



Moraga-Orinda Fire District

Board of Directors

REGULAR MEETING

February 15, 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/85681463918>
Webinar ID: 856 8146 3918

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
- 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 23-05 Re-Ratifying Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference**

Staff Recommendation: Adopt Resolution 23-05 Re-Ratifying Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference

3. PUBLIC COMMENT - CLOSED SESSION ITEMS
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 Labor Negotiator - Local 1230, IAFF**
(Government Code Section 54957.6)
Employee Organization: Local 1230, International Association of Firefighters IAFF
Agency Designated Representative: Donna Williamson
 - 4.2 **Conference with Legal Counsel – Anticipated Litigation**
Significant Exposure to Litigation under Government Code Sections 54956.9(d)(2) and 54956.9(e)(3) – one potential case
 - 4.3 **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
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 Recognizing Black History Month February 2023**
The Moraga-Orinda Fire District takes pride in joining Americans throughout the country in recognizing the month of February as Black History Month.
[Attachment: Black History Month Proclamation 2023](#)
9. PUBLIC HEARING
 - 9.1 [Second Reading and Adoption 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 second 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) Adopt 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.
[Attachment: Ordinance 23-01 MOFD 2022 Fire Code redline](#)
[Attachment: Ordinance 23-01 MOFD 2022 Fire Code.pdf](#)

[Attachment: 2022.12.21 Office of the Fire Chief-City of Orinda Fire Code Responses](#)
[Attachment: 2023.01.05 Office of the Fire Chief-Town of Moraga Fire Code Response](#)
[Attachment: 2023.01.11 - Public Comment Orinda City Council - First Reading](#)

- 9.2 [Second Reading and Adoption 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 Second 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) Adopt Ordinance 23-03, Establishing Fuel Mitigation and Exterior Hazard Abatement Standards in all State Responsibility and Local Responsibility Areas with the District

- 9.3 [Attachment: Ordinance 23-03 Defensible Space and Exterior Hazard Abatement Ordinance](#)
[Second Reading and Adoption 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 Second 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) Adopt 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.

[Attachment: Ordinance 23-04 Fuel Break Ordinance](#)

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

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Conduct a public hearing; 4) Introduce and Waive the Second Reading of Ordinance 23-02; 5) Adopt Ordinance 23-02 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

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

[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**

[Attachment: 01- Ellen Dale](#)

[Attachment 02- Jonathan Goodwin](#)

[Attachment 03- Jonathan Goodwin](#)

- 10.4 **Fire Chief Updates**

a. **Finance Report**

b. **Human Resources**

c. **Fire Marshal**

d. **Tunnel East Bay Hills Fuel Break Project**

e. **Operations**

[01-January 2023 Fire Prevention Report.pdf](#)

11. CONSENT AGENDA

- 11.1 **Meeting Minutes – January 18, 2023 (Regular)**
Staff Recommendation: Approve and File
Attachment: [01-18-23 Regular Minutes DRAFT](#)
 - 11.2 **Monthly Incident Report – January 2023**
Staff Recommendation: Approve and File
Attachment: [Monthly Incident Report - January](#)
 - 11.3 **Monthly Check/Voucher Register – January 2023**
Staff Recommendation: Approve and File
Attachment: [Check Register January 2023.pdf](#)
 - 11.4 **Quarterly Investment Report - December 31, 2022**
Staff Recommendation: Approve and File
Attachment: [Quarterly Investment Report 12.2022.pdf](#)
 - 11.5 **Approval of Salary Schedule Unrepresented Employees Effective January 1, 2023**
Staff Recommendation: Approve and File Salary Schedule Unrepresented Employees Effective January 1, 2023
Attachment: [Salary Schedule-Unrepresented Effective 01-01-2023.pdf](#)
 - 11.6 **Authorize Contract with Delta Dental of California for the Period April 1, 2023 through March 31, 2025**
Staff Recommendation: Authorize contract with Delta Dental of California for the period April 1, 2023 through March 31, 2025.
 - 11.7 **Authorize Acceptance of the FY 2021 Assistance to Firefighters Grant in the Amount of \$447,780 for the Purchase of 66 Self-Contained Breathing Apparatus Units**
Staff Recommendation: 1) Authorize Acceptance of the FY 2021 Assistance to Firefighters Grant in the Amount of \$447,780 for the Purchase of 66 Self-Contained Breathing Apparatus Units
Attachment A - Award Package.pdf
12. REGULAR AGENDA
- 12.1 **Adopt Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code**
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code
Attachment: [Resolution 23-04 Adopting Findings for 2022 Fire Code \(v.2 1-12-22\) - Final 2.15.23.docx](#)
 - 12.2 **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](#)
 - 12.3 **Establish an Ad Hoc Committee to Develop Plans for Expanding the Fire Prevention Program**
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Establish an Ad Hoc Committee to Develop Plans for Expanding the Fire Prevention Program; 4) Appoint Directors to Serve on this Committee
 - 12.4 **Mid-Year Budget Review FY2023 and Approval of General Fund Revenue Budget Adjustment Increase in the Amount of \$393,363, General Fund Expenditure Budget Adjustment Decrease**

in the Amount of \$195,370, and Authorize an Operating Transfer Out of the General Fund into the Capital Projects Fund in the Amount of \$3,100,000.

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Approve General Fund Revenue Budget Adjustment Increase in the Amount of \$393,363, General Fund Expenditure Budget Adjustment Decrease in the Amount of \$195,370, and Authorize an Operating Transfer Out of the General Fund into the Capital Projects Fund in the Amount of \$3,100,000.

Attachment A: Mid Year Budget Review 22-23.pdf

- 12.5 Determine the Amount of the OPEB Trust Contribution and the Amount of the Pension Rate Stabilization Trust Contribution for Fiscal Year 2023 and Authorize the Transfer of District Funds to Complete the Trust Contributions

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Determine the amount of the OPEB trust contribution and the amount of the pension rate stabilization trust contribution for fiscal year 2023 and authorize the transfer of District funds to complete the trust contributions.

- 12.6 Resolution 23-06, a Resolution of the Board of Directors of the Moraga-Orinda Fire Protection District nominating a Director as a Representative of Special Districts on the Contra Costa Local Agency Formation Commission

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) If the Board would like to nominate a Director to serve on the Contra Costa Local Agency Formation Commission, it is recommended that the Board adopt a resolution to nominate a Moraga-Orinda Fire District Board member to serve as a special district representative on the Contra Costa Local Agency Formation Commission

Attachment: LAFCO Announcement of Upcoming Special District Seat on Contra Costa County Local Agency Formation Commission

Attachment: Resolution 23-06 LAFCO Candidate Nomination.docx

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 February 10, 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. 23-05

**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 February 1, 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 February 1, 2023 in Covid-19 case rate, test positivity, Covid-19 hospitalizations, and Covid-19 wastewater surveillance are decreasing, but there continues to be COVID-19 in the community and changes in case rate, test positivity, COVID-19 hospitalization and wastewater surveillance may change or increase rapidly. 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) March 1, 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 15th day of February 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 23-05
Dated: February 15, 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 February 1, 2023 in Covid-19 case rate, test positivity, Covid-19 hospitalizations, and Covid-19 wastewater surveillance are decreasing, but there continues to be COVID-19 in the community and changes in case rate, test positivity, COVID-19 hospitalization and wastewater surveillance may change or increase rapidly. 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 2-1-2023

Sefanit Mekuria

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





PROCLAMATION

Black History Month

WHEREAS, During Black History Month, we celebrate the many achievements and contributions made by African Americans to our economic, cultural, spiritual, and political development; and

WHEREAS, Carter G. Wilson, a Black historian, established a week to recognize the accomplishments of Black American citizens on February 7, 1926, which became one of the cultural landmarks of contemporary America; and the second week of February was chosen for the event because it coincided with the birthday of Abraham Lincoln on February 12th and of Frederick Douglass on February 14th; and

WHEREAS, Black History Month is a time for families in our community to reflect on the many contributions that Black Americans of all ages have made to our country and offers a time for family and neighbor conversations about the importance of celebrating and recognizing these tremendous contributions; and

WHEREAS, the Moraga-Orinda Fire District feels it is important to communicate its support for inclusivity and respect in our District and the Board of Directors encourages all members of our community to remember and celebrate the contributions that African Americans have made to this nation and the importance of diversity and inclusion in our community and that racial equality must always be a cornerstone of democracy; and

WHEREAS, the Moraga-Orinda Fire Protection District is proud to honor the history and contributions of African Americans in our community, throughout our state, and nation; and

NOW THEREFORE BE IT RESOLVED that the Moraga-Orinda Fire Protection District Board of Directors do hereby proclaim February 2023 as Black History Month in recognition of African Americans - past and present - in our community.

The Clerk of the Board shall attest and affix the seal of the Moraga-Orinda Fire District to this proclamation on this 15th day of February 2023.



David Winnacker, Fire Chief

Steven Danziger, Director

Greg Hasler, Director

John Jex, President

Craig Jorgens, Director

Mike Roemer, Director



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: February 15, 2023

SUBJECT: **Item 9.1 Second Reading and Adoption 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 upon request by these bodies.

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 amendments to the 2022 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 second 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) Adopt 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.

ATTACHMENT

[Attachment: Ordinance 23-01 MOFD 2022 Fire Code redline](#)

[Attachment: Ordinance 23-01 MOFD 2022 Fire Code.pdf](#)

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

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

[Attachment: 2023.01.11 - Public Comment Orinda City Council - First Reading](#)

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 Liters

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.

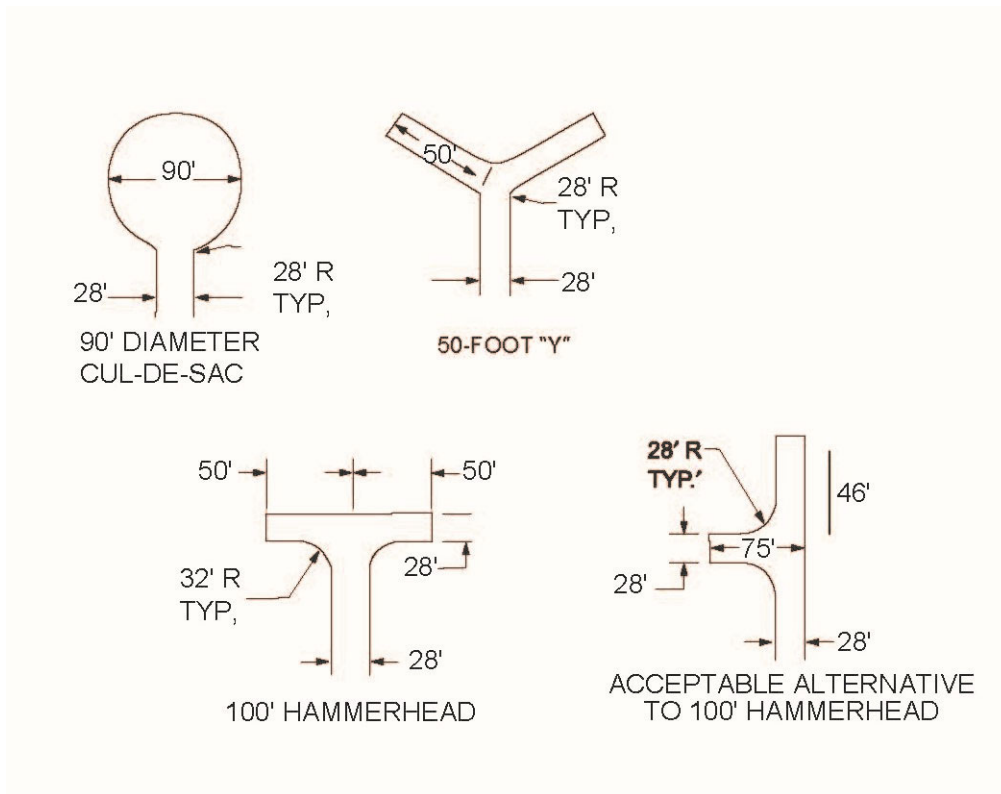
Appendix D. Fire Apparatus Access Roads.

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:

Marcia Holbrook
District Secretary/District Clerk

APPROVED AS TO FORM:

Jonathan V. Holtzman
District Counsel

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 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.

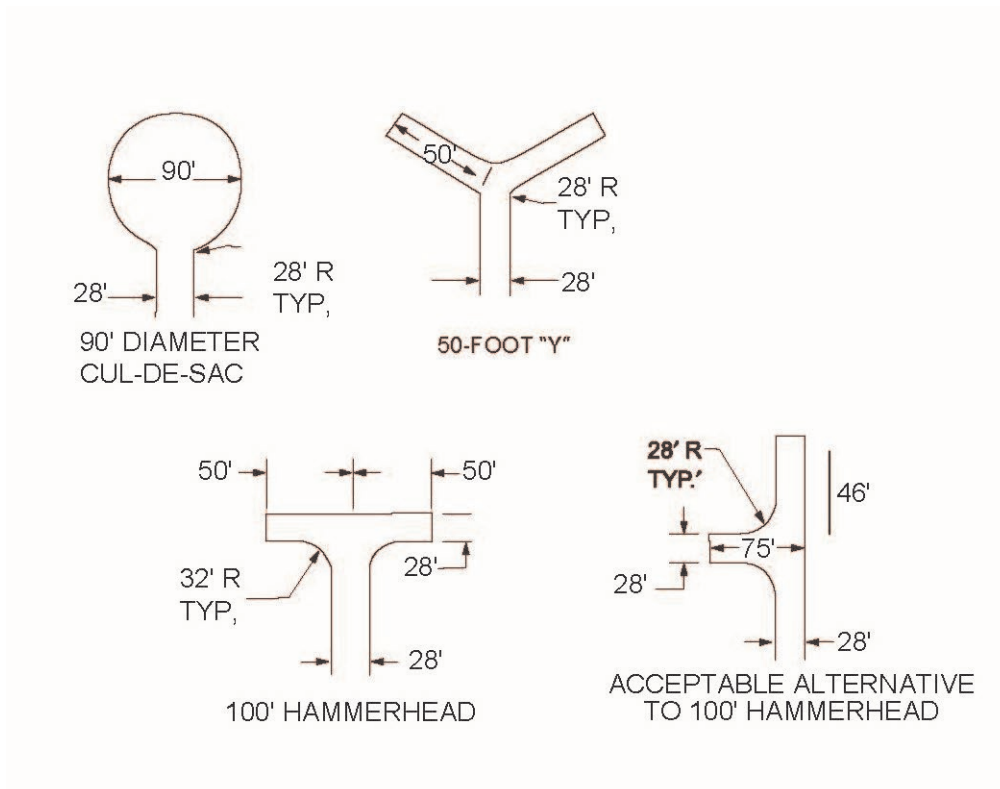
Appendix D. Fire Apparatus Access Roads.

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:

Marcia 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

From: [David Biggs](#)
To: [Dave Winnacker](#)
Cc: [Jeff Isaacs](#)
Subject: Orinda City Council Initial Review of Fire Code Amendments
Date: Wednesday, January 11, 2023 1:44:00 PM

Chief Winnacker –

Thank you to you and your team for all your efforts to make Orinda a more fire safe community, and in particular, your recent efforts to timely adopt the new Fire Code and local amendments. I appreciate that we had the opportunity to comment as City Staff and having had the benefit of your response to our comments and questions.

We shared the proposed Fire Code and local amendments, together with our staff comment letter and your responses with the Orinda City Council last night, together with the updated draft ordinance and the Town of Moraga comments and your response. They asked that I pass on their insights and comments to you and the Fire Board as they take up the matter on January 18th.

The City Council comments related to the previously identified staff area of concern regarding the proposed restrictions on certain types of traffic calming devices being prohibited in the Very High Fire Severity Zones or in single access neighborhoods. Traffic calming opportunities are of tremendous value to the Council and our neighborhoods. They would request the Board to consider alternatives to an outright ban and would like to engage with the Fire District to ensure that there is a shared understanding of what types of devices are covered, there is a process to consider exceptions to any type of ban, and that fire related considerations be balanced against other public safety concerns including traffic.

We look forward to receiving the final proposed Fire Code amendments as introduced by the Board, if that occurs as planned next week, and to commenting further, to ensure that any issues are addressed prior to the City Council being asked to ratify the new Fire Code after adoption.

Please do not hesitate to reach out if you have any questions or would like to discuss this prior to the Board meeting next week.

David Biggs
City Manager
City of Orinda
22 Orinda Way
Orinda, CA 94563
(925) 253 4222
DBiggs@cityoforinda.org



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: February 15, 2023

SUBJECT: **Item 9.2 Second Reading and Adoption 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.

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:

- 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:

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 be 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 Second 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) Adopt Ordinance 23-03, Establishing Fuel Mitigation and Exterior Hazard Abatement Standards in all State Responsibility and Local Responsibility Areas with the District

ATTACHMENT

[Attachment: Ordinance 23-03 Defensible Space and Exterior Hazard Abatement Ordinance](#)

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: February 15, 2023

SUBJECT: **Item 9.3 Second Reading and Adoption 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 adopting and amending 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 fire safety and fuel mitigation on unimproved parcels within the Fire District outside of the triennial fire code update cycle. The proposed ordinance simplifies the standards included in Ordinance 22-02 by requiring 100' fuel breaks on all parcels greater than 1 Acre.

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.

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 to reduce the risk uncontrolled and destructive wildfire from occurring on, or spreading from unimproved 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 Second 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) Adopt 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.

ATTACHMENT

[Attachment: Ordinance 23-04 Fuel Break Ordinance](#)

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: February 15, 2023

SUBJECT: **Item 9.4 Second Reading and Adoption 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) Conduct a public hearing; 4) Introduce and Waive the Second Reading of Ordinance 23-02; 5) Adopt Ordinance 23-02 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

ATTACHMENT

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

[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.

From: [Ellen Dale](#)
To: [Info](#)
Subject: new firefighters
Date: Friday, January 27, 2023 4:57:06 PM

Dear members of the MOFD Board of Directors,

I am writing in opposition to Steve Cohn's letter to the editor in the Orinda News. I would very much like to see five firefighter/paramedics at Station 45. It is about time!!

North Orinda has only two engine companies for this entire Very High Fire Hazard area. It is a long way to come from the other side of the freeway to North Orinda and response times reflect this fact. We deserve the same coverage enjoyed by the residents in South Orinda and Moraga where Station 41 has both a 3-person engine company and two paramedics to cover the ambulance – or the Rescue Unit as it was always called. [Fortunately for Steve, he enjoys this coverage.]

Steve's claim that we already have too many firefighters, that there are more per capita here than anywhere else, is a silly argument. Yes, we have more because we need more. We have a very spread out area with a low density population. Without the number we have now, along with the five stations, we would have woefully long response times. In fact, it is too bad that the fire station in Orinda Downs was never built, thanks to the chief at the time selling the lot so he could purchase a used fire truck.

As for vegetation removal: Orindans voted for funding vegetation mitigation and related activities. The City is way behind on cleaning up city owned properties and is now addressing that need. MOFD could not legally remove overgrown vegetation on City property. And doesn't have the staff available to do removal. All it could do was tell the City that they needed to remove the offending vegetation.

Thank you for your consideration of expanding service to North Orinda.

Regards, Ellen Dale


Orinda

From: jonathan@sojourningsoul.net
To: [Holbrook, Marcia](#)
Subject: Letter to the Board
Date: Wednesday, February 1, 2023 8:53:28 AM

Mrs. Holbrook, kindly send this out to all the usual suspects. Thank you.

To: MOFD Board
Re: Reviewing Investment Policies Pertaining to the Investments Which the State Does Not Require You to Review

Gentlemen, at your January 2023 meeting it was asked when you will review, unbidden by the State, the investment policies pertaining to the monies beyond what General & Capital Funds. The answer given simply stated self-evident information and made no mention of any intention to review the OPEB savings fund, for example, which has lost 20% of its value when last I heard about it.

I'm putting this in writing because I see now how awkward it was to offer up such a question when no Board member has had any time consider this question, evidently. I find it a compelling matter and do hope you will now take a few moments to consider the situation. This is far beyond my own field of expertise, but it seems to this financial ingenue, when I recall the ASD's report a couple of months back showing that a two year dip in the stock market could put the District in perilous financial straits for maybe a dozen years, well, maybe the matter of investment policies could profitably be revisited?

I am given to understand that no member of the Board has yet enquired as to whether or not the previous 20 year bond measure paid out well or not as compared to other financial investment options. Perhaps the Board should consider under what conditions a strategy such as that is useful? Do you think an investment policy exposing the District to a 20% loss in value of certain funds should be mitigated by some degree of diversification? Does the Board not have a fiduciary's obligation to consider such things as these now and again?

Lastly, I wish to firmly underscore that my only motivation in bringing this up is a hope that you will make things as smooth as they might be for the District over the long run. I am decidedly not blaming anyone for things as they are. I simply hope you will agree that a discussion of these matters has come due.

Thank you.
~Jonathan Goodwin,
Canyon, Calif.

From: jonathan@sojourningsoul.net
To: [Holbrook, Marcia](#)
Subject: MOFD Proposed Ordinance 23-04
Date: Thursday, February 9, 2023 9:05:35 AM

To: Moraga-Orinda Fire District Board of Directors
Subject: Proposed MOFD Ordinance 23-04

I expect that MOFD Board members will vote again to approve this ordinance on the second reading at your February 15th, 2023 meeting. Prior to doing so, however, I believe you should discuss the financial impact on the District of defending this piece of dubious legality if and when it goes to court.

In sum, because there appears to be no instance in California regulations of imposing mandatory fuel breaks on public lands, I fail to see how MOFD can arrogate this privilege unto itself. Moreover, the idea that while falling under State regulations, the District can impose its own regulations upon State agencies (CalTrans, for example) flies in the face of all standards of the chain-of-command.

Another problem you should recognize is that by requiring fuel breaks wherever a public agency boundary may exist, you are clearly violating your own Community Wildfire Protection Plan (CWPP) Section 3.7.

These approaches must also align with established habitat management plans and fire management and conservation plans in effect on EBMUD and EBRPD lands. The intended end state is the creation and maintenance of a varied fuel mosaic which mimics the historic natural state and will not support high intensity fire.

What you will vote to approve is not a fuel mosaic (which would be more effective than a fuel break, if you read the available research) and you would be operating contrary to--not in alignment with--existing agency habitat conservation and fire management plans. In fact, the alignment of District planning with existing plans of other agencies should have been done several years ago as part of the District's CWPP.

