



Moraga-Orinda Fire District

Board of Directors

REGULAR MEETING

January 18, 2023 – 6:00 PM
6:00 p.m. CLOSED SESSION
7:00 p.m. OPEN SESSION

This meeting will be conducted by webinar and teleconference only in accordance with AB 361. To protect our residents, officials, and staff, and in accordance with AB 361, all public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

PLEASE NOTE TELECONFERENCE MEETING INFORMATION:

To join the Meeting:
By Phone: 1-669-900-6833

Please click the link below to join the webinar by Zoom:
<https://us02web.zoom.us/j/82838271087>
Webinar ID: 828 3827 1087

Public Participation is encouraged by joining via the ZOOM link or the dial-in information above. You can access it either via a smartphone or computer App (Zoom) or via phone.

Live Public Comment can be provided via the Zoom app (during public comment) by the raise hand feature. If participating by phone, dial *9 to *raise your hand*. Staff will call on participants by the name provided or last 4 digits of phone number for dial-in attendees. When your name or number is called, a notification is sent requesting that you unmute your microphone. Participants will be called in the order of hands raised to comment.

Written Public Comment can be provided via email at info@mofd.org.

- Emails received by **3pm** on the day of the meeting will be forwarded to the Board of Directors. Emails will be made a part of the public record and available to view by 5pm on the day of the meeting by following this link [mofd.org/agendas](https://www.mofd.org/agendas)
- Comments may also be submitted by e-mail during the meeting up until the closure of the public comment period on the relevant agenda item. These will be read into the record by staff at their normal cadence and will be limited to a maximum of 3 minutes.

If you are participating via meeting link (i.e. web platform), and experience technological difficulties, please re-join the meeting by phone via phone number provided above. In the event the meeting broadcast is disrupted, or if a technical issue on the agency's end disrupts public comment, the board will pause the meeting and will not take any further action on items on the agenda until access is restored. The meeting will be live streamed via the [MOFD YouTube Channel](#). A link is accessible via the District's website.

1. OPENING CEREMONIES

- Call the Meeting to Order
- Roll Call
- Pledge of Allegiance

2. CONSENT AGENDA

2.1 **Adopt Resolution 23-02 Re-Ratifying Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference**

Staff Recommendation: Adopt Resolution 23-02 Re-Ratifying Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference

[23-02 AB 361 RE-RATIFYING Subsequent Resolution](#)
[Attachment: Contra Costa County Recommendations for safe public meetings](#)

3. PUBLIC COMMENT
General public comment on any closed session item that will be heard. Comments may be limited to no more than three minutes pursuant to board policy.
4. CLOSED SESSION
 - 4.1 **Conference with Real Property Negotiators**
(Government Code Section 54956.8)
Agency Negotiator: David Winnacker
Negotiating parties: Moraga School District
Under Negotiations: Consideration of and authorization to proceed with real estate negotiations by the Fire Chief regarding potential acquisition of the real properties concerning price and terms of payment. Real Property: 257-210-013-5
 - 4.2 **Conference with Labor Negotiator - Local 1230, IAFF**
(Government Code Section 54957.6)
Employee Organization: Local 1230, International Association of Firefighters IAFF
Agency Designated Representative: Donna Williamson
5. RECONVENE THE MEETING
 - Call the Meeting to Order
 - Roll Call
6. REPORT OF CLOSED SESSION ACTION
7. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA
At the beginning of each regular District Board meeting, any member of the public may address the District Board concerning any item not on the Board's agenda but within the subject matter jurisdiction of the Board. Speakers will be limited to three (3) minutes unless otherwise specified by the Presiding Officer. The public will be given an opportunity to speak on each agenda item at the time it is called. The Board may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Board, no further comment from the public will be permitted unless authorized by the Board and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Board or as otherwise limited by order of the Presiding Officer or the Board.
8. PROCLAMATION
 - 8.1 **Proclamation Honoring Retiring MOFD Directors Baitx and Donner**
The MOFD Board will present a proclamation honoring retiring MOFD Directors Gregory Baitx and Michael Donner for their leadership, dedication and service to the Moraga-Orinda Fire Protection District.
[Attachment: Proclamation Gregory Baitx](#)
[Attachment: Proclamation Michael Donner](#)
9. PUBLIC HEARING
 - 9.1 [First Reading of Ordinance 23-01, adopting the 2022 Edition of the California Fire Code, with certain amendments, and by reference, the International Fire Code, 2021 Edition, published by the International Code Council and repealing Ordinance 20-01](#)
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Conduct a public hearing; 4) Introduce and waive the First reading Ordinance 23-01, an Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, adopting the 2022 Edition of the California Fire Code, with certain amendments, and by reference, the International Fire Code, 2021 Edition, published by the International Code Council and repealing Ordinance 20-01; consideration of Findings of Fact pursuant to Section 18941.5 of the Health and Safety Code; 5) Direct changes if needed.
[Attachment: Ordinance No. 23-01 MOFD 2022 Fire Code Adopt Amend \(1-11-2023\) \(first reading\).pdf](#)
[Attachment: 2022.12.21 Office of the Fire Chief - City of Orinda Fire Code Responses.pdf](#)
[Attachment: 2023.01.05 Office of the Fire Chief - Town of Moraga Fire Code Response.pdf](#)
 - 9.2 [First Reading of Ordinance 23-03, Establishing Fuel Mitigation and Exterior Hazard Abatement Standards in all State Responsibility and Local Responsibility Areas with the](#)

District.

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Introduce and Waive the First Reading of Ordinance 23-03 an Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, establishing Fuel Mitigation and Exterior Hazard Standards and Findings of Fact Establishing Additional Requirements in the State Responsibility Areas and Local Responsibility Areas.; 4) Open the public hearing and accept comments from the public; 5) Close the public hearing; 6) Provide direction to staff.

Attachment: [Ordinance 23-03 Fuel Mitigation and Exterior Hazard Abatement](#)

- 9.3 [First Reading of Ordinance 23-04, Adopting Requirements for Fuel Breaks on Parcels in Both the State Responsibility and Local Responsibility Areas within the Fire District, Adopting Findings of Fact, and Repealing Ordinance 22-02.](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Introduce and Waive the First Reading of Ordinance 23-04 an Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, An Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, Adopting Requirements for Fuel Breaks on Parcels in Both the State Responsibility and Local Responsibility Areas within the Fire District, Adopting Findings of Fact, and Repealing Ordinance 22-02; 4) Open the public hearing and accept comments from the public; 5) Close the public hearing; 6) Provide direction to Staff.

Attachment: [Ordinance No. 23-04 Fuel Break Ordinance \(first reading\).pdf](#)

- 9.4 [First Reading of Ordinance 23-02, Revising a Schedule of Fees for District Services](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Introduce and Waive the First Reading of Ordinance 23-02, An Ordinance of the Moraga-Orinda Fire District of Contra Costa County Revising a Schedule of Fees for District Services and the revised Fee Schedule effective March 18, 2023; 4) Open the public hearing and accept comments from the public; 5) Close the public hearing.

Attachment A: [Ordinance No. 23-02 Schedule of Fees \(first reading\)](#)

Attachment B: [Exhibit A - Fee Schedule 2023.pdf](#)

10. ANNOUNCEMENTS

- 10.1 **Brief information only reports related to meetings attended by a Director at District expense.**

(Government Code Section 53232.3(d))

- 10.2 **Questions and informational comments from Board members and Staff**

- 10.3 **Communications Received**

- 10.4 **Fire Chief Updates**

- a. **Finance Report**
- b. **Human Resources**
- c. **Fire Marshal**
- d. **Tunnel East Bay Hills Fuel Break Project**
- e. **Operations**

[Year End 2022 Fire Prevention Report JDI 1 12 23.docx](#)

11. CONSENT AGENDA

- 11.1 **Meeting Minutes – December 21, 2022 (Special), December 21, 2022 (Regular)**

Staff Recommendation: Approve and File

Attachment: [12-21-22 Special Minutes DRAFT.pdf](#)

Attachment: [12-21-22 Regular Minutes DRAFT.pdf](#)

- 11.2 **Monthly Incident Report – December 2022**

Staff Recommendation: Approve and File

Attachment: [Monthly Incident Report](#)

- 11.3 **Monthly Check/Voucher Register – December 2022**

Staff Recommendation: Approve and File

Attachment: [Check Register Dec 2022](#)

- 11.4 **Monthly Financial Report – December 2022**

Staff Recommendation: Approve and File

[Balance Sheet 12.31.2022.pdf](#)
[Income Statement 12.31.2022.pdf](#)

11.5 **2023 Listing of Board Assignments**

Information Only

[Attachment: 2023 Listing of Board Assignments](#)

12. REGULAR AGENDA

12.1 [Adopt Resolution 23-01 Approving an Investment Policy for District Funds](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution 23-01 Approving an Investment Policy for District Funds.

[Attachment A 23-01 Investment Policy Reso for District Funds.docx](#)

[Attachment B Investment Policy 2023 Legislative Version.pdf](#)

[Attachment C Investment Policy 2023.docx](#)

12.2 [Adopt Resolution 23-03 Approving a Veteran's and Resident Hiring Preference Policy](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution 23-03 a Resolution of the Moraga-Orinda Fire Protection District Approving a Veteran's and Resident Hiring Preference Policy

[Attachment A: 23-03 Veterans and Resident Hiring Preference.docx](#)

[Attachment B: Policy 21 Veteran's and Resident Hiring Preference.docx](#)

12.3 [Draft Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide Direction to Staff if needed

[Attachment: draft Resolution 23-04 Adopting Findings of Fact Justifying Amendments 2022 Fire Code](#)

12.4 [Report on East Bay Hills Wildfire Prevention Vegetation Management JPA, Hills Emergency Forum \(HEF\) and the Diablo Fire Safe Council](#)

Staff Recommendation: No Action Required; Informational purposes only

12.5 [East Bay Hills Wildfire Prevention and Vegetation Management Request for Funding in the Amount of \\$3,500](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide board direction regarding request from the East Bay Hills Wildfire Prevention and Vegetation Management group for \$3,500

[Attachment: Email from Wildfire Prevention Working Group Funding Allocation](#)

12.6 [Potential Operational and Financial Challenges Posed by an Excessive Precipitation Event Over the Winter Season](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide direction to staff

12.7 [Planning for Return to In-Person Board Meetings, New Teleconferencing Laws regarding Remote Attendance by Board members, Provide Direction Regarding the Option to Provide Virtual Public Access to Board Meetings Using Zoom Beginning March 2023, Provide Direction Regarding the Option to Broadcast Board Meetings using YouTube for Public Observation and Provide Direction Regarding Holding Future Board Meetings in a Single Location](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Conduct public meetings under the following conditions beginning March 2023: Standard (pre-pandemic) teleconference call in for board members who are unable to attend in person; 4) Provide direction to staff regarding the option to provide virtual public access to board meetings using Zoom beginning March 2023 5) Provide direction to staff regarding the option to broadcast board meetings using YouTube for public observation 6) Provide direction to staff regarding holding future board meetings in a single location.

[Attachment A: July 21, 2021 Staff Report Hybrid Option Board Meeting Staff Report](#)

[Attachment B: August 16, 2021 Staff Report Hybrid Option Board Meeting](#)

13. COMMITTEE REPORTS

13.1 **Standing Audit Committee (Directors Jex and Hasler)**

13.2 **Ad Hoc Committee Facilities Station 41 (Directors Danziger and Jex)**

13.3 **Ad Hoc Committee Investigate with the Contra Costa County Board of Supervisors if MOFD Members are eligible to receive the COVID-19 relief one-time \$2,500 payment (Directors Danziger and Hasler)**

13.4 **Ad Hoc Committee Joint Fire Prevention w/City of Orinda (Directors Jorgens and Roemer)**

14. ANNOUNCEMENTS

14.1 **Future Agenda Items**

15. ADJOURNMENT

The Moraga-Orinda Fire Protection District ("District"), in complying with the Americans with Disabilities Act ("ADA"), requests individuals who require special accommodations to access, attend and/or participate in District Board meetings due to a disability, to please contact the District Chief's office, (925) 258-4501, at least one business day prior to the scheduled District Board meeting to ensure that we may assist you.

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

I hereby certify that this agenda in its entirety was posted on January 13, 2023, at the Moraga and Orinda Fire Administration offices, Stations 41, 42, 43, 44, and 45 and electronically at www.mofd.org/agendas. Agenda provided to the Moraga Town Office (Hacienda) and Orinda City Hall.



Marcia Holbrook
District Secretary/Clerk

RESOLUTION NO. 23-02

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MORAGA-ORINDA FIRE PROTECTION DISTRICT OF
CONTRA COSTA COUNTY RE-RATIFYING FINDINGS AND DETERMINING
A NEED TO CONTINUE HOLDING REMOTE MEETINGS BY TELECONFERENCE**

WHEREAS, the Board of Directors of the Moraga Orinda Fire District (“District”) is committed to preserving public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District’s Board are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the Board conduct its business; and

WHEREAS, Government Code section 54953(e) of the Brown Act, allows a legislative body to hold a teleconference meeting, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, the Board of Directors previously adopted a Resolution Number 21-17 on October 18, 2021, finding that the requisite conditions exist for the legislative bodies of the District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, in order to meet by teleconference under Government Code section 54953(e), the Governor must have proclaimed a state of emergency under the California Emergency Services Act (Govt. Code § 8625 *et. seq.*); the legislative body must reconsider the circumstances of the state of emergency; and the legislative body must find that the state of emergency continues to directly impact the ability of the members to meet safely in person and/or state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency declared by Governor Newsom under the California Emergency Services Act due to COVID-19, which is still in existence; and

WHEREAS, on January 5, 2023, the Contra Costa County Health Officer issued Recommendations for Safely Holding Public Meetings. Online meetings (i.e. teleconferencing meetings) are encouraged, where practical, as these meetings present the lowest risk of transmission of SARS CoV-2, the virus that causes COVID 19. This is particularly important when community prevalence rates are high. Our current trends as of January 5, 2023 in Covid-19 case rate, test positivity, Covid-19 hospitalizations, and Covid-19 wastewater surveillance are stable but remain elevated. In addition to this, the predominant variant of Covid-19 being identified continues to be the Omicron variant and it’s subvariants the impact of which on the spread of Covid-19 has shown to dramatically increase COVID-19 transmission; and

WHEREAS, many persons who regularly attend Board meetings are over the age of 65 and therefore considered particularly vulnerable to COVID-19; and

WHEREAS, the District provides in the public notices and agendas for all public meetings the online and telephone options for participation in public meetings, protecting the right of the public to

address their local officials and to participate in public meetings, and posts this information on the District’s website, including instructions on how to access the public meeting remotely.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors has reconsidered the circumstances of the state of emergency; and be it

FURTHER RESOLVED, that the Board finds that State or local officials continue to impose or recommend measures to promote social distancing and that State of Emergency declared by Governor Newsom on March 4, 2020, continues to directly impact the ability of Board members, staff, and the public to meet safely in person; and be it

FURTHER RESOLVED, that the Board finds that because of the aforesaid declared State of Emergency, meeting in person would present an imminent risk to the health or safety of meeting attendees; and be it

FURTHER RESOLVED, that the Board authorizes and directs the Fire Chief to place on the Board’s agenda, at least once monthly, reconsideration of the State of Emergency to determine whether circumstances warrant continuing to meet by teleconference under Government Code section 54953(e)(3); and be it

FURTHER RESOLVED, that the Board does hereby direct that its Committees make these same findings until directed otherwise by the Board; and be it

FURTHER RESOLVED, that the Board authorizes and directs the Fire Chief to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act; and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) February 17, 2023, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the District’s Board may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED, APPROVED and ADOPTED this 18th day of January 2023 at a regular meeting of the District Board of Directors held virtually due to the COVID-19 pandemic on motion made by Director ___ and seconded by Director ___, and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution 23-02
Dated: January 18, 2023

John Jex, President
Board of Directors

ATTEST:

Marcia Holbrook
District Secretary/District Clerk



Recommendations for safely holding public meetings

Each local government agency is authorized to determine whether to hold public meetings in person, on-line (teleconferencing only), or via a combination of methods. The following are recommendations from the Contra Costa County Health Officer to minimize the risk of COVID 19 transmission during a public meeting.

1. Online meetings (i.e. teleconferencing meetings) are encouraged, where practical, as these meetings present the lowest risk of transmission of SARS CoV-2, the virus that causes COVID 19. This is particularly important when community prevalence rates are high. Our current trends as of January 5, 2023 in Covid-19 case rate, test positivity, Covid-19 hospitalizations, and Covid-19 wastewater surveillance are stable but remain elevated. In addition to this, the predominant variant of Covid-19 being identified continues to be the Omicron variant and it's subvariants the impact of which on the spread of Covid-19 has shown to dramatically increase COVID-19 transmission.
2. If a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person.
3. A written safety protocol should be developed and followed. It is recommended that the protocol require social distancing, where feasible – i.e. six feet of separation between attendees; and consider requiring or strongly encouraging face masking of all attendees and encouraging attendees to be up-to-date on their COVID-19 vaccine.
4. Seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least 6 feet apart. If unable to host outdoors, consider ways to [increase ventilation and flow](#) of the indoor space to reduce the risk of COVID-19 while indoors.
6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with other Covid-19 symptoms besides fever and help reinforce the message to not go out in public if you are not feeling well.
7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Revised 1-5-2023

Sefanit Mekuria

Sefanit Mekuria, MD, MPH
Deputy Health Officer, Contra Costa County





PROCLAMATION

HONORING DIRECTOR GREGORY J. BAITX UPON HIS RETIREMENT IN DECEMBER 2022

WHEREAS, Gregory J. Baitx represented District 1 of the Moraga-Orinda Fire Protection District and has been on the Moraga-Orinda Fire District Board since 2018; and

WHEREAS, Gregory served on the Facilities Station 41 Ad Hoc Committee in 2019, 2020, 2021, and 2022, and the Fire Chief Performance Evaluation Ad Hoc Committee in 2019 and 2020, and as a Board Officer Secretary in 2021 and 2022; and

WHEREAS, Gregory's family has been in the fire service since the 1950s when his grandfather was the first Fire Chief of Moraga. Gregory's father continued the legacy as a volunteer firefighter in Moraga, followed by a long career in firefighting in Dublin, California; and

WHEREAS, Gregory began his path as a firefighter in 1999 as a reserve firefighter with the Moraga-Orinda Fire Protection District, worked for the Marin County Fire Department as a seasonal firefighter until hired by the New York City Fire Department (FDNY), and currently works as a Captain for the East Contra Costa County Fire Protection District; and

WHEREAS, Gregory is a third-generation firefighter and resident of Moraga with 23 years of experience as a Professional firefighter; and

WHEREAS, Gregory's inspiration for serving was to protect Fire and Emergency Medical service levels in the community where his family has lived for three generations.

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the Moraga-Orinda Fire Protection District and its employees do hereby issue this Proclamation to Gregory J. Baitx in recognition of his many years of service to the community. We extend our gratitude and appreciation to Gregory for his many years of sacrifice as a firefighter and Director for the Moraga-Orinda Fire District. We congratulate him for a job well done and wish him continued success and happiness as he retires from the Board.

The Clerk of the Board shall attest and affix the seal of the Moraga-Orinda Fire District to this proclamation on this 18th day of January 2023.



David Winnacker, Fire Chief

John Jex, President

Steven Danziger, Director

Craig Jorgens, Director

Greg Hasler, Director

Mike Roemer, Director



PROCLAMATION

HONORING DIRECTOR MICHAEL DONNER UPON HIS RETIREMENT IN DECEMBER 2022

WHEREAS, Michael Donner represented District 4 of the Moraga-Orinda Fire Protection District and has been on the Moraga-Orinda Fire District Board since 2018; and

WHEREAS, Michael served as Board President in 2022, Vice-President in 2021, Treasurer in 2020 and 2019, on the Facilities Station 41 Ad Hoc Committee in 2019, 2020, 2021, and 2022, the Fire Chief Performance Evaluation Ad Hoc Committee, and the Long-Range Financial Forecast Committee in 2019; and

WHEREAS, Michael has 40 years of Fire Service experience and retired from the Oakland Fire Department after 31 years of service. Since retiring, Michael continued his service by volunteering with Fire agencies as well as other community organizations; and

WHEREAS, Michael received the Certificate of Valor from the Governor for rescuing victims of the Cypress structure collapse in the 1989 Loma Prieta earthquake and served as the Search Team Manager for FEMA Urban Search and Rescue Task Force 4; and

WHEREAS, Michael has been an active Contra Costa volunteer and has volunteered countless hours in community service, including organizations like Orinda School District's Safety Committee, Random Acts of Kindness, Seniors Around Town, LMYA, working with Fire Agencies on early detection of cancer for firefighters, and mentoring young men and women interested a career in fire service; and

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the Moraga-Orinda Fire Protection District and its employees do hereby issue this Proclamation to Michael Donner in recognition of his many years of service and dedication to the community. We extend our gratitude and appreciation to Michael for his exemplary service as former President and Director of the Moraga-Orinda Fire District, and his many years of sacrifice as a firefighter. We congratulate him for a job well done and wish him continued success and happiness as he retires from the Board.

The Clerk of the Board shall attest and affix the seal of the Moraga-Orinda Fire District to this proclamation on this 18th day of January 2023.



David Winnacker, Fire Chief

John Jex, President

Steven Danziger, Director

Craig Jorgens, Director

Greg Hasler, Director

Mike Roemer, Director



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: January 18, 2023

SUBJECT: **Item 9.1 First Reading of Ordinance 23-01, adopting the 2022 Edition of the California Fire Code, with certain amendments, and by reference, the International Fire Code, 2021 Edition, published by the International Code Council and repealing Ordinance 20-01**

BACKGROUND

Recognizing the significant risk of fire to which our community is exposed, staff propose modest yet progressive modifications to the fire code in order to continue the adoption of best practices for new construction of homes and businesses, ensure roadway access, and water supplies for new construction or developments. Since its inception in 1997, the District has been at the forefront of fire code development and staff believes the attached ordinance is in keeping with this tradition.

The proposed amendments are the product of a year long effort carried out by all of the Fire Marshals in Contra Costa County meeting as part of the Contra Costa County Fire Chiefs Association Fire Prevention Officers Committee. The Fire Marshal working group worked to create a consensus on amendments to adequately protect each community and create a standardized template for a county wide fire code. Both Contra Costa County Fire Protection District and San Ramon Valley Fire Protection District have adopted the 2022 California Fire Code and their local amendments based on this work.

Under state law, the District is required to hold a public hearing and a first and second reading before the proposed Fire Code ordinance is adopted (Government Code § 50022.3). Prior to the first reading of the Fire Code Ordinance, copies of the draft Fire Code were forwarded to staff of the Town of Moraga, City of Orinda, and Contra Costa County Board of Supervisors (for unincorporated areas) for comment.

In accordance with Health and Safety Code section 13869.7, copies of the proposed Ordinance and Findings of Fact have been provided to the Town of Moraga, the City of Orinda, and Contra Costa County for review and comment. The proposed ordinance is the product of significant inter-agency coordination to ensure all concerns have been addressed.

Attached are the proposed amendments for the 2022 California Fire Code and 2021 International Fire Code. Presentations outlining the proposed changes will be made to the City of Orinda and Town of Moraga Councils after the first reading of this Ordinance.

MAJOR CHANGES:

Every three years new editions of the state codes are published. The new codes and local amendments reflect changes in technology, fire safety techniques, and the building industry. These codes become the minimum standards for the State of California on January 1, 2023. By adopting the 2022 Fire Code, the Moraga-Orinda Fire District will be enforcing a code that is consistent with state regulations.

The following is a summary of the proposed changes to the 2019 Fire Code:

- **Chapter 1 Operational & Construction Permits**
 - Identify when operational and construction permits are required
- **Chapter 2 Definitions**
 - Amend and clarify language for substantial addition and substantial alteration
 - Added new definition of new construction
- **Chapter 3 General Safety Provisions**
 - Removed Exterior Hazard Abatement requirements.
- **Chapter 4 Emergency Planning and Preparedness**
 - Added nuisance Fire Alarm
 - Added aerial Pre-Plans
 - Amended standby Personnel
- **Chapter 5 Fire Service Features**
 - Added access to open space
 - Added existing Fire Trails maintenance requirements
 - Added language to clarify Traffic Calming Devices, where they are prohibited, and criteria used to evaluate proposed installations.
 - Added language for Knox Box content requirements
- **Chapter 6 Building Service and Systems**
 - Added Spark Arrestors requirements for chimneys
- **Chapter 9 Fire Protection and Life Safety Systems**
 - Added language for when records shall be submitted to a third party record keeping service for all system inspections, test and maintenance.
 - Amend definitions for Substantial Additions and Alterations to existing structures:
 - Require fire sprinklers for any alteration in all occupancies except Group R-3 that have an addition or expansion where fifty percent or greater of the linear length of the wall of the building (exterior and interior) and fifty percent of the roof are removed, replaced, or added within a one-year period.
 - Require fire sprinklers for any addition in group R-3, the addition of new gross floor area that exceeds fifty percent of the existing gross floor area or the addition of new gross floor area that results in the building having a gross floor area of 3,600 sq. ft. or greater.
 - Added under eave sprinklers for new Structures (R-3)
 - Requires exterior under eave sprinklers for residential sprinkler systems
 - Added county wide standardization for sprinkler requirements for all occupancies other than R-3
 - Added language for Non-permissible water storage identified
 - Amended monitoring of alarm systems to comply with NFPA 72
- **Chapter 10 Means of Egress**
 - Added exit discharge surface requirements
- **Chapter 33 Fire Safety during Construction and Demolition**
 - Added site safety plan and site security requirements
 - Added asbestos removal requirements
- **Chapter 50 Hazardous Materials**
 - Amended requirements to Hazardous Material Management Plans
 - Added requirements to Emergency response support information

- Added documentation requirements of chapter 50 and federal hazardous materials regulations
- **Chapter 53 Compressed Gasses**
 - Amended gas detection systems requirements
- **Chapter 56 Explosives and Fireworks**
 - Amended requirements for commercial fireworks shows and storage of fireworks
- **Chapter 57 Flammable and Combustible Liquids**
 - Added requirements for facility fire/ explosion/ hazardous material release analysis assessment
 - Amended above ground tank prohibited locations
- **Chapter 58 Flammable Gasses and Cryogenic Fluids**
 - Amended Requirements for storage of flammable cryogenic fluids
- **Chapter 61 Liquefied Petroleum Gases**
 - Amended requirements for LPG tanks and capacity of locations
- **Chapter 80 Referenced Standards**
 - Amended requirements for referenced NFPA standards

- **Appendix B Fire Flow Requirements for Buildings**
 - Amended fire flow requirements for buildings other than R-3 and R-4
- **Appendix C Fire Hydrants Locations and Distribution**
 - Amended requirements for number and spacing of hydrants
 - Added maximum distance for hydrant locations
- **Appendix D Fire Apparatus Access Roads**
 - Amended access and Loading requirements
 - Amend table D103.2 to bring fire department turnarounds up to compliance with 2019 fire code (28 feet width of new roads)
 - Amended grade & angles of approach
 - Amended dead end fire apparatus turnarounds
 - Amended aerial access requirements
 - Added number of fire apparatus access roads for new developments

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Conduct a public hearing; 4) Introduce and waive the First reading Ordinance 23-01, an Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, adopting the 2022 Edition of the California Fire Code, with certain amendments, and by reference, the International Fire Code, 2021 Edition, published by the International Code Council and repealing Ordinance 20-01; consideration of Findings of Fact pursuant to Section 18941.5 of the Health and Safety Code; 5) Direct changes if needed.

ATTACHMENT

[Attachment: Ordinance No. 23-01 MOFD 2022 Fire Code Adopt Amend \(1-11-2023\) \(first reading\).pdf](#)

[Attachment: 2022.12.21 Office of the Fire Chief - City of Orinda Fire Code Responses.pdf](#)

[Attachment: 2023.01.05 Office of the Fire Chief - Town of Moraga Fire Code Response.pdf](#)

FIRE CODE

ORDINANCE NO. 23-01

AN ORDINANCE OF THE MORAGA-ORINDA FIRE DISTRICT OF CONTRA COSTA COUNTY, CALIFORNIA, ADOPTING THE 2022 EDITION OF THE CALIFORNIA FIRE CODE, WITH CERTAIN AMENDMENTS, AND BY REFERENCE, THE INTERNATIONAL FIRE CODE, 2021 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, AND REPEALING ORDINANCE 20-01.

The Board of Directors, as the governing body of the Moraga-Orinda Fire District, does ordain as follows:

SECTION 1. ADOPTION OF THE CALIFORNIA FIRE CODE

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, or hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises, and in accordance with Section 13869 and 13869.7 of the California Health and Safety Code, the Moraga-Orinda Fire District does hereby adopt the 2022 California Fire Code (California Code of Regulations, Title 24, Part 9 [based on the 2021 International Fire Code published by the International Code Council]), including Chapters 1-80 and Appendices A, B, BB, C, CC, D, and H, as amended by changes, additions, and deletions set forth in Section 2 of this ordinance. The 2022 California Fire Code, on file in the office of the Moraga-Orinda Fire District, is hereby referenced and made a part hereof as if fully set forth in this ordinance, with the additions, insertions, deletions and changes prescribed in Section 2 of this ordinance, and from the date on which this ordinance shall take effect the provisions thereof shall be controlling within the limits of the Moraga-Orinda Fire District.

SECTION 2. AMENDMENTS TO THE CALIFORNIA FIRE CODE.

The 2022 California Fire Code is amended by the changes, additions and modifications set forth in this Section 2. Chapter and Section numbers used in this Section are those of the 2021 International Fire Code.

Chapter 1. Scope and Administration.

Section 101.1 is amended to read:

101.1 Title. These regulations shall be known as the Fire Code of the Moraga-Orinda Fire Protection District (“the District”) and are hereinafter referred to as "this code."

Section 102.1 is amended to add item 5 to read:

5. Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, and boats that are permanently affixed to a specific location within the boundaries of the District.

Section 105.5 is amended to read:

105.5 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.5.1 through 105.5.63.

Section 105.5.33 is amended to read:

105.5.33 Motor Fuel Dispensing Facilities. An operational permit is required for the operation of automotive, marine, and fleet motor fuel dispensing facilities, including sites that allow mobile fueling from a service provider to the general public, fueling of motor vehicles at approved locations from a tank vehicle, and limited or temporary fueling operations for special events (fueling of watercraft from shore, piers, floats, or barges).

Section 105.5.40 is amended to read:

105.5.40 Cannabis/Plant Extraction-Related System(s)/Operations. An operational permit is required for any of the following cannabis/plant extraction-related systems and operations:

1. Cultivation
2. Plant Extraction Systems
3. Testing/Lab
4. Manufacturing
5. Distribution
6. Carbon Dioxide Systems or Volatile Solvent

Section 105.5 is amended by adding Sections 105.5.52 through 105.5.62 to read:

105.5.52 Wood products. An operational permit is required to store chips, hogged material, wood or other combustible pallets, lumber, or plywood in excess of 200 cubic feet (6 m³) or 34.19 square feet.

105.5.55 Asbestos removal. An operational permit is required to conduct asbestos-removal operations regulated by Section 3319.

105.5.56 Automobile Wrecking or Dismantling Yard. An operational permit is required for all automobile wrecking yards, automobile dismantling operations, and similar operations.

105.5.57 Christmas tree sales. An operational permit is required to use a property for the purpose of selling cut Christmas trees.

105.5.58 Firework display. An operational permit is required to conduct a firework display regulated by Title 19 of the California Code of Regulations and Chapter 56 of this code.

- 105.5.59 Model rockets.** An operational permit is required to sell model rocket motors or launch model rockets pursuant to California Code of Regulations, Title 19, div. 1, ch. 6, art. 17. Permits issued in accordance with this section are for the site and are effective as long as site conditions have not changed.
- 105.5.60 Temporary Occupancy.** An operational permit is required for any temporary occupancy.
- 105.5.61 Temporary water supply.** An operational permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 3313.1.
- 105.5.62 Tire storage.** An operational permit is required to store more than 1,000 cubic feet (28.3 m³) of tires inside buildings pursuant to Chapter 34.

Section 105.6 is amended to read:

- 105.6 Required construction permits.** The fire code official is authorized to issue construction permits for the operations set forth in Chapter 1, Sections 105.6.1 through 105.6.28.

Section 105.6 is amended by adding Sections 105.6.25 through 105.6.28 to read:

- 105.6.25 Access for fire apparatus.** Plans shall be submitted to the fire code official, and a construction permit is required to install, improve, modify, or remove public or private roadways, driveways, and bridges for which District access is required by this code.
- 105.6.26 Construction, Substantial Alterations and Substantial Additions for which a building permit is required.** Plans shall be submitted to the fire code official, and a construction permit is required for all substantial alterations of and all substantial additions to a building within the District.
Exception: Non-sprinklered Group R-3 Occupancies where work does not involve a substantial addition or substantial alteration and is not located in a VHFHSZ or WUI-FA.
- 105.6.27 Subdivision of Land.** Plans shall be submitted to the fire code official, and a construction permit is required for all developments or improvements proposed within the District that involve the subdivision of land.
- 105.6.28 Water supply for fire protection.** Plans shall be submitted to the fire code official, and a construction permit is required for the purpose of determining whether adequate water supplies, fire hydrants, and associated

systems are provided for all facilities, buildings, or portions of buildings either constructed or moved into the District pursuant to Section 507.

Section 105.7 is added to read:

105.7 Responsibility of permittee. Work performed under a construction permit shall be in strict accordance with the approved plans as reviewed by the fire code official, all requirements of this code, and any other laws or regulations applicable thereto. Any deviations from, or additions to, the work described in the plans originally submitted to the District must be presented to the fire code official for approval. District approval shall not relieve or exonerate any person from the responsibility of complying with the provisions of this code and no vested rights shall be created for any work performed in violation of this code.

Section 112.4 is amended to read:

112.4 Violation penalties. Every person who violates any provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction or misdemeanor in accordance with Health and Safety Code Section 13871. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained after due notice has been served shall constitute a separate offense.

Section 112.4.2 is added to read:

Section 112.4.2 Other penalties and remedies. Nothing in this Section 112.4 shall limit the fire code official from pursuing other available legal remedies for violations of this code, including but not limited to administrative citations and attendant fines, civil penalties, and administrative and summary abatements.

Chapter 2. Definitions.

Section 202 is amended by adding the following definitions to that section:

ADMINISTRATOR. Shall mean the Fire Chief or his or her authorized representative.

AERIAL PRE-PLANS. An overhead layout of a parcel containing structure(s) that identifies specific first responder related items to assist in effectively managing incidents and events for the protection of occupants, responding personnel, property, and the environment. The pre-plan shall be developed in accordance with a format approved by the District. Pre-plan symbols shall comply with the format approved by the District.

ALL-WEATHER DRIVING SURFACE. A roadway with a minimum surface finish that is designed to carry the imposed weight loads of fire apparatus.

AUTOMOBILE DISMANTLING OR WRECKING YARD. The operation of dismantling or removing parts from salvaged vehicles including engines or engine parts.

AUTOMOBILE WRECKING YARD. An area that stores or dismantles salvaged vehicles.

BOARD OF DIRECTORS. The governing body of the District.

COMBUSTIBLE MATERIAL. Rubbish, litter, or material of any kind, other than hazardous vegetation, that is combustible and endangers the public safety by creating a fire hazard as determined by the fire code official.

FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term that includes, but is not limited to a fire lane, public street, private street, driveway, parking lot lane, and access road.

FIRE TRAIL. A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and assist in preventing surface extension of fires. Must be able to support the safe travel of a Type 3 Fire Apparatus.

HAZARDOUS VEGETATION. Vegetation that is combustible and endangers the public safety by creating a fire hazard, including but not limited to seasonal and recurrent grasses, weeds, stubble, brush, dry leaves, dry needles, dead, dying, or diseased trees, and any other vegetation as determined by the fire code official.

KEY BOX OR KNOX BOX. A UL (Underwriters Laboratory) Listed box, the size and style of which is approved by the fire code official, that meets the requirements of, and uses the same security key code adopted by, the District.

NEW CONSTRUCTION. Any new structure that requires a building permit or any construction that meets this code’s definition of a substantial addition or a substantial alteration shall be deemed new construction.

NUISANCE FIRE ALARM. The activation of any fire protection or alarm system which results in the response of the District and is caused by malfunction, improper maintenance, negligence, or misuse of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.

PARCEL. A legal lot of any size.

PERSON. Includes any agency of the county, city or district or any other public agency and any individual, firm, association, partnership, business trust, corporation, limited liability company, or company.

RESPONSE TIME. The elapsed time from receipt of call to the arrival of the first unit on scene.

RUBBISH. Waste matter, litter, trash, refuse, debris, and dirt on streets, public property or private property in the District which is, or when dry may become, a fire hazard. See combustible material.

SPRINKLER ALARM AND SUPERVISORY SYSTEM (SASS). A dedicated function fire alarm system located at the protected premises installed specifically to monitor sprinkler water-flow alarm, valve supervisory, and general trouble conditions where a building fire alarm is not required.

STREETS. Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public right of ways, private road, public road, paper street, and easements.

SUBSTANTIAL ADDITION. The addition of new gross floor area that exceeds fifty percent of the existing gross floor area or the addition of new gross floor area that results in the building having a gross floor area of 3,600 sq. ft. or greater.

SUBSTANTIAL ALTERATION. Fifty percent or greater of the linear length of the wall of the building (exterior and interior) and fifty percent of the roof are removed or replaced within a one-year period.

TEMPORARY FIRE APPARATUS ACCESS ROAD FOR CONSTRUCTION. A temporary roadway for emergency vehicle use during construction of residential subdivision projects that is approved by the fire code official.

TEMPORARY WATER SUPPLY. Water stored for firefighting purposes in an aboveground tank approved by the fire code official during combustible construction.

Chapter 4. Emergency Planning and Preparedness.

Section 401.5.1 is added to read:

401.5.1 Nuisance Fire Alarm. A fee may be charged for nuisance fire alarms in accordance with a fee schedule adopted by the Board of Directors.

Section 401.10 is added to read:

401.10 Aerial Pre-Plans. For all new construction, the fire official is authorized to require a fire aerial pre-plan to be prepared by an approved vendor.

Section 403.11.1 is amended to read:

403.11.1 Standby Personnel. Where, in the opinion of the fire code official or fire chief, it is essential for public safety in a place of assembly, or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest, or activity, the owner, agent, or lessee shall provide standby personnel as required and approved by the fire code official or fire chief. If the activity requires fire watch, fire watch shall be provided in accordance with Sections 403.11.1.1 and 403.11.1.2. Standby personnel needed for EMS standby shall be provided in accordance with Contra Costa County EMS Protocols.

Chapter 5. Fire Service Features.

Section 503.1.4 is added to read:

503.1.4 Access to open spaces. When access to open land/space or fire trail systems maintained for public or private use is obstructed by new development or construction of any kind, the developer or owner of the parcel shall provide alternate acceptable access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access requires the approval of the fire code official.

Section 503.1.5 is added to read:

503.1.5 Existing fire trail systems shall be maintained. When conditions make maintenance of existing trails impractical, alternate means of access shall be provided by the owner of the parcel and the alternate means of access must be approved by the fire code official.

Section 503.2.1 is amended to read:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 28 feet (8,534.4 mm), exclusive of shoulders, except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 15 feet (4,572mm).

Section 503.4.1 is amended to read:

503.4.1 Traffic calming devices. Traffic calming devices shall be prohibited in all VHFHSZ. All fire apparatus access roads approved for traffic calming devices shall have a second unobstructed means of egress for evacuations. All applications for traffic calming devices shall provide the following information:

1. Traffic volume.
2. Posted speed limit.
3. Number of accidents in the three previous years attributed to excessive speed.
4. The Traffic Engineer's determination that the site is suitable.
5. Summary of education efforts.
6. Summary of enforcement efforts.
7. Number of citations or warnings issued.

Section 506.1.3 is added to read:

506.1.3 Knox Rapid Entry System key box contents. The key boxes shall contain, but not be limited to, the following items as designated by the fire code official.

1. Labeled keys to locked points of egress, whether in interior or exterior of the building or buildings.
2. Labeled Keys to the locked mechanical rooms.
3. Labeled keys to any fence or secured areas not covered in Section 506.1.
4. Labeled keys to any other areas that may be required by the fire code official.
5. A card containing the names and telephone numbers for the emergency contact people for each occupancy.
6. Hazardous Safety Data Sheet (SDS).
7. Aerial pre-plan.

Chapter 6. Building Services and Systems.

Section 605.3.1 is added to read:

605.3.1 Spark Arrestors. All chimneys attached to any appliance or fireplace that burns solid fuel shall be equipped with an approved spark arrestor California Building Code Section 2113.9.2.

Chapter 9. Fire Protection Systems.

Section 901.6.3.2 is added to read:

901.6.3.2 Records. Records of all system inspections, tests, and maintenance required by the reference standards shall be submitted to a third-party electronic record keeping service as chosen by the District.

Section 902.1 is amended to add:

SUBSTANTIAL ADDITION. The addition of new gross floor area that exceeds fifty percent of the existing gross floor area or the addition of new gross floor area that results in the building having a gross floor area of 3,600 sq. ft. or greater.

SUBSTANTIAL ALTERATION. Fifty percent or greater of the linear length of the wall of the building (exterior and interior) and fifty percent of the roof are removed, replaced, or added within a one-year period.

Section 903.1 is amended to read:

903.1 General. Automatic sprinkler systems shall comply with this section. For the purposes of this section, fire walls shall not be considered as creating separate buildings. An automatic sprinkler system shall be provided for all new buildings with a gross floor area that exceeds 5,000 square feet, and in the locations set forth in Section 903.

Exception: Group U occupancies.

