



Moraga-Orinda Fire District
 BOARD OF DIRECTORS
 REGULAR BOARD MEETING MINUTES
 November 16, 2022
 (Approved December 21, 2022)

1. OPENING CEREMONIES

The Board of Directors convened a teleconference Open Session at 7:02 p.m. on November 16, 2022, via the Zoom application <https://us02web.zoom.us/j/83722328029>, webinar id: 83722328029 and by phone at 669-900-6833. This meeting was conducted by webinar and teleconference in accordance with AB 361. The meeting was not available for in-person attendance.

President Donner called the meeting to order and requested an attendance roll call. Fire Chief Winnacker led the pledge of allegiance.

President Donner	Dave Winnacker, Fire Chief	Christine Russell, HR Manager
Director Baitx	Gloriann Sasser, Admin. Services Director	Mary Smith, Finance Manager
Director Danziger	Jeff Isaacs, Fire Marshal	District Counsel, Mariam Morley
Director Jex	Lucas Lambert, Battalion Chief	Marcia Holbrook, District Clerk
Director Jorgens		

2. CONSENT AGENDA (audio 00:01:09)

2.1 Adopt Resolution 22-30 Re-Ratifying Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference

President Donner opened the public comment. District Clerk Holbrook announced Vince Wells had his hand raised and then lowered his hand. **There were no other requests to address the Board.** **President Donner closed public comment.**

Motion by Director Jorgens and seconded by Director Danziger to adopt Resolution 22-30 Re-Ratifying Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference. Said motion carried a 4-1-0-0 roll call vote (Ayes: Danziger, Jex, Jorgens, and Donner; Noes: Baitx; Absent: None; Abstain: None).

District Clerk Holbrook announced Vince Wells had re-raised his hand. **President Donner re-opened the public comment.**

Vince Wells, Local 1230 Union President, inquired as to why the meetings are not going back to in-person as most of the other governing bodies are returning in person, and opposed the remote meetings. President Donner responded the Board is waiting for February 2023 when the Governor is expected to declare the end of the pandemic and believed that the City of Orinda and the Town of Moraga are still holding remote meetings. Director Jorgens added there are a number of medical situations happening. The Federal Government has a state of emergency for the country that Congress is currently debating. President Donner added the Board would review again in December.

There were no other requests to address the Board. President Donner closed public comment.

3. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA (audio 00:05:10)

President Donner opened the public comment. There were no requests to address the Board.

4. ANNOUNCEMENTS (audio 00:05:29)

4.1 Brief information only reports related to meetings attended by a Director at District expense (Government Code Section 53232.3(d)). No Report.

4.2 Questions and informational comments from Board members and Staff. No Report

4.3 Communications Received. Fire Chief Winnacker reported on the communication received from Tracy Scrimshaw which related to a property transfer inspection that identified several fire code violations.

4.4 Fire Chief Updates

a. Finance Report

Finance Manager Smith presented the status of OES reimbursements:

	<u>2021-2022/ Actual</u>	<u>2022-2023 Estimated</u>
OES Strike Team Receivable	\$1,661,062	\$722,800
OES Payments Received	<u>\$1,541,011</u>	<u>\$39,867</u>
Net Receivable Outstanding	\$120,051	\$682,933

b. Human Resources

Human Resources Manager Russell provided a recruitment update for four (4) positions. The two Firefighter Paramedic Trainees are in the final steps of the background process, and the five-call and EMS evaluation will occur once the background investigation is finalized. Staff conducted oral board interviews for the Fire Inspector/Plans Examiner position on 11/9/2022, identified a top candidate, and started the background process. On 11/11/2022, employment applications were reviewed for the Fuels Mitigation Specialist position. Four candidates were identified to participate in the oral board interviews on 11/29/2022. The Battalion Chief Recruitment application period closed on 11/16/2022. Two applicants applied, and the Examination is scheduled for 12/8/2022.

President Donner asked about the third Firefighter Paramedic candidate. HR Manager Russell replied the candidate dropped out due to a medical issue. Director Danziger inquired how the interview panels are staffed and if community members have participated. HR Manager Russell listed herself, the Hiring Manager, and another person, no community members. President Donner inquired when the next Firefighter Paramedic recruitment will be scheduled. HR Manager Russell answered in approximately a year per the recruitment schedule.

Director Danziger proposed having continuous open recruitment for the Firefighter Paramedic position. Fire Chief Winnacker explained continuous recruitment generally only works for larger agencies. For smaller Districts, the list becomes stale, and there are challenges in determining whether or not candidates are still viable. Another challenge is that the District cannot run the necessary academy and relies on spots in other agency's academies. President Donner inquired whether the 911 transport qualification had been dropped from the qualification list and if removing that requirement increased the pool of candidates. Fire Chief Winnacker confirmed and stated that recruitment has remained steady. Other agencies do not require the qualifications that the District requires for a firefighter paramedic 1. Candidates are usually picked up by other agencies that do not require our qualifications. The District has been striving to balance the minimum applicant experience to apply while at the same time ensuring the right member is recruited. The District's current staffing model does not support the hiring of EMTs and limits recruitment to candidates who are licensed paramedics. President Donner clarified the qualifications were not decreased but changed, and the District is still getting qualified candidates.

c. Fire Marshal

Fire Marshal Isaacs provided the report and reviewed the statistics in the Monthly Fire Prevention report included in the Board packet, item 4.4(c). Current projects are re-inspections of the evacuation routes, property assessments, property transfer inspections, state-mandated inspections, complaints, County Fire Code, and Zone Zero Work Group.

Director Jorgens asked when the new version of the County Fire Code will be ready for review. Fire Chief Winnacker answered the Code requires that the District transmit any proposed changes to the fire code to the City of Orinda, the Town of Moraga, and the Contra Costa County for no less than thirty days before the Fire Board can review it. Staff intends to bring the Fire Code and an Exterior Hazard Abatement Ordinance (material which previously resided in the fire code) forward in January 2023 for the first reading and the second reading in February 2023.

Director Jorgens questioned if the public had access to the fire code before the directors. Fire Chief Winnacker clarified that the review is only at the Staff level with the attorneys. District Counsel has transmitted the Fire Code amendments to the City of Orinda, Town of Moraga, and Contra Costa County Counsels. After the lawyers' review, and no recommended changes, Staff will hold the first reading for public and Board review, discussion, and provide input. Fire Chief Winnacker noted that Fire Marshal Isaacs continues to be a statewide Zone Zero Working Group member and is a regional representative.

d. Administrative Citation Program

Fire Chief Winnacker reviewed the citation program's statistics, processes, and Data Ticket contract. Director Danziger appreciated the thoroughness provided in the report.

e. Tunnel East Bay Hills Fuel Break Project

Fire Chief Winnacker presented a map outlining the Project's specific details and the status of each of the six (6) work units. In summary, the District began work in areas owned by East Bay Municipal Utility District (EBMUD) where an existing CEQA or habitat management plan is in effect. Areas with brush piles were scheduled to be burned but delayed due to unfavorable conditions and rescheduled to November 28, 2022. A District Contractor is working to finalize the required environmental review

under CalVTP and the Cultural Resources Review, which the Contractor should complete by late spring.

