



Moraga-Orinda Fire Protection District

BOARD OF DIRECTORS
SPECIAL BOARD MEETING

MOFD/MORAGA/ORINDA

JOINT FIRE PREVENTION COMMITTEE MINUTES

July 30, 2020

(Approved August 19, 2020)

1. OPENING CEREMONIES

The Joint Subcommittee convened in Open Session at **4:08 p.m.** on **July 30, 2020**, via the Zoom application, Hosted by the City of Orinda. Log in provided <https://tinyurl.com/yyjoyzf2>, webinar id: **992 4909 4891** and by phone **1-669-900-9128**. Pursuant to Executive Order N-29-20, Teleconferencing restrictions of the Brown Act have been suspended. MOFD is closely following the latest Public Health Order from the Contra Costa Health Services issued on March 17, 2020. At this time, all formal public meetings will continue remotely.

A. Call to Order/Roll Call

MOFD:

President Steve Danziger,
Boardmember Craig Jorgens

City of Orinda:

Mayor Darlene Gee
Councilmember Dennis Fay

Town of Moraga:

Mayor Kymberleigh Korpus
Councilmember Steve Woehleke

B. Adoption of Agenda

Orinda Mayor Gee welcomed everybody, and the Subcommittee unanimously adopted the agenda as proposed.

C. PUBLIC FORUM

The Subcommittee took public comment.

Charles Porges, Orinda Resident, read into record a letter to the MOFD Board regarding the Chipper program (Attachment A).

Michael Gordon, Orinda Resident, expressed concern about the last live evacuation drill and requested if the Orinda Country Club could open/unlock/remove fencing during red flag warning days. An email was submitted to the Joint Subcommittee. (Attachment B).

Linda Landau, Orinda Resident, requested that the MOFD Free Chipper Program be continued.

D. Agenda Items

D.1 **Discuss and consider approval of Fire Prevention Subcommittee Charter**

MOFD Boardmember Danziger announced that originally the MOFD had three members on the Joint Fire Prevention Subcommittee. The MOFD will only have two members who serve on the Subcommittee. The Charter has been revised to reflect the change in membership.

The Subcommittee reviewed the Charter (Attachment A) and agreed on the following revisions:

- Editing the first sentence under Composition and Appointments to remove the words "no less than"
- Adding MOFD in front of Board of Directors for better clarification
- Adding Evacuation Planning to Goals and Objectives
- Leave the language as originally written under the Goals and Objectives, section iii

Orinda Mayor Gee will amend the Charter document and redistribute to the Subcommittee members and members to take the Charter back to respective Agencies for approval.

D.2 **Orinda presentation on inclusion of fire mitigation on public property and right-of-way as a priority in a potential sales tax measure in November**

Orinda Mayor Gee reviewed the City of Orinda's proposed sales tax increase of one cent. The one-cent sales tax would replace the current ½ cent sales tax and would be in effect for 20 years. The general sales tax would require a majority vote to pass. The City of Orinda council has discussed that the sales tax would be available for fire prevention efforts, public drainage projects, and future public road maintenance. The City of Orinda expects the tax to generate about 2.4 million dollars a year and has

discussed a schedule where the City of Orinda would make a very significant front-loading of those monies to catch up on a lot of fuel mitigation in the city of Orinda.

Councilmember Fay asked Chief Winnacker about the cost of the fuel mitigation. Fire Chief Winnacker answered a two-person crew with a truck and chipper is approximately \$200,000 a year with an estimated increase of three percent per year.

Linda Landay, Orinda Resident, expressed support of the proposed sales tax increase.

**D.3 Report from MOFD on Compliance Levels with 2020 Exterior Hazard Abatement Inspections
Report from MOFD on Fire Fuel Reduction in Caltrans Right-of-Way**

Fire Chief Winnacker provided the report. From June 16-July 16: 2,306 Assessments completed; 667 Failed assessment; 204 Re-Inspections (netted an additional 75 Failed assessments); 463 Parcels are scheduled to be re-inspected as the 30-day notice expires from the initial assessment; and Inspections with all the follow-ups expected to be completed by the end of August.

