



Moraga-Orinda Fire District
BOARD OF DIRECTORS
REGULAR BOARD MEETING MINUTES

June 16, 2021
(APPROVED JULY 21, 2021)

1. OPENING CEREMONIES

The Board of Directors convened a teleconference Open Session at **5:02 p.m.** on **June 16, 2021**, via the Zoom application <https://us02web.zoom.us/j/89686567414>, webinar id: 89686567414 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 (absent)	Director Jex	Lisa Franklin, Human Resources Manager
Director Danziger	Dave Winnacker, Fire Chief	Marcia Holbrook, District Clerk

2. PUBLIC COMMENT (audio 3:20)

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

At **5:03 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

3.4 Conference with Real Property Negotiators

(Government Code Section 54956.8)
Agency Negotiator: David Winnacker
Negotiating parties: Moraga School District
Under Negotiations: Consideration of and authorization to proceed with real estate negotiations by the Fire Chief regarding potential acquisition of the real properties concerning price and terms of payment.
Real Property: Moraga Way, Orinda CA 94563 (APN 270-302-006-1) and 1010 Camino Pablo, Moraga CA 94556 (257-210-013-5).

4. RECONVENE THE MEETING (audio 6:44)

4.1 Call the Meeting to Order

4.2 Roll Call

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

President Jorgens	Director Jex	Lisa Franklin, Human Resources Manager
Director Baitx (absent)	Dave Winnacker, Fire Chief	Mary Smith, Finance Manager
Director Danziger	Gloriann Sasser, Admin. Services Director	Mariam Morley, District Council
Director Donner	Jeff Isaacs, Fire Marshal	Marcia Holbrook, District Clerk

5. REPORT OF CLOSED SESSION ACTION (audio 7:20)

President Jorgens stated that the Board took no reportable action on agenda items 3.1-3.4.

6. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA (audio 7:30)

President Jorgens opened Public Comment.

Written comments received by 3:00 p.m. were forwarded to the Board of Directors and available for viewing on the District website. 1) Steve Cohn; 2) Red Smith.

Laura Abrams, Orinda resident, former Orinda Mayor, and councilmember read a petition statement signed by 1,150 residents of Moraga and Orinda demanding Director Baitx' recusal from the Firefighters employment contract negotiations due to the appearance of a conflict of interest. Ms. Abrams stated that a copy of the petition would be mailed to the administration office.

Laura Abrams, Orinda resident, added a personal statement regarding Director Baitx and requested his recusal from the Firefighter's employment contract negotiations.

Mark, Moraga resident, commented that several fire hydrants around his area are not visible from the road and missing the blue decals. Mark expressed concern about the EBMUD fire hydrant inspection schedule and statements made by EBMUD that no hydrants failed inspections. Mark requested MOFD prioritize the annual inspections of the fire hydrants.

Director Donner mentioned recent observations of Staff performing the annual inspections. Fire Chief Winnacker confirmed the annual inspections have begun. Fire Chief Winnacker recommended the resident contact the EBMUD Board of Directors to express concerns. Director Danziger stated Marguerite Young is the representative for the Moraga-Orinda area.

President Jorgens asked if the District's Council would be submitting a memo to the California Fair Political Practices Commission (FPPC) regarding the petition. District Council Morley confirmed that District Council Holtzman would be seeking an opinion from the FPPC.

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

7. PUBLIC HEARING (audio 24:06)

7.1 Public Hearing on Failure to Comply with the Notice to Abate Order for the Following Properties; Declare Properties a Seasonal and Recurrent Nuisance and Order Fire Chief to Abate the Properties;

Fire Marshal Isaacs provided the report. The properties located at 231 Rheem Blvd, 56 Orchard Road, and 106 Tappan Lane were mailed 30-day Exterior Hazard Information notices identifying the violations found on the properties. Inspections were performed after the 30 days, and violations were still found on the parcels. Notice to Abate letters were mailed giving the Owners an additional 15 days to abate the identified violations. Re-inspections were performed after the 15 days and the violations were still found on the properties. Abatement Hearing Notifications were issued to the Owners stating that the District would be moving forward with an abatement hearing. Staff recommended open the public hearing, review the documentation for each property and hear public comment from the Property Owners or Agents; close the public hearing, declare properties a seasonal and recurrent nuisance, and order the Fire Chief to abate properties.

