)

Fire Marshal Isaacs provided the report. The District held a public hearing and first reading on January 18, 2023. Staff received no public comment. The fees have been updated based on the consumer price index and new fees have been added for repeated false alarms in a 30-consecutive day period.

Director Danziger asked if the fee schedule could be amended throughout the year if needed. Fire Chief Winnacker confirmed. Typically, the schedule is revised on an annual basis to be in alignment with the CPI increase. Fee increases cannot exceed the actual cost and providing the service. Director Jorgens inquired about a past discussion regarding challenges with some local medical service entities using the ambulance service as a first resort instead of just for emergencies. Fire Chief Winnacker replied that the problem was resolved.

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

Motion by Director Danziger and seconded by Director Jorgens to waive and approve the second reading and adopt Ordinance 23-02, Revising a Schedule of Fees for District Services. Said motion carried a 4-0-1-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, and Roemer; Noes: None; Absent: Jex; Abstain: None).

10. ANNOUNCEMENTS (audio 54:12)

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.

1. Ellen Dale
2. Jonathan Goodwin
3. Jonathan Goodwin

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). The FY22 Audit is scheduled for 2/13/23, with the final audit report expected in March 2023. The RFP for a new Audit firm for FY23 was issued on January 27, 2023. Proposals are due on March 3, 2023, and the Audit contract is expected to be awarded by the Board on April 19, 2023.

Director Jorgens asked if any bids had been received. Finance Manager Smith answered no; however, some firms have expressed interest. ASD Sasser commented that Staff sent the RFP to audit firms that had audited the City of Orinda and the Town of Moraga to encourage them to submit proposals. Director Jorgens commended the outreach and asked if Staff was allowed to reach out to the firms directly or limited to just sending the RFP. ASD Sasser explained the above timeline allows for additional outreach after the March 3, 2023 deadline if necessary. If no bids are received, Staff plans to regroup. The deadline to award a contract is April 19, 2023.

b. Human Resources

Human Resources Manager Russell provided a recruitment update, attached to these minutes, as item 10.4(b). On January 30, 2023, the Firefighter Paramedic Trainees started the Livermore Fire Academy training. The Academy will last 20 weeks and conclude with graduation in June. One Fuels Mitigation Specialist candidate has completed the background process and will begin on February 27, 2023. Fire Chief Winnacker shared that the District received an \$800K State grant to fund additional Fuel Mitigation Specialists for three years. This item will be brought to the Board for approval.

c. Fire Marshal

Fire Marshal Isaacs provided the report and reviewed the monthly Fire Prevention report statistics, included in the Board packet, item 10.4 (c).

Director Jorgens inquired about the statistics for the 35 property transfer inspections that were completed and why the report reflected that zero initially passed and zero initially failed. Fire Marshal Isaacs explained because there is not an ordinance in effect, Staff cannot pass or fail the inspections. Staff performed the inspections to educate property owners on what they should do to protect their property. Director Jorgens asked if the properties will be re-inspected now that the Ordinance has passed. Fire Chief Winnacker answered no. The Ordinance is not retroactive.

Director Danziger asked how many property transfer inspections are completed via the self-assessment option. Fire Marshal Isaacs answered most of the inspections are conducted in person at the property. Director Danziger inquired about the fee associated with the on-site inspection. Fire Marshal Isaacs explained that if the person submits a self-assessment and Staff cannot determine compliance based on the photos submitted and an on-site inspection is needed, the person is not charged.

Fire Marshal Isaacs continued to report on the status of the Home Hardening Grant. A total of \$45,984 (18,200 feet) of Bushfire Mesh has been purchased, and 4,000 feet distributed to the community. Three reimbursement requests have been processed for a total of \$1,024. Vice President Roemer asked if that totaled \$51K to date. Fire Marshal Isaacs confirmed when adding two additional trial shipments that are not included in the total.

d. Tunnel East Bay Hills Fuel Break Project

Fire Marshal Isaacs provided the report. Staff has been working with the environmental consultant to process paperwork for the categorical exemption to CEQA. The environmental consultant will give a presentation to the Board at the regular March meeting. The process will include any direction or input from the Board and incorporate that feedback into the presentation. Staff intends to hold meetings with other non-government organizations and perform site walks with CA Department of Water Resources, California Department Fish and Wildlife to review project areas. Once the paperwork for the categorical exemption to CEQA is submitted, the expected turnaround is 30 to 45 days.

