

Moraga-Orinda Fire Protection District



BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

September 18, 2019
(Approved October 16, 2019)

1. The Board of Directors convened in Open Session at 6:00 p.m. on September 18, 2019 at the Sarge Littlehale Room, 22 Orinda Way, Orinda, California. President Danziger called the meeting to order. Present were the following Directors and Staff:

Director Baitx	Director Jorgens	Spencer Wilson, Of Counsel
Director Donner	President Danziger	
Director Jex	Dave Winnacker, Fire Chief	

2. **PUBLIC COMMENT**

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

3. **CLOSED SESSION**

- 3.1 **Conference with Legal Counsel**

Potential Litigation pursuant to subdivision (d) (2) of Government Code Section 54956.9.

4. **RECONVENE THE MEETING**

- 4.1 **Call the Meeting to Order**

- 4.2 **Pledge of Allegiance**

President Danziger reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 7:20 p.m. Present were the following Directors and Staff:

Director Baitx	Director Jorgens	Admin. Services Director Gloriann Sasser
Director Donner	President Danziger	HR Benefits Manager Christine Russell
Director Jex	Dave Winnacker, Fire Chief	Steve Cikes, Of Counsel

REPORT OF CLOSED SESSION ACTION

President Danziger reported that no reportable action was taken by the Board on item 3.1 Potential Litigation pursuant to subdivision (d) (2) of Government Code Section 54956.9.

5. **PUBLIC COMMENT**

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

6. **CONSENT AGENDA**

- 7.1 **Meeting Minutes – July 17, 2019 (special), July 17, 2019 (regular)**

Staff Recommendation: Approve and File

- 7.2 **Monthly Incident Report for July 2019 and August 2019**

Staff Recommendation: Approve and File

- 7.3 **Monthly Check/Voucher Register – July 2019 and August 2019**

Staff Recommendation: Approve and File

- 7.4 **Monthly Financial Report – June 2019 and July 2019**

Staff Recommendation: Approve and File

- 7.5 **Quarterly Treasurer's Investment Report – June 2019**

Staff Recommendation: Approve and File

- 7.6 **PARS Annual Statement – June 2019**

Staff Recommendation: Approve and File

President Danziger and Director Jex requested that items 7.3 and 7.4 be pulled from the Consent Calendar for discussion.

Motion by Director Jorgens and seconded by Director Donner to approve Consent Agenda items 7.1, 7.2, 7.5, and 7.6 Said motion carried a 5-0 voice vote (Ayes: Baitx, Jex, Jorgens, Donner, and Danziger; Noes: None; Absent: None).

On item 7.3, Director Jex questioned the \$4.8 M payment to CCCERA. ASD Sasser responded that the District prepays on an annual basis by July 30 to receive a discount. This payment was included in the 2020 budget. The amount is prepaid every year and is based on a formula and the payroll. President Danziger asked if the RAM trucks were received. Chief Winnacker stated that the two utility vehicles and the new Battalion Chief vehicle were received and are in the process of being outfitted. President Danziger requested that the Board be updated when the vehicles are received in the District. President Danziger asked how often Shred-It services the District. ASD Sasser responded every two weeks. The documents are shredded on site and a receipt is provided. President Danziger asked if this service has been expanded to include a community shredding event. ASD Sasser responded no. Director Donner requested the apparatus door opener replacement for \$16,000 for Station 44. Chief Winnacker stated that apparatus bay door openers are always problematic. He explained that this cost is for the bay door replacement. Director Jex questioned the "cultural resources practitioner". Chief Winnacker replied that it is the archeologist required by CalFire for the archeological survey around the fuel break. Director Jex asked if there would be a separate accounting report for the North Orinda Shaded Fuel Break (NOFSB) as a checks and balance measure. Chief Winnacker stated that it will be provided as a close out. ASD Sasser stated that Fund 60 is a separate fund for the NOSFB revenue and expenditures.

Motion by Director Jorgens and seconded by Director Jex to approve Consent Agenda item 7.3. Said motion carried a 5-0 voice vote (Ayes: Baitx, Jex, Jorgens, Donner, and Danziger; Noes: None; Absent: None).

