



Moraga-Orinda Fire District  
**BOARD OF DIRECTORS**  
**REGULAR BOARD MEETING MINUTES**  
November 15, 2023  
(APPROVED JANUARY 17, 2024)

**1. OPENING CEREMONIES**

The Board of Directors convened Open Session at 5:01 p.m. on November 15, 2023, at the Sarge Littlehale Room, 22 Orinda Way, Orinda, California 94563. This meeting was conducted in a hybrid format with in-person and remote options for public participation. The meeting included teleconference participation from Board Member Greg Hasler from New York, NY.

President Jex called the meeting to order, requested an attendance roll call, and led the Pledge of Allegiance. Present were the following Directors and Staff (present in person unless noted with asterisks):

President Jex	Dave Winnacker, Fire Chief	Luke Jensen, Lead Negotiator
Director Danziger	Gloriann Sasser, Admin Services Director**	Kathryn Oehlschlager, Special Counsel**
Director Hasler**	Christine Russell, HR Manager	Marcia Holbrook, District Clerk
Director Jorgens	Jonathan Holtzman, District Counsel**	
Director Roemer	Rubin Cruse, Jr., District Counsel**	

**2. PUBLIC COMMENT – CLOSED SESSION ITEMS (audio 00:02:31)**

District Clerk Holbrook announced that one written public comment was received from Mike Fedorov regarding the closed session item 3.1, Sandia Pearson and Anita K. Pearson v Moraga-Orinda Fire District legal challenge. The comment was forwarded to the Board of Directors, made available for viewing on the District website, and attached to these minutes. There were no additional requests to address the Board.

**At 5:02 p.m., the Board adjourned to Closed Session.**

**3. CLOSED SESSION**

**3.1 Conference with Legal Counsel – Existing Litigation**

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of Case: Sandia Pearson and Anita K. Pearson v Moraga-Orinda Fire District

Case No. [not yet assigned]

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

(Government Code Section 54957.6)

Employee Organization: Local 1230, International Association of Firefighters IAFF

Agency Designated Representative: Luke Jensen

**3.3 Conference with Labor Negotiator – MOFCOA**

(Government Code Section 54957.6)

Employee Organization: Moraga-Orinda Fire Chief Officers' Association

Agency Designated Representative: Luke Jensen

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

(Government Code Section 54957.6)

Employee Organization: Unrepresented Employees

Agency Designated Representative: Luke Jensen

**At 7:06 p.m., the Board adjourned the Closed Session.**

**4. RECONVENE THE MEETING (audio 00:05:49)**

President Jex reconvened the Moraga-Orinda Fire District Board of Directors regular meeting at 7:09 p.m. and requested an attendance roll call. Present were the following Directors and Staff (present in person unless noted with asterisks):

President Jex	Dave Winnacker, Fire Chief	Mary Smith, Finance Manager**
Director Danziger	Gloriann Sasser, Admin Services Director**	Rubin Cruse, Jr., District Counsel**
Director Hasler**	<del>Jeff Isaacs, Fire Marshal (absent)</del>	Marcia Holbrook, District Clerk
Director Jorgens	Lucas Lambert, Battalion Chief	
Director Roemer	Christine Russell, Human Resources Manager	

**5. REPORT OF CLOSED SESSION ACTION (audio 00:06:26)**

President Jex reported no reportable action on the closed session items 3.1-3.4.

**7. ANNOUNCEMENTS (audio 00:07:37)-out of order**

#### 7.4 Fire Chief Updates

President Jex announced that a special guest was in attendance and a portion of the Fire Chief's Operation report would be taken out of order. Battalion Chief Lambert introduced special guest Mrs. Kelly Kopelson, who survived a sudden cardiac arrest event on May 24, 2023. MOFD Crews responded to a single vehicle off the roadway. The occupant was found without vital signs, prompting immediate CPR and advanced cardiac life support. Crews were able to restore Mrs. Kopelson's pulse at the scene. Mrs. Kopelson and her family conveyed immense gratitude to the First Responders and Department. The Board commended the Staff and thanked Mrs. Kopelson for sharing her story and gratitude.

#### 6. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA (audio 00:12:18)

There were no requests to address the Board.

#### 7. ANNOUNCEMENTS (audio 00:12:55)

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

**7.2 Questions and informational comments from Board members and Staff.** Director Danziger acknowledged Veterans Day, highlighting November as National Veteran and Military Families Month, and quoted the Secretary of Defense Lloyd Austin III's comments, thanking veterans for their commitment to keeping America safe.

**7.3 Communications Received.** District Clerk Holbrook acknowledged four communications were received from Roy Gilbert, Tom Wylie, Jonathan Goodwin, and Town of Moraga Luncheon "State of the Town".

#### 7.4 Fire Chief Updates

##### a. Finance Report

Finance Manager Mary Smith presented a status report of the Office of Emergency Service (OES) reimbursements, financial status for the Tunnel East Bay Hills Fuel Break, and Treasury Bill updates (attached to these minutes, as item 7.4(a)). Director Jorgens commented on the importance of collecting outstanding receivables promptly due to the potential to earn 5% interest on those funds. Fire Chief Winnacker concurred and commended the work of the Finance Department.

##### b. Human Resources

Human Resources Manager Christine Russell provided an update on recruitment and employment changes within the District.

- **Firefighter-Paramedic Trainee:** Three candidates have completed the background process and the paramedic field evaluation. The candidates will start the Academy of Contra Costa County Fire Protection on January 16, 2024 for 20 weeks.
- **Fuels Mitigation Specialists:** The hiring process began with interviews in late August. Two candidates progressed in the recruitment process and successfully passed the background review process. One candidate started on November 1, 2023, and the second candidate is scheduled to start on November 20, 2023. The department has one remaining vacancy. Staff anticipates to fill the vacancy by the end of November. Director Danziger inquired if the vacancy was a grant funded position. HR Manager Russell answered it is a regular budgeted position.
- **Upcoming Promotional Recruitment-Fire Engineer/Fire Engineer Paramedic II:** The recruitment will be posted in early December 2023 for a 90-day application period, per the promotional recruitment schedule. The District will host the examination in March 2024.
- **Retirements:** Matthew Nichols, Fire Captain Paramedic II, effective 10/13/2023 after 16 years, ten months of service.
- **Promotions:** Clayton Hoover promoted to Fire Captain, effective 10/20/2023
- **New Employee:** Raul Sandoval, Fuels Mitigation Specialist, effective 11/1/2023

Director Danziger inquired about the gender of the Firefighter Paramedic Trainees and Fuel Mitigation Specialists. Fire Chief Winnacker answered the employees are of the male gender. Director Danziger congratulated Matthew Nichols on his retirement, Clayton Hoover on his promotion, and Raul Sandoval on his new position.

##### c. Fire Marshal

Fire Chief Winnacker presented the statistics from the Fire Prevention report and highlighted the number of Property Transfer Inspections (PTI). The PTI program continues to be successful because sellers are motivated to comply with regulations to facilitate the sale. The common reason for failing the inspections is mulch being placed too close to the house (within the two-foot non-combustible zone). Many property owners are unaware of the mulch requirements as landscapers use mulch to

fill that space. Director Jorgens asked if the data reporting 344 PTIs was for the month. Fire Chief Winnacker clarified the data is year to date.

Fire Chief Winnacker reviewed the state-mandated inspections. Staff is actively educating K-12 schools on removing combustible materials like wall decorations, which has led to many failed inspections. Two R-2 Dormitory Inspections were conducted at Saint Mary's College. Violations were present in both dormitories. The MOFD Fire Marshal's Office and the State Fire Marshal's Office met with Saint Mary's College Staff to ensure understanding of the requirements and how to rectify the violations. A follow-up inspection is scheduled for November 29, 2023. Director Jorgens asked about the status of the alarm system issue. Fire Chief Winnacker responded that Staff is actively working on the issue and will provide a comprehensive report in January.

Fire Chief Winnacker discussed the Chipper program and recent instances of the MOFD Chipper being utilized in the Campolindo area for several days. Although there is a seasonal decrease in demand during this time of year, the team has resumed the District's Chipping services to the community. Fire Chief Winnacker concluded the report by reviewing current projects (Inspections, Property Inspections, Fuel Break Work, Grants, County Fire Code, and State Zone Zero workgroup). Director Jorgens inquired if the District utilized its Chipper along with a second truck to augment the capacity for the Tunnel East Bay Hill Fuel Break Project. Fire Chief Winnacker confirmed. An amendment was approved by Cal Fire to allow the District to use the Chipper and charge back for its use.

Fire Chief Winnacker proceeded to show the Residential Inspection Map and the current compliance status for properties within the District. Remarkable progress has been made since August, noting a significant shift from red (non-compliance) to green (compliance) areas within residential neighborhoods. Fire prevention efforts have led to the establishment of interior fuel breaks or interior fuel-modified zones at critical points where a fire might enter the community from surrounding open spaces. These compliant neighborhoods reflect positive responses from the community to the inspection process. Director Jorgens mentioned that compliance appears to be around 90% green versus red on the map. Fire Chief Winnacker agreed with the assessment, although he did not have the exact percentage. The upcoming priorities for winter involve conducting additional analyses to identify areas to implement similar strategies for CY24. Director Jorgens inquired about the areas that need to be focused on next for compliance. Fire Chief Winnacker responded that further analysis is required, which is complex because a fuel model does not exist for structures as a fuel able to carry fire in a suburban environment.

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

Fire Chief Winnacker reported the status of the project continues to be on schedule.

**e. Home Hardening Grant Program**

Fire Chief Winnacker provided the update.

Gutterglove Material: Distribution of the initial material purchased for \$97K was highly successful. A subsequent \$99K order will be placed following the Board's approval. The new order will be used to clear the current waiting list and to re-open signups for residents to obtain the remaining material.

Ember-Resistant Mesh: There has been a notable decline in demand post-initial distribution. Adequate stock is available on hand. Director Jorgens suggested strategies for increased distribution (coupling vent acquisition with gutter pickups or requiring concurrent vent acquisition). Fire Chief Winnacker supported these ideas and highlighted discussions with the City of Orinda and the Town of Moraga for broader promotion of the material.

**f. Operations**

Battalion Chief Lambert provided the report, attached to these minutes, as item 7.4(f). On November 1, 2023, Crews responded to a late-night structure fire in Canyon, resulting in a total loss of an unoccupied home and limited vegetation damage. An inter-agency response involving 65 personnel contained the fire spread to surrounding vegetation to half an acre. A precautionary evacuation warning for nearby residents was issued but lifted. No injuries were reported.

Fire Chief Winnacker noted the fire incident occurred three-and-a-half days after a red flag event and displayed a picture showing the embers emanating from the structure. He warned that had the fire occurred three days earlier, weather conditions would have caused these embers to spread to downwind areas with the potential for a negative outcome. The conditions would have made the surroundings receptive to this fire. The incident resulted in a regrettable loss, but the community was fortunate that the timing of the fire did not coincide with the recent red flag event.

Director Jorgens asked if the home had a monitored fire alarm. Fire Chief Winnacker answered no. Director Danziger inquired about the evacuation. Fire Chief Winnacker clarified that it was an evacuation warning that was lifted. Fire Chief Winnacker provided context, describing the location of the affected home and the potential severity of the situation. If the fire had occurred on a day with lower relative humidity combined with wind, there was a high likelihood that it could have quickly impacted or closed off the only evacuation route for the area.

On October 14, 2023, the District held the annual pancake breakfast and open house at Fire Station 41 with good turnout.

On October 18, 2023, Crews responded to a vehicle accident involving a head-on collision on Highway 24, requiring extrication of both drivers.

Battalion Chief Lambert shared images from Halloween where MOFD crews were active in the community.

Battalion Chief Lambert then introduced the HAAS Alert's Safety Cloud system to be installed on a trial basis on a Battalion Chief vehicle to assess practical functionality. The Safety Cloud's digital alert delivers immediate warnings to drivers in the proximity of emergency vehicles or road workers and provides up to 30 seconds of preemptive warning that an emergency vehicle is approaching and facilitates safer responses. Staff will determine if the transponder unit works in practice as intended in concept during the trial period. Director Jorgens inquired about the system's compatibility with Google, the owner of Waze. Battalion Chief Lambert showcased an example notification that users see when driving specific vehicle models (Jeep, Dodge, Ram, or Chrysler). The company is working to broaden the providers to expand the compatibility beyond existing platforms. Director Danziger asked if it is a subscription. Chief Lambert answered yes. Director Jorgens asked if the unit feeds data to the mapping. Battalion Chief Lambert responded the transponder is activated by the Code Three lights on the vehicle. Fire Chief Winnacker added the District plans to install the units on all of the District's apparatus if the pilot program is successful.

Battalion Chief Lambert concluded the report with a public service announcement on road safety and the need to reduce speed during rain. Director Danziger inquired about the recent burglary incident that happened in Orinda. Battalion Chief Lambert responded that there are some limitations in discussing specific incidents due to ongoing investigations on matters related to these criminal activities.

#### **President Jex opened Public Comment.**

Jonathan Goodwin, Canyon resident (attended via Zoom), commented on his correspondence to the Board about his concerns that the District willingly overpays CCCERA (Contra Costa County Employees' Retirement Association) over \$100K per year. He emphasized the importance of a Director taking an interest and asking about the facts surrounding the issue. Mr. Goodwin inquired about HAAS Alert's Safety Cloud system and if it tracks the vehicle. Mr. Goodwin asked about the Cal Fire CDCR Work Crews and any arrangements made with this group. Mr. Goodwin expressed concerns about the evacuation during the fire incident in Canyon, stating that while the fire itself did not obstruct the evacuation route, it was obstructed by the positioning of engines.

Director Roemer requested to respond to Mr. Goodwin's comments. President Jex allowed the comment. Director Roemer stated he read the correspondence submitted by Mr. Goodwin regarding CCCERA, spoke with District Counsel and shared Mr. Goodwin's concerns. Director Roemer understood that Counsel had placed a phone call to Mr. Goodwin that has not been returned.

Fire Chief Winnacker requested to respond to Mr. Goodwin's comments. President Jex allowed the comment. Fire Chief Winnacker explained the HAAS Alert's Safety Cloud system gives the location of the apparatus while the vehicle is moving, and then once the vehicle is placed in park, the status is changed. In response to the Cal Fire CDCR Crews provided through the California Department of Corrections and Rehabilitation, there are 28 Crews Statewide and the District does not utilize the California Department of Corrections and Rehabilitation Crews. A Cal Fire Crew (a regular crew) has been working in the area. Fire Chief Winnacker agreed with Mr. Goodwin's concerns regarding evacuation in Canyon and explained that there is limited road width in that area. The decision was made to park the engines in a way that shut down the road to provide access to the structure fire. This road can be used to fight fire or for an evacuation. There are several different ways that the incident could have been approached. In this case, the approach taken was because the fire was not rapidly moving.

**There were no additional requests to address the Board.**



8. **CONSENT AGENDA (audio 00:55:45)**
- 8.1 **Meeting Minutes –September 20, 2023 (special), September 20, 2023 (regular), October 26, 2023 (special)**
  - 8.2 **Monthly Incident Report – September 2023**
  - 8.3 **Monthly Incident Report – October 2023**
  - 8.4 **Monthly Check/Voucher Register – October 2023**
  - 8.5 **Monthly Financial Report– October 2023**
  - 8.6 **Quarterly Investment Report - September 30, 2023**
  - 8.7 **Approve a Capital Projects Fund Revenue Budget Adjustment Increase in the Amount of \$250,000 and Approve a Capital Projects Fund Expenditure Budget Adjustment Increase in the Amount of \$250,000 for the Grant of Funds from the State Coastal Conservancy for the Moraga-Orinda Fire District Grazing Project**
  - 8.8 **Authorize the Fire Chief to Enter Into an Agreement with Silicon Valley Paving for Cattle Fencing and Access Gates Design and Build Services in the Amount Not to Exceed \$158,700**
  - 8.9 **Dissolve the Ad Hoc Committee Facilities Station 41 (Directors Danziger and Jex)**
  - 8.10 **Appoint Luke Jensen, Senior Analyst with Renne Public Law Group as Lead Negotiator**
  - 8.11 **Approval of the Annual Operating Budget Timeline Fiscal Year 2025**
  - 8.12 **2024 Regular Board Meeting Schedule**
  - 8.13 **Authorize the Fire Chief to Enter Into an Agreement with Gutterglove, Inc. for Stainless Steel Gutter Covering Material in the Amount Not to Exceed \$99,970**
  - 8.14 **Authorize Payment to Genasys in the Amount of \$164,250 for Evacuation Software; Authorize FY2024 Capital Projects Fund Revenue and Expenditure Budget Adjustment Increases in the Amounts of \$164,250**

Director Jorgens requested to pull item 8.5, Monthly Financial Report– October 2023. Director Danziger requested to pull item 8.8, Authorize the Fire Chief to Enter Into an Agreement with Silicon Valley Paving for Cattle Fencing and Access Gates Design and Build Services in the Amount Not to Exceed \$158,700.

**8.5. Monthly Financial Report– October 2023**

Director Jorgens commented on the investment earnings and asked about the current rate the County is paying the District. ASD Sasser responded that the current Local Agency Investment Fund (LAIF) rate is approximately 3.86%. Director Jorgens pointed out that the LAIF rate is 1.5% less than what the District earns from the T-Bills investments. ASD Sasser confirmed. Director Jorgens inquired about the criteria for choosing how much to invest with the County versus T-Bills. ASD Sasser answered that the District prioritizes placing as much as possible into the T-Bill investments to maximize interest earnings. Director Jorgens responded that only earning 3% is significant and suggested investing more in the T-bills, which can be sold quickly for more potential gains.

Fire Chief Winnacker stated that Staff could provide additional information, cautioning that selling a T-Bill investment before its maturity involves some work and requires engaging the County Treasury. Director Jorgens questioned the amount of work involved. Fire Chief Winnacker clarified that the process involves the County Treasury making it more complex than instant liquidation and more intricate than perceived. The investments are intended to maximize the use of the T-Bills by taking advantage of high-interest rates while ensuring that the District has enough cash on hand to meet the 30-day maturity. Director Jorgens stated he had forgotten the rationale behind the District's choice to stay with the County but emphasized the efficiency of online processes for T-bill liquidation.

Director Jorgens asked about the 11% decrease in ambulance calls and its potential impact on Revenue. Fire Chief Winnacker responded that a detailed review would be provided during the financial quarterly update later on the agenda. Monthly ambulance runs are highly volatile, and it is better to review the runs and impact relative to the previous years' quarterly. Director Jorgens stated the same applies to the Strike Team Revenue, which has been a very light year, which will affect the budget. Fire Chief Winnacker replied that the budgeted Revenue for Strike Team was set at \$300K. The District is expected to be less than budget by approximately \$30K.

**8.8 Authorize the Fire Chief to Enter Into an Agreement with Silicon Valley Paving for Cattle Fencing and Access Gates Design and Build Services in the Amount Not to Exceed \$158,700**

Director Danziger expressed no objections to awarding the contract. He requested that future reports list all the names of those who submitted proposals and the details of their responses.

**Director Jorgens motioned to approve the Consent Agenda items 8.1-8.14. Director Danziger seconded the Motion.**

**President Jex opened Public Comment on the motion and consent items.**

Jonathan Goodwin, Canyon resident (attended via Zoom), stated the law requires that the Board take public comment on the items before voting. Taking public comment on the Motion is no comment. Mr. Goodwin requested to pull Item 8.1, 09/20/23 Special Minutes Draft. Mr. Goodwin disagreed with the accuracy of the draft version of the minutes, which stated regarding item 3.1 that his questions to the CCCERA Deputy CEO were not answered because there was not enough time in the meeting; the questions would be answered in writing. Mr. Goodwin stated that is not what happened per his recollection. He recalled that President Jex asked CCCERA three times about his questions. And there was silence. Mr. Goodwin requested the 09/20/23 Special Minutes Draft be changed.

Director Jorgens asked if there was a recording of the meeting. Fire Chief Winnacker confirmed and stated Staff will review the recording to ensure the minutes accurately reflect the record and bring it back to the Board for adoption with corrections or a statement that the minutes accurately reflect the record.

**There were no additional requests to address the Board.**

**The Motion was amended by Director Jorgens and seconded by Director Danziger to pull the 09/20/23 Special Meeting Draft Minutes from Consent Agenda Item 8.1; Approve the remaining Consent Agenda Item 8.1 09/20/23 Regular Meeting Draft Minutes and 10/26/23 Special Meeting Draft Minutes and Consent Agenda Items 8.2-8.14. Said Motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None).**

**9. REGULAR AGENDA**

**9.1 Fire Safe Moraga-Orinda Update: Grant Funding Submissions and Governing Board Establishment (audio 01:04:15)**

Fire Chief Winnacker provided the report. During the July 19, 2023, Board meeting, the Fire Safe Moraga-Orinda (FSMO) presented information on the FSMO objectives and initial funding request. During that discussion, it was concluded that FSMO would withdraw its initial funding request and focus near-term efforts on establishing its Board of Directors and preparing grant funding requests to State and Local agencies. The MOFD Board requested that FSMO provide an update on a future agenda. FSMO submitted a written update on establishing its Board of Directors and the recent grant funding request. Mr. Marc Evans, FSMO Representative, attended the meeting to address any inquiries or concerns from the Board. President Jex and Director Jorgens congratulated FSMO.

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

**9.2 Provide Direction Regarding the Draft Annual Comprehensive Financial Report as of the Fiscal Year Ended June 30, 2023, Draft Memorandum on Internal Control for the Year Ended June 30, 2023, Draft Required Communications for the Year Ended June 30, 2023, and Draft Independent Accountant's Report on Applying Agreed-Upon Procedures for Appropriations Limit Calculation For the Year Ended June 30, 2023 (audio 01:05:43)**

Administrative Services Director Sasser provided the report. A draft of the District's Annual Comprehensive Financial Report (ACFR) was presented in the Board packet. Staff requested direction for potential adjustments to the draft Audit reports. Final approval of the ACFR is scheduled for the regular board meeting in December. Audit Partners Ms. Whitney Crockett, CPA-Vice President, and Ms. Vicki Rodriguez, CPA-CEO for Maze and Associates, presented the audit overview and outcomes. In July 2023, Maze and Associates met with the Audit Committee and reviewed the audit overview, scope, and responsibilities.

Ms. Crockett outlined the audit phases to include. The initial phase was conducted in July 2023, and internal controls were tested; the final phase, which ended in August 2023, examined year-end balances. The audit was conducted with a team of four Auditors over two weeks. During the two phases, the Audit team spent one day observing different internal controls at the District's offices. A preliminary discussion of the Audit results was held with the Audit Committee in September 2023.

Ms. Crockett summarized the reports provided in the Board Packet:

- **Attachment A - Annual Comprehensive Financial Report (ACFR)**. Page 1 states an Unmodified Audit Opinion (a clean audit opinion) signifying the highest level of assurance. Page 95 contains the Independent Auditors Report on Internal Control Over Financial Reporting and Compliance and Other Matters in Accordance with Government Auditing Standards. This section documents any Internal Control Weaknesses or Deficiencies found during the Audit. None were found or reported for the District.

- **Attachment B - Required Communications for the Year Ended June 30, 2023:** Includes information about Responsibilities, Scope, Difficulties Encountered, Misstatements, or any Significant Matters. None were found or reported for the District.
- **Attachment C - Memorandum on Internal Control for the Year Ended June 30, 2023:** Includes any Material Weaknesses or Significant Deficiencies. None were found or reported for the District.
- **Attachment D - Independent Accountant's Report on Applying Agreed-Upon Procedures for Appropriations Limit Calculation for the Year Ended June 30, 2023:** There were no exceptions or issues noted.

Ms. Crockett concluded by reviewing the Management Discussion and Analysis on page 5 of the ACFR report which provides a detailed overview of the year's occurrences and changes for the fiscal year 2023 and noted the following:

- The District allocated \$2.1M to the Pension Stabilization Reserve. The purpose of the fund is to fund future Unfunded Pension Liability.
- General Fund Unassigned Reserves increased \$3.2M to \$17.5M or 50.9% of the General Fund Revenue, achieving the goal set by the District.
- The Taxable Pension Obligation Bonds were fully paid as of July 1 2022.

Ms. Crockett acknowledged Administrative Services Director Sasser and Finance Manager Smith for their hard work and assistance during the audit process.