President Jorgens asked how much time had passed since Staff started the process with the three properties. Fire Marshal Isaacs answered Staff issued the first notices in the summer of 2020 for properties 231 Rheem Blvd, and 56 Orchard Road, and in March 2021 for property 106 Tappan Lane.

Director Donner recused himself from the abatement hearing for APN 269040007, 56 Orchard Road due to a conflict of interest. Director Donner left the zoom meeting at 7:23 p.m.

Property: APN 269040007, 56 Orchard Road Fire Marshal Isaacs presented and reviewed photos of the violations cited for APN 269040007, 56 Orchard Road, item 7.1, attachment A. Fire Marshal Isaacs stated that the 56 Orchard parcel is under an acre in size and required complete abatement. Fire Marshal Isaacs reviewed the fire code violations for the parcel and stated numerous complaints were received on the property. Staff began working with the Property Owner on October 28, 2020. The property owners are elderly and live out of the area. Staff recommended that the Board order the Fire Chief to abate this property and will continue to work with the property owner to gain compliance.

Director Danziger asked if the house was unoccupied. Fire Marshal Isaacs confirmed. Director Danziger expressed concern over the conditions of the property when he observed the property from the road. Director Danziger asked if the house was abandoned. Fire Marshal Isaacs confirmed. Director Danziger asked about the May 19, 2021 hearing cancellation notice. Fire Marshal Isaacs explained that due to the anticipated length of the May regular board meeting, Staff removed the abatement hearing item from the agenda.

President Jorgens opened the Public Hearing for comment on APN 269040007.

Keitha Demara, Property Owner, explained that she had been in quarantine and her husband in hospice and did not receive the noticed until recently. Mrs. Demara stated she has been working on the property, procured a 30-yard dump box, and the trees were done a month ago. Mrs. Demara commented she had pictures of the completed work, but did not understand how to send them to the District.

Director Danziger asked if Staff noticed any change in the status of the property. Fire Marshal Isaacs answered on June 15, 2021, Staff observed the Property Owner's Son and another individual working on the property. Due to the magnitude of violations, a large crew is needed to complete abatement of the property in order to comply with the fire code. Mrs. Demara reported that the side of the garage is done and people are working on the berries. Ten trees have been chopped in the last three days. The 30-yard

large dump box is full and another dump box is to arrive on Tuesday. Mrs. Demara explained that she intends to move back into the home but is waiting for her husband in hospice to pass away.

President Jorgens asked when the work could be complete. Mrs. Demara answered in one month. President Jorgens asked if a third party would be hired to help clean the property. Mrs. Demara answered her Son, a friend, and hired people would be cleaning the property.

Director Danziger commented that according to the Fire Marshal, the work would require a large crew to complete the required work. Mrs. Demara stated that 1/3 of the work is done, with over 50% of the undergrowth completed. Fire Marshal Isaac acknowledged the efforts by the Property Owner, but stated due to the amount of work that still needs to be completed, it would be difficult to identify any percentage of completed work.

President Jorgens asked if the Owner would be able to hire a crew to complete the work sooner than stated. Mrs. Demara replied that she has already hired more people, and has cleared 30 yards. Mrs. Demara guaranteed the work to be completed in one month.

Director Danziger asked if three weeks was a reasonable amount of time to complete the work. Fire Chief Winnacker deferred to the Board on how to balance the resident's desire to complete the work and slow progress with the broader risk of community concern and the fire danger identified on the parcel. The parcel has been the source of numerous complaints from the community.

Mrs. Demara requested for her son, Ethan Demara to speak on her behalf. Mr. Demara stated that he previously owned a landscape company and has talked to tree trimmers about doing the work. A 30-yard dumpster was delivered and another dumpster is arriving on Tuesday. Mr. Demara reviewed the completed work and the complications encountered with a beehive and poison oak. Mr. Demara stated he has talked with the Fire Marshal and guaranteed to have the work completed in one month. Mr. Demara explained that the Assisted Living facility consumed the family's available funds and requested additional time to complete the work.

President Jorgens commented on concerns for fire code violations. Mr. Demara stated the trees have already been chopped and placed in the dumpsters. Mr. Demara outlined the costs involved in cleaning the property and constraints on available funds. Mr. Demara explained some of the issues with the blackberries on the property.

Jennifer Balducci, Orinda resident and neighbor of the Damara family, expressed appreciation for the work being completed by the Property Owner.

There were no further requests to address the Board.