Director Jex questioned that the 2018-19 Property Tax Revenue Current Secured was less than the budget and the Property Tax Supplements were more than what was budgeted. ASD Sasser stated that the Supplemental was based on sales and is difficult to project due to the timing. Director Jex questioned the ambulance fees. ASD Sasser stated that the District did not need to write-off as much of the ambulance fees as had been projected. She clarified that the ambulance fee write-offs are only for residents and not from people requesting that the fees be written off. The District accepts the insurance payments from residents for ambulance fees.

Director Jex asked if action has been taken on the Pension Rate Stabilization Fund (PRSF) contribution of \$1.1M. ASD Sasser stated that the payment was made. Director Jex asked how the Debt Service Fund is handled. ASD Sasser stated that the Debt payment was made in July. She added that there is money in the Debt Service Fund from the prior year's property tax revenue.

Motion by Director Jorgens and seconded by Director Donner to approve Consent Agenda item 7.4. Said motion carried a 5-0 voice vote (Ayes: Baitx, Jex, Jorgens, Donner, and Danziger; Noes: None; Absent: None).

7. REGULAR AGENDA

8.1 Draft OPEB Valuation Report as of June 30, 2019 and Approval of OPEB Funding Policy

ASD Sasser provided the report. The District's actuary provides an actuarial valuation of post-employment benefits plan (OPEB). The draft OPEB Valuation Report as of June 30, 2019 was completed using the same actuarial assumptions used last year. As a result of the pre-funding and the cap on retiree medical benefits, the District's net OPEB liability has decreased. As of June 30, 2019, the net OPEB liability is \$14,850,637, a decrease of \$528,748 or 3.4%. The plan is 8.38% funded. ASD Sasser noted that the Board also needs to adopt an OPEB Funding Policy which the Board reviews annually.

President Danziger noted that the District has 17 more years of OPEB payments. Director Jex asked if the District has made the full actuarial payments for years one and two. Chief Winnacker stated that OPEB has been funded at the full actuarial recommended amount.

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

Motion by Director Jorgens and seconded by Director Jex to approve the Draft OPEB Valuation Report as of June 30, 2019 and Approval of OPEB Funding Policy. Said motion carried a 5-0 voice vote (Ayes: Baitx, Jex, Jorgens, Donner, and Danziger; Noes: None; Absent: None).

8.2 Approval of Engagement Letter with Eide Bailly, LLP for Audit Services for the Fiscal Year Ended June 30, 2019

ASD Sasser stated that the District contracted with Vavrinek, Trine, Day & Co., LLP (VTD) for the fiscal years ending June 30, 2017 through June 30, 2019. On July 8, 2019, staff and the Audit Ad Hoc Committee were informed that VTD was joining the firm of Eide Bailly, LLP effective July 22, 2019. The cost of the FY 2019 audit with Eide Bailly, LLP remains the same as proposed by VTD (\$17,687.)

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

Motion by Director Jex and seconded by Director Jorgens to approve the Approval of Engagement Letter with Eide Bailly, LLP for Audit Services for the Fiscal Year Ended June 30, 2019. Said motion carried a 5-0 voice vote (Ayes: Baitx, Jex, Jorgens, Donner, and Danziger; Noes: None; Absent: None).

8.3 Authorize the Fire Chief to Amend the Contract with the State of California for the North Orinda Shaded Fuel Break to increase the Contract from \$4,000,000 to \$4,250,000; Authorize Revenue and Expenditure Budget Adjustment Increases In the Amount of \$250,000 in the North Orinda Emergency Fuel Break Special Revenue Fund

Chief Winnacker provided the report. In June 2019, MOFD entered into a contract with CalFire to carry out a grant funded \$4.0M fuels mitigation project along 14 miles from Lafayette to Tilden Park. The North Orinda Shaded Fuel Break project (NOSFB) has been expanded to 19.9 miles. He reported that 59% or 33 of the 55 units have been completed. Nine units are in progress. The majority of the remaining units are primarily in Tilden Park and work should start there shortly. Two units on the San Pablo Reservoir are inaccessible and will not be completed due to the need for additional funding and time. Two units will be done pending favorable review (Upper Volmer 1 and Upper Volmer 2). Work in Volmer 1A will not be done due to concern about habitat removal for the California whip snake. Work on the Bear Creek is progressing. Work on one of the Bear Creek units was cut short when a landowner revoked their authorization to work on the land.

