



Moraga-Orinda Fire District

Board of Directors

REGULAR MEETING
September 20, 2023 – 6:00 PM
6:00 p.m. CLOSED SESSION
7:00 p.m. OPEN SESSION

MEETING LOCATION:
Sarge Littlehale Room
22 Orinda Way
Orinda, CA 94563

To access the meeting remotely:
please click the link below to join the webinar by Zoom:
<https://us02web.zoom.us/j/82408994198>

or By Phone: 1-669-900-6833
Webinar ID: 824 0899 4198

Public Participation

This meeting will be conducted in a hybrid format with in-person and remote options for public participation. If you are participating via the Zoom meeting link (i.e. web platform), and experience personal technological difficulties, please re-join the meeting by phone via phone number provided above.

For In-person Attendees, face coverings are strongly encouraged and attendees are encouraged to be up-to-date on the COVID-19 vaccine. Social distance should be maintained when practical. If you are feeling sick, please do not attend the meeting in person.

SPEAKER CARDS: Members of the public may comment on any item on the agenda before or during the Board's consideration of the item. If you would like to speak during the public forum or on an item listed on the agenda, you are invited to submit a speaker card to the District Clerk. You will be permitted to speak even if you elect not to submit a speaker card or decline to provide information requested on the card. After the Board of Directors has heard from everyone who submitted speaker cards, anyone electing not to submit a speaker card may form a line at the lectern. Public comment is limited to 3 minutes per speaker per agenda item.

For Remote Attendees, by joining via the ZOOM link or the dial-in information above. You can access the meeting 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 3:00 p.m. 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 5:00 p.m. 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. Emails received during the meeting will be made a part of the public record and available to view by 5:00 p.m. the following day of the meeting by following this link mofd.org/agendas

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. **PUBLIC COMMENT - CLOSED SESSION ITEMS**

3. **CLOSED SESSION**

3.1 **Conference with Real Property Negotiators**

(Government Code Section 54956.8)

Agency Negotiator: David Winnacker

Negotiating parties: Moraga School District

Under Negotiations: Consideration of and authorization to proceed with real estate negotiations by the Fire Chief regarding potential acquisition of the real properties concerning price and terms of payment.

Real Properties: 1010 Camino Pablo, Moraga, CA 94556/1280 Moraga Way, Moraga, CA 94556

3.2 **Conference with Legal Counsel – Anticipated Litigation**

Significant Exposure to Litigation under Government Code Sections 54956.9(d)(2) and 54956.9(d)(3) – two potential cases

First potential case: On January 18, 2023, a complaint of employment discrimination against the District was filed with the California Department of Fair Employment and Housing

[Second potential case: August 2, 2023 CEQA threat of litigation](#)

3.3 **Conference with Labor Negotiator - Local 1230, IAFF**

(Government Code Section 54957.6)

Employee Organization: Local 1230, International Association of Firefighters IAFF

Agency Designated Representative: Jonathan Holtzman

3.4 **Conference with Labor Negotiator - MOFCOA**

(Government Code Section 54957.6)

Employee Organization: Moraga-Orinda Fire Chief Officers' Association

Agency Designated Representative: Jonathan Holtzman

3.5 **Conference with Labor Negotiator - Unrepresented Employees**

(Government Code Section 54957.6)

Employee Organization: Unrepresented Employees

Agency Designated Representative: Jonathan Holtzman

4. **RECONVENE THE MEETING**

- Call the Meeting to Order
- Roll Call

5. **REPORT OF CLOSED SESSION ACTION**

6. **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.

7. **ANNOUNCEMENTS**

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

(Government Code Section 53232.3(d))

7.2 **Questions and informational comments from Board members and Staff**

7.3 **Communications Received**

- 01 Charles Porges.pdf
- 02- John Muir Land Trust.pdf
- 03 Mary Williams.pdf
- 04 Notice of Receipt of Application - LAFCO 23-12 - Dissolution of Alamo Lafayette Cemetery District .pdf
- 05 Daniel and Jo Ellen Levy.pdf

7.4 **Fire Chief Updates**

- a. **Finance Report**
- b. **Human Resources**
- c. **Fire Marshal**
- d. **Tunnel East Bay Hills Fuel Break Project**
- e. **Virtual Evacuation Exercise, scheduled 9/30/23**
- f. **Home Hardening Program/Gutter Glove Material Distribution**
- g. **Operations**

Attachment: Fire Marshal Report - August 2023.pdf

Attachment: Emergency Preparedness Updates 09-20-23.pdf

Attachment: 2023_08_11 Painted Rock FEMO Report.pdf

8. **CONSENT AGENDA**

8.1 **Meeting Minutes – August 16, 2023 (regular), September 6, 2023 (special)**

Staff Recommendation: Approve and File

Attachment: 08-16-23 Regular Minutes DRAFT.pdf

Attachment: 09-06-23 Special Minutes DRAFT.pdf

8.2 **Monthly Incident Report – August 2023**

Staff Recommendation: Approve and File

Attachment: Monthly Incident Report “ August 2023

8.3 **Monthly Check/Voucher Register – August 2023**

Staff Recommendation: Approve and File

Attachment: Monthly Check Register August 2023.pdf

8.4 **Monthly Financial Report – August 2023**

Staff Recommendation: Approve and File

Attachment: August 2023 Financials.pdf

8.5 **Authorize Acceptance of the FY2022 FEMA Assistance to Firefighters Grant in the Amount of \$414,540.90 to Purchase 45 Portable Radios; Approve a Capital Projects Fund Revenue Budget Adjustment Increase in the Amount of \$414,541 and Approve a Capital Projects Fund Expenditure Budget Adjustment Increase in the Amount of \$281,000**

