



Moraga-Orinda Fire District
BOARD OF DIRECTORS
SPECIAL BOARD MEETING MINUTES
April 7, 2021
(APPROVED APRIL 21, 2021)

1. OPENING CEREMONIES

The Board of Directors convened a teleconference Open Session at **3:00 p.m.** on **April 7, 2021**, via the Zoom application <https://us02web.zoom.us/j/>, webinar id: and by phone 669-900-6833. 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.

President Jorgens called the meeting to order and requested an attendance roll call. Present were the following Directors and Staff:

President Jorgens	Director Donner	Gloriann Sasser, Admin. Services Director
Director Baitx	Director Jex	Marcia Holbrook, District Clerk
Director Danziger	Dave Winnacker, Fire Chief	

2. PUBLIC COMMENT (audio 0:53)

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

At **3:01 p.m.**, the Board adjourned to Closed Session.

3. CLOSED SESSION

3.1 Conference with Labor Negotiator

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

3.2 Conference with Labor Negotiator

(Government Code Section 54957.6)
Agency Designated Rep: Jonathan Holtzman
Employee Organization: Unrepresented Employees

3.3 Conference with Labor Negotiator

(Government Code Section 54957.6)
Agency Designated Rep: Donna Williamson
Employee Organization: Moraga-Orinda Fire Chief
Officers' Association

4. RECONVENE THE MEETING (audio 3:15)

4.1 Call the Meeting to Order

4.2 Roll Call

President Jorgens reconvened the Moraga-Orinda Fire District Board of Directors' special business meeting at **5:00 p.m.** and requested an attendance roll call. Present were the following Directors and Staff:

President Jorgens	Director Jex	Jonathan Holtzman, District Council
Director Baitx	Dave Winnacker, Fire Chief	Jenica Maldonado, District Council
Director Danziger	Gloriann Sasser, Admin. Services Director	Marcia Holbrook, District Clerk
Director Donner	Jeff Isaacs, Fire Marshal	

5. REPORT OF CLOSED SESSION ACTION (audio 3:40)

President Jorgens stated that the Board took no reportable action on agenda items 3.1-3.3.

6. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA (audio 3:50)

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

7. SPECIAL AGENDA

7.1 Resolution 21-06 A Resolution of the Board of Directors of the Moraga-Orinda Fire Protection District Appreciation and Congratulations to Fire Engineer Janet Brandi on her retirement (audio 4:10)

Fire Chief Winnacker provided the report. Fire Engineer Janet Brandi became a full-time firefighter with the Moraga-Orinda Fire Protection District in 1997 and was promoted to engineer in 2007. On March 30, 2021, Fire Engineer Brandi concluded an exemplary 26-year career in the fire service. Fire Engineer Brandi made a positive difference to countless lives in both the City of Orinda, the Town of Moraga, and the community of Canyon. Fire Engineer Brandi exhibited such dedication and leadership in her public service that the

MOFD desired to recognize her for that service to the community. Fire Engineer Brandi leaves a legacy of strength and perseverance, inspiring all women and men in the fire industry. MOFD expressed appreciation and congratulations to Fire Engineer Janet Brandi upon her retirement and recognized her for her exemplary service to the community. Fire Chief Winnacker read the resolution into the record.

WHEREAS, Fire Engineer Janet Brandi became a full-time firefighter with the Moraga-Orinda Fire Protection District in 1997 and promoted to Engineer in 2007; and **WHEREAS**, Fire Engineer Janet Brandi concluded a 26-year career in the fire service retiring from the Moraga-Orinda Fire District; and **WHEREAS**, Fire Engineer Janet Brandi responded to over 7,500 emergency calls and served on a strike team during the 2017 Tubbs Fire; and **WHEREAS**, Fire Engineer Janet Brandi has been invaluable and inspiring not only to the members of the Moraga-Orinda Fire Protection District team but to all the women who desire to become a firefighter; and **WHEREAS**, Fire Engineer Janet Brandi made a positive difference in countless lives, both in the City of Orinda, Town of Moraga, and Canyon communities; and **WHEREAS**, Fire Engineer Janet Brandi has exhibited such dedication and leadership in her public service that the Moraga-Orinda Fire District desires to recognize her for that service to the community at large; and **WHEREAS**, Fire Engineer Janet Brandi leaves a legacy of strength and perseverance inspiring all women and men in the fire industry; and **NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors of the Moraga-Orinda Fire Protection District expresses appreciation, praise, and congratulations to Fire Engineer Janet Brandi upon her retirement after 26 years of dedicated and exemplary service to the community, recognizing her talent and energy devoted to serving the public, and wish her all the best in her retirement.