Section 903.2.1.1 is amended to read:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided throughout stories containing Group A-1 occupancies and throughout all stories from the Group A-1 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

Section 903.2.1.3 is amended to read:

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided throughout stories containing Group A-3 occupancies and throughout all stories from the Group A-3 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 10,000 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than 4-hour fire resistance rating without openings.

Section 903.2.1.4 is amended to read:

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided throughout stories containing Group A-4 occupancies and throughout all stories from the Group A-4 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.8 is added to read:

903.2.1.8 Group B. An automatic sprinkler system shall be provided for Group B occupancies and intervening floors of the building where the fire area exceeds 5,000 square feet.

Section 903.2.3 is amended to read:

903.2.3 Group E. An automatic sprinkler system shall be provided for new Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 2,000 square feet in area.
Exception: An automatic sprinkler system is not required in any Group E Day Care Facility less than 5,000 square feet.
2. The Group E fire area is located on a floor other than a level of exit discharge serving such occupancies.
Exception: In buildings where every classroom has not fewer than one exterior exit door at ground level, an automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area.
3. The Group E fire area has an occupant load of 300 or more.
4. In rooms or areas with special hazards such as laboratories, vocational shops, and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
5. Throughout any Group E structure greater than 4,000 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than 4-hour fire resistance rating without openings.
6. For public school state-funded construction projects, see Section 903.2.19.
7. For public school campuses, Kindergarten through 12th grade, see Section 903.2.20.

Section 903.2.4 is amended to read:

903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5,000 square feet.
2. A Group F-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group F-1 occupancy is used for the manufacture of upholstered furniture or mattresses exceeding 2,500 square feet.

Section 903.2.4.4 is added to read:

903.2.4.4 Group F-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-2 occupancy greater than 5,000 square feet.

Section 903.2.7 is amended to read

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5,000 square feet.
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 5,000 square feet.
4. A Group M occupancy is used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet.
5. The structure exceeds 5,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire resistance rating without openings.

Section 903.2.8 is amended to read:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all Group R occupancies. An automatic sprinkler system shall be installed in new manufactured homes, new mobile homes, and multifamily manufactured homes with two dwelling units, including those located in mobile home parks, in accordance with Title 25 of the California Code of Regulations.

Section 903.2.8.1.1 is added to read:

903.2.8.1.1 Group R-3 Substantial Addition or Alteration. An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where either of the following occurs:

1. Substantial Addition. The addition of new gross floor area that exceeds fifty percent of the existing gross floor area or the addition of new gross floor area that results in the building having a gross floor area of 3,600 sq. ft. or greater.
2. Substantial Alteration. Fifty percent or greater of the linear length of the wall of the building (exterior and interior) and fifty percent of the roof are removed, replaced, or

added within a one-year period.

Section 903.2.9 is amended to read:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet.
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group S-1 occupancy is used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.

Section 903.2.9.1 is amended to read:

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.
2. Buildings not more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet.
3. Buildings with repair garages servicing vehicles parked in basements.
4. A Group S-1 fire area used for the repair of commercial motor vehicles where the fire area exceeds 5,000 square feet or any tenant improvement to the structure exceeds 49% of the S-1 area.

Section 903.2.10.1 is amended to read:

903.2.10. Group S-2 parking garages. An automatic sprinkler system shall be provided throughout buildings classified as parking garages where any of the following conditions exists:

1. Where the fire area of the enclosed parking garage, in accordance with Section 406.6 of the California Building Code, exceeds 5,000 square feet.
2. Where the enclosed parking garage, in accordance with Section 406.6 of the California Building Code, is located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

3. Where the fire area of the open parking garage, in accordance with Section 406.5 of the California Building Code, exceeds 48,000 square feet.

Section 903.2.10.3 is added to read:

903.2.10.3 Group S-2 low hazard storage. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy exceeding 5,000 square feet.

Section 903.2.11.3 is amended to read:

Section 903.2.11.3 Buildings 35 feet or more in height. An automatic fire extinguishing system shall be installed in all occupancies regardless of type of construction, floor area, or occupancy load if the building is three stories or more than 35 feet in height measured in accordance with the California Building Code, Chapter 5.

Section 903.2.11.7 is added to read:

903.2.11.7 High-piled storage. An automatic sprinkler system shall be provided throughout buildings containing high-piled combustible storage.

Exception: An automatic sprinkler system is not required for 500 square feet or less, including aisles, of high-piled storage.

Section 903.2.22 is added to read:

903.2.22 Fire Department Delivery Capability. An automatic fire sprinkler shall be installed in all new buildings and occupancies, or in existing buildings or structures that change occupancy classification or use, when the required fire flow exceeds 2,000 gallons per minute.

Section 903.3.1.1.4 is added to read:

903.3.1.1.4 Undeclared Use. In buildings of undeclared use with floor to structure height greater than 14 feet, the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet, the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner occupant to upgrade the system.

Section 903.3.1.3.1 is added to read:

903.3.1.3.1. Eave protection. Sprinkler protection shall be provided under roof eaves (as defined in California Building Code Section 702A) in Fire Hazard Severity Zones and Wildland Urban Interface Fire Areas.

Section 903.3.1.3.2 is added to read:

903.3.1.3.2 Pipe limitations. Where CPVC pipe is installed above the insulation or is otherwise located in an unconditioned space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 903.3.5.3 is added to read:

903.3.5.3 Non-permissible water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 903.3.5.

Section 903.3.9 is amended to read:

903.3.9. Floor control valves. Individual floor control valves and water flow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location.

Exception: Group R-3 and R-3.1 Occupancies.

Section 903.4.2 is amended to read:

903.4.2 Alarms. One approved audible and visual device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible and visual alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 903.6.1 is added to read:

903.6.1 Substantial additions and alterations. An automatic sprinkler system shall be provided throughout all existing R-3 Occupancy buildings where a substantial addition or substantial alteration occurs. Group R-3 substantial additions or alterations shall comply with Section 903.2.8.1.1.

Section 903.6.2 is added to read:

903.6.2 Change of occupancy classification. Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table 1011.5 of the current edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard).

Section 905.3.1, item 2, is amended to read:

905.3.1 Height.

2. Any building three (3) stories in height shall have a Class I standpipe installed that is interconnected with the fire sprinkler system.

Section 905.4, item 1, is amended to read:

905.4 Location of Class I standpipe hose connections.

1. In every required interior exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at the intermediate floor landings unless otherwise approved by the fire code official. See Section 909.20.2.3 of the California Building Code for additional provisions in proof enclosures.

Exception: A single hose connection shall be permitted to be installed in the open corridor or open breezeway between stairs that are not greater than 75 feet (22,860mm) apart.

Section 907.4.4 is added to read:

907.4.4 Monitoring of other fire systems. In buildings equipped with a fire alarm system or sprinkler alarm and supervisory service (SASS) system, where other fire suppression or extinguishing systems are installed in the building (including, but not limited to, commercial kitchen suppression systems, pre-action fire suppression systems, dry chemical systems, and clean agent systems), these other suppression systems shall be monitored by the SASS dedicated function fire alarm system and transmitted as a specific signal to the Central Station. The system shall be monitored in compliance with Section 907.6.6.

Section 907.5.2.3.1 is amended to read:

907.5.2.3.1 Public use and common use areas. Visible alarm notification appliances shall be provided in public use areas and common use areas, including but not limited to:

1. Sanitary facilities including restrooms, bathrooms, shower rooms, and locker rooms.
2. Corridors, hallways, and aisles with shelving and/or fixtures obstructing the required light intensity for that area.
3. Music practice rooms.
4. Band rooms.
5. Gymnasiums.
6. Multipurpose rooms.
7. Occupational shops.
8. Occupied rooms where ambient noise impairs hearing of the fire alarm.
9. Lobbies.
10. Meeting/Conference rooms.
11. Classrooms.
12. Medical exam rooms.
13. Open office areas.
14. Sales floor areas.
15. Break or lunchrooms.
16. Copy or work rooms.

17. Computer server rooms exceeding 200 sq. ft.
18. File or storage rooms exceeding 200 sq. ft.

Section 907.6.6 is amended to read:

907.6.6 Monitoring of fire alarm systems. A fire alarm system required by this chapter, or by the California Building Code, shall be monitored by a UL-listed Central Station service in accordance with NFPA 72 and this code.

Exceptions: Monitoring by a UL-listed central station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.10.
2. Group 1-3 occupancies, which shall be monitored in accordance with Section 907.2.6.3.
3. Residential Day Care Facilities (occupancy load of 14 or less).
4. One- and two-family dwellings.
5. Residential Care Facilities licensed by the state with an occupant load of 6 or less.
6. Occupancies with local fire alarm systems that will give an audible and visible signal at a constantly attended location, as approved by the fire code official.

Section 907.6.7 is added to read:

907.6.7 Certification. New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 907.6.7.1 is added to read:

907.6.7.1 Posting of Certificate. The UL Certificate shall be posted in a durable transparent cover within three feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

Chapter 10. Means of Egress.

Section 1028.5.1 is added to read:

1028.5.1 Exit discharge surface. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather and shall terminate at a public way as defined in the California Building Code.

Chapter 33. Fire Safety during Construction and Demolition.

Section 3303.1.2 is added to read:

3303.1.2 Amendments. Amendments may be required to an approved site safety plan if deemed necessary by both the building official and fire official based on previous fires or hazards that occurred on site or within the District.

Section 3303.1.3 is added to read:

3303.1.3 Site Security requirements. Site security requirements shall include the following if deemed necessary by both the building official and fire code official:

1. Controlled access points.
2. Site fencing, up to 12 feet in height with tamper sensors and security wires on top.
3. Security guards, full-time 24/7 presence on-site, to perform fire watch and patrols.
4. Detection check points located throughout the buildings for fire watch and patrol verification.
5. Security camera coverage throughout the site with motion detection notifications.
6. Identify measures taken to prevent tampering with security cameras and motion sensors.
7. Necessary lighting throughout the project site.

Section 3319 is added to read:

Section 3319 Asbestos Removal.

3319.1 General. Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 3319.

Exceptions: Section 3319 does not apply to the removal of asbestos from:

1. Pumps, valves, gaskets, and similar equipment.
2. Pipes, ducts, girders, or beams that have a length less than 21 linear feet (6400 mm).
3. Wall or ceiling panels that have an area of less than 10 square feet (0.93 m²) or a dimension of less than 10 linear feet (3048 mm).
4. Floor tiles when their removal can be completed in less than four hours.
5. Group R-3 occupancies.

3319.2 Notification. The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials that were used as a feature of the building's fire resistance.

3319.3 Plastic Film. Plastic film that is installed on building elements shall be flame resistant as required for combustible decorative material, in accordance with Section 807.

3319.4 Signs. Approved signs shall be posted at the entrance, exit and exit-access door, decontamination areas, and waste disposal areas for asbestos-removal operations. The signs shall state that asbestos is being removed from the area, that asbestos is a suspected carcinogen, and that proper respiratory protection is required. Signs shall have a reflective surface. Lettering shall be a minimum of 2 inches (51 mm) high.

Chapter 50. Hazardous Materials - General Provisions.

Section 5001.5.1, is amended to add items 10 and 11 to read:

5001.5.1 Hazardous Material Management Plan (HMMP). Where required by the fire code official, an application for permit shall include an HMMP. The HMMP shall include an aerial pre-plan of the facility to designate the following:

10. Fire Department related safety equipment including:

- A. Fire alarm control panel (FACP)
- B. Sprinkler riser
- C. Fire department connection (FDC)
- D. Knox Box location
- E. Gas valve shutoff
- F. Electrical main shutoff
- G. Water shutoff
- H. Elevator equipment room

11. A Site Fire/Explosion/Hazardous Material Release Analysis Assessment. A Fire Protection Engineer (FPE)-stamped risk assessment is required for each possible hazard risk associated with fire, explosion, smoke, and toxicity associated with the possible incident at a facility that is identified as a bulk transfer/process/storage facility. Refer to NFPA 550 & 551 for references.

Section 5001.5.3 is added to read:

5001.5.3 Emergency response support information. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statements (HMIS), and other information must be stored at a readily accessible location as determined by the fire code official. This location may be in cabinets located outside of facilities or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer-aided dispatching.

Section 5003.9.1.2 is added to read:

5003.9.1.2 Documentation. Evidence of compliance with the provisions of this chapter as well as

with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

Chapter 53. Compressed Gasses.

Section 5307.2 is amended to delete exception number 1.

Section 5307.3.2.1 is amended to read:

5307.2.1 Gas detection system. Indoor storage and use areas and storage buildings shall be provided with a gas detection system complying with Section 916.

Section 5307.4.3 is amended to read:

5307.4.3 Gas detection system. A gas detection system complying with Section 916 shall be provided in rooms or indoor areas in which the carbon dioxide enrichment process is located, in rooms or indoor areas in which container systems are located, and in other areas where carbon dioxide is expected to accumulate. Carbon dioxide sensors shall be provided within 1 inch (305 mm) of the floor in the area where the gas is expected to accumulate, or leaks are most likely to occur. The system shall be designed as follows:

1. Activates a low-level alarm upon detection of a carbon dioxide concentration of 5,000 ppm.
2. Activates a high-level alarm upon detection of a carbon dioxide concentration of 10,000 ppm.

Chapter 56. Explosives and Fireworks.

Section 5601.1.3 is amended to read:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks within all areas of Contra Costa County are prohibited.

Exceptions:

1. Storage and handling of fireworks by a public safety agency.
2. The use of fireworks for fireworks displays pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11.
3. Snap caps and party poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.2 is amended to read:

5601.2.2 Sale and retail display. No person shall construct a retail display or offer for sale any explosives, explosive materials, or fireworks within the District.

Exception: Snap caps and party poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.4 is amended to read as follows:

5601.2.4 Financial responsibility. Before a permit is issued pursuant to Section 5601.2, the applicant shall file with the District a corporate surety bond in the principal sum of \$2,000,000, or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Exception: Fireworks in accordance with California Code of Regulations, Title 19, Division 1, Chapter 6. See Section 5608.

Chapter 57. Flammable and Combustible Liquids.

Section 5703.3.1 is added to read:

5703.3.1 Facility Fire/Explosion/Hazardous Material Release Analysis Assessment. A Fire Protection Engineer (FPE)-stamped risk assessment is required for each possible hazard risk associated with fire, explosion, smoke, and toxicity associated with the possible incident at a facility that is identified as a bulk transfer/process/storage facility when required by the fire official. Refer to NFPA 550 & 551 for references.

Section 5704.2.9.6.1 is amended to read:

Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, business district, rural or rural residential, and on an individual basis as approved by the fire code official. Tank size shall not exceed 1,000 gallons for any class of liquids.

Section 5706.2.4.4 is amended to read:

Section 5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, business district, rural or rural residential, and on an individual basis as approved by the fire code official. Tank size shall not exceed 1,000 gallons for any class liquids.

Chapter 58. Flammable Gasses and Flammable Cryogenic Fluids.

Section 5806.2 is amended to read as follows:

5806.2 Limitation. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

Exception: Liquid hydrogen fuel systems in compliance with Section 5806.3 or 5806.4.

Chapter 61. Liquefied Petroleum Gases.

Section 6103.2.1.7 is amended to read:

6103.2.1.7 Use for food preparation. Individual portable LP-gas containers used, stored, or handled inside a building classified as a Group A, Group B, or Group M occupancy for the purposes of cooking, food display, or a similar use, shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the fire code official. LP-gas appliances used for food preparation shall be listed for such use in accordance with the California Mechanical Code and NFPA 58.

Section 6104.2 is amended to read:

6104.2 Maximum capacity within established limits. The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

Chapter 80. Referenced Standards.

Chapter 80 is amended by adding the following referenced standards:

NFPA 3 (2015): Recommended Practice for Commissioning of Fire Protection and Life Safety Systems

NFPA 850 (2015): Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations

Chapter 80 is further amended by amending the NFPA 13D (2016) (Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes) standard as follows:

Section 7.7.1 is added, to read:

7.7.1 Where CPVC pipe is installed above the normal insulation in an unconditioned space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 8.3.5.1.2 is amended to read:

8.3.5.1.2 Where fuel-fired equipment is below or on the same level as occupied areas of the dwelling unit, at least one quick-response intermediate temperature sprinkler shall be installed above the equipment or at the wall separating the space with the fuel-fired equipment from the occupied space. In unconditioned spaces, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Appendix B. Fire-Flow Requirements for Buildings.

Table B105.2 is amended to read:

TABLE B105.2
Required Fire-Flow for Buildings Other Than
One- and
Two-Family Dwellings, Group R-3 and R-4
Buildings and Townhouses

AUTOMATIC SPRINKLER SYSTEM (DESIGN STANDARD)	MINIMUM FIRE-FLOW (GALLONS PER MINUTE)	FLOW DURATION (HOURS)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the California Fire Code	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the California Fire Code	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 Lit

a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

Appendix C. Fire Hydrant Locations and Distribution.

Table C102.1 is amended as follows:

The title of Table C102.1 is amended to read:

TABLE C102.1 REQUIRED NUMBER AND SPACING OF FIRE HYDRANTS
(footnotes h and j)

The heading of the fourth column of Table C102.1 is amended to read:

MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE
TO A HYDRANT (d, f, g, i)

Footnotes "i" and "j" are added to Table C102.1, to read:

- i. A fire hydrant shall be provided within 250 feet of a fire trail access point off a public or private street.
- j. For infill projects within existing single-family residential developments, Section 507.5.1 applies.

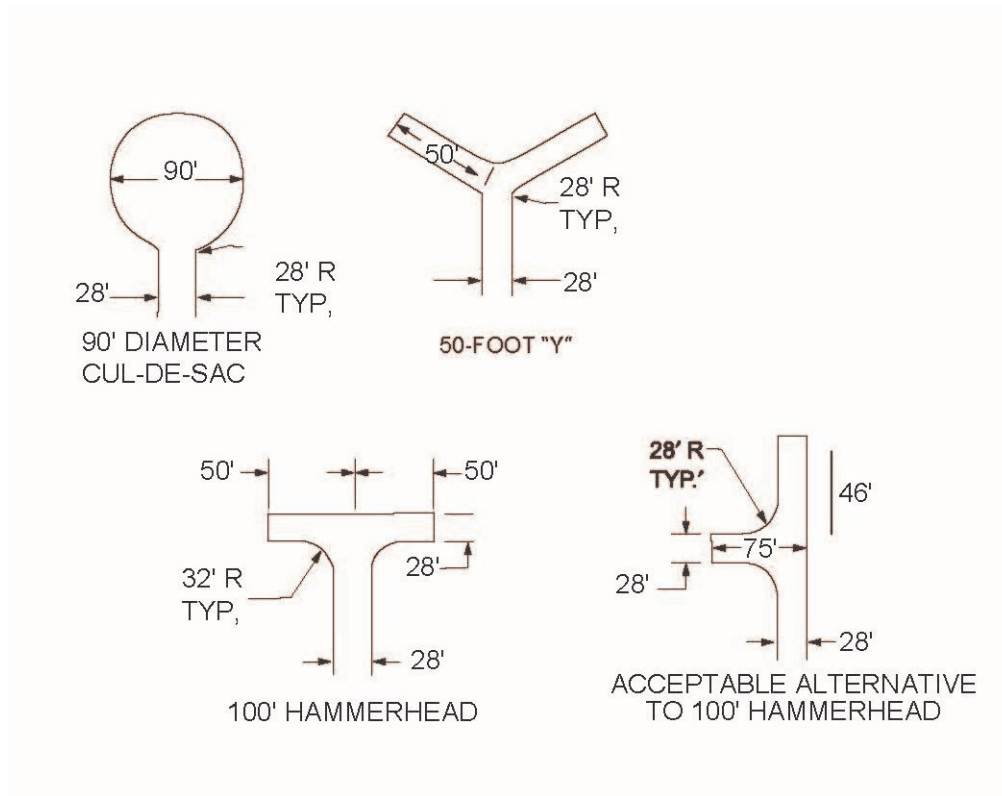
Appendix D. Fire Apparatus Access Roads.

Section D102.1 is amended to read:

D102.1 Access and loading. Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved all-weather driving surface capable of supporting the imposed load of fire apparatus weighing at least 74,000 pounds (34,473 kg) in accordance with Caltrans Design Standard HS- 20-44.

Exception: Driveways serving one or two single-family dwellings may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

Figure D103.1 is amended to read:



Section D103.2 is amended to read:

D103.2 Grade. Fire department access roads having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 44,000-pound (19,958 kg) traction load. The grooves in the concrete surface shall be ½ inch (13 mm) wide by ½ inch (13 mm) deep and 1 ½ inch (38 mm) on center and set at a 30 to 45 degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

Section D103.2.1 is added, to read:

D103.2.1 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section D103.3 is amended to read:

D103.3 Turning radius. Based on a minimum unobstructed width of 28 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 28 feet (8,534.4 mm) inside and 48 feet (14,630.4 mm) outside.

Table D103.4 is amended to read:

**Table D103.4
REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	MINIMUM WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	28	None required
151 - 750	28	100-foot Hammerhead, 90-foot-diameter cul-de-sac, or 50-foot “Y” configuration in accordance with figure D103.1
Over 750		Special approval required

- a. A driveway with a minimum width of 18 feet is acceptable for access to no more than two dwelling units. Parking is **not** permitted on the roadway.
- b. Any fire apparatus access roadway or driveway that is approved to be more than 750 feet in length and less than 28 feet wide shall have outsets or turnouts every 300 feet along the length of the road or driveway, or at locations approved by the fire code official. Each outset or turnout shall be of the following dimensions: an 8-foot-wide turnout that extends at least 40 feet in length.

Section D103.5 is amended to add Criteria 9:

- 9. All gates shall be installed and located a minimum of 30 feet off the street.

Section D103.6.1 is amended to read:

D103.6.1 Roads less than 28 feet in width. Fire apparatus access roads less than 28 feet wide shall be posted on both sides as a fire lane.

Section D103.6.2 is amended to read:

D103.6.2 Roads 28 feet in width or greater, but less than 36 feet in width. Fire apparatus access roads 28 feet wide or greater, but less than 36 feet wide, shall be posted on one side of the road as a fire lane.

Section D105.2 is amended to read:

D105.2 Width. Aerial Access. Aerial access roads shall have a minimum width of 36 feet (10973 mm) exclusive of shoulders, in the immediate vicinity of the building or portion thereof. Aerial access is required when building height is 30 feet or greater.

Section D106.1. is added to read:

D106.1. Required fire apparatus access roads for residential developments. The minimum number of access roads serving residential development(s) shall be based upon the number of dwelling units served as follows:

1. 1-20 units, one public or private fire apparatus access road.
2. 21-50 units, two public or private fire apparatus access road as approved by the fire code official.
3. 51-101+ units, three or more public or private fire apparatus access roads as approved by the fire code official.
4. Nothing in this section shall be construed to limit the creation of accessory dwelling units that are otherwise authorized by law.

Section D106.2 is deleted in its entirety.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES.

Ordinance 20-01, adopting and amending the California Fire Code (2019 Edition) is hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, paragraph, sentence, or clause of this ordinance is determined in a final ruling by a court of competent jurisdiction to be invalid or unenforceable, such finding shall not invalidate any remaining portions of the ordinance. The Board hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, or clause thereof, irrespective of the fact that any portion of the ordinance be declared invalid.

SECTION 5. DATE OF EFFECT.

This ordinance shall become effective on , 2023, and within fifteen (15) days of passage shall be published once with the names of the Directors voting for and against it, in the Contra Costa Times, a newspaper of general circulation in this District. Passed and Adopted on , 2023, by the following vote:

PASSED, APPROVED and ADOPTED this XXth day of , 2023 at the regular meeting of the District Board of Directors held virtually on , 2023, on a motion made by Director , seconded by Director , and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ORDINANCE 23-01

ATTEST:

John Jex, President
Board of Directors

ATTEST:

Marcie Holbrook
District Secretary/District Clerk

APPROVED AS TO FORM:

Jonathan V. Holtzman
District Counsel



Moraga-Orinda Fire District

Fire Chief Dave Winnacker

December 21, 2022

David Biggs
City Manager
City of Orinda
22 Orinda Way
Orinda, CA 94563

Dear City Manager Biggs,

Thank you for your letter of December 16, 2022. Please see MOFD's response below.

- I. Upon further review, MOFD proposes to remove the references to the Fuel Mitigation and Exterior Hazard Abatement Standards Ordinance (formerly referred to as the Defensible Space Ordinance) from the CFC amendments.
- II. The California Fire Code (CFC) and any local amendments to the fire code are for new construction or substantial additions or alternations. The exception to this is CFC chapter 11 which applies to existing buildings, however MOFD proposes no amendments to this chapter.
- III. Requirements for Fire Apparatus access roads can be found in CFC chapter 5 and Appendix D. There are additional requirements for access roads that can be found in the California code of Regulations Title 14 & 19.
 - a. **19 CCR § 3.05**
§ 3.05. Fire Department Access and Egress. (a) Roads. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width. **Such right-of-way shall be unobstructed** and maintained only as access to the public street. **(Applies in SRA & LRA)**
 - i. EXCEPTION: The enforcing agency may waive or modify this requirement if in his opinion such all-weather hard-surfaced condition is not necessary in the interest of public safety and welfare.
 - b. **Traffic calming devices are defined in CFC Chapter 2**
 - i. CFC Chapter 2 - **TRAFFIC CALMING DEVICES**. Traffic calming devices are design elements of fire apparatus access roads such as street alignment, installation of barriers, and other physical measures intended to reduce traffic and cut- through volumes, and slow vehicle speeds.

c. CFC Chapter 503.4 Obstruction of Fire Apparatus Access Roads

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times.

503.4.1 Traffic Calming Devices

Traffic calming devices shall be prohibited unless approved by the fire code official.

d. Title 14 1267.01

Adequate secondary egress route is not a road with locked gates or limited access; or a road that directs traffic to the same outlet road as the primary road or results in a circular traffic flow to the extent practical.

Further, 14 CCR § 1273.00 includes additional roadway requirements in SRA and LRA VHFHSZs.

§ 1273.00. Intent. Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and **shall provide unobstructed traffic circulation** during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

- e.** Per the code sections cited above, any traffic calming measure requires Fire District approval. The proposed amendments are intended to clarify the circumstances under which traffic calming devices will be approved. MOFD has no objection to adding verbiage stating signage and rumble strips are approved. Should the City of Orinda be concerned regarding the inclusion of the amendments clarifying the manner in which traffic calming devices and roadway obstructions are reviewed, MOFD does not object to withdrawing this amendment.
- f.** Fire District review of traffic calming device permits is limited to new installations.
- g.** Per the references cited above, the map provided by the City of Orinda appears to omit numerous streets which lack a second unobstructed means of egress (see ii.d. above). Examples include, but are not limited to Dalewood Drive, Sunnyside Lane, Sundown Terrace, sections of Lombardy Lane, sections of El Toyonal, Wilder Road, Camino Lenada, Bien Venida, Normandy Lane, Washington Lane, the networks of streets accessed via Claremont Avenue, Tiger Tail Lane, and Gardiner Lane.

- IV.** Per CFC Section D105.1 Aerial Fire Apparatus Access Roads, building height is measured from the grade plane to the highest roof surface.

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

- V.** 903.3.1.3.1 Eave Protection was added in 2020 code cycle and is only for new construction of R-3 occupancies.

- VI. D103.3 Turning Radius- Fire Apparatus Access Roads and turnarounds require a minimum width of 28 feet wide as adopted during the 2020 code cycle. As with all sections of the CFC (other than Chapter 11), this requirement is limited to new roads and, in limited circumstances, instances in which the applicant intends to create new legal lots.
- VII. 903.2.8.1.1 Group R-3 Substantial Addition or Alteration- The 3,600 sq. feet sprinkler requirement was added in the 2020 code adoption cycle.

My staff and I are available at your convenience for discussion as needed.

Thank you,

Dave Winnacker

Dave Winnacker
Fire Chief



Moraga-Orinda Fire District

Fire Chief Dave Winnacker

January 5, 2023

Denise Bazzano
Town Counsel
Town of Moraga
329 Rheem Boulevard
Moraga, CA 94556

Dear Ms. Bazzano,
Please see MOFD's response to your questions below.

Specific Ordinance 23-01 Section Comments

- 105.6.26, "Construction, Substantial Alterations and Substantial Additions for which a building permit is required." The requirement for fire sprinklers for substantial additions is new- please provide rationale for inclusion.
 - In previous years the CCC Building Department treated substantial additions that exceeded 50% new interior walls and 50% new roof area as new construction. MOFD previously relied on this threshold to require sprinklers for substantial alteration and addition projects. Over the last several years we have seen projects, to include the construction of new second floors, which resulted in projects not being required to include sprinklers despite significantly increasing the size of the structure. Fire sprinklers are a proven and widely accepted manner through which a community reduces risk to life and property. This is particularly true in a dispersed mature community such as ours in which safety infrastructure was developed with to protect existing structures. Requiring the installation of sprinklers is an excellent way to mitigate the increased fire load created by a substantial alteration or addition project.
- Also, there is currently no process for Contra Costa County ("CCC") building (The Town's designated Building Official) to hold issuance of permits for fire approval. CCC stamps the plans informing the applicant to see fire, but it's not a condition of building permit issuance. MOFD has expressed that having fire review as a condition of planning approval might be a way for this to be enforced but in some cases, the building permit issuance is ministerial so no conditions would be imposed. How does MOFD contemplate conducting the review and imposing this requirement?
 - MOFD seeks to work with Moraga Planning staff to ensure citizens are aware of the need to submit plans to the Fire District. In the case of building permits for areas within the Contra Costa County Fire Protection District (CCCFPD), the CCC Building Department currently will not provide final approval to a project until they have confirmed Fire District review has been completed. While MOFD defers to the Town for services provided under contract by the CCC Building Department, there may be an opportunity to apply the procedure currently in use for CCCFPD to permits issued within the Town of Moraga.
 - For review, the California Fire Code is Part 9 of the California Building Standards Code (CCR Title 24). It is not for MOFD to dictate the manner in which the Town processes building permits, but it seems improper that compliance with Part 9 of California Building Standards Code is not a condition of permit approval.

Chapter 2, “Definitions”

- “Indoor Growing Operation”, which is identified in section 105.5.63 is not defined and should be defined to specify what type of growing operation (e.g. commercial or residential) would be subject to the regulation.
 - The reference to Indoor Growing Operation has been removed from the proposed amendments.
- “Traffic Calming Devices”, which is identified in section 503.4.1 should be defined.
 - Traffic Calming measures are defined in California Fire Code Chapter 2.
TRAFFIC CALMING DEVICES- Traffic calming devices are design elements of fire apparatus access roads such as street alignment, installation of barriers, and other physical measures intended to reduce traffic and cut-through volumes, and slow vehicle speeds.
- The terms were identified in the 2019 ordinance and are not identified in this ordinance but some of the definitions are still relevant.
 - Abatement Costs,
 - Abatement costs are not in fire code
 - Cost of Abatement,
 - Cost of abatement is not in fire code
 - District Board,
 - Included in definitions as Board of Directors
 - Emergency Vehicle Access,
 - EVA is not in the fire code
 - Exterior Fire Hazard Inspection,
 - Exterior fire hazard inspections are not in fire code
 - Fire Code Official,
 - Defined in CFC Chapter 2
 - Fire Hazard,
 - Defined in CFC Chapter 3, Section 301.1 and CCR Title 19, Division 1
 - Fire Protection Plan,
 - Defined in CFC Chapter 49, Section 4902.1. Additional details are included in Section 4903.
 - Improved Parcel,
 - Improved parcel is not in the fire code
 - Structure,
 - Defined in CBC Chapter 2
 - Surface Fuels,
 - Surface fuels are not in the fire code
 - Unimproved Parcel,
 - Unimproved parcels are not in the fire code
- 324, “Sale or transfer of property”- This section refers to compliance with the Moraga-Orinda Defensible Space Ordinance but does not provide a specific Ordinance Number. Is this an existing ordinance or one that will be adopted in the future?
 - This section has removed from the fire code amendments and added to the appropriate MOFD ordinances.
- 503.4.1, “Traffic Calming Devices”- This section should be limited in scope to only those traffic calming devices that may physically impair fire access. Signage, signals, striping and markings, which do not impact emergency vehicle access, should not be limited by the proposed Fire Code modifications. For example, rumble strips, bot dots, and other notification devices do not impair fire access but could be characterized as “traffic calming devices” so should be excluded from the proposed Code changes.

- MOFD has no objection to an interpretation of the definition of Traffic Calming Devices which is limited to physical alterations to the roadway which obstruct fire apparatus access and resident evacuation. This can be provided in blanket MOFD approval for the examples listed above or through a mutually agreed upon interpretation that notification devices do not meet the definition of Traffic Calming Devices as referenced in CFC Chapter 2.
- Traffic calming devices are defined by the State Fire Marshal in CFC Chapter 2.

TRAFFIC CALMING DEVICES. Traffic calming devices are design elements of fire apparatus access roads such as street alignment, installation of barriers, and other physical measures intended to reduce traffic and cut-through volumes, and slow vehicle speeds.

- Also, it is unclear how this requirement would be applied? Does it only apply to new traffic calming devices or would it apply to existing devices in newly designated VHFHSZs? Why is information regarding traffic volumes, number of accidents, a summary of education efforts, a summary of enforcement efforts, the number of citations/warnings issued relevant to MOFD? This is usually something a traffic/civil engineering analysis would consider. How will MOFD utilize this data?
 - California Fire Code applies to new construction, structures or buildings. There are exceptions to this for certain existing and non-conforming occupancies addressed in Chapter 11, however this Chapter does not include roadway obstructions. While State law prohibits road way obstructions in very high fire hazard severity zones (VHFHSZ), MOFD does not believe this prohibition is retroactive if/when new CALFIRE maps are released. As the prohibition on roadway obstructions in VHFHSZs is state law, this question is more appropriately addressed the Board of Forestry.
 - The CFC requires a permit and plans to be submitted for fire department review for any new traffic calming measure. The list of information above is to allow the fire code official to determine the relative public safety value of the traffic calming measure and to provide certainty to applicants regarding the criteria through which a permit will be evaluated. Should the Town have concerns regarding the inclusion of these clarifying elements, MOFD has no objections to removing the proposed amendment in its entirety.
- 903.1, “General” (automatic sprinkler requirements)- There is currently no process for the CCC building department to hold issuance of building permits for fire approval. CCC stamps the plans informing the applicant to see fire, but it's not a condition of building permit issuance. How does MOFD contemplate imposing this requirement?
 - Sprinkler requirements are not new nor limited to MOFD. MOFD presumes the systems currently used to ensure compliance with Part 9 of the California Fire Code will continue to operate as they have previously.
- 903.3.1.3.1, “Eave protection”. WUI areas will require sprinklers at the roof eaves. However, this requirement needs to be clarified-what types of projects will this apply to (e.g. new construction only).
 - This element was added during the 2019 fire code cycle and, as with all elements of the fire code outside of Chapter 11, will continue to only apply to new construction. It will also apply to substantial additions and alternations that are required to install sprinklers.

General Comments

- There are certain projects that require MOFD permits, however they are not required by the CCC building department to get a MOFD approval prior to building permit issuance. So, in most cases it would be up to an applicant to get a separate permit from MOFD.
 - This is correct. Elements of the Building Standards Code may require a separate permit and plan review. There are different review requirements based on the specifics of the proposed project. MOFD does not believe this is unique to the fire code.

- The CCC building department stamps the plans informing the applicant to see fire, but it is not a condition of permit issuance. There are some permits, such as a building addition, that the Town can require MOFD approval as a condition of approval through the Administrative Design Review (ADR) Process but some projects are not subject to discretionary review. In those cases where there is no discretionary review, how does MOFD contemplate imposing permit requirements? For those projects that are subject to discretionary review, the Town has requested a list of building addition thresholds that we can use for reference in crafting conditions of approval for ADR's.
 - This is addressed above and the requirements to comply with the fire code is not new to this update cycle.
- Roads widened to allow bicycle, pedestrian, or ADA access should not be limited by Fire Code as this would conflict with current State and Federal mandates to improve bicycle/pedestrian/ADA access. Roads modified to incorporate new bicycle/pedestrian/ADA facilities should not be limited as long as the improvements do not impair fire access (width or turning).
 - MOFD is not aware of either intent or language suggesting roads cannot be widened. Fire Code roadway requirements are limited to width, turning, and grade. Please clarify which elements of the fire code amendment are perceived to limit bicycle, pedestrian, or ADA access.
- The proposed Fire Code changes need to be clear that Fire management activities are not exempt under CEQA where activities may result in the removal of endangered, rare or threatened species or result in erosion or sedimentation of surface waters. Consider adding language to this ordinance to make that clear to public.
 - CEQA requirements are found in CCR Title 14 Division 6 Chapter 3. MOFD believes it is not appropriate to add these requirements to an amendment of CCR Title 24 part 9 Building Standards. MOFD has, and will continue to reference CEQA requirements in citations and the exterior hazard and fuel break ordinance.

Thank you,

Dave Winnacker

Dave Winnacker
Fire Chief



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: January 18, 2023

SUBJECT: **Item 9.2 First Reading of Ordinance 23-03, Establishing Fuel Mitigation and Exterior Hazard Abatement Standards in all State Responsibility and Local Responsibility Areas with the District.**

BACKGROUND

On January 1, 2023 the 2022 California Fire Code went into effect. The California Fire Code is contained in Title 24 Part 9 of the California Code of Regulations and falls under the California Building Standards Code. As such, it is appropriately limited to building standards, roadways standards and water supply standards as well as other construction standards based on occupancy type. The State of California's fuel break and hazardous vegetation standards are not listed in the California Fire Code but are found in the Public Resource Code or Government Code. In keeping with the standards established by the State Board of Forestry and Office of the State Fire Marshal, District Staff have moved Fuel Breaks and Hazardous Vegetation requirements from the MOFD fire code and created separate ordinances. This will also provide for the ability to make changes without having to wait for the triennial fire code update.

The California Legislature made the following findings in Assembly Bill 642. Wildfires in California are continuing to increase in frequency and intensity, resulting in loss of life and damage to property, infrastructure, and ecosystems. In 2020, wildfires burned more than 4.1 million acres. The August Complex Fire in northern California, the largest fire in California's modern history, burned over one million acres. In total, wildfires caused 33 deaths and destroyed over 10,000 structures in 2020. The land area burned in 2020 more than doubled the previous record, roughly 1.8 million acres, which was set in 2018. Furthermore, seven of the state's deadliest fires have occurred since 2017, with over 100 fatalities in 2017 and 2018. The Department of Forestry and Fire Protection keeps records of the largest and most destructive wildfires in the state's history. Each year, those records continue to be broken.

Further findings were established in Assembly Bill 9 state.

1. Wildfire season in California is getting longer and more intense and the consensus of the scientific community is that this trend will continue for the foreseeable future.
2. Climate change, land use, and population growth have all contributed to putting millions of Californians at risk of catastrophic wildfire.
3. Despite developing the world's premier firefighting force, California has lost more than 1,200 homes per year to wildfires in five of the last six years, and, in total, lost 48,239 homes due to wildfires since 2015.

AUTHORITY

The Public Resource Code (PRC) applies to State Response Areas (SRA). Section 4117 states:

Item 9.2

Any county, city, or district may adopt ordinances, rules, or regulations to provide fire prevention restrictions or regulations that are necessary to meet local conditions of weather, vegetation, or other fire hazards. Such ordinances, rules, or regulations may be more restrictive than state statutes in order to meet local fire hazard conditions.

The Government Code applies to Local Response Areas (LRA). Section 51175(C) states:

It is not the intent of the Legislature in enacting this chapter to limit or restrict the authority of a local agency to impose more restrictive fire and public safety requirements, as otherwise authorized by law. The Health and Safety Code 13800 also known as the Fire Protection District Law of 1987 establishes MOFD's authority to establish and enforce fire and life safety measures. Section 13861(i) states:

To establish and enforce rules and regulations for the administration, operation, and maintenance of the services listed in Section 13862.

Section 13862 states:

A district shall have the power to provide the following services:

- a. *Fire protection services.*
- b. *Rescue services.*
- c. *Emergency medical services.*
- d. *Hazardous material emergency response services.*
- e. *Ambulance services, pursuant to Division 2.5 (commencing with Section 1797).*
- f. *Any other services relating to the protection of lives and property.*

FINDING OF FACT

Findings of fact are included in the Ordinance which identify the Weather/Climatic, Vegetation, Geologic, and Topographical conditions which make this Ordinance necessary and establish a fire hazard within the Fire District which requires specific measures for Fuel Mitigation and Exterior Abatement Standards.

PROPOSED STANDARDS

a. Prohibition. No Person who has any ownership or possessory interest in or control of a Parcel within any State Responsibility Area or Local Responsibility Area within the Fire District shall allow to exist thereon any Hazardous Vegetation or Combustible Material that constitutes a Fire Hazard as determined by the Fire Code Official.

b. Defensible Space For Structures and Attached Decks. All Persons who have any ownership or possessory interest in or control of any Parcel within the Fire District shall maintain Defensible Space adjacent to all Structures and attached decks on the Parcel as follows:

(1) Zone 0.

(A) Maintain all ground areas within 2 feet of any Structure or attached deck free of combustible ground cover, including combustible mulch and bark. Hardscape materials, such as gravel, pavers, concrete, and other noncombustible mulch materials are permitted.

Exception: Ornamental vegetative fuels or cultivated ground cover that are irrigated or have

a high moisture content, such as green grass, ivy, succulents or similar plants used a ground cover are allowed if, in the opinion of the Fire Code Official, they do not form a means of readily transmitting fire.

(B) All native and nonnative plant species within two feet of a Structure or attached deck must maintained such that foliage, twigs, and branches create a minimum one-foot clearance above the ground or the ground cover.

