



Moraga-Orinda Fire District

Board of Directors

REGULAR MEETING

April 17, 2019

6:00 p.m. OPEN SESSION

PLEASE NOTE NEW MEETING ADDRESS:

Hacienda de las Flores

Mosaic Room

2100 Donald Drive

Moraga, CA 94556

1. OPENING CEREMONIES

- 1.1. Call the Meeting to Order
- 1.2. Roll Call

2. PUBLIC COMMENT

The public is invited to speak on any matter not appearing on the agenda, and within the subject matter jurisdiction of the District. Comments should be limited to three minutes. Please state your name and address for the record.

3. CONSENT AGENDA

- 3.1. **Meeting Minutes – March 20, 2019 (workshop), and March 20, 2019**
- 3.2. **Monthly Incident Report for March 2019**
Staff Recommendation: Approve and File
- 3.3. **Monthly Check/Voucher Register – March 2019**
Staff Recommendation: Approve and File
- 3.4. **Monthly Financial Report – February 2019**
Staff Recommendation: Approve and File

4. REGULAR AGENDA

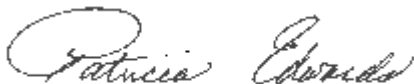
- 4.1 **Long Range Financial Forecast April 2019**
Staff will present information to the Board regarding the updated Long Range Financial Forecast.
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide direction to staff.
- 4.2 **Increase Emergency Preparedness Coordinator Position from 0.5 to 1.0 for the Period April 18, 2019 through December 31, 2019**
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Increase Emergency Preparedness Coordinator position from 0.5 to 1.0 for the period April 18, 2019 through December 31, 2019
- 4.3 **Approval of Unrepresented Employee Handbook Authorizing Salary and Benefits for Unrepresented Employees Effective July 1, 2018; Approval of Salary Schedule for Unrepresented Employees Effective July 1, 2018; Incorporate the terms of the Employment Agreement with Administrative Services Director and Fire Marshal into the Unrepresented Employee Handbook; Eliminate Employment Agreement with Administrative Services Director Dated August 26, 2013; Eliminate Employment Agreement with Fire Marshal Dated June 20, 2013**
Staff Recommendation: 1) Discuss, 2) Deliberate, 3) Approval of Unrepresented Employee Handbook Authorizing Salary and Benefits for Unrepresented Employees Effective July 1, 2018; Approval of Salary Schedule for Unrepresented Employees Effective July 1, 2018; Incorporate the Terms of the Employment Agreement with Administrative Services Director and Fire Marshal into the Unrepresented Employee Handbook; Eliminate Employment Agreement with Administrative Services Director Dated August 26, 2013; Eliminate Employment Agreement with Fire Marshal Dated June 20, 2013

- 4.4 **Adopt Resolution No. 19-04 Adopting Amendment-2 to Employment Agreement Between Moraga-Orinda Fire District and David Winnacker**
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution No. 19-04 Adopting Amendment-2 to Employment Agreement Between Moraga-Orinda Fire District and David Winnacker
 - 4.5 **Authorize the Purchase of One Type VI Fire Vehicle from Maintainer Custom Bodies for \$151,240; Approve Capital Projects Fund Budget Adjustment to Reduce Capital Contingency Expenditures \$53,000; and Increase Capital Outlay Expenditures \$53,000**
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Authorize the Purchase of one Type VI Fire Vehicle from Maintainer Custom Bodies for \$151,240; Approve Capital Projects Fund budget adjustment to reduce Capital Contingency expenditures \$53,000 and increase Capital Outlay expenditures \$53,000
 - 4.6 **Commercial Vehicle Purchase – Authorize the Purchase of Two Dodge 2500 Pickup Trucks; Authorize General Fund Budget Adjustments; Authorize Capital Projects Fund Budget Adjustments**
Staff Recommendation: 1) Discuss; 2) Authorize the Purchase of Two Dodge 2500 Pickup Trucks for \$83,724; 3) Approve the Budget Adjustments
 - 4.7 **Discuss CASA Compact**
Staff Recommendation: 1) Discuss CASA Compact
5. COMMITTEE REPORTS
 - 5.1. **Finance Committee (Directors Danziger and Jorgens)**
 - 5.2. **Audit Ad Hoc Committee (Director Jex)**
 - 5.3. **Long Range Financial Plan Ad Hoc Committee (Directors Donner and Jorgens)**
 - 5.4. **Facilities Ad Hoc Committee (Directors Baitx and Donner)**
 - 5.5. **Fire Chief Performance Evaluation Ad Hoc Committee (Directors Baitx and Donner)**
 6. ANNOUNCEMENTS
 - 6.1. **Brief information only reports related to meetings attended by a Director at District expense**
(Government Code Section 53232.3(d))
 - 6.2. **Questions and informational comments from Board members and Staff**
 - 6.3. **Fire Chief Updates**
 - 6.4. **Communications Received**
 - 6.5. **Future Agenda Items**
 7. ADJOURNMENT

The Moraga-Orinda Fire Protection District ("District"), in complying with the Americans with Disabilities Act ("ADA"), requests individuals who require special accommodations to access, attend and/or participate in District Board meetings due to a disability, to please contact the District Chief's office, (925) 258-4599, at least one business day prior to the scheduled District Board meeting to ensure that we may assist you.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Moraga-Orinda Fire District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspections at 1280 Moraga Way, Moraga, during normal business hours.

I hereby certify that this agenda in its entirety was posted on April 12, 2019, at the Moraga and Orinda Fire Administration offices, Stations 41, 42, 43, 44, and 45. Agenda provided to the Moraga Town Office (Hacienda) and Orinda City Hall.



Interim District Secretary/Clerk

Moraga-Orinda Fire Protection District

BOARD OF DIRECTORS SPECIAL BOARD MEETING MINUTES

March 20, 2019



1. The Board of Directors convened the Special Meeting Public Workshop on the Long Range Financial Forecast at 7:03 P.M. on March 20, 2019 at the Sarge Littlehale Room, 22 Orinda Way, Orinda, California. President Danziger called the meeting to order. Director Donner was absent. Present were the following Directors and Staff:

Director Baitx
Director Jex

Director Jorgens
President Danziger

Dave Winnacker, Fire Chief
Admin. Services Director Gloriann Sasser
Jonathan Holtzman, District Counsel

2. PUBLIC COMMENT

Dan DeBusschere, Orinda resident, provided an update on the CASA Compact. He brought three bills to the Board's attention: SB5, AB11, and AB1487 (See Attachment A). SB5 and AB11 require the cities to form a joint venture. He expects AB1487 to be amended to allow the Metropolitan Transportation Commission (MTC) to control the revenue. The impacted cities should demand that the State fund this housing with General Fund monies and not shared revenues. President Danziger directed staff to put this item on the agenda for the next meeting.

Ann Gardner, Orinda resident, had several concerns regarding the North Orinda Fuel Break. She asked who is researching funding for the proposed firebreak. Is the effort being coordinated? Which of the identified impacted communities will receive priority funding? Is there any provision for seniors to get credit on their insurance for prevention work done?

President Danziger closed the Public Comment at 7:15 P.M.

3. REGULAR CALENDAR

3.1 Public Workshop – Long Range Financial Forecast

Chief Winnacker introduced the item. The District engaged Bill Zenoni, consultant, to update and refine the Long Range Financial Forecast (Forecast). Mr. Zenoni described the methodology of how the financial Forecast was put together and how the inputs used were developed. The Forecast is a planning document based on what is known today and the best guesstimates for the future. It is updated as significant events occur. The Forecast looks at a ten-year period through 2028-29. MOFD's main source of revenue is ad valorem property tax (84%). Ideally, the first year of the Financial Plan should provide an idea of the budget for next year. The Board of Directors Long Range Financial Plan Ad Hoc Committee met twice to review the Forecast. The Committee reviewed the assumptions, preliminary findings, and format changes. The format changes included: reducing the forecast period down to ten years; adding a staff worksheet; adding a line item for net strike team revenues; adding a line item for fire prevention costs; separated the format by general fund, capital fund, debt fund; and balance sheet information for pension liabilities. He reviewed some of the key assumptions. Property tax is assumed to increase at two levels: 3% or 4%. Over the last ten years, it has averaged 4%. Expenditures include: a 5% increase in labor costs for next year and 3% after that; benefits are capped per the MOUs; operating expenses are projected to increase 3% throughout based on CPI. One of the significant items are transfers. Over the ten year period, \$22.7M of transfers from the General Fund to the Pension Liability Fund (\$7M to the OPEB Trust Fund and \$15.5M to the Pension Rate Stabilization Fund). There is also a \$14M transfer from the General Fund to the Capital Fund for those expenses. He stated that the preliminary results are favorable with the General Fund and that the assumptions used are conservative. He anticipates that a \$1.2M balance will be maintained in the General Fund. He believes that the District will be able to draw down the unfunded liabilities over the ten-year period which is a significant accomplishment.

Administrative Services Director Gloriann Sasser discussed the new section titled "Summary of Unfunded Liabilities". It includes projections of the District's unfunded pension liabilities based on CCCERA's projections for the District's obligations and based on projections using the Govinvest actuarial software. It also includes projections of the District's OPEB unfunded liabilities based on the District's OPEB actuarial assumptions and

planned trust contributions. Director Jorgens noted that the District will have a pension obligation after ten years despite the goal of eliminating it within eight years. He clarified the purpose of the Workshop which is to obtain public input. President Danziger opened the public comment.

Steve Cohn, Orinda resident, stated that he has reviewed the MOFD finances for several years. He stated that the Forecast needs to be coupled with a Strategic Plan. He assumed that the District's goal is to pay down its retirement liabilities so the Plan should go out 15-20 years to match the goal of paying the unfunded liabilities. He agreed that 4% property revenue increase is reasonable and that 3% property revenue increase is conservative. He suggested that 2.75% is a better figure to use for the rate of inflation and revenue and expenses. He does not support the assumption that benefits will stay flat at zero. He believes that the pension unfunded balance is low and that more money should be put in fire prevention.

Dennis Fay, Orinda resident and member of the Orinda City Council, asked where the information is on fuel load reduction and wildfire preparedness. Chief Winnacker stated that it is in line 52 of the Forecast. Orinda hopes that the MOFD will deal with the issue of wildfire prevention in the long term and that ongoing revenues are needed to maintain the effort. He thanked the Chief for attending the Council meeting and presenting an update on fire prevention efforts.

Jonathan Goodwin, Canyon resident, does not understand how Attachment C plugs into the Forecast particularly replacing Stations 41 and 45. Ms. Sasser responded that the rebuilding of Station 41 is included in the Forecast and begins in Fiscal Year 2020. The plan is to issue debt in the amount of \$8M over 15 years. If the Board does not approve this assumption, there are no funds to cover this expense. He asked how the District's spending priorities are included in the Forecast. Chief Winnacker stated that the 2011 Facilities Plan included replacing Station 41. Station 45 replacement was a lower priority. If no debt were issued, the Board would decide whether to bring additional monies into the Capital Fund or defer the project until sufficient funds were available. Mr. Goodwin asked if discussion is planned on this issue. President Danziger noted that the issue has not been presented to the Board. Mr. Goodwin asked if there is a pool of money left for special projects. Chief Winnacker stated that additional revenue in excess of expenses is, per Board directive, allocated to restricted reserves in the form of the pension stabilization trust fund and OPEB. Mr. Goodwin believes, based on his experience, that leadership (i.e. the fire chief) will determine how much work is done on fire prevention. Director Jorgens stated that, in addition to the new staff to address fire prevention, the fundamental question is how much of the budget MOFD should spend. Mr. Goodwin said that it is incumbent on the Chief to put information on the MOFD website in response to questions raised by citizens and the Board's plans.

Director Jorgens suggested that the line items and assumptions in the Forecast be explained so that the public understands the document. President Danziger suggested that residents address specific questions to the Board who will get answers. Steve Cohn suggested that MOFD sponsor a workshop to discuss fire prevention and fuel breaks.

President Danziger had several questions about the Forecast. He asked if the Forecast includes an inflation factor. Director Jorgens noted that there is no inflation factor for Benefits. Chief Winnacker responded that 3% annual increases are included for the assumptions regarding operating expenses and salaries after the current contracts. Benefits are capped for the current contracts but it is expected they will increase over time. Retiree benefits will remain capped at current measure. Director Jorgens noted that retiree benefits generally are constant but benefits for active employees historically have increased. President Danziger agreed. Director Jorgens suggested that the Forecast assume 3% per year after the current contracts expire. President Danziger expressed concern that staffing levels would remain the same for ten years. He noted that two additional staff (medics) were reinstated after the 2013 budget cuts. Chief Winnacker stated that six positions were cut at that time. President Danziger reaffirmed that the current 61 staff positions with no projected growth was not realistic. Mr. Cohn stated that he does not know why more staff is needed. Director Baitx stated that more people are needed when downtown goes on a medical call. Director Jex expressed concern that MOFD will be in a precarious position if, in the next three years, the General Fund is not increased but reduced. The Forecast reflects that MOFD does not have adequate revenues or handling of expenses. If the items are implemented, the District will be healthier but will need to borrow money to operate or build. The MOFD has not created reserves to handle expenses on an ongoing basis unlike other Districts which have reserves. He is concerned about the adequacy of the General Fund to sustain without borrowing on an ongoing basis. The reserves should be at 50%. The District should address a strategy to increase revenues as was done on ambulance services or reduce expenses. There is nothing in the reserves to handle a contingency. He

questioned how MOFD would fund additional abatement efforts. President Danziger noted that there are unassigned General Fund balances. Director Jex stated that the General Reserve Fund is used to fund current obligations. MOFD would have a financial emergency if an unexpected incident occurred. Director Jorgens noted that the Forecast does not provide for an economic downturn. With the recession in 2010, the pension fund obligation increased significantly. He notes that CCCERA may not realize the earnings which they project in the long term. Chief Winnacker clarified that the negative cash flow is based on MOFD making the full payment to the pension rate stabilization from unrestricted reserve to restricted reserve.

Jonathan Goodwin, Canyon resident, noted that the District is maxed out on the Fire Flow Tax. He noted that hiring two more paramedics makes him feel less safe from a financial point of view. He asked how it will be paid. It is a very serious expense. He asked about the health of other funds that could create a buffer and how restricted the restricted funds are. Director Jorgens noted that the OPEB and pension trust funds are restricted funds. Trust monies can be used to free up general fund monies. Director Jex noted that other districts have reserves at 50% or more.

President Danziger asked Mr. Zenoni for his opinion about an unrestricted fund balance. Mr. Zenoni supports 50% but 17-20% is a good goal. Director Jorgens noted that the District has reduced its pension trust debt from \$28M to \$7M in fourteen years. Director Jex noted that the District would not have to borrow money if it had a 50% reserve. Mr. Zenoni noted that the 50% reserve goal is attainable but it will take time.

Ann Gardner, Orinda resident, asked why there was only two years of federal grant funds listed. Chief Winnacker stated that it is a two-year federal SAFER grant. MOFD cannot apply for a new grant until the current grant is exhausted and there is no way to project if federal funds would be available.

President Danziger asked Ms. Sasser if the funds needed for Station 41 are included in the Forecast. Ms. Sasser stated that the loan payments are included. The financing is fifteen years at 3%. President Danziger had questions about the apparatus costs including \$80,000 for a Suburban. Chief Winnacker stated that three engines have already been replaced.

President Danziger discussed fully funding the pension and OPEB liabilities and how long it would take to accomplish this. Director Jorgens responded that CCCERA's target is 18 years. Mr. Cohn suggested that the Board review CCCERA's amortization schedule.

President Danziger noted that the Forecast is a working document and will help in the future and with budget discussions. Director Jorgens stated that this is the Workshop for input prior to the formal discussion of the Plan at the Board meeting. Director Jex noted that the key issues were addressed. Chief Winnacker stated that the Board policy requires two meetings to discuss the Long Range Financial Forecast (LRFF) and two meetings to discuss the Budget. He added that the Workshop is not required by Board policy. Having held the Workshop, he asked if the Board wants to forego one of the two LRFF presentations and meetings and to hold the meeting and adoption of the LRFF at its next meeting. This would be followed by two Budget meetings. President Danziger stated that he is comfortable with the Workshop and one Board meeting to discuss the LRFF. The other Board Directors concurred.

4. ADJOURNMENT

At 8:30 P.M., President Danziger's motion to adjourn the special meeting was seconded by Director Jorgens. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Jex, Jorgens, and Danziger; Noes: None; Absent: Donner).

CASA Compact Element #	Related Bills
1. Just Cause Eviction	AB 1481 – Rob Bonta (D-Oakland) Tenancy.
2. Rent Cap	AB 36 – Richard Bloom (D-Santa Monica) Affordable housing: rental prices.
3. Legal Counsel [for tenants]	SB 18 – Nancy Skinner (D-Berkeley) Keep Californians Housed Act.
4. ADUs	AB 68 – Philip Ting (D-San Francisco) Land use: accessory dwelling units. SB 13 – Bob Wieckowski (D-Fremont) Accessory dwelling units.
5. Minimum Zoning	SB 50 – Scott Wiener (D-San Francisco) Planning and zoning: housing development: equitable communities incentive. SB 4 – Mike McGuire (D-Healdsburg) Housing.
6. Good Government	AB 1483 – Tim Grayson (D-Concord) Housing development project applications: reporting. AB 1484 – Tim Grayson (D-Concord) Mitigation Fee Act: housing developments. SB 330 – Nancy Skinner (D-Berkeley) Housing Crisis Act of 2019.
7. Streamlining	AB 1485 – Buffy Wicks (D-Oakland) Housing development: streamlining. SB 6 Jim Beall (D-San Jose)/Mike McGuire (D-Healdsburg) Residential development: available land.
8. Public Lands	AB 1486 – Philip Ting (D-San Francisco) Local agencies: surplus land.
9. Funding the Regional Housing Enterprise	AB 1487 – David Chiu (D-San Francisco) Land use: housing element. SB 5 – Jim Beall (D-San Jose)/Mike McGuire (D-Healdsburg) Local-State Sustainable Investment Incentive Program. AB 11 – David Chiu (D-San Francisco) Community Redevelopment Law of 2019. ACA 1 – Cecilia Aguiar-Curry (D-Winters) Local government financing: affordable housing and public infrastructure: voter approval.
10. Regional Housing Enterprise	AB 1487 – David Chiu (D-San Francisco) Land use: housing element.

Moraga-Orinda Fire Protection District



BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

March 20, 2019

1. The Board of Directors convened in Open Session at 8:45 P.M. on March 20, 2019 at the Sarge Littlehale Room, 22 Orinda Way, Orinda, California. President Danziger called the meeting to order. Director Donner was absent. Present were the following Directors and Staff:

Director Baitx
Director Jex

Director Jorgens
President Danziger

Dave Winnacker, Fire Chief
Admin. Services Director Gloriann Sasser
Jonathan Holtzman, District Counsel

2. PUBLIC COMMENT

President Danziger opened the public comment. There were no requests to address the Board. President Danziger closed the Public Comment.

3. CONSENT AGENDA

- 3.1 **Meeting Minutes – January 16, 2019, January 24, 2019 (special), February 8, 2019 (special), and February 20, 2019**
Staff Recommendation: Approve and File
- 3.2 **Monthly Incident Report for February 2019**
Staff Recommendation: Approve and File
- 3.3 **Monthly Check/Voucher Register – February 2019**
Staff Recommendation: Approve and File
- 3.4 **Monthly Financial Report – January 2019**
Staff Recommendation: Approve and File
- 3.5 **Contra Costa County Employees' Retirement Association Investment Performance Review – Period Ending: December 31, 2018**
Staff Recommendation: Information only
- 3.6 **Authorize Contract with Delta Dental of California for the Period April 1, 2019 through March 31, 2020**
Staff Recommendation: Authorize a contract with Delta Dental of California for the period April 1, 2019 through March 31, 2020.
- 3.7 **Declare Temporary Station 43 Surplus and Authorize Staff to Dispose of the Mobile Trailer**
Staff Recommendation: Declare the temporary Station 43 mobile trailer surplus and authorize staff to dispose of the mobile trailer.

Director Jex questioned the data presented in the Property Tax Revenue-Current Secured and Supplemental (item 3.4A). The figures indicated a budget variance and he asked if adjustments would come later to bring it back in line with the budget or will there be a shortfall. Administrative Services Director Gloriann Sasser stated that she projects that revenue will meet the budget. He inquired about the Homeowners Relief Tax and the Intergovernmental Revenue (Federal Grants). Ms. Sasser stated that the Homeowners Relief Tax is made in two payments. One has been received and one will come at the end of the fiscal year. The District draws down monthly from the Federal Grants. She added that the Measure H revenue (\$85,000) was recently received. The District paid \$26,000 for a Labor Negotiator. She noted that the figures in the report are as of January 31, 2019. At the Mid-Year Budget review in February, staff reported that the revenue budget would change slightly but there were no expense budget adjustments. She added that the Professional Services account was over budget but the other accounts will be under budget.

Director Jorgens asked if there was an explanation for the discrepancy in the Median Response Time noted in the December 2018 Incident Report (January 16, 2019 Minutes). Chief Winnacker apologized and stated that he would provide an explanation.

President Danziger asked when Station 43 would be surplus. Chief Winnacker stated that the District pays rent for the building to St. Stephens. With the anticipated completion and occupation of Station 43 in April, the temporary station will have no service or value to the District. The request to the Board to approve this item will allow staff to move quickly to process the surplus.

Motion by Director Jorgens and seconded by Director Baitx to approve the Consent Agenda. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Jex, Jorgens, and Danziger; Noes: None; Absent: Donner) and all Consent Agenda items were approved. There was no comment from the public.

4. REGULAR AGENDA

4.1 Authorize a General Fund Expenditure Increase Budget Adjustment for Board of Directors Meetings and Travel in the amount of \$2,500

Chief Winnacker provided the report. The 2019 Budget includes expenditure appropriations for Board of Directors meetings and travel expenses in the amount of \$375. To date, \$507 has been spent largely associated with the swearing in and retirement ceremony. The Board President would like to attend the Fire Districts Association of California annual conference and is requesting that the District pay the annual conference registration fee of \$395 for any Directors who would like to attend. Attending Directors would be responsible for other costs associated with attendance. The Board President has requested approval of a General Fund Expenditure Increase Budget Adjustment in the amount of \$2,500 for Board of Directors meetings and travel expenses. Funding for this item was originally cut by the Board.

President Danziger stated that MOFD is a member of the Fire District's Association of California and gets its group dental insurance through this Association. The annual conference will be held in Napa on April 2-4, 2019. He believes that the annual conference could benefit the Directors who attend by providing information to enhance their understanding of complex issues. Sessions include information on the Brown Act, legislative update, pension funding and OPEB costs, strategies for funding and managing unfunded liabilities, and employment updates. Director Jorgens noted that the Budget process and the decision to cut the funding for this item was very difficult. He added that the Chief has a limited discretionary fund. President Danziger stated that he believes that there are certain training and education opportunities which will be beneficial for the Directors.

President Danziger opened public comment. Jonathan Goodwin, Canyon resident, stated that he would prefer to see money accounted for in a specific way instead of out of a slush fund so it is trackable and clear. Director Jex clarified that the contingency fund in the budget is not a slush fund. It is intended for items which are not budgeted but which the Chief needs.

Motion by President Danziger and seconded by Director Baitx to approve the allocation of \$2,500 to the Board of Directors Meetings and Travel Expenses for this fiscal year. Said motion carried a 4-0-1 roll call vote (Ayes: Baitx, Jex, Jorgens, and Danziger; Noes: None; Absent: Donner).

4.2 North Orinda Fuel Break Grant

Chief Winnacker provided the report. Due to topography, fuel loads, and Diablo Wind events, the wilderness areas North of the district represent a significant regional threat of wildfire. To address this threat, in November 2018, MOFD applied for a CalFire Prevention grant to construct a shaded fuel break in North Orinda. In December 2018, CalFire SCU selected this project as one of three priorities for statewide consideration and expanded the project to include areas in Lafayette.

In March 2019, this project was included as one of 35 prioritized projects in the CalFire 45 Day Report issued in response to Governor Newsom's Executive Order N-05-19. In February 2019, MOFD published the Wildfire Strategic Plan identifying seven lines of effort (LOE) to systematically reduce the threat of wildfire while establishing mechanisms to address the potential damage of fires that exceed mitigation and suppression capacity. The LOEs relative to this project are external fuels mitigation projects. While the proposed project was included on the 45 Day Report list, it has not been approved and no grant funds have been released. The District has not received authorization or notification that the award has been made. Tom Porter, Director for Cal Fire, said that the project has been funded but has not yet been awarded. Chief Winnacker believes that the project will be fully funded and will move forward.

Chief Winnacker explained that a firebreak is the removal of all vegetation down to the bare mineral soil. This is not consistent with best practices, the habitat management plan, and the biological opinions for the lands in which the project is located specifically East Bay Municipal Utility District (EBMUD) and East Bay Regional Park District (EBRPD). There are many constituent groups concerned with how projects are carried out on the watershed and parklands. He described the area included in the proposed project which is intended to create a shaded fuel break. Shaded fuel breaks are designed to retain the existing tree canopy. This is a best practice because maintaining the tree canopy will prevent the regrowth of ground fuels which increase the fire threat in that area. He noted that the work is to be concluded in 2019. Working within the existing habitat management plan and the biological opinion gives the District the advantage of falling under the existing CEQA and existing recognized measures approved for these lands and reduces the complexities and time to receive approval from the land managers to begin the project. This project is an important partnership between MOFD, ConFire, EBMUD, and EBRPD. This project will create a significant reduction of the threat of the ground component of a regional fire coming off the watershed. Combined with the other LOEs, specifically internal fuels mitigation, this effort represents a significant reduction of the District's threat from wildfire and increases the amount of time that a fire takes to spread. It increases the opportunity for the District to conduct evacuation and fire suppression. The anticipated grant amount is \$4M. In order to make the project timeline, Chief Winnacker anticipates that four 20-person crews will be working on fuels mitigation in order to complete the work before the fall.

President Danziger asked if any MOFD staff will be involved in the work of the fuel break. Chief Winnacker responded that he recommends the day-to-day project management will be outsourced to Diablo Fire Safe Council. This allows the District staff to maintain its current requirements. MOFD staff will be involved in the controlled fire component and clean up in partnership with EBMUD and EBRPD.

Director Jex asked if there are critical areas which will be addressed first. Chief Winnacker replied that the project is broken into 26 distinct parcels. The project will start on the parcels as they are signed off and as MOFD receives the biological review that allows the District to proceed. Problematic parcels will be addressed as needed. Director Jex noted that biological reviews can take time. Chief Winnacker stated that by following the requirements for existing habitat management plans and biological opinions, the District does not have to go through an expensive and multi-year process to develop an alternative plan. President Danziger asked how many private parcels are in the project area. Chief Winnacker stated there are several parcels in the District. Director Baitx asked if there is any financial burden for private property owners. Chief Winnacker responded that no work will be done on a private parcel. President Danziger asked if there was any responsibility for the Board for this project. Chief Winnacker responded that once the grant is awarded, the Board will have to accept the grant before any costs can be encumbered. A special meeting will be called and the staff report will outline the terms of the grant and anticipated expenditures by functional areas and timelines. If the Board approves the grant, costs can be encumbered the next day starting with the management component and mobilizing the crews. President Danziger asked if efforts will be made to use local businesses e.g. EBMUD crews. Chief Winnacker responded that local qualified businesses which have the resources and equipment will be considered. Director Jex asked how the \$4M was determined and the risk. Chief Winnacker responded that the project is well funded and he is confident that the allocated funds will exceed costs. Director Jorgens asked about the hiring process. Chief Winnacker stated that the District has begun pre-announcing the opportunities so people are aware. District Counsel has been consulted so that the process will be followed correctly and public funds are encumbered and expended within the normal contract process. Director Jex asked if the Board will be required to approve the contracts. Chief Winnacker stated that any contract exceeding \$100,000 requires Board approval.

President Danziger opened the public comment. Jonathan Goodwin, Canyon resident, expressed concern that Diablo Fire Safe Council would be utilized. He questioned the exclusion of the school district parcels. Chief Winnacker responded that the parcels require an environmental review and the details of the grant have not been provided. Director Jorgens recommended that more information be provided on the MOFD website. President Danziger closed public comment.

5. COMMITTEE REPORTS

5.1 Finance Committee (Directors Danziger and Jorgens)

No report.

5.2 Audit Ad Hoc Committee (Director Jex)

No report.

5.3 Long Range Financial Plan Ad Hoc Committee (Directors Donner and Jorgens)

Director Jorgens stated that the LRFF had several meetings and he is happy with the final product.

5.4 Facilities Ad Hoc Committee (Directors Baitx and Donner)

Director Baitx reported that he and Director Donner met with the Chief regarding facilities and are researching property values.

5.5 Fire Chief Performance Evaluation Ad Hoc Committee (Directors Baitx and Donner)

Director Baitx stated that there was no report.

6. ANNOUNCEMENTS

6.1 Brief information only reports related to meetings attended by a Director at District expense (Government Code Section 53232.3(d))

6.2 Questions and informational comments from Board members and Staff

President Danziger stated that he would like to see the new Directors photos and bios on the District website. Chief Winnacker explained that Director's photos are usually taken with the American flag but were taken in front of a fire engine by mistake. He asked the Board for their preference. Director Jorgens prefers the flag option. Director Baitx prefers the fire engine option. Director Jex noted that the pictures do not have to conform. President Danziger preferred the fire engine option. Director Baitx suggested that the District use the photos as they are.

6.3 Fire Chief Updates

Chief Winnacker discussed the discrepancy in the Median Response Time for the two structure fires noted in the December 2018 Incident Report (January 16, 2019 Minutes). He stated that two elements are used in the Code 3 Response Time Summary. The middle figure calculation represents the first responders arriving on scene for a Code 3. The top figure represents the response time/full force of all responding units for a Code 3. Director Jorgens requested that future reports include an explanatory footnote. Chief Winnacker responded that future reports will provide a footnote.

Chief Winnacker reported that the power poles were installed on March 19, 2019 for Station 43. The transformer will be installed on March 22, 2019 which means that the station will have full power. The elevators and floor will then be installed. Work is progressing rapidly and an April occupancy date is anticipated. Director Baitx asked if there is a specific date. Chief Winnacker stated there is not.

Firefighter Larsen graduated from the Berkeley Fire Academy and is on line. The District is moving forward with the spring hiring process for an October 2019 Fire Academy.

6.4 Communications Received

Chief Winnacker conducted six community outreach meetings and two additional meetings. Three groups are moving toward their Fire Wise designation.

6.5 Future Agenda Items

President Danziger requested that a brief summary be presented on the CASA Compact. Jonathan Holtzman, District Counsel, noted that the percent of revenue changes. He asked how the Board wanted the report. Director Jorgens requested an understanding of the implication of the tax increment. He asked if there was something the Board should vote on. Director Jex asked if Orinda, Moraga, and Lafayette met to discuss locations for the housing. Director Jorgens suggested that a community workshop be held to involve the community.

Director Jorgens motion to adjourn the regular meeting was seconded by Director Baitx. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Jex, Jorgens, and Danziger; Noes: None; Absent: Donner).

7. CLOSED SESSION

7.1 Conference with Labor Negotiator

(Government Code Section 54957.6)

Agency Designated Representative: David Winnacker, Fire Chief

Unrepresented Employees: Administrative Services Director, Fire Marshal, Human Resources Benefits Manager, and Fire Inspector/Plans Examiner

7.2 Conference with Labor Negotiator

(Government Code Section 54957.6)

Agency Designated Representative: Jonathan Holtzman

Unrepresented Employee: Fire Chief

8. REPORT OF CLOSED SESSION ACTION

There was no reportable action taken in Closed Session.

9. ADJOURNMENT

At 9:40 P.M., Director Jorgens motion to adjourn the meeting was seconded by Director Baitx. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Jex, Jorgens, and Danziger; Noes: None; Absent: Donner).

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

DRAFT

MOFD Response Time Summary by Incident Type (grouped) for All Code 2 and Code 3 Responses.

Will only show Incident Types that are applicable. EMS/Rescue - Structure Fires (actual type is in structure) - Vegetation Fires - Other Types Grouped (Alarms/Hazards/Pub Svc/Etc) Data Based On Completed RMS Incident Report Data entered by Company Officer - Not based on Raw CAD Data...

	March, 2019			Totals
	All Others (Alarms / Pub Service / Etc.)	EMS / Rescue	Vehicle Accidents	
Incident Totals	106	187	23	316
Median Turnout	1.17	1.12	1.30	1.13
Median Resp Time	5.78	5.80	6.33	5.83
Resp Time (90th%)	8.02	9.99	10.60	10.02

Code 3 Response Time Summary by City and Incident Type. Times shown are based on the First Responding Units Arrival at Scene of Emergency.

	March, 2019					
	Incident Totals	Median Turnout	Median Resp Time	Resp Time (90th%)		
EMS / Rescue	80	1.14	5.58	7.96		
All Other Types	18	1.33	5.15	6.88		
Totals for City	98	1.20	5.45	7.89		
EMS / Rescue	68	1.00	3.87	6.47		
All Other Types	8	1.00	4.85	6.08		
Totals for City	76	1.00	4.17	6.50		
EMS / Rescue	9	1.25	6.20	7.51		
All Other Types	2	0.54	9.88	10.10		
Totals for City	11	1.07	6.23	9.65		
EMS / Rescue	2	0.38	7.28	8.87		
All Other Types	1	0.80	6.73	6.73		
Totals for City	3	0.57	6.73	8.87		
Overall Total	188	1.10	5.07	7.55		

Response Totals By Incident Type

	Apr 18	May 18	Jun 18	Jul 18	Aug 18	Sep 18	Oct 18	Nov 18	Dec 18	Jan 19	Feb 19	Mar 19	Total
All Others (Alarms / Pub Service / Etc.)	80	95	113	111	106	97	105	124	98	110	105	106	1,250
EMS / Rescue	172	185	155	159	179	173	207	164	182	165	159	187	2,087
Structure Fires	1	1	5	2	2	2	2	2	2		2		21
Veg Fires	1	4	9	3	2	3	2	1		1			26
Vehicle Accidents	24	19	13	15	16	11	24	18	20	23	24	23	230
Grand Total	278	304	295	290	305	286	340	309	302	299	290	316	3,614

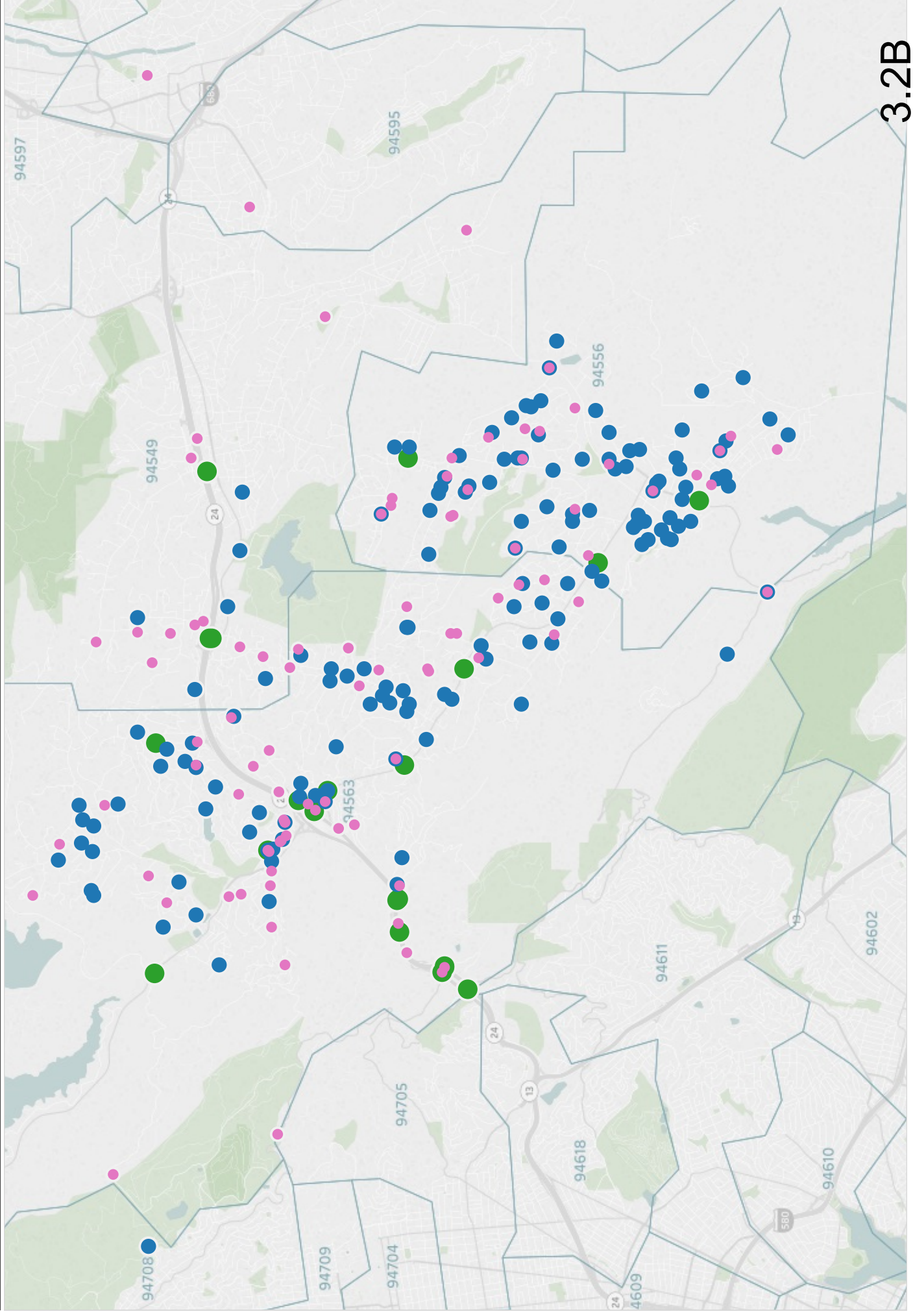
Incident Types

■ All Others (Alarms / Pub Service ..