At the July MOFD Board Meeting, the Board of Directors conducted a lien hearing on eight undeveloped vacant parcels. After the lien hearing, the MOFD Board declared that the property violations are a seasonal and recurrent nuisance. The Fire Prevention Staff has begun the work order process to abate the violations and place liens on the property.

Hattie Hamlin, Orinda Resident, asked if MOFD is done performing the assessments for this year. Fire Chief Winnacker confirmed due to the amount of time given to allow the residents to complete the work (a 30-day assessment followed by a 15-day period). MOFD will continue to respond and inspect complaints.

Mark Evans, Orinda Resident, asked if the statistics shared both for this year as well as future years will be available at the MOFD Board Meeting. Fire Chief Winnacker confirmed.

Fire Chief Winnacker updated the Subcommittee on the status of Caltrans, reviewed the internal and state-level procedures, policies, and manuals that guide the Caltrans work. MOFD has identified several areas from the Caltrans standards where Caltrans is not meeting their requirements to remove brush, grass, and vegetation. MOFD is working with Caltrans to ensure that they follow their procedures and manuals for the production of future Roadside Fire Prevention Plan guidelines. The guidelines are developed with input from local Fire Officials as required by their procedures. Councilman Fay requested more information on the Caltrans guidelines when available.

Mark Evans, Orinda Resident, asked if MOFD has the authority to stop work being performed by Caltrans on Red Flag days. Fire Chief Winnacker answered that CalTrans has been very clear that, as a state agency, they are exempt from local regulation and are guided by state level laws, codes, policies, and guidelines.

Charles Porges, Orinda Resident, asked Fire Chief Winnacker about working with other agencies to increase fuel reduction efforts in the open spaces which surround the community. Fire Chief Winnacker answered by encouraging residents and elected officials to communicate directly with the directors and elected officials who represent the entities controlling these lands. The most effective way to see an allocation of additional resources from those entities to do work on their lands that surround the populated areas of the district is through public input.

D.4 Fire Code Update

Fire Chief Winnacker updated the Subcommittee that the MOFD Board of Directors passed the second reading at the July 15, 2020 board meeting. The Fire Code is referred to the City of Orinda and Town of Moraga for ratification.

D.5 Future Agenda Items

The Subcommittee made the following suggestions

- Review other neighborhoods that took aggressive fuel mitigation and avoided being destroyed by wildfire

- Evacuations and inviting the Moraga and Orinda Police Chiefs
- Lessons learned from this fire season
- Education and outreach on the Community Warning System
- Increased street signage on roads for no parking on red flag days
- How the City and Town can assist MOFD with outreach and education, fuel mitigation on publicly owned parcels, continued engagement from the police department, and assistance from elected officials with Caltrans, East Bay Parks and East Bay Municipal Utility District

Ken Light, Orinda Resident, suggested to Moraga Mayor Korpus to reach out to the Orinda Firewise Council to encourage the Moraga community to become Firewise neighborhoods.

Charles Porges, Orinda Resident, suggested MOFD provide a prioritized fuels mitigation plan. Fire Chief Winnacker commented that a comprehensive Wildfire Prevention Strategic Plan, published at the February 2019 board meeting as item 9.7, is located on the MOFD website at <https://www.mofd.org/home/showdocument?id=526>.

D.6 Set Date for Next Meeting

Next Meeting Date: During the month of September

E. ADJOURNMENT

The subcommittee agreed to adjourn the meeting at **6:00 p.m.**



Marcia Holbrook
District Secretary/District Clerk

For an audio recording of this and other Board meetings, please visit the MOFD District Board Meeting webpage
<http://www.mofd.org/board/meetings>

PUBLIC FORUM - Attachment A

MOFD Board members,

There are few days left before the fire season. Many residents have previously asked you to continue the free chipper service. Chief Winnaker said he could continue a modest chipper service but you did not authorize it. He also stated that more fuel gets eliminated by the free chipper service than any other way. Not continuing the chipper over the summer is a grave political mistake, even if demand exceeded your ability to provide prompt service. From what has been said I believe there are outstanding requests for this service that could be addressed in the next thirty days before the program restarts.

