

Moraga-Orinda Fire Protection District



BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

March 20, 2019
(Approved April 17, 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>