■ EMS / Rescue

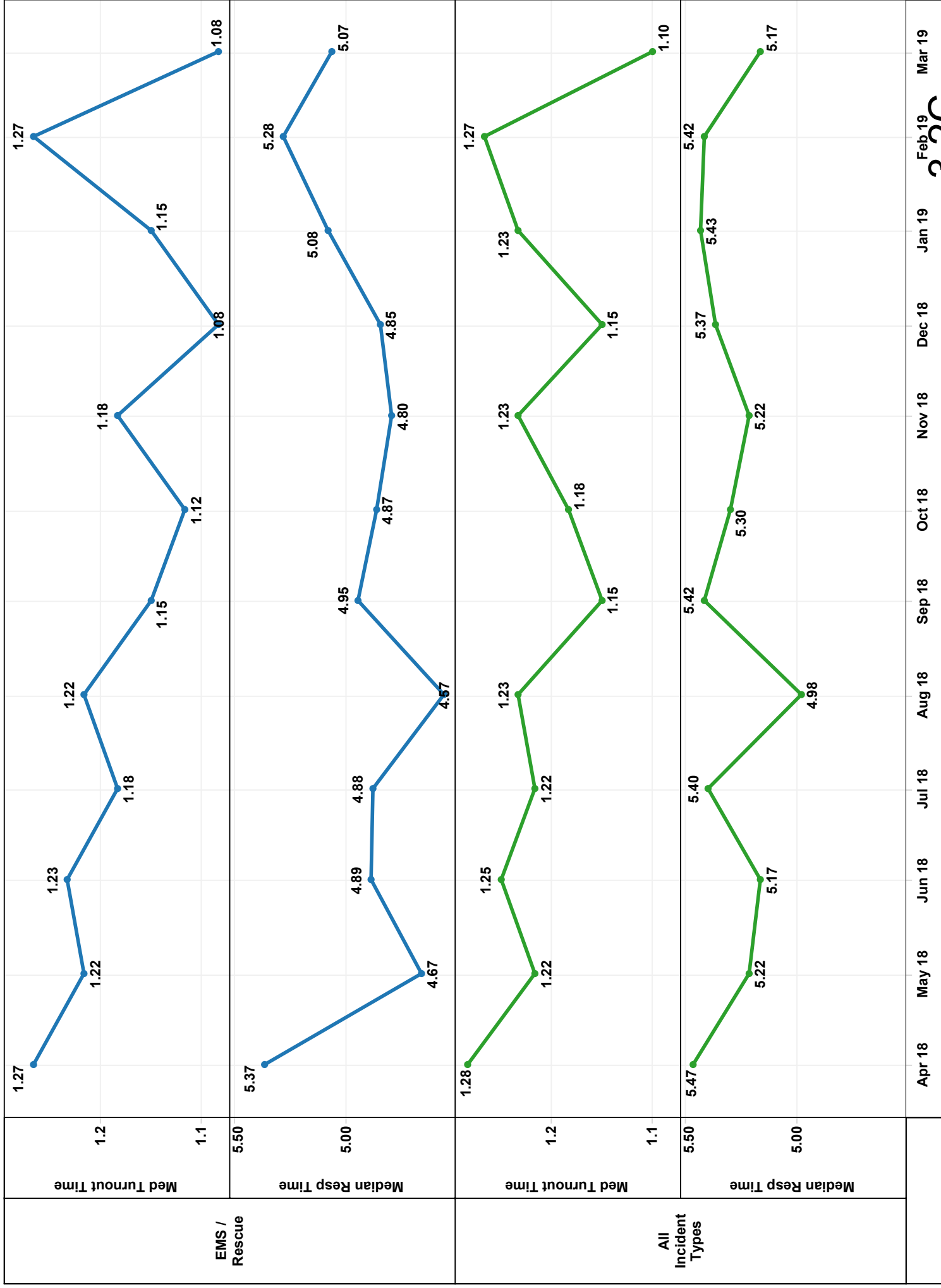
■ Vehicle Accidents

Incident Location Map for MOFD March 2019



Run Chart for MOFD EMS / Rescue and All Incident Types for the last full 12 months. Median Turnout and Response Times By Month for First At Scene

Units



Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 3/1/2019 Through 3/31/2019

Check Number	Check Date	Name	Check Amount	Transaction Description
000003423	3/28/2019	Chase	159,470.33	Loan payment-Station 43 funding-Acct. 451930689
26994	3/4/2019	U.S. Bank	10,650.00	A/C #4246-0445-5564-6748 Stmt. 12/24/18
	3/6/2019	AFSCME Council 57	197.98	Period Ending 02/28/19
26995	3/6/2019	Alameda County Fire Depart...	14,478.43	Misc. repairs
26996	3/6/2019	ALSCO - American Linen Divi...	474.06	February 2019 linen
26997	3/6/2019	American Fidelity	3,170.13	Period Ending 02/28/2019
	3/6/2019	American Fidelity	1,202.74	Supplemental deductions-Period Ending 02/28/19
26998	3/6/2019	American Messaging	66.17	Lost pager
26999	3/6/2019	A T and T Mobility	1,273.76	Phone Acct #287016079073 01/16/19-02/15/19
27000	3/6/2019	Bandwidth.com, Inc.	422.45	Service 03/01/19-03/31/19
27001	3/6/2019	Bound Tree Medical, LLC	7,601.58	Misc supplies
27002	3/6/2019	Comcast	88.47	8155 40 005 0208428 Station 41-03/01/19-03/28/19
27003	3/6/2019	CPR Training Center	320.00	PALS and ACLS recertification training-K. Brashen
27004	3/6/2019	Dell Financial Services	570.70	Rental & Admin Fee 02/13/19-03/12/19 A/C #001-8402535-008
27005	3/6/2019	Diablo Rapid Print	357.23	2500 MOFD envelopes
27006	3/6/2019	EBMUD	322.45	Water 12/12/18-02/13/19
27007	3/6/2019	ECMS, Inc.	1,407.37	PPE inspection and repair
27008	3/6/2019	Government Finance Officer's...	160.00	Annual membership-G. Sasser 3/1/19-2/28/20
27009	3/6/2019	IAFF Local 1230 Dues	7,276.25	Period Ending 02/28/19
27010	3/6/2019	IAFF Local 1230 Insurance	1,579.45	Period Ending 02/28/19
27011	3/6/2019	LeapFrog Plumbing	895.00	Temporary station plumbing repair
27012	3/6/2019	L.N. Curtis & Sons	1,440.94	5 Wildland boots-Academy
	3/6/2019	L.N. Curtis & Sons	18.66	Helmet piece replacement
	3/6/2019	L.N. Curtis & Sons	444.79	Structure boots-Costanza
	3/6/2019	L.N. Curtis & Sons	76.67	Structure gloves
	3/6/2019	L.N. Curtis & Sons	249.04	Wildland pant
27013	3/6/2019	Moraga Hardware & Lumber	46.84	Supplies for vent props
27014	3/6/2019	Office Depot	45.74	Copy paper
	3/6/2019	Office Depot	59.21	Copy paper and restroom supplies
	3/6/2019	Office Depot	63.42	Envelopes and Post-its
	3/6/2019	Office Depot	110.00	Ink toner cartridge
	3/6/2019	Office Depot	4.05	Kitchen supplies
	3/6/2019	Office Depot	22.17	Pens
	3/6/2019	Office Depot	(91.48)	Return-Wrong paper size delivered
	3/6/2019	Office Depot	(110.00)	Toner ink cartridge return
27015	3/6/2019	Orinda Motors, Inc.	141.96	Oil change-M45
27016	3/6/2019	Renne Public Law Group, LLP	20,504.33	Services thru 1/31/19
27017	3/6/2019	Sausal Corporation	253,458.76	Station 43 construction thru 01/31/19
27018	3/6/2019	Sloan Sakai Yeung & Wong L...	70.00	General advice- January 2019
27019	3/6/2019	Snowy River EMS Production...	2,450.00	PHTLS recert class 2/25/19- 10 students
27020	3/6/2019	Staples Advantage	780.85	Misc. supplies
27021	3/6/2019	Verizon Wireless	640.50	Account 623714059-00001 Service 01/24/19-02/23
	3/6/2019	Verizon Wireless	302.18	Account 623714059-00003 Service 01/24/19-02/23
	3/6/2019	Verizon Wireless	105.84	Account 623714059-00004 Service 01/24/19-02/23
27022	3/6/2019	Diana Wilde	200.00	Reimb.-Uniform for CERT-D. Wilde
27023	3/22/2019	ADP, Inc.	411.09	ADP Payroll Fees ending 02/28/19
	3/22/2019	ADP, Inc.	537.10	ADP Payroll Fees- W 2's and tax reporting
27024	3/22/2019	Airgas USA, LLC	387.77	Tank Rental-Station 41- #2118770 -February 2019
	3/22/2019	Airgas USA, LLC	45.85	Tank Rental-Station 44- #2902766 --February 2019
	3/22/2019	Airgas USA, LLC	282.59	Tank Rental-Station 45- #2867225 --February 2019
27025	3/22/2019	A T and T	337.99	Acct# 9391035207 02/12/19-03/11/19
	3/22/2019	A T and T	152.60	Acct# 9391053307 02/01/19-02/28/19 Emergency landlines
	3/22/2019	A T and T	1.40	Acct#9391060223 02/13/19-03/12/19 Conference calling

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 3/1/2019 Through 3/31/2019

Check Number	Check Date	Name	Check Amount	Transaction Description
27026	3/22/2019	Bay Alarm Company	167.76	St.#42 Qtrly monitoring-A/C #3654324 04/01/19-07/01/19
	3/22/2019	Bay Alarm Company	167.76	St.#44 Qtrly monitoring-A/C #3645624 04/01/19-07/01/19
27027	3/22/2019	Bound Tree Medical, LLC	1,699.53	Misc supplies
27028	3/22/2019	California Compression	470.76	Compressor repair
27029	3/22/2019	California Bank of Commerce	28,162.08	Sausal Corporation Account #1079128 MOFD-Stat 43
27030	3/22/2019	Central Valley Environmental	18,703.40	Temp station 43 bio-hazard cleaning
27031	3/22/2019	Citrix Systems Inc.	1,193.26	Annual renewal 2019
27032	3/22/2019	Comcast	88.38	8155 40 006 0191002 Station 44-03/14/19-04/13/19
	3/22/2019	Comcast	88.38	8155 40 006 0191028 Station 43-03/14/19-04/13/19
27033	3/22/2019	DC Electric Group, Inc.	4,646.64	Traffic alerting system upgrade-Station 44
27034	3/22/2019	Definitive Networks, Inc.	19,366.00	Service coverage for February 2019
27035	3/22/2019	Dell Financial Services	302.46	Rental & Admin Fee 04/01/19-04/30/19 A/C #001-8402535-009
27036	3/22/2019	Department of Justice	64.00	Fingerprinting
27037	3/22/2019	EBMUD	499.84	Water 01/03/19-03/06/19 6"
	3/22/2019	EBMUD	333.72	Water 01/03/19-03/06/19 2"
	3/22/2019	EBMUD	379.30	Water 12/28/18-02/28/19
27038	3/22/2019	ECMS, Inc.	2,065.14	PPE inspection and repair
27039	3/22/2019	First American Title Insurance	750.00	Search and exam-Station 41 project
27040	3/22/2019	HdL Coren & Cone	7,200.00	2019-20 Property tax revenue forecast prep.
27041	3/22/2019	Steve Huebner	149.85	Replacement toiletries for temp Station 43 closure
27042	3/22/2019	Hunt & Sons, Inc.	1,340.94	Fuel A/C #72371
	3/22/2019	Hunt & Sons, Inc.	1,480.40	Fuel A/C #72372
	3/22/2019	Hunt & Sons, Inc.	642.82	Fuel A/C #72373
	3/22/2019	Hunt & Sons, Inc.	380.70	Fuel A/C #72375
27043	3/22/2019	Kaiser Foundation Health Pla...	4,392.00	Annual physicals
27044	3/22/2019	Lucas Lambert	165.00	S-330 Strike Team Leader
	3/22/2019	Lucas Lambert	150.00	S-339 Division Group Supervisor
27045	3/22/2019	L.N. Curtis & Sons	246.86	Structure gloves
27046	3/22/2019	Mallory Safety & Supply, LLC	87.40	8 SCBA flow tests
27047	3/22/2019	Chris Mathews	1,459.43	Reimb. Drone certification class, travel and license
27048	3/22/2019	McKim Co.	0.00	Excavation trench training prep and clean-up
27049	3/22/2019	Michael Ross Investigations	494.60	Background investigation
	3/22/2019	Michael Ross Investigations	4,991.80	Investigation hours
27050	3/22/2019	Moraga Hardware & Lumber	44.76	Gloves and tie-downs
	3/22/2019	Moraga Hardware & Lumber	48.05	Gloves for maintenance projects
	3/22/2019	Moraga Hardware & Lumber	53.84	Misc. Station supplies
	3/22/2019	Moraga Hardware & Lumber	6.54	Part of torx tool set
	3/22/2019	Moraga Hardware & Lumber	63.27	Station maintenance
27051	3/22/2019	National Construction Rentals	34.26	Overhead meter pole-0001 monthly rental- 03/06/19-04/02/19
27052	3/22/2019	Suzanne Ng	50.00	Reimb. work boots
27053	3/22/2019	Occu-Med, Ltd.	349.85	4 pre-employment exams
27054	3/22/2019	Office Depot	99.68	Copy paper and paper towels
	3/22/2019	Office Depot	5.29	Pocket portfolios
27055	3/22/2019	Paymentus Group, Inc.	32.86	Credit card fees-February 2019
27056	3/22/2019	Pacific Gas & Electric	1,150.19	02/04/19-03/05/19 Station 44
	3/22/2019	Pacific Gas & Electric	1,110.17	02/04/19-03/05/19 Station 45 Electric
	3/22/2019	Pacific Gas & Electric	432.74	02/05/19-03/06/19 Admin
	3/22/2019	Pacific Gas & Electric	1,157.14	02/05/19-03/06/19 Station 41
	3/22/2019	Pacific Gas & Electric	737.40	02/05/19-03/06/19 Station 42 Electric
	3/22/2019	Pacific Gas & Electric	1,094.02	02/06/19-03/06/19 Station 42 Gas
	3/22/2019	Pacific Gas & Electric	845.17	02/14/19-03/18/19 Station 45 Gas
27057	3/22/2019	Pitney Bowes, Inc.	278.55	Ink cartridges for postage machine

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 3/1/2019 Through 3/31/2019

Check Number	Check Date	Name	Check Amount	Transaction Description
27058	3/22/2019	PODS Enterprises, LLC	216.61	Container rental 03/12/19-04/11/19
27059	3/22/2019	Psomas	5,300.00	2019 Parcel update and property ownership verifica
27060	3/22/2019	Renne Public Law Group, LLP	10,573.95	Services thru 2/28/19
27061	3/22/2019	Republic Services	530.41	March 2019 Trash A/C#302100093245
	3/22/2019	Republic Services	101.65	March 2019 Trash A/C#302100094052
	3/22/2019	Republic Services	511.09	March 2019 Trash A/C#302100095331
	3/22/2019	Republic Services	101.65	March 2019 Trash A/C#302100108522
27062	3/22/2019	Steve Rogness	1,410.74	Reimb. Drone certification, travel expenses and lic
27063	3/22/2019	Shah Kawasaki Architects	4,557.96	Services 02/01/19-02/28/19
27064	3/22/2019	Shred-it	66.00	February 2019 pick-up
27065	3/22/2019	Smart Clean Building Mainten...	245.00	March 2019 cleaning service
27066	3/22/2019	Snowy River EMS Production...	1,470.00	PHTLS recert class 2/25/19- 6 additional students
27067	3/22/2019	Terracon Consultants, Inc	740.00	Services through 03/02/19
27068	3/22/2019	TIAA Commercial Finance, Inc.	223.34	Copier Rental March 2019 A/C #20317889-1
27069	3/22/2019	Lucas Trumpf	345.00	Company Officer 2A
	3/22/2019	Lucas Trumpf	295.00	Company Officer 2B
27070	3/22/2019	United Site Services	2,121.09	Service 03/01/19-03/31/19
27071	3/22/2019	Verizon Wireless	56.16	12-lead modem wireless 02/11/19-03/10/19
27072	3/22/2019	Watts, Cohn and Partners, Inc	4,000.00	Appraisal-50%-Station 41 project
27073	3/29/2019	ADP, Inc.	973.66	HR/Benefit Workforce processing& Payroll fees en 3/15/19
27074	3/29/2019	ADT Security Services	42.99	Services 04/4/19-05/03/19- Admin bldg. burglar sy:
	3/29/2019	ADT Security Services	42.52	Services 04/4/19-05/03/19- Admin bldg. camera
	3/29/2019	ADT Security Services	69.27	Services 04/9/19-05/08/19- Station 45
27075	3/29/2019	Allied Propane Services, Inc	226.46	Commercial propane 03/13/19
27076	3/29/2019	A T and T Mobility	1,008.48	Phone Acct #287016079073 02/16/19-03/15/19
27077	3/29/2019	Biomedical Waste Disposal	79.00	March 2019 Medical Waste A/C #0349
	3/29/2019	Biomedical Waste Disposal	79.00	March 2019 Medical Waste A/C #0350
27078	3/29/2019	Bound Tree Medical, LLC	95.94	Glucose
27079	3/29/2019	California Bank of Commerce	35,649.02	Sausal Corporation Account #1079128 MOFD-Stat 43
27080	3/29/2019	Comcast	88.47	8155 40 005 0208428 Station 41-03/29/19-04/28/1'
	3/29/2019	Comcast	88.47	8155 40 005 0208436 Station 42-03/24/19-04/23/1'
	3/29/2019	Comcast	88.38	8155 40 006 0190996 Station 45-03/23/19-04/22/1'
27081	3/29/2019	Concord Uniforms	123.81	District Aide uniforms
	3/29/2019	Concord Uniforms	548.54	Fuel Mitigation uniforms-Patrick Carrillo
	3/29/2019	Concord Uniforms	121.58	Fuel Mitigation uniforms-Scott Watson
27082	3/29/2019	C.R. Fireline, Inc.	1,078.98	Fire extinguisher maintenance
27083	3/29/2019	DeBolt Civil Engineering	950.00	Survey services for 13 & 15 Bates Blvd-Homeowne to reimb.
27084	3/29/2019	FDAC EBA	2,206.73	April 2019 vision & life insur.
	3/29/2019	FDAC EBA	1,820.80	March 2019 vision & life insur.
27085	3/29/2019	Forestry Suppliers, Inc.	459.67	Fuels Mitigation supplies for Aides
27086	3/29/2019	Uriel Garcia	1,282.50	GIS services 02/25/19-03/12/19
27087	3/29/2019	Virginia Merrifield	105.33	CERT instructor uniform reimb.
27088	3/29/2019	Moraga Hardware & Lumber	44.56	Station 44 supplies
27089	3/29/2019	National Construction Rentals	34.26	Overhead meter pole-0002 monthly rental- 03/19/19-04/15/19
27090	3/29/2019	Office Depot	24.55	Cleaning supplies and calculator ribbon
	3/29/2019	Office Depot	45.36	Copy paper and cleaning supplies
	3/29/2019	Office Depot	350.00	Copy paper and toner cartridges
	3/29/2019	Office Depot	(8.76)	Returned box of plain envelopes
27091	3/29/2019	Pacific Gas & Electric	1,010.53	02/15/19-03/18/19 Station 43
27092	3/29/2019	Physio-Control, Inc	2,299.18	Lucas device repair
27093	3/29/2019	Reserve Account	900.00	Reserve postage -Acct. 33928102
27094	3/29/2019	PLIC	99.90	April 2019
27095	3/29/2019	Dennis Rein	276.13	Reimb.-CERT final exercise meals

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 3/1/2019 Through 3/31/2019

<u>Check Number</u>	<u>Check Date</u>	<u>Name</u>	<u>Check Amount</u>	<u>Transaction Description</u>
27096	3/29/2019	Renne Public Law Group, LLP	24,053.08	Services thru 2/28/19
27097	3/29/2019	Safe-T-Tank Corp.	5,857.91	500 gallon diesel fuel storage tank replacement-fin. pymt.
27098	3/29/2019	Gloriann Sasser	60.19	Reimb. mileage 12/19/18-03/20/19
27099	3/29/2019	Sausal Corporation	320,841.14	Station 43 construction thru 02/28/19
27100	3/29/2019	Sloan Sakai Yeung & Wong L...	1,827.42	AFSCME Negotiations-Feb 2019
	3/29/2019	Sloan Sakai Yeung & Wong L...	2,033.42	Battalion Chiefs Negotiations-Feb 2019
	3/29/2019	Sloan Sakai Yeung & Wong L...	410.00	General Advice-Feb 2019
	3/29/2019	Sloan Sakai Yeung & Wong L...	1,085.00	IAFF Negotiations-Feb 2019
27101	3/29/2019	Wittman Enterprises, LLC	5,693.60	February 2019
CC-0319	3/8/2019	CCCERA Retirement	168,616.86	CCCERA retirement payment-February 2019 contributions
CP058	3/11/2019	Calif. Public Employees'	173,162.07	CalPers Health Ins
CU-0319	3/8/2019	1st NorCal Federal Credit Union	1,720.20	Period Ending 02/28/19
DD058	3/8/2019	Delta Dental Plan of Calif.	16,161.74	Delta Dental ACH payment
PFA 0319	3/8/2019	Moraga-Orinda Professional F...	1,534.00	Period ending 02/28/19
Stmt 01/22/19	3/6/2019	U.S. Bank	<u>3,862.81</u>	A/C #4246-0445-5564-6748 01/22/19
Report Total			<u>1,417,189.80</u>	

Moraga-Orinda Fire District
Statement of Revenues and Expenditures - General Fund Actual to Budget 18/19
From 7/1/2018 Through 2/28/2019

		Current Period Actual	Total Budget \$ - Original	Total Budget \$ Variance - Original	Percent Total Budget Remaining - Original
Revenue					
Taxes					
Property Tax-Current Secured	4010	19,701,837.83	19,861,594.00	(159,756.17)	(0.80)%
Property Tax-Supplemental	4011	127,826.26	300,000.00	(172,173.74)	(57.39)%
Property Tax-Unitary	4013	238,262.43	200,000.00	38,262.43	19.13%
Property Tax-Curr Unsecured	4020	611,108.44	600,000.00	11,108.44	1.85%
Prop Tax- Prior Secured	4030	(29,636.70)	(55,000.00)	25,363.30	(46.12)%
Prop Tax-Prior Supplement	4031	(1,008.27)	(35,000.00)	33,991.73	(97.12)%
Prop Tax Prior Unsecured	4035	9,453.23	(10,000.00)	19,453.23	(194.53)%
Fire Flow Tax	4066	1,084,245.06	1,085,000.00	(754.94)	(0.07)%
Total Taxes		21,742,088.28	21,946,594.00	(204,505.72)	(0.93)%
Use of Money & Property					
Investment Earnings	4181	26,178.14	40,000.00	(13,821.86)	(34.55)%
Total Use of Money & Property		26,178.14	40,000.00	(13,821.86)	(34.55)%
Intergovernmental Revenue					
Homeowners Relief Tax	4385	74,643.14	154,000.00	(79,356.86)	(51.53)%
Intergovernmental Revenue-Federal Grants	4437	269,072.25	512,000.00	(242,927.75)	(47.45)%
CA FF JAC Training Funds	4440	0.00	6,200.00	(6,200.00)	(100.00)%
Other/In Lieu of Taxes	4580	939.70	940.00	(0.30)	(0.03)%
Measure H-Emerg Med Ser Subsid	4896	85,513.71	85,513.00	0.71	0.00%
Total Intergovernmental Revenue		430,168.80	758,653.00	(328,484.20)	(43.30)%
Charges for Service					
Permits	4740	792.00	2,000.00	(1,208.00)	(60.40)%
Plan Review	4741	168,369.00	250,000.00	(81,631.00)	(32.65)%
Inspection Fees	4742	24,917.60	23,000.00	1,917.60	8.34%
Weed Abatement Charges	4744	19,117.86	19,100.00	17.86	0.09%
CPR/First Aid Classes	4745	893.00	1,000.00	(107.00)	(10.70)%
Reports/ Photocopies	4746	291.00	350.00	(59.00)	(16.86)%
Other Charges for Service	4747	8,965.00	10,000.00	(1,035.00)	(10.35)%
Total Charges for Service		223,345.46	305,450.00	(82,104.54)	(26.88)%
Charges for Service - Ambulance					
Ambulance Service Fees	4898	1,208,713.31	2,121,540.00	(912,826.69)	(43.03)%
Ambulance Service Fee Reimbursements	4899	(76,704.51)	(673,000.00)	596,295.49	(88.60)%
Ambulance Collection Recovery Payments	4900	1,596.86	1,550.00	46.86	3.02%
Ground Emergency Medical Transportation	4901	48,542.00	48,542.00	0.00	0.00%
Total Charges for Service - Ambulance		1,182,147.66	1,498,632.00	(316,484.34)	(21.12)%
Other Revenue					
Other Revenue-Strike Team Recovery	4971	809,566.26	722,458.00	87,108.26	12.06%
Other Revenue & Financing Sources	4972	14,450.97	32,451.00	(18,000.03)	(55.47)%
Other Revenue-Misc.	4974	9,982.50	5,435.00	4,547.50	83.67%
Misc Rebates & Refunds	4975	1,302.24	1,000.00	302.24	30.22%
Sale of Surplus Property	4980	106.00	1,000.00	(894.00)	(89.40)%
Transfers In	4999	542.43	542.00	0.43	0.08%
Total Other Revenue		835,950.40	762,886.00	73,064.40	9.58%
Total Revenue		24,439,878.74	25,312,215.00	(872,336.26)	(3.45)%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures - General Fund Actual to Budget 18/19
From 7/1/2018 Through 2/28/2019

		Current Period Actual	Total Budget \$ - Original	Total Budget \$ Variance - Original	Percent Total Budget Remaining - Original
Expenditures					
Salaries & Benefits					
Permanent Salaries	5011	5,864,365.96	8,875,000.00	3,010,634.04	33.92%
Temporary Salaries	5013	125,223.85	254,531.00	129,307.15	50.80%
Overtime	5014	1,578,415.23	2,550,000.00	971,584.77	38.10%
Deferred Compensation	5015	15,334.00	22,400.00	7,066.00	31.54%
Overtime - Strike Team	5016	469,948.13	550,020.00	80,071.87	14.56%
Worker's Compensation Recovery	5019	(137,746.45)	(136,000.00)	1,746.45	(1.28)%
Payroll Taxes -FICA,SUI	5042	122,828.97	190,000.00	67,171.03	35.35%
Payroll Processing Fees	5043	10,705.05	20,000.00	9,294.95	46.47%
Retirement Contributions	5044	3,054,550.54	4,800,000.00	1,745,449.46	36.36%
Life/Health Insurance-Permanent Employees	5060	699,616.35	1,120,000.00	420,383.65	37.53%
Employee's-Health Insurance Contribution	5061	(79,110.73)	(106,000.00)	(26,889.27)	25.37%
Retiree Health Insurance	5062	818,634.37	1,234,000.00	415,365.63	33.66%
Retiree-Health Insurance Contribution	5063	(234,664.52)	(324,000.00)	(89,335.48)	27.57%
Unemployment Insurance	5064	2,757.00	18,000.00	15,243.00	84.68%
Retiree-Health OPEB Contribution	5065	0.00	439,771.00	439,771.00	100.00%
Vision Insurance	5066	10,013.52	16,000.00	5,986.48	37.42%
Pension Rate Stabilization	5067	0.00	1,100,000.00	1,100,000.00	100.00%
Workers' Compensation Insurance	5070	659,082.00	878,775.00	219,693.00	25.00%
Total Salaries & Benefits		12,979,953.27	21,502,497.00	8,522,543.73	39.64%
Operating Expense					
Office Supplies	6100	4,398.37	11,725.00	7,326.63	62.49%
Postage	6101	2,852.25	5,000.00	2,147.75	42.95%
Books & Periodicals	6102	1,301.51	7,650.00	6,348.49	82.99%
Printer Ink Cartridges	6103	1,210.77	3,000.00	1,789.23	59.64%
Telephone/Communication	6110	23,623.76	50,000.00	26,376.24	52.75%
Dispatch/Comm Center Services w/ AVL MDT	6111	0.00	188,700.00	188,700.00	100.00%
Utilities- Sewer	6120	3,649.67	5,400.00	1,750.33	32.41%
Utilities-Garbage	6121	9,101.36	12,845.00	3,743.64	29.14%
Utilities-PG&E	6122	41,194.66	65,690.00	24,495.34	37.29%
Utilities-Water	6123	9,000.39	13,860.00	4,859.61	35.06%
Utilities-Medical Waste	6124	1,732.87	3,300.00	1,567.13	47.49%
Small Tools & Instruments	6130	3,730.73	7,000.00	3,269.27	46.70%
Minor Equipment/Furniture	6131	1,566.74	1,500.00	(66.74)	(4.45)%
Computer Equipment & Supplies	6132	0.00	3,000.00	3,000.00	100.00%
Gas Power Chain Saw/Other Equipmen	6133	2,247.75	6,800.00	4,552.25	66.94%
Fire Trail Grading	6135	3,428.04	20,000.00	16,571.96	82.86%
Fire Fighting Equipment & Supplies	6137	2,071.93	3,400.00	1,328.07	39.06%
Fire Fighting Equipment-Hoses & Nozzles	6138	7,450.44	11,000.00	3,549.56	32.27%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures - General Fund Actual to Budget 18/19
From 7/1/2018 Through 2/28/2019

		Current Period Actual	Total Budget \$ - Original	Total Budget \$ Variance - Original	Percent Total Budget Remaining - Original
Fire Fighting Equipment-Class A Foam	6139	1,986.70	2,000.00	13.30	0.67%
Medical & Lab Supplies	6140	76,133.33	90,000.00	13,866.67	15.41%
Food Supplies	6150	1,133.82	4,000.00	2,866.18	71.65%
Safety Clothing & Personal Supplies	6160	51,960.72	150,300.00	98,339.28	65.43%
Non-Safety Clothing & Personal Supplies	6161	650.00	1,500.00	850.00	56.67%
Household Expense	6170	6,085.22	17,000.00	10,914.78	64.20%
Household Expense-Linen	6171	3,557.33	6,880.00	3,322.67	48.29%
Public & Legal Notices	6190	3,865.43	11,000.00	7,134.57	64.86%
Dues, Memberships & Professional Fees	6200	7,052.50	9,695.00	2,642.50	27.26%
EMT/Paramedic Licensure Fees	6201	2,200.00	6,500.00	4,300.00	66.15%
Rent & Leases (Equipment)	6250	20,047.42	35,400.00	15,352.58	43.37%
Computer Software & Maintenance	6251	59,685.21	85,750.00	26,064.79	30.40%
Website Development & Maintenance	6252	1,696.00	1,800.00	104.00	5.78%
EPA ID# Verification Fee	6264	150.00	150.00	0.00	0.00%
CCC HazMat Plan (CUPA)	6265	2,575.00	3,000.00	425.00	14.17%
BAAQMD & Environmental Health Fees	6266	589.00	900.00	311.00	34.56%
Air Monitor Maintenance & Replacement	6269	0.00	1,300.00	1,300.00	100.00%
Maintenance -- Equipment	6270	31,646.11	52,500.00	20,853.89	39.72%
Central Garage Repairs	6271	45,788.99	200,000.00	154,211.01	77.11%
Central Garage Gasoline & Oil	6272	44,758.51	65,000.00	20,241.49	31.14%
Central Garage Tires	6273	7,364.03	7,500.00	135.97	1.81%
Service/Repair Fuel System Dispensers	6274	1,860.31	3,500.00	1,639.69	46.85%
Aerial Ladder & Pump Testing	6275	0.00	1,000.00	1,000.00	100.00%
Smog Inspections	6276	0.00	500.00	500.00	100.00%
Air Compressor Quarterly Service	6278	1,109.77	1,500.00	390.23	26.02%
Hydro Test SCBA & Oxy Cylinder	6279	0.00	2,500.00	2,500.00	100.00%
Tank Testing	6280	0.00	1,000.00	1,000.00	100.00%
Maintenance -- Building	6281	42,748.40	52,000.00	9,251.60	17.79%
Maintenance -- Grounds	6282	755.44	6,400.00	5,644.56	88.20%
Meetings & Travel Expenses	6303	185.69	3,875.00	3,689.31	95.21%
Medical - Pre-Emp Processing and Annual Exams	6311	7,918.15	30,000.00	22,081.85	73.61%
Ambulance Billing Administration Fees	6312	41,603.55	62,000.00	20,396.45	32.90%
Outside Attorney Fees	6313	65,069.64	150,000.00	84,930.36	56.62%
Outside CPR Instructors	6314	1,610.00	3,000.00	1,390.00	46.33%
CCC County Tax Administration Fee	6316	0.00	190,000.00	190,000.00	100.00%
Professional Services	6317	24,565.00	40,000.00	15,435.00	38.59%
Professional Services - Labor Negotiator	6318	84,759.49	100,000.00	15,240.51	15.24%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures - General Fund Actual to Budget 18/19
From 7/1/2018 Through 2/28/2019

		Current Period Actual	Total Budget \$ - Original	Total Budget \$ Variance - Original	Percent Total Budget Remaining - Original
Professional Services - Technology	6319	135,562.00	238,535.00	102,973.00	43.17%
Professional Services - Pre-Employment Investigations	6320	10,629.82	15,000.00	4,370.18	29.13%
Professional Services - Promotional Exams & Recruitment	6321	1,245.88	6,000.00	4,754.12	79.24%
Professional Services-OPEB Actuarial Valuation	6322	5,504.76	4,741.00	(763.76)	(16.11)%
Exterior Hazard Removal	6323	14,689.13	25,000.00	10,310.87	41.24%
Professional Services-Prop Tax Audit & Forecasting	6326	1,575.00	12,600.00	11,025.00	87.50%
Professional Services	6327	12,940.00	14,000.00	1,060.00	7.57%
Burn Trailer Grant Maintenance	6352	0.00	3,500.00	3,500.00	100.00%
Testing Materials & Training Props	6354	7,326.70	12,000.00	4,673.30	38.94%
Career Development Classes	6357	4,112.15	15,000.00	10,887.85	72.59%
Target Safety Online Training	6359	2,720.00	6,500.00	3,780.00	58.15%
Training & Education Classes-Paramedic & EMT CE	6360	8,268.96	15,000.00	6,731.04	44.87%
District Sponsored Training-Mandated	6361	3,899.94	25,000.00	21,100.06	84.40%
Election Expense	6465	14,929.93	14,730.00	(199.93)	(1.36)%
Recruiting Costs	6470	10,000.00	75,000.00	65,000.00	86.67%
Strike Team Supplies	6474	12,962.98	15,000.00	2,037.02	13.58%
Community Emergency Response Team	6475	191.54	6,500.00	6,308.46	97.05%
Exercise Supplies/Maint.	6476	660.85	5,000.00	4,339.15	86.78%
Recognition Supplies	6478	989.77	5,000.00	4,010.23	80.20%
Other Special Departmental Exp	6479	38,148.78	65,350.00	27,201.22	41.62%
Public Education Supplies	6480	2,488.65	3,000.00	511.35	17.05%
CPR Supplies	6481	1,274.96	3,000.00	1,725.04	57.50%
LAFCO	6482	11,623.56	12,000.00	376.44	3.14%
Emergency Preparedness Expense	6484	9,364.91	22,500.00	13,135.09	58.38%
Misc. Services & Supplies	6490	16,901.93	30,000.00	13,098.07	43.66%
Fire Chief Contingency	6491	7,401.23	100,000.00	92,598.77	92.60%
Property & Liability Insurance	6540	55,621.00	55,621.00	0.00	0.00%
Total Operating Expense		<u>1,150,706.43</u>	<u>2,624,897.00</u>	<u>1,474,190.57</u>	<u>56.16%</u>
Other Expense					
Bank Fees	7510	2,949.94	3,300.00	350.06	10.61%
Interest on County Teeter Account	7520	0.00	50.00	50.00	100.00%
County Tax Collection Fees	7530	254.56	300.00	45.44	15.15%
Transfers to Debt Service Fund	7999	507,028.45	1,085,000.00	577,971.55	53.27%
Total Other Expense		<u>510,232.95</u>	<u>1,088,650.00</u>	<u>578,417.05</u>	<u>53.13%</u>
Total Expenditures		<u>14,640,892.65</u>	<u>25,216,044.00</u>	<u>10,575,151.35</u>	<u>41.94%</u>
Excess of Revenues Over/ (Under) Expenditures		<u>9,798,986.09</u>	<u>96,171.00</u>	<u>9,702,815.09</u>	<u>10,089.13%</u>

Moraga-Orinda Fire District
Statement of Revenues and Expenditures - Capital Projects Fund Actual to Budget-18/19
From 7/1/2018 Through 2/28/2019

		Current Period Actual	Total Budget - Original	Total Budget Variance - Original	Percent Total Budget Remaining - Original
Revenue					
Use of Money & Property					
Investment Earnings	4181	38,796.00	10,000.00	28,796.00	287.96%
Total Use of Money & Property		38,796.00	10,000.00	28,796.00	287.96%
Charges for Service					
Impact Mitigation Fees	4743	39,200.00	40,000.00	(800.00)	(2.00)%
Total Charges for Service		39,200.00	40,000.00	(800.00)	(2.00)%
Other Revenue					
Other Revenue-Misc.	4974	38,286.50	0.00	38,286.50	0.00%
Sale of Surplus Property	4980	35,200.00	100,000.00	(64,800.00)	(64.80)%
Transfers In	4999	0.00	73,186.00	(73,186.00)	(100.00)%
Total Other Revenue		73,486.50	173,186.00	(99,699.50)	(57.57)%
Total Revenue		151,482.50	223,186.00	(71,703.50)	(32.13)%
Expenditures					
Other Expense					
Bank Fees	7510	151.00	100.00	(51.00)	(51.00)%
Fire Flow Tax Collection Fees	7531	11,434.68	14,000.00	2,565.32	18.32%
Capital Contingency-Facilities, ...	7700	873.00	150,000.00	149,127.00	99.42%
Apparatus/Vehicles-Fixed Asset...	7703	0.00	160,000.00	160,000.00	100.00%
Buildings-Station #43-Fixed Ass...	7706	2,073,143.54	3,723,394.00	1,650,250.46	44.32%
FEMA (AFG) Grants-Fixed Asse...	7707	0.00	50,000.00	50,000.00	100.00%
Misc. Equipment Expense	7709	34,442.05	84,650.00	50,207.95	59.31%
Total Other Expense		2,120,044.27	4,182,144.00	2,062,099.73	49.31%
Total Expenditures		2,120,044.27	4,182,144.00	2,062,099.73	49.31%
Excess of Revenues Over/ (Under) Expenditures		(1,968,561.77)	(3,958,958.00)	1,990,396.23	(50.28)%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures - Debt Service Fund Actual to Budget-18/19
From 7/1/2018 Through 2/28/2019

		Current Period Actual	Total Budget \$ - Original	Total Budget \$ Variance - Original	Percent Total Budget Remaining - Original
Revenue					
Taxes					
Property Tax-Current Secured	4010	3,543,473.00	3,543,473.00	0.00	0.00%
Total Taxes		3,543,473.00	3,543,473.00	0.00	0.00%
Use of Money & Property					
Investment Earnings	4181	487.86	5,000.00	(4,512.14)	(90.24)%
Total Use of Money & Property		487.86	5,000.00	(4,512.14)	(90.24)%
Other Revenue					
Transfers In	4999	507,028.45	1,011,814.00	(504,785.55)	(49.89)%
Total Other Revenue		507,028.45	1,011,814.00	(504,785.55)	(49.89)%
Total Revenue		4,050,989.31	4,560,287.00	(509,297.69)	(11.17)%
Expenditures					
Other Expense					
Pension Obligation Bond Principal Payment	7900	2,640,000.00	2,640,000.00	0.00	0.00%
Pension Obligation Bond Interest Payment	7901	667,377.00	667,377.00	0.00	0.00%
Apparatus Lease Principal Payment	7902	321,751.26	646,542.00	324,790.74	50.24%
Apparatus Lease Interest Payment	7903	23,482.56	43,927.00	20,444.44	46.54%
Lease Agreement Station 43 Principal	7906	123,000.00	245,000.00	122,000.00	49.80%
Lease Agreement Station 43 Interest	7907	38,794.63	76,345.00	37,550.37	49.19%
Transfers to Other Funds	7997	542.43	0.00	(542.43)	0.00%
Total Other Expense		3,814,947.88	4,319,191.00	504,243.12	11.67%
Total Expenditures		3,814,947.88	4,319,191.00	504,243.12	11.67%
Excess of Revenues Over/ (Under) Expenditures		236,041.43	241,096.00	(5,054.57)	(2.10)%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures
27 - Capital Projects Fund
From 7/1/2018 Through 2/28/2019

		Current Period Actual	Prorated Monthly Budget	Prorated Monthly Variance
Revenue				
Use of Money & Property				
Investment Earnings	4181	38,796.00	6,666.64	32,129.36
Total Use of Money & Property		38,796.00	6,666.64	32,129.36
Charges for Service				
Impact Mitigation Fees	4743	39,200.00	26,666.64	12,533.36
Total Charges for Service		39,200.00	26,666.64	12,533.36
Other Revenue				
Other Revenue-Misc.	4974	38,286.50	0.00	38,286.50
Sale of Surplus Property	4980	35,200.00	66,666.64	(31,466.64)
Transfers In	4999	0.00	48,790.64	(48,790.64)
Total Other Revenue		73,486.50	115,457.28	(41,970.78)
Total Revenue		151,482.50	148,790.56	2,691.94
Expenditures				
Other Expense				
Bank Fees	7510	151.00	66.64	(84.36)
Fire Flow Tax Collection Fees	7531	11,434.68	9,333.36	(2,101.32)
Capital Contingency-Facilities, Equipment	7700	873.00	100,000.00	99,127.00
Apparatus/Vehicles-Fixed Asset Expenditures	7703	0.00	106,666.64	106,666.64
Buildings-Station #43-Fixed Asset Expenditures	7706	2,073,143.54	2,482,262.64	409,119.10
FEMA (AFG) Grants-Fixed Asset Expenditures	7707	0.00	33,333.36	33,333.36
Misc. Equipment Expense	7709	34,442.05	56,433.36	21,991.31
Total Other Expense		2,120,044.27	2,788,096.00	668,051.73
Total Expenditures		2,120,044.27	2,788,096.00	668,051.73
Excess of Revenues Over/ (Under) Expenditures		(1,968,561.77)	(2,639,305.44)	670,743.67