Director Jorgens highlighted the substantial increase in the Unfunded Pension Liability, and underperformance of CCCERA resulting in a considerable rise in the Unfunded Liability obligation (increasing from a few million dollars to \$58M within one year) on the balance sheet. Ms. Crockett responded when looking at the Governmental Accounting Standards Board (GASB 68) balances, the deferred outflows and deferred inflows are also part of pension and play into what is called the smoothing effect of those future costs. While the District's liability did increase substantially, these deferred outflows and inflows also experienced significant increases. Ms. Crockett explained these changes are related to the less-than-expected investment returns by CCCERA and expected future increases in contribution rates. President Jex noted that the deferred outflows increased by \$27M over four years (disclosed in the footnotes of the financial report) and expressed concern about the dramatic increase in the pension obligation.

Director Jorgens asked if the information was included in the long-range financial forecast (LLRF). Fire Chief Winnacker answered that the LRFF has not been updated since last year and is planned to be updated during February 2024. Staff will incorporate the changes at that time and show the implications of the rise in pension obligations. Director Jorgens recommended discussing a change in the LRFF timeline. Fire Chief Winnacker acknowledged. Director Danziger asked for feedback from the Audit Committee regarding the experience of transitioning to a new auditing team. President Jex praised the new Auditing firm for their responsiveness and excellent work. Director Hasler concurred.

#### **President Jex opened Public Comment.**

Mike Fedorov, Moraga resident (attended in person), sought clarification regarding the risks associated with the increased liability payment and its impact on the District and employees. Director Jorgens stated the risk is the substantial increase in the payment the District will need to make, potentially reaching millions of dollars annually. Mr. Fedorov asked if the contribution payment to the pension plan is shared between employees and the District. Director Jorgens answered the payment is not shared and is paid by the District. Mr. Fedorov asked if the District would have to make a lump sum payment. Fire Chief Winnacker explained the amount is amortized over an extended period. President Jex further explained the pension fund has an assumed rate of return. CCCERA did not make that assumed rate of return, and there were substantial losses. Those losses increased the District's Unfunded Pension Liability. Director Danziger added the amount went from \$40.7M to \$51.1M. Director Jorgens pointed out that the issue is the discretionary portion of the District's budget, which is \$4M per year.

#### **There were no additional requests to address the Board.**

Director Jorgens stated that he submitted comments for the draft Audit Report to Staff. Fire Chief Winnacker confirmed the comments would be incorporated into the final ACFR for adoption.

- 9.3 Overview of the District's Information Technology Infrastructure (audio 01:20:06) --item pulled**  
Fire Chief Winnacker requested the item be pulled due to a family emergency for the presenter.

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

**Motion by Director Jorgens and seconded by Director Roemer to pull Item 9.3, Overview of the District's Information Technology Infrastructure, and move the item to the January regular board meeting. Said Motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None)**

**9.4 Authorize Amendment to Contract with Definitive Networks, Inc. to Provide Management of Mobile Devices and Mobile Data Computers, Office 365, and Management of Additional Laptop Computers and Security for \$69,574 for the Period October 1, 2023 through June 30, 2025 (audio 01:21:28)**

Administrative Services Director Sasser presented a report. The District contracted with Definitive Networks, Inc. (DNI) for information technology services. The existing three-year contract includes an option to extend for an additional two years. Staff recommended amending the contract to include management of the District's mobile devices and apparatus mobile data computers (MDC). Previously mobile devices and MDCs were managed by a fire station Captain. As technology changed, the District's number of mobile devices and MDCs have expanded, and it is now necessary to have mobile devices and MDCs managed by DNI. In addition, one of the District's goals for FY2024 is to implement Microsoft Office 365 (a cloud-based system that provides cloud storage and access from any location or device). Finally, due to additional employees, the District has increased the number of laptop devices that DNI manages. The additional cost of the above services for October 1, 2023, through June 30, 2025, is \$69,574. Sufficient funds are available in the Annual Operating Budget for the FY2024 additional costs of \$29,477.

Director Jorgens inquired about the necessity of a third party to implement Microsoft Office 365 and about the system the District currently uses. Fire Chief Winnacker answered the District uses Citrix and a small number of terminals. Transitioning to Microsoft Office 365 is considered a best practice and explained that since the District does not have in-house IT Staff, there is a significant number of users who are not familiar with Microsoft Office 365 and require assistance in transitioning, managing, and ensuring proper access and logins for the new program. Director Jorgens asked if the figure is net of the Citrix and terminal savings. Fire Chief Winnacker confirmed.

**President Jex opened the Public Comment. There were no requests to address the Board. 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 Danziger to Authorize Amendment to Contract with Definitive Networks, Inc. to Provide Management of Mobile Devices and Mobile Data Computers, Office 365 and Management of Additional Laptop Computers and Security in the Amount of \$69,574 for the Period October 1, 2023 through June 30, 2025. Said Motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None)**

**9.5 Quarter One Financial Update and Budget Review FY2024 (audio 01:25:10)**

Administrative Services Director Sasser presented the first quarter financial update for FY 2024. The budget was adopted in June 2023 and projected a General Fund deficit of \$633K. The updated projected deficit based on financial information through the first quarter is \$428K.

Total Revenue is projected to be less than the budget \$215K.

- Property Tax Revenue is projected to exceed the budget by \$104K due to unsecured property tax revenue in excess of the budget.
- Ambulance revenue is projected to be less than budgeted by \$198K due to seasonality, with potential increases expected during winter months.
- Strike Team revenue is projected to be less than budgeted by \$144K due to fewer fires throughout the state this past fire season.

Expenditures – Less than budget \$433K

- Salaries are projected to be less than budgeted by \$789K. Retirement contributions are expected to be less than budgeted by \$429K due to seven vacant Firefighter Paramedic and one vacant Engineer position.
- Staffing Overtime is projected to exceed the budget by \$1.1M due to the eight vacant positions and workers' compensation injuries.

- Attorney fees are project to exceed budget by \$100K primarily due to increased legal costs from the Fuel Break Ordinance litigation.

The District started the fiscal year with \$26.5M in Unrestricted Cash and Investments, and \$17.5M in General Fund Unrestricted fund balance. The projected Deficit would decrease the Unrestricted Fund balance to \$17M (exceeding the minimum Fund Balance Policy of 40% and less than the 50% Policy Goal.)

The Capital Projects Fund projected a surplus of \$177K. The Capital Projects Fund projections do not include expenditures for the Station 41 Administration construction project because the project is not moving forward in FY2024. The Capital Projects Fund projections also do not include the Station 45 remodel expenditures because the information was unavailable. If the Station 45 remodel project moves forward during the second quarter, Staff will provide updated projections during the mid-year budget review. The Debt Service Fund has a projected balanced budget. The Tunnel East Bay Hills Fuel Break Fund is projected to have a surplus of \$615K, and the Fire Risk Reduction Grant Fund is projected to have a surplus of \$21K.

Director Jorgens inquired if the CCCERA future losses were included in the budget. ASD Sasser replied that CCCERA's last performance report was as of December 31, 2022. Those rates go into effect in the upcoming budget process, 2024/2025 fiscal year (18 months after the Actuarial Valuation is completed).

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

**9.6 Adopt Resolution 23-17 Authorizing a Service Contract for Legal Services with Downey Brand in an Amount Not to Exceed \$125,000 for Litigation Under the California Environmental Quality Act (CEQA) from Sandia Pearson and Anita K. Pearson Challenging the Approval of Amended Fuel Break Ordinance No. 23-08 (audio 01:30:28).**

Fire Chief Winnacker provided the report. On November 8, 2023 the District received notice of litigation under the California Environmental Quality Act challenging the approval of Amended Fuel Break Ordinance No. 23-08. Specialized legal services are necessary. District Counsel recommended Downey Brand provide these services. The proposed resolution outlined several findings in line with District Resolution 23-15, which states Public Contract Code Section 20812(a) authorizes the Moraga-Orinda Fire Protection District to enter into a service contract for legal services with Downey Brand; District staff is not available or qualified to perform these services provided by Downey Brand; and a contract for legal services with Downey Brand approved by District Counsel is exempt from solicitation requirements. Staff reported there are likely insufficient appropriations in the General Fund Annual Operating Budget for these additional legal costs. However, the timing of the legal costs is currently unknown. Staff will review the status of the litigation process and legal expenditures through December 31, 2023, and propose a legal services budget adjustment during the Mid-Year Budget Review if necessary.

Director Roemer commented on discussions held in the closed session about reducing the contract from a \$125K fee to below \$100K. He believed that modifications were to be made to Resolution 23-17 based on previous questions raised by another Director regarding travel expenses. Director Roemer queried whether the Board had to approve Resolution 23-17 in its current form or if the item could be withdrawn and modified before approval. Director Jorgens responded that the Resolution could be modified. Director Roemer inquired if District Counsel Cruse had discussed the conversations Director Roemer had with District Counsel Holtzman. District Counsel Cruse confirmed. Provisions will be made to the final contract to include not charging for travel expenses from Sacramento to Contra Costa County, and it is understood Downey Brand was amenable to that change. District Counsel Cruse was unaware of a change to the not-to-exceed amount from \$125K to \$100K. The Board can provide any additional direction in connection with the final negotiations of the contract. President Jex would sign the final contract upon final negotiation. Director Roemer understood Downey Brand had agreed to his modifications.

Director Roemer commented that any expenditure above \$100K is generally something the District issues a request for proposal (RFP) and asked if the amount can be increased later if necessary. Fire Chief Winnacker answered yes, and clarified that the contract for legal services is exempt from the RFP process. Director Roemer asked if Downey Brand agreed to not charge for travel expenses from Sacramento. District Counsel Cruse confirmed. Director Roemer proposed reducing the amount from \$125K to \$95K.

**President Jex opened Public Comment.**

Jonathan Goodwin, Canyon resident (attended via Zoom), reiterated his sentiments, thanking the Pearson Family for initiating a lawsuit. Mr. Goodwin believed there could be instances where

accountability structures for a Public District might allow things to occur without sufficient oversight. Mr. Goodwin anticipates that the lawsuit outcome might result in a summary judgment against the District, reducing the cost and potentially offering relief to taxpayers concerned about the costs associated with the lawsuit.

**There were no additional requests to address the Board.**

District Counsel Cruse restated the Motion is to approve Resolution 23-17 with the revised amount not to exceed \$95K.

**President Jex opened Public Comment on the Motion.**

Mark Evans, Orinda resident (attended in person), asked if the District has offered to work with the Pearson family and if they refused. Fire Chief Winnacker declined to answer due to the active litigation. Mr. Evans inquired if any other unresolved complaints might lead to potential litigation or if this case was the sole instance where legal action had been pursued against the District. Fire Chief Winnacker affirmed the litigation is the only case the District is currently aware of where legal action has been pursued. Mr. Evans stated, for the record, that he met with Ms. Pearson at a previous MOFD Board meeting about finding a compromise because the big picture is about wildfire prevention. Ms. Pearson seemed open to finding a compromise but did not follow up. Mr. Evans supported the District's actions.

**There were no additional requests to address the Board.**

**Motion by Director Roemer and seconded by Director Jorgens to Adopt Resolution 23-17 Authorizing a Service Contract for Legal Services with Downey Brand in an Amount Not to Exceed \$95,000 for Litigation Under the California Environmental Quality Act (CEQA) from Sandia Pearson and Anita K. Pearson Challenging the Approval of Amended Fuel Break Ordinance No. 23-08. Said Motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None)**

**9.7 Report from the Ad Hoc Committee Plans for Expanding the Fire Prevention Program; Expand the Home Hardening Grant Program to include Hiring Crews to Cut and Burn Brush Anywhere in the District, Advertising Availability of Screen and Gutter Guards to Increase Adoption, Pay for Outside Chipper Crews During the Summer Months and Provide Needs-Based Grants for Elderly or Otherwise Infirm for Large Tree Removal (audio 01:39:45).**

Director Jorgens provided the report outlining the ad hoc committee's efforts to enhance community safety and utilization of the Home Hardening Grant program budget (\$500K) to fund initiatives related to fire prevention and reviewed the proposed strategies to include:

1. Hiring crews (such as Con Fire Crew 12) to cut and burn brush anywhere in the District
2. Advertising availability of screen and gutter guards to increase adoption
3. Paying for outside chipper crews during the summer months when our crews are inspecting
4. Needs-based grants for the elderly or otherwise infirm for large tree removal

Director Jorgens emphasized the importance of effective communication and outreach to ensure the community knows and utilizes these safety resources. Fire Chief Winnacker explained that Staff has already incorporated a portion of the proposed initiatives. The District already uses Contra Costa Fire Protection District (Con Fire) Crew to burn along the North Orinda Shaded Fuel Break and inside the Tunnel East Bay Hills Fuel Break. Director Jorgens inquired who is funding the Con Fire Crew. Fire Chief Winnacker answered the grant pays for the Tunnel East Bay Hills Fuel Break, and the District pays for the North Orinda Shaded Fuel Break. Staff anticipates being able to provide a report on the cost-effectiveness and implementation of hiring crews to expand these efforts.

Fire Chief Winnacker stated that Staff is also collaborating with the Town of Moraga and the City of Orinda to identify the available resources to expand public outreach through their networks. Staff will present a report to the Board outlining the feasibility of hiring social media and outreach professionals. Director Jorgens requested that the information include placing advertisements in the newspaper.

Fire Chief Winnacker reported that for proposal number three, Staff has already utilized hiring outside Chipper Crews for the Campolindo area in Moraga. Staff will provide a report with data analysis on the Orinda Measure R Chipper and District Chipper, the usage and demand needed after June 1, and costs.

Fire Chief Winnacker stated in response to proposal number four that Staff would confer with Marin Wildfire regarding a needs-based program similar to the City of Berkeley Fire Department. Additional review and study of the CEQA requirements for using public money for private Fuel Mitigation is also needed as those requirements are more stringent. Staff could gather best practices on needs-based programs to share with the Board.



President Jex supported proposed items 1, 2, and 3 and expressed concerns regarding number 4. His concerns included how to control and manage a needs-based program (what would qualify as low income, and issues with verifying assets). Director Roemer agreed. Director Hasler agreed. Director Jorgens recommended pulling number 4 and motioned to approve items 1, 2, and 3 and requested that the Fire Chief develop proposals for these strategies to expand the items to allow Staff to spend funds on these items directly. Fire Chief Winnacker acknowledged the Board's direction to develop plans to present at the January 2024 or February 2024 board meeting for the Board to provide additional direction if needed.

**President Jex opened Public Comment.**

Mike Fedorov, Moraga resident (attended in person), agreed that determining low income would be hard to explain and asked what area the District is discussing for the cutting and burning brush. Fire Chief Winnacker reviewed the criteria used for burning. First, the District requires approval from the landowner. Second, the location needs to be suitable as not all areas with flammable materials would benefit from a burn. The focus is on interrupting fire from spreading from vegetation to a structure. A risk assessment and fire modeling are used. Mr. Fedorov stated concerns about the impact of cutting vegetation on the environment's habitat and requested the Board consider alternative, more environmentally friendly methods. Director Jorgens stated that the District often plants seeds afterward. Fire Chief Winnacker confirmed that it is part of the restoration process that transitions areas with decadent overgrown brush back to the native meadows and grasslands that characterize the environment before the exclusion of fire.

Jonathan Goodwin, Canyon resident (attended via Zoom), appreciated the initiative but expressed concern that the proposal lacked the analysis, numbers, and planning needed for effective implementation. He emphasized the necessity of a more comprehensive, thoughtful, and analytically supported plan rather than a vague, feel-good sentiment. Mr. Goodwin opposed the proposal the way it was presented.

**There were no additional requests to address the Board.**

Director Danziger agreed with Mr. Goodwin's comments. Director Danziger favored proposals number 2 and number 3. Director Danziger opposed proposals number 1 and number 4. Director Jorgens responded proposal four was pulled for consideration. Director Danziger stated Proposal Number 1 needed more clarification and had reservations about how it was written and how it would be implemented. Director Jorgens responded that hiring external crews to cut and burn brush in the District is already happening under the Fire Chief's discretion. He suggested amending proposal number 1 to read hiring crews to cut and burn brush at the Fire Chief's guidance and direction based on his expertise. Director Danziger thought the burns were conducted by in-house Staff rather than external companies. Director Jorgens answered the Con Fire crews were carrying out the burns. Fire Chief Winnacker confirmed.

Fire Chief Winnacker summarized the Board's direction for proposals number 1 through number 3. Staff will pilot hiring external crews for prescribed fire activity and explore opportunities to advertise the screens and gutter guard materials, potentially including the retention of experts specializing in advertising and marketing. Staff will gather data about the Chipper program and Measure R efforts to determine summer usage for the Chipper. Staff to present information in January 2024 or February 2024 of what expansion of this program would look like and any cost associated with expanding it. Fire Chief Winnacker noted issues with delaying future prescribed fire activity. Prescribed fire is something that typically falls under the Fire Chief's latitude under operations. Staff requested to continue the prescribed fire activities, utilizing the fuel mitigation budget.

Director Danziger responded he did not think that prescribed fire needed to be part of the Home Hardening Grant program. Director Jorgens replied that the District could utilize the Home Hardening Grant budget towards existing efforts if existing budgets are expended. The proposal is to allow the funds to be used in case they are needed for activities with the same characteristics already being performed by the District. Director Jorgens did not favor hiring professionals for the advertising but favored spending money on placing the advertisements.

Fire Chief Winnacker stated that prior direction has limited the Home Hardening Grant budget to gutter guards and ember-resistant vents. Approving hiring external crews for cutting and burning brush, advertising for the home hardening materials, and hiring external chipping crews during the summer months would expand the grant program. Fire Chief Winnacker reiterated that Staff will conduct an analysis, including costs and proposals, and then bring that information to the Board. Fire Chief



Winnacker restated his request for latitude on the prescribed fire efforts because the opportunity to burn will be gone by January-February. Director Roemer supported continuing with the prescribed fire.

**Director Jorgens amended his motion seconded by Director Roemer to continue the same kinds of burns that the Con Fire crew is already doing for the District. The cutting and burning brush proposal language would be changed from “anywhere” in the District to “only where the Fire Chief and his other designees determine”; advertising for the home hardening materials does not specifically include hiring people to do the advertising, just cost for spending money on the advertisements, and extending existing chipper programs and hiring external chipper crews similar to what has been hired in the past.**

**President Jex opened Public Comment on the Motion.**

Mike Fedorov, Moraga resident (attended in person), suggested that instead of cutting all the vegetation, the District could implement selective thinning of the vegetation for the habitat environment. Fire Chief Winnacker responded this is the approach the District has been using for years, as required by the Ordinance.

Jonathan Goodwin, Canyon resident (attended via Zoom), disagreed with using the Home-Hardening Grant funds for burning purposes and felt that burning brush is a distinct category. The District should transfer funds if funds are needed for burning brush.

**There were no additional requests to address the Board.**

**Amended Motion by Director Jorgens and seconded by Director Roemer to continue the practice to hire external crews to cut and burn brush in the District, areas to be determined by the Fire Chief or designee; place advertisements for availability of screen and gutter guards to increase adoption, extend existing program of paying for outside chipper crews similar to what has been done in the past during the summer months when our crews are inspecting. Said Motion carried a 4-0-0-1 roll call vote (Ayes: Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: Danziger)**

#### **9.8 Election of Board Officers (audio 02:08:17).**

Fire Chief Winnacker provided the report. Per Resolution No. 11-03, the District Board shall elect the following Officers: President, Vice President, Secretary, and Treasurer on an annual basis or as may be required after a general district election. The District Board may also elect such additional officers as may be created or previous officers can rotate and move up one spot in the hierarchy. Staff recommended the Board elect new board officers to be effective January 1, 2024.

Director Danziger inquired why the election process is taking place in November versus its usual time in December. Fire Chief Winnacker answered due to the lack of a quorum, the December meeting will likely be cancelled. Director Danziger stated there are no requirements to rotate elected members up one spot in the hierarchy. Fire Chief Winnacker confirmed. Director Danziger noted the election of officers has been done differently in the past. Fire Chief Winnacker confirmed and stated the rules of procedures are silent on the process, other than the requirement to elect officers to the stated positions. Director Danziger asked about previous discussions about the Secretary and Treasurer positions. Fire Chief Winnacker stated the law does not require a Treasurer, but is required in the District’s Rules of Procedure. Director Jorgens stated the rotation process is a precedent for the Town of Moraga and the City of Orinda and was for the District until about five years ago.

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

Director Jorgens proposed rotating the 2023 Slate of Officers up one spot in the hierarchy.

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

**Motion by Director Jorgens and seconded by Director Roemer to nominate Mike Roemer as President, Greg Hasler as Vice President, Craig Jorgens as Secretary, and Steven Danziger as Treasurer. Said Motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None)**

#### **9.9 Review of Standing and Ad Hoc Committees to Approve and/or Dissolve the Committees for 2024 (audio 02:12:26)**

Fire Chief Winnacker provided the report. The District currently has one Standing Audit Committee and two Ad Hoc Committees (one to Develop Plans for Expanding the Fire Prevention Program and the other a Joint Fire Prevention Committee with the City of Orinda). Staff recommended the Board approve and/or

dissolve the Standing and Ad Hoc Committees for 2024. Director Jorgens proposed dissolving the Ad Hoc Committee to Develop Plans for Expanding the Fire Prevention Program. Director Danziger inquired about the necessity for an Ad Hoc committee for the Station 45 construction project.

Fire Chief Winnacker responded, stating there was no need for such a committee because the Station 45 renovation is interior remodeling only. Director Jorgens motioned to dissolve the Ad Hoc Committee to Develop Plans for Expanding the Fire Prevention Program and approve the Standing Audit Committee and Ad Hoc Joint Fire Prevention with the City of Orinda Committee.

**President Jex opened Public Comment.**

Jonathan Goodwin, Canyon resident (attended by Zoom), inquired if there was an update regarding the Station 41 construction project and property acquisition. Fire Chief Winnacker answered the status was reported that there was potentially an opportunity to relocate, but that is not feasible, and there will be reconstruction on the current site.

**There were no additional requests to address the Board.**

**Motion by Director Jorgens and seconded by Director Hasler to Approve one Standing Audit Committee and one Ad Hoc Committee Joint Fire Prevention with the City of Orinda and Dissolve the Ad Hoc Committee to Develop Plans for Expanding the Fire Prevention Program, effective January 1, 2024. Said Motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None)**

**9.10 Appointment of Standing and Ad Hoc Committee Members and District Liaisons (audio 02:7:13)**

Fire Chief Winnacker provided the report. Each year, the Board of Directors appoints new Committee Members and District Liaisons per Resolution 11-03, Rules of Procedure. The Board presently assigns District Liaisons to five outside agencies: Contra Costa Special Districts Association, Contra Costa County Fire Boards and Commissioners Association, Local Agency Formation Committee (LAFCO), Orinda City Council, and Moraga Town Council. District Clerk Holbrook clarified that the previous staff report was to determine the Committees for the 2024 year, and now the Board needed to appoint members to the Committees and District Liaisons.

Director Roemer offered to relinquish his position as the LAFCO Liaison and recommended Director Danziger for the position. Director Danziger requested to discuss all five outside agencies before proceeding to appoint Liaisons. Director Danziger believed the Contra Costa County Fire Boards and Commissioners Association was no longer functioning, and recommended removing them from the list of agencies.

Director Jorgens asked if all the Liaison positions were required. Fire Chief Winnacker answered no. Director Roemer asked if there was a need for the LAFCO Liaison. Director Jorgens stated an example would be if the City of Orinda decided to leave the Fire District, LAFCO would get involved. Fire Chief Winnacker deferred to the Board and stated that LAFCO has a tremendous amount of power, and it is beneficial for MOFD to have representation.

Director Roemer nominated Director Danziger to be a liaison to LAFCO. Danziger accepted.

Director Jorgens inquired about the need for the Contra Costa Special Districts Association. Fire Chief Winnacker stated that before the pandemic, the Fire Boards and Commissioners met monthly. The current status is unknown.

Director Jorgens proposed eliminating the Contra Costa Special Districts Association and Contra Costa County Fire Boards and Commissioners Association and appoint Director Danziger as the LAFCO liaison.

Director Roemer volunteered to serve as the Liaison to the City of Orinda. Director Jorgens agreed to stop serving as the Liaison. Director Roemer was confused and thought both could attend the meetings. Director Roemer rescinded his offer to volunteer to serve as the Liaison to the City of Orinda. Director Jorgens agreed to continue as the liaison to the City of Orinda.