Director Danziger proposed continuing to work with the Owners but authorizing the abatement. President Jorgens agreed and recommended allowing the Owners three weeks to complete the work as long as they are making progress. Directors Danziger and Jex agreed. No further discussion by the Board.

Director Donner returned to the zoom meeting at 7:51 p.m.

Property: APN# 255072003, 231 Rheem Blvd. Fire Marshal Isaacs presented and reviewed photos of the violations cited on property APN 255072003, 231 Rheem Blvd, item 7.1, attachment A. Fire Marshal Isaacs stated that 231 Rheem Blvd is under an acre in size and required complete abatement. Staff began working with the Property Owner in June 2020. The Property Owner requested numerous extensions to mitigate the property and failed to remove the fire code violations. Staff recommended that the Board order the Fire Chief to abate property. Staff to continue to work with the property owner to gain compliance.

President Jorgens opened the Public Hearing for comment on property APN 255072003. There were no requests to address the Board.

President Jorgens, Directors Danziger, Donner, and Jex agreed to order the Fire Chief to abate this property. Director Jex asked if the property's financial status and other liens placed on the property were known. Fire Marshal Isaacs answered he would look into the financial status of the property. President Jorgens inquired if the property does not have equity, what would happen with the status of the MOFD invoice. Fire Chief Winnacker answered Staff works to ensure that a parcel is paying taxes and has the ability to settle the tax bill. Director Jex supported the process. Director Danziger agreed.

No further discussion by the Board.

Property: APN# 266380009, 106 Tappan Lane. Fire Marshal Isaacs presented and reviewed photos of the violations cited on Property APN# 266380009, 106 Tappan Lane, item 7.1, attachment A. Fire Marshal Isaacs stated that 106 Tappan Lane is greater than one acre in size. The Fire Code requires one hundred

feet of defensible space around the structure, and a fuel break around the perimeter of the parcel. The owner has not shown any attempt to complete the work with heavy vegetation growth. In addition, there is drainage which would affect fire behavior. Staff recommended that the Board order the Fire Chief to abate this property. Staff to continue to work with the property owner to try to gain compliance.

President Jorgens opened the Public Hearing for comment on property APN 266380009.

Fred Sui, Property Owner, shared that he met with Fuel Mitigation Manager Graham and cleared more vegetation from the backside of the house. The downhill side is 90% clear of the coyote brush. Mr. Sui informed the Board that the southern portion of the property belongs to the Petersons. Mr. Sui commented that he received the March 11, 2021 notice two days ago. The envelope states "return to sender" on March 11, 2021. Mr. Sui received another correspondence dated May 3, 2021, but did not receive it until the second part of May. Mr. Sui recommended critical mail should be sent by register mail.

Mr. Sui argued that because the notices were received late, it gives the appearance that he is delinquent in complying, but he has been doing everything to comply once he received the notices. Mr. Sui realized that he did not have the 10' clearance required on the driveway. Mr. Sui expressed confusion over the information provided last year on mitigation. Mr. Sui expressed that he is willing to cut whatever is needed to meet the requirements; however, he has a four-acre downhill lot and it is difficult to clear due to a mudslide that occurred from the previous owner. Mr. Sui outlined the work completed. Mr. Sui requested the MOFD chipping service and a three-to-four-week extension on the deadline to mitigate because the notices were not received until mid-May. Separately, Mr. Sui informed the Board of a potential fire code violation of a wooden sign located near his property that reads Bear Ridge Property and reported a constant leak of water underneath the south side of his property which he suspected was from the fire hydrant waterline.

Fire Marshal Isaacs stated that the roadside vegetation is nowhere near complete. Fire Marshal Isaacs displayed an aerial photo showing the overgrown vegetation and brush. Fire Marshal Isaacs explained that the Owner may have removed some of the vegetation, but the recent photo still shows the accumulation of hazardous combustible material.

Director Danziger recommended ordering the Fire Chief to abate the property and for Staff to continue to work with the property owner for the next three weeks to gain compliance. President Jorgens agreed. Director Jex agreed. Director Danziger explained that the chipper service has a process for signing up and the Owner needs to reassess how the material will get chipped. Fire Chief Winnacker confirmed and stated the community chipping program is intended for vegetation too big for the green bin and too small for a commercial provider.