As I have shared with the MOFD Board on several occasions, it's relatively easy to get a grant for fuel reduction and to do the work, rather, it's the maintenance of the clearing which is most difficult to effectuate. If this fire district's policy is to hammer agencies with code compliance, can you fairly expect to get co-operation with maintenance in the years to come? Does the Board expect that uncompromising demands which violate principles in its own guiding document will lead to willing agency partnerships? I don't believe so. Will district residents be any safer if public agencies refuse to collaborate with MOFD after a legal blood letting? No.

My primary concern here, Board members, is that it simply makes no sense to dictate that a public agency spend its money wherever their often arbitrary property lines happen to be drawn. What would be vastly more productive would be to assess areas on an individual basis to determine where money could be committed to maintain fuels treatment projects which would directly reduce wildfire intensity (such as mosaic patterns of land management) or improve clearance around public access areas to improve ingress and egress or reduce opportunities for structure ignition. Simply put, what we need is collaborative and sustainable fuels management planning brought about--where other agencies are treated, not as criminals, but as partners--far more than we need mandated arbitrary fuel breaks.

If you look at the guidance documents for creating a CWPP (as I did when I co-chaired the committee that created the first CWPP for Contra Costa County), you'll see that the the word "Community" in the title was chosen for a reason. All emphasis is upon collaboration,

not intimidation. Ergo, the sensible way forward would be for the District to create Fuels Mitigation Plans with each pertinent agency and have these approved by their Boards and the relevant municipalities as they become fully documented in subsequent updates of the MOFD CWPP.

This is hard, slow and perhaps humbling work, and it is YOUR JOB to direct staff either to follow a path which seeks short term pugnacious indulgence or to create an environment of truly collaborative planning leading to longer term safety for your neighbors and your own families.

~Jonathan Goodwin,
Canyon, Calif.
(The Tenth Man)



Moraga-Orinda Fire District

Office of the Fire Marshal

Fire Prevention Report January 2023

Number/Types of Complaints: YTD

- Dead tree – 2
- Exterior Hazard –3
- Property Transfer Inspections- 35
 - Property Transfer Initial Pass- 0
 - Property Transfer Initial Fail- 0 (mostly 2 foot non-combustible zone)

Exterior Hazard Inspections: YTD

- Number of Assessments 2023 – 0
- Initial Pass – 0 Initial Failed – 0
- Number of 30-day Notices – 0
- Number of Cases Closed – 47
- Number of Open Cases 2022– 119
- Number of Notice to Abate – 0
- Number of Pre-citations – 0
- Number of Citations – 0
 - 0 Exterior Hazards Violations
 - 0 Other CFC Violations

Exterior Hazard Inspections: Jan 1 – Jan 30

- Number of Assessments & re-inspections – 0
- Pass – 0 Failed – 0
- Number of 30-day Notices – 0
- Number of Cases Closed - 47
- Number of Open Cases – 0
- Number of Notice to Abate – 0
- Number of Pre-citations – 0
- Number of Citations – 0
 - 0 Exterior Hazards Violations
 - 0 Other CFC Violations

CHIPPING:

Total YTD – 0 Days, Tons 0

- Total Number of Days– 0
- Total Estimated Tons of Material Removed– 0

STATE MANDATED INSPECTIONS:

- E-Occupancy *(Public & Private K-12 Schools)*
 - 1st Inspection= 0 (pass = 0, Fail = 0)
 - 2nd Inspection= 0 (pass = 0, Fail = 0)
 - Citations Issued= 0
- R-2 Occupancy *(Apartments, Dorms, fraternities, sororities)*
 - 1st Inspection= 0 (pass = 0, Fail = 0)
 - 2nd Inspection= 0 (pass = 0, Fail = 0)
 - Citations Issued= 0
- R-1 Occupancy–0
Boarding Houses, Motels, Hotels
- I Occupancy– 0
Jails
- High Rise – 0

PLAN REVIEW COMPLETED:

- 2020- 296
- 2021- 359
- 2022- 409
- 2023 - 18

January– 18	April–	July–	October–
February–	May–	August–	November–
March–	June–	September–	December–

CURRENT PROJECTS

- Re-inspections from 2022
- Prescribed Fire Projects
- Property Transfer Inspections
- Monthly Fire Marshal Message

CURRENT PROJECTS

- Winter fuel reduction projects



Moraga-Orinda Fire District
BOARD OF DIRECTORS
REGULAR BOARD MEETING MINUTES
 January 18, 2023
 (DRAFT – PENDING APPROVAL)

1. OPENING CEREMONIES

The Board of Directors convened a teleconference Open Session at 6:01 p.m. on January 18, 2023, via the Zoom application <https://us02web.zoom.us/j/82838271087>, webinar id: 82838271087 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.

President Jex called the meeting to order and requested an attendance roll call. Director Jorgens led the pledge of allegiance.

President Jex	Dave Winnacker, Fire Chief
Director Danziger	Gloriann Sasser, Admin. Services Director
Director Hasler	Mariam Morley, District Counsel
Director Jorgens	Marcia Holbrook, District Clerk
Director Roemer	

2. CONSENT (audio 00:01:22)

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

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

Motion by Director Jorgens and seconded by Director Danziger to approve Consent Agenda item 2.1. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).

3. PUBLIC COMMENT (audio 00:02:45)

President Jex opened Public Comment on the closed session items. There were no requests to address the Board. President Jex closed Public Comment.

At **6:03 p.m.**, the Board adjourned to Closed Session.

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 the potential acquisition of the real properties concerning price and terms of payment.
 Real Property: 257-210-013-5

4.2 Conference with Labor Negotiator

(Government Code Section 54957.6)
 Agency Designated Rep: Donna Williamson
 Employee Organization: Local 1230, International Association of Firefighters IAFF

At **6:36 p.m.**, the Board adjourned the Closed Session.

5. RECONVENE THE MEETING (audio 00:03:53)

President Jex reconvened the Moraga-Orinda Fire District Board of Directors' regular business meeting at **7:00 p.m.** and requested an attendance roll call. Present were the following Directors and Staff:

President Jex	Dave Winnacker, Fire Chief	Mary Smith, Finance Manager
Director Danziger	Jeff Isaacs, Fire Marshal	Brad Nygard, Captain
Director Hasler	Lucas Lambert, Battalion Chief	Mariam Morley, District Counsel
Director Jorgens	Gloriann Sasser, Admin Services Director	Marcia Holbrook, District Clerk
Director Roemer	Christine Russell, Human Resources Manager	

6. REPORT OF CLOSED SESSION ACTION (audio 00:04:36)

President Jex stated that the Board took no reportable action on agenda items 4.1-4.2.

7. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA (audio 00:04:41)

President Jex opened Public Comment.

Marc Evans, Orinda resident, commended the quality of the meeting minutes.

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

8. PROCLAMATION (audio 00:06:10)

8.1 Proclamation Honoring Retiring MOFD Directors Baitx and Donner

The Board presented proclamations honoring retiring Directors Gregory Baitx and Michael Donner for their leadership, dedication, and service to the Moraga-Orinda Fire Protection District. Fire Chief Winnacker welcomed Michael Donner. Greg Baitx was unable to attend the meeting. Directors Danziger, Hasler, Jorgens, and Roemer expressed appreciation and thanked retiring Directors for their many years in the fire service, service to the community, and the district. President Jex expressed appreciation to retiring Director Donner for his leadership and service. Michael Donner expressed gratitude, and wished the new Board success.

President Jex opened Public Comment.

Vince Wells, Local 1230 Union President, acknowledged the hard work of the retiring Directors, thanked and appreciated their service on the Board, and wished them luck in their future.

Marc Evans, Orinda resident, expressed gratitude.

Jonathan Goodwin, Canyon resident, acknowledged their contributions to the district.

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

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 (audio 00:14:18)

Fire Chief Winnacker presented the staff report. The California Fire Code is updated every 3-years. Once published, local fire districts can make amendments and adopt the code. The proposed amendments are the product of a year-long effort led by MOFD's Fire Marshal and involving all of the Fire Marshals in Contra Costa County. The Fire Marshal Working Group created a consensus on amendments and standardized template for a county-wide fire code. Fire Chief Winnacker pointed out that the Exterior Hazard Abatement requirements (Chapter 3, Section 325) were removed from the fire code due to the assertion by a local agency that the Section was inappropriate to include in a fire code amendments as the Fire Code is a subchapter of the Building Standards Code. CalFire further reinforced this assertion in a meeting of the Building Standards Commission stating "the Building Code stops at the exterior walls of the building". As a result, Section 325 was removed from the Fire Code and placed into a separate proposed Ordinance 23-03, establishing Fuel Mitigation and Exterior Hazard Standards and Findings of Fact establishing Additional Requirements in the State Responsibility Areas and Local Responsibility Areas.

Fire Chief Winnacker noted, as of January 1, 2023, all the previously adopted amendments in Ordinance 20-01 cease to apply when the 2019 Fire Code sunsetted. The Fire Code currently in effect is the unamended 2022 California Fire Code. All amendments must be re-adopted to remain in effect and the proposed amendments are largely same ones included in the 2020 adopted amendments

Fire Chief Winnacker discussed the added language proposed to help clarify Traffic Calming Devices. The language included is taken directly from the California Code of Regulations Title 14, and describes the parameters staff will use to evaluate permit applications to install a Traffic Calming Device. It also includes review criteria previously included in the City of Orinda Neighborhood Traffic Management Plan.

Fire Chief Winnacker stated the proposed amendments were provided to the City, Town, and Contra Costa County for a 30-day comment period in November 2022 as required by law. Comments from the City of Orinda and Town of Moraga were received in December 2022 and early January 2023. Responses to the comments are included in the packet. One additional public comment was received from the City of Orinda on January 17, 2023. Staff recommended introducing and waiving the First reading of Ordinance 23-01.

Director Jorgens inquired about the status of fire code amendments adopted in 2020. Fire Chief Winnacker answered the amendments to the 2019 Fire Code have a sunset and are no longer in effect. Director Jorgens asked if this window of the sunset amendments and pending adoption of the new amendments allows builders to start projects that do not meet the local standards. Fire Chief Winnacker

confirmed. Director Jorgens recommended fixing the process for future adoption cycles. Fire Chief Winnacker replied that the process relies on when the State releases the base fire code. The State fire code is a prerequisite and was five months later than normal. Further, as a special district, MOFD must submit its proposed amendments to the City, Town, and County for comment which extends the process.

Director Jorgens inquired why the old amendments sunset. Fire Chief Winnacker explained because the amendments were to the 2019 Fire Code, which has a sunset, and to amend the 2022 Fire Code requires Board action. Director Jorgens asked why the district could not extend the 2020 amendments and apply those amendments to the new fire code. Fire Chief Winnacker reiterated those amendments were to the 2019 Fire Code which is no longer in effect. Director Jorgens asked if the Traffic Calming Devices are mandated by the State and in the base fire code. Fire Chief Winnacker confirmed.

Director Danziger asked if the Traffic Calming Measures would apply to a street like El Toyonal. Fire Chief Winnacker confirmed state law requires it would apply to portions of the road in the very high fire severity zone and to one-way sections or dead-ends. Director Danziger stated the comments from the City and Town pertain to the Traffic Calming Measures and read that the district is willing to remove the language. Fire Chief Winnacker confirmed staff has no objection to removing the traffic calming criteria. The criteria were added to assist the applicant in understanding the requirements and the manner in which applications for traffic calming measure permits would be reviewed.

Director Jorgens asked if the criteria listed changed anything. Fire Chief Winnacker explained the state mandated minimums continue to apply regardless of the language included in the local amendments. Director Jorgens asked if the State mandates the Traffic Calming Devices language. Fire Chief Winnacker confirmed. Staff proposed including the criteria in the fire code amendments for clarification but has no objection to removing those criteria as the state requirements will still apply. Director Jorgens supported including the criteria to eliminate subjectivity.

Director Danziger favored removing the language due to the objections by the City and Town. Director Hasler asked if discussions had been held with the City and Town or if there had only been written communications. Fire Chief Winnacker explained discussions were held at the staff level. Staff will follow up with additional discussions based on the direction provided by the Board.

Director Danziger favored withdrawing the language based on the staff's response letter to the City and Town and not delay the adoption of the first reading. Director Jorgens opined that the City would want to know the criteria and asked how long it would take for staff to discuss the criteria with the City. Fire Chief Winnacker invited Orinda City Mayor Inga Miller for comment.

Inga Miller, Orinda City Mayor, stated that defining the criteria is difficult. The City staff is reviewing the description. Mayor Miller understood that City staff had felt comfortable with moving forward, as proposed by Fire Chief Winnacker. The topic did come up 6-8 months ago or a year ago. The City was working on how to develop those types of objective standards. Mayor Miller recommended the 2 x 2 Committee discuss and bring a recommendation to the City Council during the goal-setting Session at the end of February.

Fire Chief Winnacker thanked Mayor Miller for the impromptu comment and recommended pulling the sections associated with Traffic Calming Devices from the fire code amendments to allow the adoption process to move forward. The district could develop an internal policy (mutually agreed upon by the City and Town) that would be used to review Traffic Calming Device applications.

Director Roemer stated if the criteria are withdrawn from the amendment, the Fire Chief is not deprived of exercising discretion regarding permits for Traffic Calming Devices since the Fire Chief has the discretion to comply with the State Fire Code. Fire Chief Winnacker concurred and provided background that the criteria was taken from the Orinda Neighborhood Traffic Management Plan that was in effect from 2008 to 2022. The criteria were intended to provide the information needed to make a weighted decision which balanced the various competing public safety demands. Whether that information resides in a fire code amendment or a mutually agreed upon internal policy is the same path forward. Fire Chief Winnacker supported the additional collaboration to develop the policy, and removing the language to not delay the adoption of the first reading of the fire code.

Director Jorgens and Roemer agreed. President Jex inquired about the Orinda traffic calming measure issue discussed six months ago. Fire Chief Winnacker answered that action has not been taken on the permit application pending additional information requested from the applicant.

Director Hasler asked if there will be further discussions to develop a district policy that will be separate from the fire code if the Traffic Calming Criteria are pulled. Fire Chief Winnacker confirmed and reviewed

the value of publishing the criteria. That goal can be accomplished either in the fire code or through an internal policy outlined on an information sheet that would be distributed to applicants. The criteria established would benefit from additional collaboration with stakeholder agencies. Director Roemer was in favor of the information sheet. Director Hasler and Jorgens agreed.

Director Danziger asked if there were any new fees in the new fire code. Fire Marshal Isaacs stated several new fees are referenced in the fire code for county-wide consistency among the various fire agencies; however, no new fees were added to the district Fee Schedule and most of these fees are not applicable to the fire district. Director Danziger asked about Section 105.5.4, Cannabis/Plant Extraction-Related System(s)/Operations, and if it was in the previous code. Fire Marshal Isaacs answered the Section is new. Director Danziger asked if there was a special fee if somebody wanted to open a cannabis operation. Fire Marshal Isaacs answered there are no new special fees pertaining to a cannabis operation. Director Danziger asked if East Bay Municipal District and East Bay Regional Parks received copies of the fire code since it affects parts of their property. Fire Chief Winnacker answered the fire code does not affect their unimproved property and is limited to structures.

President Jex opened Public Hearing and Comment.

District Clerk Holbrook announced one written public comment was received from the City of Orinda concerning the proposed restrictions on certain types of Traffic Calming Devices being prohibited in the very high fire severity zones or single access neighborhoods and requested the Board consider alternatives.

Inga Miller, Orinda City Mayor, stated the City reduced their comments to this one item because it felt it was the most important. The ability to have traffic calming measures are important for pedestrian safety and bicycle safety. Mayor Miller favored the recommendation put forward by the Fire Chief and asked the Board to support that change.

Jonathan Goodwin, Canyon resident, recounted an issue years ago where the Town of Moraga installed two Traffic Calming Devices in front of Joaquin Moraga and Camino Pablo schools. Mr. Goodwin recommended a collaborative process to balance the concerns of the municipalities, the fire district, and public safety.

Marc Evans, Orinda resident, appreciated the dialogue but felt the Board needed to adopt the first reading of the fire code.

Brandon Haydu, Orinda resident and member of the Orinda Traffic Safety Advisory Committee, recommended the Board add more clarification for applicants, so there is a clear process.

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

Director Roemer acknowledged the public comments, agreed that Traffic Calming devices are important, and asked if it was best to outline the criteria in the Ordinance or on an informational sheet.

Director Danziger discerned that all the Directors agreed to introduce and wave the first reading and remove those sections. Director Jorgens proposed removing the Traffic Calming Device section and start the process to define the criteria separately from the code. Directors Danziger, Hasler and Roemer agreed. Director Danziger motioned to introduce and wave the first reading of Ordinance 23-01, with the exception of Section 503.4.1, Traffic Calming Devices.

~~**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.~~

Fire Chief Winnacker clarified that the motion was to amend the proposed Ordinance 23-01 by removing 503.4.1 and approving the first reading and procedure. Director Danziger confirmed. Director Roemer asked for clarification by passing that motion what effect would that have on the Fire Chief's discretion. Fire Chief Winnacker reviewed the three elements of Section 503.4.1. The elements were included in the local amendment for clarity but are not required to be restated in the fire code amendment because

the elements are the State minimum. However, one of the elements provides the criteria to which Traffic Calming Devices are judged, but does not list the limits, just the categories.

Fire Chief Winnacker added a point of clarification for the application for Traffic Calming Measures on Dalewood submitted six months ago. The district asked for additional information for the components listed in the fire code and in the City of Orinda's Neighborhood Transportation Management Plan that was in effect at the time the application was submitted. That information was not submitted with the application and prevented the district from acting on that proposal. The missing elements were required in order to ensure that the enforcement and outreach had occurred prior to the engineering modification of the roadway.

Fire Chief Winnacker reconfirmed that if Section 503.4.1 is removed, the state minimums will remain in effect. The criteria for reviewing applications for Traffic Calming Devices could be worked out on a separate informational sheet in a collaborative manner between the City, Town, County, and Fire District. Director Roemer appreciated the clarification.

President Jex opened Public Comment on the motion. There were no requests to address the Board.

Motion by Director Danziger and seconded by Director Roemer to amend the proposed Ordinance 23-01 by removing Section 503.4.1 in its entirety, introduce and wave the 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. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).

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 (audio 01:03:40)

Fire Chief Winnacker provided the report. 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, roadways, 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 moved the Fuel Breaks and Hazardous Vegetation requirements from the MOFD fire code amendments and created separate Ordinances.

Fire Chief Winnacker added the benefit of establishing separate Ordinances for these standards, will also allow the ability to make changes as needed without waiting for the triennial fire code update. Staff proposed ordinance 23-03, Establishing Fuel Mitigation and Exterior Hazard Abatement Standards in all State Responsibility and Local Responsibility Areas within the district around structures. The Ordinance is similar to Section 325 in fire code Ordinance 20-01 with several additions. Fire Chief Winnacker highlighted the following changes:

- **Zone 0.**
Zone 0 did not exist when the 2019 Fire Code amendments were made, and the State Board of Forestry is currently finalizing the requirements and considering defining Zone 0 as 0 to 5 feet from a structure. The Zone 0 requirements still need to be finalized by the Board of Forestry, and those final requirements are unknown. For Ordinance 23-03, Zone 0 is being defined as a new category. The mitigation requirements are to 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. The proposed requirements within that category are unchanged from the previous fire code amendments Ordinance 20-01, Section 325. Fire Chief Winnacker noted there is also an element that previously existed under the definition of hazardous vegetation and the 100-foot requirement for removing the non-irrigated brush. It was a blanket ban on brush, with exemption given for single specimen species. Item 1 (L) Non-irrigated brush is not permitted and has been added.
- **Zone 1:** Item (D) Non-irrigated brush is not permitted and has been added. The addition is designed to address the presence of large concentrations of non-irrigated coyote brush within 100

feet of a structure. Additional elements have been added defining an outbuilding and the requirements for fuel mitigation around outbuildings to reduce the possibility that an outbuilding will ignite, producing enough heat flux to overwhelm the space between the outbuilding and cause ignition of the primary structure. The addition is in accordance with the best practice and science published by the Institute for Business and Home Safety (IBHS).

- **Zone 2:** Item (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. This section has been added in response to several concerns and complaints received about fences that have been built along major evacuation routes. These fences are not permitted under city ordinance, however exceptions have been granted on several recent occasions. Staff felt the presence of the vertical configurations of combustible material was inconsistent with the community's desire for fire safety and the limited number of evacuation routes.

Director Jorgens inquired about ADUs. Fire Chief Winnacker answered ADUs are not covered under outbuildings and are subject to the same requirements that apply to the primary structure. Director Jorgens stated it is then treated like a second house on the property. Fire Chief Winnacker responded that is correct specific to the fuel mitigation elements of this Ordinance. Director Danziger asked if the existing fences with mulch would be affected by the new Ordinance. Fire Chief Winnacker answered the existing fences are considered existing non-conforming and not subject the Ordinance. Director Danziger inquired what happens if one of those homeowners who already have this fence with mulch and wanted to extend the fence is subject to the new Ordinance. Fire Chief Winnacker answered yes.

Director Danziger inquired about adding language to remove Cortaderia selloana (Pampas Grass) by 2024:

(d) Roadside Vegetation

(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.

Fire Chief Winnacker proposed delaying that addition to allow time for staff to vet the request and bring it back to the Board as an amendment for next year. Director Danziger agreed.

President Jex opened Public Hearing and Comment.

Marc Evans, Orinda resident, requested clarification on the 2 feet and the 5 feet requirements.

Fire Chief Winnacker explained that "the box" is 2 feet out and 1 foot up from the base of the structure and is an existing local amendment that would remain unchanged. Zone 0 is being defined in the Ordinance in anticipation of standards currently being developed by the State and Board of Forestry which will use this term. Once the Board of Forestry publishes those State minimums, they will apply in any SRA area with a Fire Hazard Severity Zone rating of any kind (moderate, high, very high) and any LRA (high and very high). Staff does not know what the final state requirement will be and thought it would be helpful to introduce the concept of Zone 0 in advance of these future updates. The Ordinance is built around the same framework the State uses with three distinct zones.