Fire Chief Winnacker concluded by expressing his gratitude for Fire Engineer Brandi's years of service and community involvement.

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

The Board of Directors individually and collectively recognized Fire Engineer Janet Brandi for her 26 years of exemplary service to the community. The Board of Directors honored Fire Engineer Brandi for her legacy of strength and inspiration for all young women who desire to become a Firefighter.

Retired Fire Engineer Janet Brandi thanked the Board and offered to talk to anyone who desires to join the fire industry.

No further discussion by the Board.

Motion by Director Jex and seconded by Director Donner to approve Resolution 21-06 A Resolution of the Board of Directors of the Moraga-Orinda Fire Protection District Appreciation and Congratulations to Fire Engineer Janet Brandi on her retirement. Said motion carried 5-0 roll call vote (Ayes: Baitx, Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: None; Abstain: None).

7.2 Authorize Emergency Paid Sick Leave in Accordance with SB95 and Approve 2021 COVID-19 Paid Supplemental Sick Leave Policy (audio 12:57)

Fire Chief Winnacker provided the report. In April 2020, the MOFD board approved a grant of additional sick leave of 144 hours to all employees to minimize the impact of the COVID-19 pandemic. As a government employer, MOFD was not eligible for federal reimbursement for the cost of this action under the Families First Coronavirus Response Act. In response to the ongoing COVID-19 pandemic, Governor Newsom signed SB95 on March 19, 2021. The law requires employers to provide an additional 80 hours of COVID-19 supplemental paid sick leave to full-time employees and a prorated amount of COVID-19 supplemental paid sick leave to part-time employees based on their work schedule and work history. For firefighters, the law specifically requires employers to provide an additional two weeks of COVID-19 supplemental paid sick leave, based on total hours scheduled in the two weeks preceding when the employee takes leave. SB95 provides no reimbursement to employers. The law requires the following:

1. Leave must be used for COVID-related reasons as defined by the law.
 - (A) The covered employee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidelines of the State Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer who has jurisdiction over the workplace. If the covered employee is subject to more than one of the
2. The use of this leave is retroactive to January 1, 2021.
3. Employers must account for and track this supplemental COVID sick leave separately.
4. Employers must notify employees regarding COVID-19 supplemental paid leave benefits by making the model notice, prepared by the Labor Commissioner and available [here](https://www.dir.ca.gov/dlse/2021-COVID-19-): <https://www.dir.ca.gov/dlse/2021-COVID-19->

- foregoing, the covered employee shall be permitted to use COVID-19 supplemental paid sick leave for the minimum quarantine or isolation period under the order or guidelines that provide for the longest such minimum period.
- (B) The covered employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
 - (C) The covered employee is attending an appointment to receive a vaccine for protection against contracting COVID-19.
 - (D) The covered employee is experiencing symptoms related to a COVID-19 vaccine that prevents the employee from being able to work or telework.
 - (E) The covered employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
 - (F) The covered employee is caring for a family member, as defined in subdivision (c) of Labor Code section 245.5, who is subject to an order or guidelines described in subparagraph (A) or who has been advised to self-quarantine, as described in subparagraph (B).
 - (G) The covered employee is caring for a child, as defined in subdivision (c) of Labor Code section 245.5, whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

[Supplemental-Paid-Sick-Leave.pdf](#), publicly available.

- 5. The requirement to provide COVID-19 supplemental paid sick leave shall remain in effect through September 30, 2021, except that a covered employee taking COVID-19 supplemental paid sick leave at the time of the expiration of this section shall be permitted to take the full amount of COVID-19 supplemental paid sick leave to which the covered employee otherwise would have been entitled.