e. Operations

Battalion Chief Lambert provided the report, attached to these minutes, as item 10.4(e). The Crews are currently completing annual services and equipment testing. Annual hose testing is required by NFPA (National Fire Protection Association) and OSHA (Occupational Safety and Health Administration) to reduce firehose failures. The firehose is tested under pressure at the recommended limits for a specific period to confirm its integrity. The firehose is also cleaned and then stored. Crews have also begun the annual hydrant maintenance. Typical hydrant maintenance includes removal of the caps, inspections of debris and rust, installation of the blue reflective dots in the streets that indicate the location of the hydrants, painting of the caps and bonnet colors that indicate pressure and volume of the hydrants, and removal of vegetation in some cases.

On January 28, 2023, MOFD conducted a Department Operations Center drill. MOFD's Communications Volunteers worked with Emergency Preparedness Coordinator Dennis Rein and the City of Lafayette to exercise a system-wide communications outage. EBMUD conducted a large retrofit of the Orinda Water Treatment Plant substation. During the site visit, MOFD worked with the contractors to complete a Confined Space and Trench rescue drill. Battalion Chief Lambert reviewed the most recent prescribed fire projects, including 30 piles burned near Bear Creek Rd. and Camino Pablo at the Wagner Ranch Nature Area on February 13, 2023. On January 26, 2023, Firefighters trained with citizens from the Lamorinda CERT (Community Emergency Response Team) on how to use fire extinguishers. MOFD Firefighters and CERT Staff have trained over 1200 participants since the program started. On February 4, 2023, Firefighters hosted the winners of a Firehouse Dinner Auction supporting the East Bay Hospice Chapter. The recipients enjoyed a tour and dinner at Fire Station 45 in Orinda. On February 7, 2023, Firefighters volunteered to cook for the Ronald McDonald House as part of the "Meals from the Heart" charity event in Sacramento to help provide lodging and meals to families when a child is experiencing a medical crisis.

Vice President Roemer opened Public Comment for items 10.1-10.4. There were no requests to address the Board. Vice President Roemer closed Public Comment

11. CONSENT AGENDA (audio 01:19:02)

- 11.1 Meeting Minutes – January 18, 2023 (Regular)
- 11.2 Monthly Incident Report – January 2023
- 11.3 Monthly Check/Voucher Register – January 2023
- 11.4 Quarterly Investment Report - December 31, 2022
- 11.5 Approval of Salary Schedule Unrepresented Employees Effective January 1, 2023
- 11.6 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

Vice President Roemer opened Public Comment. There were no requests to address the Board. Vice President Roemer closed Public Comment.

Motion by Director Jorgens and seconded by Director Hasler to approve Consent Agenda items 11.1 - 11.7. Said motion carried a 4-0-1-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, and Roemer; Noes: None; Absent: Jex; Abstain: None).

12. REGULAR AGENDA

12.1 Adopt Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code (audio 01:20:38)

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 and placed into a resolution. The Finding of Facts have not changed since the 2019 Fire Code. The draft of the Resolution 23-04, was reviewed at the January 18,

2023, regular meeting. No changes were made to the Resolution. Staff recommended the Board adopt Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code.

Vice President Roemer opened the public comment.

Jonathan Goodwin, Canyon resident, opposed the resolution stating that the facts presented were misleading and the document omitted other facts. The conditions outside the boundaries of the Fire District are not the same as those inside the District. Mr. Goodwin asserted there had not been any catastrophic fires within the District and that the fire in 1988 is misrepresented in the document.

There were no additional requests to address the Board. Vice President Roemer closed public comment. Vice President Roemer opened the public comment on the motion. There were no requests to address the Board. Vice President Roemer closed public comment.

Motion by Director Jorgens and seconded by Director Hasler to Adopt Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code. Said motion carried a 4-0-1-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, and Roemer; Noes: None; Absent: Jex; Abstain: None).