Mr. Evans asked if he was going to plant something expensive, should it be planted 5 feet away instead of 2 feet away. Fire Chief Winnacker stated from a science based recommendation, it should be 7-feet if it is at the corner and 5 feet from walls, however the requirement in the Ordinance is unchanged at 2-feet from the structure. Fire Chief Winnacker added that the 5-feet would be limited requirement that only applied to State designated areas in the high and very high fire hazard severity zones. Adopting the 5-feet in other areas would require additional action by the Board to extend the State minimum. Mr. Evans commented on the amendment prohibiting fences with mulch and recommended people use rocks.

Inga Miller, Orinda City Mayor, expressed concern with adding the non-irrigated brush to the definition of the hazardous vegetation list because brush includes shrubs and that would prevent non-irrigated shrubs in the Orinda downtown development. Mayor Miller stated it contravenes State laws to use xeriscaping landscaping. The other concern is the tree canopy and who will enforce those new tree canopy rules. The 2 x 2 Committee has been discussing planting many trees, and the proposed Ordinance will not allow the City to have those types of trees downtown. Mayor Miller requested the 2 x 2 Committee and Staff have more discussion.

Jonathan Goodwin, Canyon resident, commented that Moraga is missing out on not being involved in the 2 x 2 Committee, and it gives the impression of special treatment.

Director Jorgens explained the 2 x 2 Committee was formed because the City of Orinda has Measure R funds to spend on fuel abatement, and Moraga does not. Mr. Goodwin suggested it would be helpful to incorporate Moraga in the process.

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

At approximately 8:16 p.m., Director Danziger experienced technical difficulties. The meeting paused for a minute until the connection was re-established.

Director Jorgens stated more discussion with the City staff and 2 x 2 Committee should happen before the second reading. Fire Chief Winnacker deferred to the Board regarding the 2 x 2 Committee.

Fire Chief Winnacker said there were two elements in the previous amendments to the Fire Code where "brush" was explicitly prohibited. The first was under definitions for hazardous vegetation, defined as vegetation that is combustible and dangerous to 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 determined by the Fire Code Official. Hazardous vegetation is not allowed within 100 feet of a structure and was also defined to include brush.

325.6.3 Clearance of brush or vegetative growth from structures. Any person owning, leasing, controlling, operating, or maintaining any structure in, upon, or adjoining any hazardous fire area shall at all times maintain defensible space around and adjacent to the structure by removing and clearing away all combustible material for a distance not less than 100 feet from all portions of the structure. Distances may be increased or decreased by the fire code official based on site-specific analysis of local conditions.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy succulents, or similar plants used as ground cover, provided that they do not form a means of readily transmitting fire as determined by the fire code official.

Fire Chief Winnacker suggested language can be added to clarify exemptions. The prohibition of brush within 100 feet of a structure is not a new requirement. Non-irrigated brush is combustible, and there is a clear distinction between irrigated and non-irrigated brush in the Ordinance. The non-irrigated brush is combustible, and if the combustible brush is located within 100 feet of structures, this landscaping choice is at odds with the Community's desire to be fire-adapted. Fire Chief Winnacker noted that xeriscaping appears to offer numerous non-brush options which would not be effected by this section of the Ordinance.

Staff requested direction. Director Jorgens suggested more dialogue between the staff and, after that dialogue, possibly the 2 x 2 Committee. President Jex asked how many more readings would happen for the Ordinance. Fire Chief Winnacker answered a second reading. Fire Chief Winnacker noted a response was sent to the City staff regarding the question about brush and will share the District's response with the Town of Moraga. A 2 x 2 Committee meeting may be scheduled before the second reading in February. However, amendments to the proposed Ordinance should be made during the first reading or move forward with the first reading. Staff to have more discussions and gather more information. If that information results in an amendment, there will be a third reading.

Director Hasler asked if there is an Ordinance currently in place. Fire Chief Winnacker explained this is a new Ordinance. The elements of the Ordinance were included in the Fire Code amendments; however, they were moved from the Fire Code amendments into a standalone Ordinance. Only when the proposed Ordinance is passed will staff be able to enforce defensible space. The proposed Ordinance is not time-sensitive now but will be if it moves beyond March or April. Director Roemer asked if the Board retains the ability to make changes or amendments during the year. Fire Chief Winnacker confirmed.

Director Jorgens asked if the City or Town must approve the Ordinance. Fire Chief Winnacker answered the Ordinance does not require ratification from the City, Town, or County. Director Roemer commented that the Ordinance is in the community's best interest and is a high priority for it to go into effect. Director Roemer favored passing the Ordinance and keeping an open mind to amendments. Director Jorgens agreed. Director Hasler asked if the proposed Ordinance had been shared with the staff of both Orinda and Moraga. Fire Chief Winnacker confirmed, and input was received from the City. The City and Town

have not had much time to digest the proposed Ordinance. There is a 2 x 2 Committee scheduled before the second hearing. The second reading is scheduled to provide an opportunity for engagement by elected officials on this item.

Inga Miller, Orinda City Mayor, commented that the City staff received knowledge of the Ordinance through the public process and found it on the MOFD website. Mayor Miller did not believe the City received a copy before the release of the packet. City staff reviewed the proposed Ordinance today and identified minor amendments. The City had been previously informed that there were no changes and became aware of the changes yesterday. Mayor Miller suggested passing the proposed Ordinance without the changes and making changes after a public process in which the public (the City and 2 x 2 Committee) has had a chance to review.

President Jex liked the recommendation. Director Hasler suggested presenting the documents in redline, so the reader knows what has changed. Fire Chief Winnacker explained the challenge is the requirements were a subsection of the previous fire code. Staff believes the requirements are unchanged from Section 325 in the previous fire code. Brush has always been banned within 100 feet of structures and the new language is in many ways more permissive. Director Jorgens asked if the district could exclude the Orinda downtown area instead of changing definitions. Fire Chief Winnacker replied that the question is about applicability and if it applies in a wildland-urban interface wildfire area or a very high fire hazard severity zones in SRA, which limits regulations to those areas primarily on the perimeter of the community to the North. Fire Chief Winnacker shared concerns with exempting specific areas from certain requirements and the confusion that will be created with the public understanding of what is required. Staff requested direction.

Director Hasler asked if the prior version of the proposed Ordinance (when it was included in the fire code) was non-irrigated brush considered or was it just called brush and the proposed Ordinance is defining something more precise. Fire Chief Winnacker explained it stated you could not have brush within 100 feet of a structure; however, exceptions were made for single specimens of trees, ornamental vegetative fuels, or cultivated ground cover, such as green grass, ivy, succulent or similar plants used as these examples of ground cover do not form a means of readily transmitting fires (determined by the fire code official). The way it was interpreted was a specimen species was planted, maintained, and irrigated. What resulted was a person would point to their backyard full of encroaching wild coyote brush and say this is my specimen species. That was not how the Fire Code was intended, and the intention of the new language was to clarify the requirements to provide certainty to residents without requiring fire code interpretation. Fire Chief Winnacker stated an option is to revert to the original definition. The item would need to be pulled and rewritten. The previous language (quoted above) was drawn from State law and did not lend itself to the layperson's understanding and required a tremendous amount of interpretation on the staff's part.

Director Jorgens opposed changing the brush definition or going back to the previous version. Director Jorgens favored approving the first reading of the Ordinance and having negotiations to devise a solution that solves the Orinda downtown plan. Director Roemer agreed.

Marc Evans, Orinda resident, encouraged keeping what is in place.

James Duff submitted a question via the Chat asking for the definition of brush, shrub vs cacti vs bush vs immature trees.

Fire Chief Winnacker defined (from the NWCG definition) brush as woody vegetation that is not an immature tree. A young tree growing is not considered brush, and large grass is not brush. Woody vegetation that will not generally grow into a tree is typically further characterized by having multiple sprouts instead of a single trunk. Director Danziger provided coyote brush as an example. Fire Chief Winnacker confirmed it is the primary example. The Ordinance addresses non-irrigated brush, which creates conditions for rapid fire spread. Director Danziger asked if this included pampas grass. Fire Chief Winnacker answered no because pampas grass does not have a woody component.

Jonathan Goodwin, Canyon resident, recommended the Board adjust and understand the approval process beyond the Fire District. The approval process for the Fire District means having public meetings and comment.

There were no additional requests to address the Board.

Director Jorgens favored approving the first reading with no changes, possibly approving the second reading when presented, and having additional discussions. Director Roemer agreed.

President Jex opened Public Comment on the motion. There were no requests to address the Board. President Jex closed Public Comment.

Motion by Director Jorgens and seconded by Director Roemer to waive and adopt the 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 with no changes. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).

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 (audio 01:43:31)

Fire Chief Winnacker provided the report. Ordinance 23-04 is an update to Ordinance 22-02 (adopted in March 2022) to establish requirements for undeveloped parcels within the Fire District outside the triennial fire code update cycle. These items have been historically included in the Fire Code. Staff recommended moving the items out of the fire code. Unlike the two proposed ordinances, the existing Ordinance 22-02 would remain in effect until the proposed Ordinance 23-04 is adopted. Fire Chief Winnacker reviewed one significant change was the sliding scale of the size of the parcel which determined the size of the fuel break. Staff recommended having a single standard consistent with the best fire science. Staff recommended the following:

- Parcels less than one acre will continue to require total abatement. This is unchanged.
- Parcels greater than one acre would be required to create a 100-foot fuel break around the entire parcel. In the previous Ordinance, this was broken down into parcels with 5 acres or less at a different standard, with a slightly smaller (30') perimeter.
- The requirement applies to parcels that are both developed and undeveloped.
- If the parcel has a structure on it, the defensible space requirements will apply within 100 feet of the structure.
- A perimeter requirement would apply around the edge of the parcel. When the two requirements overlap the more restrictive shell applies.
- Staff continues to recommend if there are multiple contiguous parcels with the same owner, those parcels can be treated as a single parcel upon application by the owner. This applies to large landowners. This is unchanged.

Fire Chief Winnacker discussed a previous requirement for cross breaks within large parcels. Staff found it difficult to enforce, mainly because it was difficult to access areas with steep terrain. The standards are more appropriate for areas with lower slopes, less brush, and fewer trees that allow better access. The work along the perimeter of the fuel breaks and the roadside better serves the district. Director Jorgens asked for a summary of the requirements.

Fire Chief Winnacker summarized the requirements: annual grass cut to less than 3 inches, removal of all hazardous vegetation, removal of all non-irrigated brush, removal of all combustible material that is non-vegetative, removal of dead, disease, or dying trees. There are no requirements to remove a healthy tree, but there is a requirement to maintain trees (remove ladder fuels greater than 6 feet above the ground). Trees in the fuel break area must be limbed and ground fuels removed. There are no requirements to disturb soil (plowing, tilling, or bulldozing). There is a requirement to cut annual grass and vegetation to less than 3 inches. There is also an environmental caveat to comply with CEQA. Director Jorgens asked if Oak trees are a fire hazard. Fire Chief Winnacker responded the issue is the foliage's proximity to the ground or ground fuels, not the tree itself. Staff did not call out specific species (except eucalyptus and Bamboo). Staff would work with a property owner if there were concerns about a specific tree.

President Jex opened Public Comment.

Marc Evans, Orinda resident, supported the recommendation.

Jonathan Goodwin, Canyon resident, asked if the 100-foot fuel breaks applied to public agencies.

Fire Chief Winnacker stated there are no State mandates for fuel mitigation on publicly owned land in California. The proposed Ordinance is written in a manner that applies to all parcels under the district's jurisdiction. The Ordinance would apply in all SRA parcels regardless of ownership. Mr. Goodwin expressed concern about the proposed Ordinance and opposed the fuel break requirements.

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

Director Jorgens responded that the district has tried to have collaborative discussions with the other agencies. Director Jorgens motioned to approve the first reading without changes. Director Roemer agreed.

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

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

9.4 First Reading of Ordinance 23-02, Revising a Schedule of Fees for District Services (audio 01:57:01)

Fire Marshal Isaacs provided the report. The revised 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 by 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 service and the impacts such calls have on the district's ability to provide coverage to all residents. Staff recommended the Board introduce and waive the first reading of Ordinance 23-02, adopting a revised Schedule of Fees for District Services and the revised District Fee Schedule effective March 18, 2023

Director Jorgens inquired about the false alarm fees. Fire Marshal Isaacs confirmed a couple of locations have 12 to 15 false alarm calls in a 30-day period. Director Jorgens asked if the location was Saint Mary's College. Fire Marshal Isaacs confirmed. Director Jorgens asked who was charged the fee. Fire Marshal Isaacs answered Saint Mary's College. President Jex asked if the fees are paid. Fire Marshal Isaacs confirmed. Director Danziger asked what the numbers in parentheses mean on the fee schedule. Fire Marshal Isaacs explained the number applies to the number of hazardous materials per permit, and some are an hourly rate. Director Danziger asked if the alarm fees are the only new fees. Fire Marshal Isaacs confirmed.

President Jex opened Public Comment. There were no requests to address the Board. President Jex closed Public Comment.

President Jex opened Public Comment on the motion. There were no requests to address the Board. President Jex closed Public Comment.

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

10. ANNOUNCEMENTS (audio 02:02:40)

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

10.2 Questions and informational comments from Board members and staff. No Report

10.3 Communications Received.

- City of Orinda Fire Code Responses.
- Town of Moraga Fire Code Response
- Founding Fire Chief Jim Johnston, from 1997 to 2006, passed away. Funeral services are being arranged in Chico at the end of the month. The district will attend.

10.4 Fire Chief Updates

a. Finance Report

Finance Manager Smith presented the status of OES reimbursements, attached to these minutes as item 10.4(a). Other items reported on 12/16/2022, \$16M in tax revenue was deposited to the County Cash account. On 12/21/2022, \$15.8M was transferred to LAIF. Tax revenue exceeded the budget in the amount of \$165K. All W-2's were completed and distributed. 1099's are in process and will be completed by January 31, 2023. The Auditor has postponed the FY22 audit due to staffing issues (originally scheduled for the week of 12/12/22). The audit is scheduled for the week of 2/13/23, with the final report expected in March 2023. Staff will issue RFP for the new audit firm for FY23.

Director Jorgens recalled the difficulty in finding the current Auditor. President Jex asked how many firms have been sent the RFP. ASD Sasser stated the RFP had not yet been issued. President Jex commented that the district might have to look at larger firms which may be more expensive. ASD Sasser replied that the current Auditor is not interested in providing audit services. Eide Bailly will not be bidding for the contract.

President Jex surmised the problem is a shortage in staffing. Director Hasler referenced an article in the Wall Street Journal about the staffing shortage. Director Jorgens recommended sending the RFP to other firms but be prepared to go back to Eide Bailly once the district evaluates the bids. ASD Sasser acknowledged. Director Danziger suggested talking to surrounding districts.

b. Human Resources

Human Resources Manager Russell provided a recruitment update. Two Firefighter-paramedic trainees have completed the pre-hiring components and will enter the Fire Academy with Livermore on 1/27/2023. The academy will last for 20 weeks. Two Fuels Mitigation Specialist candidates are moving through the background check process. If the background checks are successful, it is anticipated the candidates will start in mid to late February. Several volunteer applications have been received for the volunteer communication support unit. Volunteer interviews are scheduled for next week.

c. Fire Marshal

Fire Marshal Isaacs provided the report and reviewed the statistics for the 2022 year-end Fire Prevention report, included in the Board packet, item 10.4 (c). Director Danziger asked about the status of the Plans Examiner position. Fire Marshal Isaacs answered it is still open. Fire Chief Winnacker stated the position would be reposted. President Jex asked if the district-funded lien expenses incurred in 2020 and 2021 have been recovered. ASD Sasser answered yes.

d. Tunnel East Bay Hills Fuel Break Project

Fire Chief Winnacker provided the report and stated staff continues to work through the environmental review. Some of the environmental work was impacted by the rain and holidays, which prevented field surveys from occurring. Staff anticipates completing the environmental review in February or March. Staff plans to have the Environmental Consultant attend a regular Board meeting to provide an update. The project is on track to begin fuel mitigation activities in spring.

e. Operations

Battalion Chief Lambert provided the report and reviewed the past month's significant events. A large amount of consistent rainfall occurred throughout the month. A county-wide Emergency Management (OES) meeting was held and attended by the National Weather Service (NWS). The Bay Area News Group reported the storms over the three weeks period were the wettest in 161 years. Some ridge tops throughout the district received 50MPH winds to accompany the rainfall, creating dangers of changes in soil stability and downed trees and power lines. The community prepared by filling sandbags (Orinda 150,000 lbs. and Moraga 120,000 lbs.). Firefighters prepared with the close monitoring of incoming weather patterns; Cal OES sponsored Selected Resources as part of a prepositioned team. Additional resources were added to support the increase in the volume of calls for service. Battalion Chief Lambert noted the MOFD Overhead resources included:

- o Fire Chief Winnacker- Liaison Officer
- o Battalion Chief Lambert- Chief Officer/ Division Supervisor
- o Battalion Chief Lee- Chief Officer/ Task Force Leader
- o Battalion Chief Gehling- Chief Officer/ Planning Section Chief
- o Captain Lacy- Safety Officer
- o Captain Marquardt- Drone Operator/ Task Force Leader

Battalion Chief Lambert reviewed MOFD Members participated in an Urban Search and Rescue Task Force which was deployed in the Morgan Hill area to assist with water emergencies and rescues. Engineer Mazaika was assigned as a Water Rescue Specialist to assist as a team member of USAR TF 4. The rescue was reported on NBC news. MOFD Engineer Mathews worked with the Orinda Public Works to help clear storm drains. Battalion Chief Lambert shared photos of the areas affected by the storms. The district continues to implore drivers to slow down, avoid distractions, and be careful of emergency personnel working on roadways.

Battalion Chief Lambert concluded by sharing a story about a 75th birthday celebration of Mr. Edward Tom, who relived a missed Boy Scout trip to the fire station at age 5 years old and fulfilled that missed experience 70 years later.

President Jex opened Public Comment for items 10.1-10.4.

Marc Evans, Orinda resident, suggested bundling the RFP for audit services with another agency.

Jonathan Goodwin, Canyon resident, inquired about the district's emergency operation plan for when multiple incidents occur and how that would be triaged.

Fire Chief Winnacker reviewed the Department Operation Center Plan. The district relies on automatic and mutual aid when various degrees of resources are overwhelmed. The district will recall personnel and reserve apparatus to increase capacity. The Department Operation Center is managed out of station 45 or a field environment if station 45 is untenable. Mr. Goodwin inquired about the ICS procedure. Fire Chief Winnacker explained that the DOC incident management is the first line of defense, with augmentation from surrounding areas with mutual aid. Mr. Goodwin inquired about flooding and rescue. Fire Chief Winnacker explained the procedures. During the recent flooding event, the District up-staffed three Battalion Chiefs. The district can access regional specialized rescue resources quickly due to the high number of response resources available in the greater Bay Area. It is a different issue to request Command and Control resources (knowing the lay of the land and being aware of the nature of the terrain is helpful) which is why the district is quick to up-staff command positions in advance of known events. Mr. Goodwin suggested the District post the information on the website as it is reassuring to the community.

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

11. CONSENT AGENDA (audio 02:37:34.850)

- 11.1 Meeting Minutes – December 21, 2022 (Special), (Regular): Staff Recommendation: Approve and File
- 11.2 Monthly Incident Report – December 2022: Staff Recommendation: Approve and File
- 11.3 Monthly Check/Voucher Register – December 2022 Staff Recommendation: Approve and File
- 11.4 Monthly Financial Report – December 2022 Staff Recommendation: Approve and File
- 11.5 2023 Listing of Board Assignments: Staff Recommendation: Receive and File.

President Jex opened Public Comment. There were no requests to address the Board. President Jex closed Public Comment. No discussion by the board.

Motion by Director Jorgens and seconded by Director Hasler to approve Consent Agenda items 11.1 - 11.5. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).

12. REGULAR AGENDA

12.1 Adopt Resolution 23-01 Approving an Investment Policy for District Funds (audio 02:38:56)

Administrative Services Director Sasser provided the report. The Investment policy requires an annual review by the Board. The policy has been reviewed by staff. Staff recommended one minor change to remove reference to the Finance Committee since the Finance Committee was dissolved. Director Danziger favored approving the policy since the Board made changes last year and there are no substantial changes.

President Jex opened the public comment.

Jonathan Goodwin, the Canyon resident, asked if there is a similar process for retirement funds.

Director Jorgens explained there are State restrictions on the operating cash. The other are investment funds in Trusts that the district uses for long-term investments versus the year-to-year operating cash.

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

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.

Motion by Director Jorgens and seconded by Director Danziger to Adopt Resolution 23-01 Approving an Investment Policy for District Funds. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).

~~12.2 Adopt Resolution 23-03 Approving a Veteran's and Resident Hiring Preference Policy (audio 02:42:58) – Item pulled~~

Fire Chief Winnacker announced District Counsel requested the item pulled to allow counsel time to research the legality of preferential hiring policies. No discussion by the Board.

Motion by Director Jorgens and seconded by Director Roemer to pull item 12.2, Resolution 23-03 Approving a Veteran's and Resident Hiring Preference Policy from the agenda until District Counsel has time to review the legality of the policy. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).

12.3 Draft Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code (audio 02:44:03)

Fire Marshal Isaacs provided the report. As part of the Fire Code Amendment Process, State law allows the district to amend the State Fire code with Findings of Fact. At the District Counsel's advice, the fact findings were pulled out of the fire code. The Finding of Facts has not changed since the 2019 fire code. A Draft of Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code, is submitted for review and discussion. Director Jorgens asked if the resolution was in addition to having them in the fire code. Fire Marshal Isaacs answered they are not included in the Ordinance. Director Jorgens asked if that satisfies the Fire Code Finding of Fact rule. Fire Marshal Isaacs confirmed.

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

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

Motion by Director Jorgens and seconded by Director Danziger to approve the Draft Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code. Said motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).

12.4 Report on East Bay Hills Wildfire Prevention Vegetation Management JPA, Hills Emergency Forum (HEF) and the Diablo Fire Safe Council (audio 02:46:42)

Fire Chief Winnacker provided the report. At the December 2022 regular board meeting, a member of the public suggested a report providing additional information regarding regional wildfire risk reduction organizations. The district participates in two existing organizations: the Diablo Fire Safe Council (DFSC) and the Hills Emergency Forum (HEF). Staff has been attending meetings about the formation of a third organization called the East Bay Hills Wildfire Prevention and Vegetation Management Coordination.