(C) Remove all Hazardous Vegetation and Combustible Material capable of being ignited and endangering the Structure or attached deck as determined by the Fire Code Official.

(D) Annual grasses, which are not permitted within 2 feet of a Structure or attached deck must be removed or cut to less than 3 inches no later than 1 June of each year.

(E) Monterey Pines (*Pinus radiata*) and Eucalyptus (Genus *Eucalyptus*) are not permitted.

(F) Maintain 6 feet of vertical clearance between branches and all other parts of trees overhanging the roof or other portion of any Structure or attached deck.

(G) Maintain any tree, shrub, or other plant adjacent to or overhanging any Structure or attached deck free of branches, dead limbs, or other Combustible Material.

(H) Maintain the roof and roof gutters of any Structure, and the surface of any attached deck free of leaves, needles, Hazardous Vegetation, and Combustible Materials.

(I) Maintain trees to remove Ladder Fuels so that foliage, twigs, or branches are greater than 6 feet above the ground or surface fuels.

(J) Remove all branches within 10 feet of any chimney or stovepipe outlet.

(K) Storage of firewood, lumber, or other Combustible Material is not permitted.

(L) Non-irrigated brush is not permitted.

(2) Zone 1.

(A) Remove all Hazardous Vegetation and Combustible Material capable of being ignited and endangering the Structure as determined by the Fire Code Official.

(B) Annual grasses must be removed or cut to less than 3 inches no later than 1 June of each year.

(C) Maintain trees to remove Ladder Fuels so that foliage, twigs, or branches are greater than 6 feet above the ground or surface fuels.

(D) Non-irrigated brush is not permitted.

(E) New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet from any Structure.

(F) The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 10 feet.

(G) Liquid Propane Gas (LPG) storage tanks, Outbuildings, firewood, lumber, and other Combustible Material shall be surrounded by 10 feet of bare mineral soil and no Hazardous Vegetation is permitted within 20 feet of LPG storage tanks, Outbuildings, firewood, lumber, or other Combustible Material.

(3) Zone 2.

- (A) Remove all Hazardous Vegetation and Combustible Material capable of being ignited and endangering the Structure as determined by the Fire Code Official.
- (B) Annual grasses must be removed or cut to less than 3 inches no later than 1 June of each year.
- (C) Maintain trees to remove Ladder Fuels so that foliage, twigs, or branches are greater than 6 feet above the ground.
- (D) Non-irrigated brush is not permitted.
- (E) New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet from any Structure.
- (F) The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 10 feet.
- (G) Any Structure or covering over a pile of lumber or firewood must be constructed or made of fire resistant material
- (H) Liquid Propane Gas (LPG) storage tanks, Outbuildings, firewood, lumber, and other Combustible Material shall be surrounded by 10 feet of bare mineral soil and no Hazardous Vegetation is permitted within 20 feet of LPG storage tanks, Outbuildings, firewood, lumber, or other Combustible Material.

(c) Defensible Space For Outbuildings. All Persons who have any ownership or possessory interest in or control of any Parcel within the Fire District shall comply with the Zone 0 Defensible Space requirements of Section (b)(1), above, with respect to any Outbuildings on the Parcel that are within 100 feet of a Structure or attached deck on the Parcel.

(d) Roadside Vegetation. All Persons who have any ownership or possessory interest in or control of any Parcel within the Fire District that abuts a Fire Apparatus Access Road shall:

- (1) Remove all Hazardous Vegetation that is within three feet, measured horizontally, from the paved edge of the Fire Apparatus Access Road.
- (2) Ensure that all portions of any tree overhanging a Fire Apparatus Access Road has at least 15 feet, measured vertically, of clearance from the roadway surface.
- (3) By December 31, 2023, remove all Junipers (genus juniperus) and Bamboo (genus bambusa) from within 10 feet of the paved edge of Fire Apparatus Access Road.

(e) Fences. No Person who has any ownership or possessory interest in or control of any Parcel within the Fire District shall construct or allow to be constructed or placed on the Parcel any screen, fence or other Structure made, in whole or in part, of bark, mulch, or wood chips within 100 feet. of a Structure or within 10 feet of the paved edge of a Fire Apparatus Access Road.

(f) Conflicting Requirements. If any portion of any Parcel is subject to both the fuel mitigation requirements of this Ordinance 23-03 and the fuel break requirements of Ordinance 23-04 or its

successor ordinance, thereby creating overlapping or conflicting requirements, the more restrictive requirements, as determined by the Fire Code Official, shall apply.

(g) Environmental Concerns. Compliance with the fuel mitigation requirements of this Ordinance shall not result in the taking of endangered, rare, or threatened plant or animal species, significant erosion, or sedimentation of surface waters. When these or other conditions make it impractical to comply with the fuel mitigation requirements, the person who owns, leases, or controls the Parcel or Parcels shall request that the Fire Code Official grant a modification of the requirements.

SECTION 5. SALE OR TRANSFER OF PROPERTY.

Before the close of escrow on the sale of any Parcel within the Fire District, the seller shall provide to the buyer documentation from the Fire Code Official stating that the property is currently in compliance with the fuel mitigation requirements of this Ordinance 23-03 and the fuel break requirements of Ordinance 23-04 or its successor ordinance. The Fire Code Official shall have the discretion to accept alternate means and measures to achieve compliance if completion of the required work will delay the sale or transfer of the property

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Introduce and Waive the First Reading of Ordinance 23-03 an Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, establishing Fuel Mitigation and Exterior Hazard Standards and Findings of Fact Establishing Additional Requirements in the State Responsibility Areas and Local Responsibility Areas.; 4) Open the public hearing and accept comments from the public; 5) Close the public hearing; 6) Provide direction to staff.

ATTACHMENT

[Attachment: Ordinance 23-03 Fuel Mitigation and Exterior Hazard Abatement](#)

ORDINANCE NO. 23-03

AN ORDINANCE OF THE MORAGA-ORINDA FIRE DISTRICT OF CONTRA COSTA COUNTY, CALIFORNIA, ESTABLISHING FUEL MITIGATION AND EXTERIOR HAZARD ABATEMENT STANDARDS IN ALL STATE AND LOCAL RESPONSIBILITY AREAS WITHIN THE DISTRICT, REQUIRING DOCUMENTATION OF COMPLIANCE PRIOR TO SALE OF THE PROPERTY, AND ADOPTING FINDINGS OF FACT.

The Board of Directors (“Board”), as the governing body of Moraga-Orinda Fire District (“Fire District”) does ordain as follows:

SECTION 1. AUTHORITY

This Ordinance is authorized by state statutes and regulations, including but not limited to Public Resources Code Section 4117, Health and Safety Code Sections 13801, 13804, 13861, 13862, and 13870, Government Code Section 51175, Title 24, Part 9, California Code of Regulations, Chapter 49, and Title 19, California Code of Regulations, Section 1.07.

SECTION 2. FINDINGS OF FACT

The Fire District’s adoption of stringent fuel mitigation and exterior hazard abatement standards is designed to decrease the risk of structure fires spreading to adjacent vegetation and the risk of vegetation fires and wildfires spreading to structures. The Board bases these standards, in part, upon its finding that the following climatic, vegetative, geological, and topographical conditions within the Fire District create a grave risk of wildfire and resulting loss of life and property.

Climatic Conditions

Ever-changing climatic conditions have increased the risk and severity of fires in the Fire District. Local climatic conditions of limited rainfall, low humidity, high temperatures, and high winds, along with existing building construction and landscaping, create extremely hazardous fire conditions that adversely affect the potential fire line intensity, spread rates, and size of fires in the Fire District. The same climatic conditions may result in the concurrent occurrence of multiple fires in the Fire District and throughout the region resulting in inadequate Fire District personnel to protect against and control these fires.

The Fire District is the gateway to central Contra Costa County. It is located amongst rolling hills and valleys created by the Berkeley/Oakland hills to the west and open plains of central Contra Costa County to the east. Due to its location, the Fire District’s climate is more varied than that of its neighbors. The Fire District receives slightly more rainfall than areas further inland, and often, during the summer months, portions of the Fire District are enveloped in fog as the heat in the Central Valley draws cool air in from the San Francisco Bay. However, the Fire District also experiences the hot, dry summer weather that is characteristic of central Contra Costa County. This climate has promoted the growth of native grasslands, chaparral, oaks, and other indigenous plant species in the area. The climate has encouraged development within the Fire District, with the addition of primarily residential areas surrounded by large numbers of non-indigenous plant species. Due to the systematic exclusion of naturally occurring fire for over 100 hundred years, and a reduction in historical grazing activity as pasture has been

developed, these indigenous and non-indigenous plant species have created significant fuel loads throughout the Fire District. Due to the location of the Fire District in proximity to the Oakland/Berkeley Hills, in the fall the hot dry summer weather gives way to Diablo Wind events characterized by high winds and very low relative humidity. These conditions have contributed to major fire loss in the region and throughout the state, with 17 of the 20 most destructive fires in California history occurring in the fall. The Fire District is exposed to more of these wind events as climate change has delayed the onset of the rainy season, thus increasing the risk of major fires.

In September 1923, during critical climatic fire conditions, a fire started in the wilderness lands of the Fire District's northern area. This fire spread into the city of Berkeley and within two hours was attacking houses within the City limits. A total of 130 acres of built-up territory burned. 584 buildings were destroyed, with roughly 30 others seriously damaged. At that time, this was the most destructive fire in California history.

In September 1970, during critical climatic fire conditions characterized by hot, dry winds out of the northeast, a fire started along Fish Ranch Road and Grizzly Peak. This fire rapidly spread into the surrounding neighborhoods of Oakland, burning 400 acres and destroying 37 homes. An additional 18 homes were badly damaged before the fire was brought under control.

In August 1988, during critical climatic fire conditions, a small fire started near Crestview in Lost Valley and within minutes destroyed 5 homes. This fire's spread rate was increased by the prevalence of light flashy fuels, and steep slopes in alignment with strong winds.

In October 1991, a disastrous firestorm burned through the Oakland hills from an ignition point just west of the Fire District's border. Within the first few hours, thousands of people were evacuated. Ultimately over 3,000 dwelling units were destroyed in what replaced the 1923 fire as the most destructive fire in California history.

On October 27, 2019, sustained single-digit relative humidity and 30+ mph winds created explosive fire conditions throughout the region. On the same day that the Kincadee fire burned in Sonoma County, five major fires broke out in Contra Costa County. Three of these fires burned in proximity to the Fire District in Lafayette, Crockett, and Martinez and resulted in the depletion of available mutual aid resources as available firefighting units were committed to each new fire.

Throughout the Fire District homes are surrounded by heavy vegetation with interspersed open areas, creating a semi-rural character. The resulting exposure to wildfire risk is increased by the negative effects of high wind conditions during the fire season. During May to October, critical climatic fire conditions regularly occur when the temperature exceeds 80°F, wind speed is greater than 15 mph, fuel moisture is less than or equal to 10 percent, wind direction is from north to the east-southeast, and the ignition component is 65 percent or greater. These conditions occur more frequently during the fire season, but this does not preclude the possibility that a serious fire could occur during other months of the year.

These critical climatic fire conditions create a situation conducive to rapidly moving, high-intensity fires. Fires starting in the wildland areas along the northern border are likely to move

rapidly southward into the populated areas creating the potential for significant property loss and a very challenging evacuation problem.

Vegetative Conditions

The Fire District is located in a “Chaparral Biome.” In its natural state, chaparral is characterized by infrequent fires, with intervals ranging between 10 to 15 years to over a hundred years. Mature chaparral (stands that have been allowed greater intervals between fires) is characterized by impenetrable, dense thickets. These plants are highly flammable. They grow as woody shrubs with hard and small leaves, are non-leaf dropping (non-deciduous), and are drought tolerant. After the first seasonal rains following a fire, the landscape is dominated by soft-leaved, non-woody annual plants, known as fire followers, which die back with the summer dry period. The California Interior Chaparral and Woodlands Eco-Region covers 24,900 square miles in an elliptical ring around the California Central Valley. It occurs on hills and mountains ranging from 300 to 3,000 feet in elevation. It is part of the Mediterranean forests, woodlands, and scrub biome. Many of the plants are pyrophytes, or “fire-loving,” adapted to (or even depending on) fire for reproduction, recycling of nutrients, and the removal of dead or senescent vegetation. Many plant and animal species in this ecoregion are adapted to periodic fire.

The Fire District’s chaparral vegetation includes chamise, manzanita, buckeye, and ceanothus. Oak woodlands is the most widespread, with blue oak dominating, but the chaparral vegetation also includes scrub oak, coast live oak, canyon live oak, valley oak, and interior oak. Open grasslands are the primary understory within the oak savannah woodlands. In areas with interlocking tree canopy, primarily north and east facing slopes, the understory is primarily tree duff and litter.

All vegetation in the Fire District reaches some degree of combustibility during the dry summer months, and under certain conditions, during the winter months. For example, as chaparral and other brush species age, twigs and branches within the plants die and are held in place, increasing the decadent material component. A stand of 10 to 20-year-old brush typically contains enough dead material to produce rates of spread equivalent to fully cured grass. Due to the higher fuel load, fires in brush fields also yield much higher fire line intensity.

In severe drought years, additional plant material may die, contributing to the fuel load. There will normally be enough dead fuel load that has accumulated in 20 to 30-year-old brush to give rates of spread about twice as fast as the rates of spread in a grass fire. Under moderate weather conditions that produce a spread rate of a one-half foot per second in grass, a 20- to 30-year-old stand of brush may have a rate of fire spread of approximately one foot per second. Fire spread in old brush (40 years or older) has been measured at eight times faster than grass (4 feet per second). Under extreme weather conditions these rates can be much higher, with the fastest fire spread rate in grass at up to 12 feet per second or about eight miles per hour. Residential structures within the wildland intermix or interface near mature brush fields are thus at greater threat from wildfire.

Geological Conditions

Local geological conditions include high potential for seismic activity. The Fire District is made up of built-up suburban areas having buildings and structures constructed near three major fault systems capable of producing major earthquakes. The Hayward fault runs just west of its border,

the San Andreas fault is farther to the west, and the Calaveras Fault to the east. All three faults are known to be active, as evidenced by the damaging earthquakes they have produced in the last 100 years, and they can be expected to do damage in the future. Of primary concern to the Fire District is the Hayward Fault, which has been estimated to be capable of earthquakes exceeding a magnitude of 7.0 on the Richter scale. Many underground utilities cross the fault, including major water supply lines. Intensified damage during an earthquake may be expected in slide areas, as well as residential hillside areas located within or near the fault zone.

Additional potential events following an earthquake include broken natural gas mains and ensuing fires in the streets, building fires as the result of broken service connection, trapped occupants in collapsed structures, and requirements to render first aid and other medical attention to many residents.

Topographical Conditions

Local topographical conditions include hillside housing with many narrow and winding streets, and landslide potential for blocking roads and limiting firefighting water supply. These conditions create the potential for delays in responding when a major fire or earthquake occurs. The result may be limited or eliminated Fire District emergency vehicular traffic, overtaxed Fire District personnel, and a lack of resources for the suppression of fire in both structures and vegetated areas in the Fire District. To mitigate the conditions that hinder the rapid response of suppression resources to a fire, enhanced fuel mitigation requirements are necessary over and above state code requirements. These requirements will buy time for residents to execute an orderly evacuation while allowing for access by firefighting resources.

The Fire District has many homes that are reached by narrow and winding paved streets that hamper access for fire apparatus and provide limited evacuation routes for residents. In addition, many of the hillside homes are in outlying areas that require longer response times for the total required firefighting force. El Toyonal, Sleepy Hollow, the Downs, Canyon, and other areas with limited access via narrow and winding streets may face the problem of isolation from the rest of the Fire District and will suffer from the need for two-way traffic as evacuation and suppression response travel in opposite directions over limited roadways.

Effective road widths are further reduced by encroaching vegetation and mid-slope roads built without shoulders. This is particularly pronounced in older neighborhoods of North Orinda, some of which were laid out in the 1920s when vehicles were smaller, codes less stringent, and population density much lower.

Due to steep slopes that characterize many areas of the Fire District, the establishment of infrastructure to support adequate fire protection needs is not feasible. It is difficult to widen existing streets to meet present standards for emergency operations, and fire hydrants, especially in the hillside areas, often have less than optimum water pressure levels.

In summary, portions of the Fire District have limited water supplies or roadways that delay the response of emergency equipment to carry out the extinguishment of a fire, allowing the fire to increase in area. In order to mitigate the above situation, which hinders the quick response to a fire, more stringent fuel mitigation and exterior hazard abatement standards are required over and

above state code requirements. These standards will operate to slow or stop a fire's advance, thus allowing residents to evacuate, and buying time for the aggregation of an effective firefighting response. These standards also reduce the potential for fire to spread beyond the parcel of origin.

SECTION 3. DEFINITIONS

COMBUSTIBLE MATERIAL. Rubbish, litter, or material of any kind other than Hazardous Vegetation, that is combustible and endangers the public safety by creating a Fire Hazard as determined by the Fire Code Official.

DEFENSIBLE SPACE. The areas, including Zone 0, Zone 1, and Zone 2, extending 100 feet from any Structure.

FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building, or portion thereof. This is a general term that includes, but is not limited to, a fire lane, public street, public right of way, private street, driveway, parking lot lane, and access road.

FIRE CODE OFFICIAL. The Fire Chief or their duly authorized representatives.

FIRE HAZARD. Any condition, arrangement, or act that will increase, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire, or that may obstruct, delay, or hinder, or may become the cause of obstruction, delay, or hindrance, to the prevention, suppression, or extinguishment of fire.

LADDER FUELS. Fuel that provides vertical continuity between surface fuel and canopy fuel strata, increasing the likelihood that fire will carry from surface fuel into the crowns of shrubs and trees.

HAZARDOUS VEGETATION. Vegetation that is combustible and endangers the public safety by creating a Fire Hazard, including but not limited to bark, mulch, seasonal and recurrent grasses, weeds, stubble, non-irrigated brush, dry leaves, dry needles, dead, dying, and diseased trees, or any other vegetation identified by the Fire Code Official.

LOCAL RESPONSIBILITY AGENCY AREA. An area of the state that is not a State Responsibility Area or federal property, and where the financial responsibility for preventing and suppressing fires is primarily the responsibility of the city, town, county, city and county, district, or other local public agency.

MODIFICATION. Where there are practical difficulties involved in carrying out the provisions of this Ordinance, the Fire Code Official, shall have the authority to grant Modifications for individual cases, provided that the Fire Code Official shall first find that special individual reasons make the strict letter of this Ordinance impractical and that the Modification is in compliance with the intent and purpose of this Ordinance. The details of actions granting a Modification shall be recorded and entered in the files of the Fire District.

OUTBUILDING. Buildings or Structures that are less than one hundred-twenty square feet in size and are not used for human habitation, and buildings or Structures with a roof but no walls.

PARCEL. A portion of real property of any size, which may be identified by an Assessor’s Parcel Number, the area of which is determined by the legal lot of record.

PERSON. Includes any agency of the state, and any county, city, special district, or other local public agency, and any individual, firm, association, partnership, business trust, corporation, nonprofit corporation, limited liability company, or company.

STATE RESPONSIBILITY AREA. An area of the state identified by the Board of Forestry and Fire Protection pursuant to Public Resources Code Section 4125 where the financial responsibility for preventing and suppressing fires is primarily the responsibility of the state.

STRUCTURE. A building that has walls and a roof and an area of 120 square feet or greater.

ZONE 0. Referred to as the Ember-resistant Zone or Home Ignition Zone, it extends from 0 to 5 feet from any Structure, attached deck, or Outbuilding on the Parcel. Zone 0 requires the most stringent wildfire fuel reduction. This Ember-resistant Zone is designed to ensure that fire or embers from igniting materials cannot spread to the Structure.

ZONE 1. Referred to as the Lean, Clean, and Green Zone, it extends from 5 feet to 30 feet from any Structure or attached deck, or from 5 feet from the Structure or attached deck to the property line, whichever is closer.

ZONE 2. Referred to as the Reduced Fuel Zone, it extends from 30 feet to 100 feet from any Structure or attached deck, or from 30 feet from the Structure or attached deck to the property line, whichever is closer.

SECTION 4. FUEL MITIGATION REQUIREMENTS

(a) Prohibition. No Person who has any ownership or possessory interest in or control of a Parcel within any State Responsibility Area or Local Responsibility Area within the Fire District shall allow to exist thereon any Hazardous Vegetation or Combustible Material that constitutes a Fire Hazard as determined by the Fire Code Official.

(b) Defensible Space For Structures and Attached Decks. All Persons who have any ownership or possessory interest in or control of any Parcel within the Fire District shall maintain Defensible Space adjacent to all Structures and attached decks on the Parcel as follows:

(1) Zone 0.

(A) Maintain all ground areas within 2 feet of any Structure or attached deck free of combustible ground cover, including combustible mulch and bark. Hardscape materials, such as gravel, pavers, concrete, and other noncombustible mulch materials are permitted.

Exception: Ornamental vegetative fuels or cultivated ground cover that are irrigated or have a high moisture content, such as green grass, ivy, succulents or similar plants used a ground cover are allowed if, in the opinion of the Fire Code Official, they do not form a means of readily transmitting fire.

(B) All native and nonnative plant species within two feet of a Structure or attached deck must maintained such that foliage, twigs, and branches create a minimum one-foot clearance above the ground or the ground cover.

(C) Remove all Hazardous Vegetation and Combustible Material capable of being ignited and endangering the Structure or attached deck as determined by the Fire Code Official.

(D) Annual grasses, which are not permitted within 2 feet of a Structure or attached deck must be removed or cut to less than 3 inches no later than 1 June of each year.

(E) Monterey Pines (*Pinus radiata*) and Eucalyptus (Genus *Eucalyptus*) are not permitted.

(F) Maintain 6 feet of vertical clearance between branches and all other parts of trees overhanging the roof or other portion of any Structure or attached deck.

(G) Maintain any tree, shrub, or other plant adjacent to or overhanging any Structure or attached deck free of branches, dead limbs, or other Combustible Material.

(H) Maintain the roof and roof gutters of any Structure, and the surface of any attached deck free of leaves, needles, Hazardous Vegetation, and Combustible Materials.

(I) Maintain trees to remove Ladder Fuels so that foliage, twigs, or branches are greater than 6 feet above the ground or surface fuels.

(J) Remove all branches within 10 feet of any chimney or stovepipe outlet.

(K) Storage of firewood, lumber, or other Combustible Material is not permitted.

(L) Non-irrigated brush is not permitted.

(2) Zone 1.

(A) Remove all Hazardous Vegetation and Combustible Material capable of being ignited and endangering the Structure as determined by the Fire Code Official.

- (B) Annual grasses must be removed or cut to less than 3 inches no later than 1 June of each year.
- (C) Maintain trees to remove Ladder Fuels so that foliage, twigs, or branches are greater than 6 feet above the ground or surface fuels.
- (D) Non-irrigated brush is not permitted.
- (E) New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet from any Structure.
- (F) The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 10 feet.
- (G) Liquid Propane Gas (LPG) storage tanks, Outbuildings, firewood, lumber, and other Combustible Material shall be surrounded by 10 feet of bare mineral soil and no Hazardous Vegetation is permitted within 20 feet of LPG storage tanks, Outbuildings, firewood, lumber, or other Combustible Material.

(3) Zone 2.

- (A) Remove all Hazardous Vegetation and Combustible Material capable of being ignited and endangering the Structure as determined by the Fire Code Official.
- (B) Annual grasses must be removed or cut to less than 3 inches no later than 1 June of each year.
- (C) Maintain trees to remove Ladder Fuels so that foliage, twigs, or branches are greater than 6 feet above the ground.
- (D) Non-irrigated brush is not permitted.
- (E) New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet from any Structure.
- (F) The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 10 feet.
- (G) Any Structure or covering over a pile of lumber or firewood must be constructed or made of fire resistant material
- (H) Liquid Propane Gas (LPG) storage tanks, Outbuildings, firewood, lumber, and other Combustible Material shall be surrounded by 10 feet of bare mineral soil and no Hazardous Vegetation is permitted within 20 feet of LPG storage tanks, Outbuildings, firewood, lumber, or other Combustible Material.

(c) Defensible Space For Outbuildings. All Persons who have any ownership or possessory interest in or control of any Parcel within the Fire District shall comply with the Zone 0 Defensible Space requirements of Section (b)(1), above, with respect to any Outbuildings on the Parcel that are within 100 feet of a Structure or attached deck on the Parcel.

(d) Roadside Vegetation. All Persons who have any ownership or possessory interest in or control of any Parcel within the Fire District that abuts a Fire Apparatus Access Road shall:

(1) Remove all Hazardous Vegetation that is within three feet, measured horizontally, from the paved edge of the Fire Apparatus Access Road.

(2) Ensure that all portions of any tree overhanging a Fire Apparatus Access Road has at least 15 feet, measured vertically, of clearance from the roadway surface.

(3) By December 31, 2023, remove all Junipers (genus juniperus) and Bamboo (genus bambusa) from within 10 feet of the paved edge of Fire Apparatus Access Road.

(e) Fences. No Person who has any ownership or possessory interest in or control of any Parcel within the Fire District shall construct or allow to be constructed or placed on the Parcel any screen, fence or other Structure made, in whole or in part, of bark, mulch, or wood chips within 100 feet of a Structure or within 10 feet of the paved edge of a Fire Apparatus Access Road.

(f) Conflicting Requirements. If any portion of any Parcel is subject to both the fuel mitigation requirements of this Ordinance 23-03 and the fuel break requirements of Ordinance 23-04 or its successor ordinance, thereby creating overlapping or conflicting requirements, the more restrictive requirements, as determined by the Fire Code Official, shall apply.

(g) Environmental Concerns. Compliance with the fuel mitigation requirements of this Ordinance shall not result in the taking of endangered, rare, or threatened plant or animal species, significant erosion, or sedimentation of surface waters. When these or other conditions make it impractical to comply with the fuel mitigation requirements, the person who owns, leases, or controls the Parcel or Parcels shall request that the Fire Code Official grant a modification of the requirements.

SECTION 5. SALE OR TRANSFER OF PROPERTY.

Before the close of escrow on the sale of any Parcel within the Fire District, the seller shall provide to the buyer documentation from the Fire Code Official stating that the property is currently in compliance with the fuel mitigation requirements of this Ordinance 23-03 and the fuel break requirements of Ordinance 23-04 or its successor ordinance. The Fire Code Official shall have the discretion to accept alternate means and measures to achieve compliance if completion of the required work will delay the sale or transfer of the property.

SECTION 6. PENALTIES.

Failure to comply with the fuel mitigation requirements of this Ordinance may result in the issuance of an Administrative Citation under Ordinance 21-01 or its successor ordinance, or a declaration by the Board that the conditions on the property constitute a public nuisance to be

abated at the property owner's expense, provided, however, that nothing in this Section 6 shall limit the Fire District from pursuing other available legal remedies for violations of this Ordinance, including but not limited to civil penalties. In addition, any Person who violates any provision of this Ordinance shall be guilty of an infraction or a misdemeanor in accordance with Health and Safety Code Section 13871.

SECTION 7. SEVERABILITY.

If any section, subsection, paragraph, sentence, or clause of this ordinance is determined in a final ruling by a court of competent jurisdiction to be invalid or unenforceable, such finding shall not invalidate any remaining portions of the ordinance. The Board hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, or clause thereof, irrespective of the fact that any portion of the ordinance be declared invalid.

SECTION 8. DATE OF EFFECT.

This ordinance shall become effective on , 2023, and within fifteen (15) days of passage shall be published once with the names of the Directors voting for and against it, in the Contra Costa Times, a newspaper of general circulation in this District. Passed and Adopted on , 2023, by the following vote:

PASSED, APPROVED and ADOPTED this XXth day of , 2023 at the regular meeting of the Board of Directors held virtually on , 2023, on a motion made by Director , seconded by Director , and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ORDINANCE 23-03

ATTEST:

John Jex, President
Board of Directors

ATTEST:

Marcia Holbrook
District Secretary/District Clerk

APPROVED AS TO FORM:

Jonathan V. Holtzman
District Counsel



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: January 18, 2023

SUBJECT: **Item 9.3 First Reading of Ordinance 23-04, Adopting Requirements for Fuel Breaks on Parcels in Both the State Responsibility and Local Responsibility Areas within the Fire District, Adopting Findings of Fact, and Repealing Ordinance 22-02.**

BACKGROUND

In October 2020, MOFD Ordinance 20-01 amendments to the 2019 California Fire Code was adopted. Among other elements, Ordinance 20-01 included Findings of Fact documenting the climatic, geologic and topographical conditions which exist in the Fire District and necessitate these amendments.

In March of 2022, Ordinance 22-02 was adopted to establish requirements for undeveloped parcels within the Fire District outside of the triennial fire code update cycle.

On January 1, 2023, the 2022 California Fire Code went into effect. The California Fire Code is contained in Title 24 Part 9 of the California Code of Regulations and falls under the California Building Standards Code. As such, it is appropriately limited to building standards, roadways standards and water supply standards as well as other construction standards. The State of California's fuel break and hazardous vegetation standards are not listed in the California Fire Code but are found in the Public Resource Code or Government Code. In keeping with the standards established by the State, District Staff have moved Fuel Breaks and Hazardous Vegetation requirements into separate ordinances. This will also provide for the ability to make changes without having to wait for the triennial fire code update.

AUTHORITY

The Public Resource Code (PRC) applies to State Response Areas (SRA). Section 4117 states:

Any county, city, or district may adopt ordinances, rules, or regulations to provide fire prevention restrictions or regulations that are necessary to meet local conditions of weather, vegetation, or other fire hazards. Such ordinances, rules, or regulations may be more restrictive than state statutes in order to meet local fire hazard conditions.

The Government Code applies to Local Response Areas (LRA). Section 51175(C) states:

It is not the intent of the Legislature in enacting this chapter to limit or restrict the authority of a local agency to impose more restrictive fire and public safety requirements, as otherwise authorized by law.

The Health and Safety Code 13800 also known as the Fire Protection District Law of 1987 establishes MOFD's authority to establish and enforce fire and life safety measures. Section 13861(i) states:

To establish and enforce rules and regulations for the administration, operation, and

maintenance of the services listed in Section 13862.

Section 13862 states:

A district shall have the power to provide the following services:

- a. Fire protection services.*
- b. Rescue services.*
- c. Emergency medical services.*
- d. Hazardous material emergency response services.*
- e. Ambulance services, pursuant to Division 2.5 (commencing with Section 1797).*
- f. Any other services relating to the protection of lives and property.*

FINDING OF FACT

Findings of fact are included in the Ordinance which identify the Weather/Climatic, Vegetation, Geologic, and Topographical conditions which make this Ordinance necessary and establish a fire hazard within the Fire District which requires specific measures on undeveloped parcels.

PROPOSED STANDARDS

1. Fuel Break Standards.

For the purpose of this Ordinance, a Fuel Break requires the removal or modification of fuel, maintained on an annual basis by June 1 of each year, or on a recurring basis as determined by the Fire Code Official, in a manner that will prevent the transmission of fire.

Specifically:

- Annual grasses cut to less than 3”.
- Removal of all Hazardous Vegetation.
- Removal of non-irrigated brush.
- Removal of all Combustible Material.
- Removal of dead, diseased, or dying trees.
- Maintain trees to remove Ladder Fuels so that foliage, twigs, or branches are greater than 6 feet above the ground.

Fuel Break Requirements. To reduce the risk of uncontrolled wildfire, Fuel Breaks are required on all Parcels in the Fire District.

(1) A person who owns, leases, or controls one or more Parcels within the Fire District shall comply with following fuel break standards:

- a. Parcels of One Acre or Less. The entire Parcel shall be maintained in accordance with Section 4(b)'s requirements for a Fuel Break.
- b. Parcels Greater Than One Acre. A Fuel Break of 100 feet shall be created and maintained around the entire perimeter of the Parcel.
- c. Multiple contiguous Parcels owned by the same Person may be treated as a single Parcel, upon request of the owner, lessee or Person in control of the Parcel and with the approval of the Fire Code Official, if a Fuel Break of 100 feet around the perimeter of the area considered to be a single Parcel is provided.

Environmental Concerns. Creation of Fuel Breaks shall not result in the taking of endangered, rare, or

threatened plant or animal species, significant erosion, or sedimentation of surface waters. When these or other conditions make it impractical to create and maintain a required Fuel Break, the person who owns, leases, or controls the Parcel or Parcels shall request a Modification of the Fuel Break requirement.

SECTION 5. PENALTIES.

Failure to comply with the Fuel Break requirements of this Ordinance may result in the issuance of an Administrative Citation under Ordinance 21-01 or its successor ordinance, or a declaration by the Fire District Board of Directors that the conditions on the property constitute a public nuisance to be abated at the property owner's expense, and nothing in this Section 5 shall limit the Fire District from pursuing other available legal remedies for violations of this Ordinance, including but not limited to civil penalties. In addition, any Person who violates any provision of this Ordinance shall be guilty of an infraction or misdemeanor in accordance with Health and Safety Code Section 13871.

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Introduce and Waive the First Reading of Ordinance 23-04 an Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, An Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, Adopting Requirements for Fuel Breaks on Parcels in Both the State Responsibility and Local Responsibility Areas within the Fire District, Adopting Findings of Fact, and Repealing Ordinance 22-02; 4) Open the public hearing and accept comments from the public; 5) Close the public hearing; 6) Provide direction to Staff.

ATTACHMENT

[Attachment: Ordinance No. 23-04 Fuel Break Ordinance \(first reading\).pdf](#)

ORDINANCE NO. 23-04

AN ORDINANCE OF THE MORAGA-ORINDA FIRE DISTRICT OF CONTRA COSTA COUNTY, CALIFORNIA, ADOPTING REQUIREMENTS FOR FUEL BREAKS ON PARCELS IN BOTH THE STATE RESPONSIBILITY AND LOCAL RESPONSIBILITY AREAS WITHIN THE FIRE DISTRICT, ADOPTING FINDINGS OF FACT, AND REPEALING ORDINANCE 22-02.

The Board of Directors, as the governing body of the Moraga-Orinda Fire District (“Fire District”), does ordain as follows:

SECTION 1. AUTHORITY

This Ordinance is authorized by state statutes and regulations, including but not limited to Public Resources Code Sections 4117, 4290 and 5561.5, Health and Safety Code Sections 13801, 13804, 13861, 13862, and 13870, Government Code Section 51175, and Title 14, California Code of Regulations, Section 1270.04.

SECTION 2. FINDINGS OF FACT

- (a) Public Resources Code Section 4290, adopted in 1987, requires the Board of Forestry and Fire Prevention (“the Board of Forestry”) to adopt regulations implementing minimum fire safety standards in State Responsibility Areas, including regulations requiring fuel breaks, green belts, and signs for identifying streets, roads, and buildings. In 2018 the Legislature amended Section 4290 to require that the regulations also apply to areas within Local Responsibility Areas classified as very high fire hazard severity zones. Section 4290(c) provides that such regulations will not supersede more restrictive local regulations that equal or exceed the state regulations.
- (b) In accordance with Public Resources Code Section 4290, the Board of Forestry has adopted regulations setting some of the requisite minimum fire safety. These regulations, established in the California Code of Regulations, Title 14, Sections 1270.00-1276.04 (“the Fire Safe Regulations”), do not include standards for fuel breaks as specifically mandated by Public Resource Code Section 4290(b), which states that the Board of Forestry shall, on and after July 21, 2021:

Periodically update regulations for fuel breaks and greenbelts near communities to provide greater fire safety for the perimeters to all residential, commercial, and industrial building construction within state responsibility areas and lands classified and designated as very high fire hazard severity zones, as defined in subdivision (i) of Section 51177 of the Government Code, after July 1, 2021.

To date, no such regulations have been provided.

- (c) Fuel breaks are a critical tool intended to reduce fire spread rates and intensity to allow the timely containment of wildfire. By interrupting the continuity of the fuel beds through which fire spreads, their presence decreases the potential for small fires spreading to the lands of another and slows the rate at which large fires travel, buying time for orderly

evacuations and the aggregation of an effective firefighting response for the protection of lives and structures.

- (d) On October 27, 2021, the California Department of Forestry and Fire Protection (“CAL FIRE”) delegated to the Moraga-Orinda Fire District the authority to inspect and enforce the Fire Safe Regulations promulgated under Section 4290. These standards for fuel breaks are consistent with that delegation and with the provisions of Public Resources Code Sections 4117 and 4290(c).
- (e) Pursuant to Section 4117 of the Public Resources Code, which provides that fire prevention districts may adopt ordinances providing fire prevention regulations that are necessary “to meet local conditions of weather, vegetation, or other fire hazards,” the Board of Directors of the Fire District finds that the fuel break standards in this Ordinance are necessary in light of the fire hazards created by the following local conditions.

- i. Weather/Climactic Conditions

Ever-changing climatic conditions have increased the risk and severity of fires in the Fire District. Local climatic conditions of limited rainfall, low humidity, high temperatures, and high winds, along with existing building construction and landscaping, create extremely hazardous fire conditions that adversely affect the potential fire line intensity, spread rates, and size of fires in the Fire District. The same climatic conditions may result in the concurrent occurrence of multiple fires in the Fire District and throughout the region, resulting in inadequate Fire District personnel to protect against and control these fires. The Fire District is the gateway to central Contra Costa County. It is located amongst rolling hills and valleys created by the Berkeley/Oakland hills to the west and open plains of central Contra Costa County to the east. Due to its location, the Fire District’s climate is more varied than that of its neighbors. The Fire District receives slightly more rainfall than areas further inland, and often, during the summer months, portions of the Fire District are enveloped in fog as the heat in the Central Valley draws cool air in from the San Francisco Bay. However, the Fire District also experiences the hot, dry summer weather that is characteristic of central Contra Costa County. This climate promoted the growth of grasslands, chaparral, oaks, and other plant species indigenous to the area. The climate has encouraged development in the Fire District of residential areas surrounded by large numbers of non-indigenous plant species. Due to the systematic exclusion of naturally occurring fire for over 100 hundred years, and a reduction in historical grazing activity as pasture has been developed, these indigenous and non-indigenous plant species have created significant fuel loads throughout the Fire District. Due to the location of the Fire District in proximity to the Oakland/Berkeley Hills, in the fall the hot dry summer weather gives way to Diablo Wind events characterized by high winds and very low relative humidity. These conditions have contributed to major fire loss in the region and throughout the state, with 17 of the 20 most destructive fires in California history occurring in the fall. The Fire District is exposed to more of these wind events because climate change has delayed the onset of the rainy season, thus increasing the risk of major fires.

In September 1923, during critical climatic fire conditions, a fire started in the wilderness lands of the Fire District’s northern area. This fire spread into the city of Berkeley and, within two hours, was attacking houses within the City limits. A total of 130 acres of built-up territory burned. 584 buildings were wholly destroyed, with roughly 30 others seriously

damaged. At the time this was the most destructive fire in California history. In September 1970, during critical climatic fire conditions characterized by hot, dry winds out of the northeast, a fire started along Fish Ranch Road and Grizzly Peak. This fire rapidly spread into the surrounding neighborhoods of Oakland, burning 400 acres and destroying 37 homes. An additional 18 homes were badly damaged before the fire was brought under control. In August 1988, during critical climatic fire conditions, a small fire started near Crestview in Lost Valley and within minutes destroyed 5 homes. This fire's spread rate was increased by the prevalence of light flashy fuels and steep slopes in alignment with strong winds.

In October 1991, a disastrous firestorm burned through the Oakland hills from an ignition point just west of the Fire District's border. Within the first few hours, thousands of people were evacuated. Ultimately over 3,000 dwelling units were destroyed in what replaced the 1923 fire as the most destructive fire in California history.

On October 27, 2019, sustained single-digit relative humidity and 30+ mph winds created explosive fire conditions throughout the region. On the same day that the Kincadee fire burned in Sonoma County, five major fires broke out in Contra Costa County. Three of these fires burned in proximity to the Fire District in Lafayette, Crockett, and Martinez and resulted in the depletion of available mutual aid resources as available firefighting units were committed to each new fire.

Throughout the Fire District, homes are surrounded by heavy vegetation with interspersed open areas, creating a semi-rural character. The resulting exposure to wildfire risk is increased by the negative effects of high wind conditions during the fire season. During May to October, critical climatic fire conditions regularly occur when the temperature exceeds 80°F, wind speed is greater than 15 mph, fuel moisture is less than or equal to 10 percent, wind direction is from north to the east-southeast, and the ignition component is 65 percent or greater. These conditions occur more frequently during the fire season, but this does not preclude the possibility that a serious fire could occur during other months of the year.

These critical climatic fire conditions create a situation conducive to rapidly moving, high-intensity fires. Fires starting in the wildland areas along the northern border of the Fire District are likely to move rapidly southward into the populated areas creating the potential for significant property loss and a very challenging evacuation problem. Fire spread is slowed or stopped when crossing areas in which fuels have been modified to interrupt the continuity of combustive vegetation. This is of particular importance in light of the local climatic conditions which support rapid wind-driven fire spread. Fuel breaks are the primary method used to modify vegetation to reduce the potential for the rapid spread of uncontrolled wildfire and are critical to preventing spread across property lines onto the lands of another and threatening lives and structures.

ii. Vegetative Conditions

The Fire District is located in a "Chaparral Biome." In its natural state, chaparral is characterized by infrequent fires, with intervals ranging between 10–15 years to over a hundred years. Mature chaparral (stands that have been allowed greater intervals between fires) is characterized by nearly impenetrable, dense thickets. These plants are highly

flammable. They grow as woody shrubs with hard and small leaves, are non-leaf dropping (non-deciduous), and are drought tolerant. After the first seasonal rains following a fire, the landscape is dominated by soft-leaved, non-woody annual plants, known as fire followers, which die back with the summer dry period. The California Interior Chaparral and Woodlands Eco-Region covers 24,900 square miles in an elliptical ring around the California Central Valley. It occurs on hills and mountains ranging from 300 to 3,000 feet in elevation. It is part of the Mediterranean forests, woodlands, and scrub biome. Many of the plants are pyrophytes, or “fire-loving,” adapted (or even depending on) fire for reproduction, recycling of nutrients, and the removal of dead or senescent vegetation. Many plant and animal species in this ecoregion are adapted to periodic fire.