Fire Marshal Isaacs provided an overview of each of the six (6) work areas:

- Work Area 1: EBMUD land/Val Vista Area. 50-60% of the work has been completed, and the piles are ready to burn, weather permitting
- Work Area 2: Work area 2 is 40% completed and most of the piles have been established and will be burned once the weather conditions allow for burning
- Work Area 3: Wilder/Highway 24 area. The area is on private land and is pending an environmental review. The fuel break in the south of Wilder around the homes and structures.
- Work Area 4: Consists of private parcels in the Sanders Ranch and Rheem areas. The District's environmental consultants are working on getting the required permissions. Staff anticipates completing the CalVTP process in early spring.
- Work Area 5/6: Staff will complete Work areas 5 and 6 towards the end of the Project.

President Donner asked if the piles along Canyon road are part of the Project. Fire Marshal Isaacs answered no; the piles are part of the Pinehurst Fuel Break Project. Director Jex inquired if Staff has submitted billings to the state for reimbursement. Fire Marshal Isaacs answered no, and Staff is working on quarterly reports, which must be attached to the bills. Director Jex inquired how the project estimates compare to the expected budget. Fire Chief Winnacker answered the Project is currently within budget and within the range of estimates for the current stage of work. Director Danziger inquired about hiring a Project Manager. Fire Chief Winnacker explained a Project Manager and Assistant Manager would be hired when the environmental and cultural resources reviews are completed.

f. Home Hardening Grant Program

Fire Chief Winnacker provided the report and reviewed the statistics in the Monthly Fire Prevention report included in the Board packet, item 4.4(f). Fire Chief Winnacker pointed out that two of the requests for reimbursement were denied for work completed before the effective date of the Grant. The number of in-kind applications is higher than reflected because neighborhoods and groups have submitted one application for many homes. The organized groups have picked up rolls of mesh, which are then distributed within that community. Staff has distributed 2,500 feet of mesh and ordered half of a shipping container versus a pallet to reduce shipping costs. Wider mesh has been ordered to accommodate larger areas. Staff continues to research opportunities for gutter guards.

Director Jorgens asked if the 2,500 is linear feet and if the mesh ordered is the seven-inch wide or the four-foot wide. Fire Chief Winnacker confirmed linear feet, and the mesh size is 7.5 inches. Fire Chief Winnacker made an anecdotal note that many residents have figured out how to install the mesh themselves and are offering quasi-handyman services to the neighbors to help spread the mesh throughout the area. Staff has seen a couple of licensed contractors ready to start offering installation services. Staff will look for opportunities to partner with the contractors. Director Jorgens asked if the residents can apply for reimbursement if they hire a licensed contractor to install the mesh. Fire Chief Winnacker answered the Board approved reimbursement for materials only and labor is outside of the grant program's scope.

g. Operations

Battalion Chief Lambert provided the report, attached as item 4.4(g). MOFD crews consistently see an increase in vehicle accidents throughout our District due to wet weather and dangerous road conditions. Battalion Chief Lambert reviewed the most recent incidents and operational activities.

- November 8, 2022, crews responded to a single-vehicle rollover on WB Hwy 24 east of Camino Pablo. Upon arrival, crews discovered two trapped occupants inside a vehicle on its roof. Crews stabilized the vehicle, and the occupants were extricated and transported to the trauma center.
- On November 12, 2022, crews arrived on the scene of a single-vehicle rollover on Moraga Way and Lloyd Lane. Upon arrival, crews determined that the vehicle had compromised overhead power line poles and created a small fire in the trees. The patient was extricated, and electrical crews assisted with mitigating the electrical hazards. Moraga Way remained closed for the majority of the next day to restore service to the nearby area. The incident

- damaged one of the transformers that contained hazardous insulating oil. The oil spilled below the power pole and prolonged the roadway closure.
- On November 10, 2022, a Contra Costa County Fire Protection District's Engine 16 was struck by a passenger vehicle on Hwy 24 just before the St. Stephens off-ramp. Engine 16 was responding with Engine 43 to the report of a vehicle fire. Shortly after arriving on the scene, a passenger vehicle struck the driver's side front tire of Engine 16 just before the Engineer was preparing to exit the apparatus. Engine 43 arrived at the incident and parked their apparatus in a "block left" position. A preliminary investigation of the incident considers the possibility of a distracted driver. Personnel on-scene took precautions to create a safe working space on the freeway's right shoulder. No injuries were initially reported.
 - On November 13, 2022, MOFD assisted Contra Costa County FPD with a "working" structure fire on the 800 block of Acalanes Road. Upon arrival, Engine 44 became the first engine on the scene and assisted with a fire attack as the pumping engine. Engine 43 and Engine 45 established a permanent water supply with a 700 Ft. LDH hose lay and were then assigned to assist with vertical ventilation. An aggressive initial attack allowed Firefighters to confine and extinguish the fire to the area of origin. No injuries were reported on-scene. The fire remains under investigation.
 - MOFD assisted the Contra Costa County FPD and East Bay Regional Park District with a mutual aid request for missing persons. Unmanned Aerial Vehicles (UAV) assisted ground crews with the quick deployment of overhead views and thermal imaging cameras that detect body heat.
 - On November 5, station 44's crew assisted in a prescribed burn with materials collected throughout the property. The vegetation thinning and clearing project had taken place over the previous months, and the material was arranged in piles to burn. Once cleared, crews spread native grass seeds throughout the property to restore the natural habitat.

Battalion Chief Lambert encouraged everyone to reduce roadway speeds and pay attention to other vehicles and emergency personnel. Stay diligent while operating a vehicle and avoid distractions like cell phones and other wireless devices.

President Donner opened Public Comment for items 4.1-4.4.

Marc Evans, Orinda resident, expressed appreciation for the fuel mitigation efforts. Mr. Evans recommended explaining how citizens can submit self-compliance reports and offered assistance in communicating that message.

Jonathan Goodwin, Canyon resident, appreciated the involvement of Staff presenting the staff reports. Mr. Goodwin requested additional information about CEQA and the District contractor and inquired about the missing person's incident and how the piles were being burned.

Fire Chief Winnacker answered a missing person incident in a wilderness setting is often presumed to be an EMS situation. In this case, the Park District Police Department requested mutual aid, and MOFD was the fire/EMS agency having jurisdiction. Fire Chief Winnacker responded to the pile burning inquiry by explaining piles can be burned from the side or center depending on the timing and size of the piles. When they burn from the center, there is a protocol for shaking the piles to remove any wood rats from the pile. Given the very small nature of those piles, they would not ignite when burning from the side because there is no vertical component and the high dead fuel moisture levels due to the recent weather system. Those piles were lit as the rain was coming. There is a 2018/2019 PG&E project along the tracks at the Canyon school and Fire Chief Winnacker deferred to PG&E about their maintenance plans.