President Jorgens stated that the Owner has three weeks to work diligently on the property. At the end of the three weeks, if the work is not complete, MOFD will hire a contractor to mitigate the property and issue an invoice for the work. President Jorgens encouraged the Owner to work with Fuel Mitigation Manager Graham or Fire Marshal Isaacs to understand the list of violations. Mr. Sui expressed appreciation for the extension and requested an additional week for a total of four weeks. Mr. Sui asked about the fire hazard concern regarding the wooden sign. Fire Chief Winnacker answered there are no elements of the fire code that prohibit the posting of a wooden sign on the roadside.

There were no further requests to address the Board. No further discussion by the Board.

****District Council Morley noted Director Donner did not participate in, and was not present for the hearing or the vote on the Board's motion related to the specified property located at 56 Orchard Road.****

Motion by Director Danziger and seconded by Director Jex to Declare **APN 269040007, 56 Orchard Road, APN# 266380009, 106 Tappan Lane, and APN 255072003, 231 Rheem Blvd a Seasonal and Recurrent Nuisance and Order Fire Chief to Abate the Properties. Three-week extensions issued to APN 269040007, 56 Orchard Road and APN# 266380009, 106 Tappan Lane, so long as significant progress is made in removing identified fire code violations as determined by the Fire Marshal. Said motion carried 4-0-1-0 roll call vote (Ayes: Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: Baitx; Abstain: None).****

Motion by Director Danziger and seconded by Director Jex to Adopt Resolution 21-13, a Resolution of the Moraga-Orinda Fire District Declaring that the Fire Hazard on Specified Properties Constitute Seasonal and Recurrent Public Nuisances and Directing the Fire Chief to Abate these Nuisances at the Property Owner's expense. Said motion carried 4-0-1-0 roll call vote (Ayes: Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: Baitx; Abstain: None).

8. CONSENT AGENDA (audio 87:57)

- 8.1 Meeting Minutes – May 19, 2021 (Regular), May 21, 2021 (Special), May 27, 2021 (Special).** Staff Recommendation: Approve and File
- 8.2 Monthly Incident Report – May 2021.** Staff Recommendation: Approve and File
- 8.3 Monthly Check/Voucher Register – May 2021.** Staff Recommendation: Approve and File
- 8.4 Monthly Financial Report – May 2021.** Staff Recommendation: Approve and File

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

Motion by Director Jex and seconded by Director Danziger to approve Consent Agenda items 8.1 through 8.4. Said motion carried 4-0-1-0 roll call vote (Ayes: Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: Baitx; Abstain: None).

9. REGULAR AGENDA

9.1 Resolution 21-07 Establishing the FY2021/22 Fire Flow Tax Rates for the Orinda and Moraga Service Zones (audio 89:36)

Administrative Services Director Sasser provided the report. Every year the District is required to set the rate for the Fire Flow Tax in each of the District's two service zones. In order to place the tax on the County Assessor's rolls for fiscal year 2021/22, the tax rate must be established by Board action and then levied against each parcel. Upon formation of the District in 1997, the rate was established at \$.06. This continued the fire flow tax in the Moraga Fire District that preceded the formation of MOFD and extended it to Orinda. This same rate was in effect in 1998 when portions of East Orinda were annexed. On several occasions, the fire flow has been set at \$.05; however, it has been set at \$.06 since 2013. Staff recommends the Board adopt Resolution No. 21-07 adopting the Fire Flow Tax rate of six cents (\$.06) in both the Moraga and Orinda service zones.

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

Director Danziger inquired how the rates were established in Orinda and Moraga and the process for rate changes. Fire Chief Winnacker answered the process is by Board Resolution. President Jorgens commented that since the tax rates were established in 1997, the demographics, populations, and tax bases have changed. President Jorgens asked if the Board has ever discussed whether the allocation between the two cities is still proportionate. Director Jex stated that the Orinda tax rate is set at a limit of .06 cents, and Moraga has the ability to modify the tax rate up to .28 cents. Fire Chief Winnacker confirmed.

President Jorgens requested an analysis of the current rates. Fire Chief Winnacker provided a background on how the rates were established. For the first four years of the District's formation, the two service zones had separate accounting. In 2001, by Ordinance, the District abolished the separate accounting and did not recognize sub-political boundaries. Fire Chief Winnacker explained the challenges of determining who is receiving what service. President Jorgens clarified that the analysis is to review the percentage of the budget paid by one entity versus another to determine if the tax should change due to the change in demographics from 20 years ago. Fire Chief Winnacker added that the Orinda tax rate was based on matching the Moraga tax rate currently being charged. Director Jex stated that the fire flow tax goes into the capital fund. Fire Chief Winnacker confirmed.