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 (audio 01:28:17)

Fire Chief Winnacker provided the report. Since the COVID pandemic started in March 2020, all MOFD legislative bodies have conducted meetings by webinar and teleconference. On October 17, 2022, Governor Gavin Newsom announced that the COVID-19 State of Emergency would end on February 28, 2023. As a result, Staff has been planning for the return of in-person meetings, and the Board provided the direction to include a virtual (hybrid) component to maintain the increased public access that the virtual platform has provided over the last several years. Fire Chief Winnacker reviewed members of the Board will continue to be able to participate via teleconference so long as the appropriate number of board members are still within the District's jurisdiction. There are special elements provided A.B. 2449 (Govt. Code § 54953(f) that a Director must follow should they participate remotely under that authority. Given the complexity of A.B. 2449, Staff recommended the Directors follow the Standard Teleconference requirements under Govt. Code § 54953(b)(3) should they choose to participate via teleconference.

Staff also recommended ceasing the previous practice of rotating the location of the Board meetings between Moraga and Orinda due to the complexity of moving the equipment and the limited access to Wi-Fi or Internet bandwidth at Hacienda de las Flores a previously used location in Moraga. Staff proposed using the Sarge Littlehale Room located in Orinda as a relatively central location while continuing to provide Zoom and YouTube options for public participation and observation.

Staff provided a demonstration of the virtual (hybrid) capabilities during the Board Training held on February 7, 2023. Staff successfully used existing equipment and minor adjuncts to provide the hybrid option. Staff recommended following the standard pre-pandemic teleconference participation for Board members who cannot attend in person, providing a virtual option using Zoom for the public, and holding the regular meetings at the Sarge Littlehale Room located in Orinda beginning March 2023.

Director Danziger favored the recommendation and understood the necessity of meeting in one location based on the technology and equipment requirements. Director Hasler agreed and was also in favor. Director Jorgens agreed and supported offering remote access for the public due to the increase in public participation.

Director Danziger asked if additional funding is needed to provide the remote option. Fire Chief Winnacker answered no; the cost has been incidental for additional connectors, etc. Director Danziger inquired if additional Staff would be needed to assist with the equipment. Fire Chief Winnacker confirmed there would be a cost for the additional overtime; the overtime expense will be nominal given the few hours and infrequent nature of the meetings. Vice President Roemer agreed.

Vice President Roemer opened the public comment.

Jonathan Goodwin, Canyon resident, asked if a dedicated meeting space is part of the plan for the construction of the new administrative building.

Fire Chief Winnacker answered that one of the goals is to have a training center and meeting space; however, the project's priority is securing space and constructing a fire station.

There were no additional requests to address the Board. Vice President Roemer closed public comment. Vice President Roemer opened the public comment on the motion. There were no requests to address the Board. Vice President Roemer closed public comment.

Motion by Director Danziger and seconded by Director Hasler to approve the staff report recommendations to 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; provide virtual public access to board meetings using Zoom beginning March 2023; broadcast board meetings using YouTube for public observation; and holding future board meetings in a single location, located at the Sarge Littlehale meeting room in Orinda. All directors approved by acclamation.

12.3 Establish an Ad Hoc Committee to Develop Plans for Expanding the Fire Prevention Program (audio 01:41:59)

Fire Chief Winnacker provided the report. At January 18, 2023, regular board meeting, a director requested the formation of an ad hoc committee to develop plans for expanding the fire prevention program. Director Jorgens recommended the committee should work on the home hardening grant program and brainstorm best practices and ways to promote more fire prevention actions in the community and to facilitate the acceleration of the grant program in preventing fire damage in our neighborhoods.

Director Hasler asked if the Committee would be looking for ways to expand the grant or a way to expand the fire prevention program. Director Jorgens recommended the Committee come up with ideas to broaden the current constraints of the Home Hardening Grant program. Vice President Roemer clarified the function of the Committee would be to explore recommendations that are then brought back before the Board for consideration. Director Jorgens confirmed. Director Hasler stated the Committee would not be utilizing Staff time. Director Jorgens confirmed. Vice President Roemer asked for the Staff's opinion on establishing the Committee. Fire Chief Winnacker deferred to the Board. Directors Hasler and Jorgens volunteered to serve on the Committee. Vice President Roemer also volunteered but deferred and stated it made sense to have a geographical balance.

Vice President Roemer opened the public comment.

Jacob Airola asked if the Board anticipated any costs associated with this Committee.

Director Jorgens answered no. Vice President Roemer stated any expansion of the grant program would be subject to Board deliberation and decision.

There were no additional requests to address the Board. Vice President Roemer closed public comment. Vice President Roemer opened the public comment on the motion. There were no requests to address the Board. Vice President Roemer closed public comment.