Director Hasler volunteered to remain as Liaison to the Moraga Town Council.

**President Jex opened Public Comment.**

Jonathan Goodwin, Canyon resident (attended via Zoom), spoke about the importance of monitoring LAFCO actions and shared historical information about a consolidation discussion about MOFD merging into Con Fire.

**There were no additional requests to address the Board.**

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

**Motion by Director Jorgens and seconded by Director Roemer to appoint Director Danziger as Liaison to the Local Agency Formation Committee (LAFCO), appoint Director Jorgens as Liaison to Orinda City Council, appoint Director Hasler as Liaison to the Moraga Town Council, eliminate Liaison positions for the Contra Costa Special Districts Association, and the Contra Costa County Fire Boards and Commissioners Association, effective January 1, 2024; appoint Directors Jex and Hasler to the Standing Audit Committee, and Appoint Directors Jorgens and Roemer to the Ad Hoc Committee Joint Fire Prevention with City of Orinda, effective January 1, 2024. Said Motion carried a 5-0 roll call vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None)**

**10. COMMITTEE REPORTS (audio 02:27:26)**

**10.1 Standing Audit Committee** (Directors Jex & Hasler). No report.

**10.2 Ad Hoc Committee Develop Plans for Expanding the Fire Prevention Program** (Directors Hasler & Jorgens). Report provided earlier during item 9.7.

**10.3 Ad Hoc Committee Joint Fire Prevention w/City of Orinda** (Directors Jorgens & Roemer). Director Jorgens reported on the value of the meetings and collaboration in promoting fire prevention.

**President Jex opened Public Comment.** District Clerk Holbrook announced two written Public Comments were received for the Ad Hoc Committee Joint Fire Prevention with the City of Orinda from Mike Fedorov, Moraga resident, and Sandy Pearson, Orinda resident. The comments were forwarded to the Board of Directors and made available for viewing on the District website under the Ad Hoc Committee Joint Fire Prevention meeting. \*\*Two additional late written public comments were received from Nick Waranoff, Orinda resident, and Michael Bowen, Orinda resident. The comments were forwarded to the Board of Directors and made available for viewing on the District website under the Ad Hoc Committee Joint Fire Prevention meeting. All public comments are attached to these minutes.

**There were no additional requests to address the Board.**

**11. ANNOUNCEMENTS (audio 02:29:05)**

**11.1 Future Agenda Items**

Director Jorgens inquired about the December board meeting.

Director Danziger asked if it is required to meet on the third Wednesday or if a special meeting could be called for pressing matters. Fire Chief Winnacker confirmed no requirement and that a special meeting could be called. President Jex inquired about approving the audit report. Fire Chief Winnacker responded the report could be pushed to January 2024. President Jex asked if the report could be approved tonight. Fire Chief Winnacker answered the report was not noticed as an action item, and there were pending questions and adjustments that needed to be made to the report. Director Jorgens asked about the deadline for submitting the report to the Secretary of State. Fire Chief Winnacker answered the report could be submitted in 2024. Director Jorgens proposed to cancel the December meeting. Director Roemer agreed. President Jex agreed.

**President Jex opened Public Comment.**

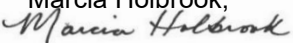
Mark Evans, Orinda resident (attended in person), expressed appreciation for the Board of Directors and District Staff.

**There were no additional requests to address the Board.**

Director Danziger adjourned the meeting in Memory of Firefighter John Martinez, Contra Costa County Fire Protection District.

**12. ADJOURNMENT**

**At 9:36 p.m., Director Jorgens motioned and seconded by Director Danziger to adjourn the meeting. Said Motion carried a 5-0 voice vote (Ayes: Danziger, Hasler, Jorgens, Roemer, and Jex; Noes: None; Absent: None; Abstain: None)**

Marcia Holbrook,  
  
District Secretary/District Clerk

MOFD Regular Meeting 11/15/2023  
Item 3.1 Sandia & Anita Person vs. MOFD

To: Moraga Orinda Fire District Board  
Cc: Moraga Town Council  
Cc: Orinda City Council

Dear Board Members,

I share the community's concerns, as raised by Sandy Pearson, about the MOFD's Fuel Break Ordinance 23-08. This ordinance negatively impacts our native vegetation, wildlife habitats, hillside stability, and community character due to its focus on extensive vegetation removal and enforcement. Such practices overlook vital, science-based fire ecosystem management techniques, like careful, distance-limited thinning of vegetation, rather than wholesale clearing of most residential lots. It also misses the importance of understanding the natural hydration dynamics of native species, instead of making biased judgments based on oversimplified plant lists. Furthermore, this removal-centric approach risks creating spaces for invasive, highly flammable weeds, replacing native plants, and increases the risk of hillside erosion and landslides due to exposed soil. Therefore, a comprehensive revision of the ordinance is crucial to align it with effective, science-based fire management practices.

I recently became involved with the MOFD's Fuel Break Ordinance, 23-08, due to stressful interactions this year, including receiving a citation and a \$100 fine. While I have resolved part of my citation related to the 23-03 Hazardous Vegetation issue, this experience has been eye-opening about the potential challenges of the 23-08 ordinance enforcement.

A major issue with Ordinances 23-03 and 23-08 is the ambiguous and subjective definition of 'Hazardous Vegetation' detailed in Appendix A. This lack of clarity opens the door to arbitrary and possibly inconsistent enforcement by inspectors, an issue I've personally faced with my Coyote Bush. Moreover, this problem extends beyond my situation, potentially impacting a range of native plants such as shrubs, trees, perennial grasses, and small flowering plants.

Under Ordinance 23-03, I was fined for maintaining a hedge of Coyote Bush. Convincing the Fire Inspectors that this bush was not a fire hazard required several interactions. Initially, they expressed concerns about deadwood accumulation and the bush's potential flammability due to its oils. In response, I gathered academic and professional horticultural references (Appendices B through I) to demonstrate the Coyote Bush's benefits for wildlife habitat, erosion control, and its suitability for drought-tolerant residential landscaping, without any fire risk warnings. Notably, the U.S. Department of Agriculture recognized the fire-resistant properties of *Baccharis Pilularis* leaves, and the East Bay Municipal Utility District recommended it for water-wise landscapes. Armed with this evidence, I successfully argued for the plant's safety and got the fine dismissed.

However, the process was challenging, as I constantly had to defend the bush against the inspectors' authority and their insistence on legal mandates. This situation created unnecessary stress and made the discussions more difficult for everyone involved.

My experience with Ordinance 23-03 has led to worries about the impending reinstatement of 23-08. Although 23-08 marks an improvement over 23-04, particularly by permitting non-irrigated bushes that aid in habitat protection and erosion control, this progress is at risk. If inspectors continue to classify native plants as hazardous and insist on their complete removal—ignoring factors like their proximity to buildings, spacing, or irrigation status—these advancements might be effectively negated.

Two of my neighbors, who agreed to Fuel Break inspections, were directed to remove all Coyote Brush from their properties, extending beyond the required 100-foot Defensible Space zone. This action led to the displacement of a quail family and left a large hillside exposed, making it vulnerable to the upcoming winter rains. This situation prompts an important question: Will the non-irrigated clause in Ordinance 23-08 adequately protect Coyote Bush and other native plants on hillsides, or will similar removals persist?

While I understand the complexities faced by MOFD, I find it concerning when public objections and comments receive what seem like formulaic responses. It often gives the impression that environmental concerns, particularly regarding hillside erosion, might not be fully considered. For example, the idea of replacing native plants with invasive grass, despite the mitigation strategy of annual mowing, raises questions. I recognize the immense challenges MOFD faces in juggling fire risk management, erosion control, and habitat protection, alongside their commendable and primary duty of fighting fires. To support these efforts, a more comprehensive legal framework, coupled with community input, could prove invaluable in helping residents protect their properties effectively while considering environmental implications.

Sincerely,  
Mike Fedorov  
Moraga

**Appendix A.** Comparing the 'Hazardous Vegetation' sections in ordinances 23-03 and 23-08, both grant the Fire Inspector discretionary power to determine what constitutes hazardous vegetation. Under these terms, if a plant is classified as hazardous, it is subject to removal, irrespective of its irrigation status or spacing.

23-03 Defensible Space, Zone 2 Requirements	23-08 Fuel Break Requirements
<p>(3) Zone 2.</p> <p>(A) Remove all Hazardous Vegetation and Combustible Material capable of being ignited and endangering the Structure as determined by the Fire Code Official.</p> <p>(B) Annual grasses must be removed or cut to less than 3 inches no later than 1 June of each year.</p> <p>(C) Maintain trees to remove Ladder Fuels so that foliage, twigs, or branches are greater than 6 feet above the ground.</p> <p>(D) Non-irrigated brush is not permitted.</p> <p>(E) New trees shall be planted and maintained so that the tree's drip line at</p>	<p>(a) <u>Fuel Break Standards.</u></p> <p>(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.</p> <p>Specifically:</p> <p>(A) Grasses cut to less than 3".</p> <p>(B) Removal of all Hazardous Vegetation.</p> <p>(C) Non-irrigated brush removed such that the minimum space between shrubs is as follows:</p> <ol style="list-style-type: none"> <li>a. On flat or mild slopes (less than 20%): Two times the height of the shrub</li> <li>b. On mild to moderate slopes (20-40%): Four times the height of the shrub</li> <li>c. On moderate to steep slopes (greater than 40%): Six times the height</li> </ol>
<p><b>HAZARDOUS VEGETATION.</b> 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.</p>	<p><b><u>Hazardous Vegetation.</u></b> 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, dry leaves, dry needles, or any other vegetation identified by the Fire Code Official. Hazardous Vegetation shall not include healthy, mature, scenic, trees.</p>

## Appendix B. Summary of References in support of Coyote Bush

- The U.S. Department of Agriculture plant guide on *Baccharis Pilularis* says that its “...leaves have fire resistant properties.” It then states that “Coyotebrush is an extremely important plant for pollinators, due to its abundant production of pollen and nectar and the bloom period, which occurs during the fall and winter. The plants maintain their green foliage year round providing excellent habitat for beneficial insects”. The plant is successfully used for hillside erosion control. See **Appendix C**.
- **Monarch Butterfly** Nectar Plant: many Monarch preservation sources emphasize critical value of *Baccharis* in providing flowers and nectar during winter months, when other Monarch food sources are absent. See **Appendix D**.
- “The California wildlife habitat garden” book says about Coyote Bush: Fall-blooming shrub attracts over 400 insects, highly valuable bird habitat plant for cover, nesting, and foraging... See **Appendix E**.
- The **Town of Moraga Design Guide** includes a dwarf variant of the Coyote Bush in the 'Oak Palette.' Maybe the critical issue is not a plant's placement on a hazard list, but rather factors like its location, hydration, separation, and maintenance? See **Appendix F**.
- Classic read on Coyote Bush from Judy Lowry, *Gardening with a wild heart*. See **Appendix G**.
- Coyote Bush in native garden. Bornstein, C., Fross, D., O'Brien, B. (2005). *California Native Plants for the Garden*. United States: Cachuma Press. See **Appendix H**.
- Coyote Bush for landscape. East Bay Municipal Utility District (EBMUD) book on water-wise gardening. I used this book to transition to native planting during the 2012-2016 drought. See **Appendix I**.



## Appendix C. U.S. Department of Agriculture on benefits of the Coyote Bush.

Note that the U.S. Department of Agriculture's brochure on the Coyote Bush features a mature specimen in the wild, surrounded by dead, dry invasive annual grass. **This image does not reflect the maintenance practices necessary for a fire-safe residential landscape.**

[https://plants.sc.egov.usda.gov/DocumentLibrary/plantguide/pdf/pg\\_bapi.pdf](https://plants.sc.egov.usda.gov/DocumentLibrary/plantguide/pdf/pg_bapi.pdf)



Natural Resources Conservation Service

Plant Guide

# COYOTE BRUSH

**MF: Mature specimen in the wild, surrounded by invasive grass. This is not fire-safe residential landscape.**

## *Baccharis pilularis* DC.

Plant Symbol = BAPI

### Common Names:

coyote brush, coyotebush, coyote bush, chaparral-broom, dwarf baccharis, dwarf chaparral false willow

*Scientific Subspecies Names:* *Baccharis pilularis* DC. ssp. *consanguinea* (DC.) C.B. Wolf, *Baccharis pilularis* DC. ssp. *pilularis* (DC.)

### Description

*General:* Coyotebrush is a native, perennial, evergreen shrub in the Asteraceae family with either an erect, rounded or procumbent



Figure 1. Coyotebrush, *Baccharis pilularis* ssp. *consanguinea*, mature shrub. Lockeford Plant Materials Center, August 2016.

### Uses

*Erosion Control and Habitat Restoration:* Coyotebrush has been successfully used for erosion control. For sloping areas, *B. pilularis* ssp. *pilularis*, is a good choice due to its low growing and spreading habit (Steinberg, 2002). In areas adjacent to established coyotebrush stands recruitment can be spontaneous from wind dispersed seeds. Coyotebrush habitat can act as a nurse crop for tree species and is useful for restoration of oak woodlands.

*Wildlife habitat:* Coyotebrush has low palatability and nutritional value for grazers and browsers, cattle will graze it if nothing else is available but will more likely trample the plants. It is great wildlife habitat providing cover for rabbits and other small mammals, who frequently graze out vegetation under the coyotebrush (Steinberg, 2002). Coyotebrush is an extremely important plant for pollinators, due to its abundant production of pollen and nectar and the bloom period, which occurs during the fall and winter. The plants maintain their green foliage year round providing excellent habitat for beneficial insects (Wilson, 2013). In addition to European honey bees, Steffan (1997) identified 54 insect species visiting male and female flowers in late September and early October, including several species of ants, bees and parasitic wasps

*Ornamental:* Coyotebrush is used as an ornamental plant in the Southwestern states due to several attributes. It is drought tolerant and maintains bright green foliage throughout the year, is unpalatable for deer, and the leaves have fire resistant properties. *B. pilularis* ssp. *consanguinea*, the upright coyotebrush, is a reliable choice for hedgerows as it is easy to establish from transplants and to manage by pruning. For erosion control on slopes and where low growing vegetation is required, cultivars of *B. pilularis* ssp. *pilularis*, the prostrate form are preferred. In the horticultural trade, these are all males and so will not form an expanding population (Wilson, 2013).



**Appendix D. Nectar Plant for Monarch Butterfly which flowers during Fall and Winter months**  
[https://www.xerces.org/sites/default/files/publications/18-003\\_02\\_Monarch-Nectar-Plant-Lists-FS\\_web%20-%20Jessa%20Kay%20Cruz.pdf](https://www.xerces.org/sites/default/files/publications/18-003_02_Monarch-Nectar-Plant-Lists-FS_web%20-%20Jessa%20Kay%20Cruz.pdf)

**CALIFORNIA**

**MONARCH BUTTERFLY NECTAR PLANTS**



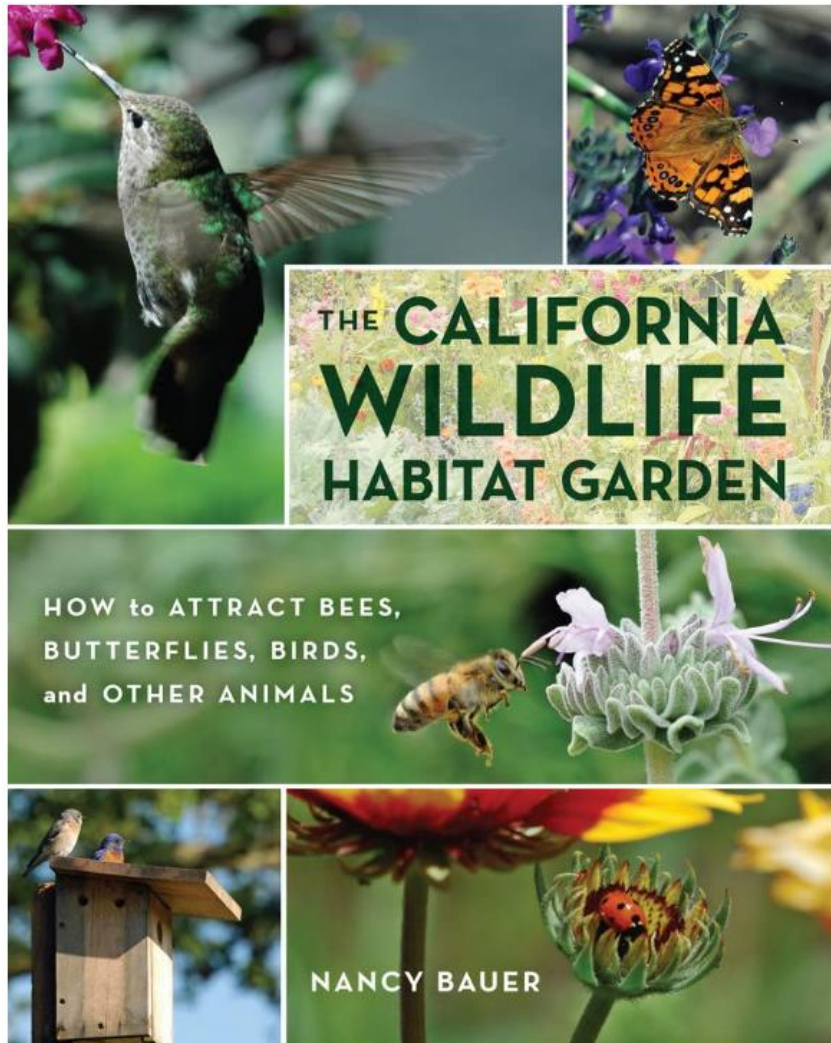
SCIENTIFIC NAME	COMMON NAME	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	V	R	W	E	H	L	M	N	I
<i>Abronia latifolia</i>	Coastal sand verbena			☼	☼	☼	☼	☼	☼	☼	☼			H	P	Y	0.5'	L			5	A
<i>Achillea millefolium</i>	Yarrow				☼	☼	☼	☼	☼	☼				H	P	W	3'	L			8	B
<i>Agastache urticifolia</i>	Nettleleaf giant hyssop					☼	☼							H	P	Px/R	2'	L			3	B
<i>Apocynum cannabinum</i>	Indian hemp						☼	☼	☼					H	P	W	6'	M-H			8	C
<i>Arctostaphylos</i> 'Howard McMinn' 🦋	McMinn manzanita		☼	☼										S	P	Px/W	6'	L			4	A
<i>Arctostaphylos glauca</i> 🦋	Bigberry manzanita		☼	☼										S	P	Px/W	30'	M			4	
<i>Arctostaphylos patula</i> 🦋	Greenleaf manzanita		☼											S	P	Px/W	7'	L			4	
<i>Asclepias californica</i> 🦋 🚫 🚫	California milkweed				☼	☼	☼	☼						H	P	Px	3'	L			1	
<i>Asclepias cordifolia</i> 🦋 🚫 🚫	Heartleaf milkweed				☼	☼	☼	☼						H	P	Px/Pr	3'	L			5	
<i>Asclepias fascicularis</i> 🦋 🚫 🚫	Narrow-leaved milkweed				☼	☼	☼	☼						H	P	Px/W	3'	M			23	B
<i>Asclepias speciosa</i> 🦋 🚫 🚫	Showy milkweed					☼	☼							H	P	Px/G/Pr	5'	M			221	
<i>Baccharis pilularis</i> 🦋	Coyotebrush		☼							☼	☼	☼	☼	S	P	W/Y	10'	L			4	A, D
<i>Baccharis salicifolia</i> 🦋 📷	Mulefat		☼	☼	☼	☼	☼	☼	☼	☼	☼	☼	☼	S	P	W	7'	M-H			3	E
<i>Baccharis sarothroides</i> 🦋	Desertbroom		☼	☼										S	P	Px/W	10'	L			3	D
<i>Bidens laevis</i>	Smooth beggartick							☼	☼					H	P	Y	3'	H			7	F



A monarch butterfly on coyote brush. Photo by Mike Baird on Flickr.



**Appendix E.** Quote about Coyote Bush from: Bauer, Nancy. The California wildlife habitat garden: How to attract bees, butterflies, birds, and other animals. Univ of California Press, 2012.



THE CALIFORNIA WILDLIFE HABITAT GARDEN / 185

sun or part shade, drought tolerant. 'Mound San Bruno' has a rounded compact shape (4 feet), *R.* 'Eve Case' (5 feet).

Coyote bush (*Baccharis pilularis*). Fall-blooming shrub attracts over 400 insects, highly valuable bird habitat plant for cover, nesting, and foraging. Grow in sun, drought tolerant. For hedgerows, use *B. pilularis consanguinea* (to 8 feet). For groundcover, use dwarf coyote bush, such as *B. pilularis* 'Pigeon Point' or *B. pilularis* 'Twin Peaks', which grow 3-4 feet tall. The female plant is the most useful; the flowers attract insects and the seeds feed many bird species.

*Note:* See hedgerow combination of California lilac, coffeeberry, and coyote bush on pages 36-37.

Hollyleaf cherry (*Prunus ilicifolia*). Shiny, sharp-edged foliage resembles holly,



## *Habitat for Beneficial Insects*

Insects, the foundation of the food web, must be present if the beneficial insects—and birds, amphibians, and other insect predators—are to survive. Because aphids show up early in the year and because they reproduce so abundantly, aphid predators need early-blooming native trees and shrubs—ceanothus, hollyleaf cherry and other *Prunus* species, coffeeberry, elderberry, willow, manzanita—for shelter and food sources. Fall-blooming coyote bush is a magnet for insects and the predators that feed on them. Beneficial insects may supplement their diet with pollen, using many of the same plants that bees favor. Tiny pollinating flies and parasitic wasps are attracted to tiny flower clusters, such as thyme and mint flowers, or the commonly planted sweet alyssum. Native buckwheat species (*Eriogonum*) draw hoverflies, minute pirate bugs, lacewings, and many others. The umbels of carrot family members (Apiaceae) are especially appealing to beneficial insects and tiny polli-

**MF: The modern Defensible Space approach will further enhance protection by locating these plants farther away from the house and spacing them more.**



## Appendix F. Town of Moraga Design Guidelines

<https://www.moraga.ca.us/DocumentCenter/View/5789/Moraga-Design-Guidelines-PDF>

### Oak Palette

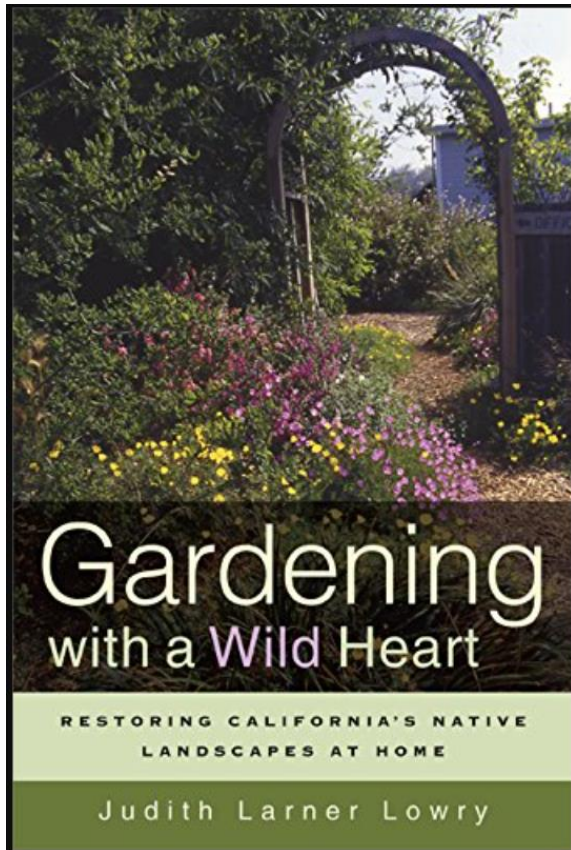
The oak palette is the predominant plant grouping which occurs naturally in the Moraga area. Plants from this group are appropriate on hillside locations, sunny open areas, and along the tops of stream banks. Excessive water during the normally dry summer periods may cause root fungus in oaks, so they should not be planted adjacent to lawns or other areas that will be watered regularly during summer months.