I further inform you that charging residents even a modest amount will result in a lower demand. This will be counterproductive to the goal of eliminating as much fuel as possible as quickly as possible which must be your stated objective. Charging for the service when it restarts would also be a serious mistake.

Please show your resolve to clear fuels by purchasing two (possibly used) chippers as soon as possible. One of which can be sold in five years or whenever it is no longer needed. Your budget, which the citizens provide through taxes, is large enough even during covid.

I understand that this is a financial ask by the citizens who reside in the MOFD service area. I submit to you that it is your duty to do much more than has been done in the past which is why we now have this massive problem. You have inherited this because inadequate attention and funding were allocated by decades of prior board members. You must now do all you can to rectify the past mistakes.

The citizens are now watching your decisions carefully.

Thank you,
Charles Porges.

Marcia Holbrook

From: Sheri Smith [REDACTED]
Sent: Tuesday, August 11, 2020 8:52 AM
To: Marcia Holbrook
Subject: FW: Fire Prevention

From: Michael Gordon [REDACTED]
Sent: Wednesday, July 29, 2020 3:48 PM
To: Sheri Smith [REDACTED]
Subject: Fire Prevention

CAUTION: This email is from an external source. Be careful when clicking links or opening attachments!

TO BE SUBMITTED FORMOFD/MORAGA/ORINDA FIRE PREVENTION SUBCOMMITTEE MEETING
TO BE HELD ON JULY 30, 2020

There is one critical situation that I feel needs to be addressed:

Several months ago (NOT the recent virtual evacuation drill) there was a fire evacuation drill that entailed actually evacuating from one's house, as would have been the case in a real fire situation. Cars escaping from Orinda Downs and Sleepy Hollow jammed Miner Road and were only able to move at a "snail's pace" down Miner Road alongside the Orinda Country Club golf course.

In such a circumstance, with the fire fast approaching, one would try to escape on foot onto the wide open spaces of the golf course. However, because the OCC golf course has high fences and only a couple of small gates, which are invariably locked, everyone would have been trapped with the flames fast approaching. Miner Road alongside the OCC golf course is a FIRE TRAP (because of the high fences and locked gates)! This is a tragedy waiting to happen!

Is there something that can be done about this, such as OCC being required to take down fences and to keep unlocked and open its very few gates?

Thanks,
Michael Gordon

JOINT FIRE PREVENTION SUBCOMMITTEE CHARTER

CITY OF ORINDA– MORAGA-ORINDA FIRE DISTRICT – TOWN OF MORAGA

PURPOSE:

Ad Hoc subcommittee comprised of elected representatives from the City of Orinda, the Town of Moraga, and the Moraga-Orinda Fire District (MOFD) to explore ways to support MOFD's coordination of activities associated with fire prevention in the Moraga-Orinda Fire District jurisdiction.

GOVERNANCE AND AUTHORITY:

The subcommittee shall be fully open to public participation, and it shall be noticed in the same manner as are meetings which are subject to the Brown Act. Administrative coordination, notice distribution, and agendas for the subcommittee shall be alternated as necessary between the Orinda City Clerk and MOFD staff. No minutes will be prepared for meetings.

The subcommittee has no direct powers or authority to make public policy or to take any action that will bind any of the member agencies. However, the subcommittee members can make recommendations to their respective agencies (the Orinda City Council, the Moraga Town Council and the MOFD Board) for consideration and action by those agencies.

COMPOSITION AND APPOINTMENTS:

The subcommittee shall have no less than six members; composed of two members of the Orinda City Council, two members of the Moraga Town Council, and two Directors of MOFD.

Appointments of subcommittee members shall be made by the Orinda City Council, Moraga Town Council and MOFD Board of Directors. Each appointment term shall be for one year. Subcommittee members are not subject to term limits and can continue to serve on the subcommittee for longer than a single term if designated by their respective agencies. Changes to the subcommittee composition can be made by the respective agencies appointing the members.