Moraga-Orinda Fire District
Statement of Revenues and Expenditures
50 - General Fund
From 7/1/2018 Through 2/28/2019

		Current Period Actual	Prorated Monthly Budget	Prorated Monthly Variance
Revenue				
Taxes				
Property Tax-Current Secured	4010	19,701,837.83	13,241,062.64	6,460,775.19
Property Tax-Supplemental	4011	127,826.26	200,000.00	(72,173.74)
Property Tax-Unitary	4013	238,262.43	133,333.36	104,929.07
Property Tax-Curr Unsecured	4020	611,108.44	400,000.00	211,108.44
Prop Tax- Prior Secured	4030	(29,636.70)	(36,666.64)	7,029.94
Prop Tax-Prior Supplement	4031	(1,008.27)	(23,333.36)	22,325.09
Prop Tax Prior Unsecured	4035	9,453.23	(6,666.64)	16,119.87
Fire Flow Tax	4066	1,084,245.06	723,333.36	360,911.70
Total Taxes		21,742,088.28	14,631,062.72	7,111,025.56
Use of Money & Property				
Investment Earnings	4181	26,178.14	2,000.00	24,178.14
Total Use of Money & Property		26,178.14	2,000.00	24,178.14
Intergovernmental Revenue				
Homeowners Relief Tax	4385	74,643.14	102,666.64	(28,023.50)
Intergovernmental Revenue-Federal Grants	4437	269,072.25	320,000.00	(50,927.75)
CA FF JAC Training Funds	4440	0.00	10,000.00	(10,000.00)
Other/In Lieu of Taxes	4580	939.70	601.36	338.34
Measure H-Emerg Med Ser Subsid	4896	85,513.71	57,008.64	28,505.07
Total Intergovernmental Revenue		430,168.80	490,276.64	(60,107.84)
Charges for Service				
Permits	4740	792.00	1,333.36	(541.36)
Plan Review	4741	168,369.00	166,666.64	1,702.36
Inspection Fees	4742	24,917.60	23,333.36	1,584.24
Weed Abatement Charges	4744	19,117.86	16,666.64	2,451.22
CPR/First Aid Classes	4745	893.00	1,333.36	(440.36)
Reports/ Photocopies	4746	291.00	233.36	57.64
Other Charges for Service	4747	8,965.00	4,000.00	4,965.00
Total Charges for Service		223,345.46	213,566.72	9,778.74
Charges for Service - Ambulance				
Ambulance Service Fees	4898	1,208,713.31	755,333.36	453,379.95
Ambulance Service Fee Reimbursements	4899	(76,704.51)	(77,333.36)	628.85
Ambulance Collection Recovery Payments	4900	1,596.86	1,333.36	263.50
Ground Emergency Medical Transportation	4901	48,542.00	26,666.64	21,875.36
Total Charges for Service - Ambulance		1,182,147.66	706,000.00	476,147.66
Other Revenue				
Other Revenue-Strike Team Recovery	4971	809,566.26	353,333.36	456,232.90
Other Revenue & Financing Sources	4972	14,450.97	22,000.00	(7,549.03)
Other Revenue-Misc.	4974	9,982.50	666.64	9,315.86
Misc Rebates & Refunds	4975	1,302.24	666.64	635.60
Sale of Surplus Property	4980	106.00	666.64	(560.64)
Transfers In	4999	542.43	0.00	542.43
Total Other Revenue		835,950.40	377,333.28	458,617.12

Moraga-Orinda Fire District
Statement of Revenues and Expenditures
50 - General Fund
From 7/1/2018 Through 2/28/2019

		Current Period Actual	Prorated Monthly Budget	Prorated Monthly Variance
Total Revenue		<u>24,439,878.74</u>	<u>16,420,239.36</u>	<u>8,019,639.38</u>
Expenditures				
Salaries & Benefits				
Permanent Salaries	5011	5,079,189.13	5,993,354.64	914,165.51
Temporary Salaries	5013	116,984.09	169,687.36	52,703.27
Overtime	5014	1,386,122.38	954,885.44	(431,236.94)
Deferred Compensation	5015	13,392.00	14,733.36	1,341.36
Overtime - Strike Team	5016	469,948.13	366,680.00	(103,268.13)
Worker's Compensation Recovery	5019	(137,746.45)	(81,333.36)	56,413.09
Payroll Taxes -FICA,SUI	5042	108,090.25	124,360.64	16,270.39
Payroll Processing Fees	5043	10,705.05	13,333.36	2,628.31
Retirement Contributions	5044	3,054,550.54	3,344,178.64	289,628.10
Life/Health Insurance-Permanent Employees	5060	699,616.35	836,000.00	136,383.65
Employee's-Health Insurance Contribution	5061	(70,448.92)	(100,112.00)	(29,663.08)
Retiree Health Insurance	5062	818,634.37	800,000.00	(18,634.37)
Retiree-Health Insurance Contribution	5063	(234,664.52)	(216,666.64)	17,997.88
Unemployment Insurance	5064	2,757.00	12,000.00	9,243.00
Retiree-Health OPEB Contribution	5065	0.00	293,180.64	293,180.64
Vision Insurance	5066	10,013.52	13,272.00	3,258.48
Pension Rate Stabilization	5067	0.00	733,333.36	733,333.36
Workers' Compensation Insurance	5070	659,082.00	585,850.00	(73,232.00)
Total Salaries & Benefits		<u>11,986,224.92</u>	<u>13,856,737.44</u>	<u>1,870,512.52</u>
Operating Expense				
Office Supplies	6100	4,398.37	7,816.72	3,418.35
Postage	6101	2,852.25	3,333.36	481.11
Books & Periodicals	6102	1,301.51	5,100.00	3,798.49
Printer Ink Cartridges	6103	1,210.77	2,000.00	789.23
Telephone/Communication	6110	23,703.76	33,333.36	9,629.60
Dispatch/Comm Center Services w/ AVL MDT	6111	0.00	125,800.00	125,800.00
Utilities- Sewer	6120	3,649.67	3,600.08	(49.59)
Utilities-Garbage	6121	9,101.36	8,563.36	(538.00)
Utilities-PG&E	6122	41,194.66	43,793.28	2,598.62
Utilities-Water	6123	9,000.39	9,240.00	239.61
Utilities-Medical Waste	6124	1,732.87	2,200.08	467.21
Small Tools & Instruments	6130	3,730.73	4,666.64	935.91
Minor Equipment/Furniture	6131	1,566.74	1,000.00	(566.74)
Computer Equipment & Supplies	6132	0.00	2,000.00	2,000.00
Gas Power Chain Saw/Other Equipmen	6133	2,247.75	4,533.36	2,285.61
Fire Trail Grading	6135	3,428.04	13,333.36	9,905.32
Fire Fighting Equipment & Supplies	6137	2,071.93	2,266.64	194.71

Moraga-Orinda Fire District
Statement of Revenues and Expenditures
50 - General Fund
From 7/1/2018 Through 2/28/2019

		Current Period Actual	Prorated Monthly Budget	Prorated Monthly Variance
Fire Fighting Equipment-Hoses & Nozzles	6138	7,450.44	7,333.36	(117.08)
Fire Fighting Equipment-Class A Foam	6139	1,986.70	1,333.36	(653.34)
Medical & Lab Supplies	6140	76,133.33	60,000.00	(16,133.33)
Food Supplies	6150	1,133.82	2,666.72	1,532.90
Safety Clothing & Personal Supplies	6160	51,960.72	100,200.00	48,239.28
Non-Safety Clothing & Personal Supplies	6161	650.00	1,000.00	350.00
Household Expense	6170	6,085.22	11,333.20	5,247.98
Household Expense-Linen	6171	3,557.33	4,586.64	1,029.31
Public & Legal Notices	6190	3,865.43	7,333.36	3,467.93
Dues, Memberships & Professional Fees	6200	7,052.50	6,463.36	(589.14)
EMT/Paramedic Licensure Fees	6201	2,200.00	4,333.36	2,133.36
Rent & Leases (Equipment)	6250	20,047.42	23,600.00	3,552.58
Computer Software & Maintenance	6251	59,685.21	57,166.64	(2,518.57)
Website Development & Maintenance	6252	1,696.00	1,200.00	(496.00)
EPA ID# Verification Fee	6264	150.00	100.00	(50.00)
CCC HazMat Plan (CUPA)	6265	2,575.00	2,000.00	(575.00)
BAAQMD & Environmental Health Fees	6266	589.00	600.00	11.00
Air Monitor Maintenance & Replacement	6269	0.00	866.64	866.64
Maintenance -- Equipment	6270	31,646.11	35,000.08	3,353.97
Central Garage Repairs	6271	45,788.99	133,333.36	87,544.37
Central Garage Gasoline & Oil	6272	44,773.25	43,333.36	(1,439.89)
Central Garage Tires	6273	7,364.03	5,000.00	(2,364.03)
Service/Repair Fuel System Dispensers	6274	1,860.31	2,333.36	473.05
Aerial Ladder & Pump Testing	6275	0.00	666.64	666.64
Smog Inspections	6276	0.00	333.36	333.36
Air Compressor Quarterly Service	6278	1,109.77	1,000.00	(109.77)
Hydro Test SCBA & Oxy Cylinder	6279	0.00	1,666.64	1,666.64
Tank Testing	6280	0.00	666.64	666.64
Maintenance -- Building	6281	42,748.40	34,666.64	(8,081.76)
Maintenance -- Grounds	6282	755.44	4,266.64	3,511.20
Meetings & Travel Expenses	6303	185.69	916.64	730.95
Medical - Pre-Emp Processing and Annual Exams	6311	7,918.15	20,000.00	12,081.85
Ambulance Billing Administration Fees	6312	41,603.55	41,333.36	(270.19)
Outside Attorney Fees	6313	65,069.64	100,000.00	34,930.36
Outside CPR Instructors	6314	1,610.00	2,000.00	390.00
CCC County Tax Administration Fee	6316	0.00	126,666.64	126,666.64
Professional Services	6317	24,565.00	26,666.64	2,101.64

Moraga-Orinda Fire District
Statement of Revenues and Expenditures
50 - General Fund
From 7/1/2018 Through 2/28/2019

		Current Period Actual	Prorated Monthly Budget	Prorated Monthly Variance
Professional Services - Labor Negotiator	6318	84,759.49	33,333.36	(51,426.13)
Professional Services - Technology	6319	135,562.00	165,541.36	29,979.36
Professional Services - Pre-Employment Investigations	6320	10,629.82	10,000.00	(629.82)
Professional Services - Promotional Exams & Recruitment	6321	1,245.88	14,000.00	12,754.12
Professional Services-OPEB Actuarial Valuation	6322	5,504.76	2,666.64	(2,838.12)
Exterior Hazard Removal	6323	14,689.13	16,666.64	1,977.51
Professional Services-Prop Tax Audit & Forecasting	6326	1,575.00	8,400.00	6,825.00
Professional Services	6327	12,940.00	9,333.36	(3,606.64)
Burn Trailer Grant Maintenance	6352	0.00	2,333.36	2,333.36
Testing Materials & Training Props	6354	7,326.70	8,000.00	673.30
Career Development Classes	6357	4,112.15	10,000.00	5,887.85
Target Safety Online Training	6359	2,720.00	4,333.36	1,613.36
Training & Education Classes-Paramedic & EMT CE	6360	8,268.96	3,333.36	(4,935.60)
District Sponsored Training-Mandated	6361	3,899.94	23,333.36	19,433.42
Election Expense	6465	14,929.93	14,666.64	(263.29)
Recruiting Costs	6470	10,000.00	50,000.00	40,000.00
Strike Team Supplies	6474	12,962.98	3,000.00	(9,962.98)
Community Emergency Response Team	6475	191.54	4,333.36	4,141.82
Exercise Supplies/Maint.	6476	660.85	3,333.36	2,672.51
Recognition Supplies	6478	989.77	3,333.36	2,343.59
Other Special Departmental Exp	6479	38,148.78	43,566.72	5,417.94
Public Education Supplies	6480	2,488.65	2,000.00	(488.65)
CPR Supplies	6481	1,274.96	2,000.00	725.04
LAFCO	6482	11,623.56	8,000.00	(3,623.56)
Emergency Preparedness Expense	6484	9,364.91	15,000.00	5,635.09
Misc. Services & Supplies	6490	16,901.93	20,000.00	3,098.07
Fire Chief Contingency	6491	7,401.23	66,666.64	59,265.41
Property & Liability Insurance	6540	55,621.00	32,000.00	(23,621.00)
Total Operating Expense		<u>1,150,801.17</u>	<u>1,723,721.76</u>	<u>572,920.59</u>
Other Expense				
Bank Fees	7510	2,949.94	2,200.00	(749.94)
Interest on County Teeter Account	7520	0.00	33.36	33.36
County Tax Collection Fees	7530	254.56	200.00	(54.56)
Transfers to Debt Service Fund	7999	507,028.45	723,333.36	216,304.91
Total Other Expense		<u>510,232.95</u>	<u>725,766.72</u>	<u>215,533.77</u>
Total Expenditures		<u>13,647,259.04</u>	<u>16,306,225.92</u>	<u>2,658,966.88</u>

Moraga-Orinda Fire District
Statement of Revenues and Expenditures
50 - General Fund
From 7/1/2018 Through 2/28/2019

	Current Period Actual	Prorated Monthly Budget	Prorated Monthly Variance
Excess of Revenues Over/ (Under) Expenditures	10,792,619.70	114,013.44	10,678,606.26

Moraga-Orinda Fire District
Statement of Revenues and Expenditures
90 - Debt Service Fund
From 7/1/2018 Through 2/28/2019

		Current Period Actual	Prorated Monthly Budget	Prorated Monthly Variance
Revenue				
Taxes				
Property Tax-Current Secured	4010	3,543,473.00	2,362,315.36	1,181,157.64
Total Taxes		3,543,473.00	2,362,315.36	1,181,157.64
Use of Money & Property				
Investment Earnings	4181	487.86	3,333.36	(2,845.50)
Total Use of Money & Property		487.86	3,333.36	(2,845.50)
Other Revenue				
Transfers In	4999	507,028.45	674,542.64	(167,514.19)
Total Other Revenue		507,028.45	674,542.64	(167,514.19)
Total Revenue		4,050,989.31	3,040,191.36	1,010,797.95
Expenditures				
Other Expense				
Pension Obligation Bond Principal Payment	7900	2,640,000.00	1,760,000.00	(880,000.00)
Pension Obligation Bond Interest Payment	7901	667,377.00	444,918.00	(222,459.00)
Apparatus Lease Principal Payment	7902	321,751.26	431,028.00	109,276.74
Apparatus Lease Interest Payment	7903	23,482.56	29,284.64	5,802.08
Lease Agreement Station 43 Principal	7906	123,000.00	163,333.36	40,333.36
Lease Agreement Station 43 Interest	7907	38,794.63	50,896.64	12,102.01
Transfers to Other Funds	7997	542.43	0.00	(542.43)
Total Other Expense		3,814,947.88	2,879,460.64	(935,487.24)
Total Expenditures		3,814,947.88	2,879,460.64	(935,487.24)
Excess of Revenues Over/ (Under) Expenditures		236,041.43	160,730.72	75,310.71



Moraga-Orinda Fire District

TO: Board of Directors
FROM: Long Range Financial Plan Ad Hoc Committee
DATE: April 17, 2019
SUBJECT: Item 4.1 - Long Range Financial Forecast April 2019

Background

The updated Long Range Financial Forecast (Forecast) was presented to the Board on March 20, 2019 during a public workshop. In addition, the Long Range Financial Plan Ad Hoc Committee met twice to review the Forecast. The Forecasts (Attachments A and B) have been updated based on Board direction provided during the public workshop and Ad Hoc Committee meetings.

Previously the Forecast covered a forward-looking 15-year period. The Committee changed the Forecast to a forward-looking 10-year period.

The Forecasts use several significant assumptions, which are explained below.

General Fund Revenues

Property tax - projected to increase 3% throughout Version A, 4% throughout Version B

Fire flow tax – Record in General Fund and transferred out to the Capital Projects Fund and Debt Service Fund

Ambulance fees – Projected to increase 1.5% throughout the Forecast

Strike team revenue – Projected net of overtime costs

General Fund Expenditures

Regular salaries – Per the Safety MOU: July 1, 2019 +5%, July 1, 2020 +3%, then +3% throughout.

Overtime – Per the Safety MOU: July 1, 2019 +5%, July 1, 2020 +3%, then +3% throughout.

Benefits – Capped per the MOUs (no increases), +3% beginning in FY2022 (Board direction during public workshop)

Retiree health insurance – Capped per the MOUs (no increases)

Operating expenses – Projected to increase 3% throughout based on CPI.

CCCERA employer payment – Five year projections are provided by Segal, CCCERA's actuary, as follows:

2019/20 Actual rates set by the CCCERA board of directors on August 22 2018
2020/21 +0.92%

2021/22 +3.86%
2022/23 +2.84%
2023/24 +2.06%
2024/25 +7.47% (UAAL actuarial gain layer dropping off due to full amortization)
2025/26 forward – No projections are provided by CCCERA. The remaining years project +1.0%.

OPEB funding – The Forecast includes OPEB contributions based on actuarial calculations used in the GASB 75 OPEB Valuation Report as of June 30, 2018 which were calculated using a discount rate of 6.25% and 18-year closed amortization period.

Pension rate stabilization – The Forecast includes pension rate stabilization trust contributions as follows based on GovInvest software calculations using discount rate of 6.25%, actual CCCERA investment earnings of 13.9% and -2.7%, and actual salary increases per the District's safety MOU:

2019/20 \$1,997,514
2020/21 \$2,163,379
2021/22 \$2,050,993
2022/23 \$1,809,318

Capital Projects Fund

The Long Range Financial Forecast - Capital Expenditures (Attachment C), has been updated.

Fund Balance Policy and Fund Balance Goal

The District's Fund Balance Policy states the District will maintain a minimum unrestricted fund balance in the General Fund of 17% of budgeted General Fund revenue. The Board set a goal to maintain a minimum unrestricted fund balance in the General Fund of 50% of budgeted General Fund revenue.

In Version A, the unrestricted fund balance is projected to be less than the minimum per the policy in 2019/20 and 2020/21.

Long Range Financial Forecast Results

Both versions of the Forecast show a deficit in the General Fund with expenditures exceeding revenue (including OPEB and pension trust contributions) in FY2019/20 and FY2020/21. The Forecast shows a Capital Projects Fund deficit is projected in most years.

Summary of Unfunded Liabilities

The Committee added a section to the Forecast titled Summary of Unfunded Liabilities. It includes projections of the District's unfunded pension liabilities calculated using the GovInvest software based on CCCERA's actuarial assumptions and based on the District's actuarial assumptions. It also includes projections of the District's OPEB unfunded liabilities based on the District's OPEB actuarial assumptions and planned trust contributions.

Recommended Action

1) Discuss; 2) Deliberate; 3) Provide direction to Staff

Attachments

Attachment A – Long Range Financial Forecast Version A 3% Property Tax Revenue Growth
Attachment B – Long Range Financial Forecast Version B 4% Property Tax Revenue Growth
Attachment C – Capital Expenditures
Attachment D – Staffing Summary

Capital Expenditure Projections

	DESCRIPTION	AGE	REPLACEMENT DATE	BOOK VALUE	2018 REPLACEMENT COST	PROJ 19/20	PROJ 20/21	PROJ 21/22	PROJ 22/23	PROJ 23/24	PROJ 24/25	PROJ 25/26	PROJ 26/27	PROJ 27/28	PROJ 28/29
	BUILDINGS & GROUNDS														
	STATION-41/TRAINING	61	2019	579,367	7,000,000	610,000	610,000	610,000	610,000	610,000	610,000	610,000	610,000	610,000	610,000
	ADMINISTRATION	49	2019	340,435	1,000,000	87,000	87,000	87,000	87,000	87,000	87,000	87,000	87,000	87,000	87,000
	STATION-42	16	2041	1,992,000	2,721,437										
	STATION-43	0	2058		4,093,000										
	STATION-44	11	2046	2,648,802	2,478,819										
	STATION-45	47	2022	475,488	5,000,000				438,000	438,000	438,000	438,000	438,000	438,000	438,000
	CAPITAL IMPROVEMENTS - OTHER					212,180	218,545	225,102	231,855	238,810	245,975	253,354	260,955	268,783	276,847
	TOTAL FACILITIES EXPENDITURES					909,180	915,545	922,102	1,366,855	1,373,810	1,380,975	1,388,354	1,395,955	1,403,783	1,411,847
	TOTAL APPARATUS EXPENDITURES/VEHICLE					80,000	0	0	571,041	0	0	0	0	0	2,742,596
	FIREFIGHTING CAPITAL EQUIPMENT					40,575	41,792	43,046	444,337	45,668	47,038	1,148,449	49,902	51,399	51,399
	IT CAPITAL (FIXED ASSETS) EXPENDITURES					18,124	18,668	19,228	19,805	20,399	21,011	21,642	22,291	22,960	22,960
	OTHER CAPITAL EXPENDITURES					12,313	12,436	12,561	12,686	12,813	12,941	13,071	13,201	13,333	13,467
	TOTAL CAPITAL					\$ 1,060,192	\$ 988,442	\$ 996,936	\$ 2,414,724	\$ 1,452,691	\$ 1,461,965	\$ 2,571,516	\$ 1,481,349	\$ 1,491,476	\$ 4,242,268

Apparatus Costs

DRAFT: MARCH 2019

DESCRIPTION	AGE	REPLACE DATE	2017 COST	PROJ 19/20	PROJ 20/21	PROJ 21/22	PROJ 22/23	PROJ 23/24	PROJ 24/25	PROJ 25/26	PROJ 26/27	PROJ 27/28	PROJ 28/29
ENGINES - STRUCTURE PROTECTION													
ENGINE TYPE 1 SPARTAN 3D (REPLACE W/TRUCK)	23	2017	585,163										
ENGINE TYPE 1 SPARTAN, HI TEC - SELLING	21	2017	585,163										
ENGINE TYPE 1 SPARTAN, HI-TEC (REPLACE W/ 2017 PIERCE)	21	2017	585,163										
ENGINE TYPE 1 PIERCE	11	2028	585,163										727,577
ENGINE TYPE 1 PIERCE	7	2032	585,163										
ENGINE TYPE 1	2	2037	602,834										
ENGINE TYPE 1	2	2037	602,834										
ENGINES - WILDLAND													
ENGINE TYPE 3 WESTATES	17	2022	386,428				426,648						
ENGINE TYPE 3 WESTATES	17	2022	386,428				426,648						
ENGINE TYPE 3 PIERCE	11	2028	386,428										480,475
ENGINE TYPE 3 PIERCE	9	2028	386,428										480,475
ENGINES -													
ENGINE TYPE 6	0	2019	100,000										
AERIAL LADDER TRUCKS													
TRAINING TILLER TRUCK - SEAGRAVE 100' - WILL SELL IN 2020	30	TBD	30,000										
AERIAL LADDER SPARTAN/LTI-93 - SELLING	18	N/A	1,110,000										
TILLER TRUCK - 100'	2	2033	1,286,924										
SPECIALIZED APPARATUS													
TECHNICAL RESCUE UNIT	20	TBD	300,000										
WATER TENDER PIERCE-KENWORTH	10	2034	300,000										
AMBULANCES													
AMBULANCE NAVISTAR TERRASTAR LEADER	4	2028	212,277										263,940
AMBULANCE NAVISTAR TERRASTAR LEADER	4	2028	212,277										263,940
AMBULANCE	2	2028	180,645										209,882
AMBULANCE	2	2028	180,645										209,882
COMMAND VEHICLES													
COMMAND FORD EXPEDITION - SELLING	12	2016	60,000										
COMMAND CHEVY SUBURBAN	11	2020	60,000	80,000									
COMMAND CHEVY SUBURBAN - OCMA	11	2020	60,000										
COMMAND-CHEVY SUBURBAN - RESERVE	11	2020	60,000										
COMMAND CHEVY TAHOE	2	2028	52,048										64,715
SUPPORT VEHICLES													
SUPPORT - INTL/ROAD RESCUE	25	TBD	200,000										
CHEVY TAHOE (REPLACE W/ EXPLORER)	8	2022	34,700				38,312						
FORD EXPLORER	7	2022	34,700				38,312						
FORD EXPLORER	2	2028	33,546										41,710
UTILITY VEHICLES													
UTILITY FORD F250	19	2020	60,000				66,245						
FORD RANGER	14	2020	18,769				19,918						
FORD RANGER	14	2020	18,769				19,918						
TOTAL APPARATUS EXPENDITURES/VEHICLE				80,000	0	0	571,041	0	0	0	0	0	2,742,596
CAPITAL FUND BALANCE (PROJ), END OF YEAR WITH PURCHASES				3,539,880	2,773,001	1,990,227	1,382,414	1,331,878	1,274,800	1,310,946	1,341,573	1,265,455	1,241,466

FIREFIGHTING/RESCUE APPARATUS
 AMBULANCES
 COMMAND/SUPPORT/STAFF VEHICLES

STAFFING SUMMARY

DIVISION	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Board of Directors										
Director*	5	5	5	5	5	5	5	5	5	5
Total	5	5	5	5	5	5	5	5	5	5
Emergency Operations										
Fire Chief	1	1	1	1	1	1	1	1	1	1
Battalion Chief	3	3	3	3	3	3	3	3	3	3
Captain/Paramedic I	3	3	3	3	3	3	3	3	3	3
Captain/Paramedic II	8	8	8	8	8	8	8	8	8	8
Captain	4	4	4	4	4	4	4	4	4	4
Engineer/Paramedic I	3	3	3	3	3	3	3	3	3	3
Engineer/Paramedic II	4	4	4	4	4	4	4	4	4	4
Engineer	8	8	8	8	8	8	8	8	8	8
Firefighter/Paramedic	23	23	23	23	23	23	23	23	23	23
Firefighter	4	4	4	4	4	4	4	4	4	4
Paramedic**										
Total	61	61	61	61	61	61	61	61	61	61
Fire Prevention										
Fire Marshal	1	1	1	1	1	1	1	1	1	1
Fire Inspector/Plans Examiner	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6
District Aide Part-Time***	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Fuels Mitigation Program Mgr****	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
District Aide Part-Time****	2	2	2	2	2	2	2	2	2	2
Total	6.6	6.6	6.6	6.6	6.6	6.6	6.6	6.6	6.6	6.6
Emergency Preparedness										
Emer Preparedness Coord*****	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Total	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Administration										
Administrative Services Director	1	1	1	1	1	1	1	1	1	1
Human Resources Benefits Mgr	1	1	1	1	1	1	1	1	1	1
Accountant	1	1	1	1	1	1	1	1	1	1
Payroll Technician Part-Time	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6
District Secretary/District Clerk	1	1	1	1	1	1	1	1	1	1
District Aide Part-Time***	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Total	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1
GRAND TOTAL	78.20	78.20	78.20	78.20	78.20	78.20	78.20	78.20	78.20	78.20

- * Unpaid, volunteer position
- ** The Paramedic job classification has been established. The District retains the option to fill positions in this classification if needed.
- *** Non-benefitted, part-time position
- **** Position proposed as part of a six-month pilot fuels mitigation program
- ***** Non-benefitted, part-time position partially funded by the City of Lafayette



Moraga-Orinda Fire District

TO: Board of Directors
FROM: Dave Winnacker, Fire Chief
DATE: April 17, 2019
SUBJECT: Item 4.2 – Increase Emergency Preparedness Coordinator position from 0.5 to 1.0 for the period April 18, 2019 through December 31, 2019

BACKGROUND

The District's Emergency Preparedness Coordinator position is a part-time, non-benefitted position currently budgeted at 0.5 FTE (1,040 hours per year). The current Emergency Preparedness Coordinator's contract provides for an additional 520 hours of employment on assignments to California's incident management teams. These additional hours and associated expenses are reimbursed to the District via the California Fire Assistance Agreement. By keeping the number of annual hours below 1,632 hours the District is not required to provide pension benefits for this position.

The District would like to increase the number of hours for the Emergency Preparedness Coordinator for calendar year 2019 only from 1,560 hours to 2,080 hours (full-time). The additional hours would be used to:

- Organize training and support prescribed fire operations for District firefighters and cooperating agencies.
- Support work on the North Orinda Fuel Break project.

The position would return to 1,560 hours (.5 FTE) on January 1, 2020. The attached letter from CCCERA states the position can work full-time for up to one year on a project specific basis and remain ineligible to participate in the retirement program.

If approved, the District would amend the employee's contract to include the additional hours and position responsibilities.

The one-time cost is approximately \$32,300. There are sufficient appropriations in the FY2019 budget for the additional costs.

RECOMMENDATION

- 1) Discuss; 2) Deliberate; 3) Increase Emergency Preparedness Coordinator position from 0.5 to 1.0 for the period April 18, 2019 through December 31, 2019

ATTACHMENTS

Attachment A – Contra Costa County Employees' Retirement Association letter dated March 19, 2019



March 19, 2019

Gloriann Sasser
Administrative Services Director
Moraga-Orinda Fire Protection District
1280 Moraga Way
Moraga, CA 94556

Delivered via email: gsasser@mofd.org

Dear Ms. Sasser,

This letter is in response to your correspondence of March 13, 2019, which you requested that CCCERA review the changes made to the Emergency Preparedness Coordinator classification. The Emergency Preparedness Coordinator was a part time position which worked less than 50%, therefore the classification was excluded from CCCERA membership. Based on the information you provided, the District will receive funding for a short term project that would increase the hours from 1,560 to 2,080 for the 2019 calendar year only.

Per CCCERA Board Regulations, Section III Membership:

B. The following employees shall be excluded from membership:

- (i) Temporary, seasonal or independent contract employees who are employed or re-employed for temporary service or at certain specified periods each year.*
- (ii) Intermittent or permanent-intermittent employees who are appointed to serve less than 80% of the full number of working hours required of regular employees or who actually serve less than 80% of such full number of working hours in one year as certified by their appointing authority.*
- (iii) Part-time employees whose service for the County or district is less than fifty (50) percent of the full number or working hours required of full-time employees at that employer.*
- (iv) Project employees, unless the appointing authority certifies that the project is expected to be of one year or more in duration on a greater than part-time basis.*
- (v) Provisional employees, unless they otherwise meet the requirements for reciprocal benefits with other retirement systems under Article 15 of CERL.*

Based on a review of the information you have provided, and CCCERA Board Regulations Section III.1.B.(iv), the classification will not be eligible for CCCERA membership based on the

increased hours on a project term of one year. The appointing authority should certify that the project is for one year and will not continue indefinitely.

However, if the incumbent consistently works the increased hours for longer than the project period then the classification would need to be included in CCCERA membership.

If you have any further questions, please do not hesitate to contact me.

Sincerely,



Christina Dunn
Deputy Chief Executive Officer

Cc: Chief Winnacker via email: dwinnacker@mofd.org



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Jonathan Holtzman, District Counsel

DATE: April 17, 2019

SUBJECT: Item 4.3 – Approval of Unrepresented Employee Handbook Authorizing Salary and Benefits for Unrepresented Employees Effective July 1, 2018; Approval of Salary Schedule for Unrepresented Employees Effective July 1, 2018; Incorporate the terms of the Employment Agreement with Administrative Services Director and Fire Marshal into the Unrepresented Employee Handbook; Eliminate Employment Agreement with Administrative Services Director Dated August 26, 2013; Eliminate Employment Agreement with Fire Marshal Dated June 20, 2013

BACKGROUND

Recently new Memorandums of Understanding have been negotiated and agreed upon with the District's represented employee bargaining groups. It is appropriate at this time to review and update the Unrepresented Employee Handbook that details the salary and benefits for Unrepresented Employees.

The District has five unrepresented positions as follows:

- Fire Chief
- Administrative Services Director
- Fire Marshal
- Human Resources Benefits Manager
- Fire Inspector/Plans Examiner

The salary and benefits for the fire chief, administrative services director and fire marshal are included in individual employment agreements approved by the Board. District Counsel recommends the District maintain an individual employment agreement for the Fire Chief position only and eliminate the individual employment agreements for the Administrative Services Director and Fire Marshal positions and incorporate the relevant terms of the agreements into the Unrepresented Employee Handbook. The salary and benefits for the Administrative Services Director and Fire Marshal positions are detailed in the updated Employee Handbook.

The Employee Handbook (Attachments A and B) has been updated to reflect the following recommended changes:

- Remove Fire Chief position – individual employment agreement only
- Salary increase of 3% effective July 1, 2018 (Attachment C).
- At-will positions – all unrepresented positions covered by the Handbook shall be at-will
- Deferred compensation – updated to reflect the current limit
- Holidays – updated to clarify holiday practices for part-time employees

- Life insurance – changed to provide option for unrepresented employees to purchase additional life insurance at no cost to the District consistent with represented employees.
- Medical and dental insurance – increases effective January 1, 2019 consistent with represented employees as follows:

Medical	Previous Monthly Amount	Monthly Amount New Handbook	Monthly Increase
Employee only	\$684	\$715	\$31
Employee +1	\$1,368	\$1,429	\$61
Employee +2 or more	\$1,778	\$1,858	\$80

Dental	Previous Amount	Monthly Amount New Handbook	Monthly Decrease
Employee only	\$51.20	\$46.68	\$4.52
Employee +1	\$90.12	\$81.00	\$9.12
Employee +2 or more	\$136.35	\$116.98	\$19.37

- Stipend-in-lieu of medical benefits – eliminate consistent with prior board action
- Overhead team pay –incorporate language from the Fire Marshal employment agreement
- Overtime – eliminate for over 8 hours in a day consistent with Local 2700
- Uniform allowance – increased from \$75 to \$80 per month consistent with Battalion Chiefs

FINANCIAL COST – FULLY BURDENED

The projected additional FY2019 fully burdened cost including retirement costs and payroll taxes of the updated Unrepresented Employee Handbook is as follows:

Salary increase +3%	\$20,700
Medical increase	<u>1,330</u>
Total	\$22,030

There are sufficient appropriations in the FY2019 budget for the additional costs.

RECOMMENDATION

- 1) Discuss, 2) Deliberate, 3) Approval of Unrepresented Employee Handbook Authorizing Salary and Benefits for Unrepresented Employees Effective July 1, 2018; Approval of Salary Schedule for Unrepresented Employees Effective July 1, 2018; Incorporate the Terms of the Employment Agreement with Administrative Services Director and Fire Marshal into the Unrepresented Employee Handbook; Eliminate Employment Agreement with Administrative Services Director Dated August 26, 2013; Eliminate Employment Agreement with Fire Marshal Dated June 20, 2013

ATTACHMENTS

Attachment A – Salary and Benefits for Unrepresented Employees Effective July 1, 2018 - Unrepresented Employee Handbook (FINAL VERSION FOR ADOPTION)

Attachment B - Salary and Benefits for Unrepresented Employees Effective July 1, 2018 - Unrepresented Employee Handbook (Legislative-text version)

Attachment C – Salary Schedule Monthly Unrepresented Employees Effective July 1, 2018

MORAGA-ORINDA FIRE PROTECTION DISTRICT

SALARY AND BENEFITS FOR UNREPRESENTED EMPLOYEES EFFECTIVE JULY 1, 2018



UNREPRESENTED EMPLOYEE HANDBOOK

Moraga-Orinda Fire Protection District Unrepresented Employee Salary and Benefits

The Moraga-Orinda Fire Protection District (“District”) offers the salary and benefits detailed in this Employee Handbook for the following unrepresented job classifications: Administrative Services Director, Fire Marshal, Human Resources Benefits Manager and Fire Inspector/Plans Examiner. The information in this Employee Handbook is intended to detail the benefits offered by the District. Where applicable, specific details and plan limitations are provided in Summary Plan Descriptions (SPD) provided by insurance companies, and from individual employee contracts in some cases. In the event that information in this Employee Handbook differs from Plan Documents, the Plan Documents will prevail. If you have questions or need additional information, please contact Human Resources at 925-258-4521.

Administrative Leave

All exempt, unrepresented full-time management employees will be credited eighty (80) hours of Administrative Leave on July 1 of each fiscal year for use within that fiscal year. Administrative Leave may not be accumulated or carried to a subsequent fiscal year. On separation, employees shall be paid for any unused administrative leave hours at the employee’s then-current rate of pay, not to exceed eighty hours.

Employees appointed (hired or promoted) to a management position are eligible for Administrative Leave on the first day of the month following their appointment date and will receive Administrative Leave on a prorated basis for that first year.

Annual Medical Exams

All employees are encouraged to participate in the annual individual medical exams offered by the District. These exams are offered through the District’s approved medical provider.

At-Will Positions

All unrepresented employees are At-Will employees. The District may remove employees in these positions with or without cause in the sole exercise of discretion by the District. Employees in these positions shall be notified in writing of the District’s intent to terminate and remove employee from the position. Employee shall be given 45-days’ notice or pay-in-lieu thereof prior to the termination becoming effective. Such notice is to be given to employee forty-five (45) days in advance unless the parties otherwise agree in writing prior to the termination becoming effective. In the event the employee voluntarily resigns from the position, the employee shall provide the District a minimum of thirty (30) days’ written notice, unless the parties otherwise agree in writing.

Bereavement Leave

Full-time employees shall have an annual but unaccruable bereavement leave of up to three (3) days per year for relatives defined under applicable state and federal law.

Days and Hours of Work

The normal work week of District employees is forty (40) hours. The core hours for the Administrative office is Monday to Friday from 8:00 a.m. to 5:00 p.m. each day. All full-time employees shall be assigned to a work schedule of Monday to Friday from 8:00 a.m. to 5:00 p.m., with a one (1) hours lunch from either: (a) 11 a.m. to 12 p.m., or (b) 12 p.m. to 1 p.m. The part-time Fire Inspector/Plans Examiner shall be assigned to a work schedule of Monday, Wednesday and Friday from 8:00 a.m. to 5:00 p.m., with a one (1) hours lunch from 12 p.m. to 1 p.m. District business requirements may require deviations from this schedule with as much advanced notice as possible.

Deferred Compensation Plans (457)

The District offers two (2) 457 Deferred Compensation Plans to employees. District employees may contribute the annual IRS Limit which is currently \$18,500. Employees age 50 and older may be eligible to contribute additional amounts subject to IRS limits.

The District's contribution to all management employees who participate in the deferred compensation plan is \$50 per month. To be eligible for this contribution/incentive, qualifying management employees must maintain a minimum monthly contribution of \$100 to the Deferred Compensation Plan. The base contribution is computed from the date the employee signs an election form to participate in the program. Employees who discontinue contributions or who contribute less than the required amount per month for one (1) month or more will no longer be eligible to receive the \$50 District contribution/incentive. To reestablish eligibility, employees must again establish the minimum monthly contribution of \$100 to the Deferred Compensation Plan.

Dental

The District offers a Dental Plan to employees for themselves and their eligible dependents. Employees are eligible to enroll in the plan on the first of the month following date of hire. The District contribution for unrepresented employees is as follows:

- Fire Marshal – consistent with employees represented by Local 1230
- All other employees – consistent with employees represented by Local 2700

Education Incentive

Exempt management employees, except the Administrative Services Director, who hold a Bachelor's degree from an accredited college or university in a related field will receive an education incentive equal to 2.5% of base salary. Exempt management employees, who receive or hold a Master's degree from an accredited college or university in a related field will receive an education incentive equal to 2.5% of base salary. Employees are encouraged to continue pursuing educational opportunities which are mutually beneficial to the District and the employee and are directly related to the duties of their position.