The Fire District’s chaparral vegetation includes chamise, manzanita, buckeye, and ceanothus. Oak woodlands is the most widespread, with blue oak dominating, but the chaparral vegetation also includes scrub oak, coast live oak, canyon live oak, valley oak, and interior oak. Open grasslands are the primary understory within the oak savannah woodlands. In areas with interlocking tree canopy, primarily north and east facing slopes, the understory is primarily tree duff and litter.

All vegetation in the Fire District reaches some degree of combustibility during the dry summer months, and under certain conditions, during the winter months. For example, as chaparral and other brush species age, twigs and branches within the plants die and are held in place, increasing the decadent material component. A stand of 10 to 20-year-old brush typically contains enough dead material to produce rates of spread equivalent to fully cured grass. Due to the higher fuel load, fires in brush fields also yield much higher fire line intensity.

In severe drought years, additional plant material may die, contributing to the fuel load. There will normally be enough dead fuel load that has accumulated in 20 to 30-year-old brush to give rates of spread about twice as fast as the rates of spread in a grass fire. Under moderate weather conditions that produce a spread rate of a one-half foot per second in grass, a 20- to 30-year-old stand of brush may have a rate of fire spread of approximately one foot per second. Fire spread in old brush (40 years or older) has been measured at eight times faster than grass (4 feet per second). Under extreme weather conditions these rates can be much higher, with the fastest fire spread rate in grass at up to 12 feet per second or about eight miles per hour. Residential structures within the wildland intermix or interface near mature brush fields are thus at greater threat from a wildfire.

iii. Other Fire Hazards

A. Geological Conditions

Local geological conditions include high potential for seismic activity. The Fire District is made up of built-up suburban areas having buildings and structures constructed near three major fault systems capable of producing major earthquakes. The fuel breaks required by this Ordinance are intended to better limit life safety hazards and property damage in the aftermath of seismic activity. The Fire District is in a region of high seismic activity with the Hayward fault running just west of its border, the San Andreas Fault farther to the west, and the Calaveras Fault to the east. All three faults are known to be active, as evidenced by the damaging earthquakes they have produced in the last 100 years. They can, therefore,

be expected to produce damaging earthquakes in the future. Of primary concern to the Fire District is the Hayward Fault, which has been estimated to be capable of earthquakes exceeding a magnitude of 7.0 on the Richter scale. Many underground utilities cross the fault, including major water supply lines. Intensified damage during an earthquake may be expected in slide areas, as well as residential hillside areas located within or near the fault zone. Some of these areas are steep and have previously been subjected to slides. Additional potential events following an earthquake include broken natural gas mains and ensuing fires in the streets, building fires as the result of broken service connection, trapped occupants in collapsed structures, and requirements to render first aid and other medical attention to many residents.

B. Topographical Conditions

Local topographical conditions include hillside housing with many narrow and winding streets, slide potential for blockage of roads, and limited firefighting water supply. These conditions create the potential for delays in responding when a major fire or earthquake occurs. The result may be limited or eliminated Fire District emergency vehicular traffic, overtaxed Fire District personnel, and a lack of resources for the suppression of fire in both structures and vegetated areas in the Fire District. To mitigate the conditions that hinder the rapid response of suppression resources to a fire, enhanced fuel mitigation requirements in the form of fuel breaks are required over and above state code requirements. These requirements will buy time for residents to execute an orderly evacuation while allowing for access by firefighting resources. The Fire District has many homes that are reached by narrow and winding paved streets, which hamper access for fire apparatus and provide limited evacuation routes for residents. In addition, many of the hillside homes are in outlying areas that require longer response times for the total required firefighting force. El Toyonal, Sleepy Hollow, the Downs, Canyon, and other areas with limited access via narrow and winding streets may face the problem of isolation from the rest of the Fire District and will suffer from the need for two-way traffic as evacuation and suppression response travel in opposite directions over limited roadways.

Effective road widths are further reduced by encroaching vegetation and midslope roads built without shoulders. This is particularly pronounced in older neighborhoods of North Orinda, some of which were laid out in the 1920s when vehicles were smaller, codes less stringent, and population density much lower.

Due to steep slopes that characterize many areas of the Fire District, the establishment of infrastructure to support adequate fire protection needs is not feasible. It is difficult to widen existing streets to meet present standards for emergency operations, and fire hydrants, especially in the hillside areas, often have less than optimum water pressure levels.

In summary, portions of the Fire District have limited water supplies or roadways that delay the response of emergency equipment to carry out the extinguishment of a fire, allowing the fire to increase in area. To mitigate the above situation that hinders the quick response to a fire, more stringent fuel break standards are required over and above state code requirements. These standards will operate to slow or stop a fire's advance, thus allowing residents to evacuate, and buying time for the aggregation of an effective firefighting

response. These standards also reduce the potential for fire to spread beyond the parcel of origin.

SECTION 3. DEFINITIONS

Combustible Material. Rubbish, litter, or material of any kind, other than Hazardous Vegetation, that is combustible and endangers the public safety by creating a Fire Hazard as determined by the Fire Code Official.

Fire Code Official. The Fire Chief or their duly authorized representatives.

Fuel Break. A strategically located block or strip of land on which a cover of dense, heavy, or hazardous vegetation has been removed or modified to create lower fuel volume or reduced combustibility as an aid to fire control.

Hazardous Vegetation. Vegetation that is combustible and endangers the public safety by creating a fire hazard, including but not limited to seasonal and recurrent grasses, weeds, stubble, brush, dry leaves, dry needles, dead, dying, or diseased trees, and any other vegetation as determined by the Fire Code Official or their designee. Vegetation that is combustible and endangers the public safety by creating a Fire Hazard, including but not limited to bark, mulch, seasonal and recurrent grasses, weeds, stubble, non-irrigated brush, dry leaves, dry needles, dead, dying, and diseased trees, or any other vegetation identified by the Fire Code Official.

Ladder Fuel. Fuel that provides vertical continuity between surface fuel and canopy fuel strata, increasing the likelihood that fire will carry from surface fuel into the crowns of shrubs and trees.

Modification. Where there are practical difficulties involved in carrying out the provisions of this Ordinance, the Fire Code Official shall have the authority to grant Modifications for individual cases, provided that the Fire Code Official shall first find that special individual reasons make the strict letter of this Ordinance impractical, and the Modification is in compliance with the intent and purpose of this Ordinance. The details of actions granting a modification shall be recorded and entered in the files of the Fire District.

Parcel. A portion of real property of any size, which may be identified by an Assessor's Parcel Number, the area of which is determined by the legal lot of record.

Person. Includes any agency of the state, a county, city, district, or other local public agency, and any individual, firm, association, partnership, business trust, corporation, limited liability company, or company.

SECTION 4. FUEL BREAKS TO PROTECT AGAINST UNCONTROLLED WILDFIRE SPREAD

(a) **4.1. Fuel Break Standards.**

- (1) For the purpose of this Ordinance, a Fuel Break requires the removal or modification of fuel, maintained on an annual basis by June 1 of each year, or on a recurring basis as determined by the Fire Code Official, in a manner that will prevent the transmission of fire.

Specifically:

- (A) Annual grasses cut to less than 3”.
 - (B) Removal of all Hazardous Vegetation.
 - (C) Removal of non-irrigated brush.
 - (D) Removal of all Combustible Material.
 - (E) Removal of dead, diseased, or dying trees.
 - (F) Maintain trees to remove Ladder Fuels so that foliage, twigs, or branches are greater than 6 feet above the ground.
- (b) Fuel Break Requirements. To reduce the risk of uncontrolled wildfire, Fuel Breaks are required on all Parcels in the Fire District.
- (1) A person who owns, leases, or controls one or more Parcels within the Fire District shall comply with following fuel break standards:
 - (A) Parcels of One Acre or Less. The entire Parcel shall be maintained in accordance with Section 4(b)’s requirements for a Fuel Break.
 - (B) Parcels Greater Than One Acre. A Fuel Break of 100 feet shall be created and maintained around the entire perimeter of the Parcel.
 - (C) Multiple contiguous Parcels owned by the same Person may be treated as a single Parcel, upon request of the owner, lessee or Person in control of the Parcel and with the approval of the Fire Code Official, if a Fuel Break of 100 feet around the perimeter of the area considered to be a single Parcel is provided.
- (c) Environmental Concerns. Creation of Fuel Breaks shall not result in the taking of endangered, rare, or threatened plant or animal species, significant erosion, or sedimentation of surface waters. When these or other conditions make it impractical to create and maintain a required Fuel Break, the person who owns, leases, or controls the Parcel or Parcels shall request a Modification of the Fuel Break requirement.

SECTION 5. PENALTIES.

Failure to comply with the Fuel Break requirements of this Ordinance may result in the issuance of an Administrative Citation under Ordinance 21-01 or its successor ordinance, or a declaration by the Fire District Board of Directors that the conditions on the property constitute a public nuisance to be abated at the property owner’s expense, and nothing in this Section 5 shall limit the Fire District from pursuing other available legal remedies for violations of this Ordinance, including but not limited to civil penalties. In addition, any Person who violates any provision

of this Ordinance shall be guilty of an infraction or misdemeanor in accordance with Health and Safety Code Section 13871.

SECTION 6. REPEAL OF ORDINANCE 22-02.

Ordinance 22-02, which adopted requirements for fuel breaks on undeveloped parcels and certain low density, large, developed parcels in state and local responsibility areas in the Fire District, is hereby repealed.

SECTION 7. SEVERABILITY.

If any section, subsection, paragraph, sentence, or clause of this Ordinance is determined in a final ruling by a court of competent jurisdiction to be invalid or unenforceable, such finding shall not invalidate any remaining portions of the Ordinance. The Board of Directors hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, or clause thereof, irrespective of the fact that any portion of the Ordinance be declared invalid.

SECTION 8. DATE OF EFFECT.

This Ordinance shall become effective on _____, and within fifteen (15) days of passage shall be published once, with the names of the Directors voting for and against, in the Contra Costa Times, a newspaper of general circulation in the District.

PASSED, APPROVED, and ADOPTED this ___ day of ___ at the regular meeting of the District Board of Directors, held virtually on ___, on a motion made by Director ___ and seconded by Director ___ and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ORDINANCE 23-04

ATTEST:

John Jex, President
Board of Directors

I certify that this is a full, true, and correct copy of the original document, which is on file in my office, was passed and adopted by the Moraga-Orinda Fire District on the date shown.

ATTEST:

Marcia Holbrook
District Secretary/District Clerk

APPROVED AS TO FORM:

Jonathan V. Holtzman
District Counsel



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Jeff Isaacs, Fire Marshal

DATE: January 18, 2023

SUBJECT: **Item 9.4 First Reading of Ordinance 23-02, Revising a Schedule of Fees for District Services**

BACKGROUND

In 2013, the District established a new fee structure based on the results of an independent fee study analysis and in-house comparable agency survey to ensure that the fees charged reflected the reasonable costs the District incurred in providing services and enforcing regulations. The Fee Schedule Ordinance 13-02 included a provision for an annual modification to fees based on the Consumer Price Index. The Board instructed staff to continue developing the fee structure for services and enforcement to ensure that the fees that reflect the District's actual cost of providing services and enforcement.

The 2023 District Fee Schedule is based on the annual change in the Consumer Price Index (CPI) Urban Wage Earners, San Francisco-Oakland-San Jose, CA region, which increased 6.0% effective October 2022 (most recent). Four additional fees have been added for services related to repeated false alarms to reflect the cost of providing the service and impacts such calls have on the District's ability to provide coverage to all residents.

FA1	Repeated False Alarm Responses (first 3 responses free in 30 consec. days)	per response	\$0	\$0
FA2 (new)	Repeated False Alarm Responses (4-6 responses in 30 consec. days)	per response	\$187	\$200
FA3 (new)	Repeated False Alarm Responses (7-9 responses in 30 consec. days)	per response	\$187	\$400
FA4 (new)	Repeated False Alarm Responses (10-12 response in 30 consec. days)	per response	\$187	\$600
FA5 (new)	Repeated False Alarm Responses (13 or more responses in 30 consec. days)	per response	\$187	\$800

Staff recommends that the Board introduce and waive the first reading of Ordinance 23-02 (Attachment A), An Ordinance of the Moraga-Orinda Fire District of Contra Costa County Revising a Schedule of Fees for District Services and the revised District Fee Schedule effective March 18, 2023 (Attachment B).

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Introduce and Waive the First Reading of Ordinance 23-02, An Ordinance of the Moraga-Orinda Fire District of Contra Costa County Revising a Schedule of Fees for District Services and the revised Fee Schedule effective March 18, 2023; 4) Open the public hearing and accept comments from the public; 5) Close the public hearing.

ATTACHMENT

Attachment A: Ordinance No. 23-02 Schedule of Fees (first reading)

Attachment B: Exhibit A - Fee Schedule 2023.pdf

ORDINANCE NO. 23-02

**AN ORDINANCE OF THE MORAGA-ORINDA FIRE PROTECTION DISTRICT
OF CONTRA COSTA COUNTY REVISING A
SCHEDULE OF FEES FOR DISTRICT SERVICES**

The Board of Directors of the Moraga-Orinda Fire District of Contra Costa County (“District”) ordains as follows:

SECTION 1. Authorization and Purpose.

This ordinance and the fees for District Services established herein is adopted pursuant to the provisions of Fire Protection District Law of 1987 (Health and Safety Code sections 13800 et seq., the “Act”). Specifically, as authorized under Health and Safety Code section 13916, the District hereby establishes and adopts the schedule of fees, established for the purpose of recovering for the District the cost of providing services and enforcing regulations.

The provisions of this ordinance and schedule of fees are consistent with, and authorized by, the provisions of Health and Safety Code section 13916 and other laws pertaining to fee schedules. Except as otherwise indicated, the definitions of the Act are incorporated herein, and this ordinance shall be interpreted in a manner consistent with the Act.

SECTION 2. Fee Schedule

The fees established and adopted by this ordinance are attached hereto as “Exhibit A” entitled 2023 District Fee Schedule.

SECTION 3. Public Notice of Intent to Establish Fee Schedule

Pursuant to the provisions of Health and Safety Code section 13916(b), the District gave public notice pursuant to Section 6066 of the Government Code, of its intent to establish and impose the fees contained in the 2Fee Schedule attached as Exhibit “A”.

SECTION 4. Findings Regarding Costs of Services

The District Board finds that it must charge fees to cover the costs of (a) services which the District provides or (b) enforcement of any regulation for which the District has responsibility.

The District Board finds that no fee included in the 2023 District Fee Schedule exceeds the costs reasonably incurred by the District in providing the service or enforcing the regulation for which the fee is charged in accordance with Health and Safety Code section 13916(a).

The District Board finds that, consistent with the provisions of Health and Safety Code section 13916(a), the 2023 District Fee Schedule does not include fees on new construction or development, for the construction of public improvements or facilities, or the acquisition of equipment.

SECTION 5. Repeal

The following Ordinance previously adopted by the Board of Directors is hereby repealed:
Ordinance #22-01 Moraga-Orinda Fire District of Contra Costa County Revising a Schedule of Fees for District Services.

SECTION 6. Effective Date

This Ordinance and the Fee Schedule shall become effective on ____, and within fifteen (15) days of passage, shall be published once with the names of the Directors voting for and against it, in the Contra Costa Times, a newspaper of general circulation in this District. Passed and Adopted on ____ by the following Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Jex, President
Board of Directors

I certify that this is a full, true, and correct copy of the original document which is on file in my office that was passed and adopted by the Moraga-Orinda Fire District on the date shown.

ATTEST:

Marcia Holbrook
District Secretary/District Clerk

MORAGA-ORINDA FIRE DISTRICT FEE SCHEDULE

EXHIBIT A

Effective March 18, 2023

Fee No.	Fee Description	Unit	2022	2023
INSPECTION - SINGULAR PERMITTED ACTIVITIES				
T1	Special Events, Tents and Booths,			
T1.1	Tents between 400 and 5000 ft ² in size, and canopies in excess of 400 s.f.	per permit	\$364	\$386
T1.2	Tents greater than 5000 ft ² in size	per permit	\$455	\$482
T1.3	For use greater than 180 days reinspection is required	per permit	\$176	\$187
T2	Holiday tree lots	per permit	\$118	\$125
T3	Model rockets	per permit	\$118	\$125
T1.4	Additional tent inspections		\$118	\$125
SE1	Street Fairs, Carnivals, and Special Events/ Plan Review and Inspection	per permit (1)	\$368	\$390
E1	Explosives - any kind	per permit (3)	\$427	\$453
FW	Fireworks			
FW1.1	Fireworks Aerial	per permit (3)	\$852	\$903
FW1.2	Set Piece / Theatrical	per permit (3)	\$568	\$602
HM1	Hazardous Materials	per permit (3)	\$568	\$602
BP1	Burn Permit - Recreational- Open Flame	per permit	\$174	\$184
SP	Singular Permits - Other/ Inspection			
SP1.1	Change of Occupancy	per permit	\$347	\$368
SP1.2	Install/Maintain Acid Battery Systems > CFC Table 1206.2	per permit	\$355	\$376
SP1.3	Miscellaneous Permit (otherwise not listed above)	per permit	\$274	\$290
INSPECTION	Annual Operating Permits/ Inspection Required			
API	LPG Dispense	per permit	\$410	\$435
AP2	Welding or Hot Works	per permit	\$410	\$435
AP3	Spraying Flammable Finishes	per permit	\$410	\$435
AP4	Compressed Gas / Cryogenics	per permit		
AP4.1	Inert		\$410	\$435
AP4.2	Flammable		\$410	\$435
AP4.3	Cryogenics Portable Tanks		\$410	\$435
AP4.4	Cryogenics Portable Tanks Fixed System		\$410	\$435
AP5	Flammable / Combustible Liquids	per permit		
AP5.1	Flammable Liquid Storage Cabinet		\$410	\$435
AP5.2	Flammable Liquid Storeroom		\$410	\$435
AP5.3	Aboveground Storage Outside		\$427	\$453
AP5.4	Underground Storage Tank		\$427	\$453
AP6	Engine Repair Facilities	per permit		
AP6.1	1 - 4 Bays		\$410	\$435
AP6.2	5 - 8 Bays		\$410	\$435
AP6.3	9 + Bays		\$410	\$435
AP7	Group A Places Of Public Assembly	per permit		
AP7.1	Occupancy Load 50-100		\$340	\$360
AP7.2	Occupancy Load 101-200		\$410	\$435
AP7.3	Occupancy Load 201-299		\$544	\$577
AP7.4	Occupancy Load 300 +		\$544	\$577
AP8	Group E Occupancies- Schools (Permit includes first and second inspection)	per permit		
AP8.1	Private Schools			
AP8.1.1	E-2 Occupant Load ≤ 150		\$455	\$482

Ordinance 23-01/Exhibit A

First Reading: January 18, 2023

Second Reading/Adopted: February 15, 2023

AP8.1.2	E-1 Occupant Load > 150		\$568	\$602
AP8.3	Public Schools			
AP8.3.1	E-2 Occupant Load ≤ 150		\$455	\$482
AP8.3.2	E-1 Occupant Load > 150		\$568	\$602
AP9	Group I Institutional (I-2.1, I-4)	per permit		
AP9.1	Occupant Load 7-20		\$544	\$577
AP9.2	Occupant Load 21-99		\$615	\$652
AP9.3	Occupant Load 100 -249		\$615	\$652
AP9.4	Occupant Load 300 +		\$615	\$652
AP10	Group R-2 Occupancies Apartments	per permit		
AP10.1	Base Fee		\$164	\$174
AP10.1.1	3-12 units, per unit		\$164	\$174
AP10.1.2	13-30 units, per unit		\$3	\$3
AP10.1.3	31+ units, per unit		\$4	\$4
AP10A	Group R-2 Assisted Living Facilities			
AP10A.1	Base Fee		\$410	\$435
AP10A.1.2	per unit		\$4	\$4
AP11	Group R-3.1 Daycare-Residential	per permit		
AP11.1	R 3.1 Residential Day Care Occupant, Load 6 or Fewer			
AP12	Group R-4 Adult & Residential Care Facilities	per permit		
AP12.1	R 4 Adult Residential Day Care (Non-Medical), Client Load 7+, max of 6 non-ambulatory		\$476	\$505
AP12.2	Licensed Facilities (includes R-2.1,R-4)			
AP12.3	Occupant Load < 6		\$476	\$505
AP12.4	Occupant Load > 6		\$476	\$505
AP12.5	850 Form Fire Clearance Inspection		\$239	\$253
AP13	Group R-4 Day Care Facilities-Commercial	Per permit		
AP13.1	Occupant Load ≤ 50		\$454	\$481
AP13.2	Occupant Load > 50		\$510	\$541
AP14	Annual Operational Permits - Other			
AP14.1	Combustible Materials Storage	per permit	\$476	\$505
AP14.4	High Pile Stock/Rack Systems	per permit	\$544	\$577
PLAN REVIEW				
PR1	Site Access Review: Preliminary Plan Review, Consulting, and Meetings			
PR1.1	Pre-project review	per project (3)	\$568	\$602
PR1.2	Design Review			
PR1.2.1	Residential	per project	\$339	\$359
PR2.1.2	Commercial	per project	\$568	\$602
PR1.3	Residential Addition/Remodel	per project	\$339	\$359
PR3	Site / Water/ Access Review	per project	\$455	\$482
PR4	Cell Tower / Antenna/ Land Use Review/ Solar	per project	\$410	\$435
PR5	Street Numbering / Address Review	per project	\$212	\$225
PR6	Residential and Building Construction - New Building			
PR6.1	Plan Review			
PR6.1.1	0 - 5,000 s.f.	per project	\$544	\$577
PR6.1.2	Greater than 5,000 s.f.	hourly	\$136	\$144
PR6.2	Inspection			
PR6.2.1	0 - 5,000 s.f.	per inspection	\$410	\$435
PR6.2.2	Greater than 5,000 s.f.	hourly	\$136	\$144
PR7	Building Construction - Tenant Improvement			
PR7.1	Plan Review			
PR7.1.1	0 - 5,000 s.f.	per project	\$682	\$723

PR7.2.2	Greater than 5,000 s.f. (per hour with \$100 deposit)	hourly	\$136	\$144
PR7.3	Inspection			
PR7.3.1	0 - 5,000 s.f.	per inspection	\$544	\$577
PR7.3.2	Greater than 5,000 s.f.	hourly	\$136	\$144
PR8	Fire Alarm and Communication System			
PR8.1	Plan Review/	per project		
PR8.1.1	First 25 Devices		\$544	\$577
PR8.1.2	each additional 25 devices, or portion thereof		\$205	\$217
PR8.2	Inspection Fire Alarm	per inspection		
PR8.2.1	First 25 Devices		\$410	\$435
PR8.2.2	each additional 25 devices, or portion thereof		\$205	\$217
PR8.3	Emergency responder radio communication (ERRCS) system Plan Review	per project	\$155	\$164
PR8.4	Inspection ERRCS	per inspection	\$109	\$116
PR8.5	Elevator Communication System Plan Review	per project	\$155	\$164
PR8.6	Inspection Elevator Communication System	per inspection	\$109	\$116
PR9	Fire Protection Systems - Residential - New or Modify			
PR9.1	Plan Review	per project		
PR9.1.1	First 25 Heads		\$410	\$435
PR9.1.2	each additional 25 heads, or portion thereof		\$205	\$217
PR9.2	Inspections (Rough and Final)	per inspection		
PR9.2.1	First 25 Heads		\$410	\$435
PR9.2.2	each additional 25 heads, or portion thereof		\$205	\$217
PR10	Fire Protection Systems - Commercial New			
PR10.1	Plan Review	per project		
PR10.1.1	First 25 Heads		\$544	\$577
PR10.1.2	each additional 25 heads, or portion thereof		\$205	\$217
PR10.2.2	Inspection	per inspection		
PR10.2.2.1	First 25 Heads		\$544	\$577
PR10.2.2.2	each additional 25 heads, or portion thereof		\$205	\$217
PR10.2.2.3	Per additional Riser	per riser	\$136	\$144
PR11	Fire Protection Systems - Commercial - Tenant Improvement			
PR11.1	Plan Review	per project		
PR11.1.2	First 25 Heads		\$544	\$577
PR11.1.3	each additional 25 heads, or portion thereof		\$205	\$217
PR11.2	Inspection	per inspection		
PR11.2.1	First 25 Heads		\$455	\$482
PR11.2.2	each additional 25 heads, or portion thereof		\$205	\$217
PR12	Fire Protection Systems - Miscellaneous/ Plan Review and Inspection			
PR12.1	Additional Overhead Hydro Test	per test	\$544	\$577
PR12.2	Spray Booths Including Fire Protection System (New Install)	per permit	\$476	\$505
PR12.3	Fire Pumps & Related Equipment - Install or Modify (Non-Residential Applications)	per permit	\$476	\$505
PR12.4	Standpipe System/ AFES Underground	per permit	\$544	\$577
PR12.5	Pre-Action Fire Protection System	per permit	\$544	\$577
PR12.6	Hood and Duct Fire Protection system	per permit	\$544	\$577
PR12.7	Clean Agent Fire Protection System	per permit	\$615	\$652
PR12.8	Nitrous Oxide/Medical Gas System	per permit	\$615	\$652
PR12.9	Smoke Management System	per permit	\$615	\$652
PR12.10	Fire Hydrant Plan Review	per permit	\$476	\$505
PR12.11	Water Flow Field Test for Sprinkler Systems	per test	\$476	\$505
PR12.12	Inspection	Per inspection	\$544	\$577
PR13	Tanks / Piping			
PR13.1	Install/Remove Underground	per permit		
PR13.1.1	Plan Review		\$544	\$577
PR13.1.2	Inspection	Per inspection	\$544	\$577
PR13.2	Install/ Remove Aboveground Tank with Lines	per permit		
PR13.2.1	Plan Review		\$544	\$577

PR13.2.2	Inspection	Per inspection	\$544	\$577
PR13.3	Temporary Construction Tank (Install and Use per Location/ Site)	per permit		
PR13.3.1	Plan Review		\$544	\$577
PR13.3.2	Inspection	Per inspection	\$544	\$577
PR14	Special Hazard - Hazardous Material			
PR14.1	Hazardous Materials Approval for Use & Compliance	per project	\$682	\$723
PR14.2	Compressed Gas & Cryogenics (Initial plan review and install)	per project	\$682	\$723
MISCELLANEOUS				
ALT1	Alternative Means and Methods	per project (3)	\$710	\$753
ASP1	Additional Inspections	per inspection	\$274	\$290
ASP1.1	Fire Marshal	Hourly	\$100	\$106
ASP1.2	Senior Inspector	Hourly	\$109	\$116
ASP1.3	Fire Inspector	Hourly	\$86	\$91
PR1	Additional Plan Review/Permit Renewal/Resubmittal Fee	per submittal	\$274	\$290
SB1	After hours Inspections (2 Hour Minimum)	per project	\$410	\$435
MS1	Photocopies (per Page) Letter or legal Size	per copy	\$0.10	\$0.10
RS1	Research Fee	hourly (4)	\$136	\$144
IR1	Incident Report Request	per request	\$6	\$6
CP1	Instructional Services (CPR)	per student	\$95	\$101
MR1	Medical Records Request	per request	\$15	\$15
FA1	Repeated False Alarm Responses (first 3 responses free in 30 consec. days)	per response	\$0	\$0
FA2 (new)	Repeated False Alarm Responses (4-6 responses in 30 consec. days)	per response	\$187	\$200
FA3 (new)	Repeated False Alarm Responses (7-9 responses in 30 consec. days)	per response	\$187	\$400
FA4 (new)	Repeated False Alarm Responses (10-12 response in 30 consec. days)	per response	\$187	\$600
FA5 (new)	Repeated False Alarm Responses (13 or more responses in 30 consec. days)	per response	\$187	\$800
WA1	Weld Inspections	per instance	\$410	\$435
DP1	Deposit processing fee	per project	\$69	\$73
SA1	Subpoena Fee	per employee per day (5)	\$275	\$275
RC1	Returned Check Charge	per check	\$31	\$33
WA2	Weed Abatement	per parcel	Cost + 50%	Cost + 50%
MF1	One-time Mitigation fee - Wilder Development	per parcel	\$2,000	\$2,000
PT1	Property Sale or Transfer Online Self Check	per parcel	no charge	no charge
PT2	Property Sale or Transfer On Site First Inspection Fee	per parcel	\$156	\$165
PT3	Property Sale or Transfer On Site Re-Inspection Fee	per parcel	\$208	\$220
PT4	Seller or Buyer Phone or Over the Counter Compliance Check Fee	per parcel	\$21	\$22
OP1	Online payment Debit and Credit Card User Fee - 2.45% of gross volume	per transaction	2.45%	2.45%
OP2	Online payment ACH/eCheck User Fee - \$1	per transaction	\$1	\$1

[Notes]

- [1] Does not include standby time. Separate fee would apply.
- [2] Actual Cost of photos not included. Separate fee would apply.
- [3] Minimum fee includes time shown. For service required in excess of standard, hourly rate would apply.
- [4] Fee for retrieval & formatting of records information above and beyond basic retrieval and copy of a public record.
- [5] A deposit of \$275 for each day that a specified employee is required to remain in attendance pursuant to the subpoena. The District shall then be reimbursed for traveling expenses and the full cost to the District of paying the employee. If the actual expenses should later prove to be less than \$275 per day tendered, the excess of the amount shall be refunded. If the actual expenses should later prove to be more than the amount deposited, the District may collect the balance from the party at whose request the subpoena is issued. California Government Code 68097.2.



Moraga-Orinda Fire District

Office of the Fire Marshal

Fire Prevention Report Year End Report

Number/Types of Complaints

2021

- Dead tree – **147**
- Exterior Hazard – **204**
- Property Transfer Inspections- **716**
 - Property Transfer Initial Pass- **374**
 - Property Transfer Initial Fail- **342**

2022

- Dead tree – **135**
- Exterior Hazard – **183**
- Property Transfer Inspections- **523**
 - Property Transfer Initial Pass- **172**
 - Property Transfer Initial Fail- **351**
(mostly 2 foot non-combustible zone)

Exterior Hazard Inspections

2021

- Number of Assessments 2021 – **1986**
- Initial Pass – **663** Initial Failed – **1323**
- Number of 30-day Notices – **1272**
- Number of Cases Closed – **1183**
- Number of Open Cases 2021– **140**
- Number of Open Cases 2020 - **0**
- Number of Notice to Abate – **368**
- Number of Pre-citations – **51**
- Number of Citations – **43**
 - 43 Exterior Hazards Violations
 - **0** Other CFC Violations

2022

- Number of Assessments 2022 – **3556**
- Initial Pass – **1610** Initial Failed – **1946**
- Number of 30-day Notices – **234**
- Number of Cases Closed – **1780**
- Number of Open Cases 2022– **166**
- Number of Open Cases 2021 - **4**
- Number of Notice to Abate – **1**
- Number of Pre-citations – **1588**
- Number of Citations – **491**
 - **490** Exterior Hazards Violations
 - **1** Other CFC Violations

Number of Failed Properties Moved to Weed Abatement Hearings

2020

- Number ordered to abate – **21**
- Number Abated – **7**
- Total Cost District Funded Work: **\$36,960** *Inc. admin fee
- Number Lien Assessment – **6**
- Total Amount Liens placed: **\$31,490**

2021

- Number ordered to abate – **3**
- Number Abated – **2**
- Total Cost District Funded Work: **\$59,400** *Inc. admin fee
- Number Lien Assessments– **2**
- Total Amount Liens placed: **\$59,400**

2022

- Number ordered to abate – **1**
- Number abated – **0**
- Total Cost District Funded Work: **\$0** *Inc. admin fee
- Number Lien Assessments– **0**
- Total Amount Liens placed: **\$0**

Chipping

2021

- Total Number of Days – **67**
- Total Tons of Material Removed– **309**

2022:

- Total Number of Days – **11**
- Total Tons of Material Removed– **23**

Plan Review

2020

296

2021

359

2022

409

2023 YEARLY plan

First Quarter

- Employee Training
- Community Outreach
- Pile Burning
- Chipper Training
- Fuel break
- FAC-A Training

Second Quarter

- Chipping
- Community Outreach
- Mandated inspections
- Business Inspections
- Pile Burning

Third Quarter

- Inspections
- Enforcement
- Hearings
- Fuel Break
- Community Outreach

Fourth Quarter

- Inspections
- Enforcement
- Hearings
- Chipping
- Fuel break



Moraga-Orinda Fire District
BOARD OF DIRECTORS
SPECIAL BOARD MEETING MINUTES
December 21, 2022
(DRAFT – PENDING APPROVAL)

1. OPENING CEREMONIES

The Board of Directors convened a teleconference Open Session at 5:30 p.m. on December 21, 2022, via the Zoom application <https://us02web.zoom.us/j/86453721104>, webinar id: 86453721104 and by phone 669-900-6833. This meeting was conducted by webinar and teleconference only in accordance with AB 361. The meeting was not available for in-person attendance.

Vice President Danziger called the meeting to order, requested an attendance roll call, and led the pledge of allegiance

Vice President Danziger	Director Jorgens	Mary Smith, Finance Manager
Director Hasler	Director Roemer	Mariam Morley, District Counsel
Director Jex	Dave Winnacker, Fire Chief	Marcia Holbrook, District Clerk

2. SPECIAL AGENDA

2.1 Swearing-In Ceremony for the Newly Elected Directors Hasler and Roemer, and Incumbent Danziger (audio 00:02:27)

At 5:32 p.m., the Honorable Judge John W. Kennedy swore-in newly elected Moraga-Orinda Fire District Directors Greg Hasler and Mike Roemer, and Incumbent Steven Danziger. Vice-President Danziger thanked Judge Kennedy, welcomed the new directors, and provided an opportunity for statements. Director Roemer expressed gratitude, takes the oath seriously and is honored to serve the people. Vice-President Danziger expressed gratitude and declared to continue to advocate for policies that are in the best interest of the community. Vice-President Danziger thanked former Directors Greg Baitx and Michael Donner for their service. Director Jorgens welcomed the new directors and looked forward to serving with all.

Vice-President Danziger opened Public Comment. There were no requests to address the Board. Vice-President Danziger closed Public Comment.

3. CONSENT

3.1 Adopt Resolution 22-31 Re-Ratifying Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference (audio 07:30)

Vice-President Danziger opened the public comment. There were no requests to address the Board. Vice-President Danziger closed public comment.

Motion by Director Jorgens and seconded by Director Jex to adopt Resolution 22-31 Re-Ratifying Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference. Said motion carried a 5-0 roll call vote (Ayes: Hasler, Jex, Jorgens, Roemer, and Danziger; Noes: None; Absent: None; Abstain: None).

4. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA (audio 08:59.610)

Vice-President Danziger opened the public comment. There were no requests to address the Board. Vice-President Danziger closed public comment.

5. ADJOURNMENT

At 5:40 PM, Director Jex motioned and seconded by Director Jorgens to adjourn the meeting. Said motion carried a 5-0 roll call vote (Ayes: Hasler, Jex, Jorgens, Roemer, and Danziger; Noes: None; Absent: None; Abstain: None).

Marcia Holbrook
District Secretary/District Clerk

For an audio recording of this and other Board meetings, please visit the MOFD District Board Meeting at www.mofd.org/agendas.



Moraga-Orinda Fire District
BOARD OF DIRECTORS
REGULAR BOARD MEETING MINUTES
December 21, 2022
(DRAFT – PENDING APPROVAL)

1. OPENING CEREMONIES

The Board of Directors convened a teleconference Open Session at 6:00 p.m. on December 21, 2022, via the Zoom application <https://us02web.zoom.us/j/86453721104>, webinar id: 86453721104 and by phone 669-900-6833. This meeting was conducted by webinar and teleconference only in accordance with AB 361. The meeting was not available for in-person attendance.

Vice President Danziger called the meeting to order and requested an attendance roll call. Director Hasler led the pledge of allegiance.

Vice President Danziger	Director Jorgens	Mary Smith, Finance Manager
Director Hasler	Director Roemer	Jonathan Holtzman, District Counsel
Director Jex	Dave Winnacker, Fire Chief	Marcia Holbrook, District Clerk

2. PUBLIC COMMENT (audio 05:54.55)

Vice President Danziger opened Public Comment on the closed session items.

Marc Evans, Orinda resident, commented that November 16, 2022 meeting notes provided an excellent representation of the discussions regarding increased staffing. Mr. Evans expressed disappointment to see that the previous Board wanted to proceed without fully understanding the need, and the effect on the District's Finances. Mr. Evans suggested the new Board Members provide sufficient time to review the issues allowing the Board to make transparent decisions.

Vice President Danziger stated the public comment period was only for closed session items. Mr. Evans understood one of the closed session items was to discuss Staffing. Director Jorgens confirmed. Vice President Danziger allowed the public comment.

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

At **6:05 p.m.**, the Board adjourned to Closed Session.

3. CLOSED SESSION

3.1 Conference with Real Property Negotiators

(Government Code Section 54956.8)
Agency Negotiator: David Winnacker
Negotiating parties: Moraga School District Under Negotiations: Consideration of and authorization to proceed with real estate negotiations by the Fire Chief regarding potential acquisition of the real properties concerning price and terms of payment.
Real Property: 257-210-013-5

3.2 Conference with Labor Negotiator

Government Code Section 54957.6)
Agency Designated Rep: David Winnacker
Employee Organization: Local 1230, International Association of Firefighters IAFF

At **6:46 p.m.**, the Board adjourned the Closed Session.

4. RECONVENE THE MEETING (audio 12:04.33)

Vice President Danziger reconvened the Moraga-Orinda Fire District Board of Directors' regular business meeting at 7:02 p.m., requested an attendance roll call, and announced that he would act as the Presiding Officer until a new President is elected. Present were the following Directors and Staff:

Vice President Danziger	Dave Winnacker, Fire Chief	Jonathan Holtzman, District Counsel
Director Hasler	Jeff Isaacs, Fire Marshal	Marcia Holbrook, District Clerk
Director Jex	Dennis Rein, Emergency Preparedness Coord.	
Director Jorgens	Christine Russell, Human Resources Manager	
Director Roemer	Mary Smith, Finance Manager	

5. REPORT OF CLOSED SESSION ACTION (audio 12:57.94)

Vice President Danziger stated that the Board took no reportable action on agenda items 3.1-3.2.

6. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA (audio 13:09.61)

Vice President Danziger opened Public Comment.

Jonathan Goodwin, Canyon resident, welcomed the new Board members and encouraged them to familiarize themselves with all levels of the organization and finances. Mr. Goodwin discussed the latest philosophical discussions the Board had about the District being a business or public safety agency, and that these discussions should be open forum. District Clerk Holbrook announced the three-minute time limit had expired. Vice President Danziger allowed additional time. Mr. Goodwin concluded by stating the way the Board works with Public Safety Employees distinguishes it from a business. Mr. Goodwin to submit written comments on this topic.

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

7. ANNOUNCEMENTS (audio 00:18:21.53)

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

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

7.3 Communications Received. Vice President Danziger acknowledged communication received from Jonathan Goodwin.

7.4 Fire Chief Updates

a. Finance Report

Finance Manager Smith presented the status of OES reimbursements attached to these minutes as item 7.4(a). As of December 12, 2022, the Audit work is in progress. The final audit report is expected in February 2023.

b. Human Resources

Human Resources Manager Russell provided a recruitment update for three positions. Two candidates cleared the background process for the Firefighter Paramedic Trainee positions. The next step is an EMS orientation scheduled for December 29, 2022. Once complete, the candidates will begin the five-call process. On November 29, 2022, Oral Board interviews were held for three Fuels Mitigation Specialist candidates with two of the three Candidates moving forward with the background check. An Internal Battalion Chief Recruitment Examination was held on December 8, 2022. Two candidates applied, tested, and passed the examination. The eligibility list will be active for two years. Vice President Danziger inquired about the eligibility list. Fire Chief Winnacker answered the list is shared once the District has a vacancy and a promotion is made.

Human Resources Manager Russell provided a staffing update. Fire Captain Paramedic Daryle Balao resigned effective January 1, 2023, after 25 years of service. Fire Engineer Daniel Elbanna was promoted to Fire Captain. Firefighter Paramedic Keith Larsen was promoted to Fire Engineer Paramedic II. Vice President Danziger inquired about the status of the Fire Inspector/Plans Examiner position. Fire Chief Winnacker answered the position is in the process of being reposted.

c. Fire Marshal

Fire Marshal Isaacs reviewed the statistics in the Monthly Fire Prevention report included in the Board packet, item 4.4(c). Current projects are re-inspections, prescribed fire projects, property transfer inspections, winter fuel reduction projects, Exterior Hazard Abatement Ordinance, County Fire Code, and Zone Zero Work Group.

d. Tunnel East Bay Hills Fuel Break Project

Fire Chief Winnacker provided the report. The project continues to move forward with no substantive items to report. Staff continues to work with CAL FIRE to understand the environmental and reporting requirements of the project. Staff is working very deliberately to ensure any funds are expended in accordance with CAL FIRE's requirements. The Project Coordinator and additional Staffing will be hired to conduct the fuel break work in spring 2023.

e. Emergency Preparedness

Emergency Preparedness Coordinator Rein provided the report and presented pictures of the Environmental Bata-Attenuation Mass Monitor (E-BAM), attached as item 4.4(f). The E-BAM is a portable, lightweight, high-end air quality monitor that samples air quality every 15 minutes. The E-BAM collects fine particulate matter (PM2.5) and communicates the precise measurement of that matter collected in real time. The portability and all-weather construction allow accurate air sampling in the immediate surroundings. The E-BAM automates particulate measurement by continuously sampling the reporting concentration data and complements the District's existing automated weather station (RAW). The cost of the E-BAM was \$24K and was funded by a grant written by Battalion Chief Lee. The link to the E-BAM is located on the home page at www.mofd.org.