President Jorgens inquired about the deadline to approve the fire flow tax. ASD Sasser reviewed both Ordinances and read that the Board shall set the tax rate at a regularly scheduled meeting prior to the end of July. President Jorgens requested the population (in both households and population) in Orinda and Moraga since the formation of the District. Fire Chief Winnacker acknowledged and added that the LAFCO documents state the requirement for Orinda to match the Moraga tax rate. President Jorgens expressed an interest in knowing the rationale and if the factors have changed. President Jorgens requested to move the item to the July board meeting. Directors Danziger, Donner, Jex agreed. No further discussion from the Board.

9.2 Adoption of Annual Operating Budget Fiscal Year 2022 (audio 104:50)

Fire Chief Winnacker provided the report. A public budget workshop was conducted on April 21, 2021 and board meeting on May 19, 2021, for the Board and the public to discuss the draft Budget, the additional General Fund property tax revenue due to the upcoming conclusion of the pension obligation bond payments, General Fund discretionary programs and spending priorities, and capital projects for FY2022. October 2021 is the latest date the Board can adopt a Budget per State law.

Fire Chief Winnacker reviewed that the Budget currently accounts for a continuation of staffing (same as prior year): Safety roster strength 57 positions, Fire prevention – 5 positions, Administration – 5.6 positions, and outsource the Fire Inspector/Plans Examiner position. The Budget projects the following: General Fund

– surplus \$744,194, Debt Service Fund – required deficit due to the final payments for the pension obligation bonds \$2,058,721, and Capital Projects Fund - deficit \$269,648. Due to ongoing labor negotiations, the current budget does not include pay raises or benefit increases. Staff recommended the Board adopt the proposed Annual Operating Budget Fiscal Year 2022.

President Jorgens opened Public Comment.

Written Public Comments received after 3 p.m., attached to these minutes, item 9.2 attachment A. 1) Dennis Fay.

There were no further requests to address the Board. President Jorgens closed Public Comment.
No discussion by the Board.

Director Danziger asked questions on the budgeted items: technical rescue equipment, dues and memberships, air monitor maintenance, hydro test, testing materials, career development, and public education supplies. Fire Chief Winnacker reviewed and answered each item. Director Danziger asked if the expense for the Station 41 rebuild would be budgeted. Fire Chief Winnacker stated not at this time, given the absence of Board direction regarding different scenarios included in the Long-Range Financial Forecast. Director Danziger asked if a budget revision could be made to the Budget once adopted. Fire Chief Winnacker confirmed. Director Jex inquired why nothing was budgeted for grants in the revenue. Fire Chief Winnacker stated the District has not been awarded any grants. Director Danziger asked if the amount paid for dispatch services is a flat fee or based on call volume. Fire Chief Winnacker answered proportionally based on size. Director Danziger asked if the budget included the purchase of a chipper and truck. Fire Chief Winnacker confirmed. No further discussion by the Board.

Motion by Director Jex and seconded by Director Danziger to Adopt the Annual Operating Budget Fiscal Year 2022 Said motion carried 4-0-1-0 roll call vote (Ayes: Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: Baitx; Abstain: None).

9.3 Long Range Financial Forecast (audio 119:40)

Fire Chief Winnacker provided the report. At the May 19, 2021 board meeting, the Board directed Staff to place the Long Range Financial Forecast (Forecast) on the next agenda. The Forecast was presented at the March 17, 2021 Public workshop and April 21, 2021 board meeting where three scenarios of a 10-year forecast were presented along with three scenarios of a 10-year forecast of capital and apparatus expenditures, and an outside expert presented a review of the Forecast. The Board has not provided direction regarding the three scenarios presented in April or the timeframe for Station 41/Admin replacement. Staff is seeking direction on the LRFF.

President Jorgens asked how critical the need is for the Station 41 rebuild. Fire Chief Winnacker recommended a new station be commissioned in a three-to-five-year time frame. The timeframe allows more time for the Board to consider how to fund the project and allow planning to include property negotiations and the beginning of architectural work the year after this budget. President Jorgens commented that the Station 41 rebuild was the only open item in the LRFF, and all other questions had been resolved.

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

Director Danziger asked if the budget included expenditures for academies and recruitment. Fire Chief Winnacker answered not at this time. No further discussion by the Board.