Fire Chief Winnacker addressed the inquiry regarding the Tunnel East Bay Fuel Break Project environmental and CalVTP review process. The District has contracted with Sequoia Environmental Services. Sequoia is the lead for the environmental review and monitors the Project as it moves forward. The CalVTP review is complex and intended to reduce the probability of litigation. Unlike the North Orinda Shaded Fuel Break, the Project did not come with CQEA exemptions.

There were no additional requests to address the Board. President Donner closed Public Comment.

5. CONSENT AGENDA (audio 00:51:50)

- 5.1 **Meeting Minutes – October 19, 2022 (Regular):** Staff Recommendation: Approve and File
- 5.2 **Monthly Incident Report – October 2022:** Staff Recommendation: Approve and File
- 5.3 **Monthly Check/Voucher Register – October 2022:** Staff Recommendation: Approve and File
- 5.4 **Monthly Financial Report – October 2022:** Staff Recommendation: Approve and File

- 5.5 **Quarterly Investment Report - September 30, 2022: Staff Recommendation:** Approve and File
- 5.6 **Authorize Acceptance of the FY2022 United States Department of Homeland Security Urban Areas Security Initiative Grant in the Amount of \$28,800 to Purchase Eighteen Sets of Rescue Taskforce Personal Protective Equipment; Authorize Staff to Enter Into an Agreement with the City and County of San Francisco for the Distribution of FY2022 Urban Areas Security Initiative Grant Funds; Approve a General Fund Revenue Budget Adjustment Increase in the Amount of \$28,800 and Approve a General Fund Expenditure Budget Adjustment Increase in the Amount of \$28,800: Staff Recommendation:** 1) Discuss; 2) Deliberate; 3) Authorize Acceptance of the FY2022 United States Department of Homeland Security Urban Areas Security Initiative Grant in the Amount of \$28,800 to Purchase Eighteen Sets of Rescue Taskforce Personal Protective Equipment; Authorize Staff to Enter Into an Agreement with the City and County of San Francisco for the Distribution of FY2022 Urban Areas Security Initiative Grant Funds; Approve a General Fund Revenue Budget Adjustment Increase in the Amount of \$28,800 and Approve a General Fund Expenditure Budget Adjustment Increase in the Amount of \$28,800

Director Danziger requested item 5.6 be pulled from the Consent Agenda. District Clerk Holbrook noted a typographical error in the October 19, 2022 regular meeting minutes (page 37 of the packet or page seven (7) of the minutes, corrected to read Chief ~~Johansen~~ Johnston).

President Donner opened Public Comment for Consent agenda.

Jonathan Goodwin, Canyon resident, posted a chat message requesting to pull item 5.2.

Jonathan Goodwin, Canyon resident, expressed gratitude for the low turnout times on the monthly incident report.

Fire Chief Winnacker recalled a concerted labor-management partnership in 2018 to reduce turnout times. There were hardware issues associated with ring downs not occurring and causing delays, which were corrected. The improvement in the District's turnout times are exceptional and have been sustained throughout the pandemic and other challenges such as a busy fire season. The turnout times have remained remarkably low and are a testament to the members' commitment to providing superior service to our community.

There were no additional requests to address the Board for items 5.1-5.5. President Donner closed Public Comment.

Motion by Director Jorgens and seconded by Director Danziger to approve Consent Agenda items 5.1-5.5. Said motion carried a 5-0 roll call vote (Ayes: Baitx, Danziger, Jex, Jorgens, and Donner; Noes: None; Absent: None; Abstain: None).

5.6 Authorize Acceptance of the FY2022 United States Department of Homeland Security Urban Areas Security Initiative Grant in the Amount of \$28,800 to Purchase Eighteen Sets of Rescue Taskforce Personal Protective Equipment; Authorize Staff to Enter Into an Agreement with the City and County of San Francisco for the Distribution of FY2022 Urban Areas Security Initiative Grant Funds; Approve a General Fund Revenue Budget Adjustment Increase in the Amount of \$28,800 and Approve a General Fund Expenditure Budget Adjustment Increase in the Amount of \$28,800

Fire Chief Winnacker provided the report. As part of the FY2022 United States Department of Homeland Security Urban Areas Security Initiative (UASI) Grant. The District was awarded up to \$28,800 to purchase eighteen (18) personal protective equipment (PPE) sets for rescue task force personnel. The intent is to allow fire department members to integrate with a law enforcement response during or after an active shooter event. Over the years, there has been a significant initiative in developing the training required to carry out fire and law integration during an extremist event. Purchasing the PPE will set the stage for integration training with law enforcement partners, allowing MOFD members to seamlessly integrate as part of a unified command structure in response to an active shooter or another similar event. The purchase and request for reimbursement must be completed on or before December 31, 2023. There are no matching requirements, and the grant funding is adequate to purchase all required items.

Director Danziger inquired about the training for the members and how the PPE equipment would be assigned. Fire Chief Winnacker answered the training would occur once the PPE is received. The equipment is assigned to a seat on the apparatus. Director Danziger asked if the members shared the equipment between shifts. Fire Chief Winnacker confirmed.

Motion by Director Jorgens and seconded by Director Danziger to approve Consent Agenda items 5.6. Said motion carried a 5-0 roll call vote (Ayes: Baitx, Danziger, Jex, Jorgens, and Donner; Noes: None; Absent: None; Abstain: None).

There were no requests to address the Board for item 5.6. No further discussion by the Board.

6. REGULAR AGENDA

6.1 Long Range Financial Forecast November 2022 (audio 1:00:56)

Administrative Services Director Sasser presented a PowerPoint presentation, attached to these minutes, Item 6.1. At the October board meeting, the Board directed Staff to update the long-range financial forecast (LLRF) based on what could happen with the economy. ASD Sasser reviewed the 2022 economic uncertainties (inflation, rising interest rates, and stock market declines) and prepared three scenarios for discussion. ASD Sasser highlighted three significant items regarding the District's pension costs. The CCCERA Board decreased the discount rate used by CCCERA from 7.00% to 6.75%, which will increase the District's pension rates beginning July 1, 2023. The District's rates increased by 10% primarily due to the decrease in the discount rate. Next, the most recent CCCERA investment returns that have been released are for January 1, 2022, through June 30, 2022, and the investment return was -10.8%. Lastly, CCCERA's actuary, Segal, projected the Moraga-Orinda Fire Safety cost group will reach full funding as of the December 31, 2026 actuarial valuation. However, in the same letter, Segal also noted that this projection was based on the market value of planned assets on December 31, 2021, and that market conditions have changed significantly since that day.

Director Jorgens commented that CCCERA's data is never current. CCCERA states January 1 through June 30; however, in looking back at what data that really is, a lot of that data is actually a year older. Director Jorgens guaranteed CCCERA does not know the values of their private equity investments. Director Jorgens surmised the footnotes say that you must go back almost a year to get half the data in the report. ASD Sasser responded that CCCERA releases quarterly investment reports in their packet, where the data is derived. Director Jorgens stated that is the report from that period, but the actual data they are reporting to the District is from an earlier period. Director Jorgens commented that it would be much worse when the CCCERA reports reflect what has happened in the last six months.