Chief Winnacker stated that CalFire, ConFire, East Bay MUD, and East Bay Parks have been exceptional partners in the project. There have been no complaints of environmental violations and no reportable injuries. The District continued discussions with CalFire indicating that additional work could be done should funding become available. This resulted in the notification of an additional \$250,000 for the District. Chief Winnacker explained the difficulty in hand cutting and hauling away the brush to the chipper especially in steep terrain. There is the potential to do additional work. The District will continue to communicate with CalFire and, if additional funding is available, the District will be well positioned to accept it. There will be a transition from hand crews to mechanical means. He expects that the fire camp and hand crews will be released by October 18, 2019. Project Manager Jim Call has done an excellent job in managing the project. The additional \$250,000 will be allocated for work in Tilden Park under a Fuels Mitigation Manager. President Danziger asked about the disposal of eucalyptus trees. Chief Winnacker explained the process and discussed areas of additional concern for potential future fires. President Danziger asked the Chief to provide reports produced by the biological and cultural perspective groups. Chief Winnacker reviewed the two areas of major concern for future fires and the potential to mitigate future fire potential. Director Jex asked if there was information on the status of the other state funded projects. Chief Winnacker provided an update.

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

Motion by Director Jorgens and seconded by Director Donner to Authorize the Fire Chief to Amend the Contract with the State of California for the North Orinda Shaded Fuel Break to increase the Contract from \$4,000,000 to \$4,250,000; Authorize Revenue and Expenditure Budget Adjustment Increases In the Amount of \$250,000 in the North Orinda Emergency Fuel Break Special Revenue Fund. Said motion carried a 5-0 voice vote (Ayes: Baitx, Jex, Jorgens, Donner, and Danziger; Noes: None; Absent: None).

8.4 Authorize the Fire Chief to Amend the Contract with Firestorm Wildland Fire Suppression, Inc. to Perform All Necessary Services Required for the Construction of the North Orinda Shaded Fuel Break Project in an Amount Not to Exceed \$2,250,000

Chief Winnacker provided the report. Firestorm Wildland Fire Suppression, Inc. was selected to perform the services required for the construction of the NOSFB. From June to date, Firestorm Wildland Fire Suppression, Inc. has performed in accordance with District requirements. Following a request from MOFD for additional funds, the State of California has allocated an additional \$250,000 to support work on the NOSFB. Staff believes the best use of these additional funds is an extension of work by Firestorm Wildland Fire Suppression, Inc. to support further work on the NOSFB in support of timber reduction and preparation for future prescribed fire.

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

Motion by Director Jorgens and seconded by Director Jex to Authorize the Fire Chief to Amend the Contract with Firestorm Wildland Fire Suppression, Inc. to Perform All Necessary Services Required for the Construction of the North Orinda Shaded Fuel Break Project in an Amount Not to Exceed \$2,250,000. Said motion carried a 5-0 voice vote (Ayes: Baitx, Jex, Jorgens, Donner, and Danziger; Noes: None; Absent: None).

8.5 Authorize the Fire Chief to Amend the Contract with Sequoia Ecological Consulting, Inc. to Perform All Necessary Environmental Research, Consulting and Monitoring Required for the North Orinda Shaded Fuel Break Project in an Amount Not to Exceed \$600,000

Chief Winnacker provided the report. The NOSFB requires environmental and biological professional services and training. Fuel break construction work is estimated to continue through October 9, 2019. There are four remaining units to complete that include work on East Bay Regional Park District property which requires continuous biological monitoring. Staff recommends the Board authorize a contract amendment with Sequoia Ecological Consulting, Inc. increasing the amount from \$500,000 to not-to-exceed \$600,000.

Director Jorgens asked if the District could secure alternative companies in the future. Chief Winnacker stated that Sequoia has an extensive history with the landowners. Sequoia has maintained a high comfort level with all parties working on the NOSFB.

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

Motion by Director Jorgens and seconded by Director Donner to Authorize the Fire Chief to Amend the Contract with Sequoia Ecological Consulting, Inc. to Perform All Necessary Environmental Research, Consulting and Monitoring Required for the North Orinda Shaded Fuel Break Project in an Amount Not to Exceed \$600,000. Said motion carried a 5-0 voice vote (Ayes: Baitx, Jex, Jorgens, Donner, and Danziger; Noes: None; Absent: None).