Educational Assistance/Training

Employees are eligible for career development training reimbursement. Reimbursement for job related training must be directly related to the position held at the District. The District policy on Training shall govern reimbursement for training and shall limit reimbursement for career development training.

Employee Assistance Program (EAP)

The District offers employees from the first day of employment an employee assistance program (EAP) with Managed Health Network (MHN). The EAP assists employees with emotional, family and other personal problems; offers guidance on financial and legal issues; supports healthy choices; and more.

Flexible Spending Accounts

The District offers both a Medical Reimbursement Account and a Dependent Day Care Account for employees subject to rules and restrictions of the IRS. The plan runs from January 1 through December 31 of each year and annual enrollment is required. Employees are eligible to enroll in the plan on the first of the month following date of hire. The District's Medical Reimbursement Account allows for a \$500 carryover each year per IRS regulations and the plan document. Additional information can be found on the District's internal intranet.

Holidays and Personal Holidays

Employees have the following days off work as paid holidays:

New Year's Day
Martin Luther King's Day
Lincoln's Birthday
Presidents Day/Washington's Birthday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Friday after Thanksgiving
Christmas Day

Part-time employees shall receive holiday time off in the same ratio to the holiday time off given full-time employees as the number of hours per week the part-time employee's schedule bears to the number of hours in the regular full-time schedule, regardless of whether the holiday falls on the part-time employee's regular work day. Part-time employees have the option to work during regular business hours on another day during the week or use vacation time to compensate for the part-time holiday time off. If a holiday falls on a part-time employee's scheduled day off, the employee shall take the hours off on another day within the week with prior approval.

In addition, full-time employees, except the Fire Marshal, receive two (2) hours of personal holiday credit each month.

In the event the employee is required to work on any of the above-mentioned holidays, the employee shall receive equal time off to be taken within two (2) months of that date.

Jury Duty

Employees summoned for jury duty may remain in regular paid status, or they may take vacation leave. If an employee elects to remain in regular paid status, jury duty fees must be forwarded to the District. If an employee elects to use vacation leave, the employee retains all jury duty fees.

Life Insurance

Management employees are provided a fifty thousand dollar (\$50,000) term life insurance policy, which shall include an accelerated death benefit option. Premiums for this policy are paid by the District. Employees have the option to purchase, at their expense by payroll deduction, up to an additional \$50,000 of life insurance.

Medical/Healthcare Insurance

The District offers Medical Plan options to employees for themselves and their eligible dependents through CalPERS. Employees are eligible to enroll the first of the month following date of hire. The District contribution for unrepresented employees is as follows:

- Fire Marshal – consistent with employees represented by Local 1230
- All other employees – consistent with employees represented by Local 2700

Other Unpaid Leaves

The District provides leaves of absence to eligible employees in a variety of circumstances. In all cases, the District intends to comply with applicable federal and state laws. This includes leave for pregnancy disability, leave under the Family Medical Leave Act and the California Family Rights Act, and federal and state mandated military leave. Medical certification may be required. For additional information on unpaid leaves, consult Human Resources.

Fire Marshal - Overhead Team Pay

The Fire Marshal responding to the request of Mutual Aid and Automatic Aid under the State Mutual Aid Program shall receive 'pass-through' compensation of the amount reimbursed to the District, according to the annual salary survey under the California Fire Assistance Agreement. The pass-through of funds would occur on incidents deemed "reimbursable" to the District via The Fire Assistance Agreement or other reimbursable requests from the State Mutual Aid System or OES. The payment would be received by the employee on the next scheduled paycheck, irrespective to any processing lag time. Pass through compensation will be in effect only on days and times that the employee would ordinarily be scheduled off-duty. Pass through compensation for each event must be approved by the Fire Chief. Should

reimbursement be denied due to an omission by the responding employee, the individual will not receive and/or will return any pass through compensation already provided by the District.

Overtime

Exempt, management employees are not entitled to receive overtime pay. Non-exempt employees shall receive overtime pay for any authorized work performed in excess of forty (40) hours per week. All overtime shall be compensated for at the rate of one and one-half (1.5) times the employee's regular hourly rate.

Retiree Health Coverage – Medical and Dental

Full-time employees hired prior to July 1, 2014 will receive retiree medical and dental insurance contributions from the District when retiring with CCCERA in amounts equal to the benefits as follows:

- Fire Marshal – consistent with employees represented by Local 1230
- All other employees – consistent with employees represented by Local 2700

Employees hired on or after July 1, 2014 will receive retiree medical insurance coverage when retiring with CCCERA in an amount equal to the PERS minimum health insurance contribution. Part-time employees are not eligible for retiree medical or dental benefits.

Retiree medical coverage is subject to PERS rules and regulations and applicable law.

The District does not provide vision insurance or life insurance to retired employees.

Retirement

The District provides retirement pension benefits through Contra Costa County Employees' Retirement Association (CCCERA.) All employees receive the FRA 414(h) earning equal to 3.91% of base salary, used to reduce the employee's share of retirement contributions. Base salary plus FRA equals the employee's hourly rate.

All employees are responsible to pay 100% of the employee's contribution for retirement as determined by the CCCERA Board. The District will pay the employer's contribution for retirement. Safety employees who are eligible to receive the 3% @ 50 pension benefit plan shall also pay 9% of the employer's contribution.

Section 125 Plan

Employees are eligible to enroll in the Section 125 Plan. The Section 125 Plan allows employees to take advantage of paying for eligible insurance premiums on a pre-tax basis.

Sick Leave

Employees shall receive sick leave at the rate of eight (8) hours for each month of service or a prorated amount for those employees working less than forty (40) hours per week. Accumulation of sick leave shall be unlimited, but may not be cashed out and may not be used for any other purpose than permitted by law, or to calculate final compensation if the employee retires under the applicable District retirement plan at the time of separation from the District. At the time of retirement, an employee may apply any unused sick leave credits toward retirement service credit as permitted by CCCERA.

State Disability Insurance (SDI)

Non-safety employees who have earned at least \$300 from which SDI deductions were withheld are eligible to apply for State Disability Insurance if they are ill due to a non-work related illness or injury and are experiencing a loss of wages. Benefits are determined by the state and will be integrated with any available sick leave. Non-safety employees are also covered through SDI for Paid Family Leave (PFL) when suffering a loss of wages due to taking time off to care for a seriously ill child, parent, parent-in-law, grandparent, spouse, registered domestic partner, or to bond with a new child. Eligibility is determined by the state.

Uniforms

The Fire Marshal shall receive a monthly uniform allowance of \$80. The District will provide a uniform for all other employees required to wear a uniform.

Vacation

The Fire Marshal shall accrue paid vacation credit at the rate of 20 hours per month. The maximum number of hours that may be accrued for the Fire Marshal is four hundred (400).

All other full-time employees shall accrue paid vacation credit as follows:

Length of Service	Monthly Accrual Hours	Maximum Cumulative Hours
Under 5 years	10	240
5 years through 14 years	13 2/3	328
15 years through 24 years	16 2/3	400
25 years through 29 years	20	480
30 years and up	23 1/3	560

For management employees, the Fire Chief has discretion to grant length of service credit for prior public service.

Part-time employees shall accrue vacation benefits on a prorated basis based on length of service.

On separation, employees shall be paid for any accrued and unused vacation hours at the employee's then-current rate of pay.

Vision Insurance

The District provides Vision Insurance for employees and eligible dependents. Employees are eligible to enroll in the plan on the first of the month following date of hire.

Voluntary/Supplemental Insurance Plans

The District allows employees the opportunity to supplement their benefits with additional voluntary insurance benefits offered through American Fidelity Assurance Company. These voluntary insurance benefits include life insurance, disability income insurance, cancer insurance, etc. These are voluntary benefits and entirely paid for by the employee via payroll deduction. The District does not contribute to the cost of the voluntary insurance benefits.

Workers' Compensation Insurance

The District provides Workers' Compensation Insurance as required by law from the first day of employment for medical treatment for on-the-job injuries or illness.

**Attachment A
Salary Schedule**

Attachment B
Health and Dental Coverage Monthly Premium Subsidy

MORAGA-ORINDA FIRE PROTECTION DISTRICT

SALARY AND BENEFITS FOR UNREPRESENTED EMPLOYEES EFFECTIVE JULY 1, 2018



UNREPRESENTED EMPLOYEE HANDBOOK

Moraga-Orinda Fire Protection District Unrepresented Employee Salary and Benefits

The Moraga-Orinda Fire Protection District (“District”) offers the salary and benefits detailed in this Employee Handbook for the following unrepresented job classifications: ~~Fire Chief~~, Administrative Services Director, Fire Marshal, Human Resources Benefits Manager and Fire Inspector/Plans Examiner. The information in this Employee Handbook is intended to detail the benefits offered by the District. Where applicable, specific details and plan limitations are provided in Summary Plan Descriptions (SPD) provided by insurance companies, and from individual employee contracts in some cases. In the event that information in this Employee Handbook differs from Plan Documents ~~or individual employee contracts~~, the Plan Documents ~~and individual employee contracts~~ will prevail. If you have questions or need additional information, please contact Human Resources at 925-258-4521.

Administrative Leave

All exempt, unrepresented full-time management employees will be credited eighty (80) hours of Administrative Leave on July 1 of each fiscal year for use within that fiscal year, ~~except for the Fire Chief. The Fire Chief will be credited with one hundred twenty (120) hours of Administrative Leave.~~ Administrative Leave may not be accumulated or carried to a subsequent fiscal year. On separation, employees shall be paid for any unused administrative leave hours at the employee’s then-current rate of pay, not to exceed eighty hours ~~(all management employees except the Fire Chief) or one hundred twenty hours (Fire Chief).~~

Employees appointed (hired or promoted) to a management position are eligible for Administrative Leave on the first day of the month following their appointment date and will receive Administrative Leave on a prorated basis for that first year.

Annual Medical Exams

All employees are encouraged to participate in the annual individual medical exams offered by the District. These exams are offered through the District’s approved medical provider.

At-Will Positions

All unrepresented employees are At-Will employees. The District may remove employees in these positions with or without cause in the sole exercise of discretion by the District. Employees in these positions shall be notified in writing of the District’s intent to terminate and remove employee from the position. Employee shall be given 45-days’ notice or pay-in-lieu thereof prior to the termination becoming effective. Such notice is to be given to employee forty-five (45) days in advance unless the parties otherwise agree in writing prior to the termination becoming effective. In the event the employee voluntarily resigns from the position, the employee shall provide the District a minimum of thirty (30) days’ written notice, unless the parties otherwise agree in writing.

Bereavement Leave

Full-time employees shall have an annual but unaccruable bereavement leave of up to three (3) days per year for relatives defined under applicable state and federal law.

Days and Hours of Work

The normal work week of District employees is forty (40) hours. The core hours for the Administrative office is Monday to Friday from 8:00 a.m. to 5:00 p.m. each day. All full-time employees shall be assigned to a work schedule of Monday to Friday from 8:00 a.m. to 5:00 p.m., with a one (1) hours lunch from either: (a) 11 a.m. to 12 p.m., or (b) 12 p.m. to 1 p.m. The part-time Fire Inspector/Plans Examiner shall be assigned to a work schedule of Monday, Wednesday and Friday from 8:00 a.m. to 5:00 p.m., with a one (1) hours lunch from 12 p.m. to 1 p.m. District business requirements may require deviations from this schedule with as much advanced notice as possible.

Deferred Compensation Plans (457)

The District offers two (2) 457 Deferred Compensation Plans to employees. District employees may contribute the annual IRS Limit which is currently ~~\$18,000~~ \$18,500. Employees age 50 and older may be eligible to contribute additional amounts subject to IRS limits.

The District's contribution to all management employees who participate in the deferred compensation plan, ~~except the Fire Chief~~, is \$50 per month. To be eligible for this contribution/incentive, qualifying management employees must maintain a minimum monthly contribution of \$100 to the Deferred Compensation Plan. The base contribution is computed from the date the employee signs an election form to participate in the program. Employees who discontinue contributions or who contribute less than the required amount per month for one (1) month or more will no longer be eligible to receive the \$50 District contribution/incentive. To reestablish eligibility, employees must again establish the minimum monthly contribution of \$100 to the Deferred Compensation Plan.

Dental

The District offers a Dental Plan to employees for themselves and their eligible dependents. Employees are eligible to enroll in the plan on the first of the month following date of hire. The District contribution for unrepresented employees is as follows:

- Fire Marshal – consistent with employees represented by Local 1230
- All other employees – consistent with employees represented by Local 2700

Education Incentive

Exempt management employees, ~~except the Fire Chief and~~ Administrative Services Director, who hold a Bachelor's degree from an accredited college or university in a related field will receive an education incentive equal to 2.5% of base salary. Exempt management employees, ~~except the Fire Chief~~, who receive or hold a Master's degree from an accredited college or university in a related field will receive an education incentive equal to 2.5% of base salary. Employees are encouraged to continue pursuing

educational opportunities which are mutually beneficial to the District and the employee and are directly related to the duties of their position.

Educational Assistance/Training

Employees are eligible for career development training reimbursement. Reimbursement for job related training must be directly related to the position held at the District. The District policy on Training shall govern reimbursement for training and shall limit reimbursement for career development training.

Employee Assistance Program (EAP)

The District offers employees from the first day of employment an employee assistance program (EAP) with Managed Health Network (MHN). The EAP assists employees with emotional, family and other personal problems; offers guidance on financial and legal issues; supports healthy choices; and more.

Flexible Spending Accounts

The District offers both a Medical Reimbursement Account and a Dependent Day Care Account for employees subject to rules and restrictions of the IRS. The plan runs from January 1 through December 31 of each year and annual enrollment is required. Employees are eligible to enroll in the plan on the first of the month following date of hire. The District's Medical Reimbursement Account allows for a \$500 carryover each year per IRS regulations and the plan document. Additional information can be found on the District's internal intranet –[SharePoint](#).

Holidays and Personal Holidays

Employees have the following days off work as paid holidays:

- New Year's Day
- Martin Luther King's Day
- Lincoln's Birthday
- Presidents Day/Washington's Birthday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Day

Part-time employees shall receive holiday time off in the same ratio to the holiday time off given full-time employees as the number of hours per week the part-time employee's schedule bears to the number of hours in the regular full-time schedule, regardless of whether the holiday falls on the part-time employee's regular work day. Part-time employees have the option to work during regular business hours on another day during the week or use vacation time to compensate for the part-time holiday time off. If a holiday

falls on a part-time employee's scheduled day off, the employee shall take the hours off on another day within the week with prior approval.

In addition, full-time employees, except the Fire Chief and Fire Marshal, receive two (2) hours of personal holiday credit each month.

In the event the employee is required to work on any of the above-mentioned holidays, the employee shall receive equal time off to be taken within two (2) months of that date.

Jury Duty

Employees summoned for jury duty may remain in regular paid status, or they may take vacation leave. If an employee elects to remain in regular paid status, jury duty fees must be forwarded to the District. If an employee elects to use vacation leave, the employee retains all jury duty fees.

Life Insurance

Management employees are provided a fifty thousand dollar (\$50,000) term life insurance policy, which shall include an accelerated death benefit option. Premiums for this policy are paid by the District. Employees have the option to purchase, at their expense by payroll deduction, up to an additional \$50,000 of life insurance.

Medical/Healthcare Insurance

The District offers Medical Plan options to employees for themselves and their eligible dependents through CalPERS. Employees are eligible to enroll the first of the month following date of hire. The District contribution for unrepresented employees is as follows:

- Fire Marshal – consistent with employees represented by Local 1230
- All other employees – consistent with employees represented by Local 2700

~~Employees who are eligible to enroll in medical insurance but are covered under another group health plan are eligible for a District Stipend in Lieu of Medical Benefits. Eligibility is based on documentation of the other coverage, proof of eligibility of the dependent (such as a marriage certificate, birth certificate, etc.) completion of a CalPERS Declination Form and completion of the Medical in Lieu District Enrollment Form.~~

Other Unpaid Leaves

The District provides leaves of absence to eligible employees in a variety of circumstances. In all cases, the District intends to comply with applicable federal and state laws. This includes leave for pregnancy disability, leave under the Family Medical Leave Act and the California Family Rights Act, and federal and state mandated military leave. Medical certification may be required. For additional information on unpaid leaves, consult Human Resources.

Fire Marshal - Overhead Team Pay

The Fire Marshal responding to the request of Mutual Aid and Automatic Aid under the State Mutual Aid Program shall receive 'pass-through' compensation of the amount reimbursed to the District, according to the annual salary survey under the California Fire Assistance Agreement. The pass-through of funds would occur on incidents deemed "reimbursable" to the District via The Fire Assistance Agreement or other reimbursable requests from the State Mutual Aid System or OES. The payment would be received by the employee on the next scheduled paycheck, irrespective to any processing lag time. Pass through compensation will be in effect only on days and times that the employee would ordinarily be scheduled off-duty. Pass through compensation for each event must be approved by the Fire Chief. Should reimbursement be denied due to an omission by the responding employee, the individual will not receive and/or will return any pass through compensation already provided by the District.

Overtime

Exempt, management employees are not entitled to receive overtime pay ~~or overtime compensatory time~~. Non-exempt employees shall receive overtime pay for any authorized work performed in excess of forty (40) hours per week ~~or eight (8) hours per day~~. All overtime shall be compensated for at the rate of one and one-half (1.5) times the employee's regular hourly rate.

Retiree Health Coverage – Medical and Dental

Full-time employees hired prior to July 1, 2014 will receive retiree medical and dental insurance contributions from the District when retiring with CCCERA in amounts equal to the benefits as follows:

- ~~Fire Chief and~~ Fire Marshal – consistent with employees represented by Local 1230
- All other employees – consistent with employees represented by Local 2700

Employees hired on or after July 1, 2014 will receive retiree medical insurance coverage when retiring with CCCERA in an amount equal to the PERS minimum health insurance contribution. Part-time employees are not eligible for retiree medical or dental benefits.

Retiree medical coverage is subject to PERS rules and regulations and applicable law.

The District does not provide vision insurance or life insurance to retired employees.

Retirement

The District provides retirement pension benefits through Contra Costa County Employees' Retirement Association (CCCERA.) All employees receive the FRA 414(h) earning equal to 3.91% of base salary, used to reduce the employee's share of retirement contributions. Base salary plus FRA equals the employee's hourly rate.

All employees are responsible to pay 100% of the employee's contribution for retirement as determined by the CCCERA Board. The District will pay the employer's contribution for retirement. Safety employees who are eligible to receive the 3% @ 50 pension benefit plan shall also pay 9% of the employer's contribution.

Section 125 Plan

Employees are eligible to enroll in the Section 125 Plan. The Section 125 Plan allows employees to take advantage of paying for eligible insurance premiums on a pre-tax basis.

Sick Leave

Employees shall receive sick leave at the rate of eight (8) hours for each month of service or a prorated amount for those employees working less than forty (40) hours per week. Accumulation of sick leave shall be unlimited, but may not be cashed out and may not be used for any other purpose than permitted by law, or to calculate final compensation if the employee retires under the applicable District retirement plan at the time of separation from the District. At the time of retirement, an employee may apply any unused sick leave credits toward retirement service credit as permitted by CCCERA.

State Disability Insurance (SDI)

Non-safety employees who have earned at least \$300 from which SDI deductions were withheld are eligible to apply for State Disability Insurance if they are ill due to a non-work related illness or injury and are experiencing a loss of wages. Benefits are determined by the state and will be integrated with any available sick leave. Non-safety employees are also covered through SDI for Paid Family Leave (PFL) when suffering a loss of wages due to taking time off to care for a seriously ill child, parent, parent-in-law, grandparent, spouse, registered domestic partner, or to bond with a new child. Eligibility is determined by the state.

Uniforms

The Fire Marshal shall receive a monthly uniform allowance of \$75 **\$80**. The District will provide a uniform for all other employees required to wear a uniform.

Vacation

The ~~Fire Chief and~~ Fire Marshal shall accrue paid vacation credit at the rate of 20 hours per month. The maximum number of hours that may be accrued ~~for the Fire Chief is five hundred and seventy six (576) and~~ for the Fire Marshal is four hundred (400).

All other full-time employees shall accrue paid vacation credit as follows:

Length of Service	Monthly Accrual Hours	Maximum Cumulative Hours
Under 5 years	10	240
5 years through 14 years	13 2/3	328
15 years through 24 years	16 2/3	400
25 years through 29 years	20	480
30 years and up	23 1/3	560

For management employees, the Fire Chief has discretion to grant length of service credit for prior public service.

Part-time employees shall accrue vacation benefits on a prorated basis based on length of service.

On separation, employees shall be paid for any accrued and unused vacation hours at the employee's then-current rate of pay.

Vision Insurance

The District provides Vision Insurance for employees and eligible dependents. Employees are eligible to enroll in the plan on the first of the month following date of hire.

Voluntary/Supplemental Insurance Plans

The District allows employees the opportunity to supplement their benefits with additional voluntary insurance benefits offered through American Fidelity Assurance Company. These voluntary insurance benefits include life insurance, disability income insurance, cancer insurance, etc. These are voluntary benefits and entirely paid for by the employee via payroll deduction. The District does not contribute to the cost of the voluntary insurance benefits.

Workers' Compensation Insurance

The District provides Workers' Compensation Insurance as required by law from the first day of employment for medical treatment for on-the-job injuries or illness.

**Attachment A
Salary Schedule**

Attachment B
Health and Dental Coverage Monthly Premium Subsidy

**MORAGA ORINDA FIRE DISTRICT
SALARY SCHEDULE MONTHLY
EFFECTIVE JULY 1, 2018**



CLASSIFICATION	RANGE	BASE SALARY	FIRE RETIREMENT ALLOTMENT	TOTAL BASE SALARY	EDUCATIONAL INCENTIVE	HOURLY RATE	OVERTIME RATE	UNIFORM PAY
FIRE CHIEF		\$17,916.66	\$701	\$18,617.66		\$107.41		
ADMINISTRATIVE SERVICES DIRECTOR	Maximum Minimum	14,918 12,304	584 482	15,502 12,786	387.55 319.65	89.44 73.77		
FIRE MARSHAL	Maximum Minimum	14,976 12,664	586 496	15,562 13,160	389.05 329.00	89.78 75.92		80
HUMAN RESOURCES BENEFITS MANAGER	Maximum Minimum	8,494 7,006	333 274	8,827 7,280	220.68 182.00	50.93 42.00		
FIRE INSPECTOR/ PLANS EXAMINER	3 2 1	9,686 9,180 8,739	379 359 342	10,065 9,539 9,081		58.07 55.03 52.39	87.11 82.55 78.59	



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Jonathan Holtzman, District Counsel

DATE: April 17, 2019

SUBJECT: Item 4.4 – Adopt Resolution No. 19-04 Adopting Amendment-2 to Employment Agreement Between Moraga-Orinda Fire District and David Winnacker

Background

The District entered into an Employment Agreement dated December 20, 2017 (Attachment C) with David Winnacker with respect to the terms and conditions of employment of employee as fire chief for the District. The Employment Agreement provided for future annual salary adjustments based on performance against mutually agreed upon objectives as determined by the Board following the annual written performance evaluation.

The District and Fire Chief desire to amend the Employment Agreement (Attachment B) to provide the following:

- Annual base salary increase from \$215,000 to \$236,500 per year
- Clarify that District medical and dental plan contributions are the same as employees in the Moraga-Orinda Fire Chief Officers' Association.

District Counsel recommends the Board adopt Resolution No. 19-04 (Attachment A) Adopting Amendment-2 to Employment Agreement Between Moraga-Orinda Fire District and David Winnacker.

Staff Recommendation

- 1) Discuss; 2) Deliberate; 3) Adopt Resolution No. 19-04 Adopting Amendment-2 to Employment Agreement Between Moraga-Orinda Fire District and David Winnacker

Attachments

Attachment A - Resolution No. 19-04 Adopting Amendment-2 to Employment Agreement Between Moraga-Orinda Fire District and David Winnacker

Attachment B – Amendment-2 to Employment Agreement Between Moraga-Orinda Fire District and David Winnacker

Attachment C – Employment Agreement and Amendment-1 Between Moraga-Orinda Fire District and David Winnacker

RESOLUTION NO. 19-04

**RESOLUTION OF MORAGA-ORINDA FIRE DISTRICT
("DISTRICT") ADOPTING AMENDMENT-2 TO EMPLOYMENT AGREEMENT
BETWEEN MORAGA-ORINDA FIRE DISTRICT AND DAVID WINNACKER**

WHEREAS, the Moraga-Orinda Fire District ("District") hired David Winnacker ("Employee") as Fire Chief effective December 20, 2017; and

WHEREAS, the District and the Employee agreed with respect to terms and conditions of employment of Employee as Fire Chief for the District; and

WHEREAS, the terms and conditions of employment are detailed in the Employment Agreement dated December 20, 2017 ("Employment Agreement"); and

WHEREAS, the terms and conditions of employment include future annual salary adjustments based on performance against mutually agreed upon objectives as determined by the Board following the annual written performance evaluation;

NOW THEREFORE BE IT RESOLVED, the District and Employee agree to voluntarily reopen the Employment Agreement to provide an annual base salary to Employee of \$236,500; and,

BE IT FURTHER RESOLVED, the District and Employee voluntarily agree to provide medical and dental plan contributions equal to employees in the Moraga-Orinda Fire Chief Officers' Association.

PASSED, APPROVED and ADOPTED this 17th day of April, 2019 at a regular meeting of the District Board of Directors held on April 17, 2019, at 2100 Donald Drive, Moraga, California 94556, on motion made by Director __, seconded by Director __, and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: April 17, 2019

Steven Danziger, President
Board of Directors

ATTEST:

Patricia Edwards, Interim District Clerk

**AMENDMENT-2 TO
EMPLOYMENT AGREEMENT BETWEEN
MORAGA-ORINDA FIRE DISTRICT AND DAVID WINNACKER**

This Amendment to the Agreement is made and entered into as of the effective date, by and between the Moraga-Orinda Fire District (“District”) and David Winnacker (“Employee” or “Fire Chief”), becoming effective January 1, 2019 (the “Effective Date”), with respect to terms and conditions of employment of Employee as Fire Chief for the District.

Recitals

A. The District and David Winnacker are parties to that certain Employment Agreement, dated December 20, 2017, which provided for an annual base salary of \$215,000.

B. The Employment Agreement provides that Employee’s future annual salary adjustments shall be largely based on performance against mutually agreed upon objectives as determined by the Board following the annual written performance evaluation.

C. The Employment Agreement provides for medical and dental plan contributions of the same amount as other safety employees. The parties now desire to clarify these sections to provide medical and dental plan contributions of the same amount as employees represented by the Moraga-Orinda Fire Chief Officers’ Association.

D. The parties now desire to amend the Employment Agreement to increase the Employee’s annual base salary.

AMENDMENT

Section 5.1. Salary of the Agreement is hereby amended to read as follows:

Section 5.1. Salary.

District agrees to pay Employee for Employee’s services on an annual base salary of \$236,500 payable in installments at the same time and in the same manner as other employees of the District are paid. A 414 (h) 2 provision will be added to this base salary (currently 3.91% of base salary) that is consistent with the District’s 414 (h) 2 Program, subject to the Employee paying 100% of the employee retirement contribution. Unless otherwise specified herein, Employee shall receive all normal and customary health, welfare and retirement benefits provided to all safety employees of the District unless otherwise provided herein. Employee’s future annual salary adjustments shall be largely based on performance against mutually agreed upon objectives as determined by the Board following the annual written performance evaluation.

Section 5.10. is hereby amended to read as follows:

Section 5.10. Medical Plan Contribution.

The District will contribute the same amount per month for Employee’s medical benefits than what is provided to employees in the Moraga-Orinda Fire Chief Officers’ Association for medical benefits as of the Effective Date. If the District’s medical benefit contribution for employees in the Moraga-Orinda Fire Chief Officers’ Association increases or decreases during the term of this Agreement, the District’s contribution for Employee’s medical benefits shall increase or decrease in an equal amount.

Section 5.11. is hereby amended to read as follows:

Section 5.11. Dental Plan Contribution.

The District will contribute the same amount per month for Employee dental benefits and will provide Employee with the same increase or decrease in dental benefit contributions as all other employees in the Moraga-Orinda Fire Chief Officers' Association.

"District"

"Employee"

Dated: _____

Dated: _____

Steven Danziger, President

David Winnacker

Approved As To Form:

Jonathan Holtzman
District Counsel

**AMENDMENT-1 TO
EMPLOYMENT AGREEMENT BETWEEN
MORAGA-ORINDA FIRE DISTRICT AND DAVID WINNACKER**

This Amendment to the Employment Agreement is made and entered into as of the effective date, by and between the Moraga-Orinda Fire District ("District") and David Winnacker ("Employee" or "Fire Chief"), becoming effective June 1, 2018 (the "Effective Date"), with respect to the terms and conditions of employment of Employee as Fire Chief for the District.

Recitals

A. The District and David Winnacker are parties to that certain Employment Agreement, dated December 20, 2017, which provided for annual vacation hours and leave without pay for annual reserve military service.

B. California law requires the District to pay an employee his or her salary for the first 30 days of active duty training if the employee is on a temporary military leave of absence for a period of ordered active duty training not exceeding 180 calendar days, and the employee has completed at least one year of service at the District, recognized military service, or a combination of both, immediately prior to the day on which the absence begins.

C. The parties now desire to amend the Employment Agreement to decrease Employee's annual vacation hours and to provide for 30 calendar days of paid temporary military leave of absence for ordered active duty training in accordance with California law.

AMENDMENT

Section 5.5. Vacation of the Agreement is hereby amended to read as follows:

Section 5.5. Vacation.

For the 2018 calendar year, employee shall accrue vacation at the rate of one hundred sixty-eight (168) hours per year however, maximum accrual shall be four hundred sixty-five (465) hours. Employee may not sell back any unused vacation.

Section 5.14. Military Service is hereby added to the Employment Agreement to read as follows:

Section 5.14. Military Service.

District shall pay Employee his salary for the first 30 calendar days of a temporary military leave of absence for ordered active duty training in accordance with California law. District shall not provide paid temporary military leave of absence for periods of inactive duty training

"District"

"Employee"

Dated: _____

Dated: _____


Craig Jorgens, Secretary


David Winnacker

Approved/As To Form:


Jonathan Holtzman, District Counsel

4.4C

9-4



EMPLOYMENT AGREEMENT BETWEEN MORAGA-ORINDA FIRE DISTRICT AND DAVID WINNACKER

This Agreement ("Agreement") is made and entered into as of the effective date, by and between the Moraga-Orinda Fire District ("District") and David Winnacker ("Employee" or "Fire Chief"), becoming effective December 20, 2017 (the "Effective Date"), with respect to terms and conditions of employment of Employee as Fire Chief for District.

WHEREAS, District desires to employ the services of Employee as Fire Chief of the District; and

WHEREAS, Employee desire to accept employment as Fire Chief of the District on the terms and conditions contained in this Agreement; and

NOW, THEREFORE, in consideration of the mutual covenants contained in this Agreement the parties agree as follows:

Section 1. Duties.

The Fire Chief position is that of Chief Administrator of the District and is responsible for the efficient administration of all affairs of the District which are under his control. At all times during the term of this Agreement, Employee shall be directly responsible to and report to the Board.

Section 2. Term.

Section 2.1. The term of this Agreement shall commence on the Effective Date and shall continue until December 20, 2022. This term may be extended or renewed prior to the expiration date by mutual agreement of the parties. In the event of non-renewal or non-extension there shall be no severance pay under Section 3. The parties expressly agree that the employment of the Fire Chief is at will and this Agreement may be terminated at any time before the expiration of this term by either party with or without stated cause. Termination by the Board without stated cause will entitle Employee to payment of severance pay as provided more specifically in Section 3.

Section 3. Termination and Severance Pay.

Section 3.1. The Board shall engage in an oral review of the Fire Chief's performance after the first 3 months and again after the first 6 months. A written review will occur annually as provided in Section 10 hereof. Such reviews may be facilitated by a professional mutually acceptable to the Board and the Fire Chief. The Board and Fire Chief shall establish such goals and performance objectives with timetables which they mutually determine necessary and appropriate for the District's policy and operational objectives. The Board and Fire Chief shall further establish a relative priority among the various goals and objectives. The goals and objectives shall be attainable generally within the time limit as specified. This section shall not prevent more frequent evaluations as necessary.

Section 3.2. Should the Fire Chief receive a "below satisfactory rating" on his written performance evaluation, Employee shall have two (2) months from receipt of that evaluation to improve Employee's performance.

A follow up review will be scheduled at that time. If Employee receives a "below satisfactory rating" on Employee's follow up performance evaluation the Employee will be given another one (1) month to improve. A follow up review will be scheduled at that time. If Employee receives a "below satisfactory rating" on Employee's third performance review, the Employee will be terminated and given forty five (45) days of severance pay.

Section 3.3. In the event Employee is terminated by the Board during such time as Employee is willing and able to perform his duties under this Agreement, other than under Sections 3.2, 3.4 or 3.5, District agrees to pay Employee severance pay in a lump sum cash payment equivalent to four (4) months' salary, subject to the requirements of Government Code sections 53243.2 and 53260. District agrees to pay Employee three (3) months of District's share of medical premium in effect at the time of severance. Such severance pay shall be calculated based on Employee's current level of salary at the time of receipt of the notice.

Section 3.4. District shall have no obligation to make the severance payments specified in this section if Employee is terminated and removed from the Fire Chief position for serious misconduct. As used herein, "serious misconduct" means (i) fraud, theft, embezzlement, bribery or other similarly serious acts in connection with Employee's position or duties; (ii) conviction of any felony; (iii) violation of District policies in a manner that caused substantial loss, damage or injury to District's property or employees; (iv) habitual failure to report to work (other than because of personal illness); or (v) willful refusal to carry out the lawful directives of Board. A determination of serious misconduct shall be within the sole discretion of the Board, subject to the provisions of Government Code sections 3254 and 3254.5, and shall include a written description of the specific acts on the part of the Employee that form the basis of this determination.

Section 3.5. In the event Employee voluntarily resigns from the position of Fire Chief, Employee shall provide District a minimum of forty five (45) days written notice, unless the parties otherwise agree in writing. There shall be no severance pay under this section in the event of a voluntary separation and termination.

Section 4. Disability.

If Employee is permanently disabled or is otherwise unable to perform Employee's duties because of sickness, accident, injury, mental incapacity or health condition not within the scope of Labor Code section 4850 for a period of four (4) consecutive months, District, in its sole discretion, shall have the option to terminate this Agreement. There shall be no severance pay under this section or Section 3 in the event of termination under this section. During Employee's employment, the District will pay for supplemental disability insurance for disabilities not covered under Labor Code section 4850 in an amount not to exceed one thousand (\$1,000) dollars per year.

Section 5. Compensation and Benefits.

Section 5.1. Salary. District agrees to pay Employee for Employee's services on an annual base salary of \$215,000 payable in installments at the same time and in the same manner as other employees of the District are paid. A 414 (h) 2 provision will be added to this base salary (currently 3.91% of base salary) that is consistent with the District's 414 (h) 2 Program, subject to the Employee paying 100% of the employee retirement contribution. Unless otherwise specified herein, Employee shall receive all normal and customary health, welfare and retirement benefits provided to all safety employees of the District unless otherwise provided herein. Employee's future annual salary adjustments shall be largely based on performance against mutually agreed upon objectives as determined by the Board following the annual written performance evaluation.

Section 5.2. Automobile. District shall provide Employee with the use of an emergency vehicle twenty-four (24) hours per day for official business only. The use of such vehicle shall be subject to any existing or future Board policy established with respect to such vehicle.

Section 5.3. Uniforms. District shall provide and maintain uniforms for the Employee provided that the value of such provision and maintenance is not includible in Employee's final compensation for the purposes of calculating Employee's retirement benefits.

Section 5.4. Deferred Compensation. District shall pay at a rate of \$18,500 annually beginning in 2018 into a deferred compensation 457 plan on the same basis and timing as Employee's base salary.

Section 5.5. Vacation. Employee shall accrue vacation at the rate of two hundred and eight (208) hours per year however, maximum accrual shall be five hundred and seventy six (576) hours. District policy provides for leave without pay for annual reserve military service. Employee may not sell back any unused vacation.

Section 5.6. Holidays. Employee is entitled to eleven (11) paid holidays off from work taken in the same manner as administrative/clerical employees of the District.

Section 5.7. Sick Leave. Employee shall accrue one (1) day per month. Unused sick leave may not be sold back but may be used for the purpose of service credit in the same manner as safety employees of the district.

Section 5.8. Bereavement Leave. Employee shall have an annual bereavement leave of up to three (3) days per year for relatives defined under applicable state and federal law. Bereavement leave shall not be carried over year to year.

Section 5.9. Life Insurance. Employee shall be provided by District with a \$50,000 term life insurance policy, which shall include an accelerated death benefit option. Premiums for this insurance shall be paid by the District with conditions of eligibility to be reviewed annually. Employee may also subscribe voluntarily for supplemental life insurance coverage.

Section 5.10. Medical Plan Contribution. The District will contribute the same amount per month for Employee's medical benefits than what is provided to all other safety employees for medical benefits as of the Effective Date. If the District's medical benefit contribution for safety employees increases or decreases during the term of this Agreement, the District's contribution for Employee's medical benefits shall increase or decrease in an equal amount.

Section 5.11. Dental Plan Contribution. The District will contribute \$116.98 per month for Employee dental benefits and will provide Employee with the same increase or decrease in dental benefit contributions as all other safety legacy employees in the District.

Section 5.12. Administrative Leave. Employee shall be credited twenty four (24) hours on July 1 of each fiscal year for use within that fiscal year. Such Administrative Leave may not be accumulated over any fiscal year and carried over nor may it be sold back.

Section 5.13. OES Master Mutual Aid. The Board is supportive of the Chiefs desire to participate in and be deployed as part of the OES Master Mutual Aid system twice per year as a way to maintain and develop large scale wildland incident management skills. This participation will be supported by the Board after satisfactory performance reviews and completion of one full year of employment with MOFD.

Section 6. Hours of Work.

The Employee shall devote such time to the Fire Chief position as may be required and necessary to perform the duties and responsibilities of Fire Chief of the District. Employee shall attend all Board of Directors' meetings unless excused by the Board President. Employee is an exempt employee (not subject to overtime under the FLSA) and is expected to devote all of the necessary time outside normal office hours as is necessary for the performance of his duties.

Section 7. Retirement.

Section 7.1. 3% at 50 Benefit. Employee shall receive the 3% at 50 retirement benefit subject to the terms and conditions of the Contra Costa County Plan that requires the employee to contribute at the employee contribution rates set by CCCERA. District reserves the right to change the retirement plan at any time and, if so, Employee will receive the same benefits as safety personnel.

Section 7.2. Retirement Contribution. Pursuant to the implementation of the 414 (h) 2 plan, Employee shall pay one hundred percent (100%) of the contribution required of employees.

Section 7.3. Retiree Medical. In light of Employee's prior service as a California firefighter the Employee shall receive retiree medical benefits, as of the retirement date of Employee, in an amount equal to that provided to the District's active safety employees hired by the District prior to April 2014 and covered under CALPERS.

Section 8. Expense Reimbursement.

District shall reimburse, provided that approval is obtained from the Board, all reasonable, actual and necessary expenses of Employee in performing the duties of the Fire Chief.

Section 9. Indemnification and Defense of Employee.

Section 9.1. District shall, consistent with the provisions of Government Code sections 810 et. seq., defend, save and hold harmless, and indemnify Employee against any tort, professional liability, claim or demand or any legal action, arising out of an alleged act or omission occurring in the performance of Employee's duties or actions related to his position as Fire Chief. The District will provide and pay a full legal defense with a mutually agreed upon attorney representing Employee's interest. Consistent with the requirements of Government Code Section 53243, et seq., any District funds (i) expended for the legal criminal defense of Employee, (ii) paid to Employee while on leave due to a pending investigation, and (iii) paid as severance pursuant to Section 3.4 of this Agreement, shall be repaid to the District by Employee within thirty (30) days following any conviction of Employee of a crime involving an abuse of Employee's office or position.