Motion by Director Jorgens and seconded by Director Danziger to Establish an Ad Hoc Committee to Develop Plans for Expanding the Fire Prevention Program and appoint Director Jorgens and Director Hasler to the Ad Hoc Committee. Said motion carried a 4-0-1-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, and Roemer; Noes: None; Absent: Jex; Abstain: None)

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 (audio 01:50:16)**

Administrative Services Director Sasser presented a high-level overview of the mid-year budget review attached to these minutes. ASD Sasser noted the amendment made on the agenda and staff report correcting the word "decrease" to "increase" for the general fund expenditure budget adjustment in the amount of \$195,370. The amendment was noticed at 5:15 p.m. on February 15, 2023. The original budget projected a General Fund surplus of \$292K. The updated projections through the 2nd quarter project a surplus of \$502K. General Fund revenue is projected to exceed the budget of \$393K primarily due to higher property taxes. Expenditures are projected to exceed budget \$195K primarily due to increased overtime offset by five vacant firefighter paramedic positions and operating expenses less than budget.

Revenue – Exceed budget \$393K

- Property tax exceed budget +\$298K
- Ambulance services (\$308K)
- Strike team revenue +\$407K

Expenditures – Exceed budget \$195K

- Salaries less than budget \$380K
- Overtime exceed budget \$900K
- Strike team overtime exceed budget \$270K

- Fire prevention/plan review (\$52K)
- Retirement contributions less than budget \$169K
- OPEB contribution exceed budget \$16K
- Operating expenses less than budget \$294K

ASD Sasser reviewed the unrestricted cash and investments. The District started the fiscal year with \$18.7M in unrestricted cash and investments. The District drew down on the investment balances until the District received the December property tax payments. The cash and investments balance at December 31, 2022, was \$21.3M. ASD Sasser then reviewed the unrestricted general fund balance. The District started the fiscal year with \$15.1M in General Fund Unrestricted Fund. The projected surplus will increase the Unrestricted Fund balance to \$15.6M, which exceeds the Fund Balance Policy minimum of 17% and will be less than the Policy goal of 50% at 45.5%.

Staff recommended two mid-year General Fund budget adjustments. The first is to increase revenue by \$393,363, and the second is to increase expenditures by \$195,370. The revised General Fund budget surplus amount will be \$501,985. Staff also recommended the Board authorize a transfer-out of the General Fund into the Capital Projects Fund in the amount of \$3,100,000 to accumulate funds for the Station 41/Administration rebuild project. ASD Sasser reviewed the Capital Projects Fund has a projected surplus of \$1.8M due to a budgeted transfer-in from the General Fund of \$3.1M. The Debt Service Fund has a planned use of reserves of \$1.7M due to the final pension obligation bond payment. The pension obligation bonds were paid-in-full on July 1, 2022. The Tunnel East Bay Hills Fuel Break Fund has a projected surplus of \$360K

Director Jorgens requested a review of the \$195K expenditures items. ASD Sasser talked through each of the items. Salaries are less than the budget of \$380K because of the five vacant Firefighter-Paramedic positions and one vacant Fire Inspector/Plans Examiner position. At the same time, the amount is offset by the overtime exceeding the budget in the amount of \$900K due to vacancies and workers' compensation injuries. The Strike Team overtime is exceeding budget by \$270K, which is part of the revenue offset, and the Retirement contributions are less than budget because of the vacancies. The operating expenses are less than the budget in the amount of \$294K due to the home hardening grants. Director Jorgens ascertained it is all overtime. ASD Sasser confirmed.

Director Danziger inquired about the balance of the Home Hardening Grant program and if the Board can shift the balance of the program to something else in the budget because there will still be a large surplus at the end of the fiscal year. Fire Chief Winnacker stated anything in the general fund that is not spent at the end of the year moves into the unrestricted reserve. The Board could provide direction to modify the size of the grant and transfer the funds into the general reserve now as opposed to at the end of the year. Fire Chief Winnacker reviewed that the original guidance from the Board was to allocate \$500K to service the Home Hardening Grant program. As part of next year's budget process, it would be appropriate for the Board to review the performance of the Home Hardening Grant program and deliberate either expansion or contraction of the program as part of that budget process. Director Hasler asked if the Home Hardening Grant program is planned and budgeted. ASD Sasser confirmed it is part of the original budget adopted last June. Director Hasler asked if the \$3.1M for the Capital Projects fund was budgeted and planned to reach the funding goal for the Station 41 project. ASD Sasser answered the amounts are projections through June 30, 2023.