A draft policy has been written to administer this paid sick leave. Staff recommended granting additional paid sick leave as follows:

- 1) Determine an expiration date for SB95 required COVID-19 supplemental sick leave. Fire Chief Winnacker noted that the expiration date is not required, and the September 30, 2021 date is a "no earlier than" date should the Board determine that the leave should expire.
- 2) Authorize all existing and new benefitted 56-hour work week employees to receive 112 hours of COVID-19 Supplemental Paid Sick Leave. This leave can be used for any reason consistent with the COVID-19 related reasons included in SB95.
- 3) Authorize all existing and new benefitted 40 hour work week employees to receive 80 hours of COVID-19 Supplemental Paid Sick Leave. This leave can be used for any reason consistent with the COVID-19 related reasons included in SB95.
- 4) Authorize all existing and new part-time employees to receive COVID-19 Supplemental Paid Sick Leave hours in accordance with SB95. This leave can be used for any reason consistent with the COVID-19 related reasons included in SB95.
- 5) Upon request, authorize retroactive use of COVID-19 Supplemental Paid Sick Leave by employees during the period January 1, 2021, through April 7, 2021, and a restoration of non-SB95 COVID-19 supplemental sick leave to the employee's sick leave accrual bank.
- 6) Approve 2021 COVID-19 Paid Supplemental Sick Leave Policy.

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

Director Baitx asked if Staff is recommending that the sunset date be set for September. Fire Chief Winnacker answered that the Board needs to provide direction for the expiration date. Available options are September 30, 2021 (cannot be earlier than that date), no sunset, or a sunset that the Board could either select or define at a later date. Director Baitx suggested discussing a sunset at a different date, not in perpetuity, but not right at the September 30, 2021 date.

Director Danziger asked if the Board can extend the expiration date. Director Jex stated that the last time the Directors discussed the item, it was decided to leave the expiration open and that the Board could review the date in October or November, depending on the risk or issues are gone.

President Jorgens asked District Council Maldonado if it was possible to not decide on an expiration date and decide on a date in the future. District Council Maldonado answered that as long as the date is under the statute. The obligation is to provide the leave at least through September 30, 2021. Anything beyond that date is at the discretion of the Board.

Director Danziger asked if the date can be set for September 30, 2021, and then bring it back to the Board in September for review of the expiration date. District Council Maldonado confirmed compliancy and stated that it would be a policy choice. Director Jex recalled why the Board did not want to set a drop date due to the potential of increased claims causing people to be in a rush to use the sick time. President Jorgens

concurrent. Director Baitx supported leaving the expiration date open with no cancellation date. Director Jex suggested revisiting the expiration date in October, November, or when there is no COVID. Director Danziger agreed.

Director Jex moved to approve the 2021 COVID-19 Paid Supplemental Sick Leave Policy with no end date but to be reviewed in the future. Director Donner requested that the Board revisit the expiration date in September or October to review what hours have been used.

No further discussion by the Board.

Motion by Director Danziger and seconded by Director Jex to authorize emergency paid sick leave in accordance with SB95, approved the 2021 covid-19 paid supplemental sick leave policy with no expiration date, and to be placed on the agenda for the October 2021 meeting. Said motion carried 5-0 roll call vote (Ayes: Baitx, Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: None; Abstain: None).

7.3 Authorize Chipping Services To Be Provided by an Outside Contractor Instead of District Employees for the Remainder of FY2021 in an Amount Not-To-Exceed \$30,000. (audio 22:12)

Fire Chief Winnacker provided the report. In 2020 MOFD began offering community chipping with a rented chipper and three staff members in the newly created position of Fuels Mitigation Specialist. From January to March 2021, the incumbent employees resigned, taking firefighting positions with local agencies (2 employees) or enroll in full-time paramedic school (1 employee). To date, MOFD's hiring efforts have resulted in a single replacement employee with one more starting the background process and the recently formed hiring list exhausted. Several candidates declined the position to take firefighting crew positions with local agencies. The creation or expansion of fire crews by several area agencies and a hiring surge by CalFire have created a more competitive environment in which MOFD struggles to hire and retain Fuels Mitigation Specialists. Staff is in the process of forming a new hiring list; however, this will take time, and the lack of Staff will likely preclude community chipping this spring as the June 1 compliance deadline draws near and Fire Prevention's focus shifts to enforcement. From 1 January to 15 April, the Fuels Mitigation vacancies have resulted in the following savings: Salary savings: \$14,177.29, Medical/Dental/VSP/Life insurance: \$3,659.19, Retirement: \$5,252.59, Total Net Savings: \$23,089.07. As the two current vacancies move forward, additional savings will be realized at \$6,118 per position per month.