#### OAK PALETTE

Scientific Name	Common Name	Deer Resistant	Native Plant	Low Water	Maintenance
<b>Tree</b>					
<i>Aesculus californica</i>	California Buckeye	*	*	*	L*
<i>Cercis occidentalis</i>	Western redbud	*	*	*	L*
<i>Quercus agrifolia</i>	Coast Live Oak	*	*	*	L*
<i>Quercus ilex</i>	Holly Oak	*		*	L*
<i>Quercus suber</i>	Cork Oak	*		*	L*
<b>Shrubs</b>					
<i>Arbutus unedo</i> 'Compacta'	Strawberry Tree	*		*	L
<i>Arctostaphylos</i> spp.	Manzanita	*	*	*	L
<i>Arctostaphylos</i>	Vine Hill Manzanita		*	*	L
<i>Berberis</i> spp.		*	*	*	L
<i>Carpenteria californica</i>	Bush Anemone		*	*	L
<i>Ceanothus</i> spp.	Wild Lilac	*	*	*	L
<i>Cistus</i> sp.	Rockrose	*		*	L
<i>Correa</i> sp.	Australian Fuchsia	*		*	L
<i>Cotoneaster</i> 'Low Fast'	Bearberry Cotoneaster	*		*	L
<i>Dendromecon harfordii</i>	Island Bush Poppy		*	*	L
<i>Eriogonum</i> species	Wild Buckwheat	*	*	*	L
<i>Fragaria</i> spp.	Ornamental Strawberry	*	*	*	L
<i>Fremontodendron</i> cvs	Flannel Bush	*	*	*	L
<i>Garrya elliptica</i>	Coast Silktassel	*	*	*	L
<i>Heteromeles arbutifolia</i>	California Holly	*	*	*	L
<i>Myrica californica</i> 'Compacta'	Pacific Wax Myrtle	*	*	*	L
<i>Prunus ilicifolia</i>	Hollyleaf Cherry		*	*	L
<i>Prunus lyonii</i>	Catalina Cherry		*	*	L
<i>Rhamnus californica</i> 'Eve Care'	Coffeeberry	*	*	*	L
<i>Rhamnus crocea</i>	Redberry	*	*	*	L
<i>Rhus integrifolia</i>	Lemonade Berry	*	*	*	L
<i>Rhus ovata</i>	Sugar Bush	*	*	*	L
<i>Ribes indecorum</i>	White Flowering Currant	*	*	*	L
<i>Ribes malvaceum</i>	Chaparral Currant	*	*	*	L
<i>Ribes</i> spp.	Currant, Gooseberry	*	*	*	L
<i>Sarcococca ruscifolia</i>		*		*	L
<i>Salvia clevelandii</i>	California Blue Sage	*	*	*	L
<b>Low Shrubs</b>					
<i>Arctostaphylos edmundsii</i> & cvs	Little Sur Manzanita	*	*	*	L
<i>Arctostaphylos hookeri</i> & cvs	Monterey Manzanita	*	*	*	L
<i>Baccharis pilularis</i> cvs	Dwarf Coyote Brush	*	*	*	L
<i>Ceanothus griseus horizontalis</i>	Carmel Creeper	*	*	*	L
<i>Ceanothus</i>		*	*	*	L

<b>Low Shrubs</b>	
<i>Arctostaphylos edmundsii</i> & cvs	Little Sur Manzanita
<i>Arctostaphylos hookeri</i> & cvs	Monterey Manzanita
<i>Baccharis pilularis</i> cvs	Dwarf Coyote Brush
<i>Ceanothus griseus horizontalis</i>	Carmel Creeper
<i>Ceanothus</i>	

**Appendix G.** From: Lowry, Judith Larner. *Gardening with a Wild Heart: Restoring California's Native Landscapes at Home*. Univ of California Press, 2007.



### *Coyote Bush*

I began my own garden, juggling its creation with trips into the nearby wildlands for seed and idea collecting. Without quite knowing what I was doing, I began to try to work myself into my new home through gardening on my one-acre homesite with these plants. I never drew up a plan but depended on visions gained through explorations of the surrounding wildlands. I haven't been tied to these visions but have kept open to surprises; indeed, I have come to see surprises as the highest kind of gardening experience. Gardening with our local flora has allowed me to study and live with plants in such a way that I have discovered qualities of which I was previously unaware.

Take coyote bush ("coyote brush" to some).

On my flat, once heavily grazed, piece of land, the only species repre-

senting the northern coastal scrub plant community was coyote bush, *Baccharis pilularis consanguinea*, an undervalued species often removed when a garden is made. When we began the removal of weedy grasses, brambles, and French broom, we left islands of coyote bush, good places for mysterious rustlings in the early morning. I began to think about and appreciate coyote bush, and slowly I found others who had thoughts about this plant. As I talked to people about coyote bush, information began to emerge. What had begun as a solitary conversation expanded to include many talkers, and eventually a loose association formed, dedicated to protecting and restoring habitat in our town. At first jokingly and then as a matter of course, we called ourselves Friends of the Coyote Bush.

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SAGE LA PENA      *I asked Sage La Pena, an indigenous Californian of the Wintu tribe, how she learned about native plants, and how she began growing them. Sage is the manager of the native plant nursery at Ya-Ka-Ama Indian University in Forestville, California.*

*“It started when I was born,” said Sage. “I don’t know why I know how or when to collect seeds. I just absorbed it growing up.”*

*She told of trips down the Russian River with relatives, where conversation about the plants they were passing was the background of the trip.*

*“I didn’t think I really knew anything until I applied for a job as a naturalist; then I realized how much I had absorbed.”*

*“So,” I said, “you learned about native plants from your family.”*

*“That was one way.” she said, “But there’s a second way. Like my brother wakes up with a new song, I wake up knowing something about plants that I didn’t know before. I dream it.”*

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We learned that coyote bush, with its late bloom, is an indispensable source of nectar in the autumn, when hundreds of insects take advantage of its nectar, including *Paradejeania rutillioides*, the Tachina fly, whose larvae



are parasitic on numerous insect pests harmful to important agricultural crops. An electrician working on my house opened some buried electrical boxes to find soft deer mouse nests made of the fluffy pappus of coyote bush seeds. A local hiker, caught in a tight spot on a steep cliff, grabbed onto coyote bush, sturdily rooted into the cliff, and pulled himself to safety.

The soil under coyote bush is rich, good for growing vegetables or for sheltering native herbaceous plants like checkerbloom or brodiaea, native bunchgrasses like the blue fescue and coastal hairgrass. Its flowers when gone to seed cover the bush like white snow, gleaming in the winter sun.

Some birds, like wrentits and white-crowned sparrows, live their whole lives in coyote bush, finding there all they need for perching, nesting, breeding, eating, and resting. Creatures like the rare mountain beaver find homes and food where coyote bush is. Coyote bush is enough for them.

We pondered the mysteries of its many forms, from the graceful shrub-sized mounds, like clouds on a hillside, to the low-growing, ground-hugging form, to those individuals that unaccountably shoot up to tree size. As we learned more, one of us said, “It’s hard to remember that once I thought coyote bush was just . . . coyote bush.”

Some call it “tick bush” and hold it in low regard, considering it a mere interloper where there could be grasses and colorful wildflowers, but here on the coast, bunchgrasses and perennial wildflowers thrive in its gracious company. When the exotic grasses are dry and dormant in late summer, look near the skirts of *Baccharis pilularis* to find soft tufts of native grasses, still partly green, interspersed with late-blooming wildflowers like the tarweeds, both madias and hemizonias.

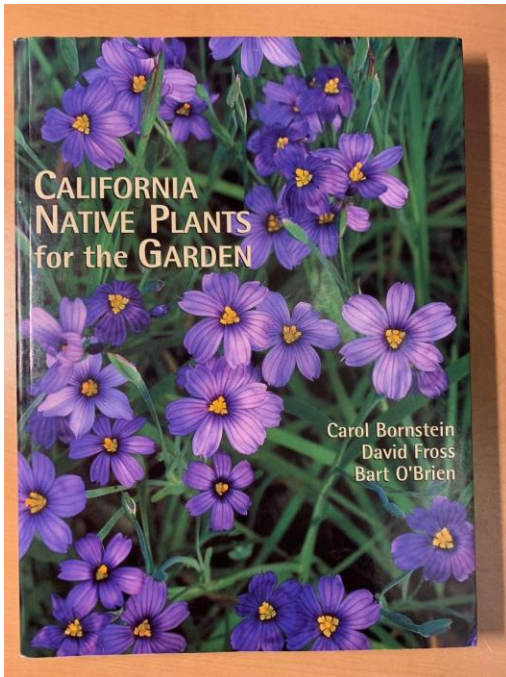
In the garden, its rich green foliage and neat mounding habit make a satisfying background plant for other, showier species. One gardener discovered that cutting coyote bush seedlings to the ground when they are small will cause them to sprout back shapely and round. In other situations, where competition causes it to grow in a distorted fashion, it can be pruned to enhance its sculptural qualities. After fires, we watch the new green shoots sprout from the crowns, under a burned hoopskirt of blackened branches. Galls form on its leaves; some of us think it is helpful to remove them, but we don’t know for sure. It is to coyote bush that I turn when dis-

couraged or in need of a reminder of all that is available to learn in my own back yard.

### *Visions*

I began to see the dim outlines of a vision of my home, nestled into the intricate earth, surrounded by those trees, shrubs, grasses, and wildflowers that at one time graced this land, and surrounded also by those birds, insects, rodents, and mammals that have slept in, eaten off, hidden in, bred in, and otherwise hung out in these plants for the past ten thousand years. Home was becoming more particularly defined, more specific, more tied to the details of smell, color, and form, as we searched out the clues and looked at the pieces. The white-crowned sparrow, famous for its different dialects, has a clear, sweet whistle, called the Palomarin, or clear dialect, heard only in the area reaching from my town to a lake three miles away. Along our coast, the California poppy occurs in a lemon yellow rather than crayon orange variety.

**Appendix H.** Bornstein, C., Fross, D., O'Brien, B. (2005). California Native Plants for the Garden. United States: Cachuma Press.



**Atriplex—Baccharis**

Open with Photo Editor

A more aggressive pruning every 5 to 7 years will remove old wood, rejuvenate the plant, and ensure continued fire resistance. Quail bush can be sheared into a formal hedge if desired. This requires more frequent pruning and results in fewer flowers. Monthly summer irrigation benefits coastal plantings and is essential to plants in hotter inland areas. Pests and diseases are insignificant.

*Baccharis pilularis*  
**COYOTE BRUSH**  
**Sunflower Family (Asteraceae)**

**Plant Type:** Evergreen shrub.  
**Geographic Zones:** All except high mountains and deserts.  
**Light:** Sun.  
**Soil:** Adaptable.  
**Water:** Drought tolerant to occasional.  
**Natural Habitat and Range:** Dunes and bluffs, dry slopes, and open woods in chaparral and coastal scrub communities below 2500 feet; northwestern Baja California to the Oregon coast.

Coyote brush can evoke a curious range of responses from gardeners. Many recognize its merits in the landscape and praise coyote brush (also known as

coyote bush) for its hardiness and reliability. Some, like Judith Lowry, author of *Gardening with a Wild Heart*, find in this humble shrub a deeper connection to the California landscape; these admirers even belong to a playful and loose affiliation called Friends of the Coyote Bush. Still others regard this “coyote” as a weed and cannot imagine using it in their gardens.

Like many wide-ranging species, coyote brush’s growth habit varies considerably. On windswept headlands it is commonly a prostrate shrub with a dense, congested habit, while in open fields it typically has a more spreading, erect form and can reach 8 feet in height. Its thick, resinous, green or olive green leaves measure up to ¾ inch long and have coarsely serrated teeth. Fall-blooming male or female flowers are borne on separate plants and cover the stems with an abundance of cream-colored rayless flowers. The male flowers are quickly shed, but debris from the female plants’ fluffy fruits can be a nuisance. Most horticultural selections are male for this reason.

Even though it is well known as a tough and drought-tolerant species, coyote brush’s garden performance will improve greatly with moderate summer watering and occasional pruning. Prune coyote brush into a tight hedge, leave it in a natural condition as an informal screen, or even shear it as topiary. Coppicing will freshen both upright and groundcover forms.



Pruning is best accomplished in late winter before the flush of spring growth begins.

Coyote brush adds significant value in the habitat garden. It is frequently used in restoration projects because it spreads rapidly and quickly provides food and cover for a variety of birds, mammals, and insects. Some birds, like wrentits and white-crowned sparrows, may spend their entire lives among stands of coyote brush.

Coyote brush is prone to attacks by mites, leafhoppers, lace bugs, white fly, and occasionally flathead borers. Each requires treatment and can compromise the aesthetics of the planting. Coppicing will effectively break the cycle of heavy infestations, but in some cases removing infected plants is required. Vigorous, healthy plants suffer fewer infestations, and regular maintenance can help keep insects to a manageable level.

**Cultivars:** Two male selections of coyote brush are commonly grown in the nursery trade and are sometimes incorrectly labeled. 'Twin Peaks #2' is a spreading cultivar to 3 feet tall and 8 feet wide. Its bright green leaves are held tightly along the stems. It grows as a dense, mounding form that eventually becomes a sizeable shrub with age. 'Pigeon Point' is a smaller shrub with larger, bright green leaves. It has a lax, undulating habit and grows to 2 feet tall and 8 feet wide. Both selections can be sheared or even mowed as a lawn alternative. Some local agencies include them on lists for use in fire-prone regions because they demonstrate fire resistance as long as they are watered and pruned consistently to remove bulk and maintain a low form.

**MF: The modern Defensible Space approach will further enhance protection by locating these plants farther away from the house and spacing them more.**

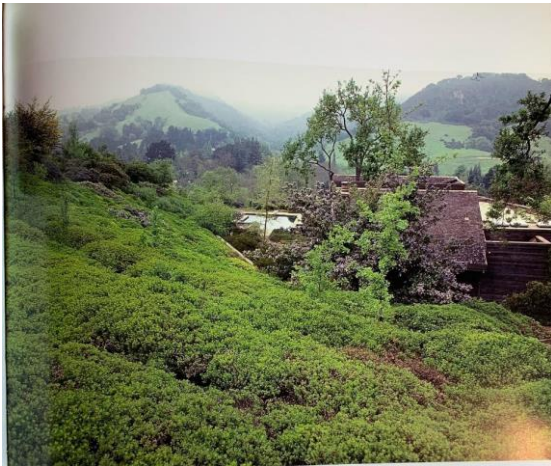


*Twin Peaks #2 coyote brush (both sides of path) and Pigeon Point coyote brush (bright green, low-spreading plant in lower right foreground), private garden, La Honda. STEPHEN INGRAM*

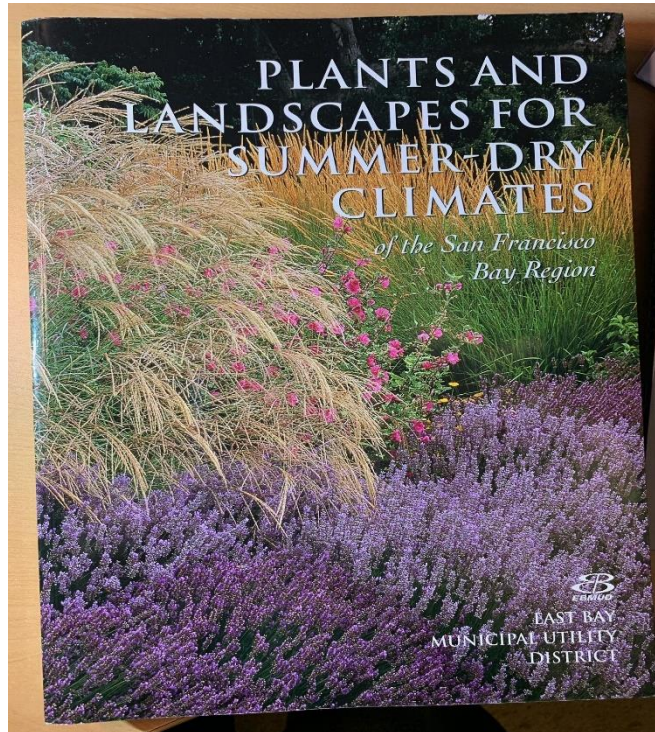




**Appendix I. The EBMUD book.** Harlow, N. (2004). Plants and Landscapes for Summer-dry Climates of the San Francisco Bay Region. United States: East Bay Municipal Utility District.



**MF: The modern Defensible Space approach will further enhance protection by locating these plants farther away from the house and spacing them more.**



*Baccharis pilularis* (coyote brush)



ZONES 5-11, 14-24. EVERGREEN SHRUBS. SIZE VARIES.

Adaptable shrub or groundcover for dry-summer climates. Small, shiny green leaves kept fresh and green with periodic cutting back in late winter. Upright forms are 3-5' x 4-5'; groundcover forms are 1-2' x 6'. Full sun, little or no water near coast; may benefit from monthly summer watering in hot interior gardens. Tolerant of drought, salt spray, alkaline soils. Native to coastal California and Oregon. Attractive to butterflies; good habitat plant. 'Pigeon Point' is a fast-spreading groundcover to 1' x 10-15'. 'Twin Peaks' has smaller, dark green leaves and grows more slowly.

MOFD Joint Fire Prevention Ad Hoc Committee  
Meeting 11/14/2023  
Agenda Item D.1, community & wildfire prevention

To: Moraga Orinda Fire District Board  
Cc: Moraga Town Council  
Cc: Orinda City Council

Dear Board Members,

I share the community's concerns, as raised by Sandy Pearson, about the MOFD's Fuel Break Ordinance 23-08. This ordinance negatively impacts our native vegetation, wildlife habitats, hillside stability, and community character due to its focus on extensive vegetation removal and enforcement. Such practices overlook vital, science-based fire ecosystem management techniques, like careful, distance-limited thinning of vegetation, rather than wholesale clearing of most residential lots. It also misses the importance of understanding the natural hydration dynamics of native species, instead of making biased judgments based on oversimplified plant lists. Furthermore, this removal-centric approach risks creating spaces for invasive, highly flammable weeds, replacing native plants, and increases the risk of hillside erosion and landslides due to exposed soil. Therefore, a comprehensive revision of the ordinance is crucial to align it with effective, science-based fire management practices.

I recently became involved with the MOFD's Fuel Break Ordinance, 23-08, due to stressful interactions this year, including receiving a citation and a \$100 fine. While I have resolved part of my citation related to the 23-03 Hazardous Vegetation issue, this experience has been eye-opening about the potential challenges of the 23-08 ordinance enforcement.

A major issue with Ordinances 23-03 and 23-08 is the ambiguous and subjective definition of 'Hazardous Vegetation' detailed in Appendix A. This lack of clarity opens the door to arbitrary and possibly inconsistent enforcement by inspectors, an issue I've personally faced with my Coyote Bush. Moreover, this problem extends beyond my situation, potentially impacting a range of native plants such as shrubs, trees, perennial grasses, and small flowering plants.

Under Ordinance 23-03, I was fined for maintaining a hedge of Coyote Bush. Convincing the Fire Inspectors that this bush was not a fire hazard required several interactions. Initially, they expressed concerns about deadwood accumulation and the bush's potential flammability due to its oils. In response, I gathered academic and professional horticultural references (Appendices B through I) to demonstrate the Coyote Bush's benefits for wildlife habitat, erosion control, and its suitability for drought-tolerant residential landscaping, without any fire risk warnings. Notably, the U.S. Department of Agriculture recognized the fire-resistant properties of *Baccharis Pilularis* leaves, and the East Bay Municipal Utility District recommended it for water-wise landscapes.

Armed with this evidence, I successfully argued for the plant's safety and got the fine dismissed. However, the process was challenging, as I constantly had to defend the bush against the inspectors' authority and their insistence on legal mandates. This situation created unnecessary stress and made the discussions more difficult for everyone involved.

My experience with Ordinance 23-03 has led to worries about the impending reinstatement of 23-08. Although 23-08 marks an improvement over 23-04, particularly by permitting non-irrigated bushes that aid in habitat protection and erosion control, this progress is at risk. If inspectors continue to classify native plants as hazardous and insist on their complete removal—ignoring factors like their proximity to buildings, spacing, or irrigation status—these advancements might be effectively negated.

Two of my neighbors, who agreed to Fuel Break inspections, were directed to remove all Coyote Brush from their properties, extending beyond the required 100-foot Defensible Space zone. This action led to the displacement of a quail family and left a large hillside exposed, making it vulnerable to the upcoming winter rains. This situation prompts an important question: Will the non-irrigated clause in Ordinance 23-08 adequately protect Coyote Bush and other native plants on hillsides, or will similar removals persist?

While I understand the complexities faced by MOFD, I find it concerning when public objections and comments receive what seem like formulaic responses. It often gives the impression that environmental concerns, particularly regarding hillside erosion, might not be fully considered. For example, the idea of replacing native plants with invasive grass, despite the mitigation strategy of annual mowing, raises questions. I recognize the immense challenges MOFD faces in juggling fire risk management, erosion control, and habitat protection, alongside their commendable and primary duty of fighting fires. To support these efforts, a more comprehensive legal framework, coupled with community input, could prove invaluable in helping residents protect their properties effectively while considering environmental implications.

Sincerely,  
Mike Fedorov  
Moraga



**Appendix A.** Comparing the 'Hazardous Vegetation' sections in ordinances 23-03 and 23-08, both grant the Fire Inspector discretionary power to determine what constitutes hazardous vegetation. Under these terms, if a plant is classified as hazardous, it is subject to removal, irrespective of its irrigation status or spacing.

23-03 Defensible Space, Zone 2 Requirements	23-08 Fuel Break Requirements
<p>(3) Zone 2.</p> <p>(A) Remove all Hazardous Vegetation and Combustible Material capable of being ignited and endangering the Structure as determined by the Fire Code Official.</p> <p>(B) Annual grasses must be removed or cut to less than 3 inches no later than 1 June of each year.</p> <p>(C) Maintain trees to remove Ladder Fuels so that foliage, twigs, or branches are greater than 6 feet above the ground.</p> <p>(D) Non-irrigated brush is not permitted.</p> <p>(E) New trees shall be planted and maintained so that the tree's drip line at</p>	<p>(a) <u>Fuel Break Standards.</u></p> <p>(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.</p> <p>Specifically:</p> <p>(A) Grasses cut to less than 3".</p> <p>(B) Removal of all Hazardous Vegetation.</p> <p>(C) Non-irrigated brush removed such that the minimum space between shrubs is as follows:</p> <ol style="list-style-type: none"> <li>a. On flat or mild slopes (less than 20%): Two times the height of the shrub</li> <li>b. On mild to moderate slopes (20-40%): Four times the height of the shrub</li> <li>c. On moderate to steep slopes (greater than 40%): Six times the height</li> </ol>
<p><b>HAZARDOUS VEGETATION.</b> 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.</p>	<p><b><u>Hazardous Vegetation.</u></b> 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, dry leaves, dry needles, or any other vegetation identified by the Fire Code Official. Hazardous Vegetation shall not include healthy, mature, scenic, trees.</p>

## Appendix B. Summary of References in support of Coyote Bush

- The U.S. Department of Agriculture plant guide on *Baccharis Pilularis* says that its “...leaves have fire resistant properties.” It then states that “Coyotebrush is an extremely important plant for pollinators, due to its abundant production of pollen and nectar and the bloom period, which occurs during the fall and winter. The plants maintain their green foliage year round providing excellent habitat for beneficial insects”. The plant is successfully used for hillside erosion control. See **Appendix C**.
- **Monarch Butterfly** Nectar Plant: many Monarch preservation sources emphasize critical value of *Baccharis* in providing flowers and nectar during winter months, when other Monarch food sources are absent. See **Appendix D**.
- “The California wildlife habitat garden” book says about Coyote Bush: Fall-blooming shrub attracts over 400 insects, highly valuable bird habitat plant for cover, nesting, and foraging... See **Appendix E**.
- The **Town of Moraga Design Guide** includes a dwarf variant of the Coyote Bush in the 'Oak Palette.' Maybe the critical issue is not a plant's placement on a hazard list, but rather factors like its location, hydration, separation, and maintenance? See **Appendix F**.
- Classic read on Coyote Bush from Judy Lowry, *Gardening with a wild heart*. See **Appendix G**.
- Coyote Bush in native garden. Bornstein, C., Fross, D., O'Brien, B. (2005). *California Native Plants for the Garden*. United States: Cachuma Press. See **Appendix H**.
- Coyote Bush for landscape. East Bay Municipal Utility District (EBMUD) book on water-wise gardening. I used this book to transition to native planting during the 2012-2016 drought. See **Appendix I**.