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

Motion by Director Jorgens and seconded by Director Danziger to Approval of General Fund Revenue Budget Adjustment Increase in the Amount of \$393,363, General Fund Expenditure Budget Adjustment 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. Said motion carried a 4-0-1-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, and Roemer; Noes: None; Absent: Jex; Abstain: None)

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 (audio 02:06:24)

Administrative Services Director Sasser provided the report. The District participates in the Public Agency Retirement Services (PARS) Post-Employment Benefits Trust. The District's PARS trust account includes money set aside for other post-employment benefits (OPEB), retiree medical benefits, and the Pension

Rate Stabilization Trust to pre-fund pension costs. The District makes annual contributions to both accounts. The budget includes \$350,923 for the OPEB contribution; however, the most recent actuarial valuation calculated the current trust contribution at \$366,640. The pension trust contribution amount in the budget includes \$2,108,577. The amount and timing of both contributions are subject to Board authority. Staff recommended the Board determine the amount of the OPEB Trust contribution and the amount of the Pension Trust contribution and authorize the transfer of District funds to complete the contributions.

Director Jorgens asked if the Board typically approves the amount the Actuary provides rather than some random number. ASD Sasser confirmed that is what has been done in prior years. Director Jorgens asked if the number differs from what is currently in the budget. ASD Sasser confirmed. Director Jorgens asked if the Pension Rate Stabilization Trust amount was run through the GovInvest system to determine the number. ASD Sasser confirmed and added that the CCCERA rates were published a year ago and are included in the PARS Trust contribution calculations. Fire Chief Winnacker clarified why there is a deviation in the recommended contribution to the OPEB Trust Fund from what was budgeted. The differential includes the updated numbers from when the budget was developed in June 2022. The full actuarial recommended contribution continues to be the number that is listed on the staff report.

Director Jorgens commented that the District would be underfunding the Pension Rate Stabilization fund and probably the OPEB. Fire Chief Winnacker replied the OPEB does not have a lot of volatility. The Pension Stabilization Trust Fund is compounded by the funds return once the updated CCCERA numbers are received. It is reasonable to anticipate that the future actuarial recommended contribution will increase.

Director Danziger asked if there is a limit on how much can be in the Pension Rate Stabilization fund. Director Jorgens answered the long-range financial forecast shows the contribution is zero in the future years. Fire Chief Winnacker added there is always a difference between the CCCERA's rates and the District's projected returns because the Board has directed using a lower discount rate. The calculations anticipate the funds return will cover that difference. Direction has yet to be provided regarding the distribution criteria the District would use to draw down on those funds other than to say it is a rainy day fund. Director Danziger asked if there was a policy on using those funds. Fire Chief Winnacker confirmed there is no policy on using the funds. The funds are legally restricted and can only be used for pension costs. The Board has yet to establish an internal policy that would guide the distribution of those funds other than the limitation that it is a restricted reserve that can only be used for this purpose. Director Jorgens stated it is to avoid having a recurrence of what happened after the 2008 crash, and in 2010 the District came close to running out of money. The fund ensures that the District can always make pension payments.

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

Motion by Director Jorgens and seconded by Director Hasler to approve the actuarially calculated trust contribution in the Amount of \$366,640 OPEB Trust Contribution and \$2,108,577 Pension Rate Stabilization Trust Contribution for Fiscal Year 2023 and authorize the Transfer of District Funds to Complete the Trust Contributions. Said motion carried a 4-0-1-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, and Roemer; Noes: None; Absent: Jex; Abstain: None)

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 (audio 02:17:05)

Fire Chief Winnacker provided the report. The District received correspondence from Lou Ann Texeira, LAFCO Executive Officer, which advised all Independent Special Districts of a vacancy in an alternate seat. In the correspondence, Ms. Texeira announced the special election and called for nominations. The nomination must be submitted to LAFCO by the deadline of April 3, 2023. Each independent Special District is entitled to nominate a maximum of one board member. Director Danziger stated the District has little business with LAFCO and was not in favor of supporting nominations. All Directors agreed. No action was taken on Resolution 23-06.

