

Moraga-Orinda Fire Protection District



BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

June 19, 2019
(Approved July 17, 2019)

1. The Board of Directors convened in Open Session at 6:30 p.m. on June 19, 2019 at the Moraga Library Community Room, 1500 Saint Mary's Road, Moraga, California. President Danziger called the meeting to order and requested an attendance roll call. Director Jorgens was absent. Present were the following Directors and Staff:

Director Baitx	President Danziger	Admin. Services Director Gloriann Sasser
Director Donner	Dave Winnacker, Fire Chief	HR Benefits Manager Christine Russell
Director Jex (via teleconference)		Jonathan Holtzman, District Counsel
		Patricia Edwards, Interim District Clerk

2. PUBLIC COMMENT

President Danziger opened the public comment.

Dennis Fey, Orinda City Councilmember, thanked MOFD for its leadership in fuels reduction. The residents of Orinda appreciate it. He stated that Orinda approved \$50,000 per year in its biennial budget for fuel reduction efforts. Orinda will contact the District to determine the most effective use of the funds on city property. He noted that the Orinda Mayor will send a letter to CalTrans regarding their lack of action on fuel mitigation on the 24 corridor.

Lucas Lambert, Local 1230 representative, encouraged the Board to restore Medic 45. He quoted from the February 10, 2017 grant regarding District staffing. The firefighters' mission is to provide for the community. He stated that restoring the staff to Medic 45 is a better service model which is what the grant was written and accepted for. He recommended: that the directive of the previous Board be revisited; the two additional firefighters currently used as floats to reduce overtime be used to restore the staffing at Medic 45; and that the item be agendaized for a future Board meeting. President Danziger stated that the Board will be discussing this item further.

President Danziger closed the Public Comment.

3. Not used.
4. Not used.
5. Not used.

6. CONSENT AGENDA

- 6.1 **Meeting Minutes – May 15, 2019 (special)**
Staff Recommendation: Approve and File
- 6.2 **Monthly Incident Report for May 2019**
Staff Recommendation: Approve and File
- 6.3 **Monthly Check/Voucher Register – May 2019**
Staff Recommendation: Approve and File
- 6.4 **Monthly Financial Report – April 2019**
Staff Recommendation: Approve and File
- 6.5 **Approval of Payment to Contra Costa County Fire Protection District for Dispatching and Communications Services**
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Approve payment to Contra Costa County Fire Protection District for dispatching and communications services in the amount of \$186,879.

President Danziger requested that item 6.2 be pulled for discussion.

Motion by Director Donner and seconded by Director Baitx to approve the Consent Agenda items 6.1, 6.3, 6.4, and 6.5. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Donner, Jex, and Danziger; Noes: None; Absent: Jorgens). There was no comment from the public.

Item 6.2 - President Danziger questioned clarification on the reported Response Time Summary (90th percentile) of 9.03 minutes for EMS/Rescue for Orinda as that seems high. Chief Winnacker responded that the 90th percentile is the high end of the range and is affected by the limited surface street capacity. The median response time of 5.25 minutes is excellent. The Median Turnout times reflect the element which the crews can control and are excellent. President Danziger also questioned the 15.05 Median Response time for Canyon. Chief Winnacker responded that it reflects the distance from Station 41 to Canyon, travel time, finding the correct address, etc.

Motion by President Danziger and seconded by Director Jex to approve Consent Agenda item 6.2. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Donner, Jex, and Danziger; Noes: None; Absent: Jorgens). There was no comment from the public.

Chief Winnacker requested that the Board allow item 9.2 to be presented out of order to accommodate the firefighters' schedules. The five new firefighters who graduated from the Alameda Academy are: David Azevedo, James Caglia, Garrison Feil, William Moffett, and Jacob Reberg. The firefighters introduced themselves and gave a brief personal statement. Their probation period is 18 months. The Board members welcomed them to MOFD and wished them well.

7. REGULAR AGENDA

7.1 **Adoption of Annual Operating Budget Fiscal Year 2020; Authorization to Change Fuels Mitigation Program Manager Position from Part-Time, Non-Benefitted to Full-Time, Benefitted with a Monthly Base Salary Range of \$7,000 to \$8,500; Authorize Establishment of Full-Time, Benefitted Office Specialist Position with a Monthly Base Salary Range of \$5,400 to \$6,564**

Chief Winnacker provided the report. Following the budget process, the Budget is presented for Board approval. He noted that \$150,000 was transferred from the capital contingency project funds to the fuels mitigation program. A part time fuels mitigation position is insufficient to oversee the education, assessment, outreach, enforcement, and chipper operations. The huge volume of calls for service and complaints exceeds the capacity of current staff. Enforcing the District's Ordinances for fuels mitigation requires a year round presence for follow through. President Danziger asked if this change is the result of the Board's action at the previous meeting and if the full time position is included in the Budget. Chief Winnacker stated that there are two part time Office Specialists positions. These positions have changed beyond receptionist duties to include administrative support to fire prevention. The afternoon position has not been filled and as a result the front counter duties create interruptions for other staff.