Emergency Preparedness Coordinator Rein reviewed the data gathered from a recent prescribed burn pilot project with East Bay Municipal Utility District (EBMUD). The District burned log decks and monitored the impact on the air quality during a good air quality day. The data showed the PM from burning two log decks was minimal until reporting an increase around 1600 hours which returned to good air quality by 1645 hours. The observation was made that the change in the PM was at the same time as when the sun goes down over the ridge and the air starts to cool and settle. Staff is in the process of proposing future projects with EBMUD to the Air Quality Management District (AQMD) in order to burn more of the remaining log decks.

Vice President Danziger inquired about the stacking of the logs displayed in the photo. Mr. Rein explained EBMUD contracted with a commercial logging company to stack the logs. Vice President Danziger asked why the logs could not be chipped. Fire Chief Winnacker explained there are over 1,000 log decks that EBMUD has accumulated over several years. Because of the large diameter of the logs, chipping would require large specialized equipment, which is generally not available in our region. In addition, the equipment would produce a significant amount of PM2.5 in the form of diesel exhaust. The project has the potential for the District to clean up the area by burning hundreds of dead and decked logs (in conjunction with favorable weather and air quality approval) at a large scale, low cost, and over a short time frame.

Director Jex inquired about the mobility of the air quality monitoring equipment. Fire Chief Winnacker described the portability of the equipment and the benefits of the equipment being placed in areas where there is a shortage of air quality monitoring systems in conjunction with burn projects. Many of the District's projects were being lumped into a regional bin, causing a reduction in the number of days the District was allowed to burn due to air quality in other areas. As the data is collected for our area, it opens up the use of additional prescribed fire throughout the region, a critical component to a fire-safe, fire-adapted future for the area.

Director Jorgens asked if the District instructed EBMUD on how to stack the logs better, so the logs burn hotter, more efficiently, and reduce the smoke. Fire Chief Winnacker answered the decking is typically done in preparation for removing commercial logs, not necessarily for burning. Staff is exploring alternative measures to reduce smoke production and increase the consumption of the log to produce fewer burnt ends. Staff is working on establishing the optimal configuration of logs in the near future. Director Jorgens voiced that the lack of oxygen that that structure provides is suboptimal. Fire Chief Winnacker agreed.

f. Operations

Fire Chief Winnacker provided the report, attached as item 4.4(g).

- On November 22, 2022, crews conducted a prescribed fire on Bear Ridge Road and Bear Creek Road. This project was the 3rd entry into the vegetation type. The first entry was mechanical mastication in 2019 as part of the North Orinda Shaded Fuel Break. The area was seeded after mastication with native grass erosion control mix and wildflowers. The second entry was a broadcast burn in late 2020 to remove large chunks of the downed masticated brush. This last burn completed burning the re-sprouted coyote brush. The goal is to convert what was once a 10-15' tall coyote brush back to California native grassland and reduce the wildfire hazard in this area of north Orinda. The District has reduced the fuel load and decreased the complexity of access for maintenance. The parcel is on its way to being converted to native grasslands, which is environmentally beneficial and reduces the probability of wildfire movement from the watershed into North Orinda. This area is one of the critical fire entry points the District is concerned about the transition of fire from vegetation to structures.
- A prescribed fire burn was conducted in the Sleepy Hollow/Dalewood area burning 6.5 acres focusing on grassland restoration, similar to the Bear Ridge project with support from MOFD crews and CONFIRE Crew 11. The area had been previously dominated by heavy coyote brush that was masticated as part of the North Orinda Shaded Fuel Break. To avoid scorching the trees, mature oaks within the project area were ringed by the hand crew, and fire intensity was kept to a minimum. The project was an opportunity to refine fire control and containment tactics while converting the brush and allowing the native grass to dominate the landscape.
- From November 22, 2022, through December 8, 2022, several prescribed pile-burning projects were completed in the Estates Drive area. The projects included: Bear Ridge broadcast burn, pile burning in and around the Tunnel East Bay Hills Fuel Break Canyon

Unit, removing piles along Canyon and Pinehurst, the EBMUD burns of the two log decks, and setting the stage for additional project work that will move into and around the Tunnel East Bay Hills Canyon Unit by tying in the Pinehurst Fuel Break. The projects were facilitated by the use of the Terra Torch, funded by the Rescue 1 Foundation. Fire Chief Winnacker showed a video demonstrating the use of the Terra Torch.

- Fire Chief Winnacker shared photos of the pile burning along Canyon Road, and thanked the Rescue 1 Foundation for the UTV with the slip-on pump utilized for the project. Fire Chief Winnacker appreciated the help from CALFIRE, CONFIRE, and the Moraga Police Department for the road closures.
- Every November MOFD Firefighters grow mustaches to raise awareness and funds for a family or cause. The "Movember" campaign supported a 4-year-old named Owen. Owen is a Moraga resident battling a rare form of brain cancer. Owen and his family visited the station, and the Firefighters were honored to share that moment.
- On December 12, 2022, crews responded to a structure fire on Hillcrest Drive in Orinda. Upon arrival, crews encountered a fully involved garage fire that spread to the main body of the house through the attic. The first unit was on scene within 8 minutes and 30 seconds from the time of dispatch. Crews made a coordinated interior attack and conducted a primary search. MOFD Truck 44 went to the roof and completed vertical ventilation. A photo was shared showing the incident shortly after truck 44 had exited the roof. The photo illustrated the heat and flames venting up out of the hole. The heat and flames would have kept moving to the left of the uninvolved portion of the structure had the heat and flames not been vented to the atmosphere vertically. Shortly after this picture was taken, the interior crew was able to drop the ceiling, get water in the attic, and snuff the fire out, preventing the fire from spreading to the uninvolved portions of the house, significantly reducing the damage to the structure and reducing the time and effort it will take to rebuild. The fire was contained within 30 minutes. A majority of the house was saved and later returned to the homeowners. Fire Chief Winnacker shared the homeowner's experience that the family woke to a crackling sound in the attic space above them and, very rapidly and diligently, exited the house. The diligent and rapid exiting of the home was particularly helpful to the firefighters, setting the stage for the crews to focus on firefighting rather than rescuing the family. Fire Chief Winnacker commended the actions of both the family and MOFD Firefighters.

Director Jorgens inquired if the smoke got into the house or remained in the attic. Fire Chief Winnacker answered the majority of the fire was contained in the attic and the garage. The fire started in the garage and transitioned into the structure through the attic. Director Jorgens asked if smoke detectors should be placed in attics. Fire Chief Winnacker explained the best detector to install is a Rate-of-Rise model versus a smoke detector for an attic. A Rate-of-Rise model is a specific type of detection device for a garage and attic and not as susceptible to rapid temperature swings and dust.

Vice President Danziger opened Public Comment for items 7.1-7.4.

Jonathan Goodwin, Canyon resident, inquired on the status of the two big grants, asked about the 11 YTD chipping days reported on the Fire Marshal report, and was surprised to see his email to the Directors in the Board packet, and wondered if the District had a policy about when communications are included.

Fire Chief Winnacker responded the environmental review determines the Tunnel East Bay Fuel Break timeline. Staff anticipates being able to start the project in Spring 2023 and requested clarification about the name of the second grant. Mr. Goodwin clarified the North Orinda Shaded Fuel Break. Fire Chief Winnacker stated the North Orinda Shaded Fuel Break had been closed for several years. No funds remain in that project.

Fire Chief Winnacker explained correspondence is included in the packet when the communication has a substantive nature (sensitive or pertains to policy). Correspondence like a Christmas card or other similar communications received this time of year is generally not included. Fire Chief Winnacker deferred to Fire Marshal Isaacs about the chipping days reported in the Fire Marshal report. Fire Marshal Isaacs answered the chipping number was incorrect and would need to check the number for the year. Fire Chief Winnacker added residents who have chipping material should plan to have that material chipped February-April when the District has the resources available and make those requests early in the year.

Marc Evans, Orinda resident, was impressed with the reporting on the prescribed burns and suggested an announcement explaining the logic of why the burns are happening so the public understands the purpose.

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

8. CONSENT AGENDA (audio 01:46:36)

- 8.1 Meeting Minutes – November 16, 2022 (Special), (Regular): Staff Recommendation: Approve and File
- 8.2 Monthly Incident Report – November 2022: Staff Recommendation: Approve and File
- 8.3 Monthly Check/Voucher Register – November 2022 Staff Recommendation: Approve and File
- 8.4 Monthly Financial Report – November 2022 Staff Recommendation: Approve and File
- 8.5 2023 Regular Board Meeting Schedule: Staff Recommendation: Receive and File.
- 8.6 Approval of the Annual Operating Budget Timeline FY 2024: Staff Recommendation: Approve and File

Director Jex requested items 8.4 and 8.6 be pulled from the Consent Agenda.

Vice President Danziger opened Public Comment for Consent agenda items. There were no requests to address the Board. Vice President Danziger closed Public Comment.

Motion by Director Jorgens and seconded by Director Jex to approve Consent Agenda items 8.1, 8.2, 8.3, 8.5. Said motion carried a 5-0 roll call vote (Ayes: Hasler, Jex, Jorgens, Roemer, and Danziger; Noes: None; Absent: None; Abstain: None).

Vice President Danziger asked if the consent items needed to be opened up again for public comment on the motion. District Clerk Holbrook answered not for items that are non-controversial and routine in nature.

8.4 Monthly Financial Report – November 2022

Director Jex inquired about the revenue shortfall shown and did not believe the numbers reflected the potential property tax shortfall. Finance Manager Smith answered the District received a large property tax revenue amount in December, and the ambulance revenue is down from the previous year. Whitman did a \$200K write-off which brought the revenue number down. Director Jex asked if Staff was anticipating a significant shortfall. Finance Manager Smith answered there might be a slight shortfall in the ambulance revenue, but ambulance revenue varies from month to month.

8.6 Approval of the Annual Operating Budget Timeline FY 2024

Director Jex inquired about the Long Range Financial Forecast (LRFF). At the November 2022 Board meeting, various options were discussed. Director Jex asked if those plans would be discussed during the time indicated on the Operational Budget timeline. Fire Chief Winnacker confirmed. Staff will bring the LRFF and the various scenarios previously provided to the Board in March 2023. The Board will have the opportunity to provide direction concerning any changes to the assumptions used in the LRFF or the scenarios. Staff will bring the LRFF back to the Board for adoption in April (based on the direction provided at the March 2023 meeting). Director Jex asked if the LRFF currently being used is the one that was previously adopted. Fire Chief Winnacker confirmed.

Motion by Director Jex and seconded by Director Jorgens to approve Consent Agenda items 8.4 and 8.6. Said motion carried a 5-0 roll call vote (Ayes: Hasler, Jex, Jorgens, Roemer, and Danziger; Noes: None; Absent: None; Abstain: None).

Vice President Danziger opened Public Comment for Consent agenda items 8.4 and 8.6. There were no requests to address the Board. Vice President Danziger closed Public Comment.

9. REGULAR AGENDA

9.1 Election of Board Officers (audio 01:08:34)

Fire Chief Winnacker provided the report. Per Resolution No. 11-03, the District Board shall elect the following Officers: President, Vice President, Secretary, and Treasurer on an annual basis or as may be required after a general district election. The District Board may also elect additional officers as may be created. Staff recommended the Board elect new board officers to be effective immediately.

Vice President Danziger recalled the Board doing something with the positions of Secretary and Treasurer. Fire Chief Winnacker answered there was a recommendation to eliminate the positions of Secretary and Treasurer as those positions do not functionally carry out assignments and are in name only. The position of President acts as the presiding officer, and Vice President acts as the presiding officer in the President's absence. The recommendations were included in the much larger update to the Rules of Procedure which Staff could bring back at the Board's direction. Vice President Danziger asked if the Board ever voted on those updates. Fire Chief Winnacker answered no. Director Jorgens commented there is a need for the Secretary since the Secretary has the ability to preside over the meeting if both the President and Vice President are gone.

Vice President Danziger opened nominations for the position of President.

Director Jorgens commented on the tradition for the District, Town of Moraga, and the City of Orinda to share the Officer positions and pass the positions around over time so everybody gets a turn. It is believed that people who have served on the Board for a while have wisdom and understand the procedures. Director Jorgens nominated Director John Jex as President. Director Jex has served for six years and has not had the opportunity to serve as President. Director Roemer supported the nomination and shared his respect for Director Jex. Director Jex accepted the nomination. No other nominations were made.

Vice President Danziger opened the public comment.

Jonathan Goodwin, Canyon resident, commented on the rotation of the positions and recommended combining that with the general practice of nominating not just one person but the full rotation at one time. The rotation gives a sense of predictability of the future and a sense of fairness.

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

Motion by Director Jorgens and seconded by Director Roemer to nominate John Jex as President effective immediately. Said motion carried a 5-0 roll call vote (Ayes: Hasler, Jex, Jorgens, Roemer, and Danziger; Noes: None; Absent: None; Abstain: None). President Jex expressed appreciation.

President Jex opened nominations for the position of Vice President.

Director Jorgens reiterated previous comments regarding rotating the positions. Director Jorgens nominated Director Mike Romer for Vice President. Director Hasler seconded the nomination.

President Jex opened the public comment.

Jonathan Goodwin, Canyon resident, recommended the District have a program to teach the presiding officer(s) how to run the meetings.

Director Roemer commented that he understands that the District will be providing training. Fire Chief Winnacker confirmed. The President (or presiding officer) is offered a review of the Rules of Procedure before meetings. In addition, the Board meeting slides have been updated with the procedures to lend a more uniform process in following the procedures with regard to timing, board comments, public comments, and votes. District Counsel Holtzman added he is always available to advise on parliamentary issues and additional training for the directors.

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

Motion by Director Jorgens and seconded by Director Hasler to nominate Mike Roemer as Vice President effective immediately. Said motion carried a 4-0-0-1 roll call vote (Ayes: Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: Danziger).

President Jex opened nominations for the position of Treasurer.

Director Jorgens thought the Secretary was the third senior position over the Treasurer. Fire Chief Winnacker confirmed per the Rules of Procedure Resolution No. 11-03, section 3.1:

The Board President shall be the Presiding Officer, also referred to herein as "Chair," at all meetings of the District Board. In the absence of the Board President, the Board Vice-President shall preside. In the absence of both the Board President and the Board Vice President, the District Board Secretary shall act as the presiding officer to serve until the arrival of the Board President or Board Vice President or until adjournment.

Director Jorgens stated the Board should vote on Secretary next since it is the most powerful person. Director Danziger and Director Roemer agreed.

President Jex opened nominations for the position of Secretary

Director Jorgens reiterated previous comments regarding rotating the positions. Director Jorgens nominated Director Greg Hasler as Secretary. Director Roemer seconded that nomination.

Motion by Director Jorgens and seconded by Director Roemer to nominate Greg Hasler as Secretary effective immediately. Said motion carried a 4-0-0-1 roll call vote (Ayes: Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: Danziger).

President Jex opened the public comment on the motion. There were no requests to address the Board. President Jex closed public comment.

President Jex opened nominations for the position of Treasurer.

Director Jorgens asked what if a Treasurer was not nominated. Director Roemer asked if Directors Danziger or Jorgens would be interested in serving as Treasurer. Director Jorgens expressed interest. Director Danziger did not express interest. Director Roemer nominated Director Jorgens as Treasurer. Director Hasler seconded the nomination.

President Jex opened the public comment on the motion.

Marc Evens, Orinda resident, asked the difference between an abstained vote and a no vote. District Counsel Holtzman answered a no vote is a no note, and an abstained vote means that the person is not voting and therefore not counted in the vote. You need three (3) Directors to vote, and that person is essentially not counted in the total votes.

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

Motion by Director Roemer and seconded by Director Hasler to nominate Craig Jorgens as Treasurer effective immediately. Said motion carried a 4-0-0-1 roll call vote (Ayes: Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: Danziger).

No further discussion by the Board.

9.2 Review of Standing and Ad Hoc Committees to Approve and/or Dissolve the Committees for 2023 (audio 01:27:32)

Fire Chief Winnacker provided the report and reviewed the legal definitions of a Standing Committee and Ad Hoc Committee. The Board presently has one Standing Audit committee and four Ad Hoc committees (Facilities Station 41, Joint Fire Prevention with City of Orinda, Attend Meetings for the potential formation of JPA East Bay Hills Wildfire Prevention, and a committee to investigate with the Contra Costa County Board of Supervisors if MOFD Members are eligible to receive the COVID-19 relief one-time \$2,500 payment). Staff recommended the Board Approve and/or Dissolve the Standing and Ad Hoc Committees for 2023.

President Jex opened the discussion for any Directors interested in any of the committees. Director Jorgens asked if three Board members were allowed to serve on the Audit Committee to provide a transition. District Counsel Holtzman answered that anytime there are three Board members present, you have a quorum and are required to have an open meeting. President Jex stated the Audit Committee should have someone familiar with finance and accounting. District Counsel Holtzman stated that the Audit Committee is a standing committee because it is a recurring committee. Director Danziger commented he has served on the Audit Committee for the last two years, has learned a lot from President Jex, and is ready to move off that committee. Director Hasler has a CPA background and volunteered to serve on the committee. Director Jorgens asked if it was possible to have a handoff.

Fire Chief Winnacker clarified that item 9.2 is to determine the committee's formation, dissolution, or extension. The next item 9.3 is when the Directors are appointed. Staff recommended extending the Standing Audit committee, Ad Hoc Facilities Station 41, and Ad Hoc Joint Fire Prevention with the City of Orinda committees and dissolving the Ad Hoc Committee to Attend Meetings for the potential formation of JPA East Bay Hills Wildfire Prevention since that project is ending.

Fire Chief Winnacker deferred to Director Danziger regarding the status of the Ad Hoc committee to investigate with the Contra Costa County Board of Supervisors if MOFD Members are eligible to receive the COVID-19 relief one-time \$2,500 payment. Director Danziger stated that the committee would need to be extended. Director Jorgens proposed adopting the staff recommendations to eliminate the Ad Hoc Committee for the JPA and continue all the rest of the committees in 2023. Director Danziger supported the recommendation. District Counsel Holtzman clarified the motion to continue all existing committees except the JPA East Bay Hills Ad Hoc Committee.

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

Motion by Director Danziger and seconded by Director Roemer to continue all of the existing committees except the JPA East Bay Hills Ad Hoc Committee. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).

President Jex opened the public comment on the motion. There were no requests to address the Board. President Jex closed public comment. No further discussion by the Board.

9.3 Appointment of Standing and Ad Hoc Committee Members and District Liaisons (audio 01:36:31)

President Jex opened the discussion for appointing Directors to the 2023 Standing and Ad Hoc Committees and District Liaisons.

Standing Audit Committee:

President Jex asked Director Danziger if there was interest in continuing on the committee. Director Danziger replied he was ready to move off the committee and asked if President Jex was still interested in serving on the committee. President Jex confirmed. Director Danziger recommended Director Hasler. Director Roemer supported the recommendation and asked if a motion was required. President Jex suggested approving the appointments all at once. All directors agreed.

Ad Hoc Facilities Station 41:

Director Danziger volunteered to serve on the facilities station 41 committee. Director Roemer volunteered to serve on the committee but deferred to others with more experience or interest. President Jex suggested it would be good to have somebody who lives in Moraga. Director Roemer agreed and asked if either President Jex or Director Hasler would be interested in serving on the committee. Director Hasler expressed interest in serving on the committee but deferred to President Jex or others with more experience. President Jex volunteered to serve on the committee. Fire Chief Winnacker commented Directors Roemer, Danziger, and Jex had expressed interest in serving on the committee. The Ad Hoc Committees have a two-member limit. Director Roemer deferred to President Jex and Director Danziger. District Counsel Holtzman restated President Jex and Director Danziger to serve on the committee. All directors agreed.

Ad-Hoc Committee to investigate with the Contra Costa County Board of Supervisors if MOFD Members are eligible to receive the COVID-19 relief one-time \$2,500 payment:

Director Jorgens recommended Director Danziger to serve on the committee for continuity. Director Danziger stated work has not yet begun since the committee was established in October. President Jex asked if the committee should continue. Director Danziger confirmed. Director Danziger agreed to continue to serve on the committee. Director Jorgens asked if the committee needed to have two people on the committee. Fire Chief Winnacker answered no. District Counsel Holtzman added committee composition is optional, with one person serving being acceptable.

Ad Hoc Joint Fire Prevention with the City of Orinda:

Director Danziger suggested the Directors that represent Orinda to serve on the committee. Director Jorgens and Director Roemer volunteered to serve on the committee.

District Counsel Holtzman requested clarification on the Directors appointed to the Standing Audit committee. Fire Chief Winnacker answered Director Hasler and President Jex. District Clerk Holbrook added one Director (Director Danziger) was appointed to the ad hoc COVID relief payments committee.

President Jex opened the public comment.

Jacob Airola, Local 1230 Union Representative, clarified that the Ad Hoc Committee to investigate the Board of Supervisors COVID relief payments was designed to determine why the District did not receive the funds funneled from the Federal or State to the County. The funds resided in payments only to County employees. The District should have been part of the receipt of funds, and should be investigated. Mr. Airola expressed concern that the Directors are willing to overlook the issue and felt the relief payments need to be investigated.

Director Jorgens responded the committee is investigating. President Jex asked if there was something Administrative Services Director Sasser should follow up on with the County. Fire Chief Winnacker answered the ad hoc committee was established at the October 19, 2022 meeting (a link to the staff report item 6.5, was provided in the Zoom Chat). Staff researched the item and determined further action is required at the Elected Official to Elected Official engagement level to move forward, hence the rationale behind establishing the ad hoc committee at the October meeting. Director Jorgens recommended adding a second Director to the committee to support the investigation. Fire Chief Winnacker deferred to the Directors. Director Danziger supported adding another director and stated the committee could start by contacting Representatives Supervisor Anderson. Director Jorgens recommended Director Hasler. Director Hasler agreed to serve on the committee.

James Duff, commented any fires that could happen in Orinda could directly impact Moraga and not hesitate to add Directors from Moraga to the Joint Fire Prevention committee with the City of Orinda Ad Hoc Committee.

Director Jorgens shared that the Town of Moraga does not have a Fire Prevention subcommittee with their Town Council like the City of Orinda Council. President Jex stated that the City of Orinda has a tax revenue

committee for Fire Prevention. The committee was formed to avoid conflicting activities for fire prevention. Director Jorgens added that the City of Orinda invited the District to participate.

Marc Evans, Orinda resident, clarified the tax is Measure R funds that focus solely on the City of Orinda and was in favor of appointing Directors that represent the Orinda Districts.

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

Motion by Director Jorgens and seconded by Director Hasler to Appoint Directors Jex and Hasler to the Standing Audit Committee, President Jex and Director Danziger to the Ad Hoc Facilities Station 41, Directors Jorgens and Roemer to the Ad Hoc Joint Fire Prevention with City of Orinda, and Directors Danziger and Hasler to the Ad-Hoc Committee to investigate with the Contra Costa County Board of Supervisors if MOFD Members are eligible to receive the COVID-19 relief one-time \$2,500 payment effective immediately. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).

President Jex opened the public comment on the motion. There were no requests to address the Board. President Jex closed public comment.

Fire Chief Winnacker reported that the Board presently assigns District Liaisons to five outside agencies: Contra Costa Special Districts Association, Contra Costa County Fire Boards and Commissioners Association, Local Agency Formation Committee (LAFCO), Orinda City Council, and Moraga Town Council. President Jex requested a reading of the liaisons assigned in 2022. District Clerk Holbrook read the 2022 liaisons listed below. President Jex and Directors Jorgens and Danziger volunteered to continue with the same agencies. Director Roemer volunteered to liaison for the LAFCO agency and requested information on the role. Director Hasler volunteered to liaison for the Moraga Town Council.

2022 Directors Appointed to Outside Agencies

1. Contra Costa Special Districts Assoc.- Director Jex
2. CCC Fire Boards Commissioners Assoc.-
3. Director Danziger
4. Local Agency Formation Committee (LAFCO)-
Director Donner
5. Orinda City Council - Director Jorgens
6. Moraga Town Council - Director Jex

2023 Directors Appointments to Outside Agencies

1. Contra Costa Special Districts Assoc.- Director Jex
2. CCC Fire Boards and Commissioners Assoc.-
Director Danziger
3. Local Agency Formation Committee (LAFCO)-
Director Roemer
4. Orinda City Council - Director Jorgens
5. Moraga Town Council - Director Hasler

Motion by Director Jorgens and seconded by Director Danziger to adopt the 2023 Directors Appointments to Outside Agencies effective immediately. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).

President Jex opened the public comment on the motion.

Jonathan Goodwin, Canyon resident, suggested the Board give direction to the Town of Moraga and City of Orinda liaisons regarding adopting the Fire Code and the importance of coordinating between the District and the municipal bodies.

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

No further discussion by the Board.

9.4 Adopt Resolution 22-32, a Resolution of the Moraga-Orinda Fire Protection District Approving the Grant of Funds from the State Coastal Conservancy for the Moraga-Orinda Fire District Grazing Project in the Amount of \$250,000 and Finding that Adoption of Resolution 22-32 is Exempt Pursuant to CEQA Guidelines; Approve a General Fund Revenue Budget Adjustment Increase in the Amount of \$250,000 and Approve a General Fund Expenditure Budget Adjustment Increase in the Amount of \$250,000 (audio 01:58:44)

Fire Chief Winnacker provided the report. The District was awarded a \$250K grant from the California State Coastal Conservancy. The grant is intended to establish a perpetual year-round prescribed grazing program, through the purchase and installation of one-time infrastructure (fencing, corrals, and water meter and line) at Painted Rock Preserve in Contra Costa County. The District's efforts will support the JMLT's expansion of their grazing program into a long-term, more sustainable version in coordination local Moraga cattle ranchers. The District will develop and implement a community marketing campaign showcasing the program. The project is CEQA categorically exempt under 14 CCR Section 15303 (New Construction or Conversion of Small Structures) and Section 15304 (Minor Alterations to Land). Fire Chief Winnacker stated that the District must complete all work by April 30, 2024, and the final request for the disbursement of funds to be submitted to the State by May 31, 2024. There are no matching requirements, and the grant funding is adequate to complete the project.

Fire Chief Winnacker noted the project is the culmination of multiple years of prescribed fire at this site. The District has reduced accumulated thatch and invasive species on the painted rock project, and transitioning that project from the annual application of prescribed fire to long-term prescribed grazing is an excellent opportunity to lock in the work done to prep the site. Staff believes this form of grazing, done in conjunction with fire to prep the site after a long absence of any other fuel mitigation efforts, as well as a future rotational live-fire introduction to maintaining the site, is an excellent model worthy of emulation. Staff has been working with the Coastal Conservancy and the John Muir Land Trust to further advance this project as a pilot. Staff recommended adopting resolution 22-32, Finding that Adoption of Resolution 22-32 is Exempt Pursuant to CEQA Guidelines, and approve a General Fund Revenue Budget Adjustment Increase in the Amount of \$250,000 and Approve a General Fund Expenditure Budget Adjustment Increase in the Amount of \$250,000.

Fire Chief Winnacker welcomed James Wilson, Stewardship Director, John Muir Land Trust (JMLT). Mr. Wilson expressed appreciation for the long-standing relationship with the District and looks forward to all of the wonderful practices that grazing can bring back to Painted rock. The control burns have been happening since 2019, and improvements have already been seen on the land. Adding fencing, water, and cows back onto the land will add another level to the ecosystem and the ecological function of the property. JMLT looks forward to setting a new precedent for Land Trusts and is excited to share best practices and learned lessons with organizations (like TOGETHER in the Bay Area). We've also had a lot of other Land Trusts interested in this practice. Director Jorgens commended and endorsed the project.

Director Jorgens asked why the funds are placed in the general budget instead of in a separate fund. Fire Chief Winnacker deferred to Finance Manager Smith to answer the technicality of the question. As a general statement, for grants of a smaller size that are quick in and out, keeping the funds within the general fund avoids cluttering the budget process with a bunch of stand-up funds. Finance Manager Smith agreed and confirmed.

President Jex inquired about the type of expenditures for this particular project. Fire Chief Winnacker explained there are three (3) elements. The first is installing the fencing, and the second is provisioning water for the animals (including plumbing and stock tanks), and lastly is a corral infrastructure to allow the animals to be moved from one site to another. The project will involve a small number of contractors, and an RFP will be issued. Staff will work with the JMLT and rely on them to confirm the work has been done according to the grant's specifications, submit for reimbursement to the Coastal Conservancy, and close out the project.

Director Danziger asked if there would be ongoing expenses. Fire Chief Winnacker stated the JMLT has an obligation to maintain their land and has an internal budget process designed to maintain the property. The grant is being used to start the process of making the infrastructure improvements required to get cattle back on the land maintenance of the project. The continuing ongoing execution is carried out by the JMLT and potentially subsidized through grazing leases. Cattle grazing, as opposed to other types of grazing (goats and others), generates revenue. Mr. Wilson added JMLT has endowments associated with the property and telecommunication leases. JMLT internal funds come in as revenue that goes directly towards stewardship, and confirmed JMLT plans to bring in money that will go directly back into the property for stewardship needs in perpetuity.

Director Hasler asked about the District's involvement in setting up the property for the ability to graze in the future and asked who maintains the fencing. Fire Chief Winnacker confirmed and answered JMLT would maintain the fence. The District's ongoing role will be to periodically reintroduce prescribed fire as it is beneficial to that parcel's long-term conservation management goals. The District's role at this point was its ability to receive grant money by viewing this as part of prescribed grazing and which is a way to manage the growth and accumulation of annual fuels in the form of grass and weeds. Fire Chief Winnacker summarized that the District's role is to jump-start the long-term conservation and management efforts that JMLT will manage over the long term. The District acts as a pass-through allowing the Coastal Conservancy Wildfire Risk Reduction Funds to flow to the seasoned, experienced land manager JMLT. Director Hasler asked if the commitment is to provide the \$250K and what happens if there are insufficient funds. Fire Chief Winnacker deferred to Mr. Wilson. Staff is confident that the grant funds are sufficient to complete the project. Mr. Wilson concurred and added the JMLT would absorb any overage.

Director Danziger asked if a project is subject to the regulations of the Town of Moraga as far as fencing and grazing, irrigation, et cetera. Mr. Wilson explained the project is CEQA-exempt and part of the original grant. The contractor would go through the project and obtain necessary permits if required. Fire Chief Winnacker reminded that up until about 20 years ago, the parcel had been grazed long-term, and only in a

relatively recent timeframe had it fallen into a state of neglect. As a result, the majority of the project work is the replacement of existing but dilapidated fencing.

President Jex asked if the areas of prescribed burns were the same as those the District already burned in the last two years. Fire Chief Winnacker confirmed the burning goes back to 2018, when the parcel had an uncontrolled wildfire caused by late-season fuel reduction. The District followed up before the transition to JMLT with regular prescribed fires. The prescribed fire was used to clear out the thick duff that accumulated over the years and push back some of the invasive species such as mustard, star thistle, and other vegetation that did not lend to the parcel being grazed. The proactive prescribed fire set the stage as part of a 5-year plan to set the stage for the parcel to be returned to a grazing state.

Director Jorgens motioned to adopt Resolution 22-32. District Clerk Holbrook stated the Board needed to invite public comment. Director Jorgens asked if the public comment was before and after a motion was made. District Clerk Holbrook confirmed according to the procedures for board action on agenda items.

President Jex opened the public comment.

Jonathan Goodwin, Canyon resident, was surprised the District is receiving \$250K and brokering the grant. Mr. Goodwin did not oppose the project; historically, people with cows have found places to get grass, worked things out directly with the landowners, and put up their own fences and water. JMLT and the people raising the cattle are making money off the grant.

Fire Chief Winnacker acknowledged not being an expert on the economics of cattle grazing, but replied that the presence of many ungrazed East Bay lands suggests it is economically viable to run cattle on relatively small and segmented parcels. As a result, the economics are significantly different than in areas with larger contiguous parcels because of the cost and complexity associated with smaller segmented herds that must be moved several times a year to maintain access to year-round fodder. The project is an opportunity to take advantage of another agency's grant-making capacity to introduce a self-sustaining solution to a critical piece of landscape in central Moraga.

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

Motion by Director Jorgens and seconded by Director Hasler to Adopt Resolution 22-32, a Resolution of the Moraga-Orinda Fire Protection District Approving the Grant of Funds from the State Coastal Conservancy for the Moraga-Orinda Fire District Grazing Project in the Amount of \$250,000 and Finding that Adoption of Resolution 22-32 is Exempt Pursuant to CEQA Guidelines; Approve a General Fund Revenue Budget Adjustment Increase in the Amount of \$250,000 and Approve a General Fund Expenditure Budget Adjustment Increase in the Amount of \$250,000. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).

President Jex opened the public comment on the motion. There were no requests to address the Board. President Jex closed public comment. No further discussion by the Board.

9.5 Wildland Fire End of Season Report (audio 02:17:02)

Fire Chief Winnacker provided the report. Due to favorable weather conditions and the early onset of seasonal rains, 2022 was a moderate fire season. MOFD deployed members to support the state mutual aid system throughout California and New Mexico. MOFD members deployed for 7,719 hours or 321 person days to 7 incidents. Deployments included the Oak, Washburn, McKinney, Electra, SRF Lightning, Mountain, and Mosquito incidents. Mutual aid deployments are reimbursed by CAL OES for time worked, vehicle usage, and an administrative overhead fee to cover processing costs. Fire Chief Winnacker noted that staffing reimbursement pays for the deployed member or the backfill used to staff units in the District during their absence. Year to date, MOFD generated \$655,263 in Staffing, \$80,988 in Vehicle Charges, and \$238,999 in Administrative Fees. Fire Chief Winnacker provided a review of prior years.

No action required by the Board. The report was informational only. Deployments generate revenue and expose the members to dynamic, fast-paced environments on someone else's fire. The training prepares the members so that inevitably when a large fire occurs (and has occurred in the East Bay on two significant occasions) in the District, the members have the experience to anticipate fire behavior and anticipate not only the best actions with regard to the wildfire but the best actions with regard to supporting police efforts to evacuate the community. The deployments continue to be an excellent opportunity for the District to engage and to move outside the relatively small confines of MOFD's jurisdiction, learn from others regarding tactics, equipment, training, and best practices, and establish personal relationships that make for a well-rounded fire service career.

President Jex asked what percentage of the firefighters have had an opportunity to participate. Fire Chief Winnacker answered 22 for the current year (slightly below half of the members), which is less than in previous years. One of the limiting factors for this year was the small number of strike teams. The other factor is members are required to have a specific set of qualifications, and those take time to accrue. Not all members have been able to take advantage of the opportunities for various reasons. In prior years, the members' participation has been as high as 55.

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

9.6 Request for Records Received (audio 02:22:47)

Fire Chief Winnacker provided the report. For several reasons, MOFD has seen an increased number of record requests. A significant portion of the increase results from requests associated with fuel mitigation and fire code enforcement activities. While MOFD remains committed to transparency and compliance with applicable public records laws, the number of requests is noteworthy due to the significant amount of staff time required to be responsive, particularly for fuel mitigation and enforcement requests. The increase in the requests for records has resulted in a significant amount of staff time. No action was required by the Board. The report was informational only. Director Danziger asked if the District could incorporate fees for complying with the requests. Fire Chief Winnacker answered the fee schedule includes a cost per page on the production. The law does not allow staff time to be charged. Director Danziger requested that Staff could look into the fees. Based on his research, there is a wide range of fees charged by other agencies, and the District could increase the fees. Director Danziger suggested talking more about it in the future. President Jex agreed.

President Jex opened the public comment.

Marc Evans Orinda resident, offered to help with outreach to educate the public on the complaint process.

Fire Chief Winnacker appreciated the support and clarified the increase in the request for records is due to residents who are familiar with the process and want to know specific information on a parcel in violation.

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

10. COMMITTEE REPORTS (audio 02:28:15)

10.1 Audit Committee (Directors Danziger and Jex). --President Jex reported a meeting will need to be scheduled in January if the audit is to be finished in February 2023.

10.2 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

10.3 East Bay Hills Wildfire Prevention and Vegetation Management Joint Powers Agency Meetings (Directors Danziger and Jorgens). --Director Danziger reported an email received from the East Bay Hills Wildfire Prevention and Vegetation Management group requesting \$3,500 in funding to continue their efforts. The request should be added as a future agenda item.

10.4 Facilities Station 41 Ad Hoc Committee (Directors Baitx and Donner). No Report.

10.5 Joint Fire Prevention Ad Hoc Committee w/City of Orinda (Directors Donner and Jorgens). No Report.

President Jex opened the public comment.

Jonathan Goodwin, Canyon resident, requested a report on the East Bay Hills Wildfire Prevention JPA, Hills Emergency Forum (HEF), and the Diablo Fire Safe Council outlining the funds and personnel time, scope, and relationship with groups (past, present, and future when the grant funds are expended).

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

11. ANNOUNCEMENTS (audio 02:32:26)

11.1 Future Agenda Items

Director Danziger requested proclamations thanking Director Baitx and Director Donner for their service. President Jex commented the proclamations usually are given at the swearing-in ceremony. Fire Chief Winnacker explained the past December meetings were largely ceremonial and held in conjunction with the holiday party.

Director Roemer expressed concern about a remote possibility of a series of stalled atmospheric rivers that could occur in the District. Director Roemer requested a short discussion about the operational and financial challenges resulting from a series of stalled atmospheric rivers without asking for expert reports that the District would have to pay. The series of stalled atmospheric rivers happened in the State of

California between Christmas Eve, 1861, and January 24, 1862. Director Roemer asked if other directors would be interested in agendizing the item. Director Jorgens explained the item could only be placed as a future item and not discussed. Director Roemer requested potential operational and financial challenges posed by an excessive precipitation event over the winter season.

President Jex opened the public comment.

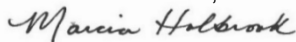
Jonathan Goodwin, Canyon resident, supported the future agenda item on the series of stalled atmospheric rivers, and the idea of celebrations and recognizing sacrifices. Mr. Goodwin suggested a resolution stating meetings should be limited to 2.5 hours.

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

12. ADJOURNMENT

At 9:39 p.m., Director Danziger motioned and seconded by Director Jorgens to adjourn the meeting. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).

Marcia Holbrook,



District Secretary/District Clerk

*A copy of all Zoom CHAT messages related to this meeting is 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.*

DRAFT

12/21/22 Regular Meeting
Recording CHAT Messages

00:47:07 Greg Hasler: John - can you hear us?

00:47:27 Marc Evans: John Jex - we cannot hear you

03:20:40 Fire Chief Winnacker:


<https://d2kbkoa27fdvtw.cloudfront.net/mofd/2fb83e188e50997eda3fa97c5e4016920.pdf>



Finance Report

December 21, 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	\$987,810
OES Payments Received	<u>\$1,661,062</u>	<u>\$316,055</u>
Net Receivable Outstanding	\$ 0	\$671,755

- 2021-2022 – Final invoices paid 11/25/22
- 2022-2023 – \$276k in payments received in December – OES invoices received for all assignments to date

Other Items



- Audit work in process during week of Dec 12th with the final audit report expected in February, 2023.



Human Resources Update – December 2022

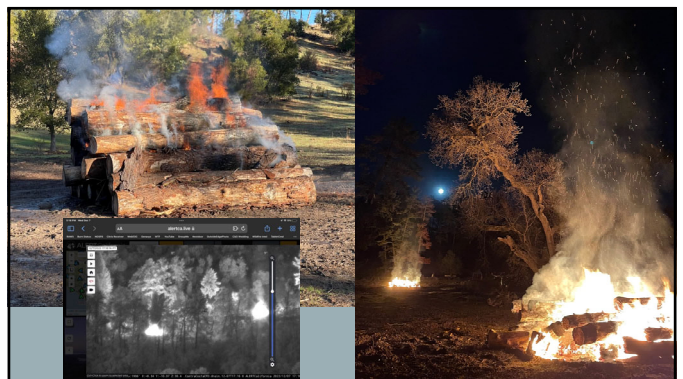
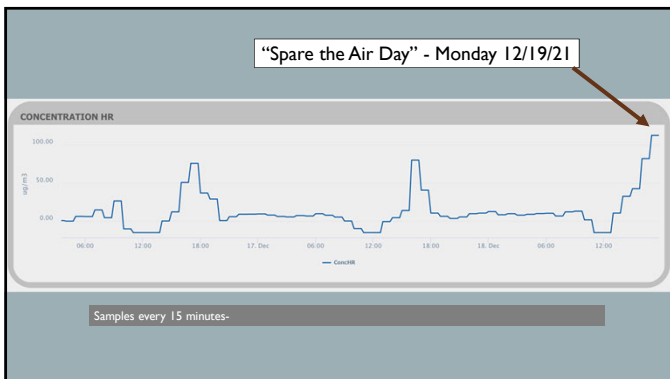
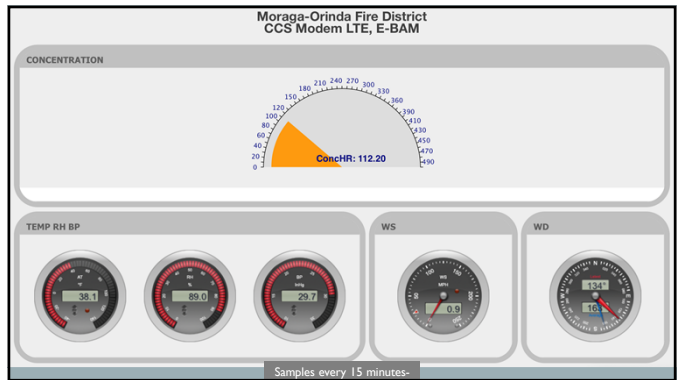
Recruitment Update

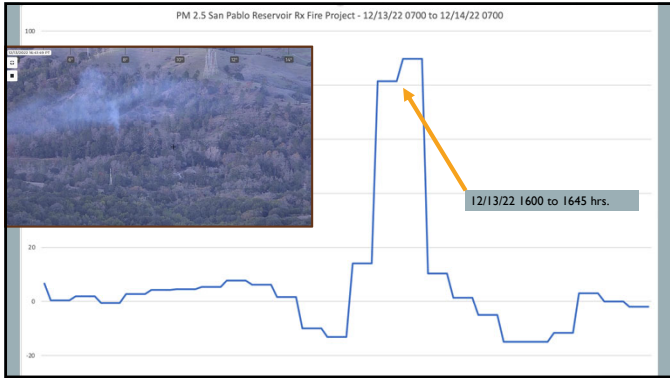
- Firefighter Paramedic Trainee
- Fuels Mitigation Specialist
- Battalion Chief

Staffing Update

- Employee Resignation
- Promotions

7.4e Emergency Preparedness Presentation





MOFD Board Update
December 21, 2022





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

Will only show Incident Types that are applicable. EMS/Rescue \ Structure Fires (actual type is in a structure) \ Vegetation Fires \ Other Types Grouped - Alarms/Hazards/Pub Svc/Etc... Data Is Based On Completed RMS Incident Report Data Entered by Company Officer. Resp. Data Based on "First Arriving Unit". "In District" = Moraga, Orinda, Canyon. "Out of District" = Lafayette & any Other City Aid Provided to.