Section 9.2. District shall provide and pay for all cost of any fidelity or other bonds required of the Employee.

Section 10. Goal Setting, Performance Evaluation.

Section 10.1. Employee shall meet with the Board within the first month of employment to establish mutually agreeable goals and objectives and standards for performance.

Section 10.2. By December 30 each year or at such time as may be mutually agreed by the parties, the Board shall formally review and evaluate the performance of the Employee as provided in Section 3.1. The Board shall provide the Employee with a written summary statement of the evaluation and provide the Employee an adequate opportunity to discuss his evaluation. Employee shall sign the performance evaluation to acknowledge that he is aware of its contents.

Such evaluation shall be placed in Employee's personnel file.

Section 11. Notices.

Any notice relating to this Agreement shall be given in writing and shall be deemed sufficiently given and served for all purposes when delivered personally or by generally recognized overnight courier service, or three (3) business days after deposit in the United States mail, certified or registered, return receipt requested with postage prepaid addressed as follows:

If to Employee:

David Winnacker
Moraga-Orinda Fire District
1280 Moraga Way
Moraga, CA 94556

And to

David Winnacker
(home address as recorded in personnel file)

With a copy to:

Kathleen Famulener
President
Board of Directors
Moraga-Orinda Fire District
1280 Moraga Way
Moraga, CA 94556

Section 12. Entire Agreement.

The terms, conditions and covenants of this Agreement are intended by the parties as a final expression of their agreement with respect to such terms, conditions and covenants as are included in this Agreement and may not be contradicted by evidence of an prior or contemporaneous agreement. This Agreement specifically supersedes any prior written or oral agreements between the parties.

Section 13. Amendment.

This Agreement may be amended from time to time only by the mutual written agreement of the parties.

Section 14. Governing Law.

This Agreement shall be governed by the laws of the State of California and of the United States, and the rights and obligations of the parties hereto shall be construed and enforced in accordance with the laws of the State of California.

Section 15. Waiver.

Any waiver at any time by any party hereto of its rights with respect to default or any other matter arising in connection with this Agreement shall not be deemed to be a waiver with respect to any other default or matter. The exercise by a party of any remedy provided in the Agreement or at law shall not prevent the exercise by that party of any other remedy provided in this Agreement or at law.

Section 16. Severability.

If any terms, provisions, conditions and covenants of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

Section 17. Legal Advice: Neutral Interpretation.

Each party is entitled to receive independent legal advice from its attorneys with respect to the advisability of executing this Agreement and the meaning of the provisions hereof. The provisions of this Agreement shall be construed as to their fair meaning, and not for or against any party based on any attribution to such party as the source of the language in question. The headings used in this Agreement are for the convenience of reference only and shall not be used in construing this Agreement.

Section 18. No Third Party Beneficiary.

Nothing in this Agreement, express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any person other than the parties to it and their respective permitted successors and assigns, nor is anything in this Agreement intended to relieve or discharge any obligation of any third party to any party hereto or given any third person any right of subrogation or action over and against any party to this Agreement.

Section 19. Counterparts.

This Agreement is executed in four (4) duplicate originals, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This Agreement consists of six (6) pages, which constitute the entire understanding and agreement of the parties.


IN WITNESS WHEREOF, the parties hereto have executed this Agreement with the intent to be bound thereby as of the date first written above.

"District"

"Employee"

Dated: 12/20/2017

Dated: 12/20/17



Kathleen Famulener, President



David Winnacker



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: April 17, 2019

SUBJECT: Item 4.5 – Authorize the Purchase of One Type VI Fire Vehicle from Maintainer Custom Bodies for \$151,240; Approve Capital Projects Fund Budget Adjustment to Reduce Capital Contingency Expenditures \$53,000; and Increase Capital Outlay Expenditures \$53,000

BACKGROUND

As part of the 2019 Budget process, the Board approved \$100,000 to purchase and field a new Type VI fire apparatus. Type VI apparatus are generally built on an F-550 or equivalent chassis with 150-300 gallons of water and small firefighting pump. They cost between \$150,000 and \$220,000 to purchase depending on specifications.

The 2019 budget request was based on assumptions regarding construction costs derived from calculating the component parts. An assessment of the district's ability to assemble the parts determined that this capacity did not exist in-house and alternatives to traditional construction would result in marginal cost savings without the benefit of an overall apparatus warranty and NFPA 1906 certification.

FIRE APPARATUS

The attached spec sheet outlines the vehicle request developed by the District's Apparatus Committee through a deliberative process that weighed various options and suppliers. A Dodge chassis is recommended for standardization with the new Air/Light Unit, utility vehicles and BC vehicle replacement items on this meeting's agenda. The committee worked diligently to identify critical, must-have features while limiting non-essential items. The result is a lean and agile proposal that is tailored to the operating environment found in and around the District.

BUDGET ADJUSTMENT

The budget includes \$150,000 for capital contingency. To date, \$24,476 or 16% has been spent. In order to address the actual cost of the Type VI, staff recommends reducing the capital contingency budget \$53,000 and increasing capital outlay budget \$53,000. This will purchase, certify, and deliver the unit to the district.

RECOMMENDATION

- 1) Review, discuss, authorize the purchase of one Type VI fire vehicle from Maintainer Custom Bodies for \$151,240; approve Capital Projects Fund budget adjustment to

reduce Capital Contingency expenditures \$53,000 and increase Capital Outlay expenditures \$53,000

ATTACHMENTS

Attachment A – Type VI Spec Sheet



MAINTAINER CUSTOM BODIES

PROPOSAL

Maintainer Custom Bodies Spitfire Type 6
Honda Gas Pump, 300-Gallon Tank

BUILD SPECIFICATIONS

NEW ALL-ALUMINUM NINE FOOT (9') MAINTAINER SPITFIRE TYPE 6 BODY

The apparatus body shall be manufactured as per the following specifications:

BODY DESIGN:

The body shall be modular in design, capable of being removed and remounted on a new chassis. Body integrity and strength to be independent of chassis mounting

BODY MATERIALS:

The following shall be the minimum acceptable materials, gauge, and finish used:

Aluminum Body - All construction panels shall be 5052-H32 aluminum of .125" thickness

Aluminum Diamond Plate - All diamond plate shall be 3003-H14 aluminum of .125" thickness

Body Mounting - All body mounting bolts to be minimum Grade 5

Exterior Fasteners - All exterior nuts, bolts, and screws shall be stainless steel

BODY SUPER-STRUCTURE:

Lateral floor structure built using 3.0" H x 2.0" W x .125" aluminum tubing welded to longitudinal, doubled 1.0" x 3.0" flatbar. Formed 5.0" channel ties floor structure at front with 3.0" H x 2.0" W x .125" aluminum tubing at rear. Structure is welded and gusseted to the side-wall structure for maximum strength and durability. A welded bulkhead panel above the floor structure secures the compartments at the front of the body.

CORROSION PROTECTION: Electrolysis Corrosion Kontrol (ECK) to prevent dissimilar metal corrosion

UNDERCOATING:

Underside of the vehicle floor and structure sprayed with Corashield automotive undercoating

APPARATUS BODY PAINT FINISH:

Fire apparatus standards, exhibiting excellent gloss and color retention properties. Application follows PPG-certified paint processes. Color to match chassis.

STONE GUARDS: Front body corners, .125" aluminum diamond plate protective guards, 24" high

REAR BODY CHEVRON:

"Diamond Grade" Chevron reflective striping, six inch (6") wide, minimum 50% of the entire rear body

REFLECTIVE STRIPE: A four-inch (4") black "Scotchlite" stripe will be provided full length of vehicle

BODY COMPARTMENT COATING:

Interior of body compartment to be fully coated to aid in abrasion resistance

ADJUSTABLE SHELF CHANNEL:

Vertically mounted Uni-Strut channel in all exterior compartments for adjustable shelving and trays

4.5A



BUILD SPECIFICATIONS

COMPARTMENT DOORS:

The compartments shall be equipped with flush mounted hinged doors constructed of 3/16" aluminum with 3/4" x 2.5" extruded interior bracing. Doors to have greaseable stainless steel hinges, isolated from body. Vertically hinged doors to be held open approximately 95-degrees via gas spring

Door Latch & Mechanism: D-Ring style door latch with keyed lock. Three-point latching via roller style rod ends and center striker

Weather Resistance: Each compartment opening protected by metal-backed clip-on bulb seal

NOTE: Key Lock: Compartment door latches with keyed cylinder lock assembly

EXTERIOR COMPARTMENT SPECIFICATIONS:

DRIVER'S SIDE:

COMPARTMENT L1: Measures 54 1/2" H x 35" W x 23" D

Three (3) adjustable shelves constructed of 3/16" aluminum with 1.5" lip

COMPARTMENT L2: Measures 30" H x 44" W x 23" D

One (1) adjustable shelf constructed of 3/16" aluminum with 1.5" lip

COMPARTMENT L3: Measures 54 1/2" H x 30" W x 23" D

Three (3) adjustable shelves constructed of 3/16" aluminum with 1.5" lip

OFFICER'S SIDE:

COMPARTMENT R1: Measures 54 1/2" H x 35" W x 23" D

Three (3) adjustable shelves constructed of 3/16" DA finished aluminum with 1.5" lip

COMPARTMENT R2: Measures 30" H x 44" W x 23" D

One (1) adjustable shelf constructed of 3/16" DA finished aluminum with 1.5" lip

COMPARTMENT R3: Measures 54 1/2" H x 30" W x 23" D

Three (3) adjustable shelves constructed of 3/16" DA finished aluminum with 1.5" lip

TRANSVERSE COMPARTMENT L1/R1: Measures 54 1/2" H x minimum 20"W at chassis frame height

REAR BODY SKID/TANK AREA:

Completely open center deck area to measure approximately 85" long x 49" wide x 38" high. Body floor to be reinforced to accommodate the skid/water load intended. Center deck area to be painted job color

SKID MOUNTED C.E.T. HONDA 20-HP GASOLINE PUMP & 300 GALLON TANK:

PUMP: CET DI-PFP-20hpHND-MR single stage centrifugal pump, bolted directly engine, with a 2.5" NPT suction inlet, and a 1.5" NPT discharge outlet. The pump shall be capable of a maximum discharge volume of 290 GPM at 50 PSI, and a maximum discharge pressure of 190 PSI while pumping 100 GPM. In the center of the performance curve, the pump to be capable of pumping 60 GPM at 175 PSI

ENGINE: 4-stroke Honda gas powered, 20 horsepower V-twin overhead valve engine. Engine to be air cooled, 12 volt electric start via quick-disconnect with weather-proof style connection

4.5A



BUILD SPECIFICATIONS

PUMP PRIMER: A manual hand-pump primer to be installed at the pump location

FUEL: Honda engine fuel to be supplied via a three (3) gallon plastic fuel tank at engine/pump location

PUMP CONTROLS: Control panel constructed of non-glare material to be installed at the engine/pump location. Controls include; a master switch, key start, a 2.5" discharge pressure gauge, mini water and foam tank level gauges

FOAM SYSTEM: Trident 'Foamate' Model #31.008.0 ATP-1.0 Class A around-the-pump foam system

SUCTION PIPING: Stainless steel (welded joints) schedule 40 suction piping tested to 400 PSI. Piping shall consist of a 2.5" tank to pump line with a 2.5" flexible rubber hump hose. Includes 2.5" Akron fire type grade valve with Trident chrome handle. Additional suction valve for overboard drafting or for utilizing pressurized supply. Includes 2.5" Akron fire type valve with a Trident chrome handle. Suction inlet terminated with a 2.5" NST female swivel fitting, debris screen, and tethered 2.5 NST polished aluminum male plug. All piping to be painted black.

WORK LINE SIDE, MANIFOLD: Two (2) 1" NPT and two (2) 1 1/2" NPT discharge outlets, chrome caps

TANK FILL: One inch (1") tank fill with Akron fire type ball valve on the work line side of the manifold

DISCHARGE MANIFOLD: Welded 2" x 2" square industrial stainless steel

DISCHARGES TO REAR OF UNIT:

One (1) 1.0 Akron fire type ball valve with a chrome Trident handle, for booster reel

One (1) 1.5 Akron fire type ball valve with a chrome Trident handle, NST thread, polished aluminum cap

One (1) 1.5 Akron fire type ball valve with a chrome Trident handle, for pre-connected 1 1/2" discharge

One (1) 2.5 Akron fire type ball valve with a chrome Trident handle, NST thread, polished aluminum cap

POLY WATER TANK CONSTRUCTION: Constructed of 1/2" thick polypropylene sheet stock, black in color and UV stabilized. Tank to incorporate transverse partitions interlocked with longitudinal partitions for high strength and to allow for maximum water and air flow. Sight gauge 2" in width, and 70% transparent

FILL TOWER: 8" round combination vent/overflow and manual fill tower.

TANK CAPACITY: The tank shall have a capacity of 300 US gallons of water. Limited Life Time Warranty

TANK OUTLETS: One (1) 2 1/2" female NPT tank to pump suction fitting and one (1) 1 1/2" female NPT tank fill fitting with flow deflector.

TANK MOUNTING BLOCKS: Three (3) parallel mounting blocks for the mounting of tank accessories

SKID BASE: Full width skid base, 45" wide x 85" long, manufactured of 3/4" polypropylene welded to the tank. Design provides direct mounting to floor of the apparatus

SUMP: Integral to the tank, recessed a minimum 3/4" from the floor

FOAM CELL: Drop-in type, capacity of 10 US gallons of foam, integral to the water tank. Tethered cover



BUILD SPECIFICATIONS

BOOSTER HOSE REEL:

One (1) low profile Hannay Model EF 4138-17-18, 12-volt electric rewind steel booster reel with one-inch (1") 90-degree super swivel joint, one-inch (1") NST-M riser, horizontal gear crank rewind will be provided. Reel to be installed with 100' of one-inch (1") 800# red rubber booster hose with hard-coat aluminum couplings. Hose roller provided at each side of vehicle

HOSE STORAGE COMPARTMENTS:

There shall be two (2) hose storage compartments fabricated from aluminum diamond plate attached to the roof of the vehicle over side compartments. One storage compartment (1) to accommodate 200' of 2 1/2", and one (1) for 200' of 1 1/2"

HYDRANT / SPANNER WRENCH SET: Task Force Tips A3845 wrench set at rear

REAR BODY STEPS: Heavy duty folding steps with integral step light installed on the rear body face

REAR BODY HANDRAIL: Non-slip 1.25" extruded aluminum tubing with chrome plated stanchion ends

ELECTRICAL SYSTEM BASE: Per N.F.P.A. 1901, SAE, and FMVSS standards. Master warning device switch energizes all warning and optical warning devices with separate signaling modes for response and static operation. Minimum two (2) spare wires installed each body side loom.

Design provides a standardized platform for reliable and repeatable hard-wired or multiplexed electrical systems that can be documented and easily serviced and maintained.

ELECTRICAL SYSTEM, OPERATING:

Carling rocker type switches for all vehicle warning and scene lights. Function labels provided each switch

BATTERY CONTROL SYSTEM, IGNITION SWITCH:

Battery master control through the chassis ignition switch. Heavy-duty 200-Amp constant duty solenoid to provide 12-volt battery power to the vehicle.

BATTERY CHARGER: Kussmaul Auto Charge Low Profile LPC 20 Series

120-VOLT SHORELINE AUTO EJECT: Kussmaul Super 20-amp, automatic shoreline disconnect

COMPARTMENT LIGHTING: LED strip lighting

PUMP COMPARTMENT LIGHTING: LED strip lighting overhead of pump and control panel

ELECTRONIC SIREN & SPEAKER: Whelen Siren # 295SLSA1, CPI 3800 100-watt speaker

FRONT LIGHT BAR: Whelen Edge Ultra Freedom F4N0VLED light bar

FRONT LOWER WARNING LIGHTS:

Whelen M2RC series Super LED lights with chrome bezels, grille mounted, red LED's with clear lenses

SIDE UPPER WARNING LIGHTS:

Whelen M7RC series Super LED lights with chrome bezel, two (2) each side, red LED's with clear lenses

SIDE LOWER WARNING LIGHTS:

M2RC series Super LED lower lights with chrome bezels, three (3) each side, red LED's with clear lenses

4.5A



BUILD SPECIFICATIONS

SIDE UPPER SCENE LIGHTS: Whelen M7RC series Super LED lights with chrome bezels, two (2) each side

REAR UPPER WARNING/SCENE LIGHTS:

Whelen M9 warning and scene LED lights with chrome bezels, two (2) each upper corner, warning lights to be red LED's with clear lenses

REVERSE ACTIVATED REAR SCENE LIGHTS: When apparatus transmission is placed in reverse

REAR D.O.T. QUAD CLUSTER W/WARNING LIGHT:

Whelen M6 series LED lights four (4) light cluster; red combination stop/tail light, amber turn signal, white back-up light, red warning light

LED CLEARANCE LIGHTS: Weldon 1500 Series LED marker lamps

LED UNDERBODY LIGHTS: TecNiq Series LED under body lights with SS brackets

CHASSIS RELATED ACCESSORIES

CAB CONTROL CONSOLE:

Protected environment for the electrical systems interface to the apparatus body. Accommodates siren and warning light controls, two (2) pre-wired antenna cables, dual USB port, and mini water and foam tank level gauges. Console to be fabricated from .125" aluminum with removable top cover, Zolatone coating

FRONT BUMPER: Buckstop Classic front bumper & grille guard

FRONT WINCH: Warn 12,000# winch with synthetic rope

RUNNING BOARDS: Aluminum diamond plate

REAR STEP AND BUMPER: Aluminum diamond plate cover, full width of body, attached to chassis frame

TRAILER HITCH/LIGHTS : Class IV trailer hitch, combination 7-pin/flat blade trailer light plug connector

CAB STEP LIGHTS: Whelen 0S Series LED step lights provided, each cab door

BACK-UP CAMERA: OEM chassis back up camera system

BACK-UP ALARM: Federal Signal Evacuator electronic back-up alarm

FUEL FILL DOOR: Flush mounted fuel fill access

TIRE PRESSURE MONITORING DEVICES: Shipped loosed, calibration after vehicle is loaded

MUD FLAPS - REAR: Black rubber mud flaps at rear wheels

WARNING LABELS AND INFORMATION PLATES: Labels by Innovative Controls

VEHICLE ROAD AND SYSTEMS INTEGRITY TESTING:

Road test and systems integrity test including a full 12-volt electrical test conducted at the time of vehicle completion. All systems having a mechanical function to be tested



MAINTAINER CUSTOM BODIES

PROPOSAL

BUILD SPECIFICATIONS

CONSTRUCTION PROVISIONS:

The proposed vehicle shall conform to all applicable NFPA Standards 1906, (Current Ed.), provisions and requirements. Additionally, the vehicle shall conform to all FMVSS, DOT, SAE, TRA, ULI, TBEA, and State Motor Vehicle regulations.

M323 RAM CHASSIS:

2018 Ram 5500 4x4 Crew Cab, 173" Wheelbase
6.7L Cummins Turbo Diesel
Aisin 6-Speed Automatic Transmission
4x4 Electronic Shift on the Fly
GVWR: 19,000lbs
Tires: 225/70Rx19.5G All Position FT, RR Traction
Dual Heavy-Duty Alternators, 440-amp Total
Dual Batteries
Emergency/Fire/Rescue Prep Package
Chrome Appearance Group, Bumper & Grille
Polished Aluminum Wheels
Power Windows
Driver, Passenger Mirrors, Power, Heated, Folding
Remote Keyless Entry
Custom Red Per Customer Specification

4.5A



Moraga-Orinda Fire District

TO: Board of Directors

FROM: David Winnacker, Fire Chief

DATE: April 17, 2019

SUBJECT: Item 4.6 - Commercial Vehicle Purchase – Authorize the Purchase of Two Dodge 2500 Pickup Trucks; Authorize General Fund Budget Adjustments; Authorize Capital Projects Fund Budget Adjustments

BACKGROUND

MOFD has a long history of participation in the California Fire Assistance Agreement through the provision of mutual aid with members regularly deploying on Type I and III engines as part of county and regional strike teams and as single resources filling command and general staff positions. Over the last 18 months these single resource deployments included Safety Officers, Line EMTs, Line Medics, Medical Unit Leader, PIO, and Strike Team Leaders for a total of 246 days (2017-2018) and 182 days (2018-2019 YTD).

Through these deployments district members gain invaluable experience on large scale incidents throughout the state that is applicable to the local environment. They are also exposed to best practices working side by side with state and federal emergency management teams that are recognized for their proactive and comprehensive approach to mitigating major events.

In order to become qualified to fill these positions, members must complete a standardized qualification process governed by the California Incident Command Certification System (CICCS). This system tracks a combination of training, experience, and currency to ensure standardization within the incident command system in order to enable modular and interoperable command and control systems.

Through the Governor's Officer of Emergency Services, the district is reimbursed for the member's pay and an administrative handling fee. Further, vehicles are reimbursed at the following rates:

- SUV: \$96 per day
- Pick-Up: \$86 per day
- ¾ ton Pick-Up: \$96 per day

In 2017-2018 these single resource vehicle reimbursements totaled \$29,074.80 and in 2018-2019 YTD they totaled \$18,476.

Historically single resource deployments have occurred in retired staff and BC vehicles. However over the course of the last 18 months, the fleet of former front line vehicles suffered a series of major mechanical failures exposed the challenges of using 15-20 year old vehicles for emergency response in an austere environment and several required expensive towing and emergency repairs to return to district. To meet short term deployment needs and in attempt to

validate alternatives to purchasing additional vehicles, the district rented pick-up trucks from commercial vendors for parts of summer 2018. These trucks demonstrated poor reliability with several being returned with check engine lights and did not include emergency lights or radios. Rental rates approached OES reimbursement with a net loss caused by the requirement to rent for extended periods during which deployments did not always occur. Availability also became an issue at several points due to competition with local refineries undergoing major projects.

Further, in the 2018-2019 budget year, the MOFD Board approved the creation of Fuels Mitigation Program Manager and (4) part time positions to increase the district's fuel reduction efforts. In addition to outreach and education, a major effort of this program is a community chipping program which began in April 2019. Currently, Utility-41, a 2000 Ford F-350 with 150,000 miles and a history of transmission replacements, is the only district vehicle capable of towing the chipper.

IMPORTANCE OF OUT OF COUNTY DEPLOYMENTS:

In light of recent increases in fire loss due to catastrophic fire loss and the presence of large populated areas in proximity to significant wilderness areas with limited evacuation routes, the Wildfire Prevention Strategic Plan was published in February 2019. The full report is available on the MOFD website at http://www.mofd.org/literature_247807/Wildfire_Prevention_Strategic_Plan. The plan envisions seven mutually supporting lines of effort to reduce the threat of wildfire in our community. Line of Effort # 3 calls for a wildfire preplan whereby members of the district become qualified through the CICCIS system to control the large numbers of suppression resources that can be expected to converge on the district during the initial operational period. The requirements of this period, during what is often the greatest rate of fire spread, and before the arrival of an incident management team, will greatly exceed the normal operating experience of any Bay Area fire department.

The experience and skills required to meet these operational requirements can be built at scale and with organizational depth through participation in out of county deployments through the mutual aid system funded by state reimbursement.

In support of the Wildfire Prevention Strategic Plan, MOFD plans to significantly increase the number of CICCIS qualified members and recently supported seven members in opening position task books to develop new skills. The district is committed to encouraging more members to participate in this program through the trainee program which allows qualified members to deploy with a trainee who is not yet fully qualified.

REQUEST:

In 2017-2018 the MOFD Board established a Fire Chief Contingency account with a budget of \$100,000 for unexpected expenses. Last year \$19,491 or 19.5% of this fund was spent with the remainder being rolled back into the district reserve at the end of the year. In the current fiscal year, \$7,700 or 7.7% of this fund has been spent with \$92,300 currently remaining.

In order to provide reliable and appropriate transportation for members participating in wildland mutual aid and to facilitate in district community chipping, staff requests approval to move \$64,362 from the Fire Chief Contingency fund to the Capital Projects fund for the purpose of purchasing two Dodge 2500 4x4 ¾ ton utility pick-up trucks.

The vehicles will be outfitted with emergency lights and hi-visibility striping for safety and mobile VHF radios with wildland specific antennas.

Staff believes these vehicles have at least a ten year service life and believes the acquisition and maintenance costs will largely be recovered through CFAA deployments and associated OES reimbursement.

This request is being brought forward outside of the normal budget cycle in an attempt to field the vehicles during fire season 2019.

The District will obtain State of California government pricing through contract # 1-18-23-23H which meets the requirements of the District's Purchasing Ordinance 5.1.3. The cost of each vehicle is as follows:

Pick-up truck	\$29,371
Sales tax and fees	<u>2810</u>
Total per truck	<u>\$32,181</u>
Total – 2 trucks	<u>\$64,362</u>

Following purchase, the vehicles will be upfitted with emergency equipment.

Emergency lights and radio install	\$15,362
Reflective striping and MOFD marking	\$ 4,000
Total – 2 trucks	<u>\$19,362</u>

The total cost of acquiring and outfitting two utility trucks is \$ 83,724.

RECOMMENDATION

- 1) Discuss
- 2) Authorize the purchase of two Dodge 2500 pickup trucks for \$83,724
- 3) Approve the following Budget adjustments:
 - a. General Fund reduce Fire Chief Contingency expenditures \$64,362
 - b. General Fund increase Operating Transfers Out to Capital Projects Fund \$64,362
 - c. Capital Projects Fund increase Operating Transfer In from General Fund for \$64,362
 - d. Capital Projects Fund increase Capital Outlay Expenditures \$83,724

Memorandum

Date: April 11, 2019

To: Moraga Orinda Fire District

From: Jon Holtzman

Re: CASA Housing Bills' Impact on MOFD's Future Tax Increment

The CASA regional housing planning committee, convened by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) in mid-2017, resulted in the creation of a nearly 30-page policy document known as the CASA Compact. The final CASA Compact was published in January 2019¹ and bears the signatures of officials in several large cities, counties, and some companies. The goals and objectives in the Compact range from creating a region-wide just cause eviction policy to minimizing zoning in transit areas. One of the Compact elements proposes to fund CASA objectives through a 20 percent revenue sharing contribution from local government, among several other proposed funding options. None of these goals, objectives, or funding mechanisms are binding on the cities and counties in the Bay Area, however, various related bills have begun to make their way through the Senate and Assembly since early this year.

ASSEMBLY BILL 1487 (ASSEMBLY MEMBER CHIU)

Assembly Bill 1487² (AB 1487) represents CASA Compact element nos. 9 and 10. Element no. 9 proposes a menu of options to provide funding for CASA goals, one of which included the 20 percent revenue sharing contribution from local governments. Element no. 10 establishes a regional housing entity to implement the CASA Compact and raise revenues to fund CASA goals. AB 1487 achieves both of these by creating the Housing Alliance for the Bay Area (“HABA”) and providing HABA with the authority to raise revenue through ballot measures placed on the ballot in any of the nine Bay Area counties.

Under AB 1487, HABA would consist of 18 appointed voting members, with 9 from MTC and 9 from ABAG. HABA would be authorized to raise and allocate new revenue by placing various funding measures on the ballot in all or a subset of the nine counties in the Bay Area. The bill provides the following non-exclusive list of funding mechanisms that may be used by HABA,

¹ Final CASA Compact, pp.18-19 (available at: https://mtc.ca.gov/sites/default/files/CASA_Compact.pdf).

² Assembly Member David Chiu (District 17) authored AB 1487.

Memo to: Moraga Orinda Fire District
Page 2

(which, notably, does not include the revenue sharing contribution option as described in the CASA Compact):

- A parcel tax.
- A commercial linkage fee that is either of the following: (i) a variable rate fee assessed on new construction, providing a credit for a project in a local jurisdiction with an existing linkage fee program, or (ii) a flat rate fee assessed on new construction.
- A gross receipts tax with variable rates according to business sector with an exemption for small businesses.
- A business tax based upon the number of employees assessed at a variable rate with an exemption for small businesses.
- One-half of one cent (\$0.005) increase in sales tax.
- A general obligation bond to be funded by an ad valorem tax on the assessed value of local properties.
- A revenue bond.

Under this bill, HABA would have the authority to direct the board of supervisors in all nine counties, or in a subset of the counties, to place a measure on the ballot, requiring the counties to call a special election (to be consolidated with the next general election). The measure placed on the ballot must contain the *exact* language and impartial analysis prepared by HABA.

While the revenue sharing proposal contained in the Compact is not included in the current version of the bill, as drafted, the bill authorizes HABA to introduce other funding mechanisms not expressly listed. Each proposal to raise revenue, however, must be approved by voters in the applicable counties. Some CASA industry experts have opined that HABA is not likely to be given state authority to carry out all of the proposed funding mechanisms in the Compact.

At this time, AB 1487, the authority of HABA, and the available funding mechanisms continue to develop. After its introduction, AB 1487 was amended on March 26, 2019 and again on April 4, 2019. The Assembly Housing Committee released a bill analysis on April 8, 2019. Most recently, the Housing Committee held a hearing on the bill on April 10, 2019. The published bill analysis lacked any fiscal impact analysis or comments.

RECOMMENDATION

If AB 1487 succeeds, it will have far reaching and long-lasting impacts on the District, along with other districts, agencies, and cities in the nine Bay Area counties. The full fiscal implications on the District are unknown at this time; however, the scope of HABA's authority appears broad with the potential to affect the District's future revenue. Given the rapid and continuous development of AB 1487, it is recommended that the District continue to monitor the bill and any forthcoming fiscal analyses.

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ATTACHMENTS

- A. CASA Compact, January 2019;
- B. Assembly Committee on Housing and Community Development – Bill Analysis, April 8, 2019;
- C. California League of Cities, *Regional Housing Plan Has Statewide Impacts* <https://www.cacities.org/Top/News/News-Articles/2019/March/Regional-Housing-Plan-Has-Statewide-Impacts> [List of Senate and Assembly Bills introduced to implement CASA Compact goals].

CASA COMPACT

A 15-Year Emergency Policy Package
to Confront the Housing Crisis in the San Francisco Bay Area

January 2019



The Committee to House the Bay Area

4.7A



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CASA Preamble

The Bay Area faces many pressing regional problems — traffic congestion, air pollution, the threat of earthquakes and other natural disasters, to name a few. But the housing shortage has reached crisis proportions. During our remarkable run of economic expansion since the Great Recession ended in 2010, the Bay Area has added 722,000 jobs but constructed only 106,000 housing units. With housing supply and demand that far out of whack, prices have shot through the roof and long-time residents as well as newcomers are suffering the consequences.

In one of the wealthiest metropolitan areas on the planet, tens of thousands of our fellow citizens are ill-housed or not even housed at all. Many more families are just one missed paycheck away from eviction. While the recent wildfires have underscored the devastating effects of suddenly losing a home, the reality is that too many Bay Area residents face that situation every day.

Our housing crisis is also a transportation crisis. Nearly 190,000 workers commute from outside the nine-county Bay Area to the business parks of Silicon Valley and the Tri-Valley, and more than 220,000 East Bay residents cross the toll bridges to the Peninsula every day. Driven by the search for reasonably-priced housing, these “super-commuters” are clogging the roads and transit systems that we all rely on.

The Bay Area faces a housing crisis because we have failed at three tasks: (1) we have failed to produce enough housing for residents at all income levels; (2) we have failed to preserve the affordable housing that already exists; and (3) we have failed to protect current residents from displacement where neighborhoods are changing rapidly.

These 3 P’s — Production, Preservation, and Protection — are not only the signposts of our collective failure, but they should be the focus of our future efforts to overcome the crisis we have created.

What is CASA? Of course, it is the Spanish word for “house.” It is also the name of a blue-ribbon task force of elected and civic leaders convened by the Association



“The Bay Area is in a state of great peril today; CASA is the best chance to fix this crisis.”

FRED BLACKWELL

of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). Its three Co-Chairs are Fred Blackwell of the San Francisco Foundation, Leslye Corsiglia of Silicon Valley @ Home and Michael Covarrubias of TMG Partners. The CASA Compact is a 15-year emergency policy package to confront the region’s housing crisis head-on. It includes a series of policy reforms that will allow the Bay Area to build more housing at all income levels while protecting tenants and low-income communities from unjust evictions and displacement.

The Compact also includes a series of revenue recommendations needed to preserve our existing housing stock,

subsidize the construction of more affordable housing, and provide assistance to tenants facing eviction.

Finally, the CASA coalition proposes to create a new Regional Housing Enterprise to provide technical assistance to local governments, collect data to monitor our progress, and administer any new regional funds that might be approved. The new enterprise will not have direct land use authority. These three R’s — Reform,

Revenue, and Regionalism — form the crux of the CASA Compact.

Animating our work has been a deep concern about how we grow housing in a more inclusive manner in all neighborhoods and not accelerate displacement in the most vulnerable communities. The Bay Area’s segregated housing patterns — both by race and by income — are a legacy of decades of discriminatory government policies and private sector lending practices. The CASA Compact contains specific protections for neighborhoods and residents most affected by that horrible history. And while the Compact was not designed to deal directly with all aspects of the region’s chronic homelessness problem, many of its elements should

result in more and better options to shelter this particularly vulnerable segment of the Bay Area’s population.

When Bay Area residents are polled about who is



“Our goal is to reach consensus on big picture responses that will move the needle on housing affordability in this region.”

LESLYE CORSIGLIA

responsible for the region's housing crisis, they spread the blame far and wide: it's the businesses who create all the jobs, it's the developers who build the luxury housing, it's local government officials who oppose new housing developments, it's environmental and labor interests whose demands make new housing more expensive, it's community groups who fear the changes that new development will bring.

All those interests (and more) came together around the CASA table for the past 18 months. They worked in the spirit of finding common ground, working through entrenched differences and charting a course forward for the good of the region. The resulting Compact represents an interlocking series of agreements among the negotiating parties. Each signatory to the Compact pledges to support the entire agreement and all of its provisions.

The signatories to the CASA Compact further pledge that their work will not stop when they put down their ceremonial pens. The real work will have just begun.

Implementation of the CASA Compact will require bills to be passed in Sacramento, it will require leadership from our new governor Gavin Newsom, it will require regional ballot measure campaigns in 2020 and the years beyond, it will require changes in transportation and housing policy-making at both ABAG and MTC, and it will require every local government in the Bay Area to do their part.

It is a commonplace to say problems that have been decades in the making can't be solved overnight. But we can't afford to take our time in confronting the Bay Area's housing crisis. We need to make significant progress in the next 3–5 years.



“We must compromise, break down silos, and set aside differences for the greater good of the Bay Area.”

MICHAEL COVARRUBIAS

The CASA Compact is detailed, comprehensive, and actionable. Yet, the region's housing challenge really boils down to a simple, quite personal question: shouldn't our region be able to grow and prosper while also ensuring that our kids and grandkids can live as adults in the neighborhoods where they grew up?

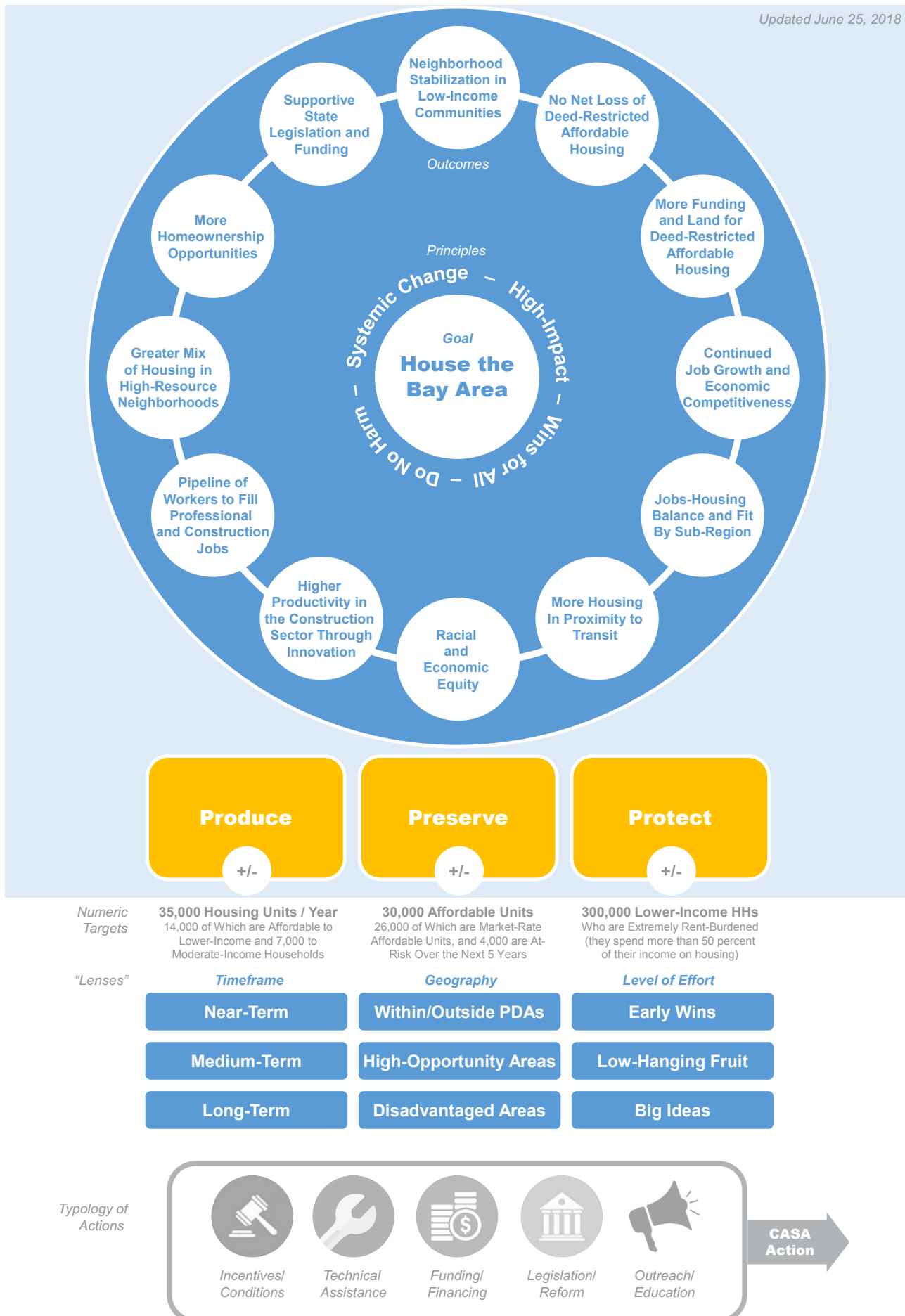
We say the answer is yes.



CASA is about what kind of place our kids and grandkids will live in.

Figure A: **The CASA Framework**

Updated June 25, 2018



Introduction

The recommendations in this Compact are the result of an intensive dialogue among the key interests who are collectively responsible for housing the Bay Area. Over the course of 18 months, the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) convened a series of structured discussions with local government officials, developers, major employers, labor interests, housing and policy experts, social equity advocates and non-profit housing providers. The goal was straightforward but by no means simple: find common ground on a comprehensive set of solutions to the Bay Area's housing crisis.

CASA was led by three Co-Chairs (Fred Blackwell, Leslye Corsiglia and Michael Covarrubias), and Steve Heminger, Executive Director of MTC/ABAG. It was structured around a Technical Committee of policy experts and practitioners and a Steering Committee of elected officials, thought leaders and major employers. The Technical Committee's role was to recommend actions for addressing the crisis. Those recommendations went to the Steering Committee for review, refinement and final approval. The CASA effort was supported and staffed by MTC/ABAG and a team of consultants. Profiles of the Co-Chairs and rosters for both the Steering and Technical Committees are included as appendices to this document.