Fire Chief Winnacker noted highlights of the report. The DFSC is funded through Federal and State grants. In addition to coordination and information sharing, the DFSC distributes USDA and State of California fuel reduction funds that consist of \$5K grants to community groups. MOFD does not contribute to DFSC's budget. From April 2019 - December 2022, DFSC's Partners in Wildfire Prevention program awarded \$78K to neighborhood projects within MOFD's jurisdiction. These funds were matched by \$264K 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.

The HEF was formed in 1992 following the devastating 1991 Tunnel Fire to increase coordination amongst agencies affected by this event. MOFD joined in 2006. HEF is funded by member dues and organizes monthly information-sharing meetings. In 2022 MOFD's dues were \$5,500. The HEF was recently approached by the East Bay Hills Wildfire Prevention and Vegetation Management Coordination about expanding the HEF membership to include other entities. That proposal was not supported. MOFD supported that expansion but was not in the majority.

Fire Chief Winnacker summarized that the East Bay Hills Wildfire Prevention and Vegetation Management Coordination effort continues to evolve and has been beneficial as a multi-county forum for the county-wide standardized local amendments to the Fire Code and associated Fuels Mitigation Ordinance. Director Danziger inquired about the HEF dues. Fire Chief Winnacker answered that the dues go towards the cost of the staff coordinator.

President Jex opened the public comment.

Jonathan Goodwin, Canyon resident, thanked Fire Chief for presenting the information.

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

12.5 East Bay Hills Wildfire Prevention and Vegetation Management Request for Funding in the Amount of \$3,500 (audio 02:53:02)

Fire Chief Winnacker provided the report. 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. Director Danziger did not have any additional information to add to the report. Director Danziger was not ready to approve the funding request and would need to find out if other agencies are paying the funds and where the group stands. Director Jorgens had questions about the method used

to establish the funding. Director Jorgens was also not ready to approve the funding request but was open to the group returning to the Board to discuss the request.

Director Jorgens asked if there was an example of the value of participating in the HEF group or anything else the district is doing or not doing. Fire Chief Winnacker reviewed the HEF and use of Staff resources. The value that HEF brings is not clear. HEF consumes staff time and District funding. Besides sharing information, which is different from collaboration and coordination, a Fire District and Fire Code Official has fundamentally different outlooks and charges, which has not been helpful in resolving current disagreements regarding jurisdiction and who has the authority to do what. The Diablo Fire Safe Council (DFSC) brings funds from an outside source into the community. They are not controversial and are externally funded. The work from DFSC results in a very clear return on investment. The East Bay Hills Wildfire Prevention and Vegetation Management Coordination may be valuable overtime as it evolves.

President Jex concluded that the Board was not ready to act.

President Jex opened the public comment.

Marc Evans, Orinda resident, talked about the benefits of helping the community groups and suggested the City of Orinda or Firewise Councils could help engage.

Fire Chief Winnacker commented that engagement continues to happen through the Diablo Fire Safe Council. There has been an expanded role of the Fire Chiefs Associations where there is a lot of information sharing through these associations and the umbrella organization of the California Fire Chiefs Association serving as the Wildland Urban Interface task force leader. The district continues to engage with neighbors because their fire is our fire and vice versa. The Diablo Fire Safe Council has seen the greatest return on investment in regards to Staff time, information sharing, and resources.

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

12.6 Potential Operational and Financial Challenges Posed by an Excessive Precipitation Event Over the Winter Season (audio 03:03:53)

Fire Chief Winnacker provided the report. 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 like those that 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. Links to the plans were provided in the staff report. The Contra Costa and Orinda LHMPs were completed by Tetra Tech and are consistent with LHMP plans for other regional jurisdictions. Safety Elements prepared by the County, City, and Town address the potential impact of new development.

Fire Chief Winnacker reviewed the Orinda and Moraga Local Hazard Mitigation Plans where landslides are addressed. In the Orinda plan, some very detailed maps are included showing the areas with a potential (actual) event on Zander Drive where there is a history of some earth movement. The house has been condemned, and the City has monitoring equipment in place in that area. Fire Chief Winnacker noted the safety element includes discussing atmospheric rivers and some of the challenges having to do with landslides and specifically calls out the challenges with current landslide models. It is very challenging to understand where a landslide will occur. The model that shows the impact of where that landslide will go is even tougher because there are a series of variables that intersect in very complicated ways that can shape not only the conditions that create an earth movement, but also where that earth will go and what will happen when it goes down range.

MOFD is an all-hazard provider of fire, rescue, and EMS services throughout the 42 square miles of the fire district. There are specific specialized resources that a mid-size district such as ours does not have because of significant training and equipment requirements. A good example is, during the construction of the Fourth Bore, MOFD maintained a trench-in-mind rescue function because of the potential of this occurring in the community while they were boring. When that was completed, the annual training requirements for a confined space or trench entry lapsed, and the surplus equipment was disposed of as there was no longer a need to maintain that specialty. Throughout the region, there are specific technical rescue resources the district can call on for mutual aid if needed.

Fire Chief Winnacker pointed out that 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 State Fire Training Technical Rescue curriculum outlined in the staff

report. The combination of training and equipment provides MOFD members with the tools required to carry out the initial actions associated with a landslide or earth flow event. Captain Brad Nygard, Technical Rescue Program Manager, presented a PowerPoint presentation providing an overview of the district's capabilities and equipment attached to these minutes as item 12.6.

- Rope Rescue- Low/High Angle (200' Ropes, 400' Ropes, Carabiners, Pulleys, Harness)
- Stokes and Rescue Wheel
- Crane Operations with Truck 44
- Extrication (Spreaders, Cutters, Rams, Sawzall, Rotary Saw, Chainsaw, Air Chisel, Chains/Tow Straps)
- Stabilization
- Hours of Training
- Common Sense

Fire Chief Winnacker stated all the tools are used in various combinations and are the tools the staff would use in response to a landslide with the potential of people being trapped, typically inside a house. There are a lot of analogs between that infrequent event and the very frequent event of vehicle extrication. Staff believes the equipment, training, and experience (specifically used on highway 24) would apply to the aftermath of a landslide during the initial stages of the rescue. As the scene is triaged, mutual aid resources are brought in from the region to include structural collapse specialists, engineers, heavy equipment, and things that exceed what the district has on the frontline. The district will stabilize, triage, and deny entry while specialized resources are brought to minimize the damage.

Director Roemer commended the report and directed attention to the link included in the Staff report to the emergency response of the City of Orinda and the Tetra Tech report. Director Roemer quoted page 10.17 regarding the Zander Drive landslide. Director Roemer suggested the 2 x 2 Committee engage in some discussions with the City of Orinda because the City owns part of that property, and asked if staff had any thoughts on how important it is for further assessment of the property that had a landslide in the past and to find out what risk it poses in the future. Fire Chief Winnacker deferred to the owners. Director Roemer agreed but felt it deserved some follow-up because of the potential challenge to the rescue capabilities of the district. Director Roemer asked if anybody else had comments on whether this was within the wheelhouse of the MOFD.

Director Danziger deferred to the Fire Chief. Director Jorgens deferred to the Fire Chief. It is the Fire District's responsibility to know the district has the ability to rescue people if there is an issue. Otherwise, it is primarily the City and the landowner's issue. Director Roemer commended the report and was assured that the district is in a position to deal with a response.

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.

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 (audio 03:24:39)

Fire Chief Winnacker provided the report. 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 to in-person meetings. Staff presented options for virtual public access beginning March 2023 and requested direction. Fire Chief Winnacker noted the possibility of an extension of the State of emergency. Fire Chief Winnacker reviewed in-person meetings historically rotated between locations (Orinda and Moraga) to provide equitable access to all residents. With the addition of the virtual option, staff believes access can be provided regardless of the physical location. Staff recommended the District transition to hold meetings at a single location which would allow the district to engage in ensuring the appropriate infrastructure and equipment is available to allow a modified or hybrid option for residents to participate.

Staff reviewed the teleconference meeting laws outlined in the staff report, and advised the Directors not to avail themselves of the AB2449 remote option due to the difficulty of displaying remote video for in-person participants. Staff recommended continuing to conduct public meetings under the Standard (pre-pandemic) Teleconference Requirements (telephone call-in) for board members who are unable to attend in person.

President Jex asked about sharing the Orinda and Moraga City Council Chambers and equipment. Fire Chief Winnacker answered those options could be explored. If the option was available, staff would take advantage but recommended picking one location due to the complications of using two different systems in two different locations. Director Danziger commented that the City of Orinda directed their City Clerk to research and provide options, so there may be an opportunity to join them regarding equipment. Director Danziger asked if Joaquin Moraga Intermediate School was available. Fire Chief Winnacker answered the schools are available on a case by case basis. Director Danziger opined there might be an opportunity to work with the City of Orinda since they were going through the same process and asked if there was a requirement to offer hybrid meetings. Fire Chief Winnacker answered there is no requirement to offer a virtual public option. Director Danziger commented that attendance has increased throughout the pandemic and is in favor of offering a virtual hybrid option.

Director Jorgens agreed and favored offering the hybrid option for public participation and choosing one location. The idea of going back and forth will add a bunch of expense, hassle, and technical issues when the system must be hooked up differently each time. President Jex agreed. The equipment is heavy and has caused an employee injury in the past. Fire Chief Winnacker confirmed staff would further develop options as far as locations and requested direction regarding offering the hybrid option at a single location, understanding that the location will be outside the geographic center of the district. Staff will return in February with a proposal that has been tested and confirmed. All Directors agreed.

President Jex opened the public comment.

Marc Evans, Orinda resident, suggested meeting once a quarter and continuing the zoom meetings.

Director Jorgens explained the State requires that the Board return to in-person meetings with a quorum in the district at a single location. The hybrid is a way to supplement a virtual option for the public and suggested using Measure R funds to support both the City and MOFD with hybrid options.

Jonathan Goodwin, Canyon resident, commented on the difficulties of securing a single location and suggested holding the meeting outside station 41 with tents.

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

13. COMMITTEE REPORTS (audio 03:41:43)

13.1 Standing Audit Committee (Directors Jex and Hasler). No Report.

13.2 Ad Hoc Committee Facilities Station 41 (Directors Danziger & Jex). No Report

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 & Hasler). No Report

13.4 Ad Hoc Committee Joint Fire Prevention w/City of Orinda (Directors Jorgens & Roemer). No Report.

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

President Jex closed public comment.

14. ANNOUNCEMENTS (audio 03:42:34)

14.1 Future Agenda Items

Director Jorgens requested an ad hoc committee to develop plans for expanding the fire prevention program. Director Danziger requested the status of the grant program in the Fire Marshal report.

President Jex opened the public comment.

Jonathan Goodwin, Canyon resident, requested forming a 2 x 2 Committee consisting of two Directors and two Local 1230 members to discuss the 17 and 19 staffing, not to find agreement, but to present all angles.

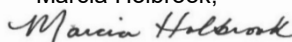
There were no additional requests to address the Board. President Jex closed public comment.

No further discussion by the Board.

15. ADJOURNMENT

At 10:42 p.m., Director Jorgens motioned and seconded by Director Danziger 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.*

01/18/23 Regular Meeting
Recording CHAT Messages

01:58:54 Fire Chief Winnacker:
<http://www.lamorindaweekly.com/archive/issue0119/pdf/A-Town-Divided-By-Speed-Bumps.pdf>


02:00:48 Marcia Holbrook - District Clerk:
<http://www.lamorindaweekly.com/archive/issue0119/pdf/A-Town-Divided-By-Speed-Bumps.pdf>

02:07:18 Fire Chief Winnacker: Remove Section 503.4.1

02:44:50 James Duff: Can y'all define brush? Shrub vs cacti vs bush vs immature trees?

03:04:18 Jonathan Goodwin: Well, try not starting with a sledgehammer.


04:46:47 Fire Chief Winnacker: That is correct.



Finance Report

January 18, 2023


Strike Team Reimbursement - OES



- Strike Team Receivable Update:

	Estimated
	<u>2022-2023</u>
OES Strike Team Receivable	\$987,810
OES Payments Received	<u>\$904,101</u>
Net Receivable Outstanding	\$ 83,709
- 2022-2023 – \$529k in payments received in January

Other Items



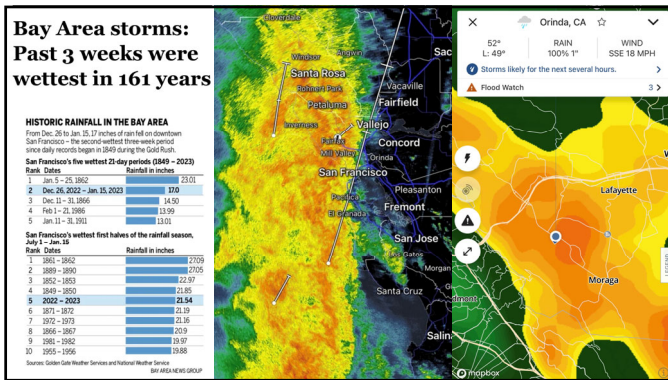
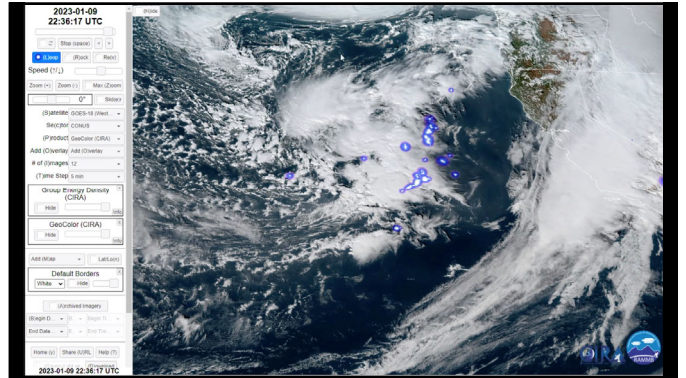
- Tax Revenue - \$16 million deposited to County Cash account on 12/16. \$15.8 million transferred to LAIF on 12/21. Tax revenue has exceeded budget \$165K.
- W-2's completed and distributed
- 1099's in-process and will be completed by January 31
- FY22 Audit – Audit postponed by Auditor due to staffing issues (originally scheduled for the week of 12/12/22). Audit is now scheduled for the week of 2/13/23 with final audit report expected in March 2023.
- Staff will issue RFP for new Audit firm for FY23

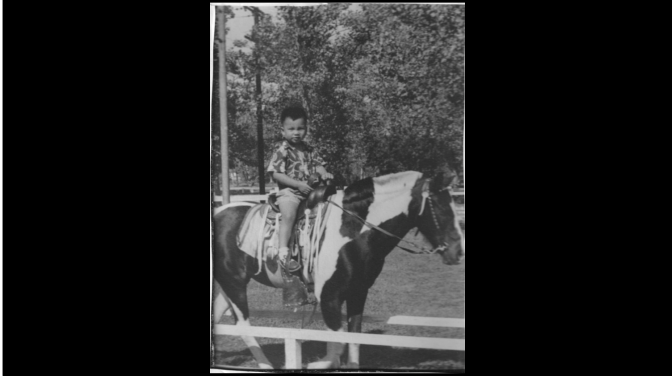


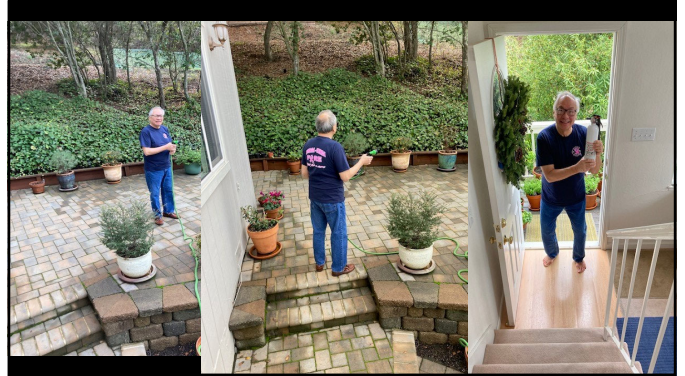
Human Resources Update – January 2023

Recruitment Update

- Firefighter Paramedic Trainee
- Fuels Mitigation Specialist
- Communication Support Unit Volunteers







Rope Rescue- Low/High Angle

- 200' Ropes
- 400' Ropes
- Carabiners
- Pulleys
- Harness

Stokes and Rescue Wheel

Crane Operations with Truck 44

Extrication

- Spreaders, Cutters, Rams
- Sawzall
- Rotary Saw
- Chainsaw
- Air Chisel
- Chains/Tow Straps

Stabilization

Stabilization

Grip Hoist

Training



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.

	January, 2023						Totals
	All Others (Alarms / Pub Service / Etc.)		EMS / Rescue		Vehicle Accidents		
	In District	Out of Dist.	In District	Out of Dist.	In District	Out of Dist.	
Incident Totals	82	5	187	6	20	4	304
Median Turnout	1.15	1.10	1.18	0.83	1.08	0.99	1.17
Median Resp Time	6.85	7.63	5.27	10.12	6.42	8.69	5.75
Resp Time (90th%)	11.93	8.15	8.33	14.60	8.18	12.95	9.67

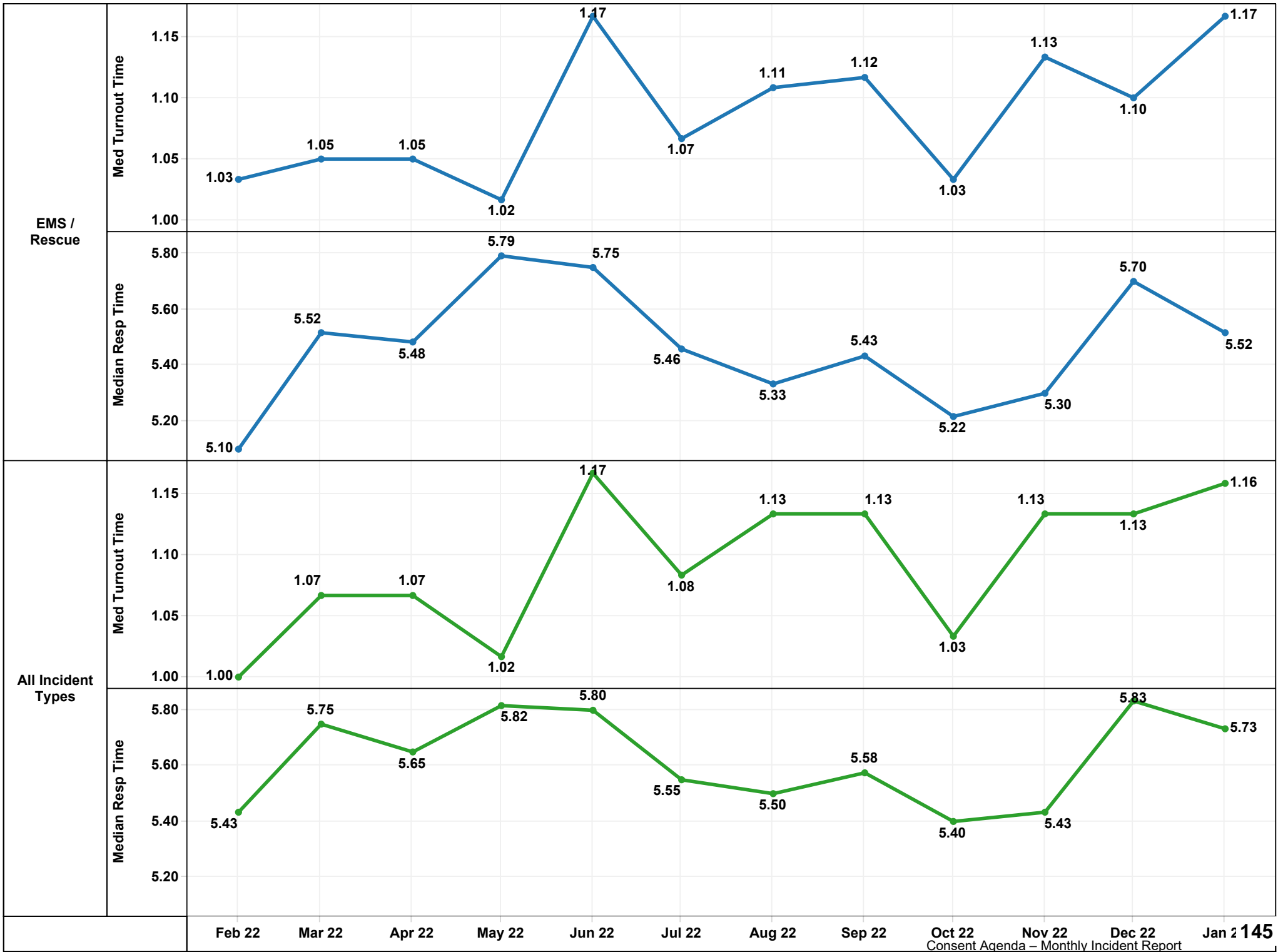
Code 3 Response Time Summary by City and Incident Type. Times shown are based on the First Responding Units Arrival at Scene of Emergency.