Director Jex asked if there were any updates on the deferred capital inflows and outflows. ASD Sasser answered the GASB 68 Report would be used for the next audit. Director Jex asked for what period. Director Jex stated there were dramatic changes between 2020 and 2021 where the numbers became fairly astronomical because of changes in actual estimates. ASD Sasser responded CCCERA has issued an actuarial valuation as of December 30, 2021, which will be used for the June 30, 2022 audited financial statements for the District. Director Jex commented that the District does not know what dramatic changes will end up on the balance sheet regarding the deferred inflows and outflows. ASD Sasser stated the information is in the report. Director Jex replied that the report is very dated and big changes have occurred since then. ASD Sasser confirmed that December 30, 2021 is the most recent report.

Director Jorgens commented that effective July 1, 2023, CCCERA lowered its discount rate. CalPERS is ahead of CCCERA heading down that curve. CalPERS forecasts they will decrease closer to the District at 6.25%. You see what happened when it changed by a quarter of a point. When you take another half point, the rate could go up by another 20% beyond what CCCERA is now forecasting. Director Jorgens remarked that is why these numbers can change dramatically. Director Jex was concerned about whether or not those kinds of changes were reflected in the LRFF. Since the data is unavailable, it is not reflected in the LRFF.

ASD Sasser reviewed the significant assumptions in each of the three scenarios:

A	B	C
<p>Same as April 2022 Forecast <i>(all assumptions did not change)</i></p> <ul style="list-style-type: none"> • Property taxes: +2%, +3.5% throughout • Salaries: +5%, +3% throughout • CCCERA: Based on CCCERA projections (+6.75% investment return) • PARS: +6.25% throughout 	<p>One year decline <i>(Property taxes and Salaries assumptions did not change)</i></p> <ul style="list-style-type: none"> • Property taxes: +2%, +3.5% throughout • Salaries: +5%, +3% throughout • CCCERA: -22% investment return in 2022 • PARS: -20% investment return in FY2023 	<p>Two-year decline <i>(Salaries assumptions did not change)</i></p> <ul style="list-style-type: none"> • Property taxes: +2%, +2%, +3.5% throughout • Salaries: +5%, +3% throughout • CCCERA: -22% investment return in 2022 and 2023

- Operating expenses: +3% throughout
- Operating expenses: +5% throughout
- Construction costs: +20%
- PARS: -20% investment return in FY2023 and FY2024
- Operating expenses: +5% throughout
- Construction costs: +20%

Scenario A—projects a General Fund deficit of \$61K in FY2024 and a General Fund surplus in the eight future years. Scenario B— projects General Fund deficits in the next six years beginning in FY2024/25, then a surplus in the last three years. Scenario C projects a General Fund deficit every year. Scenario C would require spending reductions.

ASD Sasser summarized the District's long-term debt. The pension obligation bonds were paid-in-full on July 1, 2022, and the District's vehicle/apparatus debt was paid-in-full on May 30, 2022. The District has one outstanding debt issuance for Station 43 construction with an annual debt service payment of \$322K. The outstanding balance for the Station 43 debt is \$2.6M at an interest rate of 2.14%.

ASD Sasser concluded by detailing the capital projects. All three scenarios of the LRFF include the Station 41/Administration rebuild Project and the remodel of Station 45. The LRFF shows all capital projects to be funded using transfers from the General Fund and existing funds in the Capital Projects Fund. Under Scenario C, spending reductions would be required. Staff requested board direction on the LRFF.

Director Jorgens stated that the Board requested the report to help provide information for future discussions. Director Jorgens commended the way the information was presented. Director Jex asked about the scheduled Pension Stabilization Fund payments under the scenarios. The payments are at \$2M through 2023, then decrease to \$900K for a few years, and spike to \$5M in 2029.

ASD Sasser explained the contribution on line 30 to the Pension Trust is derived from the 6.25% the District anticipates CCCERA will earn. When CCCERA lowered its discount rate to 6.75%, the District has to send more money to CCCERA. The software calculates those rates, but more is going to CCCERA and less to the Trust, which is why the LRFF shows lower contributions to the Trust. The larger number in the out years is because that is when CCCERA (based on December 30, 2021 report) is projecting the District is going to reach full funding, so there is very little going to CCCERA at that point. Theoretically, the unfunded liability would be paid off. More is going into the Pension Trust because the GovInvest software is at 6.25%, and thinks the unfunded liability still needs to be paid off.

Director Jorgens added the sum of those two numbers is always based on the District's 6.25%. ASD Sasser confirmed. Director Jex inquired about the decreased percentage in the General Fund throughout the years. ASD Sasser reviewed line 35 is the Unrestricted Fund balance as a percent of the General Fund Revenue, which per the Board's policy, is how it is measured. Line 35 gives that percentage annually at June 30. Director Jex charted out all nine schedules that were in the packet. In two of the years under scenario A, by 2032, the District will end up with a -17% reserve. Negative 17% in one year and -61% in another scenario. ASD Sasser confirmed that was the comment that spending reductions would be required under Scenario C.

President Donner opened the public comment.

Jonathan Goodwin, Canyon resident, inquired about the cause for the District to be underwater for ten (10) years in Scenario C. ASD Sasser answered that Scenario C assumes that CCCERA's negative investment return of -22% causes all of CCCERA's costs to increase dramatically. Scenario C also anticipates a -20% on the District's portfolio for two years in a row, which increases the amount the District has to set aside for the OPEB Trust. Lastly, ASD Sasser pointed out that the property tax revenue of 2% increase two years in a row, compounded out ten years, is very significant to the revenue flow to the District. Director Jex added the contributions will almost double in 2026 from the current level.

There were no additional requests to address the Board. President Donner closed public comment.
No further discussion by the Board.

6.2 Authorize Staff to Engage in Negotiations with United Professional Fire Fighters of Contra Costa County, IAFF Local 1230 to Modify the Memorandum of Understanding July 1, 2021, to June 30, 2024 (audio 1:18:17)

Fire Chief Winnacker provided the report. At the October 2022 board meeting, a Board member directed Staff to place an action item on the agenda to authorize Staff to engage in negotiations with the United Professional Fire Fighters of Contra Costa County, IAFF Local 1230, to Modify the Memorandum of Understanding July 1, 2021, to June 30, 2024. Staff recommended the Board provide direction regarding

items to be negotiated and authorize Staff to Engage in Negotiations with United Professional Fire Fighters of Contra Costa County, IAFF Local 1230, to modify the Memorandum of Understanding July 1, 2021, to June 30, 2024.

Director Danziger stated he did not feel there was anything to discuss since the item was to be placed on the agenda only if the Board had made a decision on staffing, and the Board made no decision during the workshop. Director Baitx responded that the item was not written correctly on the agenda. The item should have been an action item to move forward with the up-staffing or re-staffing to nineteen (19). Director Baitx stated the action should not be a blanket statement of opening up the MOU but should be to restore minimum staffing to nineteen (19). The workshop was held beforehand to discuss the staffing, but there should still be an action item for tonight for the nineteen (19) up-staffing.

Director Jorgens moved to table the item until further notice. Director Baitx opposed the motion. Director Jorgens commented the Rules of Procedure requires a vote before continuing any further discussion.