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

13. COMMITTEE REPORTS (audio 02:20:08)

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 for COVID-19 relief one-time \$2,500 payment (Directors Danziger & Hasler).

Director Danziger provided an update. Contra Costa County received funds under the American Rescue Act of 2021 and voted to give most first responders approximately \$2,500. Special Districts were not included in the distribution. Congressman Mark DeSaulnier's Office was aware that Special Districts were not included in this distribution and co-sponsored a Bill to assist Special Districts in receiving some of those funds. The Bill failed in the House of Representatives. Senators Kyrsten Sinema of Arizona and Dianne Feinstein from California also co-sponsored a Bill to include Special Districts to receive some of those funds. That Bill died in the Finance Committee of the Senate. Director Danziger stated Congressman DeSaulnier is continuing to work on the issue. Congressman DeSaulnier's office provided a webinar for review about accessing this type of aid for Special Districts. Director Danziger plans to ask Staff if the District has the Code to access the webinar. Director Danziger concluded Special Districts are not eligible for the funding, and no further action is needed from the Committee.

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

Vice President Roemer opened the public comment items 13.1-13.4. There were no requests to address the Board. Vice President Roemer closed public comment.

14. ANNOUNCEMENTS (audio 02:27:08)

14.1 Future Agenda Items

Director Danziger requested to disband the Ad Hoc Committee Investigating with the Contra Costa County Board of Supervisors if MOFD Members are eligible to receive the COVID-19 relief one-time \$2,500 payment

Director Jorgens requested a discussion on: 1) updating the 2016 Standards of Coverage to the current standards and requested information on that process; 2) discussing and providing direction on the accounting to remove special funds out of the general fund to improve the readability of the financial reports and understanding of what the actual budget is to the operating budget; 3) discussing how the District plans to sunset the accounting practices that were used for recording significant capital expenditures since the recent changes in the GASB financial standards have made that method no longer acceptable.

Director Danziger requested the status of the station 43 funding (not required to be presented next month). Fire Chief Winnacker answered that the District still carries debt for station 43. Director Danziger requested to see the details. Fire Chief Winnacker answered that Staff could provide the interest rate, payoff schedule, and options to accelerate the payments. Director Danziger confirmed that is what he wants to see on the report. Vice President Roemer suggested agendaizing the station 43 funding with the third agenda item that Director Jorgens proposed.

Director Jorgens requested a discussion on the short-term cash investments in the money market accounts and options for alternative investments. Fire Chief Winnacker confirmed Staff could provide more information about alternative investments and return on funds invested with those alternatives. Fire Chief Winnacker requested additional time for this item, given the number of requests from the finance staff. Director Jorgens responded that he preferred to delay the other agenda items he requested due to the economic impact of this item.

Fire Chief Winnacker reviewed the requested items in prioritization order:

1. Discussion on procedures for updating the 2016 Standards of Cover
2. Sunsetting the AD Hoc Committee that was investigating with the Contra Costa County Board of Supervisors if MOFD Members are eligible to receive the COVID-19 relief one-time \$2,500 payment
3. Review the use of the County Treasury and the LAIF fund relative to alternatives.
4. Discussion of the Funding Corporation, liability, and payments remaining on the station
5. Discussion of the accounting to either simplify or ease the degree to which folks can understand how the District is doing relative to the adopted budget. Director Jorgens clarified specifically separating the special funds from the general fund.

Director Hasler asked about the sunsetting of the accounting practices that were used for recording significant capital expenditures since the recent changes in the GASB financial. Fire Chief Winnacker explained the District has a funding corporation and the only outstanding liability is the debt of Station 43.

Director Jorgens reiterated his concern regarding the Funding Corporation, whether it is considered a separate LLC, and the liability associated with it.

Vice President Roemer requested Staff provide details for the Directors' and Officers' (D & O) liability insurance policy. Director Jorgens agreed and requested an agenda item to understand how much D & O insurance the Directors have and determine if more coverage is needed. Fire Chief Winnacker responded the information was provided to Counsel and is under review.

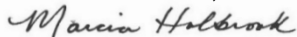
Vice President Roemer opened the public comment. There were no requests to address the Board. Vice President Roemer closed public comment.

