



Moraga-Orinda Fire District  
**BOARD OF DIRECTORS**  
**SPECIAL BOARD MEETING MINUTES**  
October 27, 2021  
(APPROVED: NOVEMBER 17, 2021)

---

**1. OPENING CEREMONIES**

The Board of Directors convened a teleconference Open Session at **6:00 p.m.** on **October 27, 2021**, via the Zoom application <https://us02web.zoom.us/j/83027037438>, webinar id: 83027037438 and by phone 669-900-6833. This meeting was conducted by webinar and teleconference only in accordance with AB 361. The meeting was not available for in-person attendance.

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

President Jorgens	Director Donner	Jonathan Holtzman, District Counsel
Director Baitx	Director Jex – <i>reported to closed session</i>	Marcia Holbrook, District Clerk
Director Danziger	Dave Winnacker, Fire Chief	

**2. PUBLIC COMMENT (audio 0:50)**

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

At **6:01 p.m.**, the Board adjourned to Closed Session. Present were the following Directors and Staff:

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

**3. CLOSED SESSION**

**3.1 Conference with Labor Negotiator**

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

**3.3 Conference with Labor Negotiator**

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

**3.2 Conference with Labor Negotiator**

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

**4. RECONVENE THE MEETING (audio 2:30)**

**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 **7:00 p.m.** and requested an attendance roll call. Present were the following Directors and Staff:

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

**5. REPORT OF CLOSED SESSION ACTION (audio 2:58)**

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

**6. SPECIAL AGENDA**

**6.1 Approval of a Memorandum of Understanding between the District and United Professional Fire Fighters of Contra Costa County IAFF. Local 1230, AFL-CIO for the period July 1, 2021 – June 30, 2024; Approval of Salary Schedule Effective July 1, 2021; Approval of FY2022 General Fund Expenditure Budget Adjustment. (audio 4:05)**

District Negotiator Williamson provided the report and shared a PowerPoint presentation reviewing the Moraga Orinda Fire District IAFF Local 1230 Negotiations Process; attached to these minutes, item 6.1 attachment A. The Initial Planning Process included Closed session meetings held to review data, history and provide initial direction in bargaining. Twelve Labor Negotiations Meetings were held between December 2020 and October 2021. One day of Pre-Impasse Mediation occurred. The Board was regularly updated in 18 closed sessions while negotiations and mediation were occurring. The key negotiation

bargaining issues included wages, medical benefits for current employees, and retiree medical benefits. Key provisions of the tentative agreement and MOU changes included: the Term of three years (expires on June 30, 2024), Wages increases 4% (FY2022)/4% (FY2023)/5% (FY2024), increase in the medical benefit District monthly contribution, and Retiree Medical Benefits District contribution to RHSA. The projected fully burdened additional cost, including retirement costs and payroll taxes:

	Projected Additional Annual Cost FY2022	Projected Additional Annual Cost FY2023	Projected Additional Annual Cost FY2024	Projected Cumulative Cost Total
Salary increases 4%/4%/5%	\$603,166	\$627,293	\$816,989	\$3,881,073
Payroll costs fully burdened - Local 1230	<u>\$15,144,573</u>	<u>\$15,750,356</u>	<u>\$16,537,874</u>	
Medical insurance increases to \$798/\$1,595/\$2,073	\$58,140	Ongoing	Ongoing	\$174,420
Retiree health savings account contribution all employees - \$100 per month	\$68,400	Ongoing	Ongoing	\$205,200
<b>Total</b>	<b><u>\$729,706</u></b>	<b><u>\$627,293</u></b>	<b><u>\$816,989</u></b>	<b><u>\$4,260,693</u></b>

The two parties successfully reached a tentative agreement. Local 1230 ratified the tentative agreement (TA) on October 14, 2021. The Term of the recommended MOU is July 1, 2021 – June 30, 2024.

Director Danziger inquired when Local 1230 voted to approve the tentative agreement, is the vote a majority vote. District Counsel Williamson answered it is typically a majority of those voting; however, the voting process is governed by Local 1230 bylaws which MOFD is not a party to. Director Danziger asked if the details of the vote were known. District Counsel Williamson answered that sometimes those details are reported. Local 1230 only reported that the TA was approved.

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

Director Danziger provided a statement about the negotiations with labor groups and highlighted that they are often an arduous process. The negotiations began in December 2020 and took 12 months. Director Danziger supported the agreement and expressed appreciation and gratitude for the men and women of the MOFD who ensure the highest quality of service to the District. Director Danziger noted that the total pay increases in the contract are the same as the previous labor agreement. Neighboring jurisdictions have contracts in place where the increases are equal or more to what is proposed. Director Danziger reiterated the outpouring of support and praise for the firefighters in the services provided by MOFD. Director Danziger talked about improvements such as increasing fire prevention programs, possibly replacing Station 41, and bringing Station 45 up to a modern standard. The year 2022 will be the 25th anniversary of the creation of MOFD. Director Danziger urged all Directors to support the new labor agreement. Directors Donner and Baitx expressed support for Director Danziger’s comments.