Director Baitx asked if the Budget is balanced and includes 57 firefighter positions. Chief Winnacker stated that there are 17 daily staff and two floaters for a total of 19 staff on the roster. He reported that last year: there were only 20 days when no leave was used; 68 days with only one leave used; and all other days had two or more leave usages. Even fully staffed, there is a need for overtime pay and the cost is \$1M. If the Board requires 19 personnel per day, the cost is \$1.44M to pay for 19 authorized positions. Director Baitx asked if the grant can be used for staffing. Chief Winnacker replied that the grant can be used but it is included in the current Budget. President Danziger noted that the District is in the third and final year of the grant. Director Baitx stated that there should be five staff at Station 45 and the Budget is not balanced at 57 positions. Chief Winnacker noted that overtime is paid for staffing on approximately 280 days per year. President Danziger asked what happens on the 20 days without vacancies. Chief Winnacker replied that the extra person is assigned to Station 43 for operational capability and where a bed is available. Director Donner stated that a fully staffed Station 45 is safer for the community and for staff. Chief Winnacker concurred. President Danziger suggested a special meeting to discuss only staffing numbers. Director Donner concurred. Director Baitx asked if the Budget should be tabled. Director Jex stated that the goal is to increase the general reserve up to 50% which allows the District the financial viability to operate without borrowing money. He does not want to jeopardize what the Board has accomplished. He supports the operating Budget but does not support changing or increasing additional expenditures which the District cannot afford.

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

Motion by President Danziger and seconded by Director Jex to adopt the Annual Operating Budget Fiscal Year 2020; Authorization to Change Fuels Mitigation Program Manager Position from Part-Time, Non-Benefitted to Full-Time, Benefitted with a Monthly Base Salary Range of \$7,000 to \$8,500; Authorize Establishment of Full-Time, Benefitted Office Specialist Position with a Monthly Base Salary Range of \$5,400 to \$6,564. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Donner, Jex, and Danziger; Noes: None; Absent: Jorgens).

7.2 Resolution 19-07 Establishing the District's Annual Appropriations Limit for Fiscal Year 2019/20

Administrative Services Director Sasser provided the report. Each year the Board of Directors is required to establish an appropriations limit for the District per California Government Code Section 7910. The District's appropriations limit for Fiscal Year 2019/20 is \$30,635,296. President Danziger asked what is meant by 'appropriations limit'. ASD Sasser replied that it limits the amount of taxes which the District can collect. She has never seen an agency exceeded its appropriations limit. President Danziger asked if it is based on a formula. ASD Sasses responded that it is.

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

Motion by Director Baitx and seconded by Director Donner to adopt Resolution 19-07 Establishing the District's Annual Appropriations Limit for Fiscal Year 2019/20. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Donner, Jex, and Danziger; Noes: None; Absent: Jorgens).

7.3 Resolution 19-08 Adopting a Modified Schedule of Cost Recovery Fees for Emergency Medical Services

Chief Winnacker provided the report. Emergency medical services are partially paid for by ambulance transport cost recovery fees and non-transport emergency medical services cost recovery fees. District Resolution No. 13-02, approved in May 2013, adopted a modified schedule of fees. This Resolution and the District's Ambulance Service Agreement with Contra Costa County EMS include a provision for an annual modification to emergency medical services fees. Staff recommends the Board increase ambulance transport fees based on the Consumer Price Index (CPI) for the San Francisco – Oakland – Hayward, CA area. The April 2019 CPI increased 4.01%.

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

Motion by Director Donner and seconded by Director Baitx to adopt Resolution 19-08 Adopting a Modified Schedule of Cost Recovery Fees for Emergency Medical Services. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Donner, Jex, and Danziger; Noes: None; Absent: Jorgens).

7.4 Authorization to Contract with Definitive Networks, Inc. for Information Technology Services for the period July 1, 2019 through June 30, 2022

Chief Winnacker provided the report. The District has contracted with Definitive Networks, Inc. (DNI) for information technology (IT) services since 2005. Previously, the District owned its own servers and District personnel performed some of the information technology functions. In 2011, the District made significant changes to the way information technology services are obtained. These changes included use of hosted services for core technologies and outsourcing of all information technology functions. The District now employs no staff to perform any information technology functions. DNI performs all information technology services and provides the hosted servers. He noted that there has been a significant change regarding how to connect with the internet. The District anticipates realizing additional information technology savings by replacing leased personal computers with Citrix terminals

that are included in the DNI contract. This change is currently in process. The annual savings for fiber services is \$47,120 and for deployment of Citrix terminals is estimated to be \$4,000.