## Appendix C. U.S. Department of Agriculture on benefits of the Coyote Bush.

Note that the U.S. Department of Agriculture's brochure on the Coyote Bush features a mature specimen in the wild, surrounded by dead, dry invasive annual grass. **This image does not reflect the maintenance practices necessary for a fire-safe residential landscape.**

[https://plants.sc.egov.usda.gov/DocumentLibrary/plantguide/pdf/pg\\_bapi.pdf](https://plants.sc.egov.usda.gov/DocumentLibrary/plantguide/pdf/pg_bapi.pdf)



Natural Resources Conservation Service

Plant Guide

# COYOTE BRUSH

**MF: Mature specimen in the wild, surrounded by invasive grass. This is not fire-safe residential landscape.**

## *Baccharis pilularis* DC.

Plant Symbol = BAPI

### Common Names:

coyote brush, coyotebush, coyote bush, chaparral-broom, dwarf baccharis, dwarf chaparral false willow

*Scientific Subspecies Names:* *Baccharis pilularis* DC. ssp. *consanguinea* (DC.) C.B. Wolf, *Baccharis pilularis* DC. ssp. *pilularis* (DC.)

### Description

*General:* Coyotebrush is a native, perennial, evergreen shrub in the Asteraceae family with either an erect, rounded or procumbent



Figure 1. Coyotebrush, *Baccharis pilularis* ssp. *consanguinea*, mature shrub. Lockeford Plant Materials Center, August 2016.

### Uses

*Erosion Control and Habitat Restoration:* Coyotebrush has been successfully used for erosion control. For sloping areas, *B. pilularis* ssp. *pilularis*, is a good choice due to its low growing and spreading habit (Steinberg, 2002). In areas adjacent to established coyotebrush stands recruitment can be spontaneous from wind dispersed seeds. Coyotebrush habitat can act as a nurse crop for tree species and is useful for restoration of oak woodlands.

*Wildlife habitat:* Coyotebrush has low palatability and nutritional value for grazers and browsers, cattle will graze it if nothing else is available but will more likely trample the plants. It is great wildlife habitat providing cover for rabbits and other small mammals, who frequently graze out vegetation under the coyotebrush (Steinberg, 2002). Coyotebrush is an extremely important plant for pollinators, due to its abundant production of pollen and nectar and the bloom period, which occurs during the fall and winter. The plants maintain their green foliage year round providing excellent habitat for beneficial insects (Wilson, 2013). In addition to European honey bees, Steffan (1997) identified 54 insect species visiting male and female flowers in late September and early October, including several species of ants, bees and parasitic wasps

*Ornamental:* Coyotebrush is used as an ornamental plant in the Southwestern states due to several attributes. It is drought tolerant and maintains bright green foliage throughout the year, is unpalatable for deer, and the leaves have fire resistant properties. *B. pilularis* ssp. *consanguinea*, the upright coyotebrush, is a reliable choice for hedgerows as it is easy to establish from transplants and to manage by pruning. For erosion control on slopes and where low growing vegetation is required, cultivars of *B. pilularis* ssp. *pilularis*, the prostrate form are preferred. In the horticultural trade, these are all males and so will not form an expanding population (Wilson, 2013).



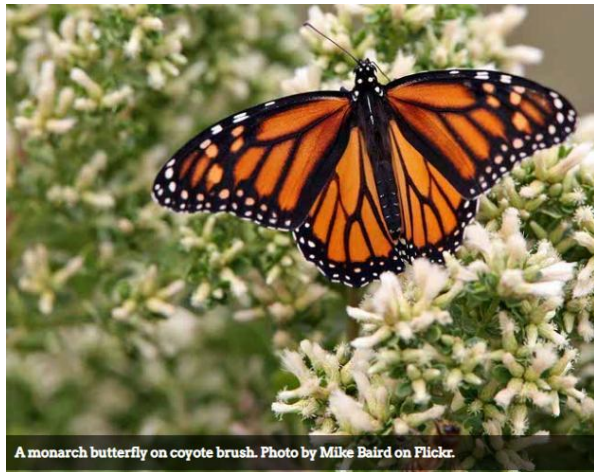
**Appendix D. Nectar Plant for Monarch Butterfly which flowers during Fall and Winter months**  
[https://www.xerces.org/sites/default/files/publications/18-003\\_02\\_Monarch-Nectar-Plant-Lists-FS\\_web%20-%20Jessa%20Kay%20Cruz.pdf](https://www.xerces.org/sites/default/files/publications/18-003_02_Monarch-Nectar-Plant-Lists-FS_web%20-%20Jessa%20Kay%20Cruz.pdf)

**CALIFORNIA**

**MONARCH BUTTERFLY NECTAR PLANTS**



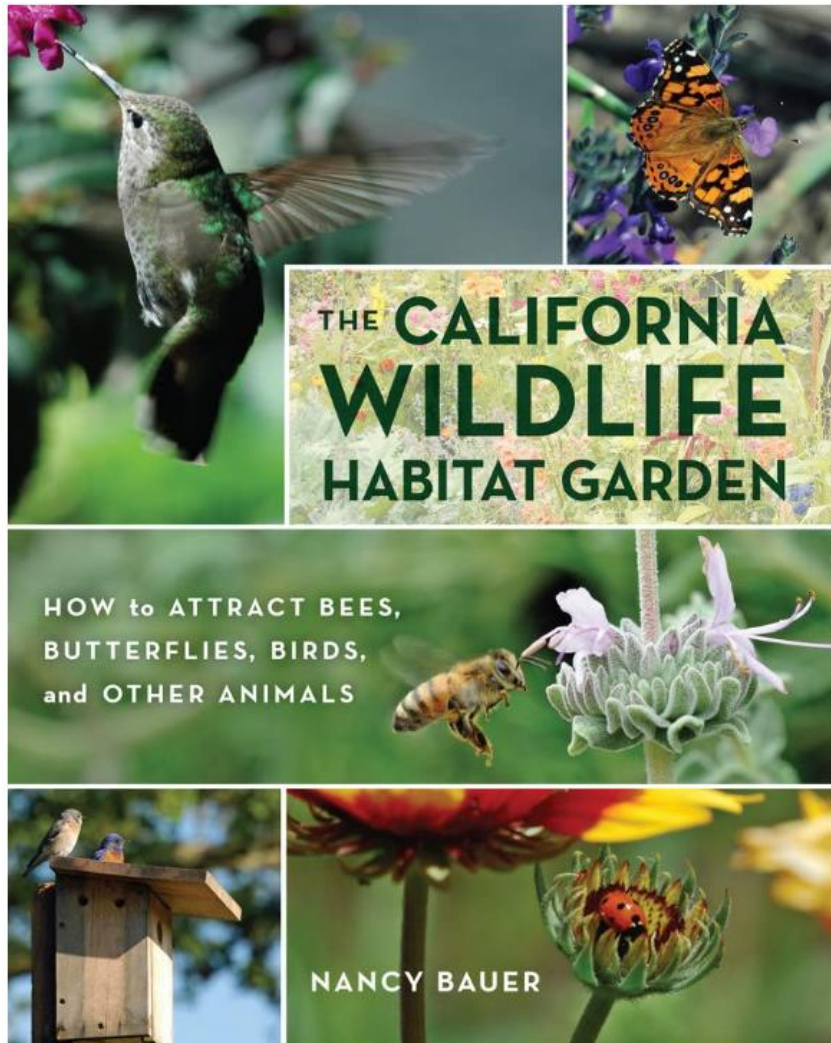
SCIENTIFIC NAME	COMMON NAME	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	V	R	W	E	H	L	M	N	I
<i>Abronia latifolia</i>	Coastal sand verbena			☼	☼	☼	☼	☼	☼	☼	☼			H	P	Y	0.5'	L			5	A
<i>Achillea millefolium</i>	Yarrow				☼	☼	☼	☼	☼	☼				H	P	W	3'	L			8	B
<i>Agastache urticifolia</i>	Nettleleaf giant hyssop					☼	☼							H	P	Px/R	2'	L			3	B
<i>Apocynum cannabinum</i>	Indian hemp						☼	☼	☼					H	P	W	6'	M-H			8	C
<i>Arctostaphylos</i> 'Howard McMinn'	McMinn manzanita		☼	☼										S	P	Px/W	6'	L			4	A
<i>Arctostaphylos glauca</i>	Bigberry manzanita		☼	☼										S	P	Px/W	30'	M			4	
<i>Arctostaphylos patula</i>	Greenleaf manzanita		☼											S	P	Px/W	7'	L			4	
<i>Asclepias californica</i>	California milkweed				☼	☼	☼	☼						H	P	Px	3'	L			1	
<i>Asclepias cordifolia</i>	Heartleaf milkweed				☼	☼	☼	☼						H	P	Px/Pr	3'	L			5	
<i>Asclepias fascicularis</i>	Narrow-leaved milkweed				☼	☼	☼	☼						H	P	Px/W	3'	M			23	B
<i>Asclepias speciosa</i>	Showy milkweed					☼	☼							H	P	Px/G/Pr	5'	M			221	
<i>Baccharis pilularis</i>	Coyotebrush		☼							☼	☼	☼	☼	S	P	W/Y	10'	L			4	A, D
<i>Baccharis salicifolia</i>	Mulefat		☼	☼	☼	☼	☼	☼	☼	☼	☼	☼	☼	S	P	W	7'	M-H			3	E
<i>Baccharis sarothroides</i>	Desertbroom		☼	☼										S	P	Px/W	10'	L			3	D
<i>Bidens laevis</i>	Smooth beggartick							☼	☼					H	P	Y	3'	H			7	F



A monarch butterfly on coyote brush. Photo by Mike Baird on Flickr.



**Appendix E.** Quote about Coyote Bush from: Bauer, Nancy. The California wildlife habitat garden: How to attract bees, butterflies, birds, and other animals. Univ of California Press, 2012.



THE CALIFORNIA WILDLIFE HABITAT GARDEN / 185

sun or part shade, drought tolerant. 'Mound San Bruno' has a rounded compact shape (4 feet), *R.* 'Eve Case' (5 feet).

Coyote bush (*Baccharis pilularis*). Fall-blooming shrub attracts over 400 insects, highly valuable bird habitat plant for cover, nesting, and foraging. Grow in sun, drought tolerant. For hedgerows, use *B. pilularis consanguinea* (to 8 feet). For groundcover, use dwarf coyote bush, such as *B. pilularis* 'Pigeon Point' or *B. pilularis* 'Twin Peaks', which grow 3-4 feet tall. The female plant is the most useful; the flowers attract insects and the seeds feed many bird species.

*Note:* See hedgerow combination of California lilac, coffeeberry, and coyote bush on pages 36-37.

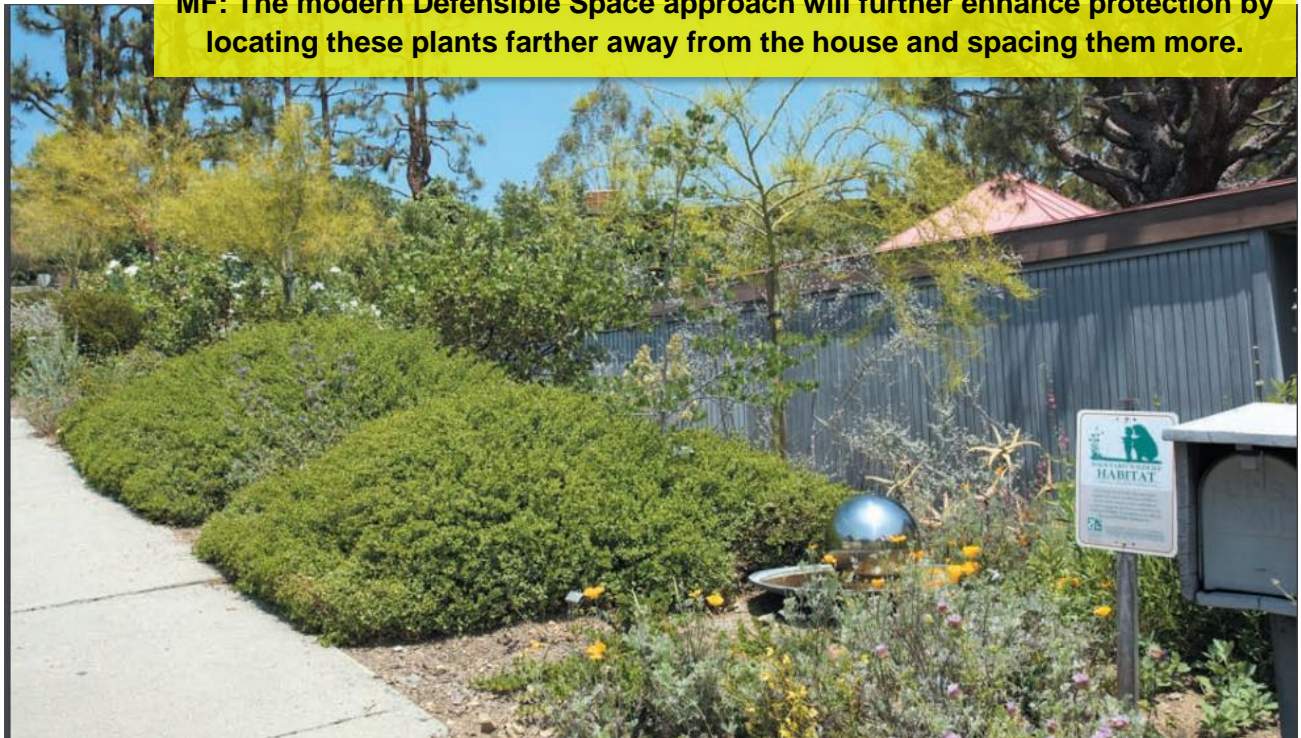
Hollyleaf cherry (*Prunus ilicifolia*). Shiny, sharp-edged foliage resembles holly,



## *Habitat for Beneficial Insects*

Insects, the foundation of the food web, must be present if the beneficial insects—and birds, amphibians, and other insect predators—are to survive. Because aphids show up early in the year and because they reproduce so abundantly, aphid predators need early-blooming native trees and shrubs—ceanothus, hollyleaf cherry and other *Prunus* species, coffeeberry, elderberry, willow, manzanita—for shelter and food sources. Fall-blooming coyote bush is a magnet for insects and the predators that feed on them. Beneficial insects may supplement their diet with pollen, using many of the same plants that bees favor. Tiny pollinating flies and parasitic wasps are attracted to tiny flower clusters, such as thyme and mint flowers, or the commonly planted sweet alyssum. Native buckwheat species (*Eriogonum*) draw hoverflies, minute pirate bugs, lacewings, and many others. The umbels of carrot family members (Apiaceae) are especially appealing to beneficial insects and tiny polli-

**MF: The modern Defensible Space approach will further enhance protection by locating these plants farther away from the house and spacing them more.**



**Appendix F. Town of Moraga Design Guidelines**

<https://www.moraga.ca.us/DocumentCenter/View/5789/Moraga-Design-Guidelines-PDF>

**Oak Palette**

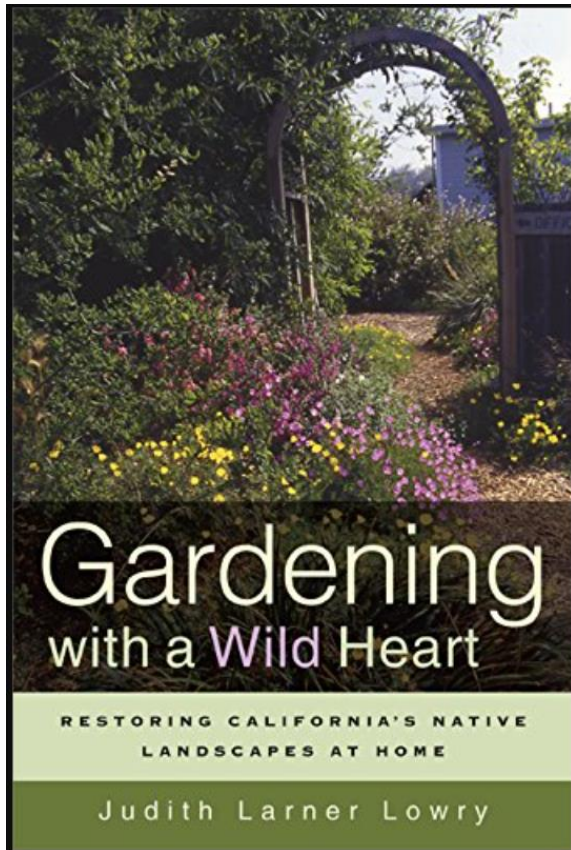
The oak palette is the predominant plant grouping which occurs naturally in the Moraga area. Plants from this group are appropriate on hillside locations, sunny open areas, and along the tops of stream banks. Excessive water during the normally dry summer periods may cause root fungus in oaks, so they should not be planted adjacent to lawns or other areas that will be watered regularly during summer months.

**OAK PALETTE**

Scientific Name	Common Name	Deer Resistant	Native Plant	Low Water	Maintenance
<b>Tree</b>					
Aesculus californica	California Buckeye	*	*	*	L*
Cercis occidentalis	Western redbud	*	*	*	L*
Quercus agrifolia	Coast Live Oak	*	*	*	L*
Quercus ilex	Holly Oak	*		*	L*
Quercus suber	Cork Oak	*		*	L*
<b>Shrubs</b>					
Arbutus unedo 'Compacta'	Strawberry Tree	*		*	L
Arctostaphylos spp.	Manzanita	*	*	*	L
Arctostaphylos	Vine Hill Manzanita		*	*	L
Berberis spp.		*	*	*	L
Carpenteria californica	Bush Anemone		*	*	L
Ceanothus spp.	Wild Lilac	*	*	*	L
Cistus sp.	Rockrose	*		*	L
Correa sp.	Australian Fuchsia	*		*	L
Cotoneaster 'Low Fast'	Bearberry Cotoneaster	*		*	L
Dendromecon harfordii	Island Bush Poppy		*	*	L
Eriogonum species	Wild Buckwheat	*	*	*	L
Fragaria spp.	Ornamental Strawberry	*	*		L
Fremontodendron cvs	Flannel Bush	*	*	*	L
Garrya elliptica	Coast Silktassel	*	*	*	L
Heteromeles arbutifolia	California Holly	*	*	*	L
Myrica californica 'Compacta'	Pacific Wax Myrtle	*	*	*	L
Prunus ilicifolia	Hollyleaf Cherry		*	*	L
Prunus lyonii	Catalina Cherry		*	*	L
Rhamnus californica 'Eve Care'	Coffeeberry	*	*	*	L
Rhamnus crocea	Redberry	*	*	*	L
Rhus integrifolia	Lemonade Berry	*	*	*	L
Rhus ovata	Sugar Bush	*	*	*	L
Ribes indecorum	White Flowering Currant	*	*	*	L
Ribes malvaceum	Chaparral Currant	*	*	*	L
Ribes spp.	Currant, Gooseberry	*	*	*	L
Sarcococca ruscifolia		*			L
Salvia clevelandii	California Blue Sage	*	*	*	L
<b>Low Shrubs</b>					
Arctosaphylos edmundsii &cvs	Little Sur Manzanita	*	*	*	L
Arctostaphylos hookeri &cvs	Monterey Manzanita	*	*	*	L
Baccharis pilularis cvs	Dwarf Coyote Brush	*	*	*	L
Ceanothus griseus horizontalis	Carmel Creeper	*	*	*	L
Ceanothus		*	*	*	L

<b>Low Shrubs</b>	
Arctosaphylos edmundsii &cvs	Little Sur Manzanita
Arctostaphylos hookeri &cvs	Monterey Manzanita
Baccharis pilularis cvs	Dwarf Coyote Brush
Ceanothus griseus horizontalis	Carmel Creeper
Ceanothus	

**Appendix G.** From: Lowry, Judith Larner. *Gardening with a Wild Heart: Restoring California's Native Landscapes at Home*. Univ of California Press, 2007.



### *Coyote Bush*

I began my own garden, juggling its creation with trips into the nearby wildlands for seed and idea collecting. Without quite knowing what I was doing, I began to try to work myself into my new home through gardening on my one-acre homesite with these plants. I never drew up a plan but depended on visions gained through explorations of the surrounding wildlands. I haven't been tied to these visions but have kept open to surprises; indeed, I have come to see surprises as the highest kind of gardening experience. Gardening with our local flora has allowed me to study and live with plants in such a way that I have discovered qualities of which I was previously unaware.

Take coyote bush ("coyote brush" to some).

On my flat, once heavily grazed, piece of land, the only species repre-



senting the northern coastal scrub plant community was coyote bush, *Baccharis pilularis consanguinea*, an undervalued species often removed when a garden is made. When we began the removal of weedy grasses, brambles, and French broom, we left islands of coyote bush, good places for mysterious rustlings in the early morning. I began to think about and appreciate coyote bush, and slowly I found others who had thoughts about this plant. As I talked to people about coyote bush, information began to emerge. What had begun as a solitary conversation expanded to include many talkers, and eventually a loose association formed, dedicated to protecting and restoring habitat in our town. At first jokingly and then as a matter of course, we called ourselves Friends of the Coyote Bush.

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SAGE LA PENA      *I asked Sage La Pena, an indigenous Californian of the Wintu tribe, how she learned about native plants, and how she began growing them. Sage is the manager of the native plant nursery at Ya-Ka-Ama Indian University in Forestville, California.*

*“It started when I was born,” said Sage. “I don’t know why I know how or when to collect seeds. I just absorbed it growing up.”*

*She told of trips down the Russian River with relatives, where conversation about the plants they were passing was the background of the trip.*

*“I didn’t think I really knew anything until I applied for a job as a naturalist; then I realized how much I had absorbed.”*

*“So,” I said, “you learned about native plants from your family.”*

*“That was one way.” she said, “But there’s a second way. Like my brother wakes up with a new song, I wake up knowing something about plants that I didn’t know before. I dream it.”*

---

We learned that coyote bush, with its late bloom, is an indispensable source of nectar in the autumn, when hundreds of insects take advantage of its nectar, including *Paradejeania rutillioides*, the Tachina fly, whose larvae

are parasitic on numerous insect pests harmful to important agricultural crops. An electrician working on my house opened some buried electrical boxes to find soft deer mouse nests made of the fluffy pappus of coyote bush seeds. A local hiker, caught in a tight spot on a steep cliff, grabbed onto coyote bush, sturdily rooted into the cliff, and pulled himself to safety.

The soil under coyote bush is rich, good for growing vegetables or for sheltering native herbaceous plants like checkerbloom or brodiaea, native bunchgrasses like the blue fescue and coastal hairgrass. Its flowers when gone to seed cover the bush like white snow, gleaming in the winter sun.

Some birds, like wrentits and white-crowned sparrows, live their whole lives in coyote bush, finding there all they need for perching, nesting, breeding, eating, and resting. Creatures like the rare mountain beaver find homes and food where coyote bush is. Coyote bush is enough for them.

We pondered the mysteries of its many forms, from the graceful shrub-sized mounds, like clouds on a hillside, to the low-growing, ground-hugging form, to those individuals that unaccountably shoot up to tree size. As we learned more, one of us said, “It’s hard to remember that once I thought coyote bush was just . . . coyote bush.”

Some call it “tick bush” and hold it in low regard, considering it a mere interloper where there could be grasses and colorful wildflowers, but here on the coast, bunchgrasses and perennial wildflowers thrive in its gracious company. When the exotic grasses are dry and dormant in late summer, look near the skirts of *Baccharis pilularis* to find soft tufts of native grasses, still partly green, interspersed with late-blooming wildflowers like the tarweeds, both madias and hemizonias.