Director Jex expressed reservations with the recommendation due to the agreement's impact on the long-term financial forecast. The additional expenditure of \$4,260,693 in salaries, retirement benefits, and payroll costs would reverse all of the gains made in the General Reserve Fund balance and the objective of trying to reach 50% reserves. The Fund has reached 43%, but the agreement will reverse all the gains in the next six years. The District will never reach the 50% target. The agreement will reduce the long-range forecast of the General Reserves fund balance down to 20%, which is inadequate to fund the District's operations and the associated risks and the impact on the cash flow. Director Jex provided three examples: the Pension Plan expenditure over \$5M was issued in the first month (20% of total expenditures for the year). To fund expenditures of that magnitude requires a fiscally strong organization to fund payments that do not occur 1/12 in the 12 months. A second example is funding the deployments that bring great training opportunities. The deployments require the District to fund the deployments and recover that receivable from the State, which takes many months. The District is still pending \$900,000 reimbursement, and the total is expected to go up to \$1.5M. The third example is the ability to manage and fund a \$7M fuel break grant. Director Jex concluded that if the District does not have adequate cash to fund these items, it forces the District to borrow money from the county during the first six months of the fiscal year. In order to borrow money from the county, that requires the District to pay out all the cash balances, including the balances in the Fund for Capital projects. Considering all the District's projects that it needs to fund, the District is talking about liquidating that balance periodically. Director Jex opposed the new labor agreement.

President Jorgens stated he was selected to represent all of the interests of the citizens of Orinda and Moraga. The voters have multiple priorities for MOFD, which include keeping the best firefighters and EMS personnel. President Jorgens expressed appreciation and support for the Firefighters and EMS personnel.

Support includes investing significant money in fire prevention, fuel reduction, developing and utilizing technology for early fire detection, prevention, and evacuations, and maintaining safe and reliable fire stations throughout the District. President Jorgens supports a reasonable salary increase; however, the total cost of the proposed contract precludes sufficient funding for emergency preparedness and prevention that the community needs and wants. The labor agreement will delay the replacement of Station 41. President Jorgens stated multiple items that have to be prioritized.

Director Danziger commented that the salary that the Firefighters take home is predicated on a lot of factors that include equitable pay to other Districts and retention. The labor agreement brings the MOFD in alignment with surrounding Districts. Director Danziger recommended supporting the labor agreement.

**Motion by Director Danziger and seconded by Director Donner to Approve of the Memorandum of Understanding between the District and United Professional Fire Fighters of Contra Costa County IAFF. Local 1230 for July 1, 2021 – June 30, 2024; Approve of the Salary Schedule Effective July 1, 2021. Said motion carried 3-2-0-0 roll call vote (Ayes: Baitx, Danziger, and Donner; Noes: Jex and Jorgens; Absent: None; Abstain: None).**

Fire Chief Winnacker reviewed the general fund expenditure budget adjustment options and requested board direction.

- Option 1: Increase General Fund expenditure appropriations \$729,706. This will result in a General Fund budgeted surplus of \$14,488.
- Option 2: Increase General Fund expenditure appropriations \$619,706 (this option accounts for the budget savings from the five vacant authorized positions.) This will result in a General Fund budgeted surplus of \$124,488.
- Option 3: Do not approve a budget adjustment at this time and wait for the Mid-Year Budget Review which will occur in February 2022.

Director Danziger supported deferring to mid-year. All Directors agreed—no further discussion by the Board.

## **6.2 Approval of Salary Schedule for Unrepresented Employees Effective July 1, 2021 (audio 25:48)**

Fire Chief Winnacker provided the report. Historically District employees receive annual salary increases. The District has employee classifications that are unrepresented and not covered by a Memorandum of Understanding or separate employment contract. The last salary increase for these unrepresented employees was 2%, effective July 1, 2021. Staff recommends unrepresented employees receive an additional 2% salary increase effective July 1, 2021, to make the total July 1, 2021 salary increase 4%. The salary schedule has been updated to reflect a total salary increase of 4%. The projected FY2022 total cost of the additional 2% salary increase is \$28,430. Staff recommended that Board approve the Salary Schedule for Unrepresented Employees Effective July 1, 2021

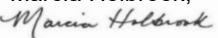
**President Jorgens opened Public Comment. There were no requests to address the Board. President Jorgens closed Public Comment.**

Director Danziger stated that the Unrepresented Employees were formerly represented by a labor agreement, and they chose to get out of that labor group. Director Danziger expressed support for providing increases to the Unrepresented Employees. No further discussion by the Board.

