



# BOARD OF DIRECTORS SPECIAL BOARD MEETING MINUTES

December 8, 2021

(APPROVED: JANUARY 19, 2022)

## 1. OPENING CEREMONIES

The Board of Directors convened a teleconference Open Session at 7:00 p.m. on December 8, 2021, via the Zoom application <https://us02web.zoom.us/j/85818009033> webinar id: 85818009033 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 Jex	Amy Ackerman, District Counsel
<del>Director Baix (Absent)</del>	Dave Winnacker, Fire Chief	Marcia Holbrook, District Clerk
Director Danziger	Jeff Isaacs, Fire Marshal	
Director Donner	Gloriann Sasser, Admin. Services Director	

## 2. PUBLIC COMMENT – ITEMS NOT ON THE AGENDA (audio 0:51)

President Jorgens opened Public Comment on the closed session items.

Jonathan Goodwin, Canyon resident, reported that he had heard MOFD had difficulty finding the address on a medical call in Canyon a while back. Mr. Goodwin requested more information regarding this incident and what might be learned from that event and subsequent action. Mr. Goodwin asked about the Firewise process of moving new Firewise neighborhoods from the early stage of becoming Firewise into the later stage of getting work done in the neighborhood and what the District has learned.

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

## 3. SPECIAL AGENDA (audio 4:18)

- 3.1 **Adopt Resolution 21-20 Authorizing the Execution of the California Department of Forestry and Fire Protection Tunnel East Bay Hills Fuel Break Grant in the Amount of \$6,380,563; Authorize Establishment of a Tunnel East Bay Hills Fuel Break Special Revenue Fund; Authorize FY2022 Tunnel East Bay Hills Fuel Break Special Revenue Fund Revenue Budget Adjustment Increase in the Amount of \$6,380,563; Authorize FY2022 Tunnel East Bay Hills Fuel Break Special Revenue Fund Expenditure Budget Adjustment Increase in the Amount of \$5,696,931; Authorize Establishment of Project Coordinator Position with a Pay Rate of \$62.50 per Hour and Authorize Establishment of Assistant Coordinator Position with a Pay Rate of \$37.50 per Hour.**

Fire Chief Winnacker provided the report. In May of 2021, MOFD submitted two grants to CAL FIRE's California Climate Investments (CCI) Fire Prevention Grant Program. On September 8, 2021, Staff received notification that the MOFD Tunnel East Bay Hills Fuel Break grant was awarded in the Amount of \$6,380,563. The grant includes an administrative fee and limited-term support positions. Staff will carry out the Tunnel East Bay Hills Fuel Break project in coordination with MOFD's ongoing community education/outreach efforts to aggressively reduce the risk of wildfire in the region. Fire Chief reviewed the project's expected outcome to reduce the biomass of woody and vegetative material available for combustion. This will significantly reduce the probability of uncontrolled wildfires from starting or entering the East Bay Hills. An increase in the effectiveness of defensible space surrounding residential structures in the East Bay Hills Area and the decrease in the amount of woody and vegetative material available for conversion to greenhouse gasses by unplanned combustion processes (wildfire) and will provide for a safer community.

Fire Chief Winnacker reviewed the project details outlined in the staff report; reviewed the map of the fuel break, attachment B page 37 and budget approved by CAL FIRE which includes the District's 12% administration fee, outlined in the agreement, attachment B page 36. Total Direct Project Cost \$5,696,931, Indirect Cost Admin Fee of 12% \$683,632, Total Grant \$6,380,563.

Fire Chief Winnacker stated that the project did not include a CEQA waiver. Work performed in an area that does not have an existing habitat management plan or habitat conservation plan will require a CEQA review in either a negative declaration or a categorical exemption. Fire Chief Winnacker explained and reviewed the development of the map and considerations of existing planned or ongoing work in the area (the Caltrans work along Highway 24 and PG&E's work along Flicker Ridge) and the advantages of long-

term fuels mitigation maintenance efforts. Fire Chief Winnacker stated the grant was a collaborative process with several agencies and expressed appreciation for the support and guidance provided by Cal Fire SCU Unit Chief Jake Hess, Cal Fire SCU Deputy Chief Mike Marcucci, and California Department of Forestry Unit Forester Division Chief Ed Orre.

Director Jex commented that the original requested amount was reduced and asked if the map reflected the reductions. Fire Chief Winnacker confirmed. Staff engaged in a process with CAL FIRE to align the project with the available funding. There is an opportunity to receive plus-up funds similar to the North Orinda Shaded Fuel Break. The Staff remains persistent in expressing the desire and willingness to absorb additional funds as those become available.

Director Danziger acknowledged written public comment received from Jonathan Goodwin and inquired about the ongoing maintenance of the project and the possibility of holding back a portion of the funds for maintenance or future money to be used for maintenance. Fire Chief Winnacker answered some funds not expended on the initial entry will be used with prescribed fire. The grant period is limited in duration (runs through March 2025); for MOFD to do maintenance outside of that window requires District funds to be allocated for fuel mitigation not currently allocated.

President Jorgens asked if the administration fee could be allocated to ongoing maintenance. Fire Chief Winnacker deferred to the Board with regard to budget allocations. Fire Chief Winnacker noted the lands are owned by professional organizations with a budget and Staff; once the District has made the initial entry, the landowner benefits from the initial entry to maintain the lands.