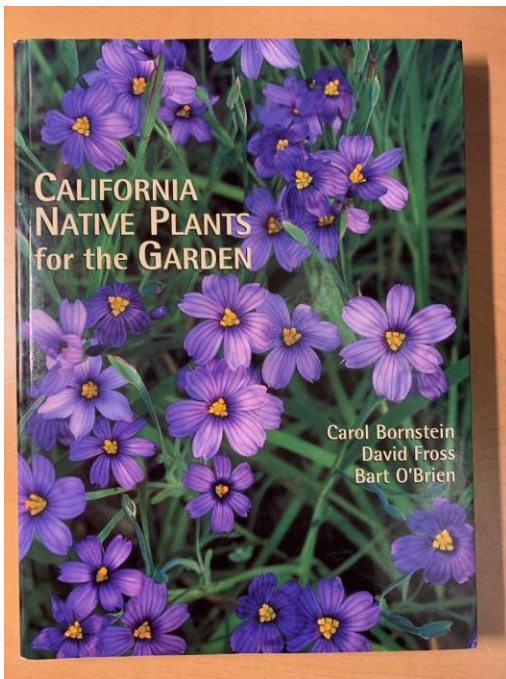
In the garden, its rich green foliage and neat mounding habit make a satisfying background plant for other, showier species. One gardener discovered that cutting coyote bush seedlings to the ground when they are small will cause them to sprout back shapely and round. In other situations, where competition causes it to grow in a distorted fashion, it can be pruned to enhance its sculptural qualities. After fires, we watch the new green shoots sprout from the crowns, under a burned hoopskirt of blackened branches. Galls form on its leaves; some of us think it is helpful to remove them, but we don’t know for sure. It is to coyote bush that I turn when dis-

couraged or in need of a reminder of all that is available to learn in my own back yard.

### *Visions*

I began to see the dim outlines of a vision of my home, nestled into the intricate earth, surrounded by those trees, shrubs, grasses, and wildflowers that at one time graced this land, and surrounded also by those birds, insects, rodents, and mammals that have slept in, eaten off, hidden in, bred in, and otherwise hung out in these plants for the past ten thousand years. Home was becoming more particularly defined, more specific, more tied to the details of smell, color, and form, as we searched out the clues and looked at the pieces. The white-crowned sparrow, famous for its different dialects, has a clear, sweet whistle, called the Palomarin, or clear dialect, heard only in the area reaching from my town to a lake three miles away. Along our coast, the California poppy occurs in a lemon yellow rather than crayon orange variety.

**Appendix H.** Bornstein, C., Fross, D., O'Brien, B. (2005). *California Native Plants for the Garden*. United States: Cachuma Press.



**Atriplex—Baccharis**

Open with Photo Editor

A more aggressive pruning every 5 to 7 years will remove old wood, rejuvenate the plant, and ensure continued fire resistance. Quail bush can be sheared into a formal hedge if desired. This requires more frequent pruning and results in fewer flowers. Monthly summer irrigation benefits coastal plantings and is essential to plants in hotter inland areas. Pests and diseases are insignificant.

*Baccharis pilularis*  
**COYOTE BRUSH**  
**Sunflower Family (Asteraceae)**

**Plant Type:** Evergreen shrub.  
**Geographic Zones:** All except high mountains and deserts.  
**Light:** Sun.  
**Soil:** Adaptable.  
**Water:** Drought tolerant to occasional.  
**Natural Habitat and Range:** Dunes and bluffs, dry slopes, and open woods in chaparral and coastal scrub communities below 2500 feet; northwestern Baja California to the Oregon coast.

Coyote brush can evoke a curious range of responses from gardeners. Many recognize its merits in the landscape and praise coyote brush (also known as

coyote bush) for its hardiness and reliability. Some, like Judith Lowry, author of *Gardening with a Wild Heart*, find in this humble shrub a deeper connection to the California landscape; these admirers even belong to a playful and loose affiliation called Friends of the Coyote Bush. Still others regard this “coyote” as a weed and cannot imagine using it in their gardens.

Like many wide-ranging species, coyote brush’s growth habit varies considerably. On windswept headlands it is commonly a prostrate shrub with a dense, congested habit, while in open fields it typically has a more spreading, erect form and can reach 8 feet in height. Its thick, resinous, green or olive green leaves measure up to  $\frac{3}{4}$  inch long and have coarsely serrated teeth. Fall-blooming male or female flowers are borne on separate plants and cover the stems with an abundance of cream-colored rayless flowers. The male flowers are quickly shed, but debris from the female plants’ fluffy fruits can be a nuisance. Most horticultural selections are male for this reason.

Even though it is well known as a tough and drought-tolerant species, coyote brush’s garden performance will improve greatly with moderate summer watering and occasional pruning. Prune coyote brush into a tight hedge, leave it in a natural condition as an informal screen, or even shear it as topiary. Coppicing will freshen both upright and groundcover forms.



Pruning is best accomplished in late winter before the flush of spring growth begins.

Coyote brush adds significant value in the habitat garden. It is frequently used in restoration projects because it spreads rapidly and quickly provides food and cover for a variety of birds, mammals, and insects. Some birds, like wrentits and white-crowned sparrows, may spend their entire lives among stands of coyote brush.

Coyote brush is prone to attacks by mites, leafhoppers, lace bugs, white fly, and occasionally flathead borers. Each requires treatment and can compromise the aesthetics of the planting. Coppicing will effectively break the cycle of heavy infestations, but in some cases removing infected plants is required. Vigorous, healthy plants suffer fewer infestations, and regular maintenance can help keep insects to a manageable level.

**Cultivars:** Two male selections of coyote brush are commonly grown in the nursery trade and are sometimes incorrectly labeled. 'Twin Peaks #2' is a spreading cultivar to 3 feet tall and 8 feet wide. Its bright green leaves are held tightly along the stems. It grows as a dense, mounding form that eventually becomes a sizeable shrub with age. 'Pigeon Point' is a smaller shrub with larger, bright green leaves. It has a lax, undulating habit and grows to 2 feet tall and 8 feet wide. Both selections can be sheared or even mowed as a lawn alternative. Some local agencies include them on lists for use in fire-prone regions because they demonstrate fire resistance as long as they are watered and pruned consistently to remove bulk and maintain a low form.

**MF: The modern Defensible Space approach will further enhance protection by locating these plants farther away from the house and spacing them more.**



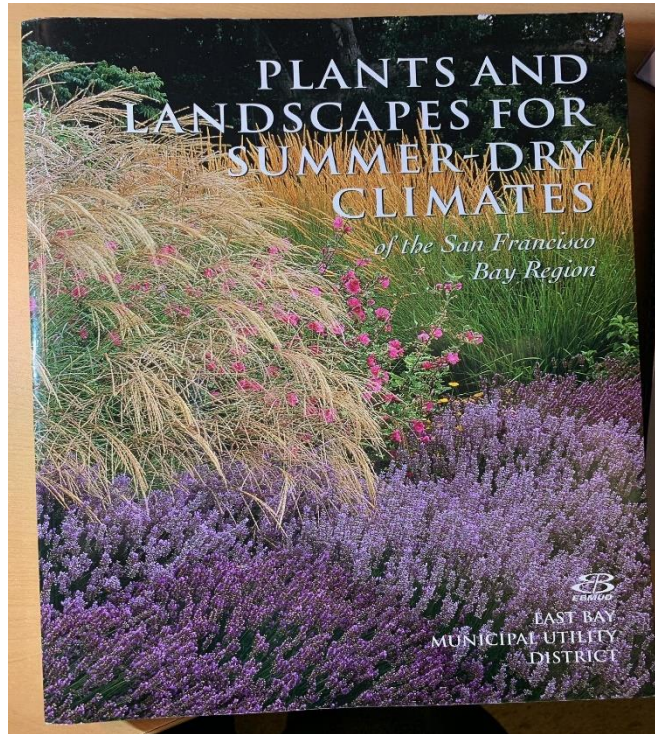
*Twin Peaks #2 coyote brush (both sides of path) and Pigeon Point coyote brush (bright green, low-spreading plant in lower right foreground), private garden, La Honda. STEPHEN INGRAM*




**Appendix I. The EBMUD book.** Harlow, N. (2004). Plants and Landscapes for Summer-dry Climates of the San Francisco Bay Region. United States: East Bay Municipal Utility District.





**MF: The modern Defensible Space approach will further enhance protection by locating these plants farther away from the house and spacing them more.**



*Baccharis pilularis* (coyote brush)

 ZONES 5-11, 14-24. EVERGREEN SHRUBS. SIZE VARIES.

 Adaptable shrub or groundcover for dry-summer climates. Small, shiny green leaves kept fresh and green with periodic cutting back in late winter. Upright forms are 3-5' x 4-5'; groundcover forms are 1-2' x 6'. Full sun, little or no water near coast; may benefit from monthly summer watering in hot interior gardens. Tolerant of drought, salt spray, alkaline soils. Native to coastal California and Oregon. Attractive to butterflies; good habitat plant. 'Pigeon Point' is a fast-spreading groundcover to 1' x 10-15'. 'Twin Peaks' has smaller, dark green leaves and grows more slowly.



To the Joint Fire Prevention Ad Hoc 2x2 Committee:

Orinda City Councilmembers Latika Malkani and Darlene Gee

MOFD Boardmembers Craig Jorgens and Mike Roemer

November 14, 2023

Dear Committee Members,

Much has transpired since your last meeting in August. I offer this brief summary for your convenience.

To re-cap: in September, residents dismayed about the harsh direction of MOFD's vegetation management program turned to the Orinda City Council for help. The Council responded quickly with an eloquent letter to MOFD (dated Sept 6) which included these points:

- The existing Ordinance and the proposed Ordinance are confusing and lack easy-to-understand guidance for those wishing to comply, and both lack objective criteria that concerns the Council as it has led to the perception of unequal application of the Ordinance.
- We understand a threat of litigation may have initiated the need to bolster what was set forth in Ordinance 23-04, and that has created a sense of urgency, hence proposed Ordinance 23-08. However, given the concerns that we heard and share, in order to avoid the continuation of the current legal challenges, or a new lawsuit, it is advisable for the District to slow down and engage in a community consultation to ensure a shared understanding of alternatives which were considered, including how other communities have approached the matter and how to best communicate to property owners how they can comply with the District's requirements.
- It is unclear if the rationale from which the new requirements were drawn contemplated application to already developed and established communities. If not, these requirements may be more onerous than understood and have the unintended consequences of not being accompanied by landscape plans, geological hazard abatement district considerations, and habitat protection plans that would be designed to mitigate the environmental effects of the Ordinance.
- The lack of templates and/or models that illustrate what is being required and how to meet the objectives of the Fuel Break requirements and the sometimes-competing obligations to protect sensitive areas and other environmental considerations, is contributing to the community concerns and lack of understanding. Providing templates and/or models is essential.
- Such templates are also necessary to illustrate to a homeowner how to apply for Modification.
- The lack of clear and objective criteria raises concerns about how the Ordinance can be applied evenly and equally to all property owners. The Fire District should ensure consistency in how these Ordinance provisions are implemented.
- On-the-ground experience shows that compliance in and of itself is not necessarily bringing the totality of considerations into play. For example, one property owner takes the level of



clearance to such a degree as to impact creek banks potentially causing landslides and water quality issues whereas a measured approach would have met the goals of the Ordinance without causing environmental harm had the homeowner known the rules were different for a creek area.

- Providing more resources to assist residents to understand and meet their obligations is necessary, as in many situations, property owners are unable to do so without such assistance. As there is a cost to comply, and some view this as an unfunded mandate, the District providing access to a biologist, Geotech resources, or other services, when a property owner seeks a modification, for example, could mitigate these concerns. This would also contribute to an increased level of consistency in implementation.

In closing, the City offers:

“It is clear from what we heard and from our own understanding that additional investment of time and public engagement is necessary. The City stands ready to assist the District in whatever ways we can to navigate this important issue. We would be happy to co-host with the District and engage in possible forums or town halls to foster that community consultation. In addition, while we could use the existing Fire Board/City Council 2 x 2 Committee as a sounding board as well, given the fact that the fuel break requirements impact Moraga as well, a joint meeting of the Orinda City Council, Moraga Town Council, and Fire Board may be desirable. “

I know of no written response from MOFD to the City of Orinda’s letter. However, in response, at the MOFD meeting the following day, Chief Winnacker proposed to MOFD’s board the following steps, to be brought forward in advance of the next meeting (Sept 20). For accuracy, I will use the Chief’s own words, drawn from the meeting audio recordings, with the understanding that they are not as precise or polished as if they had been written.

Chief Winnacker’s suggestions:

- Work with the environmental consultants used on the Shaded Fuel Breaks, to provide a list of recommendations based on fuel type or a template that residents can use to guide their work
- Provide access to resources with regard to Best Practices in consideration of the Dusky Footed Woodrat, Alameda Whipsnake, and other special status species that are present in the District or whose habitat might be present on a resident’s property.
- Propose adding to our fee schedule the opportunity for residents to utilize a District contractor, both biologist or geologist, in the same manner that we use for building plan review, We also can provide a list of ecological or environmental review companies who have done work in this area.
- In response to concerns raised by the City and residents, we are producing a modification guide or template, in a similar manner that we have done for obstruction of a fire apparatus or traffic calming measures, laying out the steps ... basically as an FAQ along with some guidelines on laying out a modification. ... the proposed guide or template would lay out the ways in which we have seen requests and how they were formatted and the sort of things that ought to be provided and the alternatives that should be included.
- We will bring those forward in advance of the next meeting so that both members of the public and the board have a better sense both of what the requirements are, and how residents can

meet the fire safety requirements while minimizing impact to the environment and not making this a voyage of discovery for each parcel, being able to capture the lessons learned and the best practices we've seen put into place on other parcels

- As far as the technical template, if there's interest from the board in creating a flyer that illustrates what right and wrong looks like, with more sophistication than what we've got on our website, we certainly could do that.
- On September 19, at 7 o'clock in the Founder's Room at the Community Center, which is the night before the Regular (MOFD) Board Meeting, Dennis Rain, Jeff Isaacs and I will be holding a public meeting where we will present the fire science and the modeling that went into the development of our modifications, local amendments to the Fire Code, as well as the proposed ordinance for updating our fuelbreak requirements as well as our existing defensible space ordinance. So that will be a presentation, followed by an opportunity for questions and answers.
- I'd like to somehow, and maybe we can talk about it further in a meeting, maybe thru one of our committees that Director Jorgens and Roemer are on, but maybe an education component for landscapers, something we can give landscapers, something we can bring to the nurseries in the area, that explains what are requirements are, and what they DON'T have to do. I'm not saying it correctly, but I just see sometimes that they just go in and cut and denude an area because it's a lot easier.

And finally, the Chief offers, " We recognize and acknowledge that for a resident who is not aware of the background, hasn't done this before, it can be overwhelming, perhaps even opaque. ...So we'll put together some products we believe will help make that process better understood and increase awareness of what the requirements are for the fuelbreak, and how residents can comply with those in an environmentally sensitive or minimizing disruption of the natural space. "

#### CONCLUSION:

My take: kudos to the Chief for his can-do attitude and his ambitious plans, even if his timeline is wildly optimistic. Too bad the public presentation hasn't happened. As Mayor Miller writes in the City of Orinda's follow-up letter of Sept 20:

"... 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.

So do I. I want to help. I am offering to help. The winter gives us a short break before the whole de-vegetation process revs up again. I hope we take advantage of this time so we can move into spring with a deeper understanding of the consequences and a greater sense of common purpose.

Sandy Pearson

MOFD Joint Fire Prevention 2x2 Committee  
Councilmembers Malkani and Gee  
Boardmembers Jorgens and Roemer

From Sandy Pearson

Nov. 14, 2023

### A Review of MOFD's Modification FAQ

Lots of good ideas were floated in September – how are those ideas being implemented? I thought it would be helpful to review the improvements to MOFD's website made in response to the Orinda City Council's requests for clarification. If there are other new resources available, I haven't heard about them. The new FAQ's are included here in their entirety, along with my comments.

FAQ: Wildfire Safety Modifications – from MOFD website- Nov 14, 2023

comments by Sandy Pearson

There is no heading in any of the main menus for "Modifications". You have to look under FAQ's. It is easier to find information about Surrendering Newborns, which has its own heading.

I used the magnifying-glass "search" icon and typed in "Modifications", which took me straight to the Modification Request form itself, without mentioning the FAQ's. The Request Form cannot be previewed in its entirety; you can't get to page 2 without filling in page 1. This makes it hard to assess how long it is, what information it calls for, and whether it's worth doing.

If you do make it to the FAQ section, subheading "Wildfire Safety Modifications" you will find the following. (Although almost none of them are technically Questions.)

#### **I don't think the violations you identified are fire hazards.**

*MOFD Ordinance 23-03 and 23-08 identify the requirements for all parcels within the fire district. These ordinances were written to reduce the risk of destructive wildfires in our community. While it may be hard to visualize how a single item contributes to the spread of wildfire, fire is dynamic and opportunistic and will spread where combustible items are present. It must be addressed if the item in question is covered by the requirements defined in the ordinances listed above.*

Sandy comments:

This really happened to me. I got a pre-citation notice with a mystifying photo of some oleander bushes along the side of the driveway. They were not under a tree, they were next to the asphalt, keeping a steep slope in place and posing no hazard that I could imagine. I didn't know what to do. Finally, I sent in a photo of them taken from a different angle. It was approved.

It seems likely the violation identified by a rookie inspector was, in fact, NOT a hazard. The appropriate action in this case would have been to contact a supervisor for explanation or re-consideration. Sometimes mistakes are made. Unfortunately, this FAQ makes MOFD out to be unapproachable and unbending. “Fire will spread where combustible items are present” – end of story. Are your items combustible? Cut them down!

Referring residents to Ordinance 23-03 Ordinance 23-08 – 12 and 20 pages of complex and mostly irrelevant detail – will certainly not provide the information they need. Is this really the best we can do to make the rules transparent and accessible?

**I think I should be exempt from these requirements.**

*MOFD Ordinance 23-03 and 23-08 apply to all parcels in our community. Due to the network effect of wildfire spread, it is of the utmost importance all parcels and meet the standards defined in the ordinance.*

Sandy comments: Are any of my neighbors really that entitled? Surely there is usually some justification offered! A somewhat jaundiced portrayal of District residents, I hope it is not accurate.

**It will cost too much money.**

*The State Fire Code and the wildfire safety requirements included in Ordinance 23-03 and 23-08 apply to all parcels in the community. Wildfire safety and preparedness are relatively inexpensive compared to losing your home or the loss of human life. Treating and removing wildfire fuels accumulated over many years is costly, but once the property has been made safer, annual maintenance is much more efficient. Some properties will need to develop a multi-year plan to reduce wildfire risk and reach compliance. In these cases, the landowner should contact the Fire District for guidance in developing a realistic and sustainable wildfire Fuels Management Plan. The online Modification Request form is available here: {under construction}.*

Sandy comments: Some of my neighbors sincerely cannot afford the large and recurring expense that is being demanded of them. The heading of this section is entirely unsympathetic to their situation, and will certainly not inspire them to confide in, or seek help from, the Fire District. What if I can’t afford it? That’s an actual question, maybe even a frequent one.

**I just spent thousands of dollars on landscaping. If you had only told me sooner, I would comply.**

*The requirements included in MOFD Ordinance 23-03 and 23-08 have been published and available for several years. You or your landscaper can find the requirements here- <https://www.mofd.org/our-district/fuels-mitigation-fire-prevention/annual-abatement-requirements> You can also request a free home wildfire safety assessment from one of the Fire Districts Fire Adapted Community Ambassadors here: <https://www.mofd.org/community/outreach-programs/fire-adapted-community-ambassador-program>*

Sandy comments: As Chief Winnacker wryly observed at the Sept 20 MOFD meeting, “... folks who were not aware of the requirement, because we had not been actively enforcing an area (that is once again a blind spot for those of us who were very close to it), our assumption at

this point was that everyone had heard about this and were aware, and based on the feedback that we've been getting... that hypothesis did not stand the first contact."

### **I am elderly to do this on my own.**

*Based on the conditions present on a specific parcel, the homeowner may need to hire a professional to perform the required mitigation. The Fire District keeps a list of local fire mitigation contractors here: <https://www.mofd.org/our-district/fuels-mitigation-fire-prevention/weed-abatement-contractor-list>*

Sandy Comments: Grammar, people!

### **What right does the Fire District have to inspect my property?**

*Through the legislative process, the California legislature has created laws and regulations for defensible space and weed abatement. These laws and regulations can be found in Public Resource Codes 4290 and 4291, Government Code 51182, and Health and Safety Codes 14875 & 14876. The state legislature has also granted Fire Districts the ability to create more restrictive regulations.*

Sandy comments: The Fire Chief has said that the Fire District actually does NOT have the right to come onto your property without your invitation. I believe this entire paragraph is incorrect and perhaps even intentionally misleading.

### **My property is a habitat for wild animals.**

*State and federal laws guide the type of fuel mitigation work that may be performed in and around recognized habitats for rare, threatened, endangered, or special status species. If you feel your parcel qualifies, you can submit documentation identifying portions of your parcel as recognized habitat. You will also need to provide an approved Habitat Management Plan and the documentation describing Best Management Practices for vegetation management. If you have a question regarding the presence of protected habitat, please contact the Department of Fish and Wildlife by email at [AskBDR@wildlife.ca.gov](mailto:AskBDR@wildlife.ca.gov) and/or by phone (707) 428-2002.*

Sandy comments:

A Habitat Management Plan costs around \$10,000. Presenting this as a requirement does not at all respond to the concerns of the many residents who want to care for the wildlife they enjoy in their backyards. These are not endangered species, which most people will never see. These are the everyday animals struggling to survive in our neighborhoods, and we are now making it much harder for them. This dismissive response suggests wildlife is viewed as trivially unimportant not worthy of official consideration. In fact, it is a big concern for many residents, with good reason.

Trying to contact CDFW is likely to prove fruitless at best; impossible is more likely. Don't we have a local Fire District so we can get answers to our local concerns? Why would we try to call a state agency in Sacramento to ask about the quail in our backyard?

There are many things local residents can do to preserve habitat for wildlife while still complying with the requirements. Taking full advantage of the new provisions allowing spaced bushes is an important one. Cutting grass to 3 inches is also very different than cutting it to the ground; leaving evergreen ground covers like ferns and sedges provides some cover, and helps hold the dirt on steep slopes. In practice, the Fire District approves a wide variety of treatments; bare dirt is just one option. Many of the regulations are ambiguous, or depend on case-by-case decisions from the Fire Chief as to what constitutes “hazardous vegetation”.

We badly need a coherent and detailed set of rules defining what is and is not hazardous. No one knows exactly what’s acceptable, and this uncertainty leads to harsher results. Landowners don’t know they have choices and don’t want to get in trouble. Contractors don’t want to have to come back, or fail reinspection, so they err on the side of “too much”. Cutting carefully takes longer and costs extra.

Our landscape is more than “combustible items”; nature is not dangerous “fuel”. Our plants feed and shelter our wildlife, make our hills and valleys beautiful, hold our soil in place, protect our waterways and retain moisture in the ground. Most importantly, they delight us, and we all need more joy in our lives.

Other communities have found a balance between fire safety and the needs of nature. We should find out what they have done, discuss it, and decide together what makes sense for Orinda.

### **I have a creek on my property.**

*State and local regulations generally prohibit vegetation management in creek and stream beds (riparian areas). While the exact definition of a riparian area may require a geologist, as a general rule, this is interpreted to mean no work may be performed beyond the edge of the bank leading to a watercourse. In these cases, fuel breaks can be required on other portions of the parcel outside of the riparian area. If this applies to your property, please indicate where the riparian area is located and what alternative locations, outside of the riparian area, you propose for an alternative fuel break using the Modifications Request form available here <https://www.mofd.org/our-district/fuels-mitigation-fire-prevention/annual-abatement-requirements>*

About your creek - Lucky you! Riparian areas should be protected – although this paragraph immediately suggests a geologist may be required in order to do so. Alternative locations sounds promising, but if the riparian area occupies a wide portion of the lot, there may not be much room for a fuel break. Will I have to take out all my landscaping instead?

Orinda’s tree ordinance refers to riparian plants, those that are not found on adjoining upland areas. It would be so helpful if there was information about the plants normally associated with riparian areas, many of which stay green in summer and are less flammable. Could we have pictures? Examples of alternative fuelbreaks that have been approved?

### **My property is too large.**

*Fuel breaks are only required within 100' of the property line, regardless of the total size of the parcel. This requirement is of particular importance on large parcels as the potential for fire is*



*increased due to additional opportunities for ember cast and fewer access points. Large parcels with limited access make it more difficult for firefighters to extinguish wildfires.*

Sandy comments: My property is too large! I don't think anyone has actually said that! Ever! Certainly not a Question you hear Asked Frequently! Using the word "only" to describe a 100 foot fuelbreak on a 2 acre parcel is like saying the interest on your car loan is "only" 38% a month! As for additional opportunities for ember cast –houses probably throw off a lot of embers. Vacant land surely has a much lower fuel load than a 4,000 square foot wood-frame structure next door.