Director Danziger requested guidance from District Counsel and asked if the Board could take action on a specific item or does the Board need to open negotiations. District Counsel Morley answered the Board could authorize and direct the Fire Chief to start the process to engage in negotiations to modify the MOU in a way that the Board decides it wants it to be modified: The Board could take action on a specific modification. The item is written generally enough on the agenda to take that action.

Director Jorgens pointed out that at the end of tonight's Public Workshop, it was determined that the Board needed more data to make that decision. Director Baitx agreed some felt that there needed to be more information, but others felt there was enough information to proceed.

Director Jorgens restated his motion to table the item and stated that the motion is not subject to discussion and a vote must be taken. District Counsel Morley asked for the reference on the rule. Director Jorgens referred to the MOFD Rules of Procedure 11-03 and Roberts Rules of Order. If someone motions to table an item, an immediate vote must be taken before the discussion. District Counsel Morley confirmed the rule on page 11 of the MOFD Rules of Procedure 11-03:

Section 7.7 MOTION TO TABLE:

A motion to table shall be used to temporarily bypass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

Motion by Director Jorgens and seconded by Director Jex to table item 6.2 Authorizing Staff to Engage in Negotiations with United Professional Fire Fighters of Contra Costa County, IAFF Local 1230 to Modify the Memorandum of Understanding July 1, 2021, to June 30, 2024, until further notice. Said motion failed a 2-3-0 roll call vote (Ayes: Jex, Jorgens; Noes: Baitx, Danziger, and Donner; Absent: None; Abstain: None).

At approximately 8:28 p.m., President Donner announced that he had to step away and requested clarification on the recommendation. Fire Chief Winnacker clarified that the action item requested was to increase staffing to nineteen (19). Staffing is addressed in section 24 of the MOU and requires negotiations. All negotiations require the Board to provide direction to Staff to begin the negotiations because it is not during a time when the MOU would be opened as a normal matter of course.

Director Baitx reiterated his point of direction would have been to open the MOU to make nineteen (19) the minimum staffing. Fire Chief Winnacker stated that could be the Board's direction. The Board can provide the direction to open the contract in order to negotiate. The Board could provide direction in open or closed sessions. Director Baitx proposed directing Staff to open the MOU to make nineteen (19) the minimum staffing.

President Donner opened the public comment.

Vince Wells, Local 1230 Union President, requested clarification about the item's action, language and purpose for reopening the contract. Mr. Wells expressed concern about opening the contract for discussion.

President Donner stated if the Board votes to open the MOU to discuss increased staffing specifically, it allows the ability to negotiate about the possibility of increased staffing and does not mean the Board is voting to increase staffing. Fire Chief Winnacker clarified there are two actions. One action item is to open the contract. That needs to occur in an open session and be voted on. The other is to provide direction

regarding the goals of the negotiation (typically provided in a closed session). However nothing in the law precludes the Board from providing that direction in an open session. Mr. Wells requested the purpose and stated there are some legal issues with the discussion about opening the L1230 contract. The contract is a signed contract, and for the Board to take any position to open it is inappropriate. Mr. Wells requested to know more context regarding the purpose and reason for opening the contract.

Fire Chief Winnacker responded nothing suggested that the District would unilaterally open a bilateral contract. The direction would be to begin the negotiation process, and part of that negotiation would include the scope. Currently, the Board has not provided direction that they desired to do so, nor provided the direction to the District's negotiator regarding the Board's objectives for the negotiation. Mr. Wells stated the item should have said to open the contract for this specific issue, not a generic opening of the contract. Fire Chief Winnacker answered the recommendation was to preserve the Board's prerogative to provide that direction to negotiate in an open or closed session.

Marc Evans, Orinda resident, thanked Director Baitx and President Donner for their service. Mr. Evans expressed concern about voting on the item and recommended additional deliberation.

Jonathan Goodwin, Canyon resident, requested the item be reported in an open session when the item is reported back to the Board and to include that direction in the motion.

Gordon Nathan, Moraga resident, agreed with the L1230 Union representative that the item is rather ambiguous. Mr. Nathan suggested the motion be withdrawn and reworded to be more specific with legal guidance.

Fire Chief Winnacker called attention to the staff report, bullet number three (3), under the staff recommendation, which states to provide direction regarding items to be negotiated. The recommendation is explicitly written for the specific direction if the Board chooses to provide in conjunction (as a precursor to) authorizing Staff to engage in negotiations. Staff stands ready to receive any direction the Board chooses to provide regarding what items should be negotiated and then follow the direction to begin the negotiation process with L1230.

Director Baitx asked about the direction that is needed to move forward with increasing the staffing to nineteen (19). Fire Chief Winnacker stated per the staff recommendation, bullet number three (3), the direction would be the desire of the Board to begin negotiations in order to modify the MOU to increase minimum staffing to nineteen (19), and then under bullet number four (4), the authorization directing Staff to begin the negotiation process. The MOU is a bilateral agreement between two parties. To amend it requires negotiations. Board direction is needed to proceed with the first step, which is to approach L1230 regarding the District's desire to open the MOU. Fire Chief Winnacker restated that the Board could provide that direction in a closed session if desired, but nothing precludes that direction from being provided in an open session. Director Baitx recommended moving forward with opening the MOU to up-staff to nineteen (19).

Daniel Elbanna, L1230 Union Representative, commented that the future economy is unpredictable. The cost of firefighter paramedics is in the MOU, and the District has the budget. It could take one or two years to hire the additional Staff. Adjustments can be made if the downturn happens. Mr. Elbanna supported up-staffing to nineteen (19).

Vince Wells, Local 1230 Union President, asked for a point of order. A motion was made, without an opportunity for a second to the motion prior to public comment. Mr. Wells requested an opportunity to speak after determining if there was a second to the motion made by Director Baitx.

President Donner asked if there was a second on the motion made by Director Baitx. Fire Chief Winnacker posted in the CHAT that a motion has yet to be introduced. Director Baitx asked if the message stated that a motion was not made. Fire Chief Winnacker confirmed.

Motion by Director Baitx and seconded by Director Donner to open the MOU specifically to talk about minimum staffing to nineteen (19) firefighter paramedics.

Director Jorgens disagreed that the lack of information on the economy was the sticking point on the decision and clarified that the missing data are the reports from the City of Berkeley. That data is needed to help determine the type of staffing needed (firefighter paramedic or paramedic). Director Jorgens opposed opening the discussions with L1230 and opening the MOU until the data to make a decision is obtained.

President Donner favored directing Staff to open negotiations and discuss increasing Staff to nineteen (19).

Director Jex stated he thought the motion was specific to the nineteen (19) staffing. President Donner replied it is to open up negotiations with L1230 to increase the Staff to nineteen (19). The Board will have to approve that outcome.

District Counsel Morley requested clarification that the motion is directing the Staff to engage in the negotiations, to modify the MOU, and to increase the minimum staffing level of safety personnel. District Counsel Morley was not sure if the motion specified safety. Fire Chief Winnacker confirmed firefighter paramedic was specified.