9.4 Resolution 21-10 Establishing the District's Annual Appropriations Limit for Fiscal Year 2021/22 (audio 125:34)

Administrative Services Director Sasser provided the report. Each year the Board of Directors is required to establish an appropriations limit for the District per California Government Code Section 7910. In accordance with the calculation formula established in the Government Code, the District's appropriations limit for Fiscal Year 2021/22 is \$33,804,130. Staff recommended the Board adopt Resolution No. 21-10, establishing the appropriations limit for Fiscal Year 2021/22.

President Jorgens asked if the appropriations include grant funds. Fire Chief Winnacker answered grant funds are not included. ASD Sasser explained the appropriation amount is a calculation done each year to determine the amount of taxes the District can collect. The District cannot collect taxes that exceed the Appropriations limit. Grants are not included in this amount.

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

Motion by Director Jex and seconded by Director Donner to Adopt Resolution No. 21-10 establishing the appropriations limit for Fiscal Year 2021/22 at \$33,804,130. Said motion carried 4-0-1-0 roll call vote (Ayes: Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: Baitx; Abstain: None).

9.5 Resolution No. 21-11 Adopting a Modified Schedule of Cost Recovery Fees for Emergency Medical Services (audio 127:55)

Administrative Services Director Sasser provided the report. Emergency medical services are partially paid for by ambulance transport cost recovery fees and non-transport emergency medical services cost recovery fees. District Resolution No. 13-02, approved in May 2013, adopted a modified schedule of fees. This Resolution and the District's Ambulance Service Agreement with Contra Costa County EMS include a provision for an annual modification to emergency medical services fees. Staff recommended the Board increase ambulance transport fees based on the Consumer Price Index (CPI) for the San Francisco – Oakland – Hayward, CA area. The April 2021 CPI increased 3.81% and adopt Resolution 21-11 Establishing a Modified Schedule of Cost Recovery Fees for Emergency Medical Services. A comparison of emergency medical services fees for other agencies in Contra Costa County was provided in the staff report.

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

Motion by Director Danziger and seconded by Director Jex to Adopt Resolution 21-11 Establishing a Modified Schedule of Cost Recovery Fees for Emergency Medical Services. Said motion carried 4-0-1-0 roll call vote (Ayes: Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: Baitx; Abstain: None).

9.6 Award Contract to Corda Solar, LLC for Installation of a Rooftop Utility-Interactive Solar Photovoltaic System with Battery Back-Up System in the Amount of \$298,500 (audio 129:33)

Fire Chief Winnacker provided the report. In March 2021, the Board authorized acceptance of a California Governor's Office of Emergency Services Community Power Resiliency Grant for photovoltaic and battery storage in the amount of \$300,000. On May 4, 2021, a request for proposals for the public project was issued with sealed bids due June 1, 2021. The District received two bids from Corda Solar, LLC – to install solar and battery back-up at Stations 42, 43, and 44 in the amount of \$298,500, and Cal Solar, Inc. – to install solar and battery back-up at Stations 42 and 44 in the amount of \$316,772. Staff recommended contract award to the lowest responsible bidder, Corda Solar, LLC. Sufficient appropriations exist in the FY2021 Annual Operating Budget (grant funds in the amount of \$300,000 were received in April 2021).

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

Motion by Director Jex and seconded by Director Danziger to Award Contract to Corda Solar, LLC for Installation of a Rooftop Utility-Interactive Solar Photovoltaic System with Battery Back-Up System in the Amount of \$298,500. Said motion carried 4-0-1-0 roll call vote (Ayes: Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: Baitx; Abstain: None).

9.7 Resolution No. 21-12 Affirming Support of Senate Bill 804 (audio 133:10)

Fire Chief Winnacker provided the report. At the May 2021 board meeting, a director requested a future agenda item to review and support SB 804. SB 804 was introduced in the State Senate by Senator Glazer in April 2021 following extensive engagement between MOFD staff and his office. Fire Chief Winnacker explained that the bill will create a California Conservation Corps forestry training center housing an education and employment reentry program with the intent to establish a pathway for formerly incarcerated persons with experience on CalFire/ Department of Corrections hand crews to enter into careers in forestry and vegetation management. Staff recommended adopting Resolution 21-12 Affirming Support of Senate Bill 804.

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

Director Donner expressed support for the program and resolution. President Jorgens agreed. Director Danziger requested that the resolution be transmitted to the local representatives. No further discussion by the Board.

Motion by Director Danziger and seconded by Director Donner to Adopt Resolution 21-12 Affirming support of Senate Bill 804. Said motion carried 4-0-1-0 roll call vote (Ayes: Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: Baitx; Abstain: None).