		January, 2023			
		Incident Totals	Median Turnout	Median Resp Time	Resp Time (90th%)
Orinda	EMS / Rescue	87	1.23	5.79	8.18
	All Other Types	17	0.78	6.85	9.43
	Totals for City	104	1.20	5.83	8.33
Moraga	EMS / Rescue	81	1.37	4.58	6.64
	All Other Types	16	1.58	5.36	8.51
	Totals for City	97	1.38	4.73	7.25
Lafayette	EMS / Rescue	8	0.97	8.43	13.78
	All Other Types	2	0.74	6.47	8.02
	Totals for City	10	0.97	7.38	13.12
Canyon	EMS / Rescue	3	0.75	14.25	16.07
	All Other Types	2	0.59	6.06	8.87
	Totals for City	5	0.75	11.80	16.07
Overall Total		216	1.24	5.43	8.62

Response Totals By Incident Type

	Feb 22	Mar 22	Apr 22	May 22	Jun 22	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Total
All Others (Alarms / Pub Service / Etc.)	78	105	86	73	109	96	116	100	91	111	113	142	1,220
EMS / Rescue	125	157	171	174	196	186	165	182	164	166	212	194	2,092
Structure Fires	2	2	1	1	2		3	2	2	2	4		21
Veg Fires			1	1	4	1	2	4	2				15
Vehicle Accidents	17	17	20	18	21	10	12	29	17	23	31	24	239
Grand Total	222	281	279	267	332	293	298	317	276	302	360	360	3,587

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

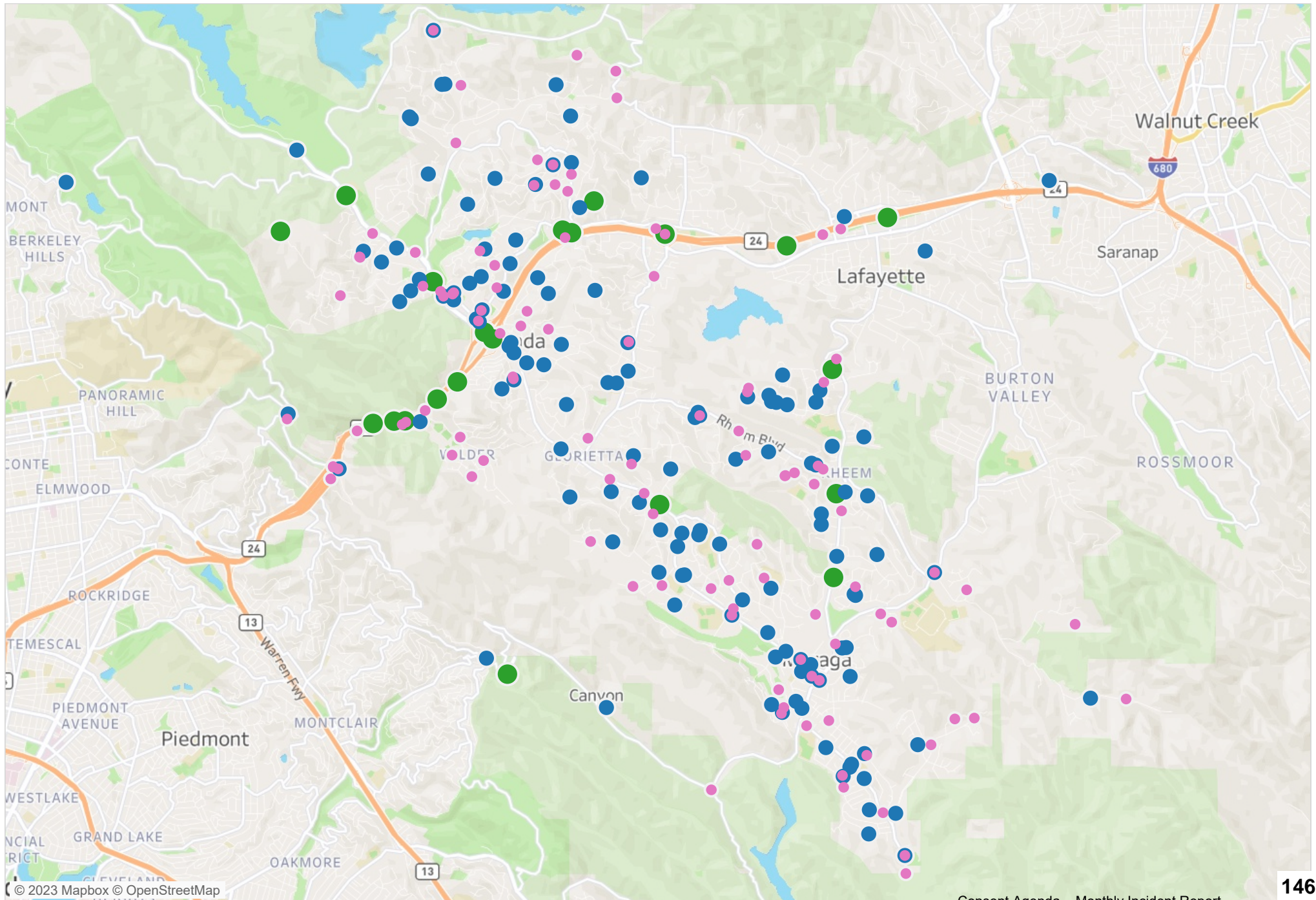


Incident Types

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

■ Vehicle Accidents

Incident Location Map for MOFD January 2023



Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 1/1/2023 Through 1/31/2023

Check Number	Check Date	Name	Check Amount	Transaction Description
<u>27 - Capital Projects Fund</u>				
	1/5/2023	Lehr	10,798.49	Unit 472 UTL Truck Upfitting Lights, Comms
000872	1/5/2023	Watts, Cohn and Partners, Inc	3,500.00	Appraisal Admin building and 1010 Camino Pablo - Retainer
000853	1/5/2023	East Bay Tire Company	1,936.59	Replacement Tires Unit 472
	1/5/2023	East Bay Tire Company	1,856.13	Replacement Tires Unit 473
	1/5/2023	Lehr	648.43	Unit 470 Modem Install
000858	1/5/2023	Lehr	<u>376.82</u>	Unit 470 BC Truck Upfitting
		Total 27 - Capital Projects Fund	19,116.46	

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 1/1/2023 Through 1/31/2023

Check Number	Check Date	Name	Check Amount	Transaction Description
<u>50 - General Fund</u>				
ACHCalPers01.09.23	1/9/2023	Calif. Public Employees'	218,973.63	Medical Jan 2023
WIRECCERA01.09.23	2/9/2023	CCCERA	187,017.59	CCCERA Retirement Jan 2023
8736	1/26/2023	Definitive Networks, Inc.	18,471.00	IT Services/Internet Dec 2022
ACHDDental01.09.23	1/9/2023	Delta Dental Plan of Calif.	16,738.38	Delta Dental 01.09.23
000893	1/19/2023	Concern:EAP	13,230.00	EAP Renewal 1/1-12/31/23
ACHCalCard12.22.22	1/12/2023	U.S. Bank	9,628.74	Cal card statement 12.22.22
	1/19/2023	Bound Tree Medical, LLC	8,004.06	Medical Supplies
ACHIAFFDues01.09.23	1/9/2023	IAFF Local 1230 Dues	7,262.61	IAFF Dues 01.09.23
000905	1/19/2023	Wittman Enterprises, LLC	7,169.96	Ambulance Billing - Dec 2022
000885	1/12/2023	SoftwareOne	6,984.63	Office 365 Licenses
000886	1/12/2023	Verizon Wireless	5,967.21	Wireless Nov 24-Dec 23 Acct 623714059-00007
000875	1/12/2023	ClientFirst Consulting Group, LLC	5,171.25	IT RFP Work
000887	1/12/2023	West Coast Code Consultants	5,163.75	In House Plan Review - McMillan Dec 2022
000876	1/12/2023	CPR Training Center	4,800.00	ACLS Renewal - In Class Training
000841	1/5/2023	American Fidelity Assurance	4,075.78	FSA & DC
000920	1/26/2023	Sherill Richied	3,070.00	Ambulance Billing refund - Incident 21090198 8/20/21
000881	1/12/2023	Steve Rogness	2,600.00	Reimbursement - ArcGIS Desktop/Online Creator
000857	1/5/2023	Keenan & Associates	2,546.25	VSP/Life/Supp Life - Jan 2023
	1/12/2023	West Coast Code Consultants	2,472.50	Senior Fire Inspector McMillan - Dec 2022
	1/5/2023	L.N. Curtis & Sons	2,218.90	Jumbo Lowpro Ball Intake Valve
000900	1/19/2023	Greg Kennedy	2,175.00	4th Quarter EMS training
000866	1/5/2023	Power Source Electrical	2,147.50	Stn 41 Exterior Light Repair
000916	1/26/2023	L.N. Curtis & Sons	2,087.77	Eagle compressor annual service, parts, and labor
000853	1/5/2023	East Bay Tire Company	2,050.28	Replacement Tires Unit 455
ACHMOPFA01.09.23	1/9/2023	Moraga-Orinda Professional Firefigh	2,036.00	MOPFA 01.09.23
	1/26/2023	Pacific Gas & Electric	2,021.18	Gas Service Stn 45 12/15-1/13/23 Acct 0504649606-2
000904	1/19/2023	Sun Valley Heating & Air Conditionir	1,850.00	HVAC Service - all stations
ACHIAFFIns01.09.23	1/9/2023	IAFF Local 1230 Insurance	1,848.66	IAFF Insurance 01.09.23
	1/19/2023	Pacific Gas & Electric	1,743.54	Electric & Gas Service - Stn 41 Acct 9338447691-2
	1/19/2023	Pacific Gas & Electric	1,731.10	Electric Service Stn 45 12/5-1/3/23 Acct 0546316270-0
ACHNorcal01.09.23	1/9/2023	1st NorCal Federal Credit Union	1,702.20	Norcal 01.09.23
000907	1/26/2023	Aetna	1,670.07	Ambulance Billing Refund RE W161540760 Incident
	1/5/2023	ADP, Inc.	1,487.80	Payroll Processing Service 9/30 and 10/12
	1/19/2023	Pacific Gas & Electric	1,484.56	Gas Service Stn 42 12/7-1/5/23 Acct 4588374985-0
	1/19/2023	Hunt & Sons, Inc.	1,472.72	Fuel Stn 45 01.05.23
000838	1/5/2023	ADP, Inc.	1,468.35	Payroll Processing Service 11/30 and 12/14
000846	1/5/2023	Berry Bros. Towing and Transport, ll	1,405.00	Tow for Unit 441 to ALCO
000898	1/19/2023	Hunt & Sons, Inc.	1,399.01	Fuel Stn 41 01.05.23
000869	1/5/2023	Staples Business Credit	1,340.47	Household supplies 11/28-12/22 Acct 1815534LA
000842	1/5/2023	American Fidelity	1,332.30	Supplemental Insurance jan 2023
	1/12/2023	West Coast Code Consultants	1,250.00	In House Plan Review King/Kimball - Dec 2022
000897	1/19/2023	Guaranteed Plumbing	1,250.00	Station 45 Plumbing repair
	1/5/2023	L.N. Curtis & Sons	1,239.93	Structure Helmets
000908	1/26/2023	A T and T Mobility	1,215.38	Wireless Dec 3-Jan 2 Acct 287291512913
000843	1/5/2023	A T and T	1,071.88	Phone Service Dec 20-Jan 19 925 258 9746 829 9
000855	1/5/2023	Integrated Wastestream Manageme	1,000.00	Stn 42 Apparatus basin service
	1/5/2023	Integrated Wastestream Manageme	1,000.00	Stn 43 Apparatus Basin Service
	1/5/2023	Integrated Wastestream Manageme	1,000.00	Stn 44 apparatus basin service
000850	1/5/2023	Cross Connections Emergency Serv	959.69	BK Mobile Radio Head
ACHPaymentus01.31	1/30/2023	Paymentus Group, Inc.	954.00	Refund Plan Review fees 01.30.23

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 1/1/2023 Through 1/31/2023

Check Number	Check Date	Name	Check Amount	Transaction Description
	1/19/2023	Hunt & Sons, Inc.	942.36	Fuel Stn 43 01.05.23
	1/19/2023	Hunt & Sons, Inc.	872.63	Fuel Stn 44 01.05.23
000854	1/5/2023	Hunt & Sons, Inc.	855.62	Fuel Stn 41 12/21/22
	1/19/2023	Pacific Gas & Electric	845.85	Electric & Gas Service Stn 42 12/6-1/4/23 Acct 4546708321-3
	1/26/2023	Data Ticket Inc.	779.45	Code Enforcement Processing August 2022
000890	1/19/2023	A T and T Mobility	771.90	Wireless Dec 3-Jan 2 Acct 287291512571
	1/12/2023	Republic Services	734.83	Trash Service Stn 45 Jan 2023
000864	1/5/2023	Otis Elevator	687.63	Maintenance Service Stn 43 1/1-3/31/23
000870	1/5/2023	Stat Med Urgent Care	640.00	Flu Shots
000851	1/5/2023	Dell Financial Services	623.78	Computer lease
000913	1/26/2023	Dell Financial Services	623.78	Computer lease
Dell000695	1/24/2023	Dell Financial Services	623.78	Computer lease - Oct
	1/19/2023	EBMUD	611.74	Water Service Stn 42 10/28-1/4/23 Acct 55307800001
	1/12/2023	Republic Services	605.19	Trash Service Stn 41 and 42 Jan 2023
000867	1/5/2023	Revel Environmental Manufacturing	588.00	Stn 41 And Stn 42 Storm Drain Maintenance
000856	1/5/2023	J.R. Wagner Fire Protection, Inc.	550.00	Stn 43 Sprinkler Service
000919	1/26/2023	Pacific Gas & Electric	537.38	Gas & Electric Stn 43 12/15-1/16/23 Acct 8191590970-9
	1/5/2023	Power Source Electrical	531.80	Stn 41 Service Call Panel
	1/19/2023	Hunt & Sons, Inc.	477.55	Fuel Stn 42 01.05.23
	1/5/2023	Bay Alarm Company	471.69	Monitoring Service Stn 43 1/1-4/1/23
INV006534	1/9/2023	BRCK Inc.	450.04	VOIP
000912	1/26/2023	Data Ticket Inc.	448.98	Citation Processing Service Dec 2022
000871	1/5/2023	Verizon Wireless	446.05	Wireless Nov 24-Dec 23
	1/19/2023	Pacific Gas & Electric	445.64	Electric & Gas Service Admin 12/7-1/5/23 Acct 9213137928-
000896	1/19/2023	EBMUD	410.77	Water Service Stn 41 10/28-1/4/23 Acct 55307900001
000844	1/5/2023	A T and T Mobility	407.87	Wireless Nov 16-Dec 16 Acct 287016079073
000911	1/26/2023	Cooke & Associates, Inc.	383.30	Background investigation - Lewis
	1/5/2023	L.N. Curtis & Sons	373.08	Pants
000840	1/5/2023	Air Exchange Inc.	368.26	Plymovent Stn 41 repair
000860	1/5/2023	L.N. Curtis & Sons	351.20	Extrication Gloves
000901	1/19/2023	Pacific Office Automation	325.96	Lease - Konical Minolta
000877	1/12/2023	EBMUD	302.64	Water Service Stn 45 10/25-12/28/22 Acct 49350800001
000902	1/19/2023	Pacific Gas & Electric	300.72	Electric & Gas Service Stn 44 12/6-1/4/23 Acct 1046316238-
	1/26/2023	L.N. Curtis & Sons	300.07	Pick & Shovel
000917	1/26/2023	Minuteman Press	300.06	Window Envelopes
000882	1/12/2023	Thomas Schwedhelm	300.00	ACLS Renewal
000884	1/12/2023	Smart Clean Building Maintenance I	300.00	Monthly Cleaning Service - Admin
000859	1/5/2023	Lily Dong Photography	297.00	Headshots - New Director 05
000915	1/26/2023	Lily Dong Photography	297.00	Headshots - Dir. Hassler
	1/5/2023	A T and T	274.10	Phone Service Dec 20-Jan 19 Acct 925 258 9731
000889	1/19/2023	A T and T	258.93	Calnet 12/12-1/1/23 BAN 9391035207
000849	1/5/2023	Jared Costanza	250.00	Paramedic recertification
	1/12/2023	Michael Martinez	250.00	Paramedica License Renewal
	1/26/2023	L.N. Curtis & Sons	237.31	Ratchet strap
	1/26/2023	Dell Financial Services	227.75	Computer leases
000845	1/5/2023	Bay Alarm Company	184.98	Monitoring Service Stn 42 1/1-4/1/23
	1/5/2023	Bay Alarm Company	184.98	Monitoring Service Stn 44 1/1-4/1/23
000865	1/5/2023	Pitney Bowes Global	181.55	Postage machine lease
ACHChaseJan23	1/5/2023		180.00	Bank fee Jan 2023
000873	1/12/2023	A T and T	178.90	Calnet 12/1-12/31/22 BAN 9391053307
000903	1/19/2023	Reliable Pharmaceutical Returns	150.00	Disposal of Pharmaceuticals

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 1/1/2023 Through 1/31/2023

Check Number	Check Date	Name	Check Amount	Transaction Description
000921	1/26/2023	Sacramento Metropolitan Fire Distric	134.29	Admin fee GEMT 06.27.17
000874	1/12/2023	Clark Pest Control of Stockton Inc.	133.50	Monthly Pest Service Stn 45 12/20/22
000862	1/5/2023	Office Depot	130.25	Paper
000899	1/19/2023	The Permanente Medical Group	130.00	Firefighter Physicals - Lewis/Linden
	1/19/2023	Airgas USA, LLC	126.33	Helium/Nitrogen
000880	1/12/2023	Republic Services	126.25	Trash Service - Stn 44 Jan 2023
	1/12/2023	Republic Services	126.25	Trash Service Stn 43 Jan 2023
000847	1/5/2023	Clark Pest Control of Stockton Inc.	125.90	Pest Control Service Stn 41 12/15/22
	1/5/2023	Clark Pest Control of Stockton Inc.	125.90	Pest Control Stn 42 11.15.22
	1/12/2023	Clark Pest Control of Stockton Inc.	125.90	Montly Pest Service Stn 44 12.29.22
000895	1/19/2023	East Bay Tire Company	123.46	Tire repair
000879	1/12/2023	Motive Energy	115.09	Service on Unit 459
	1/5/2023	ADT Security Services	108.66	Security Service Stn 41 1/4-2/3/23
	1/26/2023	ADT Security Services	108.66	Security Service Stn 41 2/4-3/3/23 Acct 402025453
000848	1/5/2023	Comcast	93.85	Modem Stn 41 12/29-1/28/23 Acct 8155 40 005 0208428
	1/5/2023	Comcast	93.85	Modem Stn 42 12/24-1/23/23
	1/5/2023	Comcast	93.85	Modem Stn 45 12/23-1/22/23
000910	1/26/2023	Comcast	93.85	Modem Stn 44 Jan 14 to Feb 13 Acct 8155 40 006 0191002
000868	1/5/2023	Shred-it	86.51	Shredding Service 12.22.22
	1/5/2023	ADT Security Services	85.77	Security Service Stn 45 1/9-2/8/23
000918	1/26/2023	Office Depot	81.06	Ink Cartridge
000891	1/19/2023	Biomedical Waste Disposal	79.00	Waste Disposal Stn 41 01.06.23
	1/19/2023	Biomedical Waste Disposal	79.00	Waste Disposal Stn 45 01.06.23
	1/26/2023	Office Depot	72.38	Supplies
000863	1/5/2023	Orinda Motors, Inc.	63.05	Tire Repair Ford Ranger
000909	1/26/2023	AT&T	53.50	Internet Jan 10-Feb 9 Acct 293834673
000888	1/19/2023	Airgas USA, LLC	52.20	Argon
000839	1/5/2023	ADT Security Services	47.84	Security Service Admin 1/4-2/3/23
000906	1/26/2023	ADT Security Services	47.84	Security Service Admin 2/4-3/3/23 Acct 402025444
000914	1/26/2023	Far Western Trophy & Award	47.20	Engraved plaque
	1/26/2023	Office Depot	41.04	Luggage cart for Board meetings
000861	1/5/2023	Mark McCullah	40.49	Sprinkler repair parts Stn 43
000852	1/5/2023	Department of Justice	32.00	Fingerprints
000894	1/19/2023	Department of Justice	32.00	Fingerprints
000878	1/12/2023	Michael Martinez	30.30	Annual Physical
000883	1/12/2023	Secretary of State	<u>6.00</u>	Fee for Certified Copy of Statement of Facts
		Total 50 - General Fund	602,795.75	

Report Total **621,912.21**



Moraga-Orinda Fire District

QUARTERLY INVESTMENT REPORT						
December 31, 2022						
Type of Investment	Financial Institution	Date of Maturity	Par Value/ Original	Market Value	Rate of Interest	Fiscal Year-to-Date Income
Cash	Contra Costa County	N/A	\$ 188,863	\$ 188,863	0.00%	\$ -
Cash	JPMorgan Chase Bank, N.A.	N/A	558,061	558,061	0.00%	\$ -
Local Agency Investment Fund	Local Agency Investment Fund	N/A	20,590,788	20,207,578	2.07%	\$ 73,090
Money Market	Allspring Government Money Market Fund Admin Class	N/A	0	0	0.66%	\$ 1,073
Total			\$ 21,337,712	\$ 20,954,502		\$ 74,163
Average Weighted Yield	2.00%					
Market values obtained from monthly statements issued by JP Morgan Chase Bank, N.A. and Wells Fargo Bank						
Sufficient funds exist to meet the District's financial obligations for the next six months using the County of Contra Costa's "Teeter Plan". In 1949, the California Legislature enacted an alteratvie method for the distribution of secured property taxes to local agencies known as the "Teeter Plan". The Teeter Plan is a tax distribution procedure by which secured tax rolls are distributed to the District on the basis of the tax levy, rather than on the basis of actual tax collections. While the County bears the risk of loss on delinquent taxes that go unpaid, it benefits from the penalties associated with these delinquent taxes when they are paid. In turn, the Teeter Plan provides the District with stable cash flow and the elimination of credit risk.						
The December 2022 investments are in accordance with the District adopted investment policy.						
Gloriann Sasser Administrative Services Director						



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Gloriann Sasser, Administrative Services Director

DATE: February 15, 2023

SUBJECT: **Item 11.5 Approval of Salary Schedule Unrepresented Employees Effective January 1, 2023**

BACKGROUND

On April 20, 2022 the Board approved a 5% salary increase for the Fire Chief effective January 1, 2023. The Unrepresented Employees Salary Schedule (attached) has been updated to reflect the increased salary.

No other changes have been made to the Unrepresented Employees Salary Schedule.