Director Danziger asked if the vote allowed Staff to talk to L1230 about increasing staffing from seventeen (17) to nineteen (19), and then the decision would have to come back to the Board for more deliberation. Director Baitx added with the direction to increase to nineteen (19). Fire Chief Winnacker clarified it is specifically to negotiate either a modification or amendment to the existing MOU.

Director Danziger asked if the District needed to hire a contract negotiator when opening negotiations. Fire Chief Winnacker confirmed. President Donner asked if the Board would receive the reports from South San Francisco and the City of Berkeley. Fire Chief Winnacker answered South San Francisco and the City of Berkeley would publish the reports as an agenda item at their regular board meetings in December. Staff can bring those reports forward as an additional staff report as directed by the Board.

President Donner restated the direction is that the Board is authorizing opening up the contract to discuss increased staffing, but it does not mean that we are increasing staffing. Fire Chief Winnacker clarified opening the contract is a bilateral decision. It would be authorizing Staff to begin the process of negotiations with L1230 with regard to modifying or amending the MOU. This contract negotiation would be a negotiation of the existing contract.

Director Baitx added the main part of the direction to Staff is to move towards nineteen (19) as the minimum staffing of fire medics. Not just open the contract but give the direction of moving towards nineteen (19) staffing. Director Danziger asked if the services of a contract negotiator have to come back to the Board. Fire Chief Winnacker confirmed.

Director Jex opposed the recommended course of action because of the risks and the issues of adding Staff without exploring and discussing other options and felt the action was negligence. Director Jorgens agreed. Director Baitx disagreed. Director Jex restated the risks and issues associated with the decision and poor timing. Director Jorgens commented the Board had voted not to increase staffing in 2020 when the economy was in great shape. Director Baitx restated the Board has been stating financial issues for the last four years. Director Jorgens disagreed.

President Donner opened the public comment on the Motion by Director Baitx and seconded by Director Donner to open the MOU specifically to talk about minimum staffing to nineteen (19) firefighter paramedics.

Vince Wells, Local 1230 Union President. *–technical Issues with unmuting microphone.*

Marc Evans, Orinda resident, expressed disappointment and disagreed with the recommendation.

Vince Wells, Local 1230 Union President, commented that public comment is typically opened after deliberation. Mr. Wells expressed disappointment as there seems to be an effort to delay the process. There was a motion made to look at nineteen (19) staffing. The Board has an obligation to accept that motion and vote on it. L1230 will not open the contract without direction as to why it is being opened. Mr. Wells questioned how the agenda item was written.

Fire Chief Winnacker responded by outlining Resolution 11-03, MOFD Rules of Procedure, and stated a motion would immediately go to a vote without public comment or debate, which has occurred.

- 5.4 A motion is made and seconded if an action is intended to occur.
- 5.5 The Board shall invite comments or questions from the public relative to that motion. A limitation of three (3) minutes may be imposed upon each person so desiring to address the Board.
- 5.6 The Board deliberates on the motion.
- 5.7 The Board votes.

Fire Chief Winnacker directed attention to Item 6.2 on the agenda, specifically to bullet number three (3) under the staff recommendation. Staff asked the Board to provide direction regarding items to be negotiated. Fire Chief Winnacker contended the staff report provided the opportunity for the Board to

provide direction. The Board could choose to provide that direction in a closed session, before negotiations begin, to specify and define the items to be negotiated, subject to the Board's direction, which has not been provided.

Fire Chief Winnacker disagreed that the item was carried out of order other than the decision of the Board to take board comment before public comment and deferred to the Board regarding the order in which public comment was taken. Fire Chief Winnacker reiterated the way the item is written in the staff report is consistent and appropriate with the Board providing direction and authorization for Staff to enter into negotiation.

Jonathan Goodwin, Canyon resident, commented the item was appropriately written. Mr. Goodwin implored the Directors to come to an understanding before initiating serious action. Mr. Goodwin suggested the Directors act less provocatively to serve the community better.

There were no additional requests to address the Board. President Donner closed public comment.

Motion by Director Baitx and seconded by Director Donner to open the MOU specifically to talk about minimum staffing to nineteen (19) firefighter paramedics; Authorize Staff to Engage in Negotiations with United Professional Fire Fighters of Contra Costa County, IAFF Local 1230 to Modify the Memorandum of Understanding July 1, 2021, to June 30, 2024. Said motion carried a 3-2-0 roll call vote (Ayes: Baitx, Danziger, and Donner; Noes: Jex and Jorgens; Absent: None; Abstain: None).

No further discussion from the Board.

6.3 Establishment of Veteran's and Resident Hiring Preference (audio 2:04:43)

Human Resources Manager Russell provided the report. At the October 2022 board meeting, a director requested a future agenda item regarding a residency and veteran's hiring preference. In accordance with Title 5, United States Code, Section 2108, a veteran's preference is based on dates of active duty service and discharge conditions. The applicant would be required to demonstrate eligibility for veteran's preference. Residency preference for applicants is at the discretion of the organization. If the above-referenced hiring preference components are to be implemented into the hiring process, a five (5) point credit would be added to the qualifying candidate's final examination score. The hiring preference options would not apply to promotional recruitment. Staff requested direction regarding establishing a Veteran's and Resident hiring preference. Staff to present a policy and resolution for adoption if the Board decides to move forward with one or both of the preference hiring options.

President Donner opened the public comment.

Marc Evans, Orinda resident, inquired why the District was considering the hiring preference policy and did not see the value. Mr. Evans recommended Staff consider only those who follow the current process and select the best candidate.

There were no additional requests to address the Board. President Donner closed public comment.

Director Danziger was in favor of both of preferential hiring options. President Donner was in favor of both preferential hiring options as well. Director Jorgens asked how many points are earned altogether. HR Manager Russell explained the (5) five points would be added to the final examination score. The candidates are scored based on their responses during the oral Board interviews. There is a final score, and then they would receive the preference points based if they qualify on top of the final examination score.

Director Jorgens asked if the points are added to a test or interviews. HR Manager Russell answered the points are added to the final score. Director Jorgens asked if the final score included subjective things from interviews. HR Manager Russell confirmed the final score is based on the final interview. Director Jorgens asked how many points are there. HR Manager Russell answered typically 500.

At approximately 9:12 p.m., Director Jorgens temporarily lost internet connection and asked if HR Manager Russell heard his question. President Donner explained the firefighter hiring process, including a physical, a written exam, an oral board interview, and the Fire Chief interview. Once the candidate completes the process, they will receive extra points if they are military, a resident, or both. Director Jorgens asked if the candidate gets points from each of these steps. HR Manager Russell confirmed and stated the points would be added to the final score. Director Jorgens liked adding the preference points if you have two equivalent applicants. However, if a less qualified person is chosen because of the added points, that seems suboptimal for maintaining quality people.

Fire Chief Winnacker responded that the points could be applied in many ways. One way is anyone who breaks a certain threshold to achieve a passing score gets additional points added (the preference points cannot be used to lift someone past the no-pass threshold). A second option would be anyone who achieves an above eighty score automatically gets the provided number of points added. The third option is to use the points as a tiebreaker.