10. COMMITTEE REPORTS (audio 137:04)

- 10.1 Audit Committee (Directors Danziger and Jex).** No report
- 10.2 Finance Committee (Directors Danziger and Jorgens).** No report.
- 10.3 Facilities Station 41 Ad Hoc Committee (Directors Baitx and Donner).** No report.
- 10.4 Joint Fire Prevention Ad Hoc Committee (Directors Danziger and Jorgens).** No report.

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

11. ANNOUNCEMENTS (audio 138:18)

11.1 Brief information only reports related to meetings attended by a Director at District expense

(Government Code Section 53232.3(d)). No report.

11.2 Questions and informational comments from Board members and Staff.

Director Danziger inquired about future board meetings with the recent change in the COVID-19 restrictions. President Jorgens asked if the change in rules allowed for in-person meetings. Fire Chief Winnacker confirmed and added that Districts are allowed to continue to hold remote meetings through September. District Council Morley suggested adding the discussion of the future of board meetings to the next agenda. President Jorgens requested the item be placed on the next agenda to discuss if the Board will have in-person meetings, Zoom meetings or a hybrid model. Director Jex asked if statistical data was available on the public participation in the zoom meetings. Fire Chief Winnacker answered public participation has increased with the access to the remote setting and the live streaming on the MOFD YouTube channel. President Jorgens requested that Staff look into adding Zoom to the in-person meeting.

11.3 Fire Chief Updates

11.3.1 Human Resources

Human Resources Manager Franklin provided the report. The Captain's exam was conducted on June 4, 2021 and Captain Engineer Elbanna will be promoted to Captain. Steve Chou started on June 14, 2021 as a new Fuels Mitigation Specialist. All Fuel Mitigation Specialists positions are filled. The November 2020 Cal/OSHA requirements are still in effect. Cal/OSHA is scheduled to hold a meeting on June 18, 2021. Director Danziger asked if a recruitment list has been created for the Fuels Mitigation Specialist position. Human Resources Manager Franklin confirmed. Two individuals from the last recruitment were added to an eligible list and will be called on if a future vacancy occurs.

11.3.2 Finance Report

Finance Manager Smith provided the report and gave a presentation on the status of OES reimbursement, attached to these minutes, item 11.3.2, attachment A. OES Strike Team receivables \$3,206,483. OES payments received \$2,326,437, with net receivable outstanding \$880,046. The most recent payment of \$141K was received on June 2, 2021, with 24 invoices paid and 14 invoices outstanding. Primarily the outstanding invoices are for New Invoices in April and May for OES HQ COVID Support Assignments. COVID Vaccine Clinic Reimbursement – no MOFD staffing for COVID clinics in May. Total reimbursement due to date = \$17.5k. The District fuel card program was implemented, fuel cards were placed in vehicles, and policy was adopted to report and reconcile fuel card use/expense. Salary survey forms for 2021/22 received from OES. Completion in process.

Director Danziger inquired if there was a pattern for when invoices get paid. Finance Manager Smith answered no pattern. Director Jex stated that before the completion of the audit, the presumption is that all of the outstanding invoices will have been collected. Fire Chief Winnacker answered the District continues to have reimbursable activity for COVID support and Fire Season activity. As the fire activity continues, outstanding items will remain at the time of the audit. ASD Sasser stated that the invoices will remain in accounts receivable if unpaid. Director Jex responded the Auditors will ask questions on the outstanding receivables.

11.3.4 Fire Marshal

Fire Marshal Isaacs provided the report. The District received 60 dead tree complaints, 90 exterior hazard complaints, 373 property transfer requests, and 298 properties transferred. The District has completed 539 exterior hazard inspections (225 passed/314 failed) and three properties brought to the Board for abatement hearings. One pre-citation has been issued. Staff completed 47 days of chipping and removed 260 tons of material. Staff conducted 16 state-mandated inspections and 181 plan reviews. Fire Marshal Isaacs reviewed current projects and plans for the quarter (new hire orientation, training of the new Fuels Mitigation Staff, inspections, the development of the MOFD App, and the fuel reduction project funded by CAL FIRE.