Director Jorgens asked if the Board would adjourn back into Closed Session. Fire Chief Winnacker responded the direction provided was to query the directors to schedule a special meeting. All directors agreed.

15. ADJOURNMENT

At 9:33 p.m., Director Danziger motioned and seconded by Director Hasler to adjourn the meeting. Said motion carried a 4-0-1-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, and Roemer; Noes: None; Absent: Jex; Abstain: None).

Marcia Holbrook,


District Secretary/District Clerk

*A copy of all Zoom CHAT messages related to this meeting is attached to these minutes.
For an audio recording of this and other Board meetings, please visit the MOFD District Board Meeting at www.mofd.org/agendas.*

From: jonathan [REDACTED]
To: Holbrook, Marcia
Subject: Further Comments on Proposed Ordinance 23-04
Date: Wednesday, February 15, 2023 8:33:38 AM

MOFD Board Members:

I took the trouble of viewing the video of the fire chief's presentation at last month's Board meeting concerning proposed ordinance 23-04 and did find that, although in the written staff report he does not say he feels MOFD's authority does not extend to CalTrans, he did say so at the meeting. However, have you, gentlemen, ever perused the State Fire Code or Public Resources Code? There I can find no indication that a local agency has any authority to tell a regional agency what to do on its own property, unless we're talking about a parcel containing an inhabited structure. I say this because I would suppose that a responsible Board member would want to know that he is acting in alignment with State law when voting for a given agenda item. Just how sure are you that MOFD has any such power, given a seeming lack of it being bestowed in the State codes?


Additionally, I might note that, although the fire chief offers an exemption for protected species, there is no exemption for habitat conservation for species which are not protected. By the way, I am not aware of any MOFD employee having a background in public lands management, whereas our regional public resource agencies have been doing such work for decades. Perhaps their wisdom should be respected by those of us unqualified to judge these matters?

The main point I wish to make here is something related to this, namely, our fire district has lately taken the notion that inter-agency fuels mitigation planning should be a punitive process, using code enforcement as a cudgel, rather than one which truly engages sister agencies as equals. To this point, I thought it might be instructive to offer a sketch of what such a thing might look like. While I don't expect that current District leadership will adopt such an approach, it might benefit the Board to know of this so that some member might suggest it to a succeeding regime.

1. The Fire Management Plans of all agencies owning property in MOFD would be included in an updated version of the District's CWPP.
2. This fire district and applicable agencies would discuss areas of mutual concern and discuss possible fuels mitigation projects which specifically would further protect life, property & the environment and be financially sustainable.
3. These projects would be approved by the relevant boards, thus ensuring some degree of accountability.

You know, the era of MOFD receiving multi-million dollar fuels reduction grants is likely drawing to a close and the time will come when more humble solutions will be sought. Something as simple and practical as the above should be given due consideration in due course.


~Jonathan Goodwin
Canyon, Calif.



Finance Report

February 15, 2023


Strike Team Reimbursement - OES



- Strike Team Receivable Update:

	Estimated
	<u>2022-2023</u>
OES Strike Team Receivable	\$1,030,350
OES Payments Received	<u>\$ 987,810</u>
Net Receivable Outstanding	\$ 42,540
- The remaining outstanding receivable is for the flood preposition assignment in January.

Other Items



- FY22 Audit – Audit is scheduled for the week of 2/13/23 with final audit report expected in March 2023.
- RFP for new Audit firm for FY23 has been issued
 - Audit RFP Issued: January 27, 2023
 - Proposals due: March 3, 2023
 - Audit contract awarded by Board: April 19, 2023



Human Resources Update – February 2023


Recruitment Update

- Firefighter Paramedic Trainee
- Fuels Mitigation Specialist

MOFD Board Update
February 15, 2023







Mid-Year Budget Review

July 1, 2022 – December 31, 2022

Quarter Two General Fund Surplus Projections

- Budget surplus \$292K
- Projected surplus \$502K

	Budget June 2022	Projected After Quarter Two
Revenue	\$33.5M	\$34.3M
Expenditures	\$30.1M	\$30.7M
Transfer out to Capital Projects Fund	\$3.1M	3.1M
Surplus	\$292K	\$502K