	December, 2022								Totals
	All Others (Alarms / Pub Service / Etc.)		EMS / Rescue		Structure Fires		Vehicle Accidents		
	In District	Out of Dist.	In District	Out of Dist.	In District	Out of Dist.	In District	Out of Dist.	
Incident Totals	71	1	203	9	3	1	19	9	316
Median Turnout	1.09	1.27	1.12	1.05	1.90	1.17	1.18	1.03	1.13
Median Resp Time	6.07	15.13	5.52	10.88	8.47	8.37	6.13	7.77	5.87
Resp Time (90th%)	9.97	15.13	9.30	18.42	12.75	8.37	10.14	11.06	10.22

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

		December, 2022			
		Incident Totals	Median Turnout	Median Resp Time	Resp Time (90th%)
Orinda	EMS / Rescue	94	1.18	6.05	10.12
	Structure Fires	2	1.90	8.47	8.47
	All Other Types	22	1.03	6.49	8.58
	Totals for City	118	1.18	6.10	10.10
Moraga	EMS / Rescue	81	0.98	4.64	7.60
	All Other Types	14	1.08	3.89	6.72
	Totals for City	95	1.00	4.53	7.58
Lafayette	EMS / Rescue	14	1.03	7.52	10.83
	Structure Fires	1	1.17	8.37	8.37
	Totals for City	15	1.05	7.77	10.82
Canyon	EMS / Rescue	1	3.12	11.55	11.55
	Totals for City	1	3.12	11.55	11.55
Overall Total		229	1.08	5.57	9.37

Response Totals by Incident Type

	Jan 22	Feb 22	Mar 22	Apr 22	May 22	Jun 22	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Total
All Others (Alarms / Pub Service / Etc.)	91	78	105	86	73	109	96	116	100	91	111	113	1,169
EMS / Rescue	179	125	157	171	174	196	186	165	182	164	166	212	2,077
Structure Fires	1	2	2	1	1	2		3	2	2	2	4	22
Veg Fires	1			1	1	4	1	2	4	2			16
Vehicle Accidents	6	17	17	20	18	21	10	12	29	17	23	31	221
Grand Total	278	222	281	279	267	332	293	298	317	276	302	360	3,505

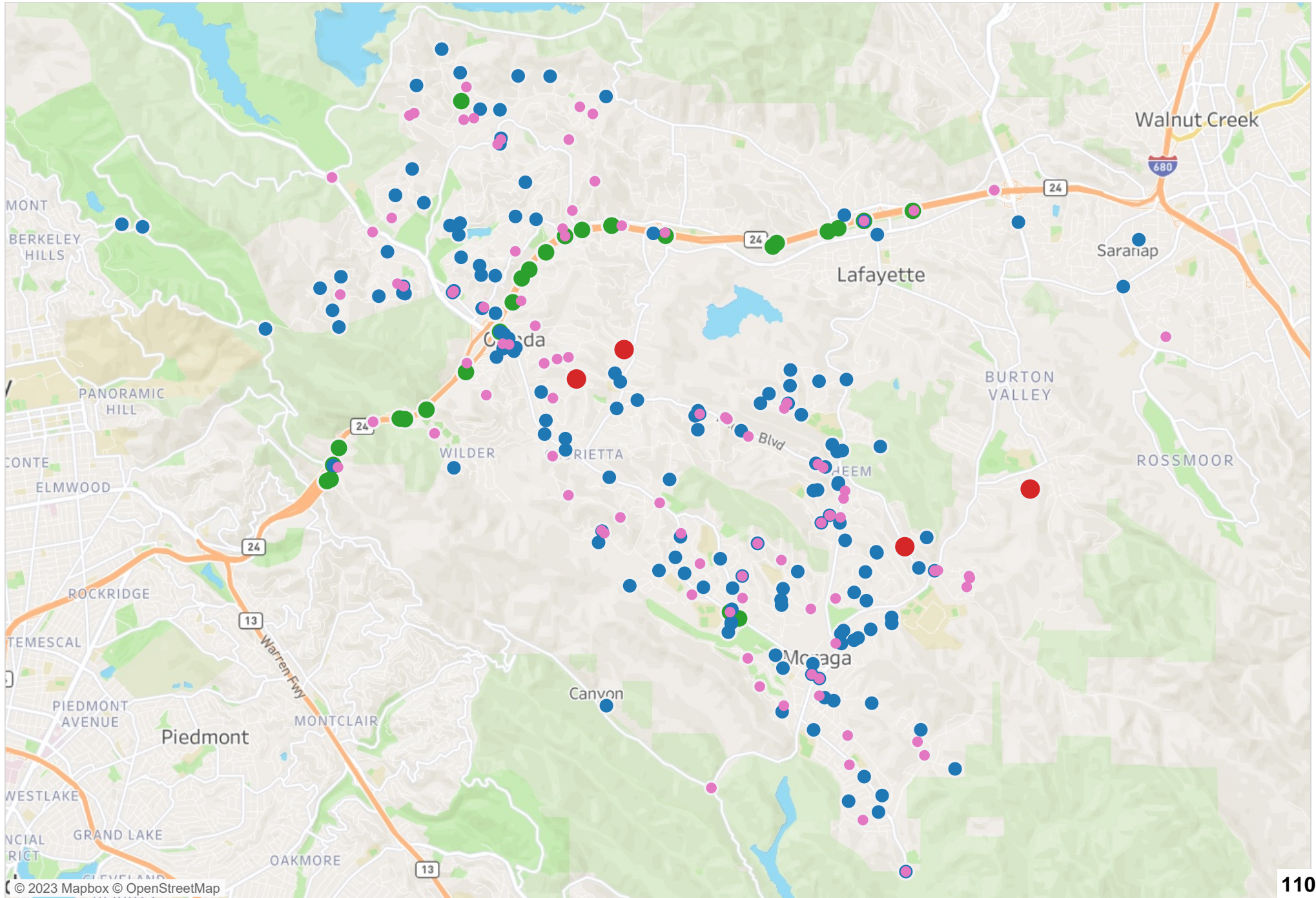
Incident Types

■ All Others (Alarms / Pub Service .. ■ EMS / Rescue

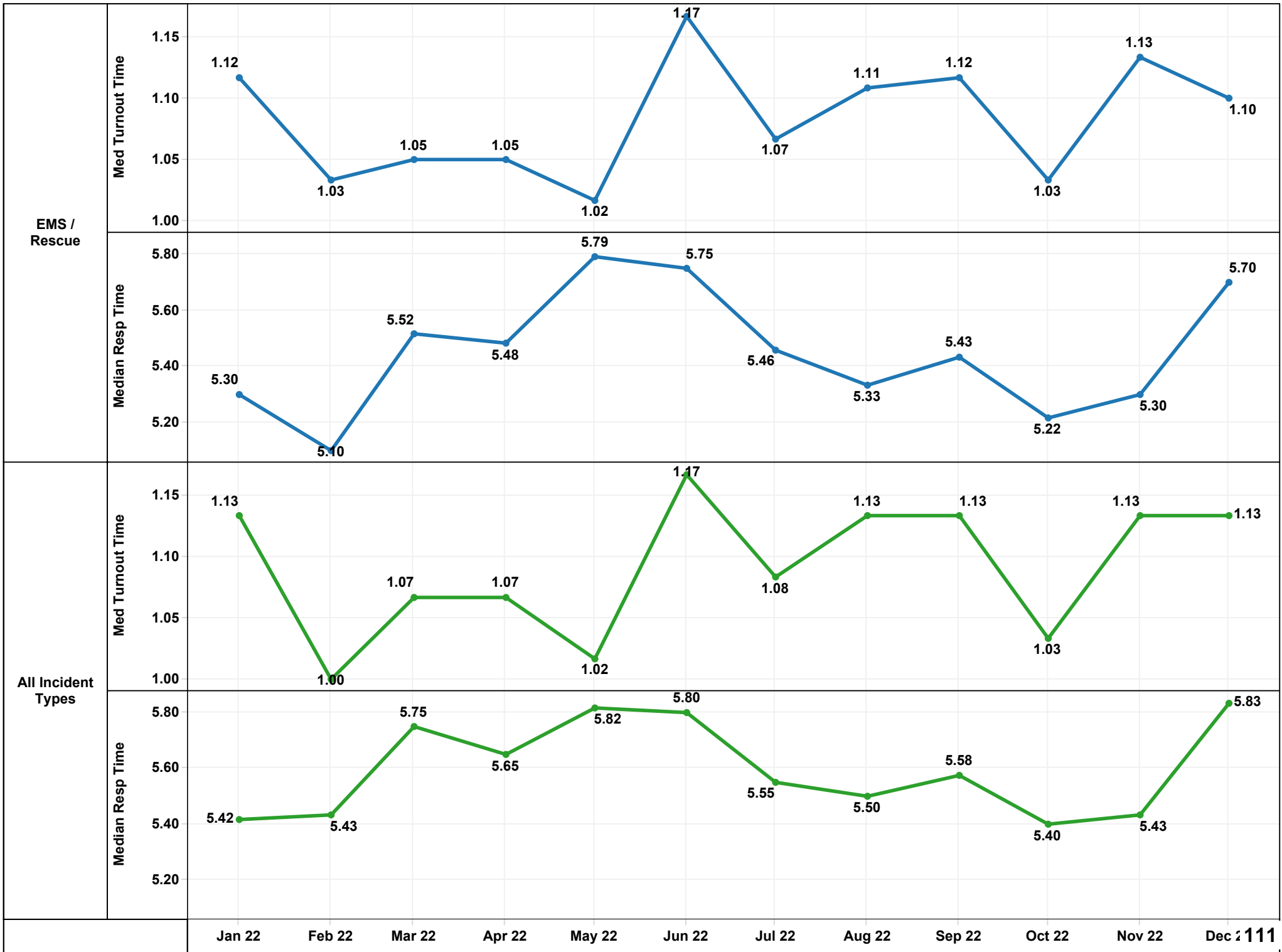
■ Vehicle Accidents

■ Structure Fires

Incident Location Map for MOFD December 2022



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



Moraga-Orinda Fire District
Check/Voucher Register - Check Register
From 12/1/2022 Through 12/31/2022

<u>Check Number</u>	<u>Check Date</u>	<u>Name</u>	<u>Check Amount</u>	<u>Transaction Description</u>
<u>27 - Capital Projects Fund</u>				
	12/15/2022	Lehr	25,363.47	BC Truck Upfitting - 2022 Dodge Ram
000812	12/15/2022	Lehr	<u>2,482.55</u>	BC Truck Computer Docking
		Total 27 - Capital Projects Fund	27,846.02	

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 12/1/2022 Through 12/31/2022

Check Number	Check Date Name	Check Amount	Transaction Description
50 - General Fund			
ACHCalPers12.10.22	12/9/2022 Calif. Public Employees'	207,156.64	CalPers Dec
924	12/10/2022 CCCERA	204,933.46	Retirement Contribution 12.10.22
000805	12/15/2022 Alameda County Fire Department	23,986.00	Annual Repair/Service Units 462, 405, 458, 457, 409
8717	12/7/2022 Definitive Networks, Inc.	18,471.00	IT Services - December
ACHDdental12.07.22	12/7/2022 Delta Dental Plan of Calif.	16,738.38	Delta Dental December
ACHBushfire12.30.22	12/30/2022 Stainless Steel Wire and Mesh Pty	16,425.00	Bushfire Mesh - 3rd shipment
ACHCalCard11.22.22	12/13/2022 U.S. Bank	16,266.89	Cal Card Statment 11.22.22
000787	12/7/2022 Bound Tree Medical, LLC	15,987.70	Medical Supplies
000778	12/1/2022 Renne Public Law Group, LLP	14,708.56	Legal Services - Oct 2022
	12/1/2022 Renne Public Law Group, LLP	10,571.50	Nowicki Pension Advice
000815	12/15/2022 Peterson Trucks, Inc.	7,568.92	Repair Electrical UVC Harness Assembly Unit 457
925	12/10/2022	7,262.61	IAff Dues - December
000780	12/1/2022 West Coast Code Consultants	6,142.50	In House Plan Review - October - McMillan
000766	12/1/2022 Bound Tree Medical, LLC	5,967.26	Medical Supplies
000819	12/15/2022 Wittman Enterprises, LLC	5,921.39	Ambulance Billing Service Nov 2022
000820	12/15/2022 Zoll Data Systems	5,225.00	FireRMS Enterprise /Telestaff Maint 1/1/23-12/31/23
000837	12/21/2022 West Coast Code Consultants	4,995.00	In house Plan Review November 2022 McMillan
000781	12/1/2022 Wittman Enterprises, LLC	4,835.22	Wittman Billing October 2022
000825	12/21/2022 Contra Costa County Fire Protection Distric	4,181.78	Crew 12 McDonald Canyon VMP 12.05.22
000769	12/1/2022 CPR Training Center	4,169.00	PALS Renewal Training/CPR Card Processing
	12/1/2022 Red Cloud, Inc.	4,010.24	Motorola APX 7000 Portable Radio Repairs
	12/15/2022 Alameda County Fire Department	3,746.66	Annual Service/Repair Units 460, 466
	12/21/2022 Contra Costa County Fire Protection Distric	3,457.50	Crew 12 McDonald Canyon VMP 12.07.22
000834	12/21/2022 Sun Valley Heating & Air Conditioning	3,081.77	Stn 45 Engine Bay Heater Repair
000833	12/21/2022 R.S. Hughes	3,078.95	Annual flow testing SCBA
000811	12/15/2022 Kaiser Foundation Health Plan, Inc.	2,765.00	Ambulance billing refund RE: 28663082-01 Incident 22086296
	12/15/2022 Alameda County Fire Department	2,713.52	Annual Repair/Service Units 463, 409
000783	12/7/2022 American Fidelity Assurance	2,664.13	Medical FSA - Dec
	12/21/2022 Contra Costa County Fire Protection Distric	2,594.99	Crew 12 McDonald Canyon VMP 12.06.22
000795	12/7/2022 Keenan & Associates	2,499.49	Life/VSP/Supp Life - Dec
000771	12/1/2022 East Bay Tire Company	2,471.35	Replacement Tire Unit 455
	12/1/2022 West Coast Code Consultants	2,366.25	Senior Fire Inspector - October - McMillan
	12/21/2022 Contra Costa County Fire Protection Distric	2,205.32	Crew 12 McDonald Canyon VMP 12.08.22
	12/10/2022	2,036.00	MOPFA - December
000774	12/1/2022 Hunt & Sons, Inc.	1,993.60	Fuel Stn 41 11/9/22
	12/10/2022	1,848.66	IAFF Insurance - December
000817	12/15/2022 Steve Rogness	1,813.71	Reimbursement for GIS Supplies - Plotter Ink, Canon Printer
000816	12/15/2022 Pacific Gas & Electric	1,737.98	Electric Service Stn 45 11/2-12/4 Acct 0546316270-0
	12/10/2022	1,702.20	Norcal - December
	12/21/2022 West Coast Code Consultants	1,610.00	Senior Fire Inspector November 2022 McMillan
	12/1/2022 Hunt & Sons, Inc.	1,608.92	Fuel Stn 44 11/9/22
	12/1/2022 A T and T Mobility	1,601.86	Wireless Oct 3-Nov 2 Acct 287291512571
000803	12/15/2022 ADP, Inc.	1,577.75	Payroll Processing 10/31 and 11/10
000784	12/7/2022 American Fidelity	1,516.30	Suppl Insurance - Dec
	12/1/2022 Hunt & Sons, Inc.	1,395.70	Fuel Stn 43 11/9/22
	12/21/2022 Pacific Gas & Electric	1,262.67	Gas Service Stn 42 11/4-12/6/22 Acct 4588374985-0
	12/1/2022 A T and T Mobility	1,244.32	Wireless Oct 3-Nov 2 Acct 287291512913
000832	12/21/2022 Pacific Gas & Electric	1,230.26	Electric & Gas 11/4-12/6/22 Acct 9338447691-2
	12/21/2022 A T and T Mobility	1,214.63	Wireless Nov 3-Dec 2 Acct 287291512913
	12/21/2022 Hunt & Sons, Inc.	1,156.32	Fuel Stn 45 12.07.22
000790	12/7/2022 EBMUD	1,103.64	Water Service Stn 42 9/27-11/30/22 Acct 66412747356
	12/21/2022 Hunt & Sons, Inc.	1,083.98	Fuel Stn 44 12.07.22
	12/21/2022 Pacific Gas & Electric	1,081.59	Gas Service 11/16-12/14/22 Acct 0504649606-2
000794	12/7/2022 Hunt & Sons, Inc.	1,078.67	Fuel Stn 41 11/29/22

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 12/1/2022 Through 12/31/2022

Check Number	Check Date	Name	Check Amount	Transaction Description
	12/1/2022	Hunt & Sons, Inc.	1,073.85	Fuel Stn 45 11/9/22
	12/21/2022	Pacific Gas & Electric	1,041.32	Electric Service Stn 42 11/3-12/5 Acct 4546708321-3
000829	12/21/2022	Hunt & Sons, Inc.	1,010.66	Fuel Stn 41 12.07.22
000807	12/15/2022	Data Ticket Inc.	982.47	Citation Processing Service - November
	12/21/2022	Hunt & Sons, Inc.	971.82	Fuel Stn 42 12.07.22
	12/7/2022	A T and T	958.05	Phone Service Nov 20 -Dec 19 Acct 925-258-9746
	12/1/2022	Hunt & Sons, Inc.	921.48	Fuel Stn 42 11/9/22
	12/7/2022	Republic Services	848.92	Trash Service Stn 45 December
000776	12/1/2022	Pacific Gas & Electric	822.86	Electric Service Stn 42 10/5-11/2 Acct 4546708321-3
000822	12/21/2022	A T and T Mobility	770.37	Wireless Nov 2-Dec 3 Acct 287291512571
000792	12/7/2022	Fire-End and Croker Corp	742.03	EMS Coat
000800	12/7/2022	Staples Business Credit	725.31	Household Supplies 11/1-11/21 Acct 303593
	12/21/2022	Hunt & Sons, Inc.	673.73	Fuel Stn 43 12.07.22
000770	12/1/2022	Dell Financial Services	623.78	Computer lease
000808	12/15/2022	EBMUD	611.74	Water Service Stn 44 9/28-12/1 Acct 5615480001
000798	12/7/2022	Republic Services	605.19	Trash Service Stn 41 and 42 December
000809	12/15/2022	EAN Services, LLC	560.86	UTL Truck Rental - Strike Team
000796	12/7/2022	L.N. Curtis & Sons	521.93	Hose
000777	12/1/2022	Red Cloud, Inc.	469.01	BK Mobile Antenna Install Unit 466
	12/21/2022	Verizon Wireless	446.05	Wireless Oct 24-Nov 23
INV005593	12/7/2022	BRCK Inc.	440.35	VOIP - December
000764	12/1/2022	A T and T Mobility	423.01	Wireless Oct 16-Nov 15 Acct 287016079073
	12/21/2022	Pacific Gas & Electric	415.17	Gas & Electric Admin 11/3-12/6/22 Acct 9213137928-8
000831	12/21/2022	L.N. Curtis & Sons	386.08	Pants
000775	12/1/2022	Office Depot	323.06	Office Supplies
	12/7/2022	EBMUD	312.96	Water Service Stn 43 9/27-11/30/22 Acct 33313122624
000818	12/15/2022	Smart Clean Building Maintenance Inc	300.00	Monthly Cleaning Service - admin
000782	12/7/2022	ALSCO - American Linen Divison	277.86	Monthly Linen Service Stn 42 November
	12/1/2022	Pacific Gas & Electric	260.77	Gas Service Stn 45 10/15-11/15/22 Acct 0504649606-2
000821	12/21/2022	A T and T	258.93	Cal net 11/12-12/11/22 BAN 9391035207
000763	12/1/2022	A T and T	250.79	CalNet 10/12-11/11/22 BAN 93910352507
000830	12/21/2022	Keith Larson	250.00	Paramedic Renewal
000828	12/21/2022	EBMUD	249.41	Water Service 10/10-12/12/22 Acct 31807600001
000785	12/7/2022	A T and T	245.65	Phone Service 11/20-12/19 Acct 925-258-9731
000793	12/7/2022	Andrew Hess	235.00	PALS Renewal
000835	12/21/2022	TIAA Commercial Finance, Inc.	224.28	Copier Lease
	12/15/2022	EBMUD	210.71	Water Service Stn 44 9/8-12/1/22 Acct 31941900001
	12/1/2022	Pacific Gas & Electric	199.57	Gas & Electric Admin 10/5-11/2 Acct 9213137928-8
ACHbankfeesDec	12/5/2022		180.00	Bank Fees - December
000806	12/15/2022	A T and T	176.74	Cal Net Nov 2022 BAN 9391053307
	12/21/2022	L.N. Curtis & Sons	173.85	Rescue Pulley
000799	12/7/2022	Shred-it	173.02	Shredding Service
000797	12/7/2022	Orinda Hardware & Rental	156.86	Misc Supplies Stn 45
000773	12/1/2022	Marcia Holbrook	141.57	Travel to CSDA Board Clerk Conference
000814	12/15/2022	Anne Paar	136.54	Ambulance billing refund Incident 22071166 6/18/22
000813	12/15/2022	Mauray Miller	133.65	Ambulance Billing refund Incident 22046642 4/26/22
000788	12/7/2022	Clark Pest Control of Stockton Inc.	133.50	Pest Control Stn 45 Acct 3303703
	12/7/2022	Republic Services	126.25	Trash Service Stn 43 December
	12/7/2022	Republic Services	126.25	Trash Service Stn 44 December
000826	12/21/2022	Clark Pest Control of Stockton Inc.	125.90	Monthly Pest Service Stn 43
000810	12/15/2022	Humana Health Care Plans	125.59	Ambulance Billing refund RE: W4176870300 Incident 201327C
	12/15/2022	Airgas USA, LLC	121.40	Helium/Nitrogen
000836	12/21/2022	Verizon Wireless	112.32	Wireless Nov 11-Dec 10
	12/7/2022	ALSCO - American Linen Divison	109.82	Monthly Linen Service Stn 45 November
	12/1/2022	ADT Security Services	108.66	Security Svce Stn 41 12/4-1/3/23 Acct 402025453

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 12/1/2022 Through 12/31/2022

Check Number	Check Date	Name	Check Amount	Transaction Description
000801	12/7/2022	Verizon Wireless	105.42	Wireless Oct 24-Nov 23
	12/7/2022	ALSCO - American Linen Divison	104.28	Monthly Linen Service Stn 43 November
	12/7/2022	ALSCO - American Linen Divison	104.28	Monthly Linen Service Stn 44 November
	12/21/2022	Biomedical Waste Disposal	94.96	Waste Disposal Stn 45 12/12/22
000768	12/1/2022	Comcast	93.85	Modem Stn 42 Acct 8155 40 005 0208436
	12/1/2022	Comcast	93.85	Modem Stn 45 Nov 23-Dec 22 Acct 8155 40 006 0190996
000789	12/7/2022	Comcast	93.85	Modem Stn 41 Nov 29-Dec 28 Acct 8155 40 005 0208428
000827	12/21/2022	Comcast	93.85	Modem Stn 42 Dec 14 to Jan 13 Acct 8155 40 006 0191002
	12/1/2022	ADT Security Services	85.77	Security Svce Stn 45 12/9-1/8/23 Acct 402025440
000824	12/21/2022	Biomedical Waste Disposal	79.00	Waste Disposal Stn 41 12.12.22
	12/21/2022	Biomedical Waste Disposal	79.00	Waste Disposal Stn 41 12/5/22
000779	12/1/2022	Verizon Wireless	56.16	Wireless Oct 11-Nov 10
000791	12/7/2022	ECMS, Inc.	55.51	Jacket repairs
000765	12/1/2022	AT&T	53.50	Internet Nov 10-Dec 9 Acct 293834673
000823	12/21/2022	AT&T	53.50	Internet Nov 10-Dec 09 Acct 293834673
000804	12/15/2022	Airgas USA, LLC	51.00	Argon
000772	12/1/2022	Fail Safe Testing, LLC	50.00	Mobilization Fee for ladder testing
000762	12/1/2022	ADT Security Services	47.84	Security service Admin 12/4-1/3/23 Acct 402025444
000802	12/7/2022	Diana Wilde	<u>16.30</u>	Weathertight Tote for Comm Support
		Total 50 - General Fund	694,486.61	

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 12/1/2022 Through 12/31/2022

Check Number	Check Date	Name	Check Amount	Transaction Description
<u>61 - Tunnel East Bay Hills Fuel Break</u>				
000767	12/1/2022	Contra Costa County Fire Protection Distric	2,293.39	Tunnel East Bay Hills - Crew 11.14.22
	12/1/2022	Contra Costa County Fire Protection Distric	2,293.39	Tunnel East Bay Hills - Crew 11.15.22
	12/1/2022	Contra Costa County Fire Protection Distric	<u>1,377.64</u>	Tunnel East Bay Hills - Crew 11.16.22
		Total 61 - Tunnel East Bay Hills Fuel Bre	<u>5,964.42</u>	
Report Total			<u>728,297.05</u>	

Moraga-Orinda Fire District
 Balance Sheet - By Fund
 27 - Capital Projects Fund
 As of 12/31/2022

		Current Year
Assets		
Contra Costa County Cash	1002	188,863.39
LAIF Investments	1010	4,647,364.27
Advance on Taxes & Supplemental Taxes	1160	490,450.32
Total Assets		5,326,677.98
Fund Balance		
Fund Balance Committed Capital Projects	3685	4,495,401.23
Other		831,276.75
Total Fund Balance		5,326,677.98

Moraga-Orinda Fire District
 Balance Sheet - By Fund
 50 - General Fund
 As of 12/31/2022

		Current Year
Assets		
LAIF Investments	1010	15,943,423.61
Chase Operating Account	1020	639,516.79
Chase Payroll Account	1021	70,939.17
Accounts Receivable	1050	697,081.24
Receivables-Ambulance Billing	1051	1,078,109.73
Allowance Doubtful A/R-Ambulance billing	1052	(44,186.40)
Advance on Taxes & Supplemental Taxes	1160	14,432,586.48
Prepaid Retirement	1410	3,001,444.89
Allowance Doubtful A/R	1503	(20,386.00)
Pension Rate Stabilization Trust Fund	1610	6,845,314.94
Total Assets		42,643,844.45
Liabilities		
Accrued Payables	2010	3,567.49
Accrued Payroll	2050	466,209.25
Accrued Payroll Taxes-Federal	2051	203,894.68
Accrued Retirement	2054	222,346.26
Section 125 Medical-Dental Plan	2080	2,509.41
Accrued Charities & Other Employee Ded	2082	12,849.47
Retiree Health Savings Account	2083	11,600.00
Total Liabilities		922,976.56
Fund Balance		
Fund Balance Unassigned	3680	12,572,087.13
Nonspendable Fund Balance	3682	3,001,444.89
Fund Balance Restricted Pension	3697	6,845,314.94
Other		19,302,020.93
Total Fund Balance		41,720,867.89

Moraga-Orinda Fire District
 Balance Sheet - By Fund
 61 - Tunnel East Bay Hills Fuel Break
 As of 12/31/2022

		Current Year
Assets		
Chase Operating Account	1020	(152,394.71)
Accounts Receivable	1050	164,001.92
Total Assets		11,607.21
Fund Balance		
Fund Balance Unassigned	3680	17,571.63
Other		(5,964.42)
Total Fund Balance		11,607.21

Moraga-Orinda Fire District
Balance Sheet - By Fund
90 - Debt Service Fund
As of 12/31/2022

		<u>Current Year</u>
Fund Balance		
Fund Balance Restricted Debt	3695	1,688,611.84
Other		<u>(1,688,611.84)</u>
Total Fund Balance		<u>0.00</u>

Moraga Orinda Fire District
General Fund
Actual to Budget Summary 7/1/22-12/31/22

Revenue	Current Period		Budget \$	Prior Year Current	Prior Year	Prior Year	Comments
	Actual	Budget \$	Variance	Period Actual	Change	% Change	
Total Taxes	30,524,368.50	30,358,891.00	165,477.50	26,390,528.44	4,133,840.06	15.66%	Tax revenue has exceeded budget
Investment Earnings	33,292.11	5,000.00	28,292.11	3,937.43	29,354.68	745.53%	LAIF 1st Quarter interest increased from \$5K to \$35K due to interest rate increase from 0.24% to 1.35% and increase in LAIF balance from \$4M to \$6M
Total Intergovernmental Revenue	986.00	627,520.00	(626,534.00)	892.15	93.85		
Total Charges for Service	103,935.79	240,350.00	(136,414.21)	148,143.50	(44,207.71)	-29.84%	Decrease (\$57k) in Weed Abatement Charges partially offset by increase in Citation fees (new this year)
Total Charges for Service - Ambulance	525,518.17	1,742,242.00	(1,216,723.83)	885,766.29	(360,248.12)	-40.67%	Wittman wrote off \$205K in bad debt in Sept; revenue down \$30k from same time last year excluding write-off
Other Revenue-Strike Team Recovery	987,809.73	930,000.00	57,809.73	1,231,779.23	(243,969.50)	-19.81%	Strike team revenue fluctuates from year to year
Other Revenue	<u>4,710.97</u>	<u>2,500.00</u>	<u>2,210.97</u>	<u>4,001.67</u>	<u>709.30</u>	<u>17.73%</u>	Permits and Plan Review fees up slightly
Total Revenue	32,180,621.27	33,906,503.00	(1,725,881.73)	28,665,048.71	3,515,572.56	12.26%	
Expenses							
Salaries	5,424,963.18	11,477,956.00	6,052,992.82	5,250,008.76	174,954.42	3.33%	The current period increase is primarily due to negotiated salary increases for FY23
Overtime	1,236,390.17	1,850,000.00	613,609.83	1,338,900.33	(102,510.16)	-7.66%	Overtime fluctuates from year to year
Overtime - Strike Team	568,577.05	630,000.00	61,422.95	761,192.80	(192,615.75)	-25.30%	Strike Team overtime fluctuates from year to year
Retirement Contributions	2,820,220.47	5,968,564.00	3,148,343.53	2,763,366.69	56,853.78	2.06%	Retirement Contributions are based on salaries and increase when salaries increase
Other Benefits	<u>1,762,412.17</u>	<u>6,379,529.00</u>	<u>4,617,116.83</u>	<u>1,785,320.31</u>	<u>(22,908.14)</u>	<u>-1.28%</u>	Other Benefits are trending appropriately
	11,812,563.04	26,306,049.00	14,493,485.96	11,898,788.89	(86,225.85)	-0.72%	
Operating and Other Expense	<u>1,066,037.30</u>	<u>7,296,462.00</u>	<u>6,230,424.70</u>	<u>1,179,831.60</u>	<u>(113,794.30)</u>	<u>-9.64%</u>	Operating Expenses lower than same time last year
Total Expenditures	12,878,600.34	33,602,511.00	20,723,910.66	13,078,620.49	(200,020.15)	-1.53%	
Excess of Revenues Over/ (Under) Expenditures	<u>19,302,020.93</u>	<u>303,992.00</u>	<u>18,998,028.93</u>	<u>15,586,428.22</u>	<u>3,715,592.71</u>	<u>23.84%</u>	

Moraga-Orinda Fire District
 Statement of Revenues and Expenditures - General Fund Actual to Budget 202223
 From 7/1/2022 Through 12/31/2022

		Current Period		Budget \$	Percent Budget	Prior Year Current	Prior Year	Prior Year
		Actual	Budget \$	Variance	Remaining	Period Actual	Change	% Change
Total Revenue		32,180,621.27	33,906,503.00	(1,725,881.73)	(5.09)%	28,665,048.71	3,515,572.56	12.26
Total Expenditures		12,878,600.34	33,602,511.00	20,723,910.66	61.67%	13,078,620.49	(200,020.15)	(1.53)
Excess of Revenues Over/ (Under) Expenditures		19,302,020.93	303,992.00	18,998,028.93	6,249.52%	15,586,428.22	3,715,592.71	23.84
Other Revenue-Strike Team Recovery	4971	987,809.73	930,000.00	57,809.73	6.22%	1,231,779.23	(243,969.50)	(19.81)
Overtime - Strike Team	5016	568,577.05	630,000.00	61,422.95	9.75%	761,192.80	(192,615.75)	(25.30)
Net Strike Team Revenue		419,232.68	300,000.00	119,232.68		470,586.43	(51,353.75)	
Revenue								
Taxes								
Property Tax-Current Secured	4010	29,435,205.77	29,213,462.00	221,743.77	0.76%	25,445,781.02	3,989,424.75	15.68
Property Tax-Supplemental	4011	205,362.35	300,000.00	(94,637.65)	(31.55)%	154,882.05	50,480.30	32.59
Property Tax-Unitary	4013	301,461.20	200,000.00	101,461.20	50.73%	264,478.95	36,982.25	13.98
Property Tax-Curr Unsecured	4020	728,212.60	805,429.00	(77,216.40)	(9.59)%	588,185.16	140,027.44	23.81
Prop Tax- Prior Secured	4030	(95,133.02)	(100,000.00)	4,866.98	(4.87)%	(74,452.68)	(20,680.34)	27.78
Prop Tax-Prior Supplement	4031	(55,769.06)	(50,000.00)	(5,769.06)	11.54%	(332.84)	(55,436.22)	16,655.52
Prop Tax Prior Unsecured	4035	5,028.66	(10,000.00)	15,028.66	(150.29)%	11,986.78	(6,958.12)	(58.05)
Total Taxes		30,524,368.50	30,358,891.00	165,477.50	0.55%	26,390,528.44	4,133,840.06	15.66
Use of Money & Property								
Investment Earnings	4181	33,292.11	5,000.00	28,292.11	565.84%	3,937.43	29,354.68	745.53
Total Use of Money & Property		33,292.11	5,000.00	28,292.11	565.84%	3,937.43	29,354.68	745.53
Intergovernmental Revenue								
Homeowners Relief Tax	4385	0.00	147,000.00	(147,000.00)	(100.00)%	0.00	0.00	0.00
Misc State Aid/ Grants	4435	0.00	365,572.00	(365,572.00)	(100.00)%	0.00	0.00	0.00
Intergovernmental Revenue-Federal Grants	4437	0.00	28,800.00	(28,800.00)	(100.00)%	0.00	0.00	0.00
Other/In Lieu of Taxes	4580	986.00	900.00	86.00	9.56%	892.15	93.85	10.52
Measure H-Emerg Med Ser Subsid	4896	0.00	85,248.00	(85,248.00)	(100.00)%	0.00	0.00	0.00
Total Intergovernmental Revenue		986.00	627,520.00	(626,534.00)	(99.84)%	892.15	93.85	10.52
Charges for Service								
Permits	4740	3,787.00	4,000.00	(213.00)	(5.33)%	1,128.00	2,659.00	235.73
Plan Review	4741	66,408.50	140,000.00	(73,591.50)	(52.57)%	70,641.50	(4,233.00)	(5.99)
Inspection Fees	4742	3,581.00	20,000.00	(16,419.00)	(82.09)%	10,904.00	(7,323.00)	(67.16)
Weed Abatement Charges	4744	0.00	35,000.00	(35,000.00)	(100.00)%	57,530.00	(57,530.00)	(100.00)
Reports/ Photocopies	4746	210.00	350.00	(140.00)	(40.00)%	210.00	0.00	0.00
Other Charges for Service	4747	3,058.00	1,000.00	2,058.00	205.80%	2,730.00	328.00	12.01
Administrative Citation Fee	4748	26,891.29	40,000.00	(13,108.71)	(32.77)%	0.00	26,891.29	100.00
Vehicle Accident Cost Recovery	4897	0.00	0.00	0.00	0.00%	5,000.00	(5,000.00)	(100.00)

Moraga-Orinda Fire District
 Statement of Revenues and Expenditures - General Fund Actual to Budget 202223
 From 7/1/2022 Through 12/31/2022

		Current Period		Budget \$	Percent Budget	Prior Year Current	Prior Year	Prior Year
		Actual	Budget \$	Variance	Remaining	Period Actual	Change	% Change
Total Charges for Service		103,935.79	240,350.00	(136,414.21)	(56.76)%	148,143.50	(44,207.71)	(29.84)
Charges for Service - Ambulance								
Ambulance Service Fees	4898	735,331.22	1,892,302.00	(1,156,970.78)	(61.14)%	918,593.16	(183,261.94)	(19.95)
Ambulance Service Fee Reimbursements	4899	(209,990.05)	(105,060.00)	(104,930.05)	99.88%	(106.77)	(209,883.28)	196,575.14
Ambulance Collection Recovery Payments	4900	177.00	5,000.00	(4,823.00)	(96.46)%	2,504.58	(2,327.58)	(92.93)
Ground Emergency Medical Transportation	4901	0.00	(50,000.00)	50,000.00	(100.00)%	(35,224.68)	35,224.68	(100.00)
Total Charges for Service - Ambulance		525,518.17	1,742,242.00	(1,216,723.83)	(69.84)%	885,766.29	(360,248.12)	(40.67)
Other Revenue								
Other Revenue-Strike Team Recovery	4971	987,809.73	930,000.00	57,809.73	6.22%	1,231,779.23	(243,969.50)	(19.81)
Other Revenue-Misc.	4974	587.40	1,000.00	(412.60)	(41.26)%	(5,962.05)	6,549.45	(109.85)
Misc Rebates & Refunds	4975	1,813.90	1,000.00	813.90	81.39%	9,761.81	(7,947.91)	(81.42)
Sale of Surplus Property	4980	560.00	500.00	60.00	12.00%	0.00	560.00	100.00
Transfers In	4999	1,749.67	0.00	1,749.67	0.00%	201.91	1,547.76	766.56
Total Other Revenue		992,520.70	932,500.00	60,020.70	6.44%	1,235,780.90	(243,260.20)	(19.68)
Total Revenue		32,180,621.27	33,906,503.00	(1,725,881.73)	(5.09)%	28,665,048.71	3,515,572.56	12.26
Expenditures								
Salaries & Benefits								
Permanent Salaries	5011	5,382,111.10	11,380,319.00	5,998,207.90	52.71%	5,203,759.00	178,352.10	3.43
Temporary Salaries	5013	42,852.08	97,637.00	54,784.92	56.11%	46,249.76	(3,397.68)	(7.35)
Overtime	5014	1,236,390.17	1,850,000.00	613,609.83	33.17%	1,338,900.33	(102,510.16)	(7.66)
Deferred Compensation/RHSA	5015	86,185.62	117,504.00	31,318.38	26.65%	13,748.00	72,437.62	526.90
Overtime - Strike Team	5016	568,577.05	630,000.00	61,422.95	9.75%	761,192.80	(192,615.75)	(25.30)
Contract Services	5018	46,761.88	0.00	(46,761.88)	0.00%	112,107.82	(65,345.94)	(58.29)
Worker's Compensation Recovery	5019	(136,662.56)	(100,000.00)	36,662.56	(36.66)%	(107,948.64)	(28,713.92)	26.60
Payroll Taxes -FICA,SUI	5042	102,502.87	212,455.00	109,952.13	51.75%	109,658.20	(7,155.33)	(6.53)
Payroll Processing Fees	5043	6,031.10	25,000.00	18,968.90	75.88%	6,685.25	(654.15)	(9.78)
Retirement Contributions	5044	2,820,220.47	5,968,564.00	3,148,343.53	52.75%	2,763,366.69	56,853.78	2.06
Life/Health Insurance-Permanent Employees	5060	782,900.23	1,765,860.00	982,959.77	55.66%	710,934.52	71,965.71	10.12
Employee's-Health Insurance Contribution	5061	(101,055.28)	(200,380.00)	(99,324.72)	49.57%	(42,718.35)	(58,336.93)	136.56
Retiree Health Insurance	5062	566,535.80	1,231,000.00	664,464.20	53.98%	587,996.38	(21,460.58)	(3.65)
Retiree-Health Insurance Contribution	5063	(164,841.29)	(360,000.00)	(195,158.71)	54.21%	(172,926.75)	8,085.46	(4.68)
Unemployment Insurance	5064	1,976.98	5,000.00	3,023.02	60.46%	0.00	1,976.98	100.00
Retiree-Health OPEB Contribution	5065	0.00	350,923.00	350,923.00	100.00%	0.00	0.00	0.00
Vision Insurance	5066	8,698.82	19,248.00	10,549.18	54.81%	8,421.88	276.94	3.29
Pension Rate Stabilization	5067	0.00	2,108,577.00	2,108,577.00	100.00%	0.00	0.00	0.00
Workers' Compensation Insurance	5070	563,378.00	1,204,342.00	640,964.00	53.22%	559,362.00	4,016.00	0.72