President Jorgens asked for an update on the FAC-A program. Fire Chief Winnacker provided a status on the program and volunteer productivity. President Jorgens inquired about the use of registered mail for the second violation notices and recommended Staff document conversations with property owners about the receipt of notices. Fire Chief Winnacker answered the current fire code does not require registered mail. Staff documents all contacts, conversations, and property photos. In situations where Staff is having difficulty contacting an Owner, a notice is posted on the property. Fire Chief Winnacker noted in the cases where residents expressed concern of not receiving a notice (in a timely manner), the amount of time elapsed from when they acknowledged receiving letters until the hearing exceeded a month. President Jorgens suggested sending the third notice by registered mail. Fire Chief Winnacker explained that the communication logs in the cases presented during the hearing show four to six weeks of communications with the Owners (including in-person meetings making sure awareness of the fire code violations).

Director Danziger inquired about the status of the City of Orinda chipper. Fire Chief Winnacker answered the Orinda chipper is currently in service. Director Danziger asked if the Orinda stats will be included in the fire prevention report. Fire Chief Winnacker answered the City of Orinda is working on tracking options.

Fire Chief Winnacker continued with the Fire Chief update. Staff is preparing for the Wildfire season by conducting joint drills with ConFire and surrounding agencies. Battalion Chief Lambert organized a sand table exercise for wildfire scenarios in North Orinda with all members participating. Emergency Preparedness Manager Dennis Rain organized a meeting of the Fire and Police Chiefs for the Lamorinda area to ensure evacuation planning is coordinated and synchronized. A series of virtual evacuation exercises will be conducted in July and August. The exercises will include a stress test on the Community Warning System (CWS) to ensure that the messages issued are being received. Residents will have an opportunity to confirm receipt of the message or follow up with CWS to figure out what went wrong in the information transfer. Fire Chief Winnacker encouraged everybody to comply with the fuel mitigation regulations. Fire prevention resources continue to be absorbed by a small number of parcels who are very aware of the requirements of the fire code, but choose not to comply. Staff is unable to move on to other areas of the community that require education and outreach because of the resources focused on these non-compliant parcels. Staff is working on the major roadsides, major evacuation routes, and large Parcels to get those into compliance.

11.4 Communications Received

District Clerk Holbrook reported communications received from M. Anderson opposing consolidation.

11.5 Future Agenda Items

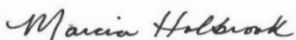
President Jorgens reviewed the discussion of adding the different types of meetings for future meetings that Director Danziger requested and the ability to add Zoom or camera to the room to show the meeting without requiring the public to be physically present. Director Danziger agreed.

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

President Jorgens closed public comment. No further discussion by the Board.

12. ADJOURNMENT

At 9:43 p.m., Director Donner motion and seconded by Director Danziger to adjourn the meeting. Said motion carried 4-0-1-0 roll call vote (Ayes: Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: Baitx; Abstain: None).



Marcia Holbrook,
District Secretary/District Clerk

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From: [Dennis Fay](#)
To: [Info](#)
Cc: [Winnacker, David](#)
Subject: Agenda Item 9.2 MOFD Annual Budget - Chipper/Truck Purchase
Date: Wednesday, June 16, 2021 3:52:51 PM

President Jorgens and Board Members,

I am writing to you today as a citizen of the district rather than the Vice Mayor of Orinda.

I will be unable to attend your meeting tonight, but I wanted to encourage you to adopt Chief Winnacker's recommendation to purchase a chipper and truck for your chipping program. As you know, the citizens of Orinda are taxing themselves to expand this important service in our community. By making this purchase rather than continuing a lease, MOFD is not only making a good financial decision but is also demonstrating its continuing commitment to this program and assuring Orinda residents that we have a committed partner.

Thank you in advance for approving the Chief's recommendation on this matter.

Regards,
Dennis Fay
Orinda



Finance Report

June 16, 2021

Strike Team Reimbursement - OES



• **Strike Team Receivable Update:**

OES Strike Team Receivable	\$3,206,483
OES Payments Received	<u>\$2,326,437</u>
Net Receivable Outstanding	\$ 880,046

- Most recent payment was June 2nd - \$141k
- New Invoices in April and May for OES HQ Covid Support Assignments
- 24 Invoices Paid, 14 Invoices Outstanding

Finance – Other items



- Covid Vaccine Clinic Reimbursement – no MOFD staffing for Covid clinics in May
 - Total reimbursement due to date = \$17.5k
- District fuel card program implemented – fuel cards placed in vehicles and policy adopted for reporting and reconciling fuel card use/expense
- Salary survey forms for 2021/22 received from OES. Completion in process.