In order to provide chipping services to the community during the months of May and June 2021, Staff recommended hiring chipping crew services from an independent contractor. The contractor would use the District's leased truck and chipper to perform chipping services. The projected cost is \$30,000, which would be funded from a combination of the Fuels Mitigation Specialist vacancies and Fire Chief Contingency. Sufficient appropriations exist in the FY2021 General Fund budget: Fuels Mitigation Specialist Vacancies, \$23,089 and Fire Chief Contingency \$7,000. Staff will issue a request for proposals for a two-person chipping crew, obtain bids from multiple companies and enter into a contract for Chipping services.

Fire Chief Winnacker explained that the reality of hiring has fundamentally changed since the District initially created the Fuels Mitigation position. The list of the first round of hiring netted high-quality employees who did a great job of executing both the menial labor portion of the job (feeding a chipper) to outreach, education, and enforcement. The movement of the Fuels Mitigation staff is an expected progression. However, the District did not expect that it would happen all at once or when the labor pool demand would increase dramatically throughout the region.

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

Director Jex asked if the contractors will use the MOFD leased equipment. Fire Chief Winnacker confirmed and explained MOFD would contract people and not the equipment. Director Baitx asked if the \$30,000 is coming out of the budget allocated for the Fuels Mitigation. Fire Chief Winnacker confirmed and explained that the savings realized by the staff positions in the Fuel Mitigation Specialist positions and reallocating that money to Contracting the service. Also, using the \$7,000 from the Fire Chief contingency budget because the savings have not been realized from the two vacancies. Staff anticipates that District will realize the savings in a month from now. Staff did not want to ask the Board to move money that has not been saved.

Director Danziger asked who would be responsible if an injury occurred. Fire Chief Winnacker stated that responsibility and workers compensation insurance would be part of the contract unless the injury was caused by MOFD negligence or failure to maintain the equipment. Director Baitx asked if the insurance also covered any damage done to the property. Fire Chief Winnacker confirmed bonded and insured.

Director Danziger asked if the company that MOFD contracts with ensures that the employees are qualified to meet our specifications. Fire Chief Winnacker confirmed that would be included in the contract. Director Danziger asked what will happen with complaints and other responsibilities that the Fuels Mitigation Specialists cover during May and June. Fire Chief Winnacker stated that District staff would meet those requirements.

Director Danziger asked how the District is communicating to the public about the status of the Chipping service. Fire Chief Winnacker stated that Staff has not been accepting chipping requests. Director Danziger asked why the positions for Fuels Mitigation Specialist are not currently advertised. Fire Chief Winnacker answered that Staff has been working off a list of prospects just exhausted in the last several days. One employee was hired off of that list and will be starting next week. Staff is in the process of filling the Human Resource Benefits position and working on the 2021 budget. Once the Human Resource Benefits Manager has on-boarded, the first task will be to run a Fuels Mitigation Specialist hiring process.

No further discussion by the Board.

Motion by Director Jex and seconded by Director Donner to authorize Chipping Services To Be Provided by an Outside Contractor Instead of District Employees for the Remainder of FY2021 in an Amount Not-To-Exceed \$30,000. Said motion carried 5-0 roll call vote (Ayes: Baitx, Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: None; Abstain: None).

Fire Chief Winnacker announced Dennis Rein, Emergency Preparedness Coordinator, executed prescribed fire on Flicker Ridge, placing fire onto the Knobcone Pine working with East Bay Municipal Utility District. Flicker Ridge has a unique ecosystem. It has the only Knobcone Pines in the Bay Area. The Knobcone Pine is a fire-dependent species and needs fire at 351 degrees to open the cones and allow the seeds to release. Fire has not been on the ground since the 1960s and has been a topic of study from UC Berkeley Foresters since 1970. MOFD was able to do test plots with the potential for some significant biological enhancement to help restore that unique ecosystem and get Knobcone Pine trees back into health. Staff hopes that the two demonstration plots burned will be used to generate increased interest around the Forest Health Grant proposals submitted by Staff. The proposals are to be reviewed in May with the potential to have an influx of State money for the forest surrounding the District.

12. ADJOURNMENT (audio 34:30)

At 5:29 p.m., Director Donner motion and seconded by Director Danziger to adjourn the meeting. Said motion carried 5-0 roll call vote (Ayes: Baitx, Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: None; Abstain: None).



Marcia Holbrook,
District Secretary/District Clerk

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