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

Motion by Director Donner and seconded by Director Baitx Authorizing the Contract with Definitive Networks, Inc. for Information Technology Services for the period July 1, 2019 through June 30, 2022. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Donner, Jex, and Danziger; Noes: None; Absent: Jorgens).

7.5 Resolution 19-09 Authorizing an Agreement that Designates Citibank, N.A. as a Provider of District Banking Services and the Fire Chief, Administrative Services Director and/or Human Resources Benefits Manager to Execute District Checks, Drafts, Notes or Other Instruments for the Payment of Money

ASD Sasser provided the report. The District uses Citibank for banking services. Due to staffing changes, it is necessary to update authorized signatures with Citibank. The authorized signatures will be the Fire Chief, Administrative Services Director, and the Human Resources Benefits Manager to replace the Fire Marshal. President Danziger asked how long the District has used Citibank and if an RFP was used for this contract. ASD Sasser stated that the District has been with Citibank for more than ten years. An RFP process occurred about five years ago. The District earns enough through its earnings credit to eliminate bank fees. President Danziger asked for the contract's end date. ASD Sasser stated that she will get the information and process an RFP per Board direction. President Danziger asked for this information at the next meeting.

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

Motion by Director Baitx and seconded by Director Donner to adopt Resolution 19-09 Authorizing an Agreement that Designates Citibank, N.A. as a Provider of District Banking Services and the Fire Chief, Administrative Services Director and/or Human Resources Benefits Manager to Execute District Checks, Drafts, Notes or Other Instruments for the Payment of Money. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Donner, Jex, and Danziger; Noes: None; Absent: Jorgens).

7.6 Third Ambulance Response

Chief Winnacker provided the report. During the May, 2019 meeting, the Board requested a report on MOFD's practice of responding a third ambulance to medical incidents when the primary units are unavailable. MOFD currently staffs a dedicated ambulance at Station 41 and a cross-staffed ambulance at Station 45. When a medical call for service is received, one of these ambulances responds with the nearest fire engine/truck. Due to the distance from the District to receiving hospitals with an Emergency Department, the full life cycle of a medical call is between 60 and 90 minutes with occasional responses that run to several hours due to extended wall time at the hospital or return traffic congestion. In the event that both primary ambulances are committed, the District responds an ambulance from either Station 42 or Station 43. If all three ambulances are committed, the District requests mutual aid from ConFire (via AMR, the contractor for ambulance services) for any subsequent medical calls for service that occur prior to one of the District's ambulances becoming available. For FY20, staff recommends the board approve a base fee for ambulance transport of \$2500. By policy, residents do not pay beyond what their insurance will cover and the district waives any fees beyond that amount. Over the last 12 months, MOFD's average cost recovery per transport is \$697 across all payment categories.

In CY2019, secondary ambulances, either from MOFD or AMR have transported patients 20 times. M42 and M43 have been dispatched 20 times this year with five transports to a receiving facility. The delta in dispatches and transports is a result of a combination of primary ambulances coming available and taking the call, patient refusing transport, or other infrequent circumstances. Average response time to the scene for secondary ambulances is 14.10 minutes. This is extended compared to front line

ambulances due to both delays in transferring equipment from the engine and extended travel time when responding to distant portions of the district. From January 1 to June 12, 2019, AMR was dispatched to the District 34 times in response to 29 incidents. Of these 29 incidents, AMR units arrived on scene 14 times with an average response time of 16.49 minutes. Four of the 14 were Hwy 24 responses and 10 of these were into the District. Year to date, there were five third MOFD ambulance responses and 10 nonfreeway AMR responses into the District. MOFD ambulances have responded into ConFire's jurisdiction (Lafayette) four times during the same period. Eliminating MODS's third ambulance would increase the number of AMR responses and necessitate discussion with ConFire and AMR. The District currently owns four ambulances that were purchased in 2015 and 2017. These vehicles were purchased with financing and the remaining payments total \$88,015 for the 2015 vehicles and \$250,532 for the 2017 vehicles.