RECOMMENDATION

Staff Recommendation: Approve and File Salary Schedule Unrepresented Employees Effective January 1, 2023

ATTACHMENT

[Attachment: Salary Schedule-Unrepresented Effective 01-01-2023.pdf](#)

**MORAGA ORINDA FIRE DISTRICT
SALARY SCHEDULE MONTHLY
UNREPRESENTED EMPLOYEES
EFFECTIVE JANUARY 1, 2023**



CLASSIFICATION	RANGE	BASE SALARY	FIRE RETIREMENT ALLOTMENT	TOTAL BASE SALARY	EDUCATIONAL INCENTIVE	HOURLY RATE	OVERTIME RATE	UNIFORM PAY
FIRE CHIEF		\$24,618.25	\$963	\$25,581.25		\$147.59		
ADMINISTRATIVE SERVICES DIRECTOR	Maximum	16,954	663	17,617	\$440.43	101.64		
	Minimum	13,984	547	14,531	363.28	83.83		
FIRE MARSHAL	Maximum	17,020	666	17,686	442.15	102.04		\$80
	Minimum	14,392	563	14,955	373.88	86.28		
FINANCE MANAGER	Maximum	9,653	378	10,031	250.78	57.87		
	Minimum	7,964	312	8,276	206.90	47.75		
HUMAN RESOURCES MANAGER	Maximum	9,653	378	10,031	250.78	57.87		
	Minimum	7,964	312	8,276	206.90	47.75		
FUELS MITIGATION PROGRAM MANAGER	Maximum	9,378	367	9,745		56.22	\$84.33	
	Minimum	7,724	303	8,027		46.31	69.47	
FIRE INSPECTOR/ PLANS EXAMINER	5	9,201	360	9,561		55.16	82.74	
	4	8,763	343	9,106		52.54	78.81	
	3	8,346	327	8,673		50.04	75.06	
	2	7,949	311	8,260		47.65	71.48	
	1	7,570	296	7,866		45.38	68.07	
DISTRICT SECRETARY/ DISTRICT CLERK	5	8,731	342	9,073		52.35	78.53	
	4	8,314	326	8,640		49.85	74.78	
	3	7,919	310	8,229		47.48	71.22	
	2	7,544	295	7,839		45.23	67.85	
	1	7,186	281	7,467		43.08	64.62	
PAYROLL TECHNICIAN	5	8,064	316	8,380		48.35	72.53	
	4	7,678	301	7,979		46.03	69.05	
	3	7,312	286	7,598		43.84	65.76	
	2	6,964	273	7,237		41.75	62.63	
	1	6,635	260	6,895		39.78	59.67	
OFFICE SPECIALIST CONFIDENTIAL	5	7,243	284	7,527		43.43	65.15	
	4	6,899	270	7,169		41.36	62.04	
	3	6,570	257	6,827		39.39	59.09	
	2	6,257	245	6,502		37.51	56.27	
	1	5,959	233	6,192		35.72	53.58	
FUELS MITIGATION SPECIALIST	3	4,418	173	4,591		26.49	39.74	
	2	4,198	165	4,363		25.17	37.76	
	1	3,988	156	4,144		23.91	35.87	



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Christine Russell, Human Resources Manager

DATE: February 15, 2023

SUBJECT: **Item 11.6 Authorize Contract with Delta Dental of California for the Period April 1, 2023 through March 31, 2025**

BACKGROUND

The District provides dental insurance to employees and retirees. The District has contracted with Delta Dental of California since 1998. The current contract expires March 31, 2023. Delta Dental proposed a two-year contract term while maintaining the monthly rates in the new contract at current levels as follows:

Total Monthly Cost	Current Rates 2022-2023	New Rates 2023-2025
One party	\$55.96	\$55.96
Two party	\$98.76	\$98.76
Three +	\$150.74	\$150.74

The District pays a fixed amount per employee and retiree for dental insurance. Employer and employee monthly costs are as follows:

	Employer Cost	Employee Cost
One party	\$51.20	\$4.76
Two party	\$90.12	\$8.64
Three +	\$136.35	\$14.39

Total annual cost is projected to be \$200,000. Staff recommends the Board authorize a two-year contract with Delta Dental of California.

RECOMMENDATION

Staff Recommendation: Authorize contract with Delta Dental of California for the period April 1, 2023 through March 31, 2025.



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: February 15, 2023

SUBJECT: **Item 11.7 Authorize Acceptance of the FY 2021 Assistance to Firefighters Grant in the Amount of \$447,780 for the Purchase of 66 Self-Contained Breathing Apparatus Units**

BACKGROUND

The District has been awarded an FY 2021 Assistance to Firefighters Grant in the amount of \$447,780 (Attachment A.) The grant funds will be used to purchase 66 units of self-contained breathing apparatus (SCBAs). Each SCBA unit will include a harness/backup, face shield and two oxygen cylinders. The SCBA purchase and request for reimbursement must be completed on or before February 12, 2025.

The District's inventory of SCBAs is over 13 years old and two editions behind the recommendations found in NFPA 1981 (Standard on Open-Circuit Self-Contained Breathing Apparatus for Emergency Services) 2019 edition. The SCBAs will reach the end of their life span of 15 years in 2025. Replacement of the District's SCBA inventory is included in the Long Range Financial Forecast in FY2026 in the amount of \$1.1M.

The grant requires the District to contribute matching funds of \$44,778 (10% of the grant.) In addition, the cost of SCBAs has increased since the grant application was submitted in November 2021. Staff anticipates the purchase of 66 units of SCBA will cost more than the total grant. If the District accepts the grant, the District will be required to purchase 66 units of SCBA; the District will have to pay the additional costs that are not covered by the grant. Staff anticipates the total cost of 66 units of SCBA will be approximately \$100,000.

The District is required to accept or decline the grant by March 7, 2023. If the Board approves acceptance of the grant, the additional cost will be included in the FY2024 Capital Projects Fund budget.

RECOMMENDATION

Staff Recommendation: 1) Authorize Acceptance of the FY 2021 Assistance to Firefighters Grant in the Amount of \$447,780 for the Purchase of 66 Self-Contained Breathing Apparatus Units

ATTACHMENT

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Effective date: 02/06/2023



Jerry Lee
MORAGA-ORINDA FIRE PROTECTION DISTRICT
1280 MORAGA WAY
MORAGA, CA 94556

EMW-2021-FG-05792

Dear Jerry Lee,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2021 Assistance to Firefighters Grant (AFG) Grant funding opportunity has been approved in the amount of \$447,780.00 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 10.0% of the Federal funds awarded, or \$44,778.00 for a total approved budget of \$492,558.00. Please see the FY 2021 AFG Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2021 AFG Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in blue ink that reads "P. Williams". The signature is written in a cursive style.

PAMELA WILLIAMS
Assistant Administrator, Grant Programs

Summary Award Memo

Program: Fiscal Year 2021 Assistance to Firefighters Grant
Recipient: MORAGA-ORINDA FIRE PROTECTION DISTRICT
UEI-EFT: M53NMH2AJLK5
DUNS number: 961062403
Award number: EMW-2021-FG-05792

Summary description of award

The purpose of the Assistance to Firefighters Grant program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for Fiscal Year (FY) 2021 Assistance to Firefighters Grants funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Amount awarded table

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

Object Class	Total
Personnel	\$0.00
Fringe benefits	\$0.00
Travel	\$0.00
Equipment	\$448,800.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$43,758.00
Indirect charges	\$0.00
Federal	\$447,780.00
Non-federal	\$44,778.00
Total	\$492,558.00
Program Income	\$0.00

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2021 AFG NOFO.

Approved request details:

Personal Protective Equipment (PPE)

SCBA: SCBA Unit includes: Harness/Backpack, Face Piece and 2 cylinders

DESCRIPTION

SCBA - Airpak, mask, regulator, 2x cylinders

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	66	\$6,800.00	\$448,800.00	Equipment

Additional funding

DESCRIPTION

CA Sales Tax @ 9.75%

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1	\$43,758.00	\$43,758.00	Other

Agreement Articles

Program: Fiscal Year 2021 Assistance to Firefighters Grant

Recipient: MORAGA-ORINDA FIRE PROTECTION DISTRICT

UEI-EFT: M53NMH2AJLK5

DUNS number: 961062403

Award number: EMW-2021-FG-05792

Table of contents

1	Article Assurances, Administrative Requirements, Cost Principles, Representations and Certifications
2	Article General Acknowledgements and Assurances
3	Article Acknowledgement of Federal Funding from DHS
4	Article Activities Conducted Abroad
5	Article Age Discrimination Act of 1975
6	Article Americans with Disabilities Act of 1990
7	Article Best Practices for Collection and Use of Personally Identifiable Information
8	Article Civil Rights Act of 1964 – Title VI
9	Article Civil Rights Act of 1968
10	Article Copyright
11	Article Debarment and Suspension
12	Article Drug-Free Workplace Regulations
13	Article Duplication of Benefits
14	Article Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX
15	Article E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety
16	Article Energy Policy and Conservation Act
17	Article False Claims Act and Program Fraud Civil Remedies
18	Article Federal Debt Status
19	Article Federal Leadership on Reducing Text Messaging while Driving
20	Article Fly America Act of 1974
21	Article Hotel and Motel Fire Safety Act of 1990
22	Article John S. McCain National Defense Authorization Act of Fiscal Year 2019
23	Article Limited English Proficiency (Civil Rights Act of 1964, Title VI)
24	Article Lobbying Prohibitions
25	Article National Environmental Policy Act

ArticleNondiscrimination in Matters Pertaining to Faith-Based Organizations	
26	
ArticleNon-Supplanting Requirement	
27	
ArticleNotice of Funding Opportunity Requirements	
28	
ArticlePatents and Intellectual Property Rights	
29	
ArticleProcurement of Recovered Materials	
30	
ArticleRehabilitation Act of 1973	
31	
ArticleReporting of Matters Related to Recipient Integrity and Performance	
32	
ArticleReporting Subawards and Executive Compensation	
33	
ArticleRequired Use of American Iron, Steel, Manufactured Products, and Construction	
34	Materials
ArticleSAFECOM	
35	
ArticleTerrorist Financing	
36	
ArticleTrafficking Victims Protection Act of 2000 (TVPA)	
37	
ArticleUniversal Identifier and System of Award Management	
38	
ArticleUSA PATRIOT Act of 2001	
39	
ArticleUse of DHS Seal, Logo and Flags	
40	
ArticleWhistleblower Protection Act	
41	
ArticleEnvironmental Planning and Historic Preservation (EHP) Review	
42	
ArticleApplicability of DHS Standard Terms and Conditions to Tribes	
43	
ArticleAcceptance of Post Award Changes	
44	
ArticleDisposition of Equipment Acquired Under the Federal Award	
45	
ArticlePrior Approval for Modification of Approved Budget	
46	
ArticleIndirect Cost Rate	
47	
ArticleAward Performance Goals	
48	

Article 1

Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency. II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002. III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB’s guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article 2**General Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance. V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article 3**Acknowledgement of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article 4**Activities Conducted Abroad**

Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

<p>Article 5</p>	<p>Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.</p>
<p>Article 6</p>	<p>Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.</p>
<p>Article 7</p>	<p>Best Practices for Collection and Use of Personally Identifiable Information Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.</p>
<p>Article 8</p>	<p>Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.</p>
<p>Article 9</p>	<p>Civil Rights Act of 1968 Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)</p>

<p>Article 10</p>	<p>Copyright Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.</p>
<p>Article 11</p>	<p>Debarment and Suspension Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.</p>
<p>Article 12</p>	<p>Drug-Free Workplace Regulations Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).</p>
<p>Article 13</p>	<p>Duplication of Benefits Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons.</p>
<p>Article 14</p>	<p>Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.</p>

<p>Article 15</p>	<p>E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.</p>
<p>Article 16</p>	<p>Energy Policy and Conservation Act Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.</p>
<p>Article 17</p>	<p>False Claims Act and Program Fraud Civil Remedies Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)</p>
<p>Article 18</p>	<p>Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)</p>
<p>Article 19</p>	<p>Federal Leadership on Reducing Text Messaging while Driving Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.</p>
<p>Article 20</p>	<p>Fly America Act of 1974 Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.</p>

<p>Article 21</p>	<p>Hotel and Motel Fire Safety Act of 1990 Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a</p>
<p>Article 22</p>	<p>John S. McCain National Defense Authorization Act of Fiscal Year 2019 Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons</p>
<p>Article 23</p>	<p>Limited English Proficiency (Civil Rights Act of 1964, Title VI) Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov.</p>
<p>Article 24</p>	<p>Lobbying Prohibitions Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.</p>
<p>Article 25</p>	<p>National Environmental Policy Act Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans</p>

<p>Article 26</p>	<p>Nondiscrimination in Matters Pertaining to Faith-Based Organizations It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.</p>
<p>Article 27</p>	<p>Non-Supplanting Requirement Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.</p>
<p>Article 28</p>	<p>Notice of Funding Opportunity Requirements All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.</p>
<p>Article 29</p>	<p>Patents and Intellectual Property Rights Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.</p>
<p>Article 30</p>	<p>Procurement of Recovered Materials States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.</p>
<p>Article 31</p>	<p>Rehabilitation Act of 1973 Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.</p>

Article 32 Reporting of Matters Related to Recipient Integrity and Performance
General Reporting Requirements: If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article 33 Reporting Subawards and Executive Compensation
Reporting of first tier subawards. Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article 34 Required Use of American Iron, Steel, Manufactured Products, and Construction Materials
Recipients must comply with the “Build America, Buy America” provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. Waivers When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below. (a) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the

application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the “Build America, Buy America” provisions. Recipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

Article 35 SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article 36 Terrorist Financing

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

Article 37 Trafficking Victims Protection Act of 2000 (TVPA)

Trafficking in Persons. Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

Article 38 Universal Identifier and System of Award Management

Requirements for System for Award Management and Unique Entity Identifier Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article 39 USA PATRIOT Act of 2001

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

Article 40 Use of DHS Seal, Logo and Flags

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article 41 Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

Article 42 Environmental Planning and Historic Preservation (EHP) Review

DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Article 43**Applicability of DHS Standard Terms and Conditions to Tribes**

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

Article 44**Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@fema.dhs.gov if you have any questions.

Article 45**Disposition of Equipment Acquired Under the Federal Award**

For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state subrecipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state subrecipients must follow the disposition requirements in accordance with state laws and procedures.

Article 46**Prior Approval for Modification of Approved Budget**

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 47**Indirect Cost Rate**

2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

Article 48**Award Performance Goals**

FEMA will measure the recipient's performance of the grant by comparing the number of items requested in its application, the numbers acquired (ordered, paid, and received) within the period of performance. In order to measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient is required to report on the recipients compliance with the applicable industry, local, state and national standards described in the NOFO.

Obligating document

1. Agreement No. EMW-2021-FG-05792	2. Amendment No. N/A	3. Recipient No. 911830550	4. Type of Action AWARD	5. Control No. WX00794N2023T		
6. Recipient Name and Address MORAGA-ORINDA FIRE PROTECTION DISTRICT 33 ORINDA WAY ORINDA, CA 94563		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
9. Name of Recipient Project Officer Jerry Lee		9a. Phone No. 9256984514	10. Name of FEMA Project Coordinator Assistance to Firefighters Grant Program		10a. Phone No. 1-866-274-0960	
11. Effective Date of This Action 02/06/2023	12. Method of Payment OTHER - FEMA GO	13. Assistance Arrangement COST SHARING		14. Performance Period 02/13/2023 to 02/12/2025 Budget Period 02/13/2023 to 02/12/2025		
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
AFG	97.044	2023-FD-GB01 - P410-xxxx-4101-D	\$0.00	\$447,780.00	\$447,780.00	\$44,778.00
Totals			\$0.00	\$447,780.00	\$447,780.00	\$44,778.00
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)	DATE
18. FEMA SIGNATORY OFFICIAL (Name and Title)	DATE
PAMELA WILLIAMS, Assistant Administrator, Grant Programs	02/06/2023



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: February 15, 2023

SUBJECT: **Item 12.1 Adopt 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 was provided to the Board for review at the January meeting and is presented for adoption in conjunction with the second reading and adoption of the MOFD Ordinance 23-01 adopting and amending 2022 California Fire Code.

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution 23-04, Adopting Findings of Fact Justifying Amendments to the 2022 CA Fire Code

ATTACHMENT

[Attachment: Resolution 23-04 Adopting Findings for 2022 Fire Code \(v.2 1-12-22\) - Final 2.15.23.docx](#)

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: February 15, 2023

SUBJECT: **Item 12.2 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.

During the February 7, 2023 in person board training session, staff successfully conducted proof of concept testing of hybrid meeting functionality utilizing existing equipment and district staff. This proof of concept confirmed the ability to host a hybrid meeting.

The proposed hybrid meeting format incorporates Public Comment in-person comments, Zoom comments by virtual participants, and email before or during the meeting. It is important to note that should the internet connection be lost or dropped during the meeting, a contingency cellular hotspot will be used to continue the broadcast without video to reduce data requirements. Because the board is meeting in person, the meeting could continue without a video stream while sharing an audio stream to enable remote public participation. This contingency would be explained in the agenda.

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



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: February 15, 2023

SUBJECT: **Item 12.3 Establish an Ad Hoc Committee to Develop Plans for Expanding the Fire Prevention Program**

BACKGROUND

At the January 18, 2023 board meeting, a director requested requested the formation of an ad hoc committee to develop plans for expanding the fire prevention program.

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Establish an Ad Hoc Committee to Develop Plans for Expanding the Fire Prevention Program; 4) Appoint Directors to Serve on this Committee



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Gloriann Sasser, Administrative Services Director

DATE: February 15, 2023

SUBJECT: **Item 12.4 Mid-Year Budget Review FY2023 and Approval of General Fund Revenue Budget Adjustment Increase in the Amount of \$393,363, General Fund Expenditure Budget Adjustment Decrease in the Amount of \$195,370, and Authorize an Operating Transfer Out of the General Fund into the Capital Projects Fund in the Amount of \$3,100,000.**

BACKGROUND

Staff has conducted a mid-year budget review of the District's Fiscal Year 2023 Budget. The review provides an opportunity to take a broad look at the District's financial picture at the mid-point of the fiscal year. The review includes a detailed examination of revenue and expenditures and current financial reports are attached to provide additional context. The financial reports contain updated revenue and expenditure projections for the current fiscal year (Attachment A.)

The original budget adopted in June 2022 reflected a General Fund surplus of \$260K. The Budget includes appropriations for a contributions to the OPEB trust account (\$351K), the pension rate stabilization trust (\$2.1M) and a transfer to the Capital Projects Fund of \$3.1M to accumulate funds to pay for the future Station 41/Administration rebuild project.

Based on updated revenue and expenditure projections, the Mid-Year Budget Review now projects a General Fund surplus of \$502K.

Actual Results Through Quarter Two - General Fund Revenue

The updated revenue projections are generally consistent with the original amounts projected in the Budget. Total General Fund revenue for FY2023 is projected to exceed budget \$393K. The District budgeted total General Fund revenue of \$33.9M and projected actual revenue is \$34.3M. The District's most important revenue source of property tax revenue is projected to exceed budget \$298K or 1%. The current year projection for property tax revenue in the General Fund is \$3.5M or 12.7% more than the amount received in the prior fiscal year (\$27.2M)

Ambulance service revenue, the next most important source of revenue, is expected less than budget \$308K. Revenue is projected less than budget primarily due to increased write offs of uncollectible accounts. Ambulance transports are as follows:

Ambulance Transports	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Total to Date
FY2023	156	132	140	141	137	175							881
FY2022	140	152	144	141	114	148	149	126	146	160	147	168	1,735
FY2021	110	117	118	119	108	135	133	123	155	130	129	131	1,508
FY2020	144	152	141	148	145	175	160	143	131	77	97	131	1,644
FY2019	139	163	145	184	144	162	150	145	170	155	148	127	1,832
FY2018	117	130	129	149	128	157	174	150	180	153	161	120	1,748

Charges for fire prevention services/plan reviews/administrative citations are projected less than budget \$52K primarily due to no planned District-funded/private property lien weed abatement work in FY2023.

Strike team cost recovery revenue is projected to exceed budget \$407K due to increased strike team activity (fires and winter storms.) This projected revenue increase is partially offset by increased strike team overtime expenditures. Strike team cost recovery revenue is volatile and fluctuates annually as follows:

Fiscal Year	Strike Team Cost Recovery Revenue	Strike Team Overtime	Strike Team Net	Strike Team Net in Long Range Financial Forecast
2023 projected	\$1,337,000	\$900,000	\$437,000	\$70,000
2022	1,699,926	851,490	848,436	500,000
2021	3,372,112	1,530,636	1,841,476	
2020	424,783	263,608	161,175	
2019	849,879	469,948	379,931	
2018	1,143,841	701,322	442,519	
2017	538,580	333,095	205,485	

Actual Results Through Quarter Two – General Fund Expenditures

Total District General Fund expenditures for FY2023 are projected to be less than budget \$195K. Notable General Fund expenditures are discussed as follows:

- Permanent salaries are projected less than budget \$380K primarily due to five vacant firefighter paramedic positions and one vacant fire inspector/plans examiner position.
- Overtime is projected to exceed budget \$900K. The five vacant firefighter paramedic positions and two firefighter paramedic trainees result in increased overtime. The District is also experiencing increased Safety employees off work on worker's compensation resulting in increased overtime (six employees off work as of January 2023.)
- Strike team overtime is projected to exceed budget \$270K. Of note, these costs are reimbursed by the state.
- Retirement contributions are projected less than budget \$169K due to five vacant firefighter paramedic positions and one vacant fire inspector/plans examiner position.
- The budget includes \$351K for the OPEB trust pre-funding contribution for retiree health benefits. The recently updated actuarial report calculated the contribution at \$367K. The projected actuals include \$367K subject to Board approval as a separate agenda item. Annual OPEB contributions have occurred as follows:

Fiscal Year	OPEB Contribution
2023 projected	\$366,640
2022	303,906
2021	331,633
2020	559,108
2019	407,733
2018	374,000
2017	256,000
2016	94,000
2015 (Inception)	84,000

- The budget includes a pension rate stabilization trust contribution of \$2.1M which is subject to Board approval as a separate agenda item. Annual contributions have occurred as follows:

Fiscal Year	Pension Trust Contribution
2023 projected	\$2,108,577
2022	2,362,470
2021	1,562,792
2020	1,023,850
2019	1,100,000
2018	374,000
2017 (Inception)	300,000

- Operating expenses are projected less than budget \$294K primarily due to the new home hardening grant program (projected expenditures less than budget \$450K) offset by increased costs for vehicle maintenance and repairs (+\$100K.)
- The budget includes a transfer out of the General Fund to the Capital Projects Fund to accumulate funds in the Capital Projects Fund to pay for the future Station 41/Administration rebuild project. The transfer is subject to Board approval with this agenda item.

After quarter two, the General Fund is projected to end the year with a surplus of \$502K, which is more than the budgeted surplus of \$304K.