Phase One: Foundational Work (June 2017-Jan 2018)

The first phase of the CASA process was focused on learning, sharing perspectives, and developing a framework for the process of developing the CASA Compact. Experts from UC Berkeley provided in-depth analysis of the many causes and consequences of the crisis, ensuring that all members of the Committees were operating from a shared base of knowledge. On the basis of this shared understanding, the Co-Chairs and Committee forged a detailed framework (shown as Figure A) to shape the CASA process and the ultimate Compact. The framework is organized around three principal outcomes, or **'Three Ps'** as they became known in CASA parlance:

- 1 Increasing housing production** at all levels of affordability,
- 2 Preserving** existing affordable housing, and
- 3 Protecting** vulnerable households from housing instability and displacement.

Phase Two: Brainstorming Action Ideas (Jan-July 2018)

Next, the Committees spent six months brainstorming and vetting upwards of 30 action ideas. This process was driven by workgroups who dedicated hundreds of hours to meeting, researching and drafting ideas.

Community-based organizations and members of the public also participated in generating ideas. A series of listening sessions around the region solicited input from vulnerable households in identifying priority actions that CASA should consider. Members of the public also shared ideas and feedback through public comment. Each idea was written up and presented to the Technical Committee for vetting. The Committee members used a "gradients of agreement" tool to score each idea on a scale of 1-5. The Steering Committee reviewed and refined the most promising ideas that emerged from the Technical Committee.

Phase 3: Crafting the Compact (Sept-Dec 2018)

In the final phase, the Co-Chairs distilled the 30+ action plans into the Compact you see before you. This happened through an iterative process, with successive versions of the Compact presented to both the Technical and Steering Committees and refined based on their input.

Phase 4: CASA Implementation

CASA leadership and key members will continue to work in cross-sector coordination with State and local elected officials and agencies to implement the principles of the CASA Compact.

Core Principles

Over the course of this process, the participants forged an understanding around core principles that underpin the recommendations in this document. These include:

- 1 Shared responsibility** All sectors and interests should share the burdens and benefits of housing the Bay Area.
- 2 Inclusion everywhere** Find ways to include more housing at all income levels, in every jurisdiction.
- 3 Promote 'Missing Middle' housing types** Encourage the development of smaller homes that are more affordable by design and less likely to cause displacement.
- 4 Stabilize communities** Preserve the historic diversity and access to opportunity in the Bay Area.
- 5 Balance across the Three Ps** Individual components of the Compact should move forward together and avoid undermining each other.
- 6 Level the playing field** The Compact should create fair, more uniform standards for the housing development process, across the Bay Area.
- 7 Minimize administrative burden** We should minimize new administrative requirements and focus on strategies that can be implemented rapidly and efficiently.

Compact Element #1 — Just Cause Eviction Policy

Brief Summary Ensure that all Bay Area tenants are protected from arbitrary evictions by adopting a region-wide policy requiring landlords to cite specific “just causes” (both fault and no-fault) for termination of tenancy, such as failure to pay rent or violation of lease terms. Require landlords to provide relocation assistance for covered no-fault evictions.

Desired Effect Just cause protects tenants from arbitrary evictions. Studies show that eviction can cause health issues, emotional trauma, school disruption for children, longer and costly commutes, and reduced wage earnings for adults. Just cause eviction protections promote tenant stability and limit eviction-related health consequences.

References and Models Action Plan 2.1; NJ state Just Cause Law; Large cities in CA (SF, Oakland, San Jose, LA)

DETAILED PROPOSAL

Permissible causes for eviction Both fault and no-fault evictions should be allowable under a region-wide just cause policy. Fault eviction causes should include failure to pay rent, substantial breach of a material term of the rental agreement, nuisance, waste, or illegal conduct. No-fault causes should include owner move-in, withdrawal of unit from rental market (Ellis Act/condo conversions), unit unsafe for habitation, or demolition/substantial rehabilitation

Coverage Just cause eviction standards should apply to all rental units except the following:

- Government owned and government subsidized housing units or housing with existing government regulatory assessments that govern rent increases in subsidized rental units (e.g., Section 8)
- Transient and tourist hotel occupancy as defined in Civil Code Section 1940(b)
- Housing accommodations in a nonprofit hospital, religious facility, or extended care facility
- Dormitories owned and operated by an institution of higher education or a K-12 school
- Tenant shares bathroom/kitchen with the owner who maintains principal residence there
- Single owner-occupied residences including when the owner-occupant rents or leases 2 units (including ADU and JADU) or bedrooms
- Resident-owned nonprofit housing

Waiting Period The protections should apply only after a tenant has been in occupancy (with or without a lease) for at least 12 months. All existing tenancies should be subject to these protections, effective immediately upon the policy being signed into law.

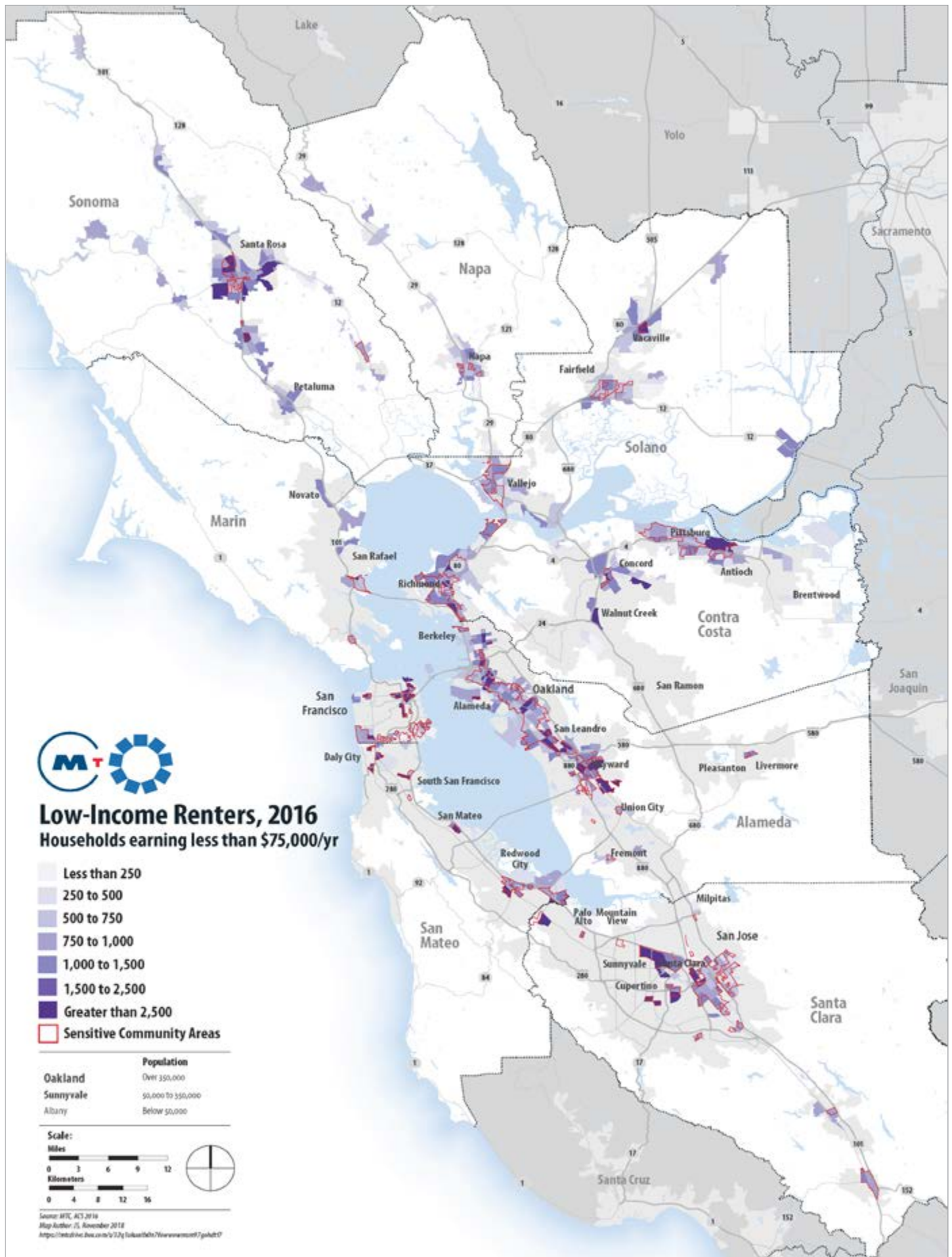
Notice Requirements Owners should be required to provide notice to tenants at the beginning of each tenancy as to tenant rights with copy of lease. This notice should be in the form of a lease addendum that is signed by the tenant at the time the lease is signed. The grounds for eviction should be set forth in the notice to terminate tenancy.

If the reason for the termination is a curable lease violation, the owner should be required to provide an initial notice with an opportunity to cure before the notice of termination. If the lease violation is related to specific illegal activity that presents the potential for harm to other tenants, there should not be a right to cure. Separate provisions should be made for domestic violence situations.

Relocation Assistance Relocation assistance should be provided in all covered no-fault causes where tenants have been in occupancy for at least 12 months, except in cases where the owner is moving into the unit. At time of service of notice to quit, the landlord should notify the tenants of their right to relocation assistance and provide payment directly to the tenant. The amount of relocation assistance should be tiered based on number of bedrooms (see San Jose example). Relocation assistance should be available to all qualifying tenants regardless of income.

Preemption of Local Ordinances This law should not preempt more restrictive local ordinances.

Figure 1: Low-Income Renters in 2016 and Sensitive Communities



Compact Element #2 — Rent Cap

Brief Summary Establish a Bay Area-wide rent cap that limits annual increases in rent to a reasonable amount.

Desired Effect A rent cap would prevent extreme increases in rent on a year-to-year basis, thereby decreasing the number of households who are at risk of displacement and homelessness, decreasing the number of households who are rent burdened, and promoting tenant and community stability. Extreme rent increases can pose a particular burden for tenants who are low and fixed income. The rent cap can be extended after the emergency period. Figure 2 maps the many Bay Area communities at risk of displacement.

References and Models Action Plans 1.1, 1.2, 1.3; Existing State Anti-Gouging Law in States of Emergency

DETAILED PROPOSAL

Cap on Annual Rent Increase For an emergency period (15 years), no landlord should increase rent by more than CPI+5% in any year of tenancy. The notice of allowable rent increase should be provided annually.

Vacancy Provision The cap on rent increase should apply to the renter, not the unit.

Coverage The following unit types should be exempt from the cap:

- Affordable housing properties governed by regulatory agreements;
- ADUs on owner-occupied properties;
- Dormitories.

Pass-Throughs, Banking and Capital Improvements If rent has declined or if landlord has not increased rents for several consecutive years, landlords should be able to bank those unused rent increases for 3-5 years. When drawing upon banked rent increases, landlords should not be allowed to increase rents more than 10-15% annually.

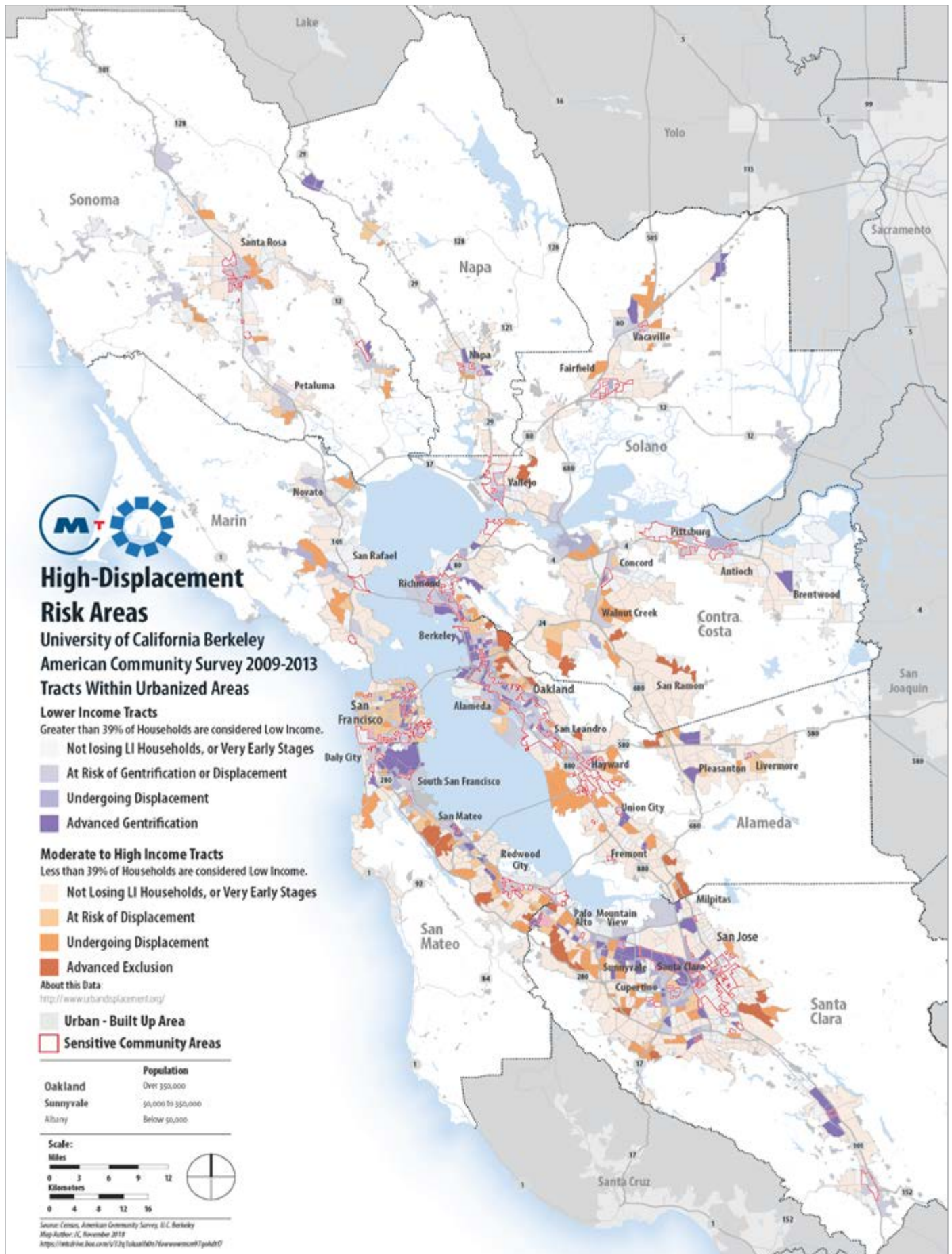
A landlord should be able to pass through actual operating expense increases including water and sewer, wastewater, trash, electric and gas using industry standards such as the RUBS system (Ratio Utility Billing System). The costs of capital improvements inclusive of a 4% return on investment that are necessary to maintain the building(s) with reasonable upgrades and maintenance items to address health and safety, shall be allowed to be passed through to tenants on an amortized basis, per IRS standards.

Preemption of Local Ordinances This law should not preempt more restrictive local ordinances.

State of Emergency Rent cap shall be evaluated before any extension is granted to study impact of rent cap on housing market overall.

Administration This Compact Element will likely require some type of oversight function.

Figure 2: **Map of Displacement Risk**



Compact Element #3 — Rent Assistance and Access to Legal Counsel

Brief Summary For low-income tenants facing eviction, provide access to free legal counsel and emergency rent assistance.

Desired Effect Access to a lawyer can be the difference between losing a home and keeping it. Ensuring that all tenants facing eviction have access to legal counsel would create a fairer justice system; prevent evictions and homelessness; improve health, stability, and opportunity for thousands of residents including children; and preserve existing affordable housing.

Non-payment of rent is the leading cause of evictions in the Bay Area. Figure 3 shows rent increase trends in the Bay Area. An emergency rent assistance program would assist in cases where tenants have an urgent, temporary financial gap. It would help tenants stay in their homes, preventing evictions, periods of marginal housing, and homelessness for households at risk of eviction due to financial instability.

There is a recognition of the importance of keeping people housed, and a significant portion of funding identified to help with housing instability will likely be earmarked to emergency rental assistance.

This Compact Element is not intended to supersede any local government programs that might be more expansive than what is contemplated herein.

References and Models Action Plans 3.1 and 4.1; SF Prop F (June 2018); New York City; Santa Clara County Emergency Assistance Network

DETAILED PROPOSAL

Legal Representation All tenants who are faced with legal proceedings to evict them from their residence should have access to legal counsel, except when eviction proceedings are brought by a landlord or master tenant who resides in the same dwelling unit or property with tenant. The term “legal representation” should mean full scope representation provided to an individual by a designated organization or attorney which includes, but is not limited to, filing responsive pleadings, appearing on behalf of the tenant in court proceedings, and providing legal advice.

Emergency Rent Assistance Low-income tenants facing eviction and homelessness due to non-payment of rent should be eligible to receive emergency rent assistance. This assistance should be targeted to tenants who have an urgent, temporary financial gap and are at high risk for becoming homeless if evicted. The Regional Housing Enterprise (see Compact Element #10) should establish guidelines and policies for administering the program, including how to determine eligibility. The regional agency should identify, fund and oversee local service providers (public or non-profit) to carry out the program.

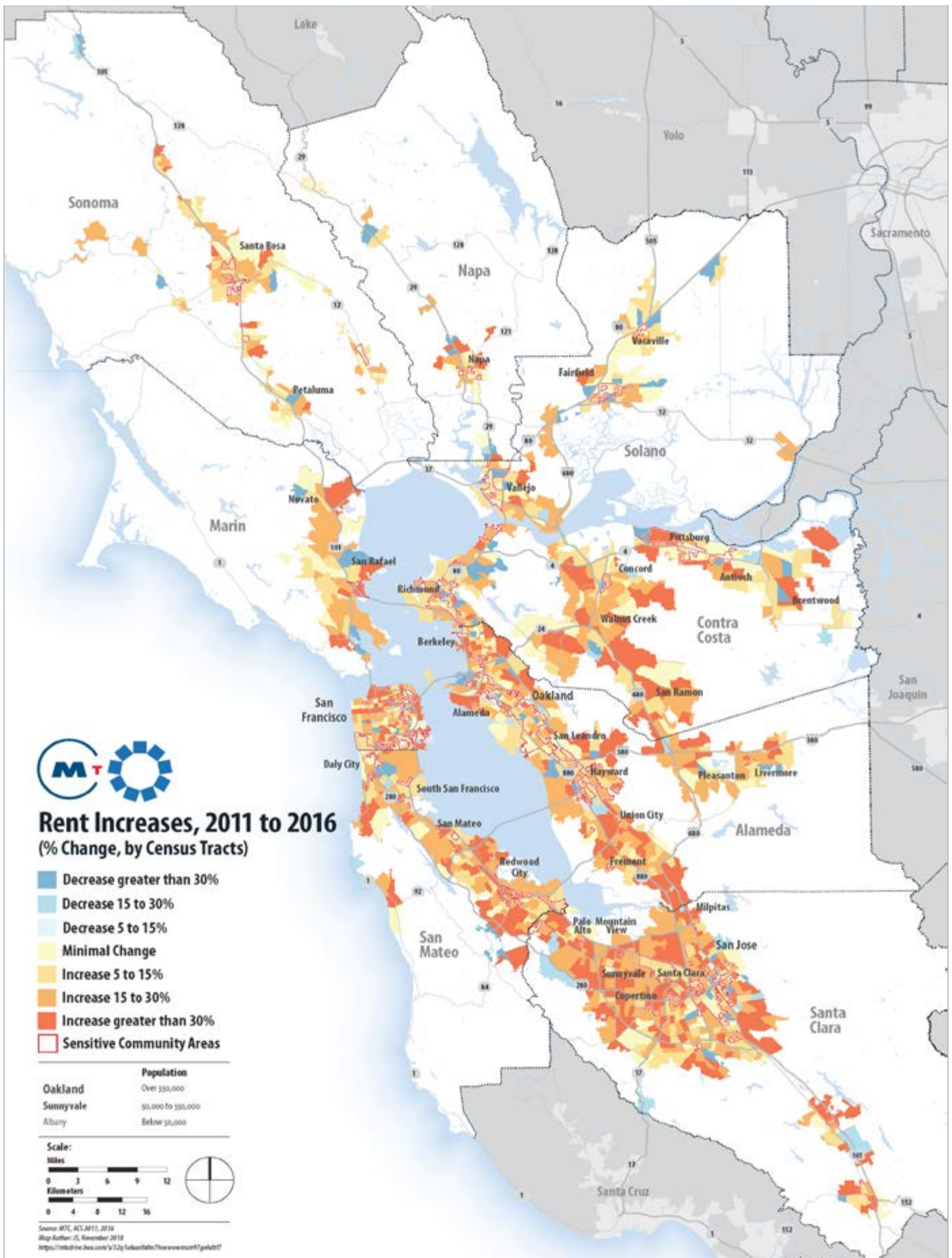
Cap on Assistance The amount of total assistance should be capped at \$5,000 - \$10,000 per tenancy.

Landlord Obligation Landlord obligation should be limited to providing an addendum notice of this access in the lease and eviction notice. Landlord should have no payment or any other obligations. If a tenant fails to seek legal counsel, it will not impede eviction proceedings for the landlord.

Means Testing Emergency rental assistance should be limited to those whose incomes do not exceed 80% of AMI. Legal services should be provided to all qualifying tenants regardless of income.

Funding Generate significant funds through Compact Element #9 to fund regional access to legal counsel and emergency rent assistance. Pro-bono counsel for tenants shall be encouraged.

Figure 3: **Map of Rent Increases, 2010-2016**



Compact Element #4 — Remove Regulatory Barriers to ADUs

Brief Summary Extend current Bay Area best practices regarding Accessory Dwelling Units (ADUs) to every jurisdiction in the region. Amend existing state ADU law to remove regulatory barriers including ministerial approval for ADUs and Junior ADUs in residential zones, allowance for multiple ADUs in multi-family homes, and creation of a small homes building code (AB 2890 Ting).

Desired Effect Existing single-family homes make up a significant portion of the region's land base. Local best practices in the region today allow both an ADU and Junior ADU on single family lots and multiple ADUs in existing multi-family buildings with ministerial approval. See Figure 4 for a prototypical ADU. Expanding these best practices regionwide would allow for a rapid increase in more affordable homes, and would help stabilize cost-burdened homeowners by creating a new source of income. If 20% of the region's 1.5 million single-family homeowners choose to build an ADU, this policy could create 300,000 new homes distributed throughout existing neighborhoods. This includes about 50,000 new units in Priority Development Areas alone.

References and Models Action Plans 10.3, 10.4; UCB Chapple 2014; UCB Turner Center 2017; Legislative history SB 1069, AB 2890; Arlington VA, Portland OR, Seattle WA, Vancouver BC, State of Oregon Tiny Homes Code.

DETAILED PROPOSAL

Local Standards for ADUs (see AB 2890 Ting) New state law should require local jurisdictions in the Bay Area to encourage the creation of ADUs as follows:

- Require ministerial approval for both an ADU and a Junior ADU (JADU) in all residential zones including in rear yards or by division of existing homes into two units;
- ADUs receiving ministerial permits should not be used for short-term rentals;
- Encourage forgiveness of code violations (except health and safety) in grandfathered ADUs;
- Apply the Housing Accountability Act's provisions for determining project consistency.

Sprinklers should be required for ADUs if required under the building code for comparable home construction. Use of unlicensed contractors under "owner builder" permits shall be discouraged by requiring that a statement of owner liability be provided when the building permit is issued.

Impact Fees Require impact fees for ADUs and tiny homes to be charged (1) on a per-square-foot basis and (2) only on net new living area over 500 sq. ft. per accessory unit.

Small and Tiny Homes Building Code State law should create a building code for small homes and wheeled homes to reduce non-safety code requirements that disproportionately make small homes and tiny homes infeasible including energy standards, appliance and room sizes, and similar requirements. Life-safety standards must be upheld.

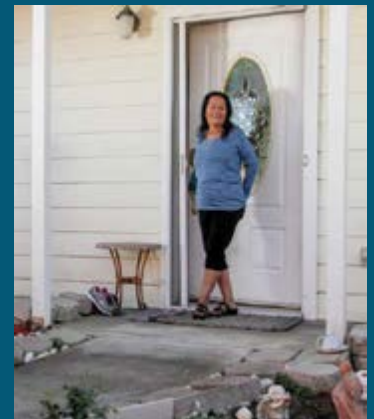
Owner Occupancy Local jurisdictions should be encouraged to adopt owner occupancy requirements for properties containing ADUs. If owner occupancy is required, reasonable annual monitoring programs that rely on existing published documents should be established.

Figure 4: Prototypes for Accessory Dwelling Units



Unit Specifics

Unit Type	Detached
Bedrooms	1
Bathrooms	1
Square feet	495
Year built	2003
Construction	New construction
Total Cost	\$117k
Jurisdiction	Pacifica
Neighborhood	Sharp Park
Designer	Ernie Broussal, Daly City
Builder	Rick Lee, Pacifica
Use	Rent to a family member

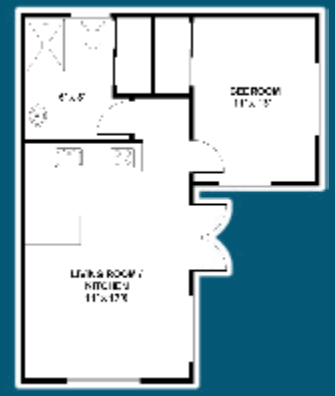


Unit Specifics

Unit Type	New construction
Bedrooms	2
Bathrooms	2
Square feet	800
Year built	2010-12
Construction	New construction (including primary dwelling)
Total Cost	\$1.1 million for entire project - second unit was approximately 25%
Jurisdiction	San Carlos
Neighborhood	Devonshire
Designer	Fred Stratchdee
Builder	Victor (homeowner)
Use	Residence (rents primary dwelling)



Kate & Miranda's Retirement Plan
336 sq ft - 1 bedroom, 1 bath, kitchen, living room



Pedro's Backyard Cottage
496 sq ft - 1 bedroom, 1 bath, kitchen, living room



Compact Element #5 — Minimum Zoning near Transit

Brief Summary This element includes three components. In neighborhoods served by high quality bus service, establish minimum zoning on all residential, commercial, and institutional zones to allow ‘missing middle’ housing types up to 36’ tall. In neighborhoods surrounding the region’s major transit stops (rail stations and ferry terminals), establish minimum zoning to allow midrise residential housing up to 55’ tall (75’ tall with a density bonus). Allow sensitive communities to defer rezoning above 36’ while they develop context-sensitive plans. On large commercial-zoned parcels located near job centers, make housing an allowable use. For projects with 20 units or more, require inclusion of affordable units.

Desired Effect This policy would create an inclusive mix of homes near transit and jobs, consistent with the goals of Plan Bay Area. It would spur the development of ‘missing middle’ housing types that are within reach of working families and blend into existing neighborhoods. This type of housing is common in pre-war neighborhoods of the East Bay and Peninsula but has largely been zoned out of existence in recent decades.

References and Model Policies SB 827 (Wiener, 2017). CASA Action Plans 8.2, 10.3, 10.5, 10.6

DETAILED PROPOSAL

Minimum Zoning Near Transit The state should establish minimum zoning for housing in neighborhoods served by existing high-quality transit as follows:

- **High quality bus service** Residential uses up to 36’ tall with development standards (such as lot coverage, setbacks, density limits, and maximum unit size) should be allowed within 1/2 mile of bus stops with at least 15-minute headways at peak periods and 30-minute headways on weekends (as defined in SB 827).
- **Major transit stop** Residential uses up to 55’ tall (75’ tall with density bonus) that have development standards similar to those above (such as lot coverage, setbacks, density limits, and maximum unit size) should be allowed within 1/4 -mile radius of major transit stops (rail stations and ferry terminals).

Development standards such as setbacks, unit sizes and lot coverage requirements should apply. Neither development standards nor other zoning and design controls should mandate densities lower than those prescribed above. These shall not be used to reduce density where higher local standards or plans apply.

Housing Overlay on Large Low-Density Commercial Sites The state should establish minimum zoning for housing on low-density commercial sites above a certain acreage that are located within the transit areas defined above.

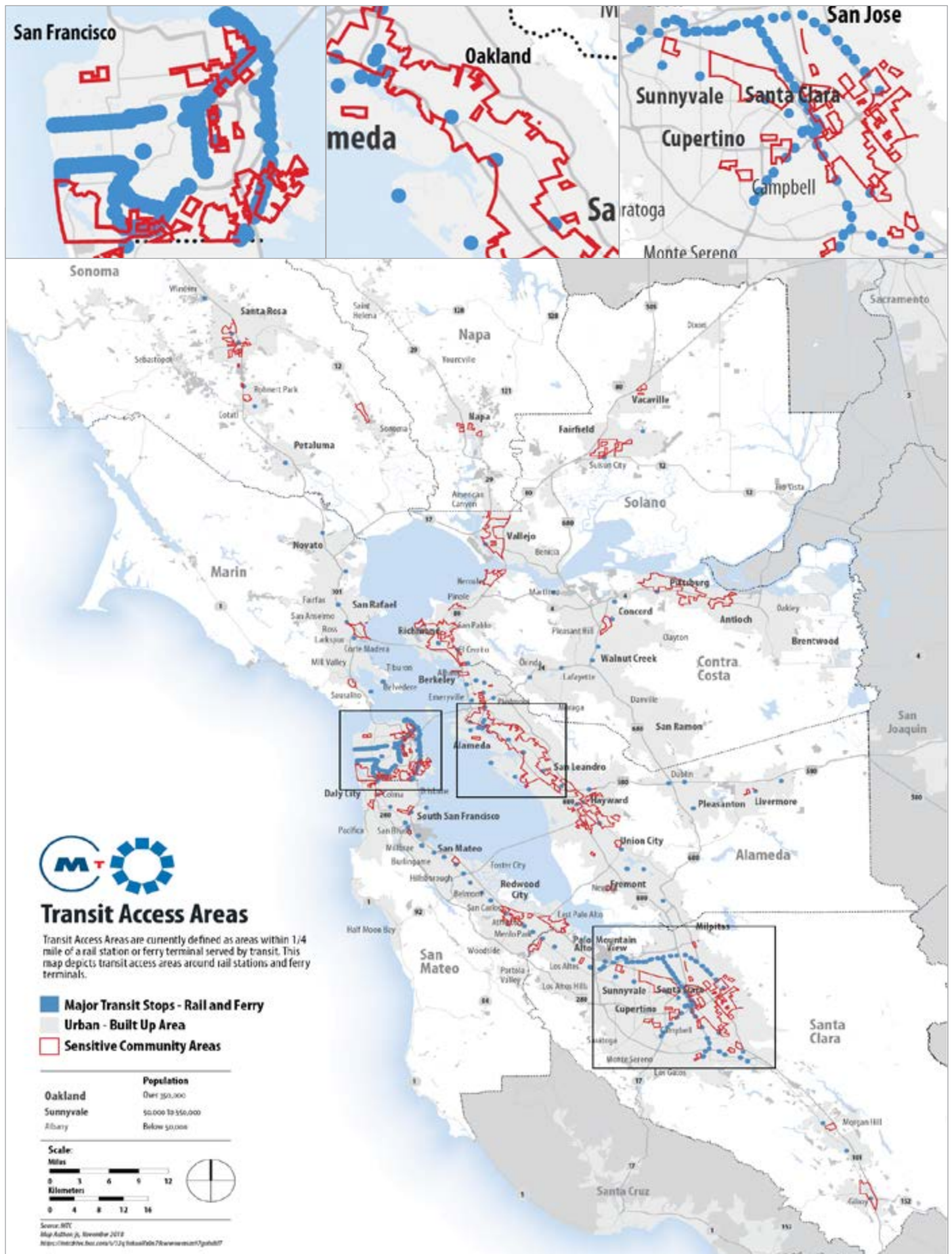
Tenant Protections and Preservation All sites rezoned under this policy should be subject to tenant protections, demolition controls and no net loss provisions. Sites occupied by a mobile home park, public housing, or Single Room Occupancy (SRO) built prior to the effective date of the enabling legislation should not be eligible for rezoning.

Affordable Housing Requirements Onsite affordable housing should be required at levels not less than state density bonus law. Projects with 10-20 units should have the option to pay an in-lieu fee. This in-lieu fee should be deferred or waived for units that are sold or rented at or below missing middle income levels. This fee should be imposed at the time of sale. Funds generated by this fee should be deposited into a local or regional housing fund.

Sensitive Communities If a major transit stop is located in or adjacent to a sensitive community, up-zoning above 36’ should be automatically deferred for a period of up to 5 years while the jurisdiction develops a context-sensitive plan for that community. If the community so chooses, it may opt into up-zoning to 55’ without a deferral period or community plan. The decision to opt in should be made by the local legislative body (city council or board of supervisors) and must involve consultation with residents of the sensitive community and at least one public hearing. Sensitive community areas represent the intersection of disadvantaged and vulnerable communities as defined by the following Bay Area regional agencies: MTC and the SF Bay Conservation and Development Commission (BCDC). See Figure 5 for the map of these Transit Access and Sensitive Community Areas.

Labor Standards The residential development shall comply with all applicable labor, construction, employment, and wage standards otherwise required by law and any other generally applicable requirement regarding the approval of a development project, including, but not limited to, the local government’s conditional use or other discretionary permit approval process, the California Environmental Quality Act, or a streamlined approval process that includes labor protections.

Figure 5: Map of Transit Access and Sensitive Community Areas



Compact Element #6 — Good Government Reforms to Housing Approval Process

Brief Summary Establish ‘good government’ standards for the entitlement and permitting of zoning-compliant residential projects. Require transparency and consistency in how residential impact fees are set and enforced. Figure 6 shows how complicated the approval process for housing can be in California.

Desired Effect Research by the UC Berkeley Turner Center for Housing Innovation demonstrates that local government impact fees and inclusionary requirements, when combined with regulatory uncertainty and record-high construction costs, have made it economically infeasible to build a standard mid-rise housing project in many parts of the Bay Area. The American Planning Association recommends that local governments should restore direct reliance on adopted plans and create transparency, predictability, reliability and timeliness to the housing approvals process.

References and Model Policies CASA Action Plan 12.1; Turner Center Report on Fee Costs; Berkeley Law Land Use Study; Roseville fee transparency

DETAILED PROPOSAL

Standards for Processing Zoning-Compliant Residential Applications with Fewer than 500 Units Local jurisdictions should be required to process zoning-compliant residential development applications in accordance with the following standards:

- Each jurisdiction should create and maintain an up-to-date listing of all rules, codes and standards that apply to residential development applications. This information should be made available online and in print.
- Rules, fees and historic status should be locked at the date of application completeness which shall be defined as providing only the elements on the agency’s written application material.
- The jurisdiction should require no more than three de novo public hearings on a zoning-compliant residential application.
- Building permits should expire if not used in 24 months, with flexibility to adapt to changing economic conditions and other extenuating circumstances.
- Jurisdictions should apply the Housing Accountability Act’s standards for project consistency and remedies.

Standards for Impact Fees State law should create a set of uniform standards and requirements for Bay Area jurisdictions to follow when imposing impact fees on new residential development, as recommended by the UC Berkeley Turner Center:

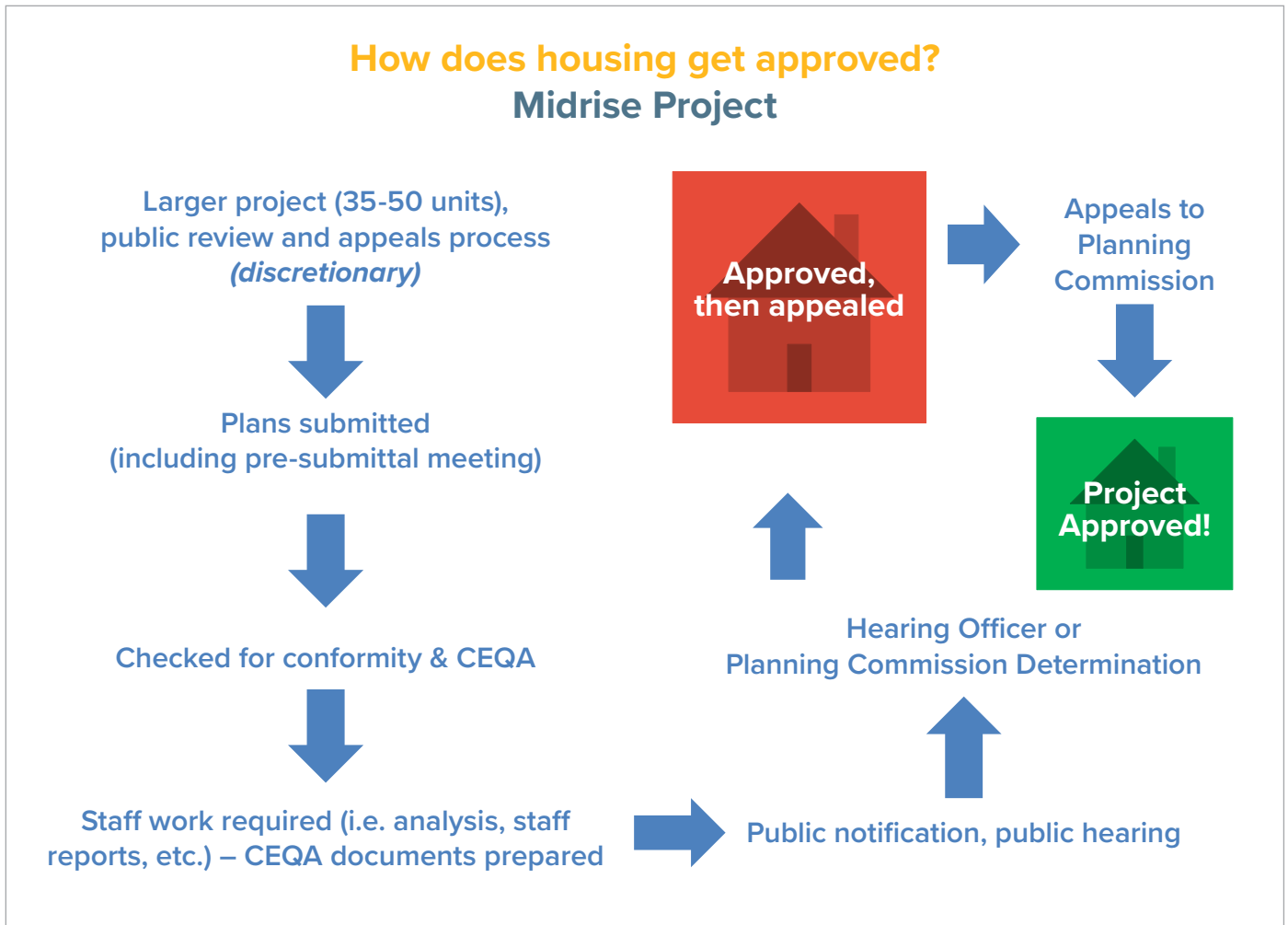
- Every jurisdiction should conduct a comprehensive review and assessment of their fees to better understand the aggregate costs imposed.
- When determining the amount of fees to charge to new residential projects, jurisdictions should adhere to a standardized methodology and set of objective standards, rather than the current “reasonableness” test which is overly broad.
- Every jurisdiction should create and maintain an up-to-date fee schedule in a publicly accessible format.
- Adopt fee deferral programs which allow builders to pay some fees later in the development process.

Standards for Inclusionary Zoning State law should establish that programs which require inclusion, such as density bonus, local inclusionary requirements, housing impact fees and in-lieu fees, should not be additive. Require that in-lieu fees should be an option for fulfilling inclusionary requirements imposed without the density bonus. Existing local policies should be grandfathered in.

Standards for Downzoning and Moratoria The State should create standards that govern the circumstances in which local governments downzone or impose building moratoria in existing or planned residential neighborhoods in urbanized areas. Such actions run counter to state housing law and should only be undertaken to address an immediate crisis, such as a health and safety hazard or protection of low-income families at risk of displacement.

Report Impositions That May Suppress Housing above the Hard Cost of Housing Construction Jurisdictions should annually document all local agency impositions that increase the hard cost (excluding labor and materials) of housing construction, including fees and inclusionary zoning requirements. This information should be included in the jurisdiction’s annual Housing Element report.