Director Danziger asked how East Bay Regional Park, East Bay Municipal Utility District, and PG&E have received this project. East Bay Municipal Utility District continues to be a great partner. The Town of Moraga has been very cooperative with MOFD's efforts to extend this project into their lands. St. Mary's and the John Muir Land Trust have and continue to be excellent partners in this program. Fire Chief Winnacker answered that no element of the project is on East Bay Park Regional Park lands. Director Danziger asked about private lands within the project. Fire Chief Winnacker answered the lines were drawn to minimize the impact on private land and small parcels.

President Jorgens asked if MOFD planned to hire one firm to complete the work. Fire Chief Winnacker answered Staff would open the bidding with an RFP. The contracting requirement is the lowest responsible bidder. President Jorgens inquired about the headquarters of the project. Fire Chief Winnacker stated Staff is working with PG&E on utilizing property located near the Moraga substation.

Director Jex inquired about the frequency of billing, processing, and the possibility of asking for advance funds before costs are incurred. Fire Chief Winnacker reviewed there would be a significant administrative cost and justification requirement to request advance funds. The District has the ability to submit bills on a monthly basis. Staff recommends the District front the expenses and issue billing on a monthly basis. Director Jex commented on the large expenses incurred in the first 12 months. Fire Chief Winnacker explained the seasonality and timing of the work are anticipated to be spring and early summer and expects to receive a significant portion of those payments before the District reaches the historical low balances in early December (reducing the need to rely on the Teeter plan). Director Jex requested a future agenda item of the planning on the billing and collection activity and the impact on the District's funding. Fire Chief Winnacker concurred and stated that once the District receives environmental approval to begin work, Staff will be able to generate very detailed and accurate assumptions. Director Jex agreed with waiting until Staff has the information to make the forecast.

**President Jorgens opened Public Comment on the special agenda item.**

Jonathan Goodwin, Canyon resident, expressed disappointment in not receiving answers to his questions and comments made under public comment, Item 2.0 Items not on the agenda, and inquired on the policy for getting answers to questions. Mr. Goodwin expressed concern in the planning and prevention of Wildfire in the District and believed that funds for maintenance in grants are not allowed. Mr. Goodwin shared his experience of the full cycle, and the areas have regrown and encouraged the Board to review what the areas will look like in the future.

Written Public Comments received, attached to these minutes, item 3.1 attachment A. 1) Jonathan Goodwin, Canyon resident.

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

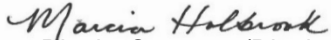
Director Danziger asked District Counsel Ackerman the rules regarding comments made during the public comment on items not on the agenda and the Board's ability to address those comments. District Counsel Ackerman explained the Brown Act requires public comment. It does not require a response to the public comment. It is at the discretion of the Board to ask for a matter to be set on a future agenda, to ask Staff to investigate and report back, or to give some brief response. The Board is not allowed to engage in an in-depth discussion because the item has not been put on the agenda. President Jorgens added there are times when Staff would need time to consider the item and gather the facts to respond.

**Motion by Director Danziger and seconded by Director Jex to Adopt Resolution 21-20 Authorizing the Execution of the California Department of Forestry and Fire Protection Tunnel East Bay Hills Fuel Break Grant in the Amount of \$6,380,563; Authorize Establishment of a Tunnel East Bay Hills Fuel Break Special Revenue Fund; Authorize FY2022 Tunnel East Bay Hills Fuel Break Special Revenue Fund Revenue Budget Adjustment Increase in the Amount of \$6,380,563; Authorize FY2022 Tunnel East Bay Hills Fuel Break Special Revenue Fund Expenditure Budget Adjustment Increase in the Amount of \$5,696,931; Authorize Establishment of Project Coordinator Position with a Pay Rate of \$62.50 per Hour and Authorize Establishment of Assistant Coordinator Position with a Pay Rate of \$37.50 per Hour Said motion carried 4-0-1-0 roll call vote (Ayes: Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: Baitx; Abstain: None).**

**4. ADJOURNMENT**

At 7:36 p.m., Director Jex motion and seconded by Director Donner 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:** [Jonathan Goodwin](#)  
**To:** [Holbrook, Marcia](#); [steved](#) [REDACTED]  
**Cc:** [Winnacker, David](#)  
**Subject:** Comments for Tonight's Meeting  
**Date:** Wednesday, December 8, 2021 3:47:58 PM

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Good afternoon, Mrs. Holbrook. I desire the chief to speak to these concerns at tonight's meeting regarding ITEM 3. You needn't read it out, as I'm confident the chief can quickly summarise the material, and I will ask to make additional verbal comments.

Thank you.  
~Jonathan Goodwin,  
Canyon, Calif.

- This grant application, like every other any other document I've seen, fails to discuss in detail why one ridge, roadway or other area was chosen for treatment and not another. This means there can be neither informed discussion nor oversight nor longer term planning regarding which areas should be prioritised and for what reasons. In order to perform its duties, the MOFD Board should be encouraged to request staff create such a planning document with explicit prioritisation for these reasons.
- Similarly, when it comes to follow on treatment of these areas in subsequent years, as well as other areas which the District has treated and committed itself to maintain, the Board should request a document be created to track the District's commitments and progress. This would include, but not be limited to, "before and after" photos of the treated areas, follow up annual photos and a running description of types of areas, how they will be treated and when they will be treated and when they were or were not treated. This document should also elucidate who will pay for this maintenance when grants are no longer forthcoming.
- Staff time paid for by this grant could be used towards the cost of the above directives.
- (Misc.) Would it not be worth mentioning that a good bit of this project is located within a mile of the footprint of one of the most deadly and destructive fires in California history? It also appears to me that some of it is within the footprint of a fire which burned concurrent with the Tunnel Fire, but was largely ignored by professional firefighters due to the utter chaos of dispatch and operations that day.