**Why am I the only one being cited for these violations? What are you doing about the City and Town parks, the East Bay Regional Park District, and the East Bay Municipal Utility District?**

*The Fire District continues to work with other public agencies to bring their lands into compliance and protect District residents from wildfire. These agencies have long term Fuel Management Plans and are carrying out projects that, over time, will bring them into compliance with the fire safety goals of the ordinance.*

Sandy comments:

I am puzzled by MOFD's apparent need to assert alpha-male dominance over EBRPD and EBMUD. These agencies have Watershed Master Management Plans, Ranger Resource Management Plans, Fire Management Plans and Habitat Conservation Plans, all developed at great (taxpayer) expense with input from citizen groups, as well as large numbers of experts in a variety of disciplines. They are required by law to implement these plans, for the protection of watershed and recreation lands that the public needs and wants.

MOFD would serve its constituents better by copying some of the policies of these better educated agencies, instead of seeking to drag them down to our base level of ignorant and careless destruction.

In fact, when MOFD congratulates itself on its environmental sensitivity, it inevitably cites the Shaded Fuel Breaks, miles of which cross EBMUD or EBRPD lands and were designed to their higher standards, not the draconian ones applied to us defenseless residents.

**Why am I responsible for trimming low-hanging branches on roadside trees and bushes that are within the city/town right-of-way?**

*Clearing encroaching vegetation along local roads will increase our ability to evacuate residents and allow fire apparatus better access to the fire. Both communities have reviewed the regulations and stated that property owners are responsible for maintaining the vegetation in the right-of-way.*

Finally a question! Too bad the answer is, because we said so.

## IN CONCLUSION:

As a writer, it pains me to see declarations used as questions. As a resident, I regret that there is still no convenient resource to help me make complex decisions regarding vegetation management on my property. As a lover of nature, I am saddened that our local Fire District continues to advocate for the destruction of as much nature as the law allows. People who want to protect wildlife on their property are not thinking about hypothetical yet legally protected whipsnakes. They want to continue to enjoy birds coming to their feeders, and rabbits cautiously emerging from the bushes. The future of these simple and formerly ubiquitous creatures is seriously threatened by MOFD's draconian program. Yet they continue to bluff and deny and avoid engagement or collaboration.

Their recalcitrance is hurting their own cause. Protecting our community from fire requires everyone to work together. People can see the Fire District is not taking their concerns seriously and intends to continue business as usual. MOFD prides themselves on pushing the envelope, on having the most aggressive vegetation management policies around. **EVEN THEIR OWN CEQA LAWYERS ADVISED THEM THEIR RULES WERE INDEFENSIBLE UNDER THE STATE LAW**; that's the only reason the regulations about bushes were changed in Ordinance 23-08.

Meanwhile, other jurisdictions are finding ways to strike a balance, and bring more people into the fire prevention tent.

Maybe our local Fire Wise Councils can be more inclusive, and blunt some of the political damage MOFD continues generating.

How has MOFD responded to the Orinda City Council's letters of September 6 and 20? The requests for public meetings, for templates, for resident access to expert advice? This page of FAQ's is the only result I know of. It's not nothing, but it's pretty close. Hopefully something better lies ahead.

Sandy Pearson

Orinda

## Memorandum

To: Orinda MOFD 2X2 Fire Prevention Subcommittee  
By: Nick Waranoff  
Subject: There Are Fatal Flaws and Omissions in the City's Wildfire  
Evacuation Analysis  
Dated: August 9, 2023 for Meeting August 14, 2023

### Introduction

There are potentially fatal flaws and omissions in the City's evacuation analysis. These flaws and omissions were identified by Chief Winnacker in response to a request from the City staff for comment. But the Chief's criticisms were withheld from the Council by staff, notwithstanding the Chief's request that his comments be forwarded to the Council. His most notable criticism was that the evacuation analysis did not model fire spread, and hence over-estimated the capacity of the evacuation routes.

This danger from inadequate evacuation routes will only be exacerbated by the redevelopment planned for downtown Orinda, which was not even considered in the evacuation analysis, despite a promise that it would be considered.

The planned redevelopment of downtown ("Plan Orinda") will slow evacuation, by adding a large number of housing units (1,618) and people (over 4,500) downtown. Downtown is already a choke point or "pinch point" for evacuation.

The Environmental Impact Report ("EIR") for the planned development determined that there would be a "significant" adverse impact on wildfire response and evacuation due to the proposed development – an impact that was "unavoidable" (based on the very limited mitigation proposed).

Nevertheless, the Council approved the EIR, issuing a Statement of Overriding Considerations determining that maximizing development downtown was more important than a safer evacuation. Mitigation by redistributing a substantial portion of the new housing to locations outside of downtown was not considered.

The city needs to re-do its evacuation analysis so that the true extent of the danger is known. Also, the city should revise its downtown plan so that there is less of an adverse impact on evacuation. This can best be done by redistributing the bulk of new housing to locations away from the downtown choke points. It can be done.

The Orinda MOFD 2X2 Fire Prevention Subcommittee (“Subcommittee”) may want to consider recommending that Measure R funds be spent on (1) a valid evacuation analysis, that would analyze evacuation under current conditions as well as after the planned development downtown, and that would include modeling fire spread; and (2) mitigation measures to reduce the adverse impact on emergency response and evacuation that will result from the planned development, such as redistributing the proposed new housing.

Evacuation in the event of a wildfire is of course important. People burned to death in their cars trying to evacuate from the Tunnel (Berkeley/Oakland Hills) Fire in 1991, and more recently trying to evacuate from the Paradise Fire.

<https://bigworldtale.com/world-news/seven-burn-to-death-in-their-cars-in-paradise-as-27000-panicked-residents-of-california-town-destroyed-by-wildfires-try-to-escape-down-single-road-2/>

Evacuation from Paradise was impaired by planning decisions made by the city government, which slowed evacuation.

<https://www.latimes.com/local/california/la-me-camp-fire-deathtrap-20181230-story.html>

## **Discussion**

### **A. Orinda’s Plans for Redevelopment Downtown**

Planning for redevelopment of downtown Orinda goes back many years.

In 2017, Orinda received the report it requested from the Urban Land Institute’s Technical Assistance Panel, with recommendations as to how to revitalize downtown.

<https://sf.uli.org/uli-sf-releases-latest-tap-report-city-orinda/>

The Panel was comprised of “professionals from a wide variety of disciplines reflecting diverse perspectives, including market analysis, land use and design, retail consulting, architecture, finance and development strategies, governance and policy, and real estate development.” *Ibid.* The report proposed that “Up to six 40-unit [240 unit total] mixed-use residential projects could be allowed in the Village District.” See page 24 here

<https://cityoforinda.app.box.com/s/ijrzdcotiv6h4hol8kgv2ehrcwqnc4el>

The ULI-TAP deemed the addition of 240 housing units sufficient to revitalize downtown. The report was well received. See minutes of April 11, 2017.

[https://cityoforinda.org/AgendaCenter/ViewFile/Minutes/\\_04112017-603](https://cityoforinda.org/AgendaCenter/ViewFile/Minutes/_04112017-603)



Beginning in 2017 (with SB 35 (Wiener)) and 2018 (with SB 828 (Wiener)), the Legislature passed dozens of bills intended to spur housing production. SB 828, in particular, required cities and counties to rezone land in their communities to permit many more homes than were then currently in their plans.

In 2020, Orinda's planning for downtown development began in earnest.

As a part of the downtown planning continuum, the City Council expressed an interest in pursuing revisions to downtown development standards by enacting a new, stand-alone downtown plan—the Downtown Precise Plan (DPP). After close consideration at the January 7, 2020 City Council meeting, the Council directed Planning staff to manage the project in-house and issue an RFP and/or request for qualifications (RFQ) for specific tasks as necessary. This officially kicked off the DPP process.

### **Plan Orinda: The DPP, Housing Element, & Safety Element**

The DPP was developed in coordination with two other plans that pertain to the community as a whole and to downtown: The 6th Cycle Housing Element update, and the Safety Element update. Every 8 years, by State law, local jurisdictions in California must update the housing elements of their general plans. The cornerstone of this process is the Regional Housing Needs Allocation (RHNA), which establishes a minimum number of units for each jurisdiction that must be accommodated in the policies, actions and development standards contained in each housing element.

The City of Orinda's 5th Cycle Housing Element was adopted in 2015 and based on a total RHNA allocation of 227 units. For the 6th Cycle Housing Element, Orinda's RHNA numbers were established at 5 times higher than the allocation stipulated by HCD/ABAG for the City's 5th Cycle housing element.

See page 5 here:

<https://cityoforinda.app.box.com/v/AdoptedDowntownPrecisePlan/file/1204772069527>

The Housing Element update and the Safety Element update were required by law. The city coordinated the process developing those legally mandated updates with its optional or voluntary Downtown Precise Plan ("DPP") – optional in the sense

that the DPP was not required by law. The combined Housing Element update, Safety Element update, and DPP were combined into a project called Plan Orinda. <https://www.planorinda.com/home> The project – Plan Orinda – required an Environmental Impact Statement (“EIR”) to comply with the California Environmental Quality Act (“CEQA”).

Thus, Plan Orinda consists of the Housing Element, the Downtown Precise Plan, the Safety Element, and the EIR. See Staff Report for Council Meeting on January 31, 2023, page 1, here.

[https://orindaca.iqm2.com/Citizens/Detail\\_LegiFile.aspx?CssClass=&Frame=&ID=3007&MediaPosition=&MeetingID=2349](https://orindaca.iqm2.com/Citizens/Detail_LegiFile.aspx?CssClass=&Frame=&ID=3007&MediaPosition=&MeetingID=2349)

The State, acting through the Department of Housing and Community Development (“HCD”) and the Association of Bay Area Governments (“ABAG”) issued the RHNA for Orinda, which mandates rezoning for 1,359 new housing units throughout the city. The City must submit a Housing Element for approval, and later rezone as described in the Housing Element. See page 58 here.

<https://cityoforinda.app.box.com/v/RevisedHESubmittal02012023/file/1129902465993> Housing elements typically include a “buffer” which is an addition to the state mandated number.

It is very important to understand that the Housing Element includes some properties downtown and some elsewhere in Orinda; the DPP is limited to downtown; and while some properties downtown are in both the Housing Element and the DPP, some downtown properties are only in the DPP, which covers many more downtown properties than the Housing Element.

According to the EIR, Orinda plans to add 1,618 new housing units downtown. (See Draft EIR, page 17, section 2.4.3.) At 2.8 persons per housing unit (See DEIR, page 17, footnote 2), that means 4,530 new residents downtown. (Current city population is under 20,000.)

<https://cityoforinda.app.box.com/v/PlanOrindaDraftEIR/file/1016078497119>

The numbers in the EIR do not include the maximum number of additional housing units potentially available to developers under the Density Bonus Law. Final EIR, p. 3. <https://cityoforinda.app.box.com/v/PlanOrindaFinalEIR/file/1113451323334> By contrast, an economic consultant hired by the city found that only density bonus projects were “likely feasible.” See p. 13, Figure 6 of Economic Feasibility Study, Appendix D to DPP. To read the EPS study, click on Appendices here <https://cityoforinda.app.box.com/v/01312023ProposedDPP> and then click on

Appendix D. The DPP table of contents lists the appendices, including the EPS study, on pp. iii to

iv. <https://cityoforinda.app.box.com/v/01312023ProposedDPP/file/1124045615927>

## **B. The EIR Found a “Significant” Adverse Impact on Emergency Response and Evacuation and Proposed No Meaningful Mitigation**

As stated in the Executive Summary, the EIR for Plan Orinda found the planned new housing would have a “significant” adverse impact on emergency evacuation and emergency response. Impact WFR-1 at page ES-32 here.

<https://cityoforinda.app.box.com/v/PlanOrindaDraftEIR/file/1016078497119>

As discussed in Section 4.14, Wildfire, most of the city is mapped as High to Very High Fire [Hazard] Severity Zones (VHFS).” Page 4.6-23 of the DEIR here:

<https://cityoforinda.app.box.com/v/PlanOrindaDraftEIR/file/1016078497119?sb=/details>

### **Mitigation Measures**

Mitigation Measures WFR-1, WFR-2, and WFR-3, as discussed within Section 4.14, Wildfire, would be required.

### **Significance After Mitigation**

With implementation of Mitigation Measures WFR-1, WFR-2, and WFR-3, the risk of loss of structures within the Plan Area and the risk of injury or death due to wildfires would be reduced.

However, it is possible that mitigation measures would not fully prevent a significant risk of wildfires or fully protect people and structures from the risks of wildfires in all cases. Thus, this impact would remain significant and unavoidable. No additional mitigation measures to reduce this impact to less than significant levels are feasible.” (*Ibid.*, page 4.6-24.)

In section 4.14, these impacts and limited mitigations are described in greater detail. (*Ibid.*, pages 4.14-17 through 4.14-20)

The draft EIR initially noting this impact was released September 15, 2022, but did not consider an alternative plan that would follow the ULI recommendation and only add 240 units downtown, and place the balance of the legally-required new

housing elsewhere, even though doing so would significantly mitigate the adverse impact on emergency evacuation and response that will be caused by adding 1,618 units downtown. In the four-and-one-half months from September 15, 2022, until adoption of Plan Orinda (including the EIR, DPP, and HE and Safety Element) on the last possible day, January 31, 2023, the city did not ask the EIR consultant to consider the ULI recommendation of a much smaller amount of development downtown, as an alternative.

The only mitigation of this significant impact is limited to the parcels identified in the Draft EIR as “Housing Element Sites HE-4 and HE-5”. (*Id.*) These sites are a portion of Miramonte High School and the site commonly referred to as the CalTrans or Gateway site. See page 3-2 here. <https://cityoforinda.app.box.com/v/PlanOrindaDraftEIR/file/1016078497119>

### C. The Safety Element

“The Safety Element is a state-mandated General Plan element that must identify potential natural and human-created hazards that could affect the City of Orinda’s (City’s) residents, businesses, and services. The purpose of the Safety Element is to establish a framework that anticipates these hazards and prepares the community to minimize exposure to these risks.” See page 1 here: <https://cityoforinda.app.box.com/v/AdoptedSafetyElement2023/file/1133060470014>

Adoption of the Safety Element is a required discretionary approval “in conjunction with the Housing Element Update, the DPP, and changes to the other General Plan Elements.” Draft EIR, page 2-21, here: <https://cityoforinda.app.box.com/v/PlanOrindaDraftEIR/file/1016078497119>

The evacuation analysis included in the Safety Element, and referenced in the EIR, projects an estimated **one to two hours to evacuate, as a wildfire approaches and spreads**. See pp. 19-20 here. <https://cityoforinda.app.box.com/v/AdoptedSafetyElement2023/file/1135153981182>

Gridlock would, of course, add to the time to evacuate. During the Paradise fire, and the Tunnel Fire (Berkeley/Oakland Hills), many lives were lost as people were stuck in their cars attempting to evacuate.



## D. Council Approved Plan Orinda

Despite this risk of loss of life, identified in the EIR, due to slow evacuation in the event of a wildfire, the city approved Plan Orinda on January 31, 2023, including the massive addition of housing downtown, adopting a Statement of Overriding Considerations, over the objections of several residents. See pp. 13-15 here: <http://orindaca.iqm2.com/Citizens/FileOpen.aspx?Type=15&ID=1728&Inline=True> See also minutes of January 31, 2023 council meeting here: <https://orindaca.iqm2.com/Citizens/FileOpen.aspx?Type=12&ID=1728&Inline=True>

The Council, facing the immediate deadline of having to issue its approvals that night, adopted a Statement of Overriding Considerations, finding that the Project, and the need to avoid the consequences of missing the January 31, 2023 deadline (including loss of state funding and exposure to the “builders remedy”) **overrode the adverse impact to emergency evacuation**. (See Agenda Packet for Jan. 31, 2023, Packet Pg. 28, 31 here <https://orindaca.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=2174&Inline=True> and Amended Statement of Overriding Considerations at pp. 13-15 here <https://cityoforinda.app.box.com/s/aqrelwbwv0wc37m5hkju2o8a0sta7bup/file/1128215139043>

Notably, the Council action approving the Statement of Overriding Considerations did nothing to ameliorate the significant adverse evacuation impact, and required no significant mitigation of the “significant” adverse impact upon wildfire emergency response and evacuation. The statement of a “significant” impact on emergency evacuation and emergency response, Impact WFR-1, was unchanged in the adopted final EIR.

Notwithstanding adoption of Plan Orinda (including the Housing Element), the City has the right at this time to ask HCD to approve a revised Housing Element with a different distribution of new housing. See pp. 6-7 (“jurisdiction actions”) here: <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb-166-final.pdf> A revised Housing Element and DPP could redistribute new housing by adding less housing downtown and mitigate the impact on wildfire emergency response and evacuation. Unlike the potential consequences facing the Council on January 31, 2023 if it did not approve everything on that date (consequences described in the Statement of Overriding Considerations), there are no adverse consequences to asking HCD at this time to approve a change in plans.

## **E. The City’s Evacuation Analysis and the Suppression of Chief Winnacker’s Criticism of a Lack of Wildfire Modeling**

“California Assembly Bill AB 747 (2019) requires [an evacuation plan to]: ...

- “Identify evacuation routes and their capacity, safety, and viability under a range of scenarios.” See slide 5 here:

<https://cityoforinda.app.box.com/s/jxstlqa5ce5utn4il5avw1lw32clmu52>

One of the goals is to “Assess evacuation for current residential population and buildout of Housing Element opportunity sites and sites within Downtown Precise Plan (DPP)” (*Ibid.*)

As explained below, the evaluation of evacuation for current residents was flawed; Chief Winnacker’s criticism was suppressed and not disclosed to the City Council; and there was no evacuation analysis for the proposed buildout downtown. (Note: “opportunity sites” refers to some sites in the Housing Element.)

### **1. City Staff Solicited and then Suppressed Chief Winnacker’s Criticism of the Evacuation Analysis**

[Note: the following section is based on emails found here:

<https://cityoforinda.app.box.com/s/hz1ornbsbprc7jy5awyvew827q39jk6h> except that Chief Winnacker’s comments in the margin of the draft evacuation analysis, and the responses of “agiffin” are in the attached document. “agiffin” is Alison Giffin of Placeworks. See slide 2 here:

<https://cityoforinda.app.box.com/s/jxstlqa5ce5utn4il5avw1lw32clmu52> See also <https://placeworks.com/team/allison-giffin/> ]

City staff solicited and obtained, but staff suppressed and concealed from the Council, scathing and important input from Fire Chief Winnacker.

On October 21, 2022, Planning Director Buckley sent an email to MOFD, soliciting its comments on the draft AB 747 evacuation analysis. On Nov. 1, 2022, Chief Winnacker responded by email:

The fire scenarios do not appear to include modeled spread. In the absence of an understanding of both the spatial and temporal factors associated with a dynamic event, the analysis appears incomplete as it may not include impacts to the very evacuation routes that are being analyzed.

Chief Winnacker also made comments in the margin of the draft itself. In response to Chief Winnacker's concerns, the consultant, Placeworks, confirmed, "wildfire behavior is not modeled in this analysis."

In a second email to Planning Director Buckley, after the evacuation analysis had been revised, Chief Winnacker wrote on November 7, 2022:

A quick review of the updated report suggests several questions such as the conditions used for the wildfire scenarios do not appear to have been answered.

I noted this caveat included on page 13: 'Because wildfire behavior is not modeled in this report, the analysis assumes that all intersections are fully operational during an evacuation.' If this is correct, and the wildfire scenarios assume a fire limited to the triangle shown on the map, without regard to potential spread over time, I must reiterate my previous concern that the report does not faithfully represent what will likely occur during an actual fire. I would ask that MOFD's concern regarding this gap be relayed to the council during your presentation.

Wildfire is very dynamic and when long range spotting is included (as referenced in the report) it is very unlikely that a fire will remain in the area of origin. Further, if this were the case, there would be no need for evacuations. Given the proximity of our major (an only) evacuation routes to areas of high fuel loading and the potential for Wx/topographical alignment as shown in the CWPP, I am concerned that a report which does not consider wildfire spread may lead to assumptions of a roadway's capacity to handle evacuation traffic levels which are simply not accurate. In addition to the spread of fire, as mentioned in my previous comments smoke and ember impacts on intersections during a Diablo fire event are likely to be significant. In the absence of fire modeling, or even the weather parameters which were used for each scenario, it is not possible to answer these questions.

Reference is made on page 27 to all evacuation routes being assumed to be in service during wildfire scenario 2. This does not appear to address my question of what modeling was used to confirm that such a fire did not impact Rheem.

The specific “presentation” that was the subject of the email exchange between Mr. Buckley and Chief Winnacker was the November 15, 2022 presentation. Here is a link to that presentation:

<https://cityoforinda.app.box.com/s/jxstlqa5ce5utn4il5avw1lw32clmu52>

Although there were a total of four (4) presentations by staff between Chief Winnacker’s emails and the City Council’s adoption of the evacuation plan on January 31, 2023, and although several of the presentations made reference to MOFD (falsely implying MOFD approval of the plan), in fact Chief Winnacker’s concerns were never included in the presentations to the Planning Commission and City Council or incorporated in the evacuation plan.

Although wildfire modeling might seem exotic, it is not. As explained in a recent case, “To develop the plan and select the project locations, the University used fuel models to predict fire behavior on the Hill Campus. The modeling considered factors such as predicted flame length, rate of spread, crown fire activity, and maximum spotting distance, along with the vegetation in a particular location — e.g., oak-bay woodland, eucalyptus forest, and coniferous forest. The EIR contains figures showing vegetation and fuel distribution in the project areas and the predicted crown fire activity under certain weather conditions.” *The Claremont Canyon Conservancy v. The Regents of the University of California* (First District No. A165012 filed June 9, 2023), at pp 10-11.

<https://www.courts.ca.gov/opinions/documents/A165012.PDF>

Rob Bonta, California’s Attorney General, also recommended modeling in his October 2022 guidance:

“To understand how a project may exacerbate the risk of wildfire, an EIR should qualitatively assess these variables and also use fire modeling and other spatial and statistical analyses to quantify the risks to the extent feasible. Experts should utilize fire models to account for various siting and design elements, as well as a variety of different fire scenarios. The modeling should include scenarios for fires that start in, near, and far from the project site, as well as extreme weather conditions that exacerbate fire spread.” See p. 9 here: <https://oag.ca.gov/system/files/attachments/press-docs/Wildfire%20guidance%20final%20%283%29.pdf>

(Note, however, that General Bonta’s general wildfire guidance (other than endorsing modeling) is not really applicable to Orinda. He favors infill



development, which may make sense elsewhere, but not when the existing downtown is the choke point. And he doesn't address the fundamental issue of how to address a conflict between state-mandated RHNA and safe emergency response and evacuation in the event of a wildfire.)

The evacuation analysis needs to be revised to model wildfire spread.

## **2. Contrary to the Stated Goal, the Evacuation Analysis Did Not Include the Proposed “Buildout” of Downtown Orinda**

The evacuation analysis DID NOT assess evacuation for the “buildout” or redevelopment of downtown Orinda.

It was based on “each household” or “residential parcel.” See page 9 and Figure 4 on page 10 here:

<https://cityoforinda.app.box.com/v/SEEvacAnalysis/file/1060925905044>

It simply didn't take into account new residential development of 1,618 new housing units or households downtown, which of course being multi-family, would be built on few parcels.

This is confirmed by Planning Director Drummond Buckley's response on January 26, 2023 to an email from Michele Jacobson sent January 21, 2023 (copy attached).

Drummond,

Following the last Planning Commission meeting, two issues crystallized that I hope you can help me on: 1. Please confirm that the Evacuation Analysis (which analyzed the segments and intersections along identified possible evacuation routes that are likely to be the most congested during an evacuation event) did NOT calculate the added traffic to be expected from the development proposed in the Downtown Precise Plan. In re-reading the report, it appears that the number of cars assumed to be on the roads in an emergency are based on the number of existing parcels in the study area and do not make an assumption about the future parcels planned in the DPP or Housing Element Update. The report mentions 644 future units expected in the the downtown, but only to point out that these units will not be constrained as they will have easy access to Hwy 24. I could find nothing about how evacuation of those new residents will affect the evacuation of existing residents.