Figure 6: Typical Local Housing Approval Processes and Timeframes



Source: the Turner Center for Housing Innovation, UC Berkeley, 2018

Compact Element #7 — Expedited Approvals and Financial Incentives for Select Housing

Brief Summary Ensure timely approval of zoning-compliant housing projects and create financial incentives for enabling on-site affordability and prevailing wages. This streamlining policy will provide another option for projects that may not benefit from SB 35. This policy does not amend or replace SB 35. Allow Sensitive Communities to defer implementation while they develop a context-sensitive plan.

Desired Effect This policy would make it possible to build more housing projects while addressing the critical shortage of housing labor, curbing unsafe labor practices, and providing on-site affordability for missing-middle income ranges that are not eligible for other sources of subsidy. By harnessing future tax increment from the proposed housing development itself, local jurisdictions can get more affordable units built with less public subsidy. All taxing agencies will benefit from the multiplier effect of new construction beyond the project site. By providing expedited approvals, these projects will be approved and built more quickly. The intent of this element is that it does not overrule local inclusionary zoning.

Models and References SB 35 (Wiener,2017); New York tax abatement; Action Plans Referenced 12.2, 12.3, 17.1, 17.2

DETAILED PROPOSAL

Streamlined Review Process state law should create a new, expedited review process for residential projects that meet thresholds outlined below. These projects should be granted a statutory CEQA exemption and should be subject to a limited discretionary review process. Projects should be approved within one year and should be subject to no more than three de novo public hearings.

Qualifying Projects To qualify for streamlined review, projects should meet all of the following criteria:

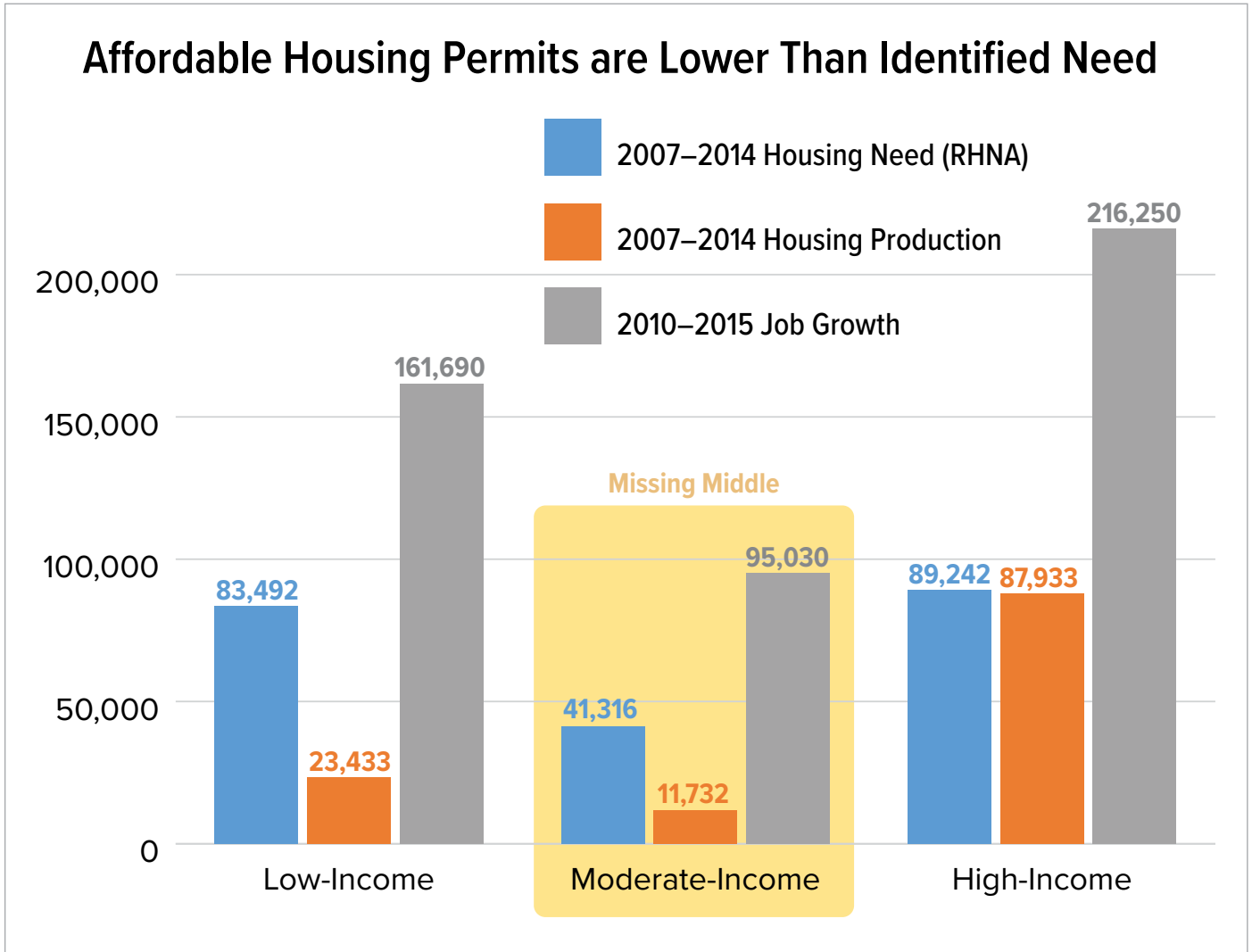
- Complies with existing zoning standards;
- Located in an existing urbanized area;
- Eligible sites as defined in SB 35;
- Restricts at least twenty percent (20%) of onsite housing units to middle-income households through recorded long-term deed restrictions (that may range from 80% to 150% of AMI depending on localized rents and market conditions) with an average affordability not to exceed 110% AMI;
- Provides prevailing wages and safe working conditions for all workers;
- Utilizes apprentice labor to grow the construction workforce;
- Complies with all proposed labor standards contained in SB 35 and shall include prevailing wages and trained apprentices to help grow the construction workforce.

Financial Incentives to Offset Costs Qualifying projects should receive financial incentives to offset the costs associated with providing income-restricted housing units and higher wages. Incentives could include some combination of the following:

- Fifteen years of property tax increment abatement, modeled on the New York City program. Abatement should be structured so that units rented or sold at missing middle prices (i.e., 150% AMI or less) receive full abatement, and units rented or sold above this shall receive a lesser abatement (i.e., 50% -75% abatement)
- Cap impact fees at a reasonable level that allows project feasibility targeted to regional median
- Density bonus of 35%
- Parking reduced to 50% of local requirement (at the discretion of the developer)
- Relief from strict liability standards for ownership housing

Sensitive Communities Implementation of this policy in sensitive communities should be automatically deferred for a period of up to 5 years where the local jurisdiction should develop a context-sensitive plan for that community. If a Sensitive Community so chooses, it may opt to implement this policy effective immediately. The decision to opt in should be made by the local legislative body (city council or board of supervisors) and must involve consultation with residents of the sensitive community, and at least one public hearing. Sensitive community areas represent the intersection of disadvantaged and vulnerable communities as defined by the following Bay Area regional agencies: MTC, SF Bay Conservation and Development Commission (BCDC), and the Bay Area Air Quality Management District. See Figure 5 for the map of these Transit Access and Sensitive Community Areas.

Figure 7: Regional Housing Production is Worst for the “Missing Middle”



Compact Element #8 – Unlock Public Land for Affordable Housing

Brief Summary Promote increased utilization of public land (surplus and underutilized) for affordable housing through a variety of legislative and regulatory changes, as well as the creation of new regional coordination and planning functions.

Desired Effect Encourage the reuse of public land for creation of mixed-income/affordable housing by reducing barriers to development on public land. See Figure 8 for the largest public agency landowners near public transit.

References and Models Action Plans 16.1; 16.2; Puget Sound region including Seattle; Enterprise; MTC/ABAG Study.

DETAILED PROPOSAL

Support reforms introduced in AB 2065 (Ting, 2017)

- Respond to the issue of charter cities and the requirement that all cities comply with State surplus lands law
- Create clear definition of “surplus” and “underutilized.”
- Require cities, counties, State agencies, and all public agencies to create a full inventory of their publicly-owned sites and report them to HCD.
- Direct HCD to develop a statewide public lands database that will include all publicly-owned sites in the State of California, starting with a pilot in the Bay Area. The database will also include information on present uses. HCD would enforce a revised State Surplus Land Act with referral power to the Attorney General’s Office for infractions.

Amend State Housing Element Law to:

- Allow residential uses on all developable public land, regardless of zoning, by establishing a presumption in Housing Element Law that homes may be built on public land meeting certain criteria (e.g., not parkland).
- Require that Housing Elements include a discussion of the jurisdiction’s policies and plans to encourage the development of affordable housing on these sites.
- Require jurisdictions to report annually through housing element progress reports how they disposed of public and surplus sites.
- State and regional agencies should give preference in screening and scoring projects for discretionary funds to public agency project sponsors that dispose of surplus lands for affordable housing.

Regulatory and Process Changes

- Require State agencies to comply with the State Surplus Land Act and make surplus and underutilized property available for affordable housing, including deploying 10% of underutilized/surplus property for affordable housing on an annual basis.
- Amend State law time frames for surplus land disposition to expedite the process to no more than 24 months.
- Competitive funding programs for affordable housing, including the Low-Income Housing Tax Credit (LIHTC) and Affordable Housing & Sustainable Communities (AHSC) programs, should reward additional points to projects that propose affordable development on public land.
- The State of California should review its spatial guidelines for public facilities (i.e., schools) to evaluate potential for changes that could open up land for housing without compromising the quality of on-site public services.

Labor Standards Public lands released for housing should include policies that help expand the trained labor pool available for housing construction including requirements for trained apprentices and prevailing wages. Exceptions to these requirements should be made for temporary housing built to address an emergency, and for housing built with volunteer labor (see Labor Code § 1720.4). Temporary housing shall be defined as follows:

- Designed and constructed to be relocatable and transportable over public streets.
- Floor area of 500 square feet or less when measured at the most exterior walls.
- Sited upon a temporary foundation in a manner that is designed to permit easy removal.
- Designed to be removed within three (3) years of installation.

Figure 8: **Top Ten Landowners for Publicly-Owned Parcels Suitable for Housing Near Transit**

Publicly-Owned Land		
Landowner	Number of Parcels	Total Acres
Bay Area Rapid Transit (BART) District	91	229
Santa Clara Valley Transportation Authority (VTA)	26	178
State of California	17	42
City/County of San Francisco	18	26
San Mateo County Transit District (SamTrans)	11	18
Union City Community Redevelopment	6	15
County of Santa Clara	7	15
City of Oakland	19	10
City of San Jose	5	8
Suisun City	17	8
Total	217	548

Source: MTC

Compact Element #9 — Funding and Financing the CASA Compact

Brief Summary Raise \$1.5 billion in new revenue annually from a broad range of sources, including property owners, developers, employers, local governments and the taxpayers, to fund implementation of the CASA Compact. While not all revenue ideas in Figure 9 will be implemented, no one sector would bear the burden on its own. No more than one revenue idea should be implemented under each of the five categories.

Desired Effect The Compact identifies a range of strategies to protect tenants, preserve affordability and produce new units. Many of the strategies, such as “Access to Legal Counsel,” building 14,000 new subsidized housing units annually, and preserving 26,000 market-rate units as permanently subsidized units for lower-income households, require an infusion of new revenue.

References and Models The entire CASA Compact

DETAILED PROPOSAL

Funding gap CASA estimates that the funding gap to implement the Compact is \$2.5 billion per year over the next 15 years. CASA proposes to meet \$1.5 billion of this deficit with regional and local self-help measures. The remainder would be funded from additional state and federal sources. Any regional impositions that duplicate similar local impositions shall be reduced proportionally.

Potential sources New revenue could be raised through fees or taxes. In principle, new revenue would be raised from a range of sources to spread the responsibility among different sectors of the economy. These sources may include property owners, developers, employers, local governments and taxpayers. CASA also recommends exploring with other stakeholders whether a ‘mega measure’ involving transportation and housing could be pursued. The Compact identifies a menu of options (for further details see Figure 9)

- A. **Vacant Homes Tax** levied on property owners;
- B. **Parcel Tax** levied on property owners (residential and commercial);
- C. **Commercial Linkage Fee** charged to developers;
- D. **Gross Receipts Tax** levied on employers;
- E. **Head Tax** levied on employers;
- F. **Revenue Set Asides for Redevelopment Agencies** (local governments);
- G. **Revenue Sharing Contribution** into a region-wide housing program for local governments;
- H. **1/4-cent Sales Tax**; and
- I. **General Obligation Bonds**, reissued every five years.

Allocation formula New revenues would be allocated by the following shares:

- Up to 10 percent for local jurisdiction incentives (including funding for hiring more building inspectors);
- Up to 10 percent for tenant protection services;
- Up to 20 percent for preservation; and
- A minimum of 60 percent for subsidized housing production.

Distribution formula New revenues would be distributed by the following shares (total expenditures would still meet the allocation formula (see above), and be subject to objective performance standards and outcomes):

- 75 percent to county of origin (return to source); and
- 25 percent to a regional program (revenue-sharing).

Labor Standards Public funding through CASA shall include a requirement for trained apprentices and prevailing wages. Projects under a certain size should be required to comply with existing wage and labor laws and standards.

Administration Revenue collection and disbursement would be managed by the Regional Housing Enterprise (RHE) described in Compact Element #10. New revenue would be authorized based on fund source but may include state enabling legislation, a decision of the RHE board, or a vote of the people in the Bay Area.

Figure 9: Funding Options



Compact Element #10 — Regional Housing Enterprise

Brief Summary Establish a regional leadership entity to implement the CASA Compact, track and report progress, and provide incentives and technical assistance. The entity must be governed by an independent board with representation from key stakeholder groups that helped develop the Compact. The housing entity would not play a regulatory/enforcement role.

Desired Effect Existing regional agencies either do not have the mandate (e.g., the Metropolitan Transportation Commission) or the resources/tools (e.g., the Association of Bay Area Governments) to directly tackle the region's pressing displacement and affordable housing crisis. The CASA Compact will set a bold region-wide agenda for addressing protection of existing tenants, preservation of existing affordable units and production of both market-rate and subsidized units. To implement this agenda, a broad coalition of stakeholders, who have helped shape the CASA Compact, must stay engaged with state legislative advocacy, building support for raising new revenue and financing programs, tracking and monitoring progress, keeping the public engaged, and taking a regional approach to challenges such as homelessness. A regional approach can balance inequities and imbalances across multiple jurisdictions that have to contend with varying market strengths, fiscal challenges and staff expertise.

Models New York City Housing Development Corporation (housing finance); Twin Cities (revenue-sharing)

References The entire CASA Compact

DETAILED PROPOSAL

Board Structure and Governance CASA recommends establishing a Regional Housing Enterprise (RHE) to coordinate and lead implementation of the CASA Compact. State law should establish an independent board, with broad representation from MTC, ABAG and key stakeholder groups that helped develop the CASA Compact. See Figure 10 for a graphic depiction of the RHE.

Authority The state should form the RHE through an act of legislation and give it authority to collect new revenue (through fees or taxes); disburse the revenue to programs and projects in the expenditure plans (consistent with the CASA Compact); purchase, lease and hold land; and provide direct assistance. The RHE will not have regulatory authority.

Roles and Responsibilities

Revenue administration and debt issuance – Using the authority to levy fees and seek voter approval to impose taxes for housing, the RHE may collect and disburse new funding, issue debt as needed, and allocate funding to protection, preservation and production programs, as laid out in the CASA Compact.

Land leasing and disposition – The RHE may act on behalf of the related public agency to lease or purchase land for housing development and assemble parcels, when appropriate. The RHE may hold and bank land, based on market conditions.

Monitoring and reporting – The RHE will coordinate with MTC/ABAG and local jurisdictions to collect specified data (including on local housing performance), conduct research and analysis, and disseminate information as part of its monitoring and reporting role. The RHE may also conduct an evaluation of its program to improve stated CASA outcomes.

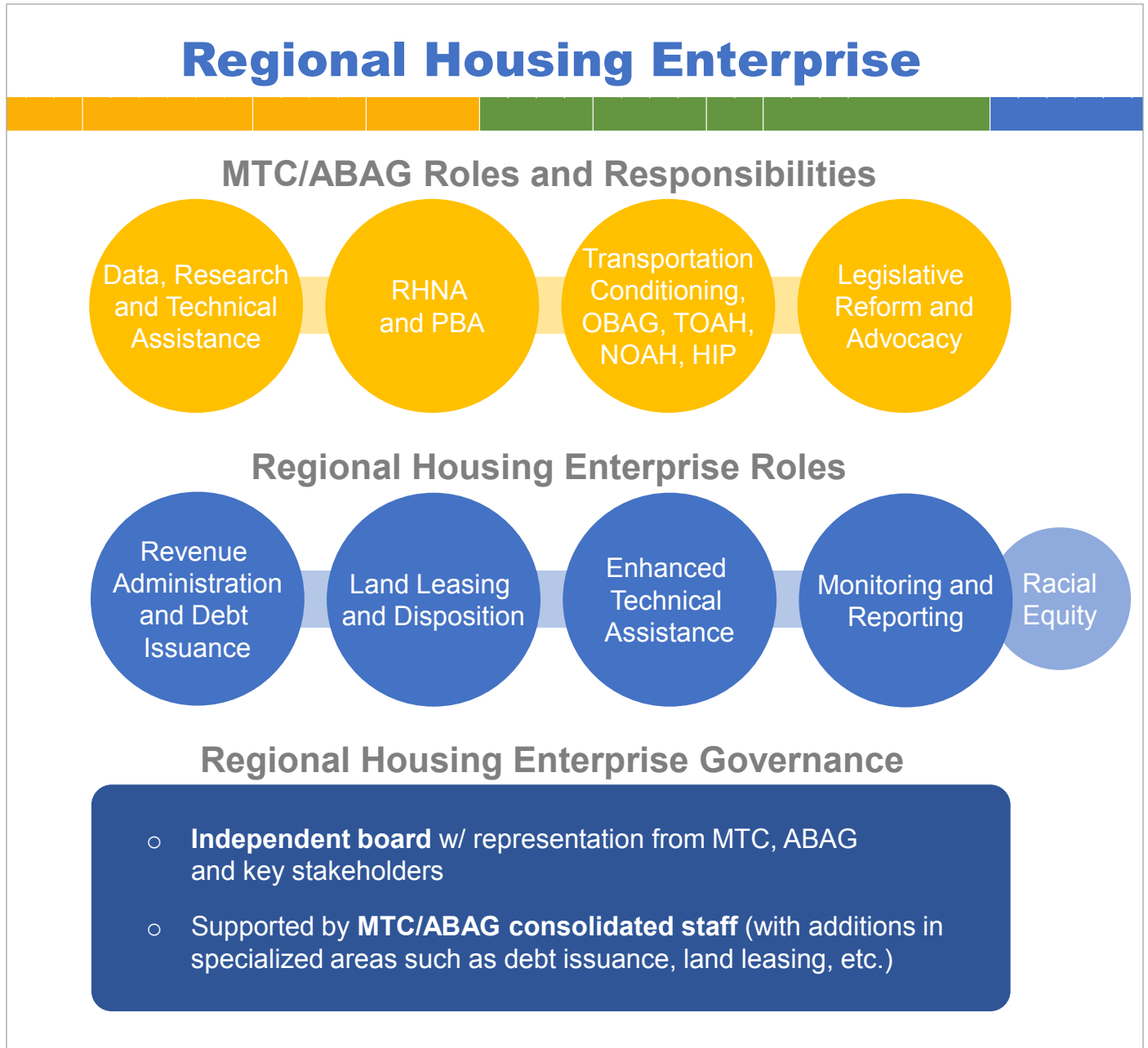
Enhanced technical assistance – The RHE may coordinate with MTC/ABAG to provide extensive support and technical assistance to local jurisdictions (especially smaller jurisdictions with limited staff capacity), education and awareness for stakeholders (such as tenants and landlords), and communication materials for the broader public.

Oversight of protections programs – While the RHE will not have an administrative role in implementing tenant protection policies, the board would provide oversight when allocating funding.

Staffing The RHE will be supported by the consolidated staff of MTC/ABAG, with additional staff added in specialized areas such as debt issuance, land leasing and disposition, financing projects, etc.

Administration This state-enabled policy package in the CASA Compact will be implemented by the RHE. Some capacity would be needed at the local and county-level to implement the protection strategies.

Figure 10: **Regional Housing Enterprise**



Calls for Action

The CASA Compact sets a bold region-wide agenda for addressing the protection of existing tenants, preservation of existing affordable units and production of both market-rate and subsidized units. The CASA Compact Elements represent key reforms that were developed through an intensive 18-month process encompassing multiple stakeholders and constituencies. Supportive state action on the issues outlined below in concert with the implementation of the CASA Compact will fundamentally “turn the tide” on the Bay Area’s housing crisis.

Call for Action: Redevelopment 2.0

Background: The elimination of redevelopment agencies in California severely restricted the production of affordable housing and market rate housing in the Bay Area. Prior to dissolution, redevelopment agencies in the region provided \$200 million in annual funding for affordable housing that was highly leveraged with other funding sources. In addition, redevelopment agencies provided funding, expertise and infrastructure to advance the production of market rate housing in mixed-use, infill developments. CASA supports the development of a new redevelopment framework to advance the production of extremely low, very low, and low-income housing, and to leverage funding for mixed income, infill housing.

CASA Call for Action: Pass legislation enabling the re-establishment of redevelopment in California to provide a significant source of new funding for affordable and mixed income development. Redevelopment agencies should be focused on development activities that are audited regularly, with local projects subject to state level reviews. A new redevelopment framework in California should reinforce a strong link between housing and jobs and transit. Funding should be designed to leverage other sources, including new regional funding through the implementation of the CASA Compact.

References: The entire CASA Compact

Call for Action: Lower the Voter Threshold for Housing Funding Measures

Background: Bay Area voters have demonstrated — through their past approval of major transportation, school, housing, and water bonds — that they understand the importance of investing in the region’s future. Although Bay Area voters have passed a significant number of funding measures to expand the supply of affordable housing, on too many occasions an overwhelming majority of voters have supported new funding but the final tally fell short of the two-thirds majority needed for approval under current state law. When provided the opportunity, voters supported lowering the voter threshold for school bonds to a 55 percent vote. The well-being of California’s children was a motivating factor in lowering the voter threshold for school funding. Ensuring that future generations, our children and grandchildren, have the housing opportunities they will need to remain in the Bay Area is a central purpose of the CASA Compact.

CASA Call for Action: Pass legislation that will provide voters statewide with the opportunity to apply a 55 percent threshold for investments in affordable housing and housing production. This legislative priority is critical to the successful implementation of the CASA Compact — and to the Bay Area’s prosperity and quality of life.

References: The entire CASA Compact

Call for Action: Fiscalization of Land Use

Background: Under Proposition 13, local jurisdictions in California are “paid more” for commercial land uses than for housing. This “fiscalization of land use” is a central factor in the Jobs-Housing Imbalance that exists in the Bay Area resulting in long commutes, traffic congestion and a diminished quality of life for millions of Bay Area residents. The California Tax Code in effect punishes cities that build more housing and rewards cities that build commercial space without commensurate housing for workers and their families. To address the revenue imbalance related to new housing, jurisdictions have raised impact fees and other development requirements that make housing even more expensive so that cities and counties may maintain infrastructure and provide for the needs of existing residents.

CASA Call for Action: Pass legislation that will return e-commerce/internet sales tax revenues to the point of sale — not the point of distribution as currently mandated — to provide cities that have a significant residential base with a commensurate fiscal stimulus for new housing. Also pass legislation that will change the Proposition 13 property tax allocation formula to provide jurisdictions building more housing with a higher share of property tax revenue.

References: CASA Elements # 9 and # 10.

Call for Action: Homelessness

Background: The Bay Area has one of the largest and least sheltered homeless populations in North America. The proliferation of homeless encampments from select urban neighborhoods to locations across the region is the most visible and arguably disheartening manifestation of the Bay Area's extreme housing affordability crisis. Although this is one of the most prosperous regions in the world, every night thousands of people sleep on our streets. The complexity and scale of homelessness in the Bay Area has increased exponentially as previously housed people including families with children, veterans, and senior citizens cannot find shelter. In the nation's most expensive housing market, commonplace life circumstances (e.g., illness, job loss, and separation/divorce) result in too many of our neighbors being unable to afford monthly rent, resulting in a downward spiral to homelessness.

CASA Call for Action: California is experiencing an affordability and housing crisis that is negatively impacting thousands of Californians. The work of CASA has endeavored to put forth a package of policy interventions to house the Bay Area. Homelessness is a humanitarian crisis that is deeply impacting the entire Bay Area. CASA recognizes that homelessness is a regional issue that requires alignment across geographies in order to tackle this problem. CASA's funding package must include resources that help produce housing for formerly homeless people, prevent homelessness when possible and make homelessness rare, brief and non-reoccurring.

References: The following CASA Elements include measures to reduce the region's unsheltered population, provide more temporary options for homeless housing, and streamline approvals of permanent homeless housing developments which are often strongly opposed by project neighbors:

CASA Elements 1,2,3 - Tenant Protections: Critical to stabilize households and reduce displacement from housing that has caused a significant rapid rise in the unsheltered population.

CASA Element 4 – Accessory Dwelling Units (ADUs)/Tiny Homes: Create more housing options for populations vulnerable to economic setback, including seniors or their family members, disabled family members, students and Section 8 recipients, by allowing more of the smallest naturally affordable home types in every neighborhood.

CASA Elements 5, 6, 7- Up-zone and streamline to increase income restricted and market rate housing options and reduce displacement and upward rent pressure on existing homes and neighborhoods.

CASA Element 8 - Public land: Encourage immediate disposal of more public land for affordable housing to create more sites and reduce the subsidy needed.

CASA Element 9 - Public funding: More funding for the preservation and production of affordable housing, the provision for new tenant protection measures, and new permanent supportive housing.

Call for Action: Grow and Stabilize the Construction Labor Force

Background: Growing the construction labor force and improving labor force productivity is critical to expanding the supply of housing. By increasing the safety and desirability of construction work, and thereby expanding the pool of available workers and contractors, we can grow the labor force without which we cannot increase housing production. The following are recommended by CASA as a starting point. We also recommend ongoing work to implement the CASA recommendations in a manner which creates an effective and coordinated regional and State response to the need for a larger construction labor force.

CASA Call for Action:

1. Grow the workforce by increasing apprentice training, placement, and payment of prevailing wages when direct public funding, public land, fee abatement, tax abatement, CEQA exemptions, and other fiscal/economic development incentives are provided for housing (Compact items 7, 8, 9).
2. Discourage the underground economy and require compliance with existing wage and workforce laws (Compact items 4, 5).
3. Create a CASA/State labor workgroup charged with coordinating implementation of CASA policies and needed labor force expansion consistent with CASA principles.
4. Call upon the State to use its workforce development and training programs to improve the construction employment pipeline and create improved pathways from secondary education into apprentice training programs.

References: Compact Elements 4, 5, 7, 8 and 9.

Local Best Practices

This section describes local best practices that are relevant to the CASA Compact.

Protection, Preservation and Production (3-Ps) Framework

While many jurisdictions in the Bay Area focus on one or two of three Ps, the City of Oakland was one of the first to codify the 3-P framework in a citywide policy developed through a multi-stakeholder process. The underlying policy outcome for Oakland was to address housing insecurity in a rapidly changing community that faces both historic disinvestment as well as very high displacement pressures.

City of Oakland

In 2016, the Oakland Housing Cabinet developed a comprehensive plan, called *Oakland at Home – Recommendations for Implementing A Roadmap Toward Equity*, to address the city’s chronic housing affordability and homelessness crisis. The plan outlines a three-pronged strategy to protect renters, preserve existing affordable housing by taking it off the speculative real estate market and produce more affordable and market-rate housing. The plan identifies several strategies under each “P” designed to significantly improve housing affordability in Oakland. CASA borrowed this concept from Oakland’s plan to form the three Ps framework.

Rent Stabilization

13 jurisdictions in the Bay Area have adopted some form of rent stabilization policies. This section highlights two such examples, in the City of Richmond and County of Sonoma.

City of Richmond

In 2016, Richmond residents approved Measure L, which established the *Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance*. The ordinance applies to all multifamily properties, including duplexes. The annual rent increase is set at 100% of the Consumer Price Index. Landlords are required to file all notices of rent increase, termination of tenancy, and change of terms of tenancy notices with the Rent Program. Landlords and tenants may petition the *Rent Board* for an Individual Rent Adjustment.

The city established a Rent Board, an appointed governing body, and a Rent Program Department to administer the program. The department is set up to function on a cost-recovery basis, with no financial assistance from the city’s general funds. Funding for the department comes from the Rental Housing Fee, which must be paid by all Richmond landlords on an annual basis.

City of Santa Rosa and County of Sonoma

On October 9, 2017, the Governor of California issued an Executive Order declaring a state of emergency in Napa and Sonoma Counties due to widespread damage caused by wildfires. California Penal Code section 396 prohibits price gouging (defined as increases over 10%) for necessary goods and services after the governor declares a state of emergency, including rental housing and hotels.

The City of Santa Rosa adopted additional protections for tenants, which allow renters to file civil lawsuits for violations. The county also adopted protections for tenants in mobile home parks. In addition, the county adopted several *Urgency Ordinances* to address the immediate need for housing for persons displaced by the wildfires. The Urgency Ordinance allows: the use of recreational vehicles and trailers as homes, with an emergency temporary permit; a Safe Parking Program for RVs, trailers and campers, to be parked overnight on county-owned land (basic services such as bathrooms, showers, and warming stations are provided); year-round occupancy in seasonal farmworker housing; replacement schools and child care centers in specific zones without a use permit; and long-term rental of bed and breakfasts, inns, resorts.

Just Cause Eviction Protections

Ten jurisdictions in the Bay Area have already adopted some form of just cause eviction protections for renters. This section highlights one such example, in the City of East Palo Alto.

City of East Palo Alto

East Palo Alto has adopted both a *Just Cause for Eviction* as well as a *Rent Stabilization Ordinance* to protect tenants in the city from harassment and displacement due to rising market pressures on the city’s existing housing stock. The just cause policy applies to both mobile home parks and residential rental units, including single family dwellings. The ordinance identifies fourteen just causes for eviction, establishes a noticing and filing requirement (with the city rent board) and gives tenants the right to request documentation of all rent payments and charges. The program is funded entirely through fees, half of which are passed on to tenants.

Access to Legal Counsel

City and County of San Francisco

In June of 2018, San Francisco voters approved Proposition F that guarantees free legal representation for any renter facing eviction, regardless of income. Proposition F calls for full-scope representation within thirty days of an eviction notice or filing of an unlawful detainer action. San Francisco estimates that as many as thirty-five hundred tenants a year will be eligible for the free services, for which it earmarked \$5.8 million over the first two years of the program. San Francisco also currently spends \$4.4 million a year on eviction-related services such as counseling, education, outreach and basic no-cost or low-cost legal services.

Rent Assistance

Twenty-six jurisdictions in the Bay Area provide some form of tenant assistance. This section highlights one such example, in the County of Sonoma.

County of Sonoma

The county's *Home Tenant-Based Rental Assistance Program* (TBA) provides rent subsidies to homeless families in shelters, survivors of domestic violence, seniors and persons with HIV/AIDS. Only very low-income individuals are eligible to receive this assistance. They are referred by emergency shelters, transitional shelters, non-profit service providers, the County's Human Services Department and the Division of Adult and Aging Services. The TBA program is administered similarly to the US Department of Housing and Urban Development's Section 8 program.

Acquisition and Rehabilitation of Affordable Units

Thirty jurisdictions in the Bay Area have established some form of a preservation program to support acquisition, rehabilitation and protection of affordable units occupied by low-income renters. This section highlights one such example, in the City and County of San Francisco.

City and County of San Francisco

Launched by the Mayor's Office of Housing and Community Development in 2014, San Francisco's *Small Sites Program* (SSP) is an acquisition and rehabilitation loan program for small multifamily rental buildings. The program was created to protect and establish long-term affordable housing throughout San Francisco. SSP is funded through multiple sources, including voter-approved bonds, inclusionary housing fees, and the city's *Housing Trust Fund*. As of May 2018, the program has acquired 160 units in 25 buildings, serving 327 residents that earn less than 65% of the Area Median Income. The units are located in the following neighborhoods: the Mission District, Downtown/Civic Center, South of Market, Castro/Upper Market, Haight Ashbury, Bernal Heights and Richmond.

Homebuyer Assistance

Twenty-eight jurisdictions in the Bay Area have established some form of a homebuyer program. This section highlights two such examples, in the cities of Napa and Oakland.

City of Napa

Napa's *Down Payment Assistance Program*, funded with grants from the State of California Department of Housing and Community Development, provides assistance to lower-income first time home buyers in the form of a silent (deferred) loan of up to \$150,000. To qualify, an applicant must meet income and credit restrictions and cannot have owned a home in the last three years. Homes must be located within city limits and cannot be bigger than 3 bedrooms and 2 baths.

City of Oakland

Hello Housing, a regional non-profit organization, has partnered with the City of Oakland and the Alameda County Treasurer-Tax Collector's Office, to acquire and convert formerly blighted and tax-defaulted properties into permanently affordable housing for low-and-moderate income residents. Hello Housing and three local developers have acquired 26 vacant properties, a majority of which will be developed into single-family homes for ownership and two properties into multifamily affordable rental units to house approximately 15 to 20 families. Construction on the first homes is now underway with occupancy on many of the homeownership properties expected in late 2018 and early 2019.

Permit Streamlining

Fifty jurisdictions in the Bay Area have adopted some form of permit streamlining policies. This section highlights two such examples, in the County of Sonoma and the City of San Jose.

City of Santa Rosa and County of Sonoma

In the aftermath of the wildfires in Sonoma in 2017, the City of Santa Rosa adopted multiple policies to expedite the permitting process for those who wanted to rebuild. These included: establishing a *Resilient City Permit Center* with dedicated staff; exemptions from environmental review; expansion of damaged nonconforming residential structures to added living areas, ADUs, and JADUs; increasing the allowable residential floor area in mixed-use projects from 50 to 80 percent; and delaying collection of fees until near occupancy. The county also established a *Resiliency Permit Center* to expedite permitting, and relaxed rules related to accessory dwelling units (ADUs).

City of San Jose

In 2014, the City of San Jose formed an ad-hoc committee to explore permit streamlining for small businesses as well as for major projects. Based on the committee's recommendations, the city created a planning desk dedicated to small projects and recently established an electronic plan review system to simplify permitting. The electronic system has resulted in time and cost savings for both the city as well as the applicant. The system provides real-time updates on the status of the approval process.

Fee Waiver

Twenty-six jurisdictions in the Bay Area offer some form of fee waivers to housing developers. This section highlights one such example, in the City of Sunnyvale.

City of Sunnyvale

Sunnyvale charges all new rental housing projects an impact fee of \$9 to \$18 per habitable square feet. If a developer opts to provide affordable units on-site instead of paying the housing impact fee, the city credits the developer \$300,000 per very low-income unit and \$150,000 for every low-income unit, up to the total housing impact fee amount owed by the project. In case any fee obligation remains after the affordable unit developer credits are applied, the developer may opt to provide additional affordable units to reduce the fee to zero.

These developer credits are based on the subsidy amounts required to develop affordable units, which the 2014 rental impact fee nexus study determined to be \$302,496 for a very low-income unit and \$146,233 for a low-income unit. The city also waives the park and recreation fee for affordable units.

Housing Overlay Zoning

Twenty-four jurisdictions in the Bay Area have adopted some form of a zoning overlay for housing projects. This section highlights one such example, in the City of Menlo Park.

City of Menlo Park

Menlo Park's *Affordable Housing Overlay (AHO)* zone was established to encourage the development of housing for low, very low and extremely low-income households on housing opportunity sites identified in the city's adopted Housing Element. The AHO establishes development standards for these sites and is designed to benefit all affordable housing projects, including market-rate developments that provide a higher share of low- and very low-income units than what is called for in the State's *Density Bonus Program*.

New Revenue and Organizational Capacity for Housing

Multiple cities and counties in the Bay Area have raised new revenue for housing in the last two election cycles and/or adopted a regional or sub-regional approach to solving the housing crisis. This section highlights four such examples, in the counties of Santa Clara, San Francisco, Alameda and Sonoma.

County of Santa Clara

In June 2016, Santa Clara voters approved Measure A, a \$950 million affordable housing bond program to build and preserve 5,000 affordable housing units countywide. The bond proceeds will help stabilize housing for the county's most vulnerable populations including veterans, seniors, the disabled, low and moderate-income individuals or families, foster youth, victims of abuse, the homeless and individuals suffering from mental health or substance abuse illnesses. Measure A priorities include advancing supportive housing for special needs populations, including homeless and chronically homeless persons and increasing housing supply for extremely low-income populations.

As of June 2018, the first year of implementation, the county approved \$111 million for 10 projects that will add more than 800 multifamily units in 6 cities. The county also approved \$25 million for a first-time homebuyer program.

City and County of San Francisco

In November 2018, San Francisco voters approved Proposition C, a business tax measure, which will generate up to \$300 million per year to fund homelessness services. Businesses with over \$50 million in gross annual receipts will pay a tax equal to 0.175 percent to 0.69 percent of their gross receipts. Businesses with over \$1 billion in gross annual receipts and those with administrative offices in San Francisco will pay 1.5 percent of payroll expenses. In June 2018, San Francisco voters approved Measure F, which will provide tax-funded legal help to tenants facing eviction. The expanded legal services is estimated to cost the city \$5.6 million a year.

In November 2016, San Francisco voters approved Proposition C, which authorized the city to repurpose \$261 million in unused general obligation bond funding that voters originally approved in 1992 for seismic upgrades. Under Proposition C, bonds would be used to acquire and rehabilitate multi-unit properties and convert them to permanently affordable housing.

In November 2015, San Francisco voters approved Proposition A, a \$310 million General Obligation Bond for affordable housing, to finance the construction, acquisition, improvement, rehabilitation, preservation and repair of affordable housing for low and middle income households. The bond will address pressing housing needs by: investing in neighborhoods; developing and acquiring housing for a broad population, from families to seniors; transitional-aged youth to single working adults; and veterans to disabled households; and, meeting housing needs through a range of activities, including new multi-family construction, acquisition of existing apartment buildings, SRO rehabilitations, down payment assistance for first-time homebuyers, and other efforts that will effectively increase the affordable housing supply.

County of Alameda

In November 2016, Alameda County voters approved Measure A1, a \$580 million general obligation bond to finance the construction and rehabilitation of affordable rental units, loans for moderate-income homebuyers and upgrades to existing low-income housing.

City of Oakland

In November 2018, Oakland voters approved Measure KK, a \$600 million infrastructure bond earmarking \$100 million for affordable housing. A citizen oversight committee would audit all spending from the measure.

County of Sonoma

The City of Santa Rosa and the county are moving forward with establishing a joint powers authority, called the Renewal Enterprise District (RED), with the explicit goal for regionalizing housing production; pooling and leveraging financing and funding; sharing risks and benefits of development in new ways; streamlining environmental review and providing confidence in good projects; and putting equity, affordability and climate solutions in the center of local economic strategy.

When established, the RED will focus housing development in specific geographies; define project criteria for which incentives and streamlined permitting processes are appropriate; pursue new models for public-private partnerships; expand, pool, and leverage public and private financing in new ways; explore the most strategic use of publicly-owned land; and leverage the regional housing planning tools and resources of MTC/ABAG.

Cross-Jurisdictional Collaboration

This section highlights the unique process in San Mateo County to coordinate housing strategies across jurisdictions, including conducting a “nexus” study for setting impact fees.

The 21 Elements Effort

21 Elements is a multi-year, multi-phase collaboration of all twenty-one San Mateo County jurisdictions, along with partner agencies and stakeholder organizations. The project aims to support jurisdictions in developing, adopting, and implementing local housing policies and programs. It is a forum for sharing resources, successful strategies and best practices. The project is co-sponsored and coordinated by the San Mateo County Department of Housing (DOH) and the City/County Association of Governments of San Mateo County (C/CAG).

The project recognizes that cities in the county often struggle with similar housing issues and consider similar solutions. 21 Elements helps those cities find policies that are right for them, working with their neighbors in a supportive, cooperative environment. Respecting local control, 21 Elements makes it easier to adopt innovative policies that address important housing needs. From affordable housing to accessory dwelling units, 21 Elements has resources to help.