Moraga-Orinda Fire District
 Statement of Revenues and Expenditures - General Fund Actual to Budget 202223
 From 7/1/2022 Through 12/31/2022

		Current Period		Budget \$	Percent Budget	Prior Year Current	Prior Year	Prior Year
		Actual	Budget \$	Variance	Remaining	Period Actual	Change	% Change
Total Salaries & Benefits		11,812,563.04	26,306,049.00	14,493,485.96	55.10%	11,898,788.89	(86,225.85)	(0.72)
Operating Expense								
Office Supplies	6100	2,767.68	8,500.00	5,732.32	67.44%	5,969.32	(3,201.64)	(53.63)
Postage	6101	579.52	3,000.00	2,420.48	80.68%	1,749.10	(1,169.58)	(66.87)
Books & Periodicals	6102	129.00	2,460.00	2,331.00	94.76%	16.28	112.72	692.38
Printer Ink Cartridges	6103	1,250.97	3,000.00	1,749.03	58.30%	1,486.96	(235.99)	(15.87)
Telephone - Landlines	6109	0.00	16,000.00	16,000.00	100.00%	0.00	0.00	0.00
Telephone/Communication	6110	28,825.85	39,000.00	10,174.15	26.09%	31,655.16	(2,829.31)	(8.94)
Dispatch/Comm Center Services w/ AVL MDT	6111	0.00	210,000.00	210,000.00	100.00%	0.00	0.00	0.00
Utilities- Sewer	6120	4,041.60	4,300.00	258.40	6.01%	3,702.25	339.35	9.17
Utilities-Garbage	6121	9,517.11	18,300.00	8,782.89	47.99%	7,828.11	1,689.00	21.58
Utilities-PG&E	6122	27,335.29	66,000.00	38,664.71	58.58%	30,082.59	(2,747.30)	(9.13)
Utilities-Water	6123	8,985.75	26,650.00	17,664.25	66.28%	11,386.06	(2,400.31)	(21.08)
Utilities-Medical Waste	6124	1,284.75	2,200.00	915.25	41.60%	755.85	528.90	69.97
Small Tools & Instruments	6130	1,807.70	9,000.00	7,192.30	79.91%	1,369.49	438.21	32.00
Minor Equipment/Furniture	6131	0.00	2,500.00	2,500.00	100.00%	1,143.23	(1,143.23)	(100.00)
Computer Equipment & Supplies	6132	2,454.13	20,000.00	17,545.87	87.73%	0.00	2,454.13	100.00
Gas Power Chain Saw/Other Equipmen	6133	1,602.11	5,000.00	3,397.89	67.96%	1,918.43	(316.32)	(16.49)
Fire Trail Grading	6135	1,172.06	25,000.00	23,827.94	95.31%	9,206.02	(8,033.96)	(87.27)
Fire Fighting Equipment & Supplies	6137	5,439.65	15,200.00	9,760.35	64.21%	38,274.17	(32,834.52)	(85.79)
Fire Fighting Equipment-Hoses & Nozzles	6138	829.83	10,000.00	9,170.17	91.70%	9,081.74	(8,251.91)	(90.86)
Fire Fighting Equipment-Class A Foam	6139	0.00	8,000.00	8,000.00	100.00%	6,301.93	(6,301.93)	(100.00)
Medical & Lab Supplies	6140	55,245.49	130,000.00	74,754.51	57.50%	45,399.85	9,845.64	21.69
Food Supplies	6150	897.72	5,500.00	4,602.28	83.68%	112.19	785.53	700.18
Safety Clothing & Personal Supplies	6160	17,215.00	105,800.00	88,585.00	83.73%	21,091.64	(3,876.64)	(18.38)
Household Expense	6170	7,217.34	22,200.00	14,982.66	67.49%	6,270.68	946.66	15.10
Household Expense-Linen	6171	3,561.22	8,700.00	5,138.78	59.07%	2,799.58	761.64	27.21
Public & Legal Notices	6190	137.60	22,000.00	21,862.40	99.37%	0.00	137.60	100.00
Dues, Memberships & Professional Fees	6200	8,487.33	23,020.00	14,532.67	63.13%	9,649.45	(1,162.12)	(12.04)
EMT/Paramedic Licensure Fees	6201	3,498.88	4,000.00	501.12	12.53%	1,823.10	1,675.78	91.92
Rent & Leases (Equipment)	6250	7,767.89	30,500.00	22,732.11	74.53%	18,095.02	(10,327.13)	(57.07)
Computer Software & Maintenance	6251	91,181.57	92,300.00	1,118.43	1.21%	69,993.83	21,187.74	30.27
Website Development & Maintenance	6252	0.00	5,292.00	5,292.00	100.00%	5,040.00	(5,040.00)	(100.00)
EPA ID# Verification Fee	6264	0.00	150.00	150.00	100.00%	150.00	(150.00)	(100.00)
CCC HazMat Plan (CUPA)	6265	3,327.00	3,650.00	323.00	8.85%	2,977.00	350.00	11.76
BAAQMD & Environmental Health Fees	6266	0.00	900.00	900.00	100.00%	382.00	(382.00)	(100.00)
Air Monitor Maintenance & Replacement	6269	0.00	800.00	800.00	100.00%	0.00	0.00	0.00

Moraga-Orinda Fire District
 Statement of Revenues and Expenditures - General Fund Actual to Budget 202223
 From 7/1/2022 Through 12/31/2022

		Current Period		Budget \$ Variance	Percent Budget Remaining	Prior Year Current Period Actual	Prior Year Change	Prior Year % Change
		Actual	Budget \$					
Maintenance -- Equipment	6270	41,342.49	114,800.00	73,457.51	63.99%	15,361.87	25,980.62	169.12
Central Garage Repairs	6271	97,114.61	270,000.00	172,885.39	64.03%	54,893.19	42,221.42	76.92
Central Garage Gasoline & Oil	6272	45,798.91	90,000.00	44,201.09	49.11%	36,934.72	8,864.19	24.00
Central Garage Tires	6273	3,864.75	15,000.00	11,135.25	74.23%	13,529.59	(9,664.84)	(71.43)
Service/Repair Fuel System Dispensers	6274	0.00	2,500.00	2,500.00	100.00%	2,285.80	(2,285.80)	(100.00)
Aerial Ladder & Pump Testing	6275	0.00	1,500.00	1,500.00	100.00%	0.00	0.00	0.00
Smog Inspections	6276	250.00	500.00	250.00	50.00%	0.00	250.00	100.00
Air Compressor Quarterly Service	6278	2,635.76	6,000.00	3,364.24	56.07%	0.00	2,635.76	100.00
Hydro Test SCBA & Oxy Cylinder	6279	19,807.12	30,000.00	10,192.88	33.98%	2,055.74	17,751.38	863.50
Tank Testing	6280	0.00	1,120.00	1,120.00	100.00%	0.00	0.00	0.00
Maintenance -- Building	6281	39,597.07	97,000.00	57,402.93	59.18%	22,009.40	17,587.67	79.91
Maintenance -- Grounds	6282	5,052.72	12,400.00	7,347.28	59.25%	3,251.90	1,800.82	55.38
Meetings & Travel Expenses	6303	225.59	1,500.00	1,274.41	84.96%	267.21	(41.62)	(15.58)
Employee Assistance Program	6309	0.00	13,230.00	13,230.00	100.00%	0.00	0.00	0.00
Medical - Pre-Emp Processing and Annual Exams	6311	501.60	30,000.00	29,498.40	98.33%	0.00	501.60	100.00
Ambulance Billing Administration Fees	6312	32,746.50	80,000.00	47,253.50	59.07%	23,627.32	9,119.18	38.60
Outside Attorney Fees	6313	64,664.15	275,000.00	210,335.85	76.49%	68,706.87	(4,042.72)	(5.88)
CCC County Tax Administration Fee	6316	0.00	215,000.00	215,000.00	100.00%	0.00	0.00	0.00
Professional Services	6317	11,293.00	56,500.00	45,207.00	80.01%	29,416.00	(18,123.00)	(61.61)
Professional Services - Labor Negotiator	6318	0.00	10,000.00	10,000.00	100.00%	18,024.00	(18,024.00)	(100.00)
Professional Services - Technology	6319	105,931.12	245,000.00	139,068.88	56.76%	96,775.99	9,155.13	9.46
Professional Services - Pre-Employment Investigations	6320	6,461.91	10,000.00	3,538.09	35.38%	900.00	5,561.91	617.99
Professional Services - Promotional Exams & Recruitment	6321	560.00	2,000.00	1,440.00	72.00%	0.00	560.00	100.00
Professional Services-OPEB Actuarial Valuation	6322	0.00	8,000.00	8,000.00	100.00%	6,750.00	(6,750.00)	(100.00)
Exterior Hazard Removal	6323	12,618.09	35,000.00	22,381.91	63.95%	40,632.50	(28,014.41)	(68.95)
Professional Services-Prop Tax Audit & Forecasting	6326	0.00	7,350.00	7,350.00	100.00%	0.00	0.00	0.00
Professional Services	6327	440.32	14,000.00	13,559.68	96.85%	0.00	440.32	100.00
Residential Fuels Mitigation and Home Hardening Grant Prog	6353	31,594.83	500,000.00	468,405.17	93.68%	0.00	31,594.83	100.00
Testing Materials & Training Props	6354	19,928.49	40,000.00	20,071.51	50.18%	8,423.80	11,504.69	136.57
Career Development Classes	6357	5,472.57	25,000.00	19,527.43	78.11%	3,411.54	2,061.03	60.41
Training & Education Classes-Paramedic & EMT CE	6360	0.00	0.00	0.00	0.00%	532.00	(532.00)	(100.00)
District Sponsored Training-Mandated	6361	141.57	15,000.00	14,858.43	99.06%	1,316.86	(1,175.29)	(89.25)
Election Expense	6465	0.00	32,000.00	32,000.00	100.00%	0.00	0.00	0.00
Recruiting Costs	6470	0.00	60,000.00	60,000.00	100.00%	0.00	0.00	0.00
Strike Team Supplies	6474	31,368.74	60,000.00	28,631.26	47.72%	45,557.26	(14,188.52)	(31.14)
Community Emergency Response Team	6475	397.29	8,000.00	7,602.71	95.03%	382.33	14.96	3.91
Exercise Supplies/Maint.	6476	1,889.06	12,000.00	10,110.94	84.26%	5,090.13	(3,201.07)	(62.89)

Moraga-Orinda Fire District
 Statement of Revenues and Expenditures - General Fund Actual to Budget 202223
 From 7/1/2022 Through 12/31/2022

		Current Period		Budget \$	Percent Budget	Prior Year Current	Prior Year	Prior Year
		Actual	Budget \$	Variance	Remaining	Period Actual	Change	% Change
Recognition Supplies	6478	(246.66)	4,500.00	4,746.66	105.48%	0.00	(246.66)	(100.00)
Other Special Departmental Exp	6479	12,113.76	493,840.00	481,726.24	97.55%	167,994.84	(155,881.08)	(92.79)
Public Education Supplies	6480	1,695.88	6,000.00	4,304.12	71.74%	738.08	957.80	129.77
LAFCO	6482	13,010.66	16,000.00	2,989.34	18.68%	12,637.38	373.28	2.95
Emergency Preparedness Expense	6484	6,221.15	11,000.00	4,778.85	43.44%	8,749.38	(2,528.23)	(28.90)
Misc. Services & Supplies	6490	2,394.99	85,500.00	83,105.01	97.20%	2,359.45	35.54	1.51
Fire Chief Contingency	6491	6,671.25	100,000.00	93,328.75	93.33%	9,218.61	(2,547.36)	(27.63)
Property & Liability Insurance	6540	144,187.00	130,000.00	(14,187.00)	(10.91)%	122,767.00	21,420.00	17.45
Bad Debt Expense	6666	0.00	0.00	0.00	0.00%	6,600.00	(6,600.00)	(100.00)
Total Operating Expense		1,064,306.33	4,191,162.00	3,126,855.67	74.61%	1,176,911.79	(112,605.46)	(9.57)
Other Expense								
Bank Fees	7510	1,479.00	5,000.00	3,521.00	70.42%	2,665.92	(1,186.92)	(44.52)
County Tax Collection Fees	7530	251.97	300.00	48.03	16.01%	253.89	(1.92)	(0.76)
Transfers to Other Funds	7997	0.00	3,100,000.00	3,100,000.00	100.00%	0.00	0.00	0.00
Total Other Expense		1,730.97	3,105,300.00	3,103,569.03	99.94%	2,919.81	(1,188.84)	(40.72)
Total Expenditures		12,878,600.34	33,602,511.00	20,723,910.66	61.67%	13,078,620.49	(200,020.15)	(1.53)
Excess of Revenues Over/ (Under) Expenditures		19,302,020.93	303,992.00	18,998,028.93	6,249.52%	15,586,428.22	3,715,592.71	23.84

Moraga-Orinda Fire District
Statement of Revenues and Expenditures - Capital Projects Fund Actual to Budget - 22.23
From 7/1/2022 Through 12/31/2022

		Current Period Actual	Total Budget - Original	Total Budget Variance - Original	Percent Total Budget Remaining - Original
Revenue					
Taxes					
Fire Flow Tax	4066	1,103,451.46	1,098,000.00	5,451.46	0.50%
Total Taxes		1,103,451.46	1,098,000.00	5,451.46	0.50%
Use of Money & Property					
Investment Earnings	4181	2,238.61	2,000.00	238.61	11.93%
Total Use of Money & Property		2,238.61	2,000.00	238.61	11.93%
Intergovernmental Revenue					
Misc State Aid/ Grants	4435	0.00	250,000.00	(250,000.00)	(100.00)%
Total Intergovernmental Revenue		0.00	250,000.00	(250,000.00)	(100.00)%
Charges for Service					
Impact Mitigation Fees	4743	8,000.00	10,000.00	(2,000.00)	(20.00)%
Total Charges for Service		8,000.00	10,000.00	(2,000.00)	(20.00)%
Other Revenue					
Other Revenue & Financing So...	4972	164,250.00	164,250.00	0.00	0.00%
Sale of Surplus Property	4980	13,950.00	0.00	13,950.00	0.00%
Transfers In	4999	0.00	3,100,000.00	(3,100,000.00)	(100.00)%
Total Other Revenue		178,200.00	3,264,250.00	(3,086,050.00)	(94.54)%
Total Revenue		1,291,890.07	4,624,250.00	(3,332,359.93)	(72.06)%
Expenditures					
Other Expense					
Bank Fees	7510	32.00	200.00	168.00	84.00%
Fire Flow Tax Collection Fees	7531	11,651.88	14,000.00	2,348.12	16.77%
Apparatus/Vehicles-Fixed Asset...	7703	121,177.54	1,258,809.00	1,137,631.46	90.37%
Computer Equip & Software-Fix...	7704	164,250.00	164,250.00	0.00	0.00%
Buildings-Station #41-Fixed Ass...	7705	0.00	35,000.00	35,000.00	100.00%
Buildings-Stations-Fixed Asset ...	7708	1,500.00	35,000.00	33,500.00	95.71%
Station 41 - Construction in Pro...	7712	0.00	1,000,000.00	1,000,000.00	100.00%
Operating Transfers Out	7999	162,001.90	321,570.00	159,568.10	49.62%
Total Other Expense		460,613.32	2,828,829.00	2,368,215.68	83.72%
Total Expenditures		460,613.32	2,828,829.00	2,368,215.68	83.72%
Excess of Revenues Over/ (Under) Ex...		831,276.75	1,795,421.00	(964,144.25)	(53.70)%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures - Debt Service Fund Actual to Budget - 22.23
From 7/1/2022 Through 12/31/2022

		Current Period Actual	Total Budget \$ - Original	Total Budget \$ Variance - Original	Percent Total Budget Remaining - Original
Revenue					
Use of Money & Property					
Investment Earnings	4181	1,072.59	0.00	1,072.59	0.00%
Total Use of Money & Property		1,072.59	0.00	1,072.59	0.00%
Other Revenue					
Transfers In	4999	162,001.90	321,570.00	(159,568.10)	(49.62)%
Total Other Revenue		162,001.90	321,570.00	(159,568.10)	(49.62)%
Total Revenue		163,074.49	321,570.00	(158,495.51)	(49.29)%
Expenditures					
Other Expense					
Pension Obligation Bond Principal Payment	7900	1,645,000.00	1,645,000.00	0.00	0.00%
Pension Obligation Bond Interest Payment	7901	42,934.76	42,935.00	0.24	0.00%
Lease Agreement Station 43 Principal	7906	134,000.00	267,000.00	133,000.00	49.81%
Lease Agreement Station 43 Interest	7907	28,001.90	54,570.00	26,568.10	48.69%
Transfers to Other Funds	7997	1,749.67	0.00	(1,749.67)	0.00%
Total Other Expense		1,851,686.33	2,009,505.00	157,818.67	7.85%
Total Expenditures		1,851,686.33	2,009,505.00	157,818.67	7.85%
Excess of Revenues Over/ (Under) Expenditures		(1,688,611.84)	(1,687,935.00)	(676.84)	0.04%

Moraga-Orinda Fire District

Statement of Revenues and Expenditures - Tunnel East Bay Hills Actual to Budget - 22.23
From 7/1/2022 Through 12/31/2022

		Current Period Actual	Total Budget - Original	Total Budget Variance - Original	Percent Total Budget Remaining - Original
Revenue					
Intergovernmental Revenue					
Misc State Aid/ Grants	4435	0.00	3,360,000.00	(3,360,000.00)	(100.00)%
Total Intergovernmental Revenue		0.00	3,360,000.00	(3,360,000.00)	(100.00)%
Total Revenue		0.00	3,360,000.00	(3,360,000.00)	(100.00)%
Expenditures					
Salaries & Benefits					
Temporary Salaries	5013	0.00	100,000.00	100,000.00	100.00%
Payroll Taxes -FICA,SUI	5042	0.00	6,250.00	6,250.00	100.00%
Total Salaries & Benefits		0.00	106,250.00	106,250.00	100.00%
Operating Expense					
Professional Services	6317	0.00	500,000.00	500,000.00	100.00%
Exterior Hazard Removal	6323	5,964.42	2,000,000.00	1,994,035.58	99.70%
Exterior Hazard Removal - Mec...	6324	0.00	391,819.00	391,819.00	100.00%
Public Education Supplies	6480	0.00	1,931.00	1,931.00	100.00%
Total Operating Expense		5,964.42	2,893,750.00	2,887,785.58	99.79%
Total Expenditures		5,964.42	3,000,000.00	2,994,035.58	99.80%
Excess of Revenues Over/ (Under) Ex...		(5,964.42)	360,000.00	(365,964.42)	(101.66)%



Moraga-Orinda Fire District

Board of Directors

2023 CALENDAR STANDING/AD HOC COMMITTEES

Approved: December 21, 2022

January	18	July	19
February	15	August	16
March	15	September	20
April	19	October	18
May	17	November	15
June	21	December	20

(Meets 3rd Wednesday of each month)

2023 Board Officers

President of the Board	John Jex
Vice President	Mike Roemer
Secretary	Greg Hasler
Treasurer	Craig Jorgens
Director	Steven Danziger
Fire Chief	Dave Winnacker
Admin Services Director	Gloriann Sasser
District Clerk/Secretary	Marcia Holbrook

2023 Standing Committees

Audit Committee	Directors Hasler & Jex
-----------------	------------------------

2023 Ad Hoc Committees

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 & Hasler
Facilities Station 41	Directors Danziger & Jex
Joint Fire Prevention with City of Orinda	Directors Jorgens & Roemer

2023 District Liaisons

CC Special Districts Assoc.	Director Jex
CCC Fire Boards and Commissioners Assoc.	Director Danziger
Local Agency Formation Committee (LAFCO)	Director Roemer
Orinda City Council	Director Jorgens
Moraga Town Council	Director Hasler



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Gloriann Sasser, Administrative Services Director

DATE: January 18, 2023

SUBJECT: **Item 12.1 Adopt Resolution 23-01 Approving an Investment Policy for District Funds**

BACKGROUND

The District's Investment Policy requires annual Board review. The Policy has been reviewed by staff. One administrative change is recommended to remove reference to the Finance Committee as the Finance Committee has been dissolved. The recommended change is detailed in red strike-through in the legislative version for transparency (Attachment B). No other changes are recommended.

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution 23-01 Approving an Investment Policy for District Funds.

ATTACHMENT

[Attachment A 23-01 Investment Policy Reso for District Funds.docx](#)

[Attachment B Investment Policy 2023 Legislative Version.pdf](#)

[Attachment C Investment Policy 2023.docx](#)

RESOLUTION NO. 23-01

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MORAGA-ORINDA FIRE PROTECTION DISTRICT
APPROVING AN INVESTMENT POLICY FOR DISTRICT FUNDS**

WHEREAS, The Board of Directors (“Board”) of the Moraga-Orinda Fire Protection District (“District”) desires to maintain a current investment policy for District funds to ensure that District monies are invested prudently, and

WHEREAS, the Fire Chief, County Treasurer or designee have been given authority to invest District funds pursuant to the District’s Investment Policy, and

WHEREAS, State law has necessitated the establishment and periodic review of a District Investment Policy.

NOW THEREFORE, the District Board does hereby resolve that the District Investment Policy, attached as Attachment C and incorporated herein by reference, is hereby adopted, and

BE IT FURTHER RESOLVED THAT the District Board delegates its authority to the Fire Chief, County Treasurer or designee to invest District funds in a manner consistent with the attached Investment Policy.

PASSED, APPROVED AND ADOPTED this 18th day of January 2023 at the regular meeting of the District Board held virtually due to the COVID-19 pandemic, on a motion made by Director ____, seconded by Director ____, and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: January 18, 2023

John Jex, President
Board of Directors

ATTEST:

Marcia Holbrook
District Secretary/District Clerk

MORAGA-ORINDA FIRE DISTRICT DISTRICT POLICY 13

Investment Policy

Purpose

The purpose of the Investment Policy is to establish a prudent and systematic policy and to organize and formalize investment-related activities.

Policy

Section One: Scope and Authority

- 1.1 The Moraga Orinda Fire District's (District) Investment Policy is authorized under the California Government Code, section 53600, et seq. as it applies to the investment of public funds.
- 1.2 It is intended that this policy cover all funds and investment activities under the direct authority of the District excluding pension funds, other post-employment benefit trust funds, and the proceeds of debt issues. Investments authorized by Fiscal Agents pursuant to bonded debt are controlled by the terms and conditions of the specific bond and may not necessarily coincide with the Investment Policy outlined herein. Investments must conform to Government Code section 53601 concerning custody of all securities. Wherever practical, investments made by a Fiscal Agent on behalf of the District will be consistent with this Policy.
- 1.3 The District's Board hereby delegates management authority for the investment program to the Fire Chief or designee.
- 1.4 The District's Board hereby authorizes District participation in the Contra Costa County investment pool. The Board delegates investment authority for investment of public agency funds to the Treasurer of Contra Costa County. The Board authorizes the County Treasurer to invest such District funds as may be designated by the District consistent with provisions of the California Government Code. The County Treasurer shall follow the written instructions provided by the District.

Section Two: Investment Objectives

- 2.1 Safety - It is the primary duty and responsibility of the District Treasurer, Fire Chief, ~~and Administrative Services Director~~ ~~and Finance Committee~~ to protect, preserve and maintain cash and investments placed in trust on behalf of the citizens of the District.

- 2.2 Liquidity - An adequate percentage of the District's investment portfolio should be maintained in liquid short-term securities which can be converted to cash if necessary to meet disbursement requirements. Since all cash requirements cannot be anticipated, investments in securities with active secondary or resale markets is highly recommended. Emphasis should be on marketable securities with low sensitivity to market risk.
- 2.3 Yield - Yield should become a consideration only after the basic requirements of safety and liquidity have been met.
- a) The overall yield should be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the District's risk constraints, the cash flow characteristics of the portfolio, and State and local laws, ordinances or resolutions that restrict investments.
- 2.4 Public Trust - All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust.
- 2.5 Diversification - The investment portfolio will be diversified to avoid incurring unreasonable and avoidable risks regarding specific security types or individual financial institutions.
- In a diversified portfolio, it must be recognized that occasional measured losses are inevitable and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.
- 2.6 Prudence - The District adheres to the "prudent investor standard" which states that
- "When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency."

Section Three: District's Investment Strategy

- 3.1 The most effective method of increasing investment yields without sacrificing safety is to extend the investment horizon commensurate with the District's cash requirements. To that end, improved cash forecasting and management is the preferred investment strategy for the District.
- a) Cash management activities include accurate cash projections, the expeditious collection of revenue, the control of disbursements, cost-effective banking relations, and a short-term borrowing program, when needed, that coordinates working capital requirements and investment opportunity.

Section Four: Allowable Investment Instruments

- 4.1 The Government Code, sections 53601, 53601.1, 53601.6 and 53635 shall govern the District's allowable investments and the length of those investments, unless specifically limited by this policy. Although the maximum maturity for any deposit or investment is five years, most investments should be for no longer than 2-3 years.

4.2 The specific investments allowed are listed below:

- a) The State's Local Agency Investment Fund (LAIF)
- b) Any Public Agency's Pooled Investment Fund, provided such involvement is approved in advance by resolution of the Board
- c) United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest
- d) Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises
- e) Insured Certificates of Deposits (CD's)
- f) Passbook savings and money market accounts
- g) Money market funds that have attained the highest letter and numerical rating provided by not less than two Nationally Recognized Statistical Rating Organizations and not to exceed 20% of the portfolio and not to exceed 10% of the portfolio per money market fund.

4.3 Any investment not specifically approved by this policy is prohibited.

Section Five: Reporting Requirements

5.1 The Fire Chief or designee shall annually submit a written investment policy to the Board. The Board shall consider the investment policy at a public meeting.

5.2 The Treasurer or designee shall submit a quarterly investment report to the Board. The report must be submitted within 30 days following the end of the month covered by the report. Such report shall include at least the following information:

- a) Types of investments;
- b) Names of the institution in which funds are invested or deposited;
- c) Date of maturity, if applicable;
- d) Par and original investment amount on all securities;
- e) Percent distribution of each type of investment;
- f) Current market value as of the date of the report, including sources of the valuation except those under LAIF;
- g) Rate of interest;
- h) Average weighted yield of portfolio;
- i) Investment income for the fiscal year to date
- j) A statement relating the report to the District's Investment Policy; and
- k) A statement that there are sufficient funds to meet the District's next six months' financial obligations.

5.3 Periodic reports shall be prepared as required by circumstances or as directed by the Board. Such circumstances include, but are not limited to, notification that any District investment may be in jeopardy or a sudden and significant drop in the current market value of any District investment.

5.4 The District will report the investment portfolio at market value at the end of each fiscal year in accordance with Governmental Accounting Standards Board Statement No. 31.

Section Six: Internal Controls and General Guidelines

- 6.1 A system of internal control shall be established and documented in writing. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation of third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District.
- 6.2 Controls deemed most important include:
- a) The control of collusion and separation of duties;
 - b) Custodial safekeeping of funds invested or on deposit;
 - c) Minimizing the number of authorized Investment Officers; and
 - d) Written documentation of procedures and transactions.
- 6.3 In selecting financial institutions for the deposit or investment of District funds, the Treasurer or designee shall consider the credit-worthiness of the institution. Such credit-worthiness shall be monitored on a regular basis throughout the period in which District funds are deposited or invested.
- a) Any deposit or investment of funds shall be in writing, signed by the Fire Chief or designee and the authorized representative of the institution.
 - b) All transactions will be executed on a Delivery Versus Payment (DVP) basis
 - c) All investment securities shall be held in the District's name by a third-party custodian that is the trust or custody division of a bank.
- 6.4 The District will require the auditors to perform cash and investment testing as part of the audit of the District's financial statements.
- 6.5 An annual Cash Flow Forecast may be prepared by the Fire Chief or designee and would be used to assist in the development of the annual operating budget for the District.
- 6.6 This Investment Policy shall be reviewed by the Board on an annual basis.
- 6.7 Ethics and Conflict of Interest - Board members and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. Board members and employees shall disclose any material financial interests that could be related to the performance of the District's investment portfolio.

DEFINITIONS

Certificate of Deposit (CD) – A time deposit with a specific maturity evidenced by a Certificate. Large-denomination CDs are typically negotiable.

Collateral – Securities, evidence of deposit or other property, which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Custody – Safekeeping services offered by a bank, financial institution or trust company, referred to as the “custodian.” Service normally includes the holding and reporting of the customer's securities, the collection and disbursement of income, securities settlement and market values.

Delivery Versus Payment – A type of securities transaction in which the purchaser pays for the securities when they are delivered either to the purchaser or custodian. It ensures that securities

are deposited in an eligible financial institution prior to the release of funds. Securities should be held by a third-party custodian as evidenced by safekeeping receipts.

Diversification – Dividing investment funds among a variety of securities offering independent returns.

Federal Agency Obligation – A debt instrument issued by one of the federal agencies. Federal agencies are considered second in credit quality and liquidity only to U.S. Treasuries.

Liquidity – An investment that can be converted easily and rapidly into cash without a substantial loss of value.

Local Agency Investment Fund (LAIF) – The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

Market Value – The price at which a security is trading and could presumably be purchased or sold on a specific date.

Maturity – The date upon which the principal or stated value of an investment becomes due and payable.

Portfolio – Collection of securities held by an investor.

Prudent Investor Standard – An investment standard that all investments should be made with care, skill, prudence and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.

Secondary Market – A market made for the purchase and sale of outstanding issues following the initial distribution.

U.S. Treasury – Government debt issued by the United States Department of the Treasury through the Bureau of the Public Debt. Treasury securities are the debt financing instruments of the United States federal government, and they are often referred to simply as Treasuries. There are four types of marketable treasury securities: Treasury bills, Treasury notes, Treasury bonds, and Treasury Inflation Protected Securities (TIPS). All of the marketable Treasury securities are very liquid and are heavily traded on the secondary market.

Yield at Market – The percentage rate of return paid if the security is held to its maturity date using the market price of the security. The calculation is based on the coupon rate, length of time to maturity, and market price. It assumes that coupon interest paid over the life of the security is reinvested at the same rate. The Yield at Market will vary over time.

Yield at Cost – The percentage rate of return paid if the security is held to its maturity date at the original time of purchase. The calculation is based on the coupon rate, length of time to maturity, and original price. It assumes that coupon interest paid over the life of the security is reinvested at the same rate. The Yield at Cost on a security remains the same while held as an investment.

MORAGA-ORINDA FIRE DISTRICT DISTRICT POLICY 13

Investment Policy

Purpose

The purpose of the Investment Policy is to establish a prudent and systematic policy and to organize and formalize investment-related activities.

Policy

Section One: Scope and Authority

- 1.1 The Moraga Orinda Fire District's (District) Investment Policy is authorized under the California Government Code, section 53600, et seq. as it applies to the investment of public funds.
- 1.2 It is intended that this policy cover all funds and investment activities under the direct authority of the District excluding pension funds, other post-employment benefit trust funds, and the proceeds of debt issues. Investments authorized by Fiscal Agents pursuant to bonded debt are controlled by the terms and conditions of the specific bond and may not necessarily coincide with the Investment Policy outlined herein. Investments must conform to Government Code section 53601 concerning custody of all securities. Wherever practical, investments made by a Fiscal Agent on behalf of the District will be consistent with this Policy.
- 1.3 The District's Board hereby delegates management authority for the investment program to the Fire Chief or designee.
- 1.4 The District's Board hereby authorizes District participation in the Contra Costa County investment pool. The Board delegates investment authority for investment of public agency funds to the Treasurer of Contra Costa County. The Board authorizes the County Treasurer to invest such District funds as may be designated by the District consistent with provisions of the California Government Code. The County Treasurer shall follow the written instructions provided by the District.

Section Two: Investment Objectives

- 2.1 Safety - It is the primary duty and responsibility of the District Treasurer, Fire Chief and Administrative Services Director to protect, preserve and maintain cash and investments placed in trust on behalf of the citizens of the District.

2.2 Liquidity - An adequate percentage of the District's investment portfolio should be maintained in liquid short-term securities which can be converted to cash if necessary to meet disbursement requirements. Since all cash requirements cannot be anticipated, investments in securities with active secondary or resale markets is highly recommended. Emphasis should be on marketable securities with low sensitivity to market risk.

2.3 Yield - Yield should become a consideration only after the basic requirements of safety and liquidity have been met.

a) The overall yield should be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the District's risk constraints, the cash flow characteristics of the portfolio, and State and local laws, ordinances or resolutions that restrict investments.

2.4 Public Trust - All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust.

2.5 Diversification - The investment portfolio will be diversified to avoid incurring unreasonable and avoidable risks regarding specific security types or individual financial institutions.

In a diversified portfolio, it must be recognized that occasional measured losses are inevitable and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.

2.6 Prudence - The District adheres to the "prudent investor standard" which states that

"When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency."

Section Three: District's Investment Strategy

3.1 The most effective method of increasing investment yields without sacrificing safety is to extend the investment horizon commensurate with the District's cash requirements. To that end, improved cash forecasting and management is the preferred investment strategy for the District.

a) Cash management activities include accurate cash projections, the expeditious collection of revenue, the control of disbursements, cost-effective banking relations, and a short-term borrowing program, when needed, that coordinates working capital requirements and investment opportunity.

Section Four: Allowable Investment Instruments

4.1 The Government Code, sections 53601, 53601.1, 53601.6 and 53635 shall govern the District's allowable investments and the length of those investments, unless specifically limited by this policy. Although the maximum maturity for any deposit or investment is five years, most investments should be for no longer than 2-3 years.

4.2 The specific investments allowed are listed below:

- a) The State's Local Agency Investment Fund (LAIF)
- b) Any Public Agency's Pooled Investment Fund, provided such involvement is approved in advance by resolution of the Board
- c) United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest
- d) Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises
- e) Insured Certificates of Deposits (CD's)
- f) Passbook savings and money market accounts
- g) Money market funds that have attained the highest letter and numerical rating provided by not less than two Nationally Recognized Statistical Rating Organizations and not to exceed 20% of the portfolio and not to exceed 10% of the portfolio per money market fund.

4.3 Any investment not specifically approved by this policy is prohibited.

Section Five: Reporting Requirements

5.1 The Fire Chief or designee shall annually submit a written investment policy to the Board. The Board shall consider the investment policy at a public meeting.

5.2 The Treasurer or designee shall submit a quarterly investment report to the Board. The report must be submitted within 30 days following the end of the month covered by the report. Such report shall include at least the following information:

- a) Types of investments;
- b) Names of the institution in which funds are invested or deposited;
- c) Date of maturity, if applicable;
- d) Par and original investment amount on all securities;
- e) Percent distribution of each type of investment;
- f) Current market value as of the date of the report, including sources of the valuation except those under LAIF;
- g) Rate of interest;
- h) Average weighted yield of portfolio;
- i) Investment income for the fiscal year to date
- j) A statement relating the report to the District's Investment Policy; and
- k) A statement that there are sufficient funds to meet the District's next six months' financial obligations.

5.3 Periodic reports shall be prepared as required by circumstances or as directed by the Board. Such circumstances include, but are not limited to, notification that any District investment may be in jeopardy or a sudden and significant drop in the current market value of any District investment.

5.4 The District will report the investment portfolio at market value at the end of each fiscal year in accordance with Governmental Accounting Standards Board Statement No. 31.

Section Six: Internal Controls and General Guidelines

- 6.1 A system of internal control shall be established and documented in writing. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation of third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District.
- 6.2 Controls deemed most important include:
- a) The control of collusion and separation of duties;
 - b) Custodial safekeeping of funds invested or on deposit;
 - c) Minimizing the number of authorized Investment Officers; and
 - d) Written documentation of procedures and transactions.
- 6.3 In selecting financial institutions for the deposit or investment of District funds, the Treasurer or designee shall consider the credit-worthiness of the institution. Such credit-worthiness shall be monitored on a regular basis throughout the period in which District funds are deposited or invested.
- a) Any deposit or investment of funds shall be in writing, signed by the Fire Chief or designee and the authorized representative of the institution.
 - b) All transactions will be executed on a Delivery Versus Payment (DVP) basis
 - c) All investment securities shall be held in the District's name by a third-party custodian that is the trust or custody division of a bank.
- 6.4 The District will require the auditors to perform cash and investment testing as part of the audit of the District's financial statements.
- 6.5 An annual Cash Flow Forecast may be prepared by the Fire Chief or designee and would be used to assist in the development of the annual operating budget for the District.
- 6.6 This Investment Policy shall be reviewed by the Board on an annual basis.
- 6.7 Ethics and Conflict of Interest - Board members and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. Board members and employees shall disclose any material financial interests that could be related to the performance of the District's investment portfolio.

DEFINITIONS

Certificate of Deposit (CD) – A time deposit with a specific maturity evidenced by a Certificate. Large-denomination CDs are typically negotiable.

Collateral – Securities, evidence of deposit or other property, which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Custody – Safekeeping services offered by a bank, financial institution or trust company, referred to as the “custodian.” Service normally includes the holding and reporting of the customer's securities, the collection and disbursement of income, securities settlement and market values.

Delivery Versus Payment – A type of securities transaction in which the purchaser pays for the securities when they are delivered either to the purchaser or custodian. It ensures that securities

are deposited in an eligible financial institution prior to the release of funds. Securities should be held by a third-party custodian as evidenced by safekeeping receipts.

Diversification – Dividing investment funds among a variety of securities offering independent returns.

Federal Agency Obligation – A debt instrument issued by one of the federal agencies. Federal agencies are considered second in credit quality and liquidity only to U.S. Treasuries.

Liquidity – An investment that can be converted easily and rapidly into cash without a substantial loss of value.

Local Agency Investment Fund (LAIF) – The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

Market Value – The price at which a security is trading and could presumably be purchased or sold on a specific date.

Maturity – The date upon which the principal or stated value of an investment becomes due and payable.

Portfolio – Collection of securities held by an investor.

Prudent Investor Standard – An investment standard that all investments should be made with care, skill, prudence and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.

Secondary Market – A market made for the purchase and sale of outstanding issues following the initial distribution.

U.S. Treasury – Government debt issued by the United States Department of the Treasury through the Bureau of the Public Debt. Treasury securities are the debt financing instruments of the United States federal government, and they are often referred to simply as Treasuries. There are four types of marketable treasury securities: Treasury bills, Treasury notes, Treasury bonds, and Treasury Inflation Protected Securities (TIPS). All of the marketable Treasury securities are very liquid and are heavily traded on the secondary market.

Yield at Market – The percentage rate of return paid if the security is held to its maturity date using the market price of the security. The calculation is based on the coupon rate, length of time to maturity, and market price. It assumes that coupon interest paid over the life of the security is reinvested at the same rate. The Yield at Market will vary over time.

Yield at Cost – The percentage rate of return paid if the security is held to its maturity date at the original time of purchase. The calculation is based on the coupon rate, length of time to maturity, and original price. It assumes that coupon interest paid over the life of the security is reinvested at the same rate. The Yield at Cost on a security remains the same while held as an investment.



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Christine Russell, Human Resources Manager

DATE: January 18, 2023

SUBJECT: **Item 12.2 Adopt Resolution 23-03 Approving a Veteran's and Resident Hiring Preference Policy**

BACKGROUND

At the October 2022 board meeting, a director requested a future agenda item regarding a veteran's and residency hiring preference. At the November 2022 board meeting, an agenda item was approved by the Board which outlined a veteran's and residency policy for new hires. A resolution and policy have been prepared for Board approval (see Attachment A and B).

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution 23-03 a Resolution of the Moraga-Orinda Fire Protection District Approving a Veteran's and Resident Hiring Preference Policy

ATTACHMENT

[Attachment A: 23-03 Veterans and Resident Hiring Preference.docx](#)
[Attachment B: Policy 21 Veteran's and Resident Hiring Preference.docx](#)

RESOLUTION NO. 23-03

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MORAGA-ORINDA FIRE PROTECTION DISTRICT
APPROVING A VETERAN’S AND RESIDENT HIRING PREFERNCE POLICY**

WHEREAS, The Board of Directors (“Board”) of the Moraga-Orinda Fire Protection District (“District”) recognizes the dedication of United States veterans and supports the Town of Moraga and City of Orinda residents and;

WHEREAS, veterans or residents of the Town of Moraga or City of Orinda will receive hiring preference points by meeting specified criteria and having achieved a minimum passing final examination score and being qualified for placement on the eligibility list.

NOW THEREFORE, the District Board does hereby resolve that the Veteran’s and Resident Hiring Preference Policy, attached as Attachment A, is hereby adopted, and

BE IT FURTHER RESOLVED THAT the District Board of Directors establishes a veteran’s and resident hiring preference policy.