Leave Usage

Leave usage through quarter two of the fiscal year compared to quarter two of prior fiscal years is as follows:

FY2023	14,730 (24% less than FY2022 and 8% higher than FY2021)
FY2022	19,320 hours used
FY2021	13,680 hours used
FY2020	11,020 hours used
FY2019	14,082 hours used

Fund Balance Policy

The District's fund balance policy states the District will maintain a minimum fund balance of unrestricted fund balance in the General Fund of at least 17% of budgeted General Fund revenue at fiscal year-end with a long-term goal of achieving a 50% year-end General Fund balance. The General Fund balance at June 30, 2022 was 49.7% of budgeted General Fund revenue. Fund balance at June 30, 2023 is projected to be 45.5% of budgeted General Fund revenue.

Present Situation Through Quarter Two - Capital Projects Fund Revenue and Expenditures

The Capital Projects Fund has a projected surplus of \$1.8M primarily due to the planned transfer from the General Fund in the amount of \$3.1M. Fire flow tax revenue has been received and exceeds budget \$5K. Planned capital expenditures include \$1M for phase one of the Station 41/Administration rebuild project and \$1.3M for the purchase of apparatus/vehicles including two ambulances, one water tender (partially grant funded), one Type VI fire engine, one battalion chief command vehicle, two utility pickup trucks and two Ford Rangers for fire prevention. No budget adjustments are proposed for the Capital Projects Fund.

Present Situation Through Quarter Two - Debt Service Fund Revenue and Expenditures

The Debt Service Fund Budget projected a deficit of \$1.7M due to planned use of debt service reserves for the final pension obligation bond payment. The pension obligation bonds were paid-in-full on July 1, 2022. The District has one outstanding debt issuance which was used to pay for Station 43 construction.

Present Situation Through Quarter Two – Tunnel East Bay Hills Fuel Break Special Revenue Fund Revenue and Expenditures

In December 2021 the Board authorized the execution of the California Department of Forestry and Fire Protection Tunnel East Bay Hills Fuel Break Grant in the amount of \$6,380,563. The FY2023 Budget includes planned spending of \$3M for this project. The grant includes a 12% administrative fee which will result in fund balance projected to be \$378K at June 30, 2023.

Cash Flow Analysis

The District began the fiscal year on July 1, 2022 with \$18.7M in cash and investments. The latest major cash inflow occurred in December 2022 when the District received a cash payment from the County for property tax payments (\$16.4M.) Total cash and investments balance as of December 31, 2022 was \$21.3M. The balance outstanding from the State for strike team activity was \$613K as of December 31, 2022 (cash payment received January 2023.) The balance outstanding from the State as of December 31, 2022 for the Tunnel East Bay Hills Fuel Break was \$164K and for the Pinehurst Fuel Break was \$84K.

Budget Preparation Fiscal Year 2024 Budget

Looking ahead to the upcoming 2024 budget preparation process, the MOUs include a salary increase of 5% effective July 1, 2023. CCCERA rates for FY2024 were set by the retirement board in August 2022. The actual Safety Legacy and PEPRA rates set by CCCERA are increasing 10.45% and 10.31% compared to the current fiscal year rates (80.80% v 70.35% for Legacy and 69.94% v. 59.63% for PEPRA.) The increase in the CCCERA rates is primarily due to the CCCERA board's decision to decrease the actuarial assumption of net investment return from 7.00% to 6.75%.

Mid-Year Budget Adjustments

Mid-year budget adjustments are recommended as follows:
General Fund Revenue Budget increase totals \$393,363 as follows:

Property taxes	\$298,205
Investment earnings	45,000
Intergovernmental	86
Charges for service	(52,022)
Ambulance revenue	(307,716)
Other revenue	409,810
Total increase	\$393,363

General Fund Expenditure Budget decrease \$195,370 as follows:

Salaries and benefits	(\$489,172)
Operating expense	293,802
Total	(\$195,370)

Recommended Action

Staff recommends the Board approve the following FY2023 budget adjustments:

General Fund revenue increase \$393,363
General Fund expenditure decrease \$195,370

Staff recommends the Board authorize the operating transfer out of the General Fund into the Capital Projects Fund in the amount of \$3,100,000.

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Approve General Fund Revenue Budget Adjustment Increase in the Amount of \$393,363, General Fund Expenditure Budget Adjustment Decrease in the Amount of \$195,370, and Authorize an Operating Transfer Out of the General Fund into the Capital Projects Fund in the Amount of \$3,100,000.

ATTACHMENT

[Attachment A: Mid Year Budget Review 22-23.pdf](#)

Moraga-Orinda Fire District
General Fund
Statement of Revenues and Expenditures
July 1, 2022 through December 31, 2022

	Current Period Actual	Amended Budget	Projected Actual FY 2023	Projected Variance
Revenue				
Taxes				
Property Tax-Current Secured	\$29,435,206	\$29,213,462	\$29,435,206	\$221,744
Property Tax-Supplemental	205,362	300,000	300,000	0
Property Tax-Unitary	301,461	200,000	301,461	101,461
Property Tax-Curr Unsecured	728,213	805,429	805,429	0
Prop Tax- Prior Secured	(95,133)	(100,000)	(100,000)	0
Prop Tax-Prior Supplement	(55,769)	(50,000)	(75,000)	(25,000)
Prop Tax Prior Unsecured	<u>5,029</u>	<u>(10,000)</u>	<u>(10,000)</u>	<u>0</u>
Total Property Taxes	<u>30,524,369</u>	<u>30,358,891</u>	<u>30,657,096</u>	<u>298,205</u>
Investment Earnings	<u>33,292</u>	<u>5,000</u>	<u>50,000</u>	<u>45,000</u>
Intergovernmental Revenue				
Homeowners Relief Tax		147,000	147,000	0
State Grants		365,572	365,572	0
Federal Grants		28,800	28,800	0
Other/In Lieu of Taxes	986	900	986	86
Measure H-Emerg Med Ser Subsid		<u>85,248</u>	<u>85,248</u>	<u>0</u>
Total Intergovernmental Revenue	<u>986</u>	<u>627,520</u>	<u>627,606</u>	<u>86</u>
Charges for Service				
Permits	3,787	4,000	4,000	0
Plan Review	66,408	140,000	132,816	(7,184)
Inspection Fees	3,581	20,000	7,162	(12,838)
Weed Abatement Charges		35,000	0	(35,000)
Reports/ Photocopies	210	350	350	0
Other Charges for Service	3,058	1,000	4,000	3,000
Administrative Citations	<u>26,891</u>	<u>40,000</u>	<u>40,000</u>	<u>0</u>
Total Charges for Service	<u>103,935</u>	<u>240,350</u>	<u>188,328</u>	<u>(52,022)</u>
Charges for Service-Ambulance				
Ambulance Service Fees	902,086	1,892,302	1,804,172	(88,130)
Ambulance Write Offs	(208,319)	(105,060)	(320,000)	(214,940)
Ambulance Collection Recovery	177	5,000	354	(4,646)
Ground Emergency Medical		<u>(50,000)</u>	<u>(50,000)</u>	<u>0</u>
Total Ambulance	<u>693,944</u>	<u>1,742,242</u>	<u>1,434,526</u>	<u>(307,716)</u>
Other Revenue				
Strike Team Cost Recovery	987,810	930,000	1,337,000	407,000
Other Revenue-Misc.	587	1,000	1,000	0
Misc Rebates & Refunds	1,814	1,000	2,000	1,000
Sale of Surplus Property	560	500	560	60
Transfer In	<u>1,750</u>	<u>0</u>	<u>1,750</u>	<u>1,750</u>
Total Other Revenue	<u>992,521</u>	<u>932,500</u>	<u>1,342,310</u>	<u>409,810</u>
Total Revenue	<u>32,349,047</u>	<u>33,906,503</u>	<u>34,299,866</u>	<u>393,363</u>

Moraga-Orinda Fire District
General Fund
Statement of Revenues and Expenditures
July 1, 2022 through December 31, 2022

	Current Period Actual	Amended Budget	Projected Actual FY 2023	Projected Variance
Expenditures				
Salaries & Benefits				
Permanent Salaries	5,382,111	11,380,319	11,000,000	380,319
Temporary Salaries	42,852	97,637	90,000	7,637
Overtime	1,236,390	1,850,000	2,750,000	(900,000)
Deferred Compensation/RHSA	86,186	117,504	175,000	(57,496)
Overtime - Strike Team	568,577	630,000	900,000	(270,000)
Contract Services	46,762	0	150,000	(150,000)
Worker's Compensation	(136,663)	(100,000)	(235,000)	135,000
Payroll Taxes -FICA,SUI	102,503	212,455	210,000	2,455
Payroll Processing Fees	6,031	25,000	25,000	0
Retirement Contributions	2,820,220	5,968,564	5,800,000	168,564
Health Insurance	782,900	1,765,860	1,650,000	115,860
Employee's-Health Insurance	(101,055)	(200,380)	(221,000)	20,620
Retiree Health Insurance	566,536	1,231,000	1,200,000	31,000
Retiree-Health Insurance	(164,841)	(360,000)	(325,000)	(35,000)
Unemployment Insurance	1,977	5,000	5,000	0
Retiree-Health OPEB		350,923	366,640	(15,717)
Vision Insurance	8,699	19,248	19,248	0
Pension Rate Stabilization		2,108,577	2,108,577	0
Workers' Compensation	<u>563,378</u>	<u>1,204,342</u>	<u>1,126,756</u>	<u>77,586</u>
Total Salaries & Benefits	<u>11,812,563</u>	<u>26,306,049</u>	<u>26,795,221</u>	<u>(489,172)</u>
Operating Expense				
Office Supplies	2,768	8,500	8,500	0
Postage	580	3,000	3,000	0
Books & Periodicals	129	2,460	2,460	0
Printer Ink Cartridges	1,251	3,000	3,000	0
Telephone/Communication	28,826	55,000	70,000	(15,000)
Dispatch/Comm Center Services		210,000	210,000	0
Utilities- Sewer	4,042	4,300	4,300	0
Utilities-Garbage	9,517	18,300	18,300	0
Utilities-PG&E	27,335	66,000	66,000	0
Utilities-Water	8,986	26,650	26,650	0
Utilities-Medical Waste	1,285	2,200	2,200	0
Small Tools & Instruments	1,808	9,000	9,000	0
Minor Equipment/Furniture		2,500	2,500	0
Computer Equipment & Supplies	2,454	20,000	20,000	0
Gas Power Chain Saw/Other	1,602	5,000	5,000	0
Fire Trail Grading	1,172	25,000	25,000	0
Fire Fighting Equipment &	5,440	15,200	15,200	0
Fire Fighting Equipment-Hoses &	830	10,000	10,000	0
Fire Fighting Equipment-Class A		8,000	8,000	0
Medical & Lab Supplies	55,245	130,000	130,000	0

Moraga-Orinda Fire District
General Fund
Statement of Revenues and Expenditures
July 1, 2022 through December 31, 2022

	Current Period Actual	Amended Budget	Projected Actual FY 2023	Projected Variance
Food Supplies	898	5,500	5,500	0
Safety Clothing & Personal	17,215	105,800	105,800	0
Household Expense	7,217	22,200	22,200	0
Household Expense-Linen	3,561	8,700	8,700	0
Public & Legal Notices	138	22,000	22,000	0
Dues, Memberships &	8,487	23,020	23,020	0
EMT/Paramedic Licensure Fees	3,499	4,000	4,000	0
Rent & Leases (Equipment)	7,768	30,500	30,500	0
Computer Software	91,182	92,300	92,300	0
Website Development & Mtc		5,292	5,292	0
EPA ID# Verification Fee		150	150	0
CCC HazMat Plan (CUPA)	3,327	3,650	3,650	0
BAAQMD & Environmental		900	900	0
Air Monitor Maintenance		800	800	0
Maintenance -- Equipment	41,342	114,800	114,800	0
Central Garage Repairs	97,115	270,000	370,000	(100,000)
Central Garage Gasoline & Oil	45,799	90,000	90,000	0
Central Garage Tires	3,865	15,000	15,000	0
Service/Repair Fuel System		2,500	2,500	0
Aerial Ladder & Pump Testing		1,500	1,500	0
Smog Inspections	250	500	500	0
Air Compressor Quarterly	2,636	6,000	6,000	0
Hydro Test SCBA & Oxy Cylinder	19,807	30,000	30,000	0
Tank Testing		1,120	1,120	0
Maintenance -- Building	39,597	97,000	117,000	(20,000)
Maintenance -- Grounds	5,053	12,400	12,400	0
Meetings & Travel Expenses	226	1,500	1,500	0
Employee Assistance Program		13,230	13,230	0
Medical - Pre-Emp Processing	502	30,000	30,000	0
Ambulance Billing	32,746	80,000	80,000	0
Outside Attorney Fees	64,664	275,000	275,000	0
CCC County Tax Administration		215,000	215,000	0
Professional Services	11,293	56,500	56,500	0
Prof - Labor Negotiator		10,000	10,000	0
Prof Services - Technology	105,931	245,000	245,000	0
Prof Services - Pre-Employment	6,462	10,000	10,000	0
Prof Services - Promotional	560	2,000	2,000	0
Prof Services - OPEB		8,000	8,000	0
Exterior Hazard Removal	12,618	35,000	35,000	0
Professional Services-Prop Tax		7,350	7,350	0
Professional Services	440	14,000	14,000	0
Home Hardening Grants	31,595	500,000	50,000	450,000
Testing Materials & Training	19,928	40,000	40,000	0

Moraga-Orinda Fire District
General Fund
Statement of Revenues and Expenditures
July 1, 2022 through December 31, 2022

	Current Period Actual	Amended Budget	Projected Actual FY 2023	Projected Variance
Career Development Classes	5,472	25,000	25,000	0
District Sponsored Training-	141	15,000	15,000	0
Election Expense		32,000	32,000	0
Recruiting Costs		60,000	60,000	0
Strike Team Supplies	31,369	60,000	60,000	0
Community Emergency	397	8,000	8,000	0
Exercise Supplies/Maint.	1,889	12,000	12,000	0
Recognition Supplies	(247)	4,500	4,500	0
Other Special Departmental Exp	12,113	493,840	493,840	0
Public Education Supplies	1,696	6,000	6,000	0
LAFCO	13,011	16,000	13,011	2,989
Emergency Preparedness	6,221	11,000	11,000	0
Misc. Services & Supplies	2,395	85,500	85,500	0
Fire Chief Contingency	6,671	100,000	100,000	0
Property & Liability Insurance	<u>144,187</u>	<u>130,000</u>	<u>154,187</u>	<u>(24,187)</u>
Total Operating Expense	<u>1,064,306</u>	<u>4,191,162</u>	<u>3,897,360</u>	<u>293,802</u>
Bank Fees	1,479	5,000	5,000	0
County Tax Collection Fees	252	300	300	0
Transfer to Capital Projects Fund		<u>3,100,000</u>	<u>3,100,000</u>	<u>0</u>
Total Other Expense	<u>1,731</u>	<u>3,105,300</u>	<u>3,105,300</u>	<u>0</u>
Total Expenditures	<u>12,878,600</u>	<u>33,602,511</u>	<u>33,797,881</u>	<u>(195,370)</u>
Excess of Revenues Over Exp	<u>\$19,470,447</u>	<u>\$303,992</u>	501,985	<u>\$197,993</u>
Fund Balance Unassigned July 1, 2022			<u>15,105,887</u>	
Fund Balance Unassigned Projected June 30, 2023			<u>\$15,607,872</u>	

Moraga-Orinda Fire District
Capital Projects Fund
Statement of Revenues and Expenditures
July 1, 2022 through December 31, 2022

	Current Period Actual	Amended Budget	Projected Actual FY 2023	Projected Variance
Revenue				
Fire Flow Tax	\$1,103,451	\$1,098,000	\$1,103,451	\$5,451
Investment Earnings	2,239	2,000	4,000	2,000
Impact Mitigation Fees	8,000	10,000	10,000	0
Other Revenue	164,250	164,250	164,250	0
State Grant		250,000	250,000	0
Sale of Surplus Property	<u>13,950</u>		<u>15,000</u>	<u>15,000</u>
Total Revenue	<u><u>1,291,890</u></u>	<u><u>1,524,250</u></u>	<u><u>1,546,701</u></u>	<u><u>22,451</u></u>
Expenditures				
Bank Fees	24	200	200	0
Fire Flow Tax Collection Fees		14,000	14,000	0
Apparatus/Vehicles	7,675	1,258,123	1,258,123	0
Software	164,250	164,250	164,250	0
Station Improvements	<u>1,500</u>	<u>1,070,000</u>	<u>1,070,000</u>	<u>0</u>
Total Expenditures	<u><u>173,449</u></u>	<u><u>2,506,573</u></u>	<u><u>2,506,573</u></u>	<u><u>0</u></u>
Transfers In from General Fund		3,100,000	3,100,000	0
Transfers Out to Debt Service	<u>(162,002)</u>	<u>(321,570)</u>	<u>(321,570)</u>	<u>0</u>
Excess of Revenues Over Exp	<u><u>\$956,439</u></u>	<u><u>\$1,796,107</u></u>	1,818,558	<u><u>\$22,451</u></u>
Fund Balance July 1, 2022			<u>4,495,401</u>	
Fund Balance Projected June 30, 2023			<u><u>\$6,313,959</u></u>	

Moraga-Orinda Fire District
Debt Service Fund
Statement of Revenues and Expenditures
July 1, 2022 through December 31, 2022

	<u>Current Period Actual</u>	<u>Budget</u>	<u>Projected Actual FY 2023</u>	<u>Projected Variance</u>
Revenue				
Investment Earnings	\$1,073	\$0	\$1,073	\$1,073
Total Revenue	<u>1,073</u>	<u>0</u>	<u>1,073</u>	<u>1,073</u>
Expenditures				
Pension Oblig Bond Principal	1,645,000	1,645,000	1,645,000	0
Pension Oblig Bond Interest	42,935	42,935	42,935	0
Lease Station 43 Principal	134,000	267,000	267,000	0
Lease Station 43 Interest	28,002	54,570	54,570	0
Total Expenditures	<u>1,849,937</u>	<u>2,009,505</u>	<u>2,009,505</u>	<u>0</u>
Transfer In From Capital Projects	162,002	321,570	321,570	0
Transfer Out to General Fund	<u>(1,750)</u>	<u></u>	<u>(1,750)</u>	<u>(1,750)</u>
Excess of Exp Over Revenues	<u>(\$1,688,612)</u>	<u>(\$1,687,935)</u>	(1,688,612)	<u>(\$677)</u>
Fund Balance July 1, 2022			<u>1,688,612</u>	
Fund Balance Projected June 30, 2023			<u>\$0</u>	

Moraga-Orinda Fire District
Tunnel East Bay Hills Fuel Break
Statement of Revenues and Expenditures
July 1, 2022 through December 31, 2022

	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Projected Actual FY 2023</u>	<u>Variance With Amended Budget</u>
Revenue				
State Contract	\$0	\$3,360,000	\$3,360,000	\$0
Total Revenue	<u>0</u>	<u>3,360,000</u>	<u>3,360,000</u>	<u>0</u>
Expenditures				
Salaries and Benefits		106,250	106,250	0
Prof Services - CEQA Compliance		500,000	500,000	0
Ext. Hazard Abatement - Manual	5,964	2,000,000	2,000,000	0
Ext. Hazard Abatement - Mech.		391,819	391,819	0
Handouts & Flyers - Public Educ		1,931	1,931	0
Total Expenditures	<u>5,964</u>	<u>3,000,000</u>	<u>3,000,000</u>	<u>0</u>
Excess of Revenues Over Exp	<u>(\$5,964)</u>	<u>\$360,000</u>	360,000	<u>\$0</u>
Fund Balance July 1, 2022			<u>17,572</u>	
Fund Balance June 30, 2023			<u>\$377,572</u>	



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Gloriann Sasser, Administrative Services Director

DATE: February 15, 2023

SUBJECT: **Item 12.5 Determine the Amount of the OPEB Trust Contribution and the Amount of the Pension Rate Stabilization Trust Contribution for Fiscal Year 2023 and Authorize the Transfer of District Funds to Complete the Trust Contributions**

BACKGROUND

The District participates in the Public Agency Retirement Services (PARS) Post-Employment Benefits Trust. The District's PARS trust account includes money set-aside for other post - employment benefits (OPEB) retiree medical benefits and money set-aside for the pension rate stabilization program to prefund pension costs. The District makes annual contributions to both accounts. The Board has the authority to decide the amount and timing of any contributions.

OPEB Trust Contribution

The fiscal year 2023 Budget includes \$350,923 for the OPEB contribution. The June 30, 2022 OPEB actuarial valuation report (most recent) calculated a trust contribution of \$366,640. Staff requests Board direction regarding the amount of the OPEB trust contribution. Past contributions have been as follows (total contributions to date \$2,410,380):

Fiscal Year	OPEB Contribution
2023 (Budget)	\$350,923
2022	303,906
2021	331,633
2020	559,108
2019	407,733
2018	374,000
2017	256,000
2016	94,000
2015 (Inception)	84,000

Pension Rate Stabilization Trust Contribution

The fiscal year 2023 Budget includes \$2,108,577 for the pension rate stabilization trust contribution. Unlike OPEB, there is no updated actuarial information for the pension trust contribution and the assumptions have not changed. Therefore, the amount included in the budget is the current pension trust contribution amount. Staff requests Board direction regarding the amount of the pension rate

stabilization trust contribution. Past contributions have been as follows (total contributions to date \$6,723,112):

Fiscal Year	Pension Trust Contribution
2023 (Budget)	\$2,108,577
2022	2,362,470
2021	1,562,792
2020	1,023,850
2019	1,100,000
2018	374,000
2017 (inception)	300,000

Authorize Transfer of District Funds to Complete the Trust Contributions

Once the Board has determined the amount of the OPEB and pension rate stabilization trust contributions, staff requests the Board authorize the transfer of District funds to complete the trust contributions.