President Donner asked if ex-military typically make good firefighters and recruits. Fire Chief Winnacker recused himself from answering due to his ongoing military service. Specific to the Fire Chief's personal experience at the academy, a person having a military presence in an academy class is helpful to include instilling values and the importance of following instructions.

Director Jorgens commented those traits would also make the person more qualified and disciplined at taking and studying for the tests. Director Jorgens asked why not include women in the policy. There are a number of categories of people that could be included. President Donner agreed it would be great to get some diversity in the department, and military might be one of the ways we do that. Director Jorgens mentioned the District does not get enough recruits in general.

President Donner stated if there is a military or residence incentive, the District might increase the candidate list by 10% or another two people. Director Jorgens asked what happens if a resident applies and then moves out of the District after they get the job. President Donner stated the City of Oakland requires residency for five years. Director Jorgens was in favor of the policy and supported adding the residency requirement. President Donner agreed.

Director Danziger commented that Staff would need to modify the application process, qualifications, and procedures. Director Jorgens commented on increasing advertising and the recruiting of veterans and residents. Director Danziger asked if Staff foresaw any downside to managing the application process. HR Manager Russell did not see a downside to a hiring preference policy. Director Jorgens added the District could be discouraging people that are not veterans from applying. Director Danziger and Director Baitx express different opinions.

Motion by Director Danziger and seconded by Director Jex to establish a Veteran's and Resident hiring preference policy. Said motion carried a 5-0 roll call vote (Ayes: Baitx, Danziger, Jex, Jorgens, and Donner; Noes: None; Absent: None; Abstain: None).

7. COMMITTEE REPORTS (audio 2:22:37)

- 7.1 **Audit Committee (Directors Danziger and Jex).** No Report
 - 7.2 **Ad-Hoc Committee to investigate with the Contra Costa County Board of Supervisors if MOFD Members are eligible to receive COVID-19 relief one-time \$2,500 Payment (Directors Danziger and Donner).** No Report
 - 7.3 **East Bay Hills Wildfire Prevention and Vegetation Management Joint Powers Agency Meetings (Directors Danziger and Jorgens).** No Report
 - 7.4 **Facilities Station 41 Ad Hoc Committee (Directors Baitx and Donner).** No Report.
 - 7.5 **Joint Fire Prevention Ad Hoc Committee w/City of Orinda (Directors Donner and Jorgens).** No Report.
- President Donner opened the public comment.**

Marc Evans, Orinda resident, stated the Board did not take public comment on the hiring preference item, and opposed adding more requirements to the hiring process. President Donner reminded Mr. Evans that public comment was taken.

At approximately 9:27 p.m., President Donner briefly left and rejoined the meeting due to technical issues.

There were no additional requests to address the Board. President Donner closed public comment.

8. ANNOUNCEMENTS (audio 2:24:01)

- 8.1 **Future Agenda Items.** No items were requested.

President Donner opened the public comment.

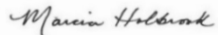
Mark Evans, Orinda resident, thanked President Donner for his service. Mr. Evans believed the staffing item would need to be re-discussed once the new directors are in place.

There were no additional requests to address the Board. President Donner closed public comment.

The Moraga-Orinda Fire District's Governing Board adjourned in memory of former MOFD Director Pete Wilson, one of the founders of the Moraga-Orinda Fire District, elected to the first Board of Directors and served our community for over 12 years.

9. ADJOURNMENT

At 9:29 p.m., President Jorgens motioned and seconded by Director Jex to adjourn the meeting. Said motion carried a 5-0 roll call vote (Ayes: Baitx, Danziger, Jex, Jorgens, and Donner; Noes: None; Absent: None; Abstain: None).



District Secretary/District Clerk

*A copy of all Zoom CHAT messages related to this meeting are attached to these minutes
For an audio recording of this and other Board meetings, please visit the MOFD District Board Meeting at www.mofd.org/agendas.*

11/16/22 Special and Regular
Recording CHAT Messages

01:07:13 Fire Chief Winnacker: Directors- we have to stop this special meeting and start the regular meeting at 7:00

02:02:04 Jonathan Goodwin: Please pull item 5.2.

02:35:00 Vince Wells, President IAFF Local 1230: When is public comment available

02:51:09 Fire Chief Winnacker: No motion has been made.

03:03:20 Fire Chief Winnacker: Public comment is required on the motion

03:10:42 Ann Walgenbach: Thank you Chief!