CHAIR AND VICE-CHAIR:

A Chair and Vice-Chair for the subcommittee shall be nominated and selected annually by a quorum of the subcommittee membership. The Chair and Vice-Chair shall not be from the same member agency.

The Chair and Vice-Chair shall serve a one-year term. Chair and Vice-Chair nominations and selections will be re-visited annually. The Chair and Vice-Chair are not subject to term limits in their roles and can continue to serve in the same position in back-to-back appointments on the subcommittee if designated by their fellow voting members of the subcommittee.

D.1 - Attachment A

TERM OF THE SUBCOMMITTEE:

The subcommittee shall form and meet starting in June 2020 and the subcommittee will automatically sunset on June 30, 2021, except as set forth herein. The term of the subcommittee may be extended once per calendar year for a period not to exceed 12 months, upon the approval of a two-thirds majority of voting subcommittee members and ratification by each of the member agencies. Subcommittee continuation requires the on-going participation of the City of Orinda, the Town of Moraga and MOFD, and so the subcommittee may be terminated at any time upon the formal withdrawal from the subcommittee by any of the participating agencies.

MEETINGS:

The subcommittee shall meet at least quarterly but can elect to meet more frequently. Meeting dates will be selected by mutual availability with adequate public notice. There will not be a designated regular meeting day or time.

Meeting locations can rotate and do not have to be conducted in the same location each time. Electronically held meetings will be allowed if designated as allowable under State of California regulations.

Meeting agendas will be confirmed with the Orinda City Clerk by the subcommittee Chair. The Chair will solicit both subcommittee and staff input in the development of meeting agendas.

STAFF LIAISON:

The primary Staff Liaisons to the subcommittee shall be the MOFD Fire Chief and the City Manager for the City of Orinda. The Town Council for the Town of Moraga is not required, but has at all times the option to appoint a single staff member as an additional Staff Liaison to the subcommittee. Meetings will be scheduled to include all appointed Staff Liaisons' participation. Additional staff attendees from each of the participating agencies are welcome but not required.

COSTS:

Costs for administrative support by the Orinda City Clerk shall be borne by the City of Orinda, and no legal costs will be incurred on behalf of the subcommittee without the express authorization of each of the member agencies. Any other costs incurred by a member agency in association with subcommittee participation shall be borne by that individual agency.

GOALS AND OBJECTIVES:

To enhance fire prevention and public safety throughout MOFD's jurisdiction by (i) keeping member agencies updated on MOFD outreach and fire prevention efforts, techniques, priorities and programs through their appointed subcommittee members and Staff Liaisons, (ii) providing feedback on MOFD's outreach and fire prevention efforts and programs, and (iii) exploring ways the member agencies can

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better facilitate MOFD's outreach and fire prevention efforts. Taking public input will be a valued part of the subcommittee activities.

ADOPTION AND CHANGES TO CHARTER:

Adoption of this Charter must be approved by at least a two-thirds majority of voting subcommittee members, and ratified by each of the member agencies according to their voting procedures for such matters. Similarly, changes to this Charter must be approved by at least a two-thirds majority of voting subcommittee members and ratified by each of the member agencies according to their voting procedures for such matters.

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COMPOSITION AND APPOINTMENTS:

The subcommittee shall have no less than six members ~~and no more than 7 members~~; composed of two members of the Orinda City Council, two members of the Moraga Town Council, and ~~at least two Directors of MOFD. MOFD is not required, but shall have the option to appoint up to a total of three Directors to the subcommittee, and in such case, MOFD shall identify at the time of any such third appointment which two of its three appointed Directors are empowered to vote as members of the subcommittee. The third member shall have no voting power.~~ two Directors of MOFD.

Appointments of subcommittee members shall be made by the Orinda City Council, Moraga Town Council and MOFD Board of Directors. Each appointment term shall be for one year. Subcommittee members are not subject to term limits and can continue to serve on the subcommittee for longer than a single term if designated by their respective agencies. Changes to the subcommittee composition can be made by the respective agencies appointing the members.

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D.1 - Attachment A

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