Director Baitx asked if ConFire had an issue with more frequent trips into the District. Chief Winnacker responded that he did not anticipate a concern but the issue has not been discussed. Director Donner noted that even twenty times per year leaves the District vulnerable. He supports discontinuing the third ambulance and recommended that the District discuss with ConFire. Chief Winnacker noted that the third ambulance provides an enhanced service for residents. President Danziger asked if the District has a written agreement with ConFire. ConFire holds the county emergency ambulance response contract. AMR is a subcontractor to ConFire. There is an auto aid agreement in place which allows for the closest resources to respond without regard to political boundaries to insure the best service to the public.

President Danziger opened the public comment.

Kimberleigh Korpus, Town of Moraga Vice Mayor, questioned the difference in the response time between AMR (at 16.49 minutes) and MOFD (at 14.10 minutes). Chief Winnacker clarified that these times were ambulance specific and reflected transport only time not response time for patient care. Director Baitx suggested that the District start a conversation with ConFire. Chief Winnacker noted that ConFire and AMR are under no obligation to respond to MOFD calls. He did not anticipate that they would make changes or allocations to their deployment model to account for MOFD's needs.

Mark McCullah, Local 1230 representative, asked if this item needs to be agendized. President Danziger responded that the Board will discuss and vote at the next meeting.

President Danziger closed the Public Comment.

7.7 Authorization to Contract with Sequoia Ecological Consulting, Inc. for Environmental Consulting/Monitoring Professional Services for the North Orinda Emergency Fuel Break Project in an Amount Not to Exceed \$500,000

Chief Winnacker provided the report. The District has contracted with the State of California to create a 14-mile long shaded fuel break in North Orinda and Lafayette in partnership with CALFIRE, Contra Costa County Fire Protection District, EBMUD and EBRPD. The project requires environmental and biological professional services and training. Per the District's Purchasing Ordinance, environmental services are considered professional services. Professional services contracts are awarded based on demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. Formal competitive bidding is not required. The North Orinda Emergency Fuel Break Special Revenue Fund Budget contains sufficient appropriations for these services. The services are funded through the District's contract with the State. Staff recommends the Board authorize a contract with Sequoia Ecological Consulting, Inc. in an amount not to exceed \$500,000.

Sequoia Ecological Consulting has a long history of environmental and biological monitoring with ERMUD and EBRPD. Sequoia has a significant history in this area. They are able to scale up for the project to provide the training and monitoring required. It is critical to get a biologist to tag and sign off on the lines for work. President Danziger asked how the \$500 K amount was decided. Chief Winnacker stated that the contract is based on time and materials. There may be ten crews working with a trained biologist. The District would pay Sequoia upfront and be reimbursed by the grant.

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

Director Jex questioned if this was a competitive bid or a sole source agreement. Chief Winnacker stated that the District is following Cal Fire's approved rate list.

Motion by Director Baitx and seconded by Director Donners authorizing Contract with Sequoia Ecological Consulting, Inc. for Environmental Consulting/Monitoring Professional Services for the North Orinda Emergency Fuel Break Project in an Amount Not to Exceed \$500,000. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Donner, Jex, and Danziger; Noes: None; Absent: Jorgens).

7.8 St. Stephen's Episcopal Church Lease Agreement Close Out and Authorize Payment in the Amount of \$55,600 for Upper Parking Lot Paving

Chief Winnacker provided the report. In April 2016, MOFD entered into a lease with St. Stephen's Episcopal Church to house temporary Fire Station 43 in the upper tier of their parking lot. In January 2018, the board approved an increase in the monthly lease payment in recognition of MOFD's extended occupation of the site. At the time of the initial lease, MOFD agreed to repave the upper parking lot tiers upon the removal of the temporary fire station. The original quote was for \$39,975 to complete this work. Following the occupation of the new fire station 43 in May 2019, MOFD posted the apparatus carport for sale as surplus equipment. The carport sold through an on-line auction hosted by a third party provider and was removed in May 2019. The temporary station sold through the same provider and will be removed on June 18, 2019. The sale and pick up of these buildings closes out MOFD's lease with St Stephens. St. Stephen's has received an updated quote for paving services showing a new construction cost of \$55,600.

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

Director Jex asked if MOFD will get a release from St. Stephen's and if St. Stephen's used a competitive bid. Chief Winnacker stated that St. Stephen's used the same company who provided the original bid in 2016. He was not sure if a competitive bid process was used.

Motion by Director Baitx and seconded by Director Donners authorizing Payment in the Amount of \$55,600 for Upper Parking Lot Paving to St. Stephen's Episcopal Church for Lease Agreement Close Out. Said motion carried a 4-0-1 voice vote (Ayes: Baitx, Donner, Jex, and Danziger; Noes: None; Absent: Jorgens).