Grand Nexus Study

Through a multi-jurisdiction collaborative process, 15 cities in San Mateo County and the City of Palo Alto embarked on developing a nexus study for their respective linkage fee programs. This project, which came to be known as the Grand Nexus Study, reduced costs by 75 percent and helped establish best practices. Customized, jurisdiction-specific reports focusing on local conditions were completed and provided to each participating city in the second half of 2015.

(continued on next page)

Affordable Housing Needs Allocation

In the fourth Regional Housing Needs Allocation (RHNA) cycle, 11 of San Mateo County's 21 jurisdictions engaged in "housing unit trades." Five of these jurisdictions accepted additional unit allocations for proposed development adjacent to their city limits. Three additional jurisdictions who had already adopted a land use plan that calls for more housing development also accepted additional allocations. In all, these trades covered a total of 396 units, or 2.5% of the total 8-year allocation for the county. While numerically insignificant, the trades represent an important accomplishment for these 11 jurisdictions as they work together on other multiple efforts to meet the county's housing crisis.

Signatures

Fred Blackwell

CASA Co-Chair

*Chief Executive Officer,
The San Francisco
Foundation*

Leslye Corsiglia

CASA Co-Chair

*Executive Director,
Silicon Valley @ Home*

Michael Covarrubias

CASA Co-Chair

*Chair and Chief Executive
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Bob Alvarado

Northern California Carpenters
Regional Council

Kofi Bonner

FivePoint

London Breed

City/County of San Francisco

Keith Carson

Alameda County

Stuart Cohen

TransForm

Julie Combs

City of Santa Rosa

Dave Cortese

Santa Clara County

Grace Crunican

BART

Matthew Franklin

MidPen Housing

Ariane Hogan

Genentech

Sam Liccardo

City of San José

Jake Mackenzie

MTC

Michael Matthews

Facebook

Rebecca Prozan

Google

David Rabbitt

ABAG

Dave Regan

SEIU

Libby Schaaf

City of Oakland

Ellen Wu

Urban Habitat

Appendix A — CASA Leadership

Fred Blackwell, CASA Co-Chair

Chief Executive Officer | The San Francisco Foundation



Fred Blackwell is a visionary leader working to ensure shared prosperity, innovation, and equity in the Bay Area. As CEO of The San Francisco Foundation, he leads one of the largest community foundations in the country, working hand-in-hand with donors, nonprofits, community leaders, business, and government partners in philanthropy to identify, influence, and leverage best practices and long-term solutions to make a greater impact in our community.

Mr. Blackwell currently serves on the board of the San Francisco Bay Area Super Bowl 50 Legacy Fund, on the advisory council for Berkeley's College of Environmental Design, and as an advisor for Google Impact Challenge: Bay Area. He previously served on the boards of the California Redevelopment Association, Urban Habitat Program, LeaderSpring, SPUR, and Leadership Excellence. He holds a master's degree in City Planning from U.C. Berkeley and a bachelor's degree in Urban Studies from Morehouse College.



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Established in 1948, The San Francisco Foundation (TSFF) is committed to serving the people of the Bay Area. As an incubator for community investment, original ideas, and passionate leadership, TSFF has become one of the nation's largest community foundations in grant-making and assets, giving millions of dollars a year to make the Bay Area the best place it can be. Currently, TSFF is tackling widening inequality, increasing poverty, and declines in upward economic mobility despite historic levels of prosperity. Staying true to its commitment to serving the people of the Bay Area, TSFF recently launched an ambitious strategy to advance racial and economic equity across the Bay Area.

Leslye Corsiglia, CASA Co-Chair

Executive Director | Silicon Valley @ Home



Leslye Corsiglia began her professional career at the California Department of Housing and Community Development, where she held several positions before taking on the challenge of overseeing the day-to-day activities of the state's housing loan and grant programs. In that capacity, she worked to pass and then implement the first affordable housing bond initiatives, which made \$550 million available for the construction and rehabilitation of affordable housing throughout the state.

Ms. Corsiglia joined the City of San Jose as the Department of Housing's first Assistant Director in 1991, and then served for 14 years as the Director. While with the City, she oversaw a program that developed and improved 21,000 affordable housing units, leveraging the City's funds with more than \$2.7 billion from public and private sources. She has served on a number of federal, state, and regional boards and currently serves on the Board of the Non-Profit Housing Association of Northern California. She is a dedicated housing wonk, loves policy and research, and is excited to take on the challenge of leading the new start-up venture known as SV@Home.



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SV@Home is the voice for affordable housing in Silicon Valley. Based initially in the Housing Trust Silicon Valley, SV@Home is a membership organization that advocates for policies, programs, land use, and funding that lead to an increased supply of affordable housing. Additionally, SV@Home educates elected officials and the community about the need for housing and the link between housing and other quality of life outcomes, including education, health, transportation, and the environment.

Michael Covarrubias, CASA Co-Chair
Chair and Chief Executive Officer | TMG Partners



Michael Covarrubias joined TMG Partners in 1988. He oversees all of the company's operations and has directed the company since 1995. Prior to TMG, Mr. Covarrubias' professional background includes 17 years with Union Bank, including commercial and real estate lending as well as administrative management. In his last position, he served as Senior Vice President and Manager of Union Bank's Silicon Valley Regional Real Estate Center.

Mr. Covarrubias is a graduate of the University of San Francisco with a bachelor's degree in business administration.



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TMG Partners is a privately-held, full-service development company headquartered in San Francisco focusing on urban infill projects in the San Francisco Bay Area.

Its exclusive focus in the Bay Area helps the firm understand the nuances of market trends and timing. This allows TMG Partners to be highly responsive and opportunistic while contributing to the vibrancy of the communities that make up the Bay Area region.

Dr. Jennifer Martinez, Protection Work Group Moderator
Executive Director | Faith in Action Bay Area



Dr. Jennifer Martinez currently leads Faith in Action Bay Area, a regional network of community and faith-based organizations. She has also been an organizer with the PICO National Network since 2001. Dr. Martinez has a bachelor's degree from Stanford University and a master's degree and Ph.D. from the University of Nottingham in England. Her graduate research focused on social movement strategies in the struggle for housing and land rights in Venezuela and South Africa. In 2011, her Ph.D. won the British International Studies Association thesis of the year award.

She has several published works and, in addition to being a participant in faith-based movement-building, continues to write about the ways in which social movements transform people and places.



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Faith in Action Bay Area is a regional network of community and faith-based organizations working to create innovative solutions to problems facing urban and suburban communities in San Mateo and San Francisco Counties. Faith in Action Bay Area has successfully worked to increase access to health care, improve public schools, make neighborhoods safer, build affordable housing, redevelop communities, and revitalize democracy.

The organization helps engage ordinary people in public life, building a strong legacy of leadership in local communities across the region, and is part of PICO, a national network of faith-based organizing groups. Faith in Action Bay Area is non-partisan, multi-faith, and multicultural.

Linda Mandolini, Protection Work Group Moderator

President | Eden Housing



Linda Mandolini has served Eden Housing as a Project Developer, as Director of Real Estate Development, and since 2001 as President. She oversees affordable housing production, resident support services, and property management components of the organization, and a staff of more than 340 employees. She is guided in her work by Eden's active, volunteer Board of Directors.

Under Ms. Mandolini's strong leadership, Eden has become one of the most productive and successful nonprofit affordable housing developers in California. Eden has received numerous awards including being named as a Best Place to Work in the Bay Area in 2012, 2015, and 2016 and Healthiest Employers in the Bay Area by the San Francisco Business Times for the past five years in a row (2012-2016).

Ms. Mandolini received her A.B. from Wheaton College in Massachusetts and earned a master's of Business Administration at Boston University.



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Eden Housing revitalizes California communities through its affordable housing development and property management activities, through the partnerships it establishes and the investments it makes in California neighborhoods, and through the resident services programs it provides to meet the needs of its residents.

Since its founding in 1968, Eden Housing has developed or acquired 7,450 affordable housing units in nearly 100 properties that have provided homes for more than 65,000 people. Eden currently has more than 1,000 units in its immediate pipeline.

Eden's housing now includes rental apartments, cooperatives, and supportive living environments for families, seniors, and people with disabilities. Eden has so far partnered with 29 cities in 10 California counties and it is rapidly expanding its geographical operations to new communities, including the greater Sacramento area, the Central Valley, and Southern California.

Derecka Mehrens, Production Work Group Moderator

Executive Director | Working Partnerships USA



Derecka Mehrens, Executive Director at Working Partnerships USA, brings 15 years of community organizing, civic engagement, and public policy experience working in communities of color and with low- and moderate-income families.

Under Ms. Mehrens' leadership, Working Partnerships USA co-founded Silicon Valley Rising, a coordinated regional campaign to inspire a tech-driven economy where all workers, their families, and communities thrive. The unprecedented labor-faith-community alliance is working to build a new economic model that rebuilds the middle class, to raise wages and workplace standards for all workers in this valley, and to address a regional housing crisis that is pushing families and children to live in garages, cars, or near creek beds in order to survive.

Ms. Mehrens graduated from the University of Oregon with a bachelor's degree in Sociology, History, and International Studies.

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Working Partnerships USA is a community organization that drives the movement for a just economy by bringing together public policy innovation and the power of grassroots organizing.

Working Partnerships USA builds the capacity of workers, low-income neighborhoods, and communities of color to lead and govern. Based in Silicon Valley, it tackles the root causes of inequality and poverty by leading collaborative campaigns for quality jobs, healthy communities, equitable growth, and vibrant democracy.

Denise Pinkston, Production Work Group Moderator

Housing Committee Co-chair | Bay Area Council



Denise Pinkston has over 30 years of experience in real estate including acquisitions, asset and construction management, marketing, leasing, planning/entitlements, transit and green building program development, and public affairs. Ms. Pinkston was named one of the Bay Area's Most Influential Women in Bay Area Business by the San Francisco Business Times in 2012 and 2013 and was named to their Forever Influential Honor Roll in 2014. Ms. Pinkston teaches real estate at the Lorry I. Lokey Graduate School of Business at Mills College.

Ms. Pinkston attended the University of California, Berkeley where she earned a bachelor's degree in History and a master's degree in City and Regional Planning.



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The Bay Area Council is a business-sponsored, public-policy advocacy organization for the nine-county San Francisco Bay Area. The Council proactively advocates for a strong economy, a vital business environment, and a better quality of life for everyone who lives here.

Steve Heminger, CASA Convener

Executive Director | Metropolitan Transportation Commission



Steve Heminger is Executive Director of MTC and responsible for the administration of more than \$2 billion per year in funding for the operation, maintenance, and expansion of the Bay Area's surface transportation network.

Mr. Heminger was appointed by House Democratic Leader Nancy Pelosi to serve on the "National Surface Transportation Policy and Revenue Study Commission," which helped chart the future course for the federal transportation program. As Chair of the Toll Bridge Program Oversight Committee, he also oversaw construction of the new east span of the San Francisco-Oakland Bay Bridge, the largest transportation project in California history. In addition, he is a member of the Board of Trustees for the Mineta Transportation Institute and of the Executive Committee for the Transportation Research Board.

Mr. Heminger received a bachelor's degree from Georgetown University and a master's degree from the University of Chicago.



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The Metropolitan Transportation Commission (MTC) connects the nine-county Bay Area's communities by allocating regional, state, and federal funds for transportation projects, planning for the future, and coordinating the participation of governments and residents in the planning process.

The Commission's central purpose is to make sure that the transportation networks that connect the residents and communities within the Bay Area region function smoothly and efficiently. Its job is to plan responsibly to meet the mobility needs of residents, now and in the future.

Appendix B — Committee Members

Steering Committee Members		Technical Committee Members	
Name	Organization	Name	Organization
Bob Alvarado	Northern California Carpenters Regional Council	Robert Apodaca	California Community Builders
Kofi Bonner	FivePoint	Ophelia Basgal	Terner Research Center
London Breed	City/County of San Francisco	Michele Byrd	City of Oakland
Keith Carson	Alameda County	Andreas Cluver	Building and Construction Trades Council
Stuart Cohen	TransForm	Jonathan Fearn	GREYSTAR
Julie Combs	City of Santa Rosa	Jacky Morales Ferrand	City of San José
Dave Cortese	Santa Clara County	Amie Fishman	Non-Profit Housing Association
Grace Crunican	BART	Caitlyn Fox	Chan Zuckerberg Initiative
Matthew Franklin	MidPen Housing	Bob Glover	BIA Bay Area
Ariane Hogan	Genentech	Rich Gross	Enterprise
Sam Liccardo	City of San José	Jennifer Hernandez	Holland and Knight
Jake Mackenzie	MTC	Joshua Howard	California Apartment Association
Michael Matthews	Facebook	Lynn Hutchins	Goldfarb Lipman LLP
Rebecca Prozan	Google	Aimee Inglis	Tenants Together
David Rabbitt	ABAG	Janice Jensen	Habitat for Humanity
Dave Regan	SEIU	Mark Kroll	Saris Regis Group
Libby Schaaf	City of Oakland	Scott Littlehale	Nor Cal Carpenters Reg. Council
Ellen Wu	Urban Habitat	Linda Mandolini	Eden Housing
		Dr. Jennifer Martinez	PICO California
		Derecka Mehrens	Working Partnership, USA
		Tomiquia Moss	Hamilton Families
		Mary Murtagh	EAH Housing
		Adhi Nagraj	SPUR
		Denise Pinkston	Bay Area Council
		Ken Rich	City/County of San Francisco
		Matt Schwartz	CA Housing Partnership Corp.
		Doug Shoemaker	Mercy Housing
		Abby Thorne-Lyman	BART
		Randy Tsuda	City of Mountain View
		Matt Vander	Sluis Greenbelt Alliance
		Joseph Villarreal	Contra Costa Housing Authority
		Bill Witte	Related California

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

AB 1487 (Chiu) – As Amended April 4, 2019

SUBJECT: San Francisco Bay area: housing development: financing

SUMMARY: Establishes the San Francisco Bay Regional Housing Finance Act and creates a regional housing agency for the San Francisco Bay area. Specifically, **this bill:**

- 1) Includes the following declarations from the Legislature:
 - a) The San Francisco Bay area is facing the most significant housing crisis in the region's history, as countless residents are contemplating moving, spend hours driving every day, are one paycheck away from an eviction, or homelessness;
 - b) The San Francisco Bay area faces this crisis because, as a region, it has failed to produce enough housing at all income levels, preserve affordable housing, protect existing residents from displacement, and address the housing issue regionally;
 - c) The housing crisis in the San Francisco Bay area is regional in nature and too great to be addressed individually by the region's 101 cities and 9 counties;
 - d) However, the current process is anything but regional; instead each city and county is responsible for their own decisions around housing;
 - e) The San Francisco Bay area faces an annual funding shortfall of \$2,500,000,000 in its efforts to address the affordable housing crisis; and
 - f) A regional entity is necessary to help address the housing crisis in the San Francisco Bay area by delivering resources and technical assistance at a regional scale, including:
 - i. Providing critically funding to affordable housing projects across the San Francisco Bay area;
 - ii. Providing staff support to local jurisdictions that require capacity or technical assistance to expedite the preservation and production of housing;
 - iii. Funding tenant services, such as emergency rental assistance and access to counsel, thereby relieving local jurisdictions of this cost and responsibility;
 - iv. Assembling parcels and acquiring land for the purpose of building affordable housing; and
 - v. Monitoring and reporting on progress at a regional scale.

- 2) Establishes the Housing Alliance for the Bay Area (entity) as follows:
 - a) The entity has jurisdiction extending throughout the San Francisco Bay area, including the entire area within the territorial boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma and the City and County of San Francisco;
 - b) The formation and jurisdictional boundaries of the entity are not subject to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000;
 - c) The entity's purpose is to increase affordable housing in the San Francisco Bay area by providing for enhanced funding and technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production;
 - d) It is the intent of the Legislature that the entity complement existing efforts by cities, counties, districts, and other local, regional, and state entities, related to addressing the goals described in this title; and,
 - e) It is the intent of the Legislature that the entity be staffed by the existing staff of the Metropolitan Transportation Commission (MTC), or any successor agency, with the understanding that additional staff with expertise in affordable housing finance and other aspects of the entity's work will be needed.
- 3) Establishes the governing board for the entity as follows:
 - a) The entity shall be governed by a board composed of 18 voting members, including nine from MTC and nine from the Association of Bay Area Governments (ABAG);
 - b) The entity shall form an advisory body comprised of nine representatives with knowledge and experience in the areas of affordable housing finance and development, tenant protection, resident service provision, and housing preservation;
 - c) Each member of the board shall serve at the pleasure of the appointing authority;
 - d) The appointing authority shall fill any vacancy on the board within 90 days from the date on which the vacancy occurs;
 - e) The board shall select from its members a chair, who shall preside over meetings of the board, and a vice chair from its members, who shall preside in the absence of the chair;
 - f) A member appointed may receive a per diem for each board meeting that the member attends. The board shall set the amount of that per diem for a member's attendance, but that amount shall not exceed one hundred dollars (\$100) per meeting. A member shall not receive a payment for more than two meetings in a calendar month. A member may waive a payment of this per diem;
 - g) Members of the board are subject to Article 2.4 of Chapter 2 of Part 1 of Division 2 of Title 5;

- h) The entity shall be subject to the Ralph M. Brown Act, the California Public Records Act, and the Political Reform Act of 1974;
 - i) Members of the board member shall exercise independent judgment on behalf of the interests of the residents, the property owners, and the public as a whole in furthering the intent and purposes of this title;
 - j) The time and place of the first meeting of the board shall be at a time and place within the San Francisco Bay area fixed by the chair of the board. After the first meeting, the board shall hold meetings at times and places determined by the board;
 - k) The board may make and enforce rules and regulations necessary for the governance of the board, the preservation of order, and the transaction of business; and
 - l) In exercising the powers and duties conferred on the entity by this title, the board may act either by ordinance or resolution.
- 4) Establishes the powers of the entity such that it may:
- a) Raise and allocate new revenue by authorizing the entity to place on the ballot in all or a subset of the nine counties in the San Francisco Bay area various funding measures that distribute the responsibility across commercial developers, businesses above a certain size, taxpayers, and property owners within its jurisdiction. These funding measures may include:
 - i. A parcel tax;
 - ii. A commercial linkage fee that is either of the following:
 - 1. A variable rate fee assessed on new construction, providing a credit for a project in a local jurisdiction with an existing linkage fee program; or
 - 2. A flat rate fee assessed on new construction.
 - iii. A gross receipts tax with variable rates according to business sector with an exemption for small businesses;
 - iv. A business tax based upon the number of employees assessed at a variable rate with an exemption for small businesses;
 - v. One-half of one cent (\$0.005) increase in sales tax;
 - vi. A general obligation bond to be funded by an ad valorem tax on the assessed value of local properties; and
 - vii. A revenue bond.

- b) Incur and issue indebtedness and assess fees on any debt issuance and loan products for reinvestment of fees and loan repayments in affordable housing production and preservation;
 - c) Allocate funds to the various cities, counties, and other public agencies and affordable housing projects within its jurisdiction to finance affordable housing development, preserve and enhance existing affordable housing, and fund tenant protection programs, pursuant to this title, in accordance with applicable constitutional requirements;
 - d) Apply for and receive grants from federal and state agencies;
 - e) Solicit and accept gifts, fees, grants, and allocations from public and private entities;
 - f) Deposit or invest moneys of the entity in banks or financial institutions in the state;
 - g) Sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction;
 - h) Engage counsel and other professional services;
 - i) Enter into and perform all necessary contracts;
 - j) Enter into joint powers agreements pursuant to the Joint Exercise of Powers Act;
 - k) Hire staff, define their qualifications and duties, and provide a schedule of compensation for the performance of their duties;
 - l) Use staff provided by MTC. A person who performs duties as interim or temporary staff pursuant to this subdivision shall not be considered an employee of the entity;
 - m) Assemble parcels and lease or acquire land for affordable housing development;
 - n) Collect data on housing production and monitor progress on meeting regional and state housing goals;
 - o) Provide support and technical assistance to local governments in relation to producing and preserving affordable housing;
 - p) Provide public information about the entity's housing programs and policies;
 - q) Any other express or implied power necessary to carry out the intent and purposes of this title.
- 5) Specifies the limitations of the powers of the entity in that it may not:
- a) Regulate or enforce local land use decisions; or

- b) Acquire property by eminent domain.
- 6) Enables for the expenditure funding revenues as follows:
- a) The entity must distribute the total funds for the region over a five-year period commencing after revenue is approved by voters as follows:
 - i. A minimum of 60 percent for production of housing units affordable to lower income households.
 - ii. A minimum of 5 percent and a maximum of 10 percent for tenant protection programs. The entity shall give priority to tenant protection programs that have flexible funding sources. Funding for tenant protection programs may be used for any of the following:
 - 1. Providing access to counsel for tenants facing eviction.
 - 2. Providing emergency rental assistance for lower income households.
 - 3. Providing relocation assistance for lower income households.
 - 4. Collection and tracking of information related to displacement risk and evictions in the region.
 - iii. A minimum of 15 percent and a maximum of 20 percent for preservation of housing affordable to low- or moderate-income households.
 - iv. A minimum of 5 percent and a maximum of 10 percent for general funds awarded to a local government that achieves affordable housing benchmarks established by the entity.
 - b) The entity may lower these minimum distribution amounts if it adopts a finding that the minimum funding amount exceeds the region's needs. The finding must be placed on a meeting agenda for discussion at least 30 days before the entity adopts the finding.
 - c) The entity may allocate funds directly to a city, a county, a public entity, or a private project sponsor.
 - d) The entity must distribute funds so that an amount equal to or greater than 75 percent of the revenue received from a county over a five-year period through authorized funding expended in the county, as follows:
 - i. A county may request to administer all or a portion of the funds required to be expended in the county.
 - ii. The entity shall approve, deny, or conditionally approve the request based on factors, including, but not limited to, whether the county has a demonstrated

track record of successfully administering funds for the listed purposes and has sufficient staffing capacity to conduct the work effectively; and

- iii. The entity shall distribute funds to a county based on an expenditure plan submitted by the county and approved by the entity. A county's proposed expenditure plan may contain funding amounts different than those listed above. In approving a county's expenditure plan and allocating funds, the entity may adjust the funding amounts to ensure compliance with the overall allocation requirements.
 - e) If funds provided to a county for administration pursuant are not committed within three years of collection, the county shall return the funds to the entity.
 - f) The entity may expend up to 3 percent of funds for program administration.
- 7) Establishes requirements and procedures for ballot measures necessary to generate funding revenues, as follows:
- a) The entity is a district, as defined in Section 317 of the Elections Code.
 - b) If the entity proposes a measure that will generate revenues, the board of supervisors of the county or counties in which the entity has determined to place the measure on the ballot shall call a special election on the measure. The special election shall be consolidated with the next regularly scheduled statewide election and the measure shall be submitted to the voters in the appropriate counties.
 - c) A measure proposed by the entity that requires voter approval shall be submitted to the voters of the entity in accordance with the provisions of the Elections Code applicable to districts.
 - d) The entity shall file with the board of supervisors of each county in which the measure shall appear on the ballot a resolution of the entity requesting consolidation, and setting forth the exact form of the ballot question.
 - e) The legal counsel for the entity shall prepare an impartial analysis of the measure. The impartial analysis prepared by the legal counsel for the entity shall be subject to review and revision by the county counsel of the county that contains the largest population, as determined by the most recent federal decennial census, among those counties in which the measure will be submitted to the voters.
 - f) Each county included in the measure shall use the exact ballot question, impartial analysis, and ballot language provided by the entity. If two or more counties included in the measure are required to prepare a translation of ballot materials into the same language other than English, the county that contains the largest population, as determined by the most recent federal decennial census, among those counties that are required to prepare a translation of ballot materials into the same language other than

- English shall prepare the translation, or authorize the entity to prepare the translation, and that translation shall be used by the other county or counties, as applicable.
- g) If a measure proposed by the entity pursuant to this title is submitted to the voters of the entity in two or more counties, the elections officials of those counties shall mutually agree to use the same letter designation for the measure.
 - h) The county clerk of each county shall report the results of the special election to the entity.
 - i) For any election at which the entity proposes a measure that would generate revenues, the entity shall reimburse each county in which that measure appears on the ballot only for the incremental costs incurred by the county elections official related to submitting the measure to the voters with any eligible funds transferred to the entity from ABAG or MTC. These “incremental costs” include the cost to prepare, review, and revise the impartial analysis of the measure that is required by subdivision; the cost to prepare a translation of ballot materials into a language other than English by any county; and the additional costs that exceed the costs incurred for other election races or ballot measures, if any, appearing on the same ballot in each county in which the measure appears on the ballot, including the printing and mailing of ballot materials and the canvass of the vote regarding the measure.
 - j) Because the entity has no revenues as of the effective date of this section, the appropriations limit for the entity shall be originally established based on receipts from the initial measure that would generate revenues for the entity.
- 8) Requires financial oversight of the entity as follows:
- a) The board shall provide for regular audits of the entity’s accounts and records and shall maintain accounting records and shall report accounting transactions in accordance with generally accepted accounting principles adopted by the Governmental Accounting Standards Board of the Financial Accounting Foundation for both public reporting purposes and for reporting of activities to the Controller.
 - b) The board shall provide for annual financial reports. The board shall make copies of the annual financial reports available to the public.
- 9) The Legislature finds and declares that providing a regional financing mechanism for affordable housing development and preservation in the San Francisco Bay Area, as described in this section and Section 64501, is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this title applies to all cities within the San Francisco Bay area, including charter cities.
- 10) The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the uniquely severe shortage of available funding and

resources for the development and preservation of affordable housing and the particularly acute nature of the housing crisis within the nine counties of the San Francisco Bay area region.

- 11) If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

EXISTING LAW:

- 1) Establishes the MTC as the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, and specifies its governance structure, duties, and powers (Government Code Title 7.1).
- 2) Creates the Bay Area Toll Authority (BATA) as a separate entity governed by the same governing board as the MTC and makes BATA responsible for the programming, administration, and allocation of toll revenues from the state-owned toll bridges in the Bay Area (Streets and Highway Code Section 30950-309050.4).
- 3) Authorizes BATA to increase the toll rates for certain purposes, including to meet its bond obligations, provide funding for certain costs associated with the Bay Area state-owned toll bridges, including for the seismic retrofit of those bridges, and provide funding to meet the requirements of certain voter-approved regional measures (Streets and Highway Code Section 30914.7).
- 4) Established the San Francisco Bay Restoration Authority and specifies its governance structure, duties, and powers. These powers include the ability to place revenue measures on the ballot in all of the Bay Area counties and to issue bonds based on the proceeds of the revenue measures (Government Code Title 7.25).

FISCAL EFFECT: Unknown

COMMENTS:

Purpose of the Bill: According to the author, "Housing is a regional issue that requires policy and funding coordination across jurisdictions. AB 1487 creates the Housing Alliance for the Bay Area, the first public entity focused entirely on the region's housing needs. This bill empowers the Bay Area to help address its affordable housing needs by enabling the region to raise new revenue and support local jurisdictions, and thereby ensure that the entire Bay Area is on track to end the housing crisis by providing affordable housing efficiently and effectively to all residents.

Background: Bay Area housing prices have long exceeded that of the state and county. This situation has been exacerbated during the economic expansion since the Great Recession ended in 2010, as the Bay Area has added seven times as many jobs as housing units. The mismatch of supply and demand has resulted in an increase in housing prices such that average rents are

\$2,400 (an increase of 60% since 2010) and average home prices are \$790,000 (also an increase of 60% since 2010).

From the middle of 2017 to the end of 2018, the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) convened a series of structured discussions with local government officials, developers, major employers, labor interests, housing and policy experts, social equity advocates and non-profit housing providers. This group was deemed the Committee to House the Bay Area, and nicknamed CASA. CASA identified that, to make housing in the region more affordable, 35,000 new housing units would need to be built annually, including 14,000 new subsidized affordable housing units. Additionally, the region has 30,000 units at risk of losing their affordability, and 300,000 lower-income households who are paying more than 50% of their income in rent.

The Bay Area already has substantial resources to fund the production, preservation, and protection of affordable housing; however, CASA's analysis is that there is still a \$2.5 billion funding gap annually between existing resources and what is needed. CASA proposes to meet \$1.5 billion of this deficit with regional and local self-help measures, with the remainder being funded from additional state and federal sources.

The Housing Alliance for the Bay Area: This bill establishes the Housing Alliance for the Bay Area (HABA). The entity's purpose is to increase affordable housing in the San Francisco Bay Area by providing for enhanced funding and technical assistance at a regional level for new affordable housing production, affordable housing preservation, and tenant protection. The stated intent of HABA is to complement existing efforts by cities, counties, districts, and other local, regional, and state entities. HABA would create a new district with jurisdiction extending throughout the Bay Area, including the counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma and the City and County of San Francisco.

The bill specifies the governance process for HABA, including that it would be governed by a board composed of 18 voting members, including nine from MTC and nine from ABAG. The entity must also form an advisory body comprised of nine representatives with knowledge and experience in the areas of affordable housing finance and development, tenant protection, resident service provision, and housing preservation. It would be staffed by MTC staff, recognizing that the agency would need additional staff with expertise in affordable housing finance and other related skills.

Powers and Limitations of HABA: The bill establishes HABA's powers, including that it may:

- Raise new revenue;
- Allocate funds to the various cities, counties, and other public agencies and affordable housing projects within its jurisdiction;
- Provide support and technical assistance to local governments in relation to producing and preserving affordable housing;
- Assemble parcels and lease or acquire land for affordable housing development;
- Collect data on housing production and monitoring progress on meeting regional and state housing goals; and
- Provide public information about the entity's housing programs and policies.

The bill also specifically states that HABA may not regulate or enforce local land use decisions, or acquire property by eminent domain.

Sources of potential revenue: The bill specifies that HABA may raise new revenue by authorizing the entity to place on the ballot in all or a subset of the nine counties in the San Francisco Bay area. The bill lists the following as potential funding strategies:

- A parcel tax;
- A commercial linkage fee that is either of the following:
- A variable rate fee assessed on new construction, providing a credit for a project in a local jurisdiction with an existing linkage fee program; or
- A flat rate fee assessed on new construction.
- A gross receipts tax with variable rates according to business sector with an exemption for small businesses;
- A business tax based upon the number of employees assessed at a variable rate with an exemption for small businesses;
- One-half of one cent increase in sales tax;
- A general obligation bond to be funded by an ad valorem tax on the assessed value of local properties; and
- A revenue bond.

If HABA proposes a ballot measure that will generate revenues, the board of supervisors of the county or counties in which the entity has determined to place the measure on the ballot must call a special election on the measure, consolidated with the next regularly scheduled statewide election. HABA would reimburse the counties for the incremental cost of the election.

Distribution of funding: The bill establishes the targets for expenditure of any revenues received through these fundraising measures, as follows:

- At least 60% must go towards production of housing units affordable to lower income households;
- From 15-20% for preservation of housing affordable to low- or moderate-income households;
- From 5-10% for tenant protection programs; and
- From 5-10% for general funds awarded to a local government that achieves affordable housing benchmarks established by the entity.
- The entity may expend up to 3% of funds for program administration.

The bill also establishes that at least 75% of the revenue received must return to the county of origin. The counties must submit expenditure plans to HABA for its approval. Based on county's plan, capacity, and track record, HABA may allow a county to administer all or a portion its funds directly. HABA may also allocate funds directly to a city, a public entity, or a private project sponsor.

Double referred: This bill was also referred to the Assembly Committee on Local Government where it will be heard should it pass out of this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Bay Area Council
Burbank Housing
California Community Builders
California YIMBY
Chan Zuckerberg Initiative
Enterprise Community Partners
Greenbelt Alliance
Habitat for Humanity East Bay/Silicon Valley
Non-Profit Housing Association of Northern California
PICO California
SV@Home
TMG Partners

Support If Amended

Community Legal Services in East Palo Alto
Genesis
Monument Impact
Public Advocates
San Francisco Foundation

Opposition

California Taxpayers Association (as amended on 4/4/19)
Howard Jarvis Taxpayers Association

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Regional Housing Plan Has Statewide Impacts

Bay Area legislators introduce bills aimed at implementing elements of the CASA Compact

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Among the 2,700 bills introduced in the Legislature this year, San Francisco Bay Area legislators have introduced nearly 20 bills seeking to implement elements of a Bay Area regional housing plan referred to as the CASA Compact.

While these bills are intended to implement the CASA Compact, almost all of them would have significant statewide impacts.

The CASA Compact was created by CASA, the Committee to House the Bay Area. CASA was convened in 2017 by the Metropolitan Transportation Commission and the Association of Bay Area Governments to find solutions and provide recommendations to address the region's housing crisis.

CASA is led by an 18-member steering committee comprising leaders from the public, private and nonprofit sectors with a stake in the housing crisis and is advised by a 32-member technical committee of experts. In January 2019, the CASA Steering Committee approved the CASA Compact, a policy package which includes ten recommendations and five calls to action intended to address the region's housing crisis. While some praise the plan as a successful compromise between competing interest groups, many city officials in the region have felt excluded and believe that some of the solutions offered in the CASA Compact are unworkable.

Please review the below list of bills that implement elements of the CASA Compact. This is not a final list of bills and will likely change as the year progresses. All cities should carefully consider each proposal, as these bills are not limited to the Bay Area. The League will continue to review these measures and take appropriate action in the coming days.

CASA Compact Element #	Related Bills
1. Just Cause Eviction	AB 1481 – Rob Bonta (D-Oakland) Tenancy.
2. Rent Cap	AB 36 – Richard Bloom (D-Santa Monica) Affordable housing: rental prices.
3. Legal Counsel [for tenants]	SB 18 – Nancy Skinner (D-Berkeley) Keep Californians Housed Act.

4. ADUs	<p>AB 68 – Philip Ting (D-San Francisco) Land use: accessory dwelling units.</p> <p>SB 13 – Bob Wieckowski (D-Fremont) Accessory dwelling units.</p>
5. Minimum Zoning	<p>SB 50 – Scott Wiener (D-San Francisco) Planning and zoning: housing development: equitable communities incentive.</p> <p>SB 4 – Mike McGuire (D-Healdsburg) Housing.</p>
6. Good Government	<p>AB 1483 – Tim Grayson (D-Concord) Housing development project applications: reporting.</p> <p>AB 1484 – Tim Grayson (D-Concord) Mitigation Fee Act: housing developments.</p> <p>SB 330 – Nancy Skinner (D-Berkeley) Housing Crisis Act of 2019.</p>
7. Streamlining	<p>AB 1485 – Buffy Wicks (D-Oakland) Housing development: streamlining.</p> <p>SB 6 Jim Beall (D-San Jose)/Mike McGuire (D-Healdsburg) Residential development: available land.</p>
8. Public Lands	<p>AB 1486 – Philip Ting (D-San Francisco) Local agencies: surplus land.</p>
9. Funding the Regional Housing Enterprise	<p>AB 1487 – David Chiu (D-San Francisco) Land use: housing element.</p> <p>SB 5 – Jim Beall (D-San Jose)/Mike McGuire (D-Healdsburg) Local-State Sustainable Investment Incentive Program.</p> <p>AB 11 – David Chiu (D-San Francisco) Community Redevelopment Law of 2019.</p> <p>ACA 1 – Cecilia Aguiar-Curry (D-Winters) Local government financing: affordable housing and public infrastructure: voter approval.</p>
10. Regional Housing Enterprise	<p>AB 1487 – David Chiu (D-San Francisco) Land use: housing element.</p>

Below are the ten recommendations and five calls to actions that have come out of the CASA Compact.

10 Key Elements of the CASA Compact

1. Just-Cause Eviction Policy

- Adopt a region-wide policy requiring landlords to cite specific “just causes” (both fault and no-fault) for termination of tenancy.

2. Rent Cap

- Establish a Bay Area-wide rent cap that limits annual increases in rent to a reasonable amount.

3. Rent Assistance and Access to Legal Counsel

- For low-income tenants facing eviction, provide access to free legal counsel and emergency rent assistance. The funding would be generated through Compact Element #9 to fund regional access to legal counsel and emergency rent assistance.

4. Remove Regulatory Barriers to Accessory Dwelling Units

- Extend current Bay Area best practices regarding Accessory Dwelling Units (ADUs) to every jurisdiction in the region. Amend existing state ADU law to remove regulatory barriers including ministerial approval for ADUs and Junior ADUs in residential zones, allowance for multiple ADUs in multi-family homes, and creation of a small homes building code. Require impact fees for ADUs and tiny homes to be charged (1) on a per-square-foot basis and (2) only on net new living area over 500 square feet per accessory unit.

5. Minimum Zoning Near Transit

- In neighborhoods served by high quality bus service, establish minimum zoning on all residential, commercial, and institutional zones to allow missing middle housing types up to 36 feet tall.
- In neighborhoods surrounding the region's major transit stops (rail stations and ferry terminals), establish minimum zoning to allow midrise residential housing up to 55 feet tall (75 feet tall with a density bonus).
- Allow sensitive communities to defer rezoning above 36 feet while they develop context-sensitive plans. On large commercial-zoned parcels located near job centers, make housing an allowable use.
- For projects with 20 units or more, require inclusion of affordable units.

6. Reforms to Housing-Approval Processes

- Establish 'good government' standards for the entitlement and permitting of zoning-compliant residential projects. Require transparency and consistency in how residential impact fees are set and enforced.

7. Expedited Approvals and Financial Incentives for Select Housing Types

- Ensure timely approval of zoning-compliant housing projects and create financial incentives for enabling on-site affordability and prevailing wages.

8. Unlock Public Land for Affordable Housing

- Promote increased utilization of public land (surplus and underutilized) for affordable housing through a variety of legislative and regulatory changes, as well as the creation of new regional coordination and planning functions.

9. Raise \$1.5 Billion Annually from a Range of Sources to Fund Implementation of the Compact

- Raise \$1.5 billion in new revenue annually from a broad range of sources, including property owners, developers, employers, local governments and the taxpayers, to fund implementation of the CASA Compact.
- The Compact identified several options:
 - Vacant Homes Tax levied on property owners;
 - Parcel Tax levied on property owners (residential and commercial);
 - Commercial Linkage Fee charged to developers;
 - Gross Receipts Tax levied on employers;
 - Head Tax levied on employers;
 - Revenue Set Asides for Redevelopment Agencies (local governments);

- Revenue Sharing Contribution into a region-wide housing program for local governments;
- Quarter-cent Sales Tax; and
- General Obligation Bonds, reissued every five years.

10. Establish a Regional Housing Enterprise

- Establish a regional leadership entity to implement the CASA Compact, track and report progress, and provide incentives and technical assistance.

CASA's Five Calls to Action

1. Redevelopment 2.0

- Pass legislation enabling the re-establishment of redevelopment in California to provide a significant source of new funding for affordable and mixed income development.

2. Lower the Voter Threshold for Housing Funding Measures

- Pass legislation that will provide voters statewide with the opportunity to apply a 55 percent threshold for investments in affordable housing and housing production.

3. Fiscalization of Land Use

- Pass legislation that will return e-commerce/internet sales tax revenues to the point of sale – not the point of distribution as currently mandated – to provide cities that have a significant residential base with a commensurate fiscal stimulus for new housing.

4. Homelessness Funding

- CASA's funding package must include resources that help produce housing for formerly homeless people, prevent homelessness when possible and make homelessness rare, brief and non-reoccurring.

5. Grow and Stabilize the Construction Labor Force

- Grow the workforce by increasing apprentice training, placement, and payment of prevailing wages when direct public funding, public land, fee abatement, tax abatement, CEQA exemptions, and other fiscal/economic development incentives are provided for housing.
- Discourage the underground economy and require compliance with existing wage and workforce laws.
- Create a CASA/State labor workgroup charged with coordinating implementation of CASA policies and needed labor force expansion consistent with CASA principles.
- Call upon the state to use its workforce development and training programs to improve the construction employment pipeline and create improved pathways from secondary education into apprentice training programs.

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