**Motion by Director Danziger and seconded by Director Donner to Approve the Salary Schedule for Unrepresented Employees Effective July 1, 2021. Said motion carried 3-2-0-0 roll call vote (Ayes: Baitx, Danziger, and Donner; Noes: Jex and Jorgens; Absent: None; Abstain: None).**

## **7. ADJOURNMENT**

**At 7:27 p.m., Director Danziger motion and seconded by Director Donner 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

For an audio recording of this and other Board meetings, please visit the MOFD District Board Meeting at [www.mofd.org/agendas](http://www.mofd.org/agendas).

**LIEBERT CASSIDY WHITMORE**  
EMPLOYMENT LAW | LABOR RELATIONS | EDUCATION LAW | MANAGEMENT TRAINING

**Moraga Orinda Fire District IAFF Local 1230 Negotiations Process**

**October 27, 2021**

www.LCWlegal.com

Presented by: *Donna Williamson*  
 Partner





## Agenda

- Review Legal Obligations Under the MMBA
- Overview of the 2020-2021 IAFF Negotiations
- Key Issues
- Key Provisions of TA and MOU changes
- Legal Process Following Reaching a Tentative Agreement
- Open Session Process

2

## Negotiations Legal Requirements

- District is governed by the Meyers-Milias-Brown Act (MMBA)
- Good Faith Negotiations Requirement: Parties are required to negotiate in good faith until the parties reach either (1) agreement, or (2) an impasse in negotiations
- Parties negotiated to an agreement which was reached on October 14, 2021

3

## Overview of Process


- **Initial Planning Process**
  - Closed session meetings were held to review data, history and provide initial direction in bargaining
- **Labor Negotiations**
  - Twelve (12) Negotiations Meetings between December 2020 and October 2021
- **Pre-Impasse Mediation**
  - One (1) Day of Mediation
- **Closed Sessions:** Board was regularly updated in eighteen (18) closed sessions while negotiations and mediation were occurring

4

## Key Bargaining Issues

- Wages
- Medical Benefits for current employees
- Retiree Medical Benefits

5




## Key Provisions of TA and MOU Changes

- Term: Three years expires on June 30, 2024
- Wages:
  - Year 1: 4% salary increase
  - Year 2: 4% salary increase
  - Year 3: 5% salary increase
- Medical Benefits for current employees: District monthly contribution increased to equivalent of 93% of Kaiser rate as follows:
  - Employee Only Coverage: \$798
  - Employee Plus One Coverage: \$1,595
  - Employee Plus Family Coverage: \$2,073
- Retiree Medical Benefits: \$100 District contribution to RHSA

6

**Liebert Cassidy Whitmore**

6033 W. Century Blvd., Suite 500 Los Angeles, CA 90045 (310) 981-2000 FAX: (310) 337-0837  
5701 N. West Ave., Fresno, CA 93711 (559) 256-7800 FAX: (559) 449-4535  
153 Townsend Street, Suite 520 San Francisco, CA 94107 (415) 512-3000 FAX: (415) 856-0306  
www.lcwlegal.com



### Financial Cost – Fully Burdened

The projected fully burdened additional cost including retirement costs and payroll taxes:

	Projected Additional Annual Cost FY2022	Projected Additional Annual Cost FY2023	Projected Additional Annual Cost FY2024	Projected Cumulative Cost Total
Salary increases 4%/4%/5%	\$603,166	\$627,293	\$816,989	\$3,881,073
Payroll costs fully burdened - Local 1230	\$15,144,573	\$15,730,356	\$16,537,874	
Medical insurance increases to \$798/\$1,595/\$2,073	\$58,140	Ongoing	Ongoing	\$174,420
Retiree health savings account contribution all employees - \$100 per month	\$68,400	Ongoing	Ongoing	\$205,200
<b>Total</b>	<b>\$729,706</b>	<b>\$627,293</b>	<b>\$816,989</b>	<b>\$4,260,693</b>


7



### Legal Requirements following TA

- Process required following reaching a Tentative Agreement:
  - Union votes to ratify the Agreement
  - Updated MOU is prepared and approved by the Union
  - Updated MOU is presented in an open session meeting of the Board
  - Government Code section 3505.1 requires that the TA must be voted on by the Board within 30 days of initial presentation to Board

8



### Open Session Process

- IAFF Local 1230's membership ratified the TA on October 14, 2021
- Tonight, the Board will hold a public hearing, discuss the TA and vote on its adoption
- The terms of the TA were the result of a lengthy, good faith process resulting in mutual agreement

9

**Liebert Cassidy Whitmore**

6033 W. Century Blvd., Suite 500 Los Angeles, CA 90045 (310) 981-2000 FAX: (310) 337-0837  
 5701 N. West Ave., Fresno, CA 93711 (559) 256-7800 FAX: (559) 449-4535  
 153 Townsend Street, Suite 520 San Francisco, CA 94107 (415) 512-3000 FAX: (415) 856-0306  
[www.lcwlegal.com](http://www.lcwlegal.com)