Balance and Investment Return Information

To date the District has contributed the following to the trusts as of December 31, 2022:

	Total Contributions Through 12/31/2022	Balance as of 12/31/2022
OPEB	\$2,410,380	\$2,822,703
Pension Trust	\$6,723,112	\$6,905,677

Balance and investment return history is as follows (investment return is gross of fees):

Year Ending December 31	OPEB Trust Balance	OPEB Trust Investment Return Year to Date	OPEB Trust Investment Return Inception to Date	Pension Trust Balance	Pension Trust Investment Return Year to Date	Pension Trust Investment Return Inception to Date
2022	\$2,822,703	-17.04%	5.58%	\$6,905,677	-17.94%	5.70%
2021	\$3,083,612	15.85%	9.52%	\$5,838,113	15.44%	11.48%
2020	\$2,351,826	15.52%	8.42%	\$3,555,016	15.33%	10.45%
2019	\$1,451,862	22.28%	9.51%	\$2,009,223	21.97%	9.00%
2018	\$820,768	-6.86%	2.98%	\$651,753	-6.91%	1.84%
2017	\$511,497	15.26%	7.06%	\$329,613	15.95%	7.06%
2016	\$444,974	7.39%				
2015	\$174,449	2.09%				

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Determine the amount of the OPEB trust contribution and the amount of the pension rate stabilization trust contribution for fiscal year 2023 and authorize the transfer of District funds to complete the trust contributions.



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: February 15, 2023

SUBJECT: **Item 12.6 Resolution 23-06, a Resolution of the Board of Directors of the Moraga-Orinda Fire Protection District nominating a Director as a Representative of Special Districts on the Contra Costa Local Agency Formation Commission**

BACKGROUND

The Contra Costa Local Agency Formation Commission consists of two city members, two county members, two special district members, one public member, and an alternate member in each category. Alternates generally attend Commission meetings, participate in the deliberations and vote when a regular member in their category is absent or excused from voting.

The District received correspondence from Lou Ann Texeira, LAFCO Executive Officer, which advised all independent special districts of a vacancy in an alternate seat. In the correspondence, pursuant to Government Code Section 56332 and the Procedures for the Special District Selection Committee, Ms. Texeira announced the special election and called for nominations.

Interested candidates for the alternate seat must be board member/trustees of an independent special district and must be nominated by special district board resolution. The nomination needs to include the name of the nominee and the district they serve. The nomination/resolution must be submitted to LAFCO by the deadline of **April 3, 2023**. Each independent special district is entitled to nominate a maximum of one board member.

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) If the Board would like to nominate a Director to serve on the Contra Costa Local Agency Formation Commission, it is recommended that the Board adopt a resolution to nominate a Moraga-Orinda Fire District Board member to serve as a special district representative on the Contra Costa Local Agency Formation Commission

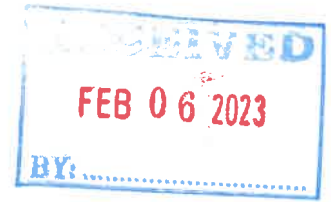
ATTACHMENT

[Attachment: LAFCO Announcement of Upcoming Special District Seat on Contra Costa County Local Agency Formation Commission](#)

[Attachment: Resolution 23-06 LAFCO Candidate Nomination.docx](#)



Lou Ann Teixeira
Executive Officer



February 2, 2023

TO: Presiding Officer and District Clerk, Each Independent Special District in Contra Costa County

FROM: Lou Ann Teixeira, LAFCO Executive Officer

SUBJECT: **Special Election - Special District Seat on LAFCO, Call for Nominations and Names of District Voting Delegates**

This is to advise all independent special districts of a special election for a vacant Special District (Alternate) seat on Contra Costa Local Agency Formation Commission (LAFCO). The vacancy was created by the recent passing of Stan Caldwell (Mt. View Sanitary District). We are seeking nominations to fill the unexpired term ending May 4, 2026.

Pursuant to Government Code Section 56332 (Attachment 1) and the *Procedures for the Special District Selection Committee* (Attachment 2), I am announcing the election and calling for nominations for this seat to be submitted to the LAFCO office by **April 3, 2023** - please see attached 2023 Election Schedule (Attachment 3).

The following summarizes the process:

Selection Committee: The Independent Special District Selection Committee (ISDSC) consists of the presiding officer (or their designee) of the legislative body of each independent special district. This group appoints the special district members of LAFCO.

Attached please find a list of the independent special districts eligible to vote in this election (Attachment 4). Please review and **update as necessary** the attached list of district’s presiding officers/voting delegates (must be a board member/trustee). Board action is not necessary to name your voting representative. Please provide/update this information no later than **April 3, 2023**.

Nominations: Each candidate must be nominated by a Special District Board resolution and must be a board member/trustee of an independent special district. The nomination should include the name of the nominee and the district they serve. The nominating resolution must be submitted to LAFCO by **April 3, 2023**. Each independent special district is entitled to nominate a maximum of one board member, either from its own district or from another district, if so desired. Prior to the election deadline, eligible nominated candidates may circulate a statement of qualifications.

Note: *At the end of the nomination period, if only one candidate is nominated for the vacant seat, that candidate will be deemed appointed and the election will be cancelled. If two or more candidates are nominated, the election process described below will ensue.*

Election Procedures: In early April 2023, a list of candidates and official ballots will be sent to each independent special district via email and U.S. Mail. Please ensure that the presiding officer/voting designee for your district casts a vote. Only the presiding officer, or their Board designee can vote; staff members/legal counsel are not authorized to vote.

In order to maximize voting participation and ensure a quorum, LAFCO will accept ballots via email and/or U.S. mail. No meeting of the Independent Special District Selection Committee will be held; the election will be conducted by email and U.S. mail. ***All ballots must be received via email or U.S. mail in the LAFCO office by 5:00 pm on May 19, 2023.***

Majority Vote: For the *Selection Committee* to transact business, a quorum (50% plus one) of independent special districts must cast a vote. Each district is entitled to one vote. We encourage presiding officers or his/her designee to vote in order to assure a quorum. There is a total of 40 districts eligible to vote; thus, we need at least 21 districts to cast a vote to achieve a quorum.

The following is background information on LAFCO:

Composition of LAFCO Commission: The LAFCO Commission consists of two city members, two county members, two special district members, one public member, and one alternate member in each category for a total of 11 Commissioners. Alternates generally attend Commission meetings, participate in the deliberations, and vote when a regular member in their category is absent or excused from voting. Commissioners are expected to represent the interests of the public as a whole when sitting on LAFCO.

Obligations of Service on LAFCO: The Commission typically meets monthly on the second Wednesday. Meetings start at 1:30 p.m. and are generally over before 3:30 p.m. LAFCO meetings are held at 1025 Escobar Street, 1st Floor (Board Chambers) in Martinez. Effective March 1, 2023, LAFCO Commissioners may attend LAFCO meetings remotely for limited reasons and a limited number of times per year under the new Brown Act teleconferencing rules pursuant to Assembly Bill 2446 (January 2023). An agenda packet for each LAFCO meeting is made available to Commissioners approximately one week prior to the meeting.

Please contact the LAFCO office if you have questions or need additional information.

c: Each Member of the Commission

Enclosures

1. Government Code Section 56332
2. Procedures for the Special District Selection Committee
3. 2023 Election Schedule
4. List of Independent Special Districts Eligible to Vote in the 2023 Election

Gov. Code 56332. (a) The independent special district selection committee shall consist of the presiding officer of the legislative body of each independent special district. However, if the presiding officer of an independent special district is unable to participate in a meeting or election of the independent special district selection committee, the legislative body of the district may appoint one of its members as an alternate to participate in the selection committee in the presiding officer's place. Those districts shall include districts located wholly within the county and those containing territory within the county representing 50 percent or more of the assessed value of taxable property of the district, as shown on the last equalized county assessment roll. Each member of the committee shall be entitled to one vote for each independent special district of

which he or she is the presiding officer or his or her alternate as designated by the governing body. Members representing a majority of the eligible districts shall constitute a quorum.

(b) The executive officer shall call and give written notice of all meetings of the members of the selection committee. A meeting shall be called and held under one of the following circumstances:

(1) Whenever the executive officer anticipates that a vacancy will occur within the next 90 days among the members or alternate member representing independent special districts on the commission.

(2) Whenever a vacancy exists among the members or alternate member representing independent special districts upon the commission.

(3) Upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

(4) Upon the adoption of a resolution of intention pursuant to Section 56332.5.

(5) Upon receipt of a written request by one or more members of the selection committee notifying the executive officer of the need to appoint a member representing independent special districts on an oversight board pursuant to paragraph (3) of subdivision (j) of Section 34179 of the Health and Safety Code.

(c) The selection committee shall appoint two regular members and one alternate member to the commission. The members so appointed shall be elected or appointed members of the legislative body of an independent special district residing within the county but shall not be members of the legislative body of a city or county. If one of the regular district members is absent from a commission meeting or disqualifies himself or herself from participating in a meeting, the alternate district member may serve and vote in place of the regular district member for that meeting. Service on the commission by a regular district member shall not disqualify, or be cause for disqualification of, the member from acting on proposals affecting the special district on whose legislative body the member serves. The special district selection committee may, at the time it appoints a member or alternate, provide that the member or alternate is disqualified from voting on proposals affecting the district on whose legislative body the member serves.

(1) The executive officer may prepare and deliver a call for nominations to each eligible district. The presiding officer, or his or her alternate as designated by the governing body, may respond in writing by the date specified in the call for nominations, which date shall be at least 30 days from the date on which the executive officer mailed the call for nominations to the eligible district.

(2) At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed appointed. This paragraph shall be operative only if the written notice of the meeting provided pursuant to subdivision (b) discloses that, if nominations are received for only one candidate by the end of the nominating period, the candidate shall be deemed appointed and the meeting may be cancelled.

(d) If the office of a regular district member becomes vacant, the alternate member may serve and vote in place of the former regular district member until the appointment and qualification of a regular district member to fill the vacancy.

(e) A majority of the independent special district selection committee may determine to conduct the committee's business by mail, including holding all elections by mailed ballot, pursuant to subdivision (f).

(f) If the independent special district selection committee has determined to conduct the committee's business by mail or if the executive officer determines that a meeting of the special district selection committee is not feasible, the executive officer shall conduct the business of the committee by mail. Elections by mail shall be conducted as provided in this subdivision.

(1) The executive officer shall prepare and deliver a call for nominations to each eligible district. The presiding officer, or his or her alternate as designated by the governing body, may respond in writing by the date specified in the call for nominations, which date shall be at least 30 days from the date on which the executive officer mailed the call for nominations to the eligible district.

(2) At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed appointed. If two or more candidates are nominated, the executive officer shall prepare and deliver one ballot and voting instructions to each eligible district. The ballot shall include the names of all nominees and the office for which each was nominated. Each presiding officer, or his or her alternate as designated by the governing body, shall return the ballot to the executive officer by the date specified in the voting instructions, which date shall be at least 30 days from the date on which the executive officer mailed the ballot to the eligible district.

(3) The call for nominations, ballots, and voting instructions shall be delivered by certified mail to each eligible district. As an alternative to the delivery by certified mail, the executive officer may transmit materials by electronic mail. All notices and election materials shall be addressed to the presiding officer, care of the clerk of the district.

(4) Nominations and ballots may be returned to the executive officer by electronic mail.

(5) Each returned nomination and ballot shall be signed by the presiding officer or his or her alternate as designated by the governing body of the eligible district.

(6) For an election to be valid, at least a quorum of the special districts must submit valid ballots. The candidate receiving the most votes shall be elected, unless another procedure has been adopted by the selection committee. Any nomination and ballot received by the executive officer after the date specified is invalid, provided, however, that if a quorum of ballots is not received by that date, the executive officer shall extend the date to submit ballots by 60 days and notify all districts of the extension. If ballots from a quorum of the districts have not been received at the end of the 60-day extension period, the executive officer shall extend the period to return ballots for a length of time at his or her discretion until a quorum is achieved, unless another procedure has been adopted by the selection committee. The executive officer shall announce the results of the election within seven days of the date specified.

(7) For a vote on special district representation to be valid, at least a quorum of the special districts must submit valid ballots to the executive officer by the date specified in the voting instructions, which date shall be at least 30 days from the date on which the executive officer mailed the ballot to the eligible district. If ballots from a quorum of the districts have not been received at the end of the 60-day extension period, the executive officer shall extend the period to return ballots for a length of time at his or her discretion until a quorum is achieved, unless another procedure has been adopted by the selection committee. By a majority vote of those district representatives voting on the issue, the selection committee shall either accept or deny representation. The executive officer shall announce the results of the election within seven days of the date specified.

(8) All election materials shall be retained by the executive officer for a period of at least six months after the announcement of the election results.

(g) For purposes of this section, "executive officer" means the executive officer or designee as authorized by the commission.

**CONTRA COSTA COUNTY SPECIAL DISTRICTS
Procedures for the Special District Selection Committee
(Revised January 2010)**

The California Government Code, specifically Section 56332, sets forth requirements for the Independent Special Districts Selection Committee ("Selection Committee"). The procedures contained herein are intended to supplement the code and provide local rules relating to the selection of special district members to the Contra Costa Local Agency Formation Commission (LAFCO).

Selection Committee Purpose

The purpose of the Selection Committee shall be to appoint the regular and/or alternate special district members to the Contra Costa LAFCO whenever a term expires or a vacancy exists for the regular or alternate special district member seats. The term of office of each LAFCO member shall be four years and until the appointment and qualification of his or her successor (Gov. Code §56334).

Selection Committee Membership

The Selection Committee shall be comprised of the presiding officer of the legislative body of each independent special district. If the presiding officer is unable to attend a Committee meeting, the district may appoint one of its other members to attend the meeting (Gov. Code §56332).

Selection Committee Meetings

The LAFCO Executive Officer shall notify all independent special districts of a vacancy or impending vacancy in the position of regular or alternate special district member and shall schedule a meeting of the Selection Committee.

To the extent possible, Selection Committee meetings shall be scheduled in conjunction with meetings of the Contra Costa Special Districts Association as a convenience to members and for efficiency.

The Executive Officer shall provide a schedule to submit nominations to all independent special districts prior to the Selection Committee meeting.

All meetings of the Selection Committee shall be open meetings and comply with all applicable provisions of the Ralph M. Brown Act.

Quorum

Each presiding officer (or appointed alternate board member) attending the Selection Committee meeting shall be required to register their attendance. Members representing a majority of the eligible districts shall constitute a quorum for the conduct of the Selection Committee business. No meeting shall be convened prior to establishing a quorum. The Committee shall act by majority vote of the quorum, or if more than a quorum is present at the meeting, by majority vote of those members present.

Nomination Procedures

Members of governing boards of independent special districts may be nominated to serve as a regular or alternate special district member of the Contra Costa LAFCO (Gov. Code §56332).

Each independent special district shall be entitled to nominate a maximum of one board member per vacancy (i.e., for each regular and each alternate seat) from any district. Districts are required to make nominations by adoption of a Board resolution.

Upon selection of a nominee, the presiding officer of the district shall provide written notification of the nomination, including a copy of the Board resolution, to the LAFCO Executive Officer.

All nominations received in sufficient time prior to a Selection Committee meeting will be copied and distributed to the presiding officer of each independent special district.

Nominations may be made from the floor at the Selection Committee meeting, but only if no prior nominations by resolution were submitted by any of the independent special districts.

Balloting Process

Each nominee will be afforded an opportunity to make a brief statement (maximum of five minutes) at the Selection Committee meeting. Following these presentations, members of the Selection Committee may discuss the appointment prior to the vote being taken.

Nominees shall be selected based on the following process:

- A ballot listing all known nominees shall be prepared and copied for the meeting. Each ballot shall have opposite the nominee's name a box to record the vote. In the event that no prior nominations by resolution are submitted, a ballot containing blank lines to vote for nominees who are put forth from the floor at the Selection Committee meeting shall be distributed at the meeting.
- Each ballot shall have a line for the name of the special district that is casting the vote and a line for the name of the voting delegate. The ballot will not be counted if the name of the special district and voting delegate are not included.
- After votes are tallied, each delegate's vote will be announced during the meeting.

Selection of LAFCO Members

The person selected to serve shall have received a majority of the votes cast in the election.

If there are more than two nominees for a single seat and no individual receives the majority of the total votes cast in the first ballot there shall be a run-off election between the two nominees who received the greatest number of votes.

If there are only two nominees for a single seat and each receives an equal number of votes, the selection to serve on LAFCO shall be done by a "straw draw" unless one of the two candidates chooses to relinquish the position.

If, as a result of an election, the Alternate Special District member on LAFCO is chosen as a Regular Special District Member, another election shall be held at a subsequent Selection Committee meeting to fill the new vacancy in the Alternate Member position.

Alternate Nominating and Balloting Process

In the event that the LAFCO Executive Officer determines that securing a quorum of Selection Committee members for a meeting is not feasible, the Executive Officer may conduct the business of the Selection Committee in writing (Gov. Code §56332).

2023 SPECIAL DISTRICT SELECTION COMMITTEE ELECTION SCHEDULE

<u>Date/Deadline</u>	<u>Task</u>
2/2/23	LAFCO sends letter announcing vacancy, election schedule, and calls for nominations and names of voting delegates
3/6/23	LAFCO sends reminder
4/3/23	Districts' deadline for submitting names of voting delegates and nominating resolutions

IF AN ELECTION IS NEEDED, THE FOLLOWING SCHEDULE WILL APPLY:

Early April 2023	LAFCO transmits list of candidates and ballots to voting delegates (email and US mail)
Late April 2023	LAFCO sends reminder to return completed ballots to the LAFCO office by <u>May 19, 2023</u> .
5/19/23	Election date/deadline for returning ballots
5/26/23	LAFCO must make election results available within 7 days of election [Gov. Code §56332(f)(6)]

2023 INDEPENDENT SPECIAL DISTRICT SELECTION COMMITTEE

DISTRICT	NAME	TITLE	ALTERNATE
ALAMO-LAFAYETTE CEMETERY DIST	Nancy J. Flood	Chair	Carolyn Thiessen, Trustee
AMBROSE REC & PARK DIST	Trina Hudson	Chair	Mae Torlakson, Vice Chair
B-B-K-U CEMETERY DIST	Patricia Bristow	Chair	Emil Geddes, Trustee
BETHEL ISLAND MID	Bruce Smith	Board President	Anthony Berzinas, Vice Pres
BYRON SANITARY DISTRICT	Danny Hamby	Chair	Mike Nisen, Vice Chair
CASTLE ROCK COUNTY WATER DISTRICT	Dan Moylan		Joe Atturio
CENTRAL CONTRA COSTA SANITARY DIST	Barbara Hockett	Board President	Mariah L. Lauritzen, Vice Pres
CONTRA COSTA MOSQUITO & VECTOR CONTROL	Michael Krieg	President	Darryl Young, Vice Pres
CONTRA COSTA RESOURCE CON DIST	Walter Pease	President	
CONTRA COSTA WATER DISTRICT	Ernesto Avila	President	Antonio Martinez, Vice Pres
CROCKETT COMMUNITY SERVICES DISTRICT	Luigi Barassa	President	Jena Goodman, Vice Pres
DIABLO CSD	Kathy Urbelis	President	Matthew Cox, Vice Pres
DIABLO WATER DISTRICT	Marilyn Tiernan	President	Scott R. Pastor, Vice Pres
TOWN OF DISCOVERY BAY CSD	Ashley Porter	President	Michael Callahan, Vice Pres
EAST CONTRA COSTA IRRIGATION DISTRICT	Glenn Stonebarger	President	Mark Dwelley, Vice Pres
GREEN VALLEY REC & PARK DIST	Kathi Bachelor	President	Donna Coon, Vice President
IRONHOUSE SANITARY DIST	Dawn Morrow	President	Chris Lauritzen, Vice Pres
KENSINGTON FIRE PROTECTION DISTRICT	Julie Stein	President	Daniel Levine, Vice Pres
KENSINGTON POLICE PROT & CSD	Alexandra Aquino-Fike	President	Sarah Gough, Vice Pres
TOWN OF KNIGHTSEN CSD	Trish Bello-Kunkel	Chair	Gilbert Somerhalder, Vice Chair
MORAGA-ORINDA FIRE DIST	John Jex	President	Mike Roemer, Vice Pres
MT. VIEW SANITARY DIST	Dave Maggi	President	Brian Danley, Vice Pres
PLEASANT HILL REC & PARK DISTRICT	Bobby Glover	Chair	Sandra Bonato, Vice Chair
RECLAMATION DIST (RD) 799	Jim Price	President	Richard Kent, Vice Pres
RD 800	Robert Lyman	President	David Harris, Secretary
RD 830	Chad Davisson	President	Domenic Cianfichi, Secretary
RD 2024 *	Don Wagenet	President	John Jackson, Trustee Thomas Robinson, Trustee
RD 2025	David Forkel	Chair	Pamela A. Forbus, Secretary
RD 2026*	David A. Forkel	Chair	Pamela A. Forbus, Secretary
RD 2059	Rob Davies	President	
RD 2065*	Coleman Foley	President	Thomas Baldocchi, Sr., Trustee Thomas Baldocchi, Jr., Trustee
RD 2090*	Jake Messerli	Chair	Pamela A. Forbus, Attorney
RD 2117*	Joyce Speckman	President	Sandra Kiefer, Trustee
RD 2122	Katherine Wadsworth	President	
RD 2137*	Pamela A. Forbus	Attorney/Secretary	
RODEO-HERCULES FIRE PROTECTION DIST	Steve Hill	Vice Chair	
RODEO SANITARY DISTRICT	Connie Batchelder	President	Janet Callaghan, Vice Pres
SAN RAMON VALLEY FIRE PROTECTION DIST	Michelle Lee	President	Jay Kerr, Vice Pres
STEGE SANITARY DISTRICT	Dwight Merrill	President	Juliet Christian-Smith, VP
WEST COUNTY WASTEWATER DIST	Cheryl Sudduth	President	David Alvarado, Vice Pres

RESOLUTION NO. 23-06

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MORAGA-ORINDA FIRE PROTECTION DISTRICT NOMINATING**

**AS A CANDIDATE FOR THE POSITION OF THE
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
SPECIAL DISTRICT ALTERNATE SEAT**

WHEREAS, the Contra Costa Local Agency Formation Commission (LAFCO) has announced that there is a vacancy for the Special District member LAFCO Alternate Seat and is developing a slate of candidates for the LAFCO Alternate Seat; and

NOW THEREFORE, BE IT RESOLVED, that the Moraga-Orinda Fire Protection District nominates _____ as a candidate for the office of Special District LAFCO Alternate Seat.

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of the Moraga-Orinda Fire Protection District at a regular meeting on this 15th day of February 2023 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:

Dated: February 15, 2023

John Jex, President
Board of Directors

ATTEST:

Marcia Holbrook
District Secretary/District Clerk