Finance Report

November 16, 2022

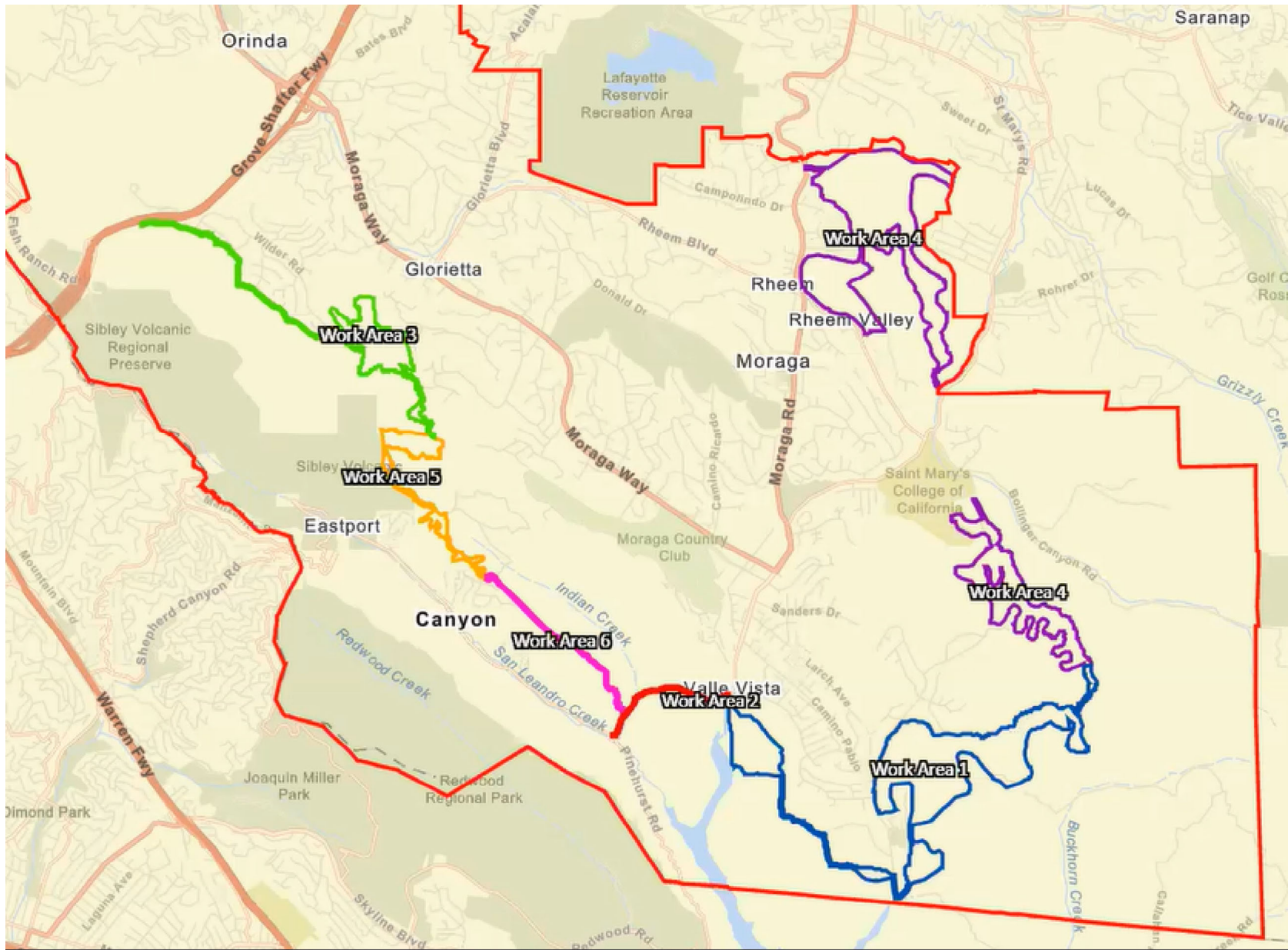
Strike Team Reimbursement - OES



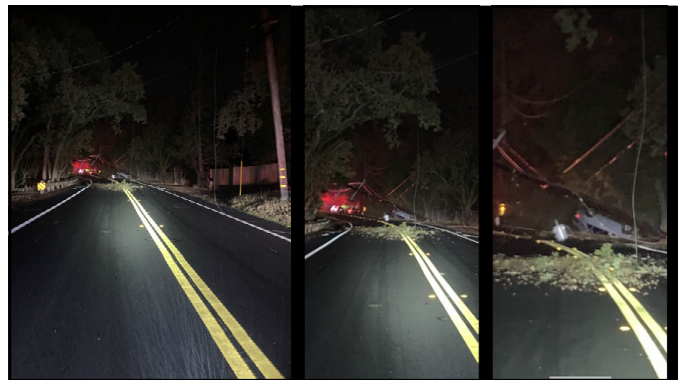
- Strike Team Receivable Update:

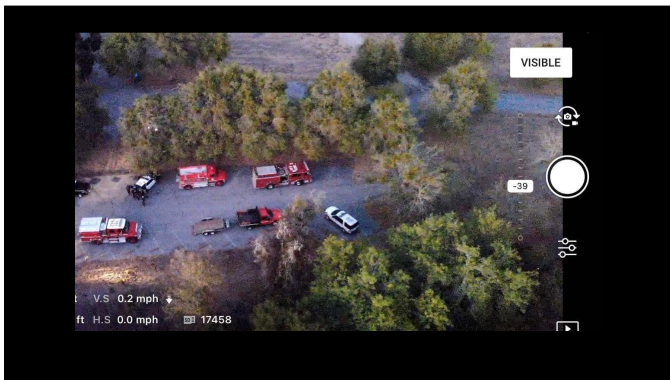
	Actual	Estimated
	<u>2021-2022</u>	<u>2022-2023</u>
OES Strike Team Receivable	\$1,661,062	\$722,800
OES Payments Received	<u>\$1,541,011</u>	<u>\$ 39,867</u>
Net Receivable Outstanding	\$ 120,051	\$682,933

- 2021-2022 - 2 Calf Canyon invoices outstanding
- 2022-2023 – Based on F-42's received



MOFD Board Update
November 16, 2022





**The Moraga-Orinda Fire District
Urges All Drivers To Please
Drive Safely**

MORAGA
ORINDA
F D
1977 25 YEARS OF SERVICE 2002


6.1 Long-Range Financial Forecast Presentation

LONG RANGE FINANCIAL FORECAST

Board Meeting
November 16, 2022



LONG RANGE FINANCIAL FORECAST THREE SCENARIOS



A
Same as prior Forecast

B
One year decline

C
Two year decline

PENSION COSTS SIGNIFICANT ITEMS

- CCCERA Board decreased discount rate from 7.00% to 6.75%; District costs will increase effective July 1, 2023 (+10% of pensionable salaries)
- CCCERA actual year-to-date investment returns January 1, 2022 through June 30, 2022: -10.8%
- Segal projected the District will reach full funding as of 12/31/2026
- Full funding projection based on the market value of plan assets on 12/31/2021
- Segal noted that market conditions have "changed significantly"

LONG RANGE FINANCIAL FORECAST SIGNIFICANT ASSUMPTIONS

A

Same as April 2022 Forecast

- Property taxes: +2%, +3.5% throughout
- Salaries: +5%, +3% throughout
- CCCERA: Based on CCCERA projections (+6.75% investment return)
- PARS: +6.25% throughout
- Operating expenses: +3% throughout

B

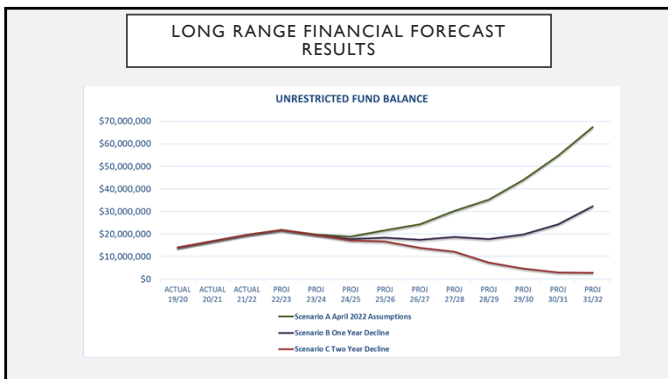
One year decline

- Property taxes: +2%, +3.5% throughout
- Salaries: +5%, +3% throughout
- CCCERA: -22% investment return in 2022
- PARS: -20% investment return in FY2023
- Operating expenses: +5% throughout
- Construction costs: +20%

C

Two year decline

- Property taxes: +2%, +2%, +3.5% throughout
- Salaries: +5%, +3% throughout
- CCCERA: -22% investment return in 2022 and 2023
- PARS: -20% investment return in FY2023 and FY2024
- Operating expenses: +5% throughout
- Construction costs: +20%



LONG-TERM DEBT UPDATE ONE OUTSTANDING DEBT ISSUANCE

- Pension Obligation Bonds paid-in-full July 1, 2022
- Vehicle debt paid-in-full May 30, 2022
- One outstanding debt issuance: Station 43 construction \$322K per year debt payment

CAPITAL PROJECTS

- FY2023 Budget
 - Apparatus/Vehicles \$1.3M
 - Station 41/Administration rebuild \$1M
 - Fire station improvements \$70K
- Rebuild of Fire Station 41 and Administration
 - FY2024 \$4.8M
 - FY2025 \$4.8M
- Remodel of Fire Station 45
 - FY2026 \$618K
 - FY2027 \$2.5M
- Funding from General Fund transfers to Capital Projects Fund
 - FY2023 \$3.1M
 - FY2024 and FY2025 \$3.0M
 - FY2026 and FY2027 \$2M per year
 - FY2028 through FY2032 \$1.1M per year