8.6 Authorize the Fire Chief to Amend the Contract with Elderd Bros., Inc. to Perform Specialized Fuel Reduction Services Required for the Construction of the North Orinda Shaded Fuel Break Project in an Amount Not to Exceed \$150,000

Chief Winnacker provided the report. In August 2019, the District recognized the need for specialized fuel mitigation services in brush fields on private lands for the NOSFB. The District entered into a contract with Elderd Bros., Inc. to provide specialized fuel reduction services in the amount of \$75,000. This amount was subsequently increased to \$86,000. From August to date, Elderd Bros., Inc. has performed in accordance with District requirements. As the District completes work on the NOSFB, additional specialized fuel reduction services are needed to finish the project in steep terrain that limits the effectiveness of hand crews. Staff recommends the Board authorize a contract amendment with Elderd Brothers increasing the contract amount from \$86,000 to an amount not to exceed \$150,000.

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

Motion by Director Jorgens and seconded by Director Jex to Authorize the Fire Chief to Amend the Contract with Elderd Bros., Inc. to Perform Specialized Fuel Reduction Services Required for the Construction of the North Orinda Shaded Fuel Break Project in an Amount Not to Exceed \$150,000. Said motion carried a 5-0 voice vote (Ayes: Baitx, Jex, Jorgens, Donner, and Danziger; Noes: None; Absent: None).

The Chief indicated that a record will be prepared of what was spent, what has been obligated, and what is pending for the NOSFB.

8.7 Authorize Acceptance of the FEMA Assistance to Firefighters Grant in the Amount of \$75,169 and Authorize a Fiscal Year 2020 Capital Projects Fund Revenue Budget Adjustment Increase in the Amount of \$75,160 and a Capital Projects Fund Expenditure Budget Increase in the Amount of \$82,686

Chief Winnacker provided the report. In October 2018, MOFD applied to the Assistance to Firefighters Grant (AFG) to purchase new fire hose. On September 6, 2019, MOFD received notice of award for \$75,169. The AFG requires a 10% cost-share of the total amount. The District has 30 calendar days from the notice of award to accept or decline the grant. Acceptance of the grant will result in the Capital Projects Fund revenue increase of \$75,169 and expenditure increase of \$82,686 (net cost \$7,517.) Director Donner asked if the District did an annual hose testing. The Chief responded affirmatively.

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

Motion by Director Jorgens and seconded by Director Donner to Authorize the Fire Chief to Amend the Contract with Elderd Bros., Inc. to Perform Specialized Fuel Reduction Services Required for the Construction of the North Orinda Shaded Fuel Break Project in an Amount Not to Exceed \$150,000. Said motion carried a 5-0 voice vote (Ayes: Baitx, Jex, Jorgens, Donner, and Danziger; Noes: None; Absent: None).

8.8 Discussion of Third Ambulance Response and Provide Direction to Fire Chief

Chief Winnacker provided the report. Staff meet with the local EMS agencies and discussed the current response model and proposed changes. The Local EMS agency has no concerns with the proposed changes as long as the District continues to meet response times required by the exclusive operating area (EOA) contract. Staff met with ConFire regarding changes to their responses into MOFD's EOA. ConFire has requested significant amount of additional information and expressed concerns with their ability to provide reliable service to MOFD's area while meeting their contractual obligations throughout the portions of the county that are included in their EOA. Chief Winnacker stated that producing this additional information will require a significant amount of staff time. ConFire expressed reservations about the impact on their contractual obligations to provide service to the rest of their exclusive operating area if they are providing service to MOFD. He requested direction from the Board on whether the Board wants to continue this item recognizing the staff time that will be involved and what if any negotiations or incentives could be presented to ConFire. He asked if the District would be willing to cover ConFire's transport costs if the insurance payment is insufficient.

