



Moraga-Orinda Fire District
BOARD OF DIRECTORS
REGULAR BOARD MEETING MINUTES
December 21, 2022
(APPROVED JANUARY 18, 2023)

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.

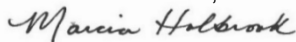
Jonathan Goodwin, Canyon resident, supported the future agenda item on the series of stalled atmospheric rivers, and the idea of celebrations and recognizing sacrifices. Mr. Goodwin suggested a resolution stating meetings should be limited to 2.5 hours.

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.*

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

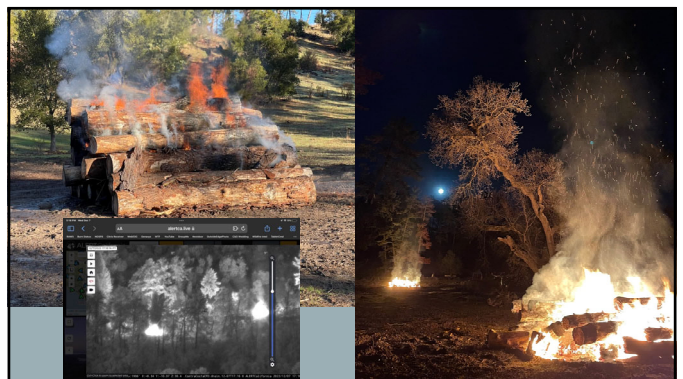
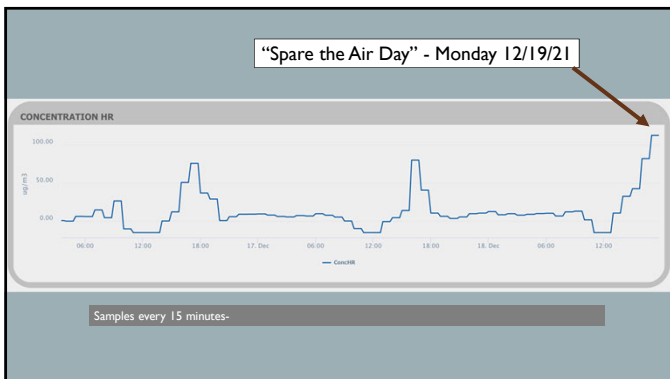
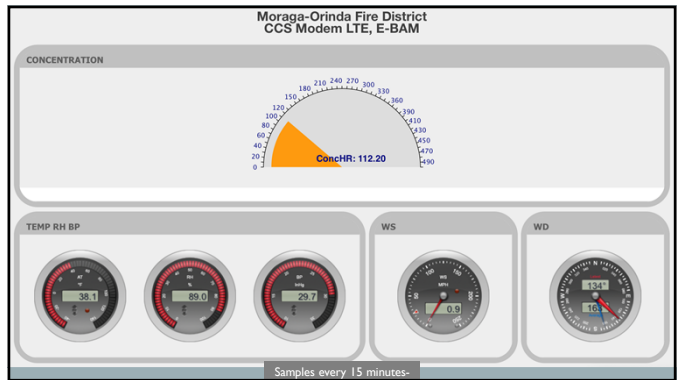
Recruitment Update

- Firefighter Paramedic Trainee
- Fuels Mitigation Specialist
- Battalion Chief

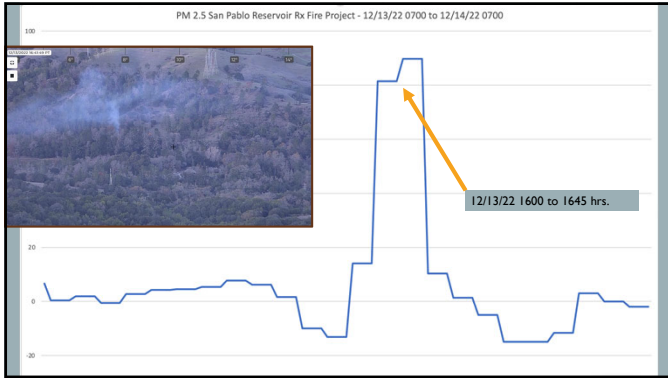
Staffing Update

- Employee Resignation
- Promotions

7.4e Emergency Preparedness Presentation



7.4e Emergency Preparedness Presentation



MOFD Board Update
December 21, 2022