PASSED, APPROVED AND ADOPTED this 18th day of January 2023 at the regular meeting of the District Board held virtually due to the COVID-19 pandemic, on a motion made by Director _____, seconded by Director _____, and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: January 18, 2023

John Jex, President
Board of Directors

ATTEST:

Marcia Holbrook
District Secretary/District Clerk

Approved: November 16, 2022 & January 18, 2023 (TBD)
Ordinance: None
Resolution: 23-03

MORAGA-ORINDA FIRE DISTRICT DISTRICT POLICY 21

VETERAN’S AND RESIDENT HIRING PREFERENCE

PURPOSE:

The Moraga Orinda Fire District Veteran’s and Resident Hiring Preference Policy has been developed to demonstrate the District’s support and appreciation of our United States veterans and residents of Moraga and Orinda. Pursuant to Resolution 23-03, preference points will be awarded, per specified criteria, to veterans and residents in the recruitment process for new hires.

POLICY:

Veteran’s Preference

In accordance with Title 5, United States Code, Section 2108, the veteran’s preference is based on dates of active duty service and discharge conditions. The applicant is required to demonstrate eligibility for veteran’s preference by:

1. having (1) served in the United States Army, Navy, Marine Corps, Air Force, Space Force or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or having been on continuous active duty for more than 180 days, or being a disabled veteran and (2) having received a discharge or release from active duty under honorable conditions; and
2. have competed in an open recruitment/examination process;
3. have submitted acceptable documentary evidence demonstrating eligibility prior to the final filing date of the recruitment period; and
4. have achieved a minimum passing final examination score and being qualified for placement on the eligibility list.

Moraga/Orinda Residence Preference

An applicant will be required to demonstrate the following in order to qualify for a residency preference:

1. reside in the Town of Moraga or City of Orinda for a full year (12 months) before the date of examination;
2. at the time of application, provide a legible copy of a valid Driver’s License or Identification Card to verify proof of residency;
3. have achieved a minimum passing final examination score and being qualified for placement on the eligibility list.

If either of the above referenced hiring preference components are deemed qualifying, a five (5) point credit will be added to the candidate’s final examination score.



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: January 18, 2023

SUBJECT: **Item 12.3 Draft Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code**

BACKGROUND

Pursuant to Sections 17958.5 and 18941.5 of the California Health and Safety Code, the Moraga-Orinda Fire District (Fire District) finds that amendments to the California Fire Code, 2022 Edition are necessary due to the climatic, geologic and topographical conditions (the “Conditions”) which exist in the Fire District. Under the adoptions of the California Fire Code, 2022 Edition, and specific amendments have been established which are more restrictive in nature than those adopted by the State of California and State Fire Marshal.

The local amendments to the California Fire Code, 2022 Edition, have been evaluated by the Fire District as a tool for addressing the fire problem and concerns within the Fire District, which will establish and maintain an environment for a high level of fire and life safety to all persons who work and live within the Fire District boundaries.

The conditions in the attached resolution establish a fire hazard within the Fire District, which requires specific amendments to the California Fire Code, 2022 Edition.

The Draft Resolution is provided to the Board for review and will be presented for adoption in conjunction with the second reading and adoption of the MOFD Ordinance 23-01 adopting and amending 2022 California Fire Code. Staff anticipates this will occur at the February 15, 2023 Regular Board meeting.

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide Direction to Staff if needed

ATTACHMENT

[Attachment: draft Resolution 23-04 Adopting Findings of Fact Justifying Amendments 2022 Fire Code](#)

RESOLUTION NO. 23-04

A RESOLUTION OF THE MORAGA-ORINDA FIRE DISTRICT OF CONTRA COSTA COUNTY, CALIFORNIA, ADOPTING FINDINGS JUSTIFYING AMENDMENTS TO THE 2022 EDITION OF THE CALIFORNIA FIRE CODE.

WHEREAS, Section 13869.7 of the Health and Safety Code allows a fire protection district, subject to subdivision (b) of Section 18941.5 of the Health and Safety Code, to adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code; and

WHEREAS, Subdivision (b) of Section 18941.5 of the Health and Safety Code provides that the more restrictive buildings standards adopted by local public agencies must, in accordance with Section 17958.7, be based upon express findings that the more restrictive standards are reasonably necessary due to local climatic, geological, or topographical conditions; and

WHEREAS, The Fire District's Ordinance No. 23-01, which adopts the California Fire Code, 2022 Edition, contains specific amendments that are more restrictive than those adopted by the State Fire Marshal and contained in the California Building Standards Code; and

WHEREAS, These amendments to the California Fire Code, 2022 Edition, have been developed by the Fire District as a tool for addressing climatic, geological and topographical conditions within the Fire District, and they will establish and maintain an environment for a high level of fire and life safety for all persons who work and live within the Fire District's boundaries.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Sections 13869.7, 18941.5, 17958.7, and 17958.5 of the California Health and Safety Code, that the Board of Directors of the Moraga-Orinda Fire District hereby finds that the amendments to the California Fire Code, 2022 Edition contained in Ordinance 23-01 are reasonably necessary due to climatic, geologic, and topographical conditions ("the Conditions") that exist in the Fire District. The Conditions are as follows:

Climatic Conditions

Ever-changing climatic conditions have increased the risk and severity of fires in the Fire District. Local climatic conditions of limited rainfall, low humidity, high temperatures, and high winds, along with existing building construction and landscaping, create extremely hazardous fire conditions that adversely affect the potential fire line intensity, spread rates, and size of fires in the Fire District. The same climatic conditions may result in the concurrent occurrence of multiple fires in the Fire District and throughout the region resulting in inadequate Fire District personnel to protect against and control these fires.

The Fire District is the gateway to central Contra Costa County. It is located amongst rolling hills and valleys created by the Berkeley/Oakland hills to the west and open plains of central Contra Costa County to the east. Due to its location, the Fire District's climate is more varied than that of its neighbors. The Fire District receives slightly more rainfall than areas further inland, and often, during the summer months, portions of the Fire District are enveloped in fog

as the heat in the Central Valley draws cool air in from the San Francisco Bay. However, the Fire District also experiences the hot, dry summer weather that is characteristic of central Contra Costa County. This climate has promoted the growth of native grasslands, chaparral, oaks, and other indigenous plant species in the area. The climate has encouraged development in the Fire District and the addition of primarily residential areas surrounded by large numbers of non-indigenous plant species. Due to the systematic exclusion of naturally occurring fire for over 100 hundred years, and a reduction in historical grazing activity as pasture has been developed, these indigenous and non-indigenous plant species have created significant fuel loads throughout the Fire District. Due to the location of the Fire District in proximity to the Oakland/Berkeley Hills, in the fall the hot dry summer weather gives way to Diablo Wind events characterized by high winds and very low relative humidity. These conditions have contributed to major fire loss in the region and throughout the state, with 17 of the 20 most destructive fires in California history occurring in the fall. The Fire District is exposed to more of these wind events as climate change has delayed the onset of the rainy season, thus increasing the risk of major fires.

In September 1923, during critical climatic fire conditions, a fire started in the wilderness lands of the Fire District's northern area. This fire spread into the city of Berkeley and, within two hours, was attacking houses within the City limits. A total of 130 acres of built-up territory burned. 584 buildings were wholly destroyed, with roughly 30 others seriously damaged. At that time, this was the most destructive fire in California history.

In September 1970, during critical climatic fire conditions characterized by hot, dry winds out of the northeast, a fire started along Fish Ranch Road and Grizzly Peak. This fire rapidly spread into the surrounding neighborhoods of Oakland, burning 400 acres and destroying 37 homes. An additional 18 homes were badly damaged before the fire was brought under control.

In August 1988, during critical climatic fire conditions, a small fire started near Crestview in Lost Valley and within minutes destroyed 5 homes. This fire's spread rate was increased by the prevalence of light flashy fuels and steep slopes in alignment with strong winds.

In October 1991, a disastrous firestorm burned through the Oakland hills from an ignition point just west of the Fire District's border. Within the first few hours, thousands of people were evacuated. Ultimately over 3,000 dwelling units were destroyed in what replaced the 1923 fire as the most destructive fire in California history.

On October 27, 2019, sustained single-digit relative humidity and 30+ mph winds created explosive fire conditions throughout the region. On the same day that the Kincadee fire burned in Sonoma County, five major fires broke out in Contra Costa County. Three of these fires burned in proximity to the Fire District in Lafayette, Crockett, and Martinez and resulted in the depletion of available mutual aid resources as available firefighting units were committed to each new fire.

Throughout the Fire District, homes are surrounded by heavy vegetation with interspersed open areas, creating a semi-rural character. The resulting exposure to wildfire risk is increased by the negative effects of high wind conditions during the fire season. During May to October, critical climatic fire conditions regularly occur when the temperature exceeds 80F, wind speed is greater than 15 mph, fuel moisture is less than or equal to 10 percent, wind direction is from north to the east-southeast, and the ignition component is 65 or greater. These conditions occur more frequently during the fire season, but this does not preclude the possibility that a serious

fire could occur during other months of the year.

The critical climate fire conditions create a situation conducive to rapidly moving, high-intensity fires. Fires starting in the wildland areas along the northern border are likely to move rapidly southward into the populated areas creating the potential for significant property loss and a very challenging evacuation problem.

Geological Conditions

Local geological conditions include high potential for seismic activity. The Fire District is made up of built-up suburban areas having buildings and structures constructed near three major fault systems capable of producing major earthquakes. The Fire District's amendments to the 2022 Fire Code are intended to better limit life safety hazards and property damage in the aftermath of seismic activity.

The Fire District is in a region of high seismic activity with the Hayward fault running just west of its border. The San Andreas fault is farther to the west and the Calaveras Fault to the east. All three faults are known to be active, as evidenced by the damaging earthquakes they have produced in the last 100 years, and they can be expected to do damage in the future. Of primary concern to the Fire District is the Hayward Fault, which has been estimated to be capable of earthquakes exceeding a magnitude of 7.0 on the Richter scale. Many underground utilities cross the fault, including major water supply lines. Intensified damage during an earthquake may be expected in slide areas, as well as residential hillside areas located within or near the fault zone. Some areas are steep and have previously been subjected to slides.

Additional potential events following an earthquake include broken natural gas mains and ensuing fires in the streets, building fires as the result of broken service connection, trapped occupants in collapsed structures, and requirements to render first aid and other medical attention to many residents.

Topographical Conditions

Local topographical conditions include hillside housing with many narrow and winding streets with slide potential for blocking roads and limiting firefighting water supply. These conditions create the potential for delays in responding when a major fire or earthquake occurs. Many situations will result in limited or totally blocked emergency vehicular traffic, overtaxed Fire District personnel, and a lack of resources for the suppression of fire in both structures and vegetated areas in the Fire District. To mitigate the conditions that hinder the rapid response of suppression resources to a fire, automatic fire-extinguishing systems and other changes to the 2022 Fire Code are required. These requirements will buy time for residents to execute an orderly evacuation while allowing for access by firefighting resources.

The Fire District has many homes that are reached by narrow and winding paved streets, which hamper access for fire apparatus and provide limited evacuation routes for residents. In addition, many of the hillside homes are in outlying areas that require longer response times for the total required firefighting force. El Toyonal, Sleepy Hollow, the Downs, Canyon, and other areas with limited access via narrow and winding streets may face the problem of isolation from the rest of the Fire District and will suffer from the need for two-way traffic as evacuation and suppression response travel in opposite directions over limited roadways.

Effective road widths are further reduced by encroaching vegetation and mid-slope roads

built without shoulders. This is particularly pronounced in older neighborhoods of North Orinda, some of which were laid out in the 1920s when vehicles were smaller, codes less stringent, and population density much lower.

Due to steep slopes that characterize many areas of the Fire District, the establishment of infrastructure to support adequate fire protection needs is not feasible. It is difficult to widen existing streets to meet present standards for emergency operations, and fire hydrants, especially in the hillside areas, often have less than optimum water pressure levels.

In summary, portions of the Fire District have limited water supplies or roadways that delay the response of emergency equipment to carry out the extinguishment of a fire allowing the fire to increase in area. To mitigate the above situation that hinders the quick response to a fire, built-in automatic fire-extinguishing systems are required over and above state code requirements. The requirement and installation of such a system will allow for occupants to evacuate and allow the fire to be controlled before the Fire District arrives. This control of the fire also eliminates the potential for fire to spread beyond the structure into the vegetation.

PASSED, APPROVED, and ADOPTED this day of _____ at the regular meeting of the District Board of Directors, held virtually on _____, on a motion made by Director _____ and seconded by Director _____ and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RESOLUTION 23-04

ATTEST:

John Jex, President
Board of Directors

I certify that this is a full, true, and correct copy of the original document, which is on file in my office, was passed and adopted by the Moraga-Orinda Fire District on the date shown.

ATTEST:

Marcia Holbrook
District Secretary/District Clerk

APPROVED AS TO FORM:

Jonathan V. Holtzman
District Counsel

RESOLUTION 2023-04



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: January 18, 2023

SUBJECT: **Item 12.4 Report on East Bay Hills Wildfire Prevention Vegetation Management JPA, Hills Emergency Forum (HEF) and the Diablo Fire Safe Council**

BACKGROUND

At the December 2022 regular board meeting a member of the public suggested a report providing additional information regarding regional wildfire risk reduction organizations.

MOFD participates in two existing wildfire risk reduction and coordination organizations and has been attending meetings related to the formation of the third organization.

Diablo Fire Safe Council:

Mission Statement

DFSC's role in Alameda and Contra Costa Counties is to serve as a catalyst for bringing together people, agencies and the means to substantially reduce the impact of wildland fire on our communities.

Science tells us that the geography, weather patterns and vegetation in the East Bay are ideal conditions for reoccurring wildfires.

While, we can't stop another devastating wildfire from occurring in our communities; we can help our communities prepare for a wildfire event. The goal is to reduce potential damage and speed recovery.

In addition to coordination and information sharing, the DFSC distributes USDA and State of California fuel reduction funds. These primarily consist of \$5000 grants to community groups for vegetation removal and modification. MOFD participates at several staff levels to include Fire Marshal Jeff Isaacs who serves as the vice president of the grant making board. MOFD does not contribute to DFSC's budget.

DFSC is fully funded by state and federal grants and is organized as a sub unit of the California Fire Safe Council: <https://cafiresafecouncil.org/>

From April 2019 through Dec 2022 DFSC's Partners in Wildfire Prevention program awarded \$78,093 to neighborhood projects within MOFD's jurisdiction. These funds were matched by \$264,649 (cash and sweat equity) from residents which resulted in the fire safety treatment of 475 acres and 1.5 miles of homes. These projects included volunteer time from 121 residents.

An example of these projects took place in the Sleepy Hollow Neighborhood where the NOA organized the "No Juniper Left Behind" outreach program with \$10k in DFSC funding. More information is available here: <https://www.sleepyholloworinda.com/firewise>

These funds were provided to DFSC by (2) CAL FIRE Grants, (1) Contra Costa Resource Conservation District grant as well as a private grant from PG&E.

More information regarding the DFSC is available via their website: <http://www.diablofiresafe.org/index.html>

Hills Emergency Forum:

Mission and Goals

The mission of the Hills Emergency Forum is to coordinate the collection, assessment and sharing of information on East Bay hills fire hazards and further, to provide a forum for building interagency consensus on the development of fire safety standards and codes, incident response and management protocols, public education programs, multi-jurisdictional training, and fuel reduction strategies.

The HEF was formed in 1992 following the devastating 1991 Tunnel Fire to increase coordination amongst agencies effected by this event. MOFD joined in 2006. Current members are:

City of Berkeley
City of Oakland
East Bay Regional Park District
East Bay Municipal Utility District
El Cerrito/Kensington Fire District
Moraga-Orinda Fire District
Lawrence Berkeley National Laboratory
University of California

CalFire is also a member but does not pay dues.

HEF is funded by member dues and organizes monthly information sharing meetings, an annual report (see here: <http://www.hillsemergencyforum.org/docs/HEFAnnualReport2022.pdf>), and a media day (see here: <http://www.hillsemergencyforum.org/media.html>).

In 2022 MOFD's dues were \$5,500.

In 2022, in conjunction with the East Bay Hills Wildfire Prevention JPA formation discussions, MOFD proposed expanding HEF to include Alameda County Fire, Contra Costa County Fire, City of Pinole, City of Richmond, and Rodeo-Hercules Fire. This proposal was not supported by the majority of HEF members and there are no current discussions of HEF expansion.

In addition to an annual media day designed to increase public awareness of the need for wildfire safety, the majority of HEF's efforts are focused on the coordination and information sharing of fuel management activities by landowning agencies, specifically the University of California, LBNL, EBMUD, and EPRPD.

East Bay Hills Wildfire Prevention and Vegetation Management Coordination

Beginning in late 2021, a grassroots citizen led effort began to form a regional wildfire prevention and vegetation management coordination entity. Through citizen donations and several grants, this effort retained Placeworks to lead a regional effort similar to work done in Marin County which resulted in the

formation of the Marin Wildfire Authority (for more information see here: <https://www.marinwildfire.org/>).

MOFD has participated in this effort on behalf of our agency and representing the Contra Costa County Fire Chief's Association. This effort continues to evolve, but was a beneficial multi-county forum through which the Contra Costa County Fire Chief's Association's work on a standardized local amendment to the Fire Code and associated fuels mitigation ordinance was shared with fire departments in Alameda County.

RECOMMENDATION

Staff Recommendation: No Action Required; Informational purposes only



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: January 18, 2023

SUBJECT: **Item 12.5 East Bay Hills Wildfire Prevention and Vegetation Management Request for Funding in the Amount of \$3,500**

BACKGROUND

At the December 2022 board meeting a director reported receiving an email from the East Bay Hills Wildfire Prevention and Vegetation Management group requesting \$3,500 in funding to continue their efforts and asked that an agenda item be brought forward. The original request is included as the attachment.

More information regarding the efforts of the East Bay Hills Wildfire Prevention and Vegetation Management group is available here: <https://eastbaywildfire.org/>

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide board direction regarding request from the East Bay Hills Wildfire Prevention and Vegetation Management group for \$3,500

ATTACHMENT

[Attachment: Email from Wildfire Prevention Working Group Funding Allocation](#)

From: [Holbrook, Marcia](#)
Cc: [Jon Holtzman](#); [Winnacker, David](#); [Sasser, Gloriann](#); [Holbrook, Marcia](#)
Subject: FW: Wildfire Prevention Working Group Funding Allocation
Date: Wednesday, December 21, 2022 9:37:45 PM

Good Evening Directors,
Please see the below correspondence received Wednesday, December 21, 2022.

Thank you,
Marcia

Marcia Holbrook, District Secretary/District Clerk
Moraga-Orinda Fire District
1280 Moraga Way, Moraga, CA 94556
Phone: (925) 258-4501
Fax: (925) 376-1699

From: Jon Kaufman <[REDACTED]>
Sent: Wednesday, December 21, 2022 9:14 AM
To: Winnacker, David <[REDACTED]>; Steve Danzi <[REDACTED]>
Cc: Lisa Jacobs <[REDACTED]>
Subject: Wildfire Prevention Working Group Funding Allocation

CORRECTED LETTER

Dear Director Danziger and Chief Winnacker,

In addition to discussing the draft MOU at the wildfire prevention working group meeting on December 12, we discussed the need for interim funding. As you will recall, the citizens committee had raised \$135,000 from the Air District, the Donner Family Fund, PG&E and from several interested neighborhood organizations and individuals. Those funds have enabled us to continue funding our work only through next February. We estimate that bringing in those agencies who have participated in our previous discussions, getting city councils, boards of supervisors and fire district boards as well as their legal counsel review will take us into the summer, Therefore, agreement on a dues structure will likely not occur until September of next year.

We estimate that we will need an additional \$35,000 to carry us through September 2023 when we hope that the MOU will be in place and member agencies including those beyond the working group will begin making contributions through an adopted dues structure. While the citizens committee will continue its efforts to raise funds from other parties, in the meantime we need you to provide the interim funding and demonstrate to other past and potential contributors, like the Air District, that the potential signers of the MOU are demonstrating their commitment.

Based on the discussion on December 12 and the population and territory in the wildfire zones in each of the working group member's areas, we believe a reasonable allocation of the \$35,000 among the working group members would be as follows:

Alameda County \$7,500.

Contra Costa Cty	7,500.
Oakland	6,000.
Berkeley	6,000.
Richmond	3,500.
Moraga-Orinda FD	3,500.
Pinole	1,000.

Under this formula, the District's allocation is \$3,500.

Funds could come from available agency budgets, political campaign accounts or raised from other, third party sources. The funds should be sent to the Oakland Firesafe Council which is a non-profit tax-exempt organization which has acted as the fiscal agent for all the previous contributions. Its Federal ID number is 61-1735278. Checks should be noted "MOU Project Fund" and sent to the Oakland Firesafe Council, 6114 LaSallee Avenue, Suite 462, Oakland, CA 94611. The tax ID number is 61-1735278.

Please call or email us with any questions.

Jon Kaufman and



Lisa Jacobs, Co-chairs





Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: January 18, 2023

SUBJECT: **Item 12.6 Potential Operational and Financial Challenges Posed by an Excessive Precipitation Event Over the Winter Season**

BACKGROUND

During the December 2022 Board meeting a Director expressed concern regarding a low potential, high impact event involving a series of stalled atmospheric rivers that could occur in the District. The Director requested a short discussion about the operational and financial challenges resulting from a series of stalled atmospheric rivers in the Bay area such as occurred between Christmas Eve, 1861, and January 24, 1862.

Major events are addressed in Local Hazard Mitigation Plans prepared by the City, Town, and County. These were last published in 2018 and are available via the links provided below:

Contra Costa LHMP: <https://www.contracosta.ca.gov/DocumentCenter/View/48893/Contra-Costa-County-Draft-Local-Hazard-Mitigation-Plan-Volume-1-January-31-2018?bidId=>
(Landslides are addressed in Chapter 10 starting on page 207)

Orinda LHMP: <https://www.cityoforinda.org/DocumentCenter/View/3387/Adopted-Local-Hazard-Mitigation-Plan?bidId=>
(Event history 1986-2017 is on page 45 and a landslide potential map is on page 61)

Moraga LHMP: <http://police.moraga.ca.us/documents/Moraga%20Emergency%20Operations%20Plan%20-%2008222018.pdf>
(Landslides are address on page 18)

The Contra Costa and Orinda LHMPs were completed by Tetra Tech and are consistent with LHMP plans prepared for other jurisdictions throughout the region.

Safety Elements prepared by the County, City, and Town address the potential impact of new development.

For the purpose of definitions, the following is included in Chapter 11 of the County LHMP:

Atmospheric River—A long, narrow region in the atmosphere that transports most of the water vapor outside of the tropics. These columns of vapor move with the weather, carrying large amounts of water vapor and strong winds. When atmospheric rivers make landfall, they release this vapor in the form of rain or snow, causing flooding and mudslide vents.

Chapter 10 identifies the need for both the initial ground failure and the "run out" of loosened material which includes travel distance and velocity to accurately assess risk, however the following caveats are included with regard to modeling:

All current landslide models—those in practical applications and those more recently developed—use simplified hypothetical descriptions of mass movement to simulate the complex behavior of actual flow. The models attempt to reproduce the general features of the moving mass of material through measurable factors, such as base shear, that define a system and determine its behavior. Due to the lack of experimental data and the limited current knowledge about the behavior of the moving flows, landslide models use simplified parameters to account for complex aspects that may not be defined. These simplified parameters are not related to specific physical processes that can be directly measured, and there is a great deal of uncertainty in their definition. Some, but not all, models provide estimates of the level of uncertainty associated with the modeling approach. Run-out modeling is complicated because the movement of materials may change over the course of a landslide event, depending on the initial composition, the extent of saturation by water, the ground shape of the path traveled and whether there is additional material incorporated during the event.

MOFD is an all hazard provider of fire, rescue, and EMS services throughout the 42 square miles of the fire district. Due to MOFD's size, responses to certain low frequency events are augmented via automatic and mutual aid from other agencies throughout the region and state. Aid from beyond Contra Costa and Alameda County is provided via California Fire Service and Rescue Emergency Mutual Aid Plan which is an element of the California Emergency Plan that was formerly known as the California Disaster and Civil Defense Master Mutual Aid Agreement. More information on this plan is available here: <https://www.caloes.ca.gov/office-of-the-director/operations/planning-preparedness-prevention/planning-preparedness/state-of-california-emergency-plan-emergency-support-functions/>

Following a landslide or earthflow, MOFD members can be expected to be first on scene. All MOFD members have completed technical rescue awareness and Low Angle Rescue Operations. All apparatus are also equipped for low angle technical rescue.

MOFD staff members have completed the following State Fire Training Technical Rescue curriculum:

- Rescue Systems I- 54
- Rescue Systems II- 7
- Rescue Systems III- 5
- High Angle Rescue- 5
- Confined Space Awareness- 54
- Low Angle Rope Rescue Operations (LARRO)- 54
- Trench Rescue- 35

More information on specific skills taught in these courses is available here: https://84bcf5b8-1340-45ee-8bb6-22c4b47d590e.filesusr.com/ugd/c93979_0c4f12085dff4da495a68884624b6f51.pdf

The following technical rescue equipment is carried on MOFD apparatus:

Engine 41	Engine 42	Engine 43	Truck 44
Cribbing	Rescue 42 Stabilization Struts	Rescue 42 Stabilization Struts	Rescue 42 Stabilization Struts
Hand Tools	Air bags	Air bags	Airbags X2
	Cribbing	Cribbing	Cribbing X2
	Chain	Chain	Chains x2
	Ropes and hardware	Ropes and hardware	Ropes and hardware x2
	Stokes	Stokes	Stokes

Battery spreaders, cutters, ram	Battery spreaders, cutters, ram	Air Chisel
Sawsall	Sawsall	Floor Jacks x2
Rotary Saw	Rotary Saw	Hydraulic spreaders, cu ram
		Sawsall
		Rotary Saw
		Come along
		E-644
		Winch
		Rescue Wheel
		Stokes

The combination of training and equipment provides MOFD members with tools required to carry out the initial actions associated with a landslide or earthflow event.

Additional investments can be made to further prepare for this low probability, high impact event, however the current budget, for operations, equipment, and planning does not provide for further development of this area. Specifically, planning will require retention of an outside expert as MOFD staff has both limited capacity and qualifications in this area.

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide direction to staff



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: January 18, 2023

SUBJECT: **Item 12.7 Planning for Return to In-Person Board Meetings, New Teleconferencing Laws regarding Remote Attendance by Board members, Provide Direction Regarding the Option to Provide Virtual Public Access to Board Meetings Using Zoom Beginning March 2023, Provide Direction Regarding the Option to Broadcast Board Meetings using YouTube for Public Observation and Provide Direction Regarding Holding Future Board Meetings in a Single Location**

BACKGROUND

Since the COVID pandemic started in March 2020, all MOFD legislative bodies have conducted meetings by webinar and teleconference pursuant to Executive Order N-25-20 and N-29-20, which suspended some aspects of the Brown Act and allowed for legislative bodies (any council, board, commission, or committee) to hold meetings entirely electronically with no physical meeting place.

On September 16, 2021, Governor Gavin Newsom signed Assembly Bill 361 into law, which modified the Brown Act's requirements for conducting remote meetings by teleconferencing during a declared state of emergency. AB 361 went into effect as an urgency measure to allow public agencies to continue to conduct meetings remotely during the COVID-19 pandemic and other proclaimed emergencies using the modified teleconferencing rules as of October 1, 2021.

AB 361 contained several requirements in order to continue the use of remote meetings. One of those requirements was that the Governor must have proclaimed a state of emergency under the California Emergency Services Act (Govt. Code § 8625 *et. seq.*). On October 17, 2022, Governor Gavin Newsom announced that the COVID-19 State of Emergency would end on February 28, 2023. Staff is planning for the return of in-person meetings following three years of all-virtual meetings due to the COVID-19 pandemic.

VIRTUAL PUBLIC ACCESS

At the July 2021 board meeting, the board directed staff to investigate options to provide in-person and virtual public access (hybrid) to public meetings beginning in October 2021 (attachment A). At the August 16, 2021 board meeting, Staff presented options and noted in the report that high-end proprietary systems to offer virtual attendance were not an option for the District since the District does not own meeting space. The board directed staff to prepare for a hybrid board meeting upon the expiration of State Executive Orders (attachment B). Staff has determined that the District's existing AV equipment could be utilized for limited virtual option to the public so long as the District meetings were held in one location due to the numerous challenges created by rotating locations on a monthly basis. Once directed by the board, Staff will begin securing one meeting space to accommodate the virtual participation option.

Historically, board meetings have been rotated between locations in Orinda and Moraga on a monthly

basis in order to provide equitable access to all residents of the district. With the new virtual option, staff believes access can be provided regardless of the physical location of the meeting and recommends providing direction to staff to secure a single location for future board meetings.

Once directed by the board, Creation Networks (the existing audio-visual company that supports the District's AV equipment) will be consulted to evaluate and determine the requirements for offering a virtual option for participation. Initial consultations with Creation Networks in 2021 identified that the District's existing PA system via the Zoom platform would be sufficient to broadcast individual audio but limit broadcast video to a single wide-angle lens pointing at the board and a second wide-angle lens pointing to the audience and public speaker lectern. Virtual public access will require the District to hire an audio-visual contractor to design, test, set-up the system and attend the board meetings at a cost of \$150 per hour.

Public Comment will be enabled via in-person comments, Zoom comments, and email throughout the meeting. It is important to note that should the WiFi connection be lost or dropped during the meeting, Staff will utilize a cellular hotspot to reconnect and continue the broadcast without video to reduce data requirements. However, because the board would be meeting in person and allowing the public to attend remotely as a courtesy, the board could continue to proceed with its meeting if the WiFi connection was lost during the meeting. Language would be added to the agenda informing participants what will happen in the event internet connection is lost and cannot be reestablished.

In addition, Staff has provided a review of the new teleconference meeting laws (below) regarding remote attendance by Board members at Board meetings and advises the Directors to not avail themselves of the AB2449 remote option due to the difficulty of displaying remote video for in-person participants. Staff recommends continuing to conduct public meetings under the following conditions: Standard (pre-pandemic) Teleconference Requirements (telephone call-in) for board members who are unable to attend in person.

TELECONFERENCING LAWS REGARDING REMOTE ATTENDANCE BY BOARD MEMBERS

A.B. 361 (Govt. Code § 54953(e))

Presuming the Governor lifts the COVID Emergency orders on February 28, 2023, Brown Act legislative bodies will no longer be allowed to meet by teleconference under A.B. 361.

A.B. 2449 (Govt. Code § 54953(f))

A.B. 2449 (in effect now) allows for individual members to attend a meeting by teleconference under very specific circumstances:

1. Requirements.

(a) A quorum of the council must participate in person at its public meeting site within the boundaries of the jurisdiction (i.e. Town hall/council chambers).

(b) A member who wishes to participate remotely must have either **just cause** or **emergency circumstances**.

Just cause means:

- A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the councilmember to participate remotely.
- A contagious illness that prevents a member from attending in person.
- A need related to a physical or mental disability not otherwise accommodated under the 'reasonable accommodation' provisions of the Americans with Disabilities Act.

- Travel while on official business of the legislative body or another state or local agency.

Emergency circumstances means:

- A physical or family medical emergency that prevents a member from attending in person.

2. Procedures and Limitations.

(a) Just cause:

- The councilmember must provide a general description of the circumstances relating to their need at the earliest opportunity possible, including at the start of the meeting.
- A councilmember may not appear remotely due to “just cause” for more than two meetings per calendar year.

(b) Emergency circumstances:

- The councilmember must give a general description of the emergency circumstances, but the member is not required to disclose any medical diagnosis, disability, or personal medical information.
- The Council must take action to approve the request.

(c) Both:

- The member must disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room with the member, and the general nature of the member's relationship with any such individuals.
- The member must participate through both audio and visual technology (i.e. the member must be on-screen).
- A member cannot attend meetings remotely for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

Standard Teleconference Requirements (Govt. Code § 54953(b)(3).)

The teleconference provision existing prior to the pandemic (and still in effect) allows individual Councilmembers to attend remotely under the following conditions:

- All teleconference locations are identified in the notice and agenda
- An agenda is posted at each teleconference location
- The public is entitled to attend at each teleconference location
- All votes are taken by roll call and
- At least a quorum of the members participating are within the geographic jurisdiction of the public agency.

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Conduct public meetings under the following conditions beginning March 2023: Standard (pre-pandemic) teleconference call in for board members who are unable to attend in person; 4) Provide direction to staff regarding the option to provide virtual public access to board meetings using Zoom beginning March 2023 5) Provide direction to staff regarding the option to broadcast board meetings using YouTube for public observation 6) Provide direction to staff regarding holding future board meetings in a single location.

ATTACHMENT

[Attachment A: July 21, 2021 Staff Report Hybrid Option Board Meeting Staff Report](#)
[Attachment B: August 16, 2021 Staff Report Hybrid Option Board Meeting](#)



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: July 21, 2021

SUBJECT: **Item 8.5 – Planning for Return to In-Person Board Meetings and the Option to Provide Virtual Public Access to Public Meetings Beginning October 2021**

BACKGROUND

On March 17, 2020, the Governor of California issued Executive Order N-29-20 suspending teleconferencing restrictions of the Brown Act due to the COVID-19 pandemic.

On March 20, 2020, the Moraga-Orinda Fire District held its first virtual public board meeting. Subsequently all formal public meetings continued to meet remotely via the Zoom application which allowed full verbal and written public participation.

In June 2021 an Executive Order was issued that requires public agencies to return to in-person public meetings effective October 1, 2021. Any local agency meetings taking place after that time must ensure physical public access to all meeting locations. Beginning October 2021, the District will hold all public meetings in person as required by State law.

At the June 2021 board meeting, a member of the board requested an agenda item to discuss future board meetings. Staff has begun to plan for the return to in-person meetings, following over a year of all-virtual meetings because of the COVID-19 pandemic.

Public participation at board meetings increased during the pandemic when board meetings were held virtually. While the District is required to hold all public meetings in person beginning October 2021, the District may also provide additional access to the public via a virtual option. Virtual public meeting access is not required by State law following a return to in person meetings beginning October 2021. Staff requests board direction regarding whether the District should provide optional virtual public access to public meetings beginning in October 2021. Virtual public access will require District investment in new equipment and will be challenging to offer as the District does not own a meeting space and rotates meeting locations on a monthly basis.

DIGITAL BOARD MEETING AGENDAS AND PACKETS

One of the goals for FY2022 is to implement digital board meeting agendas and packets in order to improve accessibility and efficiency. The District has contracted with Granicus to implement Peak Agenda Management software. The software implementation process has started and the first digital agenda and packet is scheduled for the October 2021 board meeting. The software is designed for board members to electronically access the agenda and packet during board

meetings using a laptop or tablet. The District does not currently provide a laptop or tablet to board members.

CHALLENGES WHEN HOLDING PUBLIC MEETINGS IN PERSON AND VIRTUALLY AT THE SAME TIME

The District does not own a room to hold public board meetings. As a result, the District uses rooms that belong to other public agencies which are not always available. Several different locations are used due to scheduling conflicts. In addition, the District attempts to hold public meetings in both Moraga and Orinda on a rotating basis. The District has to use portable audio equipment to record board meetings and is required to move the equipment back and forth between the Administration office and the meeting locations. The District also has to store all equipment at Administration where there are space limitations. The District is reliant on the internet system that is available at the various board meeting locations. The District does not own video equipment and does not provide laptops or other technology devices to board members for use at public meetings.

Hosting public meetings in person and virtually at the same time will require the following:

- A room that is large enough for board members and staff to spread out sufficiently so there is no audio feedback. The District also needs to provide a large enough room to allow for social distancing/COVID safety protocols. Many of the rooms the District has used in the past will likely be too small (Sarge Littlehale Room in Orinda, Moraga Library Community Room.)
- Stable wireless Internet access with adequate bandwidth and connectivity
- Laptops or tablets with built-in cameras and microphones for each board member or,
- Centralized camera capable of covering all board members at the same time

PUBLIC MEETING OPTIONS BEGINNING OCTOBER 2021

Staff has identified three options for hosting public meetings as follows:

1. In-person only, no remote participation (pre-pandemic standard)
 - Meeting will be audio recorded only using existing District-owned equipment
 - District will need to use a large room in order to provide adequate social distancing
 - Up to two board members could participate in the public meeting via telephone as long as three other board members attend the public meeting in-person (pre-pandemic standard)
 - Fiscal Impact: None
2. In-Person and Virtual Public Access and Participation using Zoom Room
 - Requires wireless Internet access with adequate bandwidth and connectivity
 - Requires purchase of technology equipment which may include an encoder, camera, audio and/or cart
 - Requires Zoom Room software annual subscription
 - The room size would need to be smaller in order to capture the sound which may result in social distancing issues

- Requires a dedicated computer with camera pointing at the board
 - Up to two board members could virtually participate in the public meeting from an out-of-town location via Zoom or telephone as long as three other board members attend the public meeting in-person
 - Fiscal Impact: \$20,000 - \$30,000. The budget does not include this project. A budget adjustment would be necessary.
3. In-Person and Virtual Public Access and Participation using Zoom
- Requires wireless Internet access with adequate bandwidth and connectivity
 - Requires purchase of laptops/tablets for each board member
 - Requires a large room to prevent audio feedback
 - Each board member joins the Zoom virtual meeting via the laptop/tablet in front of them. Each board member/speaker must be muted and only one person can talk at a time. Audio feedback will happen if multiple people are not muted.
 - A laptop/tablet could be placed at the podium for an in-person public speaker to speak
 - Up to two board members could virtually participate in the public meeting from an out-of-town location via Zoom or telephone as long as three other board members attend the public meeting in-person
 - Fiscal Impact: \$10,000 - \$20,000. The budget does not include this project. A budget adjustment would be necessary.

BOARD DIRECTION REQUESTED AND NEXT STEPS

The District is required to hold all public meetings in person beginning October 2021. Staff requests board direction regarding the following beginning October 2021:

1. Virtual public access to public meetings
2. In order to provide technology stability and allow staff to test board meeting equipment, it would be helpful and possibly necessary to hold all public meetings at the same meeting location such as the City of Orinda Council Chambers, Town of Moraga Council Chambers, Saint Mary's College, Joaquin Moraga Intermediate School Auditorium or Library. This may result in room rental costs and/or staff time costs from other agencies.
3. Use of Zoom Room (multiple people can talk at the same time) versus Zoom (only one speaker at a time)

If the board directs staff to provide virtual public access to public meetings, staff will bring additional details, cost information and a budget adjustment for approval at the August 2021 board meeting.

RECOMMENDATION

1) Discuss; 2) Deliberate; 3) Provide direction to staff regarding the option to provide virtual public access to public meetings beginning October 2021.



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: August 16, 2021

SUBJECT: **Item 8.2 – Planning for Return to In-Person Board Meetings and the Option to Provide Virtual Public Access to Public Meetings Beginning October 2021**

BACKGROUND

At the July 2021 board meeting, the board directed staff to investigate options to provide in-person and virtual public access to public meetings beginning October 2021. The following requirements to host a hybrid public meeting (in person and virtual) were identified:

- A room that is large enough for board members and staff to spread out sufficiently to prevent audio feedback.
- A room large enough to support social distancing/COVID safety protocols. Many of the rooms the District has used in the past may be too small (Sarge Littlehale Room in Orinda, Moraga Library Community Room.)
- Stable wireless Internet access with adequate bandwidth and connectivity
- Laptops or tablets with built-in cameras and microphones for each board member or a single camera capable of covering all board members at the same time

Staff consulted with Keentek, an audio and video solutions provider. Keentek is determining if the City of Orinda's auditorium is conducive to a hybrid environment utilizing existing AV equipment with an all-in-one conferencing system (Zoom Room) or with the Granicus agenda management encoder that integrates the video streaming element with the agenda management software.

Staff also consulted with the city of Rancho Palos Verdes in Southern California. Rancho Palos Verdes has been successfully producing hybrid board meetings for the last year utilizing an encoder and Zoom application. The equipment they are using includes Granicus Live meeting manager software, encoder, five cameras and permanently installed audio/microphones. In addition, at each public meeting the city uses five city employees to broadcast the meeting: two camera operators, one city clerk and two virtual Zoom operators to manage the virtual elements of the meeting. The city also utilizes information technology staff to provide technology support during the meetings to resolve technical issues.

OPTIONS

The District has the following options for public meetings:

1. City of Orinda Auditorium – City staff confirmed they are willing to allow the District to use their auditorium, audio and visual system. The District would need to purchase an encoder, encoder software and camera. Estimated cost \$10,652

2. Town of Moraga Council Chambers – Town staff confirmed they are willing to allow the District to use the council chambers and audio system. The District would need to purchase an encoder, encoder software and camera. Estimated cost \$10,652
3. Joaquin Moraga Intermediate School Auditorium – School district staff confirmed they are willing to allow the District to use the auditorium. MOFD’s existing audio and visual system will work in this location.

For October, Staff recommends utilizing the Joaquin Moraga Intermediate School Auditorium as the largest available space which will support use of MOFD’s equipment. An AV support specialist may be required.

Although both the City and Town Council Chambers are equipped with existing AV appliances, the District would need to purchase a separate encoder appliance or Zoom Room as these systems do not allow for separate organizations to share the appliances. Additional purchases for both locations and the added complications of developing and supporting the production requirements for two separate locations make this option challenging and expensive.

Staff is evaluating available options in a central location. If the District secures one location for public meetings, an audio-visual consultant could be consulted to help design a system to successfully produce hybrid board meetings.

The variables of one meeting location versus a rotating meeting location change the requirements and the long-term recommendation. Once the meeting space variable is decided, an audio-visual expert will need to be hired to design and determine the requirement needs for hybrid board meetings.

While recent increases in COVID-19 infection rates may result in updated state requirements to resume in person meetings, staff continues to plan under the current guidance. An update with additional options will be provided if this guidance changes.

NEXT STEPS

Staff is seeking Board direction regarding the continued rotation of meeting locations between Moraga and Orinda or if a single central location may be used in lieu of rotating locations.

RECOMMENDATION

Informational only