



City of Orinda
22 Orinda Way • Orinda • California • 94563

September 20, 2023

Honorable President and Directors
Moraga-Orinda Fire Protection District
1280 Moraga Way
Moraga, CA 94556

RE: Proposed Ordinance 23-08

Dear Hon. President Jex and Directors Jorgens, Danzinger, Roemer, and Hasler,

Last night, at our September 19th City Council meeting, the Council received an update on the District’s proposed Ordinance 23-08, on which the Council commented in our letter of September 8, 2023, to the Board. A copy of the agenda item is attached so you can see what information was shared, as it summarized our understanding of the discussions and actions that the Board took at your meeting on September 8th.

We acknowledge the changes made to the Ordinance upon introduction, and that the Fire Chief indicated a number of steps the District will be taking to inform and educate our residents about the requirements of the Ordinance. We look forward to having the opportunity to continue to engage with the District in a collaborative manner in the development, evolution, and dissemination of this information as we all work towards a more fire-safe Orinda.

At our meeting last night, we did receive additional written and in-person public comments, including the attached letter from the East Bay Municipal Utility District, which we want to call to the attention of the Fire Board.

The Council wanted to convey to the Fire Board that the concerns and considerations outlined in our original comment letter remain, and as we all look towards not only making our community more fire-safe, we also need to do so with environmental considerations in mind and with the goal of doing so in ways that address climate adaptability.

Clearly, there is a need for ongoing engagement with not only the community, but with the City of Orinda, the Town of Moraga, and regional agencies like East Bay MUD and East Bay Regional Parks, and our Council would like to be co-convenor regarding these consultations and outreach with the Fire District and we look forward to working with the Fire Board to do so.

Sincerely yours,

Inga Miller
Mayor

Attachments:

- City Council Agenda Item – September 19, 2023
- East Bay MUD Letter – September 19, 2023

cc: City Council, City Manager, City Attorney



City Council Staff Report

Agenda Item: H.1
Date: September 19, 2023
Department: Administration

AGENDA TITLE: Moraga Orinda Fire District Ordinance 23-08

RECOMMENDATION:

Receive Report, Discuss, and Provide Direction, if any.

BACKGROUND: On September 5, 2023, the City Council reviewed MOFD proposed Ordinance 28-08, staff report, and attachments (Attachment A). The Council opted to provide a comment letter to the MOFD Board, which is attached as Attachment B. That letter was provided to the Fire Board for their Special Meeting on September 6th.

The Fire Board considered written and oral comments and introduced Ordinance 23-8 at that meeting including a number of minor modifications including clarifying trees less than fifteen (15) feet would require limbing up one-third of their height and allowing maintenance of clusters of non-irrigated brush with separation. In addition, the Fire Chief indicated they would continue to address the concerns raised including:

- Developing a list of best management practices with templates/model drawings on the North Orinda Shaded Fuel Break to share with the community;
- Making Fire District contractors/consultants like biologists/geologists available for a fee to assist residents;
- Will develop and provide a list of firms/consultants familiar with the requirements and area to assist residents;
- Will develop a Modification Guide with templates, including information of how multi-year efforts can be approved; and,
- They will host a community forum to better explain the requirements in Ordinance 23-08 (Since that time Chief Winnacker has shared that they will initially be providing a recorded on demand workshop soon and will host a community forum later in the year given scheduling concerns).

The MOFD Board will be considering the adoption of Ordinance 23-08 at their regular meeting of September 20, 2023. This item is being presented to update the City Council and to provide another opportunity for Council comments to be shared, if any, with the Fire Board prior to adoption.

NEXT STEPS: Should the Council have any additional comments to share with the Fire Board, those will be forwarded to them prior to their September 20th meeting.

FISCAL IMPACT: None as a result of this item.

ATTACHMENTS:

- A. Staff Report for City Council Meeting of September 5, 2023
- B. City of Orinda's Comments to MOFD Proposed Ordinance 23-08

Respectfully Submitted by:
David Biggs
City Manager

Prepared By: Sheri Smith, City Clerk

Approved by:

David Biggs
David Biggs, City Manager 9/12/2023



Subject: Request for Modification to MOFD Ordinance 23-08

Dear Mayor Miller and Orinda City Council members,

I am writing to address the proposed Moraga-Orinda Fire District (MOFD) Ordinance 23-08, which pertains to wildfire management and fuel break requirements, this potential regulation poses serious impediments for East Bay Municipal Utility District's (EBMUD) watershed management.

EBMUD is dedicated to the safety of Orinda's residents, especially regarding the ongoing risk of wildfire. We understand that robust fire hazard management is vital for safeguarding both the surrounding communities and our watershed lands. Our goal is to enhance fire safety measures through risk reduction efforts and stringent protections.

As you may recall, EBMUD had previously corresponded with MOFD regarding proposed Ordinance 22-02 on March 14, 2022, expressing our concerns and seeking certain modifications to ensure the effective management of our watershed lands. These lands are vital for safeguarding water quality and natural resources and fall within the jurisdiction of the California Department of Forestry and Fire Protection (CalFire).

MOFD's proposed ordinance could significantly hinder EBMUD's ability to manage our watershed lands effectively. EBMUD lands fall within the State Responsibility Area (SRA) under CalFire administration, necessitating rigorous measures to protect water quality and natural resources. To this end, we have developed and implemented a comprehensive set of management plans and environmental safeguards, including the East Bay Watershed Master Plan, Fire Management Plan, Ranger Resource Management Plan, and Low Effect Habitat Conservation Plan (HCP), among others.

EBMUD's fuel management activities within MOFD jurisdiction, must adhere to the guidelines outlined in our HCP. The HCP prescribes specific measures to mitigate the impact of EBMUD activities on habitats and sensitive species, such as the California red-legged frog, Alameda whipsnake, and pallid manzanita.

In alignment with our counterparts at the East Bay Regional Park District (EBRPD), we share common concerns about the potential impact of Ordinance 23-08 on our respective operations. EBRPD has diligently articulated their legal analysis and reasons for requesting an exemption from certain provisions of this ordinance, which we endorse and support.

As with EBRPD, if necessary, we plan to apply for a modification exemption from MOFD for Ordinance 23-08 to continue our vital work in protecting our lands. This exemption would enable us to fulfill our responsibilities while upholding the ecological balance of our watershed.

We appreciate the City of Orinda's dedication to making our community safer from wildfires and look forward to the opportunity to work together toward a mutually beneficial resolution. Please do not hesitate to reach out if you require any further information or if you would like to discuss this matter in more detail.



Moreover, EBMUD remains open to participating in any future forums or discussions concerning wildfire protection, and land management where MOFD, the City of Orinda, the Town of Moraga, and EBRPD may seek to engage the community on this critical issue. Together, we can ensure the continued safety and well-being of our community and protection of our vital resources.

Thank you for your continued commitment to matters of shared concern and your diligence in keeping EBMUD informed, we appreciate your thoughtful consideration of this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mike Tognolini', is written over a light blue horizontal line.

Mike Tognolini

Director of Water and Natural Resources

East Bay Municipal Utility District (EBMUD)