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Authorize Acceptance of the FY2022 United States Department of Homeland Security FEMA Assistance to Firefighters Grant in the Amount of \$414,540.90 to Purchase 45 Portable Radios; Approve a Capital Projects Fund Revenue Budget Adjustment Increase in the Amount of \$414,541 and Approve a Capital Projects Fund Expenditure Budget Adjustment Increase in the Amount of \$281,000

Attachment A: Grant Award Package MOFD Radio Grant.pdf

8.6 **Authorize Amendment to Increase Fire Ready Contract in the Amount of \$55,508**

Staff Recommendation: 1) Authorize staff to enter into a contract amendment with Fire Ready in the amount of \$55,508 in order to close out the fuel reduction work completed by Fire Ready.

9. **REGULAR AGENDA**

9.1 **Second Reading and Adoption of Ordinance No. 23-08, An Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, adopting requirements for fuel breaks on certain parcels in both the state responsibility and local responsibility areas within the fire district, adopting findings of fact regarding fire hazards in the fire district, adopting findings of exemption under the California Environmental Quality Act, and repealing ordinance 23-04; and find that Ordinance No. 23-08 is exempt from the California Environmental Quality Act for the reasons stated in the ordinance.**

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) As introduced on September 6, 2023, adopt Ordinance No. 23-08, An ordinance of the Moraga-Orinda fire district of Contra Costa County, California, adopting requirements for fuel breaks on certain parcels in both the state responsibility and local responsibility areas within the fire district, adopting findings of fact regarding fire hazards in the fire district, adopting findings of exemption under the California Environmental Quality Act, and repealing ordinance 23-04; 4) find that Ordinance No. 23-08 is exempt from the California Environmental Quality Act for the reasons stated in the ordinance; and 5) provide any additional direction to staff.

[Attachment: Ord No. 23-08 Fuel Break \(9-20-23\).pdf](#)

[Attachment: Ordinance 23-08 Technical Memo.pdf](#)

- 9.2 [Second Reading and Adoption of Ordinance No. 23-05, an Ordinance of the Moraga- Orinda Fire Protection District of Contra Costa County, California, amending the Purchasing and Contracting Procedures and Authorities; Adopt Resolution No. 23-15 A Resolution of the Board of Directors of the Moraga-Orinda Fire Protection District Establishing Contracting Procedures for Special Services Contracts](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) As introduced on August 16, 2023, adopt Ordinance No. 23-05, An ordinance of the Moraga-Orinda Fire Protection District amending the purchasing and contracting procedures and authorities, and 4) approve Resolution No. 23-15, A resolution of the Board of Directors of the Moraga-Orinda Fire Protection District establishing contracting procedures for special services contracts.

[Attachment A: 23-05 Amending Purchasing Prodecures Ordinance 16-01 \(Revised 7-17-23 - redline\).pdf](#)

[Attachment B: 23-05 Amending Purchasing Procedures Ordinance 16-01 \(Clean\).pdf](#)

[Attachment C: 23-15 Resolution Establishing Contracting Procedures \(REC 7-17-23\).pdf](#)

- 9.3 [Draft GASB 75 OPEB Valuation Report as of June 30, 2023 and Approval of OPEB Funding Policy](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide direction to staff regarding the Draft GASB 75 OPEB Valuation Report as of June 30, 2023 and approve the OPEB Funding Policy

[Attachment A: MOFD 063023 GASB 75 Report Preliminary.pdf](#)

[Attachment B: OPEB Funding Policy 09.23 Track Changes Version.pdf](#)

[Attachment C: OPEB Funding Policy 09.23 Final Version.docx](#)

- 9.4 [PARS Other Post Employment Benefits Pre-Funding and Pension Rate Stabilization Trust Program Annual Client Review](#)

Staff Recommendation: 1) No action required; Informational purposes only

[Attachment A: Annual Client Review September 2023.pdf](#)

- 9.5 [Quarter Four Financial Update and Budget Review FY2023](#)

Staff Recommendation: 1) No action required; Informational purposes only

[Attachment A: Quarter Four Financial Update.pdf](#)

- 9.6 [Saint Mary's College Nuisance and False Alarm History](#)

Staff Recommendation: 1) No action required; Informational purposes only

10. COMMITTEE REPORTS

- 10.1 **Standing Audit Committee (Directors Hasler and Jex)**

- 10.2 **Ad Hoc Committee Develop Plans for Expanding the Fire Prevention Program (Directors Hasler and Jorgens)**

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

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

11. ANNOUNCEMENTS

- 11.1 **Future Agenda Items**

12. ADJOURNMENT

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 September 15, 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