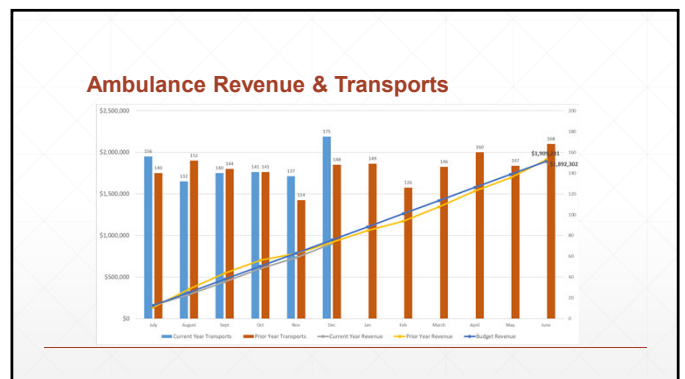
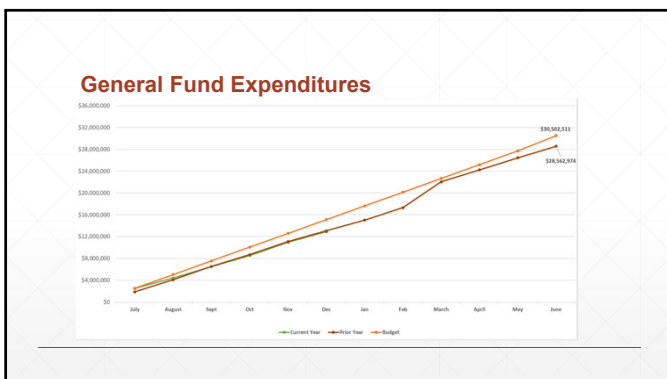
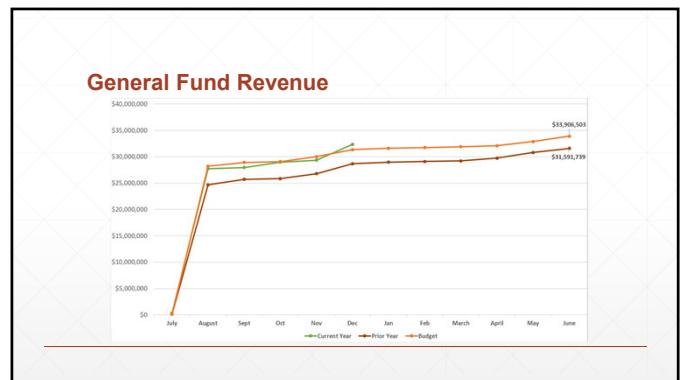
Quarter Two Financial Update

Revenue – Exceed budget \$393K

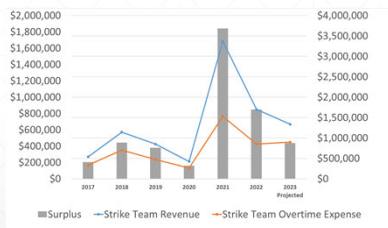
- Property tax exceed budget +\$298K
- Ambulance services (\$308K)
- Strike team revenue +\$407K
- Fire prevention/plan review (\$52K)

Expenditures – Exceed budget \$195K

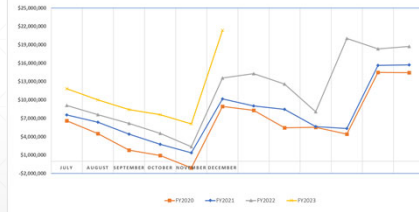
- Salaries less than budget \$380K
- Overtime exceed budget \$900K
- Strike team overtime exceed budget \$270K
- Retirement contributions less than budget \$169K
- OPEB contribution exceed budget \$16K
- Operating expenses less than budget \$294K



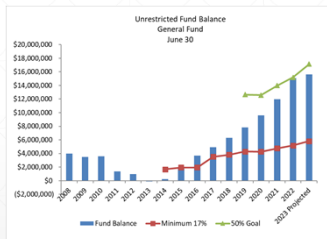
Strike Team Activity



Unrestricted Cash and Investments



General Fund Unrestricted Fund Balance



Recommended Budget Adjustment General Fund and Authorize Transfer

- Revenue – Increase \$393,363
- Expenditures – Increase \$195,370
- Revised Budget Surplus - \$501,985
- Board authorize operating transfer out of the General Fund into the Capital Projects Fund \$3,100,000

Other Funds

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

Financial Update Plan FY2023