7.9 CASA Compact Update

District Counsel Holtzman provided an update. AB1487 is now in the Senate. Changes were made to the bill on May 16, 2019. The proposed Board will comprise of commissioners from the Metropolitan Transportation Commission and the Association of Bay Area Governments. Their powers will be dependent on placing the measure on the ballot in 2020. The proposed revenue sources remain about the same. He stated that it does not appear at this time that it is a direct threat to District revenues.

President Danziger opened the public comment.

Dennis Fey, Orinda City Council member, concurred with the attorney's assessment. He stated that the Contra Costa Mayors' Conference opposes the bill as do State Senator Glazer and State Assemblyperson Bauer-Kahan. He noted that if Assembly Bill ACA 1 passes into law, it would lower the voter threshold for infrastructure and housing projects to 55%. Theoretically, CASA could pass a region wide housing tax with 55%. This might endanger the city's ability to go out for local taxes.

Dan DeBusschere, Orinda resident, stated that AB 1487 passed the Senate Committee on Housing on June 18, 2019 with a vote of 5-2. He added that HABA element is still in the bill. The Bill then goes to the Senate's Committee on Governance and Finance. He believes that this bill is a "Frankenstein agency" which is hungry for money. He encouraged the Board to send a resolution opposing the bill.

He believes that the bill will threaten the District's revenue stream.

President Danziger stated that the item is informational and the Board cannot vote at this time.

Kimberleigh Korpus, Town of Moraga Vice Mayor, stated that Senator Glazer and Assemblyperson Bauer-Kahan opposed the bill at the Mayors' Conference but Assemblyperson Bauer-Kahan abstained from voting. The bill passed unopposed from the Assembly to the Senate. She stated that there will be a statewide vote but it is a regional issue which has potentially bad consequences for local government. She clarified that the CASA Compact is a group of ideas.

President Danziger requested that the item be agendaized for action at the next Board meeting.

8. COMMITTEE REPORTS

8.1 Finance Committee (Directors Danziger and Jorgens)

No report.

8.2 Audit Ad Hoc Committee (Director Jex)

Director Jex stated that a meeting with the auditors is set for July.

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

No report.

8.4 Facilities Ad Hoc Committee (Directors Baitx and Donner)

No report.

8.5 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))

No report.

9.2 Questions and informational comments from Board members and Staff

President Danziger reported that he attended the Grand Opening of Station 43. The event went well and was well attended. The punch list is getting shorter. He also attended several fire prevention meetings in the District and a meeting at the Lafayette Orinda Presbyterian Church with about 200 people in attendance. Emergency Preparedness Coordinator Dennis Rein made a presentation at the meeting. On June 18, 2019, President Danziger attended the Diablo Fire Safe Council meeting which included a presentation on fuel breaks by Jim Call, North Orinda Shaded Fuel Break Program Manager.

9.3 Fire Chief Updates

Chief Winnacker reported that five recruits are now on board and on probationary status.

Human Resources Benefits Manager Christine Russell reported there were five internal applications for Fire Captain. All five candidates passed and an eligibility list was established. Jacob Airoila was promoted as of June 6, 2019. There are nine firefighter/paramedic candidates who are moving through the process of paramedic skills, Chief interview, background check and the academy in Berkeley if they qualify. There were fourteen applications for the Fire Marshal position. Four candidates met the minimum qualifications and will be interviewed on June 20, 2019 and the position should be filled by August. The Fire Inspector/Plans Examiner position is suspended until the Fire Marshal is hired.

Chief Winnacker reported that the firefighters provided a herculean effort to stop the grass fire in Canyon. Due to the unauthorized operation of a drone in the air area, two helicopters and three fixed wing air tanks were unable to provide air support. Moraga Police Department contacted the drone operator. The cause of the fire is unknown.

Mark McCullah reported on a structure fire which started in a garage. Crews from Stations 45 and 43 put out the blaze and the damage was limited to the garage. Director Donner complimented the firefighters on their quick action.

Chief Winnacker stated that he expects the Station 43 punch list to be completed by July.

9.4 Communications Received

President Danziger stated that the only communication was the addendum correcting the testimony regarding the Fire Flow Tax at the May 15, 2019 meeting from Richard J. Olsen.

Chief Winnacker stated that communications from residents are complimentary regarding the professionalism and prompt care of services from staff and average one to three per week.

9.5 Future Agenda Items

10. ADJOURNMENT

At 8:23 p.m., Director Donner's motion to adjourn the meeting was seconded by Director Baitx. Said motion carried a 4-0-1 vote (Ayes: Baitx, Donner, Jex, and Danziger; Noes: None; Absent: Jorgens).

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