Director Donner stated that he would like the third ambulance stopped. The District would be vulnerable and the fire fighters would be short staffed if a fire occurred. Director Jorgens noted that it increases the response time. Director Donner clarified that it increases the 'transport' not the 'response' time. President Danziger stated that this does not happen very frequently. Chief Winnacker stated that (in the June 2019 staff report) AMR responded 34 times to 29 incidents but they came on scene only 14 times. The District did not respond because staff was drawn down or the third ambulance was assigned to another incident or it was a Highway 24 incident. The average third ambulance response is 3 times per month. Director Jorgens asked how often the third ambulance and a fire occur simultaneously. Chief Winnacker stated that the average response time for AMR is 16.49 minutes and for MOFD is 14.01 minutes. Director Donner asked if there has been an occurrence where ConFire responded on mutual aid which resulted in their being unable to meet the response time in their district. Chief Winnacker clarified that the District would need to have information from ConFire before action could be taken by the Board on this item.

President Danziger suggested that the District proceed, do its due diligence, and find out what ConFire needs to know. Director Jex does not support spending staff time if the current system is working.

President Danziger opened the public comment.

Mark McCullah, representing Firefighters Local 1230, stated there is a mix up between two topics: the third ambulance issue and no increase in staffing. The firefighter's priority is safety. He stated that the Board would not be voting to increase ambulance response time by two minutes but would be voting to decrease a potential engine response time by 8-10 minutes.

President Danziger closed the Public Comment.

Director Donner supports proceeding with the discussions with ConFire. President Danziger concurred and directed the Chief to continue working on this issue.

8. COMMITTEE REPORTS

9.1 Finance Committee (Directors Danziger and Jorgens)

No report.

9.2 Audit Ad Hoc Committee (Director Jex)

No report.

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

No report.

9.4 Facilities Ad Hoc Committee (Directors Baitx and Donner)

No report.

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

No report.

9. ANNOUNCEMENTS

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

President Danziger reported that he attended a Rotary Club meeting. The Rotary Club donated \$8,000 to equip each classroom in Moraga with emergency radios.

9.2 Questions and informational comments from Board members and Staff

No report.

9.3 Fire Chief Updates

HR Benefits Manager Christine Russell reported on the District's recruitment status. She announced that Robert Montaghmi has accepted the position of Fire Marshall and Jeffrey Isaccs has accepted the Fuels Mitigation Manager position. Two candidates are processing through the paramedic field evaluation. The final candidates will be enrolled in the Berkeley Fire Academy in October. Five District Aides have been hired. One position is still available. Chief Winnacker suggested that the Board reevaluate the position in order to decrease turnover. President Danziger requested an informal meeting for the Board to meet new staff.

Chief Winnacker reported that there was a garage structure fire on Miner Road. Despite the home's difficult location, staff did an excellent job and there was no damage to the hillside home. He noted that the three new vehicles are being outfitted. He reported that an engine was deployed for a mutual aid incident. He stated that two additional neighborhoods became 'Fire Wise' certified and four additional neighborhoods are interested. In order to maintain the Fire Wise certification, the neighborhood must make fuels reductions and submit a report annually. The fall Open House is scheduled for October 12, 2019 at Station 41. ASD Sasser is updating the District website to make it ADA compliant and more accessible and useful to the community. Director Donner stated that there will be a very informative fire operations class on November 16, 2019.

Director Jex asked about progress on Moraga Way and red flag violation notifications. Chief Winnacker stated that the District suspended red flag notifications, rebuilt the web based application based on resident feedback, and continues to conduct inspections and send violation notices as needed. The new system was updated to include specific references to the issues, provide a violation number and a link to what the inspector saw so the specific problem is identified for the homeowner. He stated that there are

a number of properties which are still noncompliant but the number is decreasing. Using a 360-degree camera on a District vehicle allows aides to see if the property is in compliance. The District will continue to refine the process. President Danziger asked if the Board needed to take action for an appeal. Chief Winnacker explained the process and noted that there are no appeals at this time.

10.4 Communications Received

Chief Winnacker reported on pending legislation. He stated that several residents reported positive interactions with fire fighter paramedics and the chipper program.

10.5 Future Agenda Items

President Danziger requested a broad budget workshop scheduled after the beginning of the year to review the budget, explain line items, and process to prepare for the next fiscal budget.

11 ADJOURNMENT

At 9:03 p.m., Director Jorgens' motion to adjourn the meeting was seconded by Director Donner. Said motion carried a 5-0 vote (Ayes: Baitx, Jex, Jorgens, Donner, and Danziger; Noes: None; Absent: None).

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