*Response: Your understanding is correct that the analysis does not measure how much more affected other zones or neighborhoods would be in terms of exact drive times with buildout of the Downtown Precise Plan compared to estimated drive-times at current population levels. The report does identify specific pinch points at the access ramps to SR-24 from Moraga Way and Camino Pablo as well as at several key intersections in the Downtown area and provides recommendations for capital improvements to address these pinch-points. This report is meant to be a more city-wide programmatic study to identify and address potentially constrained locations.*

Thus, it cannot be disputed that the Evacuation Analysis was a baseline or current conditions analysis that did not take into account the planned buildout of the Downtown Precise Plan.

Also, it didn't take into account evacuation of the employees and customers of the retail and restaurant businesses downtown.

As such, it failed to fulfill its stated goal to "Assess evacuation for current residential population and buildout of Housing Element opportunity sites and sites within Downtown Precise Plan (DPP)" See slide 5 here:

<https://cityoforinda.app.box.com/s/jxstlqa5ce5utn4il5avw1lw32clmu52>

As part of the EIR, it failed to perform the required evaluation of the environmental impact of the "buildout," but perhaps deemed doing so unnecessary after determining that the current or baseline condition already had a "significant" adverse impact on emergency response and evacuation, that was "unavoidable" even with the minor proposed mitigations.

#### **F. Lawsuit Challenging Approval of Plan Orinda and the City's Refusal to Participate in a Free Mediation**

On or about March 2, 2023, a group of Orinda residents called Orindans For Safe Emergency Evacuation ("OSEE") filed a lawsuit challenging the EIR. (I am not a member of the group and do not speak for it.

That case is set for trial/hearing on December 7, 2023.

The City has refused to participate in a free mediation that might resolve the dispute. <https://www.cc-courts.org/civil/mediation.aspx>

The parties could choose a retired justice from the Court of Appeal: Justice Rivera or Justice Bruiniers. <https://www.cc-courts.org/civil/docs/Active-Mediators-Expertise.pdf>

Each decided over 25 CEQA cases. Justice Rivera also practiced in this area before taking the bench. <https://www.adrservices.com/neutrals/rivera-maria/>

It won't cost much to participate; written submissions are limited to five pages. The City could submit a one pager saying it thinks the case lacks merit, if it so chooses.

Even if the City were to win the case, the evacuation problems would remain. Speaking as a retired lawyer who participated in hundreds of mediations, and who was named to the Best Lawyers in America list, a mediation is an inexpensive and effective way to resolve all of the issues.

Hardball tactics won't solve the emergency response and evacuation issues.

Why is the City refusing to mediate? The discussion is secret, having been held in closed session. But one can speculate that the fact that the City is being represented by the same law firm in which the City Attorney is a partner, is a factor. The City is not receiving independent, unbiased advice.

### **G. Redistribution of New Housing as a Mitigation**

Orinda *could* satisfy the state mandate to zone for an additional 1,359 units even if it placed only 240 new units downtown; it could place most of the rest at a new village that could be created on a vacant, 10-acre site near the Caldecott Tunnel, currently owned by CalTrans. See attached spreadsheets using 60% and 80% realistic capacity. The California Department of Housing and Community Development has directed the city to pursue the development of this site. See bottom of page 1 here.

<https://cityoforinda.app.box.com/v/HCDComplianceLetter03302023/file/1178344296349>

A new village on this site could have high density housing for all income levels, as well as retail, restaurants, and service businesses that would also serve the Wilder community. The church sites south of downtown, and a site at Miramonte, could

also contain some new housing, as is currently planned and as has been approved by the State, at a density of 25 units/acre and a 36 foot height limit.

Obviously, limiting new housing downtown would substantially mitigate the significant, adverse impact on emergency evacuation and emergency response that will be caused by the current plan.

### **Conclusion and Action Items**

The Subcommittee should consider recommending that funds be spent on (1) a valid evacuation analysis, that would analyze evacuation under current conditions as well as after the planned development downtown, and that would include modeling fire spread; and (2) mitigation measures to reduce the adverse impact on emergency response and evacuation that will result from the planned development.



# ‘This whole town of Paradise knows what they’re feeling’

Survivors of California’s deadliest wildfire relive trauma through devastation in Hawaii



A man walks through the wildfire wreckage in Lahaina, Hawaii, on Friday. Hawaii emergency management records show no indication that warning sirens were sounded. People ran for their lives as their historic town was wiped out. RICK BOWMER — THE ASSOCIATED PRESS



Abandoned cars that were burned during the Camp Fire as their owners evacuated remain on Skyway in Paradise on Nov. 10, 2018. Survivors of the deadly fire in Paradise are reliving the trauma by seeing scenes from Lahaina. RANDY VAZQUEZ — STAFF PHOTOGRAPHER



Image



**By Julia Prodis Sulek**

[jsulek@bayareanewsgroup.com](mailto:jsulek@bayareanewsgroup.com)

Tamra Fisher forced herself to stop watching the harrowing videos of the wildfire racing through Maui. The sense of doom was overwhelming her.

She has videos of her own terrifying escape from fire, the ones her trauma counselor has urged her to avoid. Nearly five years ago, from the driver's seat of her bright yellow VW, stuck in paralyzed traffic, her phone camera captured the smoke turning day to night as she fled the deadliest wildfire in California history, the Camp Fire in her hometown of Paradise. It recorded her chilling screams — “Move! Move!” — that

no one could hear and the man named Larry in a big white truck who rescued her and her three elderly dogs panting in the back seat.

This week, when she watched the video of two men fleeing Lahaina in their car, the smoky skies, the sheets of glowing orange embers, the driver gasping and honking, she knew it had to be her last.

“I was panicking for him. I wanted to put my foot on the gas for him,” Fisher said in an interview Friday with the Bay Area News Group. “Your whole car is going up. You can’t touch windows. And they didn’t know what was happening. Just like I didn’t know what was happening.”

But no one knows better what the survivors of Hawaii’s deadliest natural disaster are going through — and what lies ahead — than the thousands of Californians who have endured the same.

“This whole town of Paradise knows exactly what they’re feeling,” Fisher said. “It was fast. It was brutal. They just had to go with their gut. And some didn’t make it.”

Three of California’s top five deadliest wildfires have occurred since 2017. Seven of the state’s top 10 most destructive wildfires have occurred since 2015. None was deadlier than the Camp Fire.

In the ridge-top town of Paradise, 85 people died in 2018 when the inferno ripped through without warning on the morning of Nov. 8, 2018, just as bus drivers were dropping off children at school. Of the 18,000 homes, only 2,000 survived. A town once home to 27,000 people now has no more than 9,000 — the stalwarts who returned and rebuilt, even though the commercial corridor remains nearly empty and officials from the local hospital that was destroyed announced they won’t build a new one.

The death toll in Maui, where winds from a distant hurricane fanned the flames, climbed to 67 Friday and still is expected to grow. Many died fleeing in their vehicles. Dozens plunged into the ocean for safety. Nearly the entire oceanfront town of Lahaina, a historic district and tourist mecca known for its ancient banyan tree with arms spanning an entire block, has been leveled.

And the smoke still hasn't cleared.

In the hearts and souls of many Paradise survivors, it may never. Residents often talk about sleepless nights and nightmares, intense anxiety and anger, guilt, depression and claustrophobia.

Carole Wright had to leave church early one Sunday when everyone around her rose to sing a hymn, but she felt boxed in and panicked.

"I nearly was leapfrogging over these benches," she said.

She, too, had been stuck on the main road out of Paradise, with the fire around her so hot, the heat seared her skin and deflated her tires. She considered getting out and running but decided to stay in her car. If she was going to die, she told herself, she hoped she would pass out first. She drove out five hours later on metal rims. When she saw daylight piercing through the smoke, she remembers, she started to cry.

"My fear isn't fire," she said. "It's getting trapped."

Her husband, Travis, who was at home that morning, narrowly escaped on a four-wheel ATV. But he carries guilt about the death of one of his neighbors, who rode alongside him with his wife on their own quad but was overcome by fire.

His own house, made with cement shingles and protected by other neighbors who saved it to save themselves, survived.

"I could have just told everyone to stay at our house," he said.

It needed significant reconstruction — the shingles remained but the walls inside burned — and their once wooded property with 160 ponderosa pine is now so sunbaked they had to purchase blinds for every window.

"People try to make us feel better and say, 'Oh well, at least you have a view now,' " Carole said. "But I liked my view before."

In their rebuilt house across town, Richard and Zetta Gore now have a view from their front porch of Butte Canyon, where they abandoned their truck and the two Bibles inside on that apocalyptic morning and slid down the side of the bluff to



escape the flames. Turkeys and deer ran alongside them as they fled. They have returned several times with family to show them the route of their 7-mile hike to safety and wonder, “Did we really do that?”

They replaced their two-story handcrafted home with a simple, one-story one on the same spot. It’s as much as their insurance claim would allow.

Still, they are grateful.

“Every time we leave the house we pray, ‘Lord, take care of our house’ because we’ve learned — you leave, and you don’t know if you’ll ever see it again,” Zetta said. “It’s true. It has affected us in that way.”

And it makes them especially empathetic to those suffering in Maui.

“There’s so many points that were identical to what happened here in Paradise,” Richard Gore said. “But we do know that they will rise again because Paradise has. They’ll get through it.”

Civic groups from Paradise, including the Rotary Club, already have reached out to Maui with offers to help. Town Councilmember Steve “Woody” Culleton said in email to Maui’s mayor and sent it Thursday morning.

Culleton choked up when he read it aloud.

“As a resident of Paradise CA and a survivor of the 2018 Camp Fire storm I and our community know what you folks are going through,” he wrote.

His family ran for their lives that November morning — he and his wife were stuck in separate cars miles apart — and lost everything they owned.

But there’s a reason to have hope, he wrote.

“The truth I can share is that even though it is devastating when everything you own and your home and routine and community are destroyed,” he wrote, “it is possible to come back and rebuild.”

Two weeks ago, Fisher began doing just that. She and her boyfriend moved back to Paradise. They bought a lot with a converted garage that had been spared by the 2018 fire and hope to one day build a house where the old one stood.

Maui holds a special place for her. The last time she saw her father, two years before he died, they had rented a condominium in Lahaina in 2011. The day she left, father and daughter enjoyed a picnic under the sprawling banyan tree.

She is taking her therapist's advice to avoid fire videos, but still she scrolls through Facebook where she read a plaintive post from an old Paradise High School friend who moved to Maui years ago.

"Please pray for me," it said.

"It's hard not to think about other people's pain and suffering, but I'm trying to pull myself away," she said. "And then I will wait and I will ask my friend what can I do to help her because I do want to help a fire survivor. That's what we do."

*Staff writer Andre Biyk contributed to this report.*



## Researchers Long Warned Of Lahaina's Wildfire Risk

BY DAN FROSCH AND JIM CARLTON

Nearly a decade before a wildfire destroyed the coastal Maui town of Lahaina this week, killing at least 67 people, a report by Hawaiian fire researchers warned the area was at extremely high risk of burning.

Another report, in 2020, tied fires to winds from a passing hurricane—similar to the ones that fanned the Lahaina blaze. And the state's electric utility had for years worried wildfire risk in the area. It even flew drones to monitor conditions.

Yet local authorities said in the aftermath of this week's devastation that though they knew wildfires were becoming more frequent in Hawaii, they weren't prepared for one to roar through Lahaina.

The fire hit the coastal town so quickly and caught officials so off-guard that emergency sirens didn't sound. Many panicked residents were unable to flee on the town's one clogged highway and took boats or swam to safety, if they were able to escape at all.

In 2014, a wildfire protection plan for the area was written by the Hawaii Wildfire Management Organization, a nonprofit that works with government agencies. It warned Lahaina was among Maui's most fire-prone areas because of its proximity to parched grasslands, steep terrain and frequent winds.

The plan, which involved Maui and state officials, laid out a multitude of mitigation measures that needed to be undertaken to shield the area around Lahaina from fires. They included thinning vegetation in populated areas, improving wildfire response capabilities and working with landowners and utilities to help reduce fire risk on their property.

Some of the recommendations from the 2014 plan, which was devised after more than a half-dozen community meetings, were implemented, like brush-thinning efforts and public education for landowners, said the report's lead author *Please turn to page A10*

Death toll hits 67; rescue effort continues..... A10



**From:** Michael Bowen <[mebowen@sbcglobal.net](mailto:mebowen@sbcglobal.net)>  
**Date:** Tuesday, November 14, 2023 at 11:27 PM  
**To:** Darlene Gee <[Dgee@cityoforinda.org](mailto:Dgee@cityoforinda.org)>, Latika Malkani <[lmalkani@cityoforinda.org](mailto:lmalkani@cityoforinda.org)>  
**Cc:** Inga Miller <[IMiller@cityoforinda.org](mailto:IMiller@cityoforinda.org)>  
**Subject:** Orinda-MOFD 2x2

Councilmembers Gee and Malkani,

Thank you and your colleagues very much for the keen intellectual engagement the Council is attempting to bring to current discussions with MOFD. It is sorely needed, and deeply appreciated. I hope it helps.

I very much regret missing tonight's meeting. My father passed away Sunday, and I was unable to attend. However, I have read much of the information, and followed this matter closely.

There is so much about it I find regrettable. Perhaps the most unfortunate aspect of it is that through unsupervised executive aggression and lax oversight by the board, MOFD has gone from being perhaps the greatest unifying entity in Orinda to one of the most divisive.

Perhaps the most curious element of the "dialogue" such as it is, is the way Chief Winnacker and his acolytes demonize citizens who stand up for what most Orindans hold dear; our beautiful surroundings. Yes, we all love great schools, but if that was all we cared about, we'd move to Fountain Hills, Arizona, a low fire risk community in the Sonoran Desert.

MOFD's treatment of EBRPD, EBMUD, and us private citizens is divisive, appalling, unprofessional and embarrassing. What is worse, it is entirely unnecessary. It didn't need to be this way. Marin, a far more "engaged" and litigious community took the time to engage citizens meaningfully, and provide best management practices to ensure environmental enhancement concurrent with fuel management and fire risk reduction. Because they play well together, Marin receives untold millions in state funds to manage fire risk and fuel load in a way that is satisfying to fire district and environmentalist alike.

I work for a state agency that dispenses some of those millions on fuel management projects. Full disclosure: We have provided a modest grant to MOFD. We also provide grantees with free CEQA consultation and guidance on environmental compliance through a contract with a consulting firm. Almost willfully, MOFD has opted not to avail themselves of that service, arguing in effect that they needn't comply with basic environmental guidelines.

Instead, MOFD did what many an ill-advised entity has done over the years: Bury its head in the sand, and await a lawsuit. The fact that MOFD opted to spend \$125,000 on Downey-Brand, one of the costliest law firms around, to fight an entirely avoidable CEQA challenge is what Torstein Veblein called "trained incapacity." The district is now demonstrably more interested in inventing reasons why things CAN'T be done, than in working together to solve problems rationally and cooperatively.

I don't know what to offer, but I do hope that you understand that the criticisms of MOFD --and the litigation--are not the words and deeds of some tree-hugging kook; they reflect the concern of many who love our community and its surroundings, seek greater safety, and understand that a problem 150-years in the making will not be solved by simply cutting down every combustible item in sight by Wednesday.

I predict that within a year or two Chief Winnacker will be gone. But we will be left with the discord, discontent and environmental havoc that he and MOFD have wrought. I hope that more constructive dialogue and cooperation lays ahead.

All the best and best of luck to all of you!

Very sincerely, and appreciatively,  
Michael Bowen





**Moraga-Orinda Fire District**  
Board of Directors

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**Finance Report, 2023**  
**November 15, 2023**

Strike Team Reimbursement - OES

• Strike Team Receivable Update:

	Actual 2022-2023	Estimated 2023-2024
OES Strike Team Receivable	\$1,137,772	\$556,463
OES Payments Received	\$1,137,772	\$0
<b>Net Receivable Outstanding</b>	<b>\$ 0</b>	<b>\$556,463</b>

- All invoices for FY23 have been paid
- FY24 estimates based on F42's received to date – invoices pending from OES

Tunnel East Bay Hills - Financial Update

• Tunnel East Bay Hills Financial Update:

<b>Project Budget</b>	<b>\$6,380,563</b>
Invoiced to Cal Fire through 9/30/23	\$1,178,650
Payments Received from Cal Fire	\$ 475,620
<b>Outstanding Receivable</b>	<b>\$ 703,030</b>
Oct/Nov Expenses not yet billed	\$ 567,100
<b>Total Expenses Outstanding</b>	<b>\$1,270,130</b>

- Invoice for Q3 2023 has been submitted and is under review with Cal Fire
- Invoice for October 2023 expenses is in process

Treasury Bill Update:

- The District now has \$10.7 million invested in Treasury Bills:
  - \$2.7 million matures 11/24/23 @ 5.371%
  - \$3 million matures 12/21/23 @ 5.461%
  - \$5.0 million matures 1/23/24 @ 5.424%
- Staff will continue to project cash flows to determine amount of reinvestment available as treasury bills mature



## Moraga-Orinda Fire District Board of Directors

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*Human Resources Update – November 15, 2023*

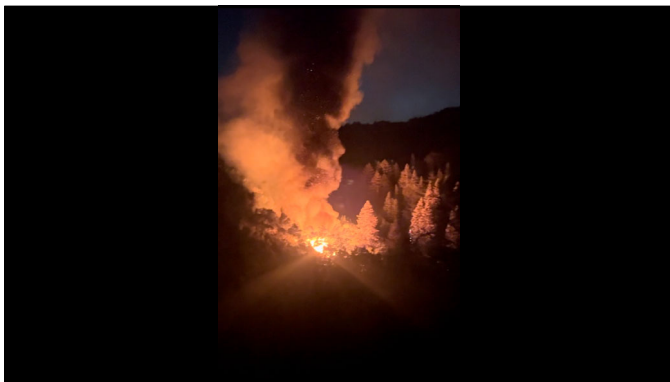
### **RECRUITMENT UPDATE**

- Firefighter Paramedic Trainee
- Fuels Mitigation Specialist
- UPCOMING PROMOTIONAL RECRUITMENT– Fire Engineer/Fire Engineer Paramedic II

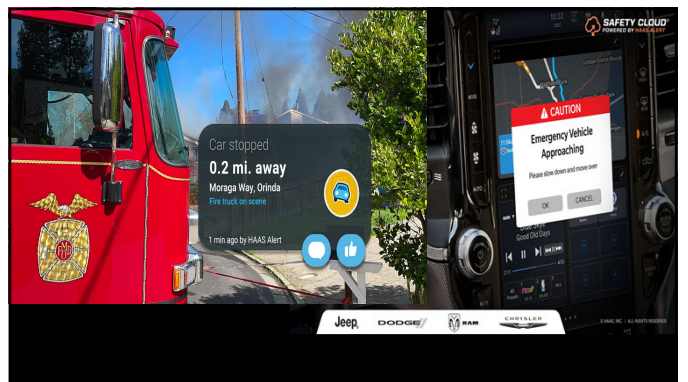
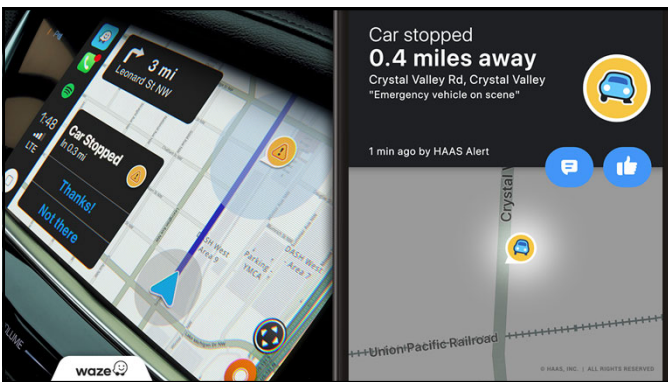
### **EMPLOYMENT CHANGES**

- Retirement– Matthew Nichols, Fire Captain Paramedic II
  - Retired effective 10/13/2023 and served 16 years, 10 months with MOFD
- Promotion – Clayton Hoover from Fire Engineer to Fire Captain
  - Promoted effective 10/20/2023
- New Employee – Raul Sandoval, Fuels Mitigation Specialist
  - Started on 11/1/2023

MOFD Board Update  
November 15, 2023



## 7.4f Operations Presentation



**Solution: Real-Time Situational Awareness + Performance Metrics**

**SAFETY CLOUD**  
POWERED BY HAAS ALERT

XXXXXXXXX Department  
Safety Cloud® Report

**Driver Totals**

Drivers Alerted  
**30,127**

YTD 107,213  
TOTAL 248,480

**Incident Totals**

Total Incidents  
**387**

YTD 4,902  
TOTAL 7,474

**Run Totals**

Total Runs  
**412**

YTD 5,889  
TOTAL 11,502

**Safety Cloud Dashboard**

- Real-time fleet location, status
- Incident/Event statistics, history
- Customize vehicles, groups, and users
- Create and manage lane closures
- Sharing, interoperability with other agencies
- Available on any device

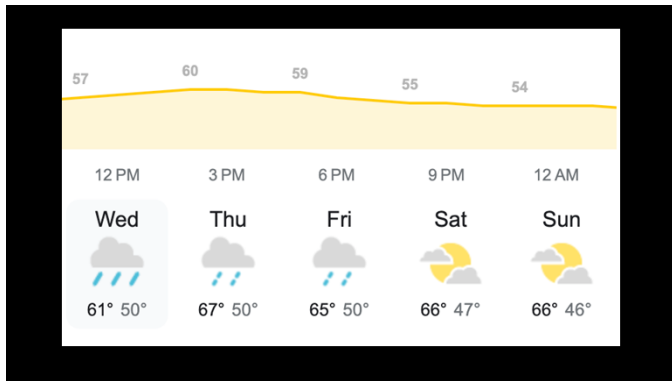
• Monthly Safety Cloud Reports

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**HA-7 HARDWARE**

**Integrate Our Transponder with Your Lights**

The HA-7 connects with lightbars to automatically send digital alerts to other drivers when emergency lights are flashing. The transponder easily connects to any lightbar or E-Master and integrates with most existing set-ups. Users enjoy easy installation, upgrade capabilities, and even better, there's minimal down-time and no data plan.







# Financial Update Quarter One

July 1, 2023 – September 30, 2023

### Quarter One General Fund Surplus Projections

- Budget deficit \$633K
- Projected deficit \$428K

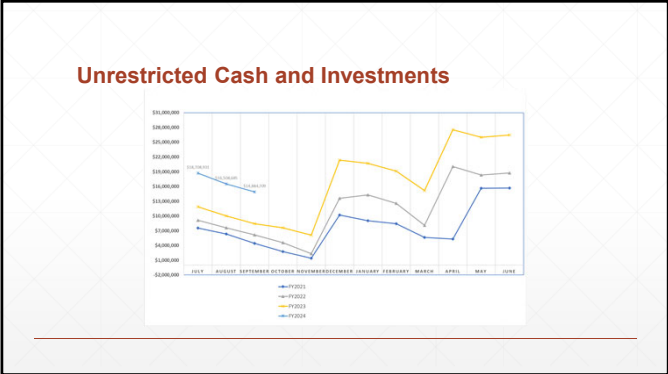
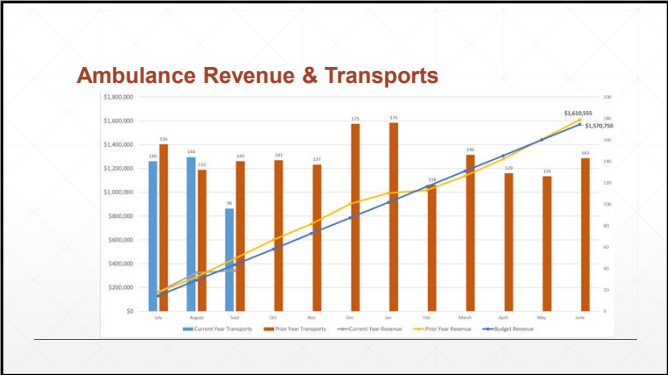
	Budget June 2023	Projected After Quarter One
Revenue	\$34.8M	\$34.6M
Expenditures	\$32.4M	\$32.0M
Transfer out to Capital Projects Fund	\$3.0M	3.0M
Deficit	(\$633K)	(\$428K)

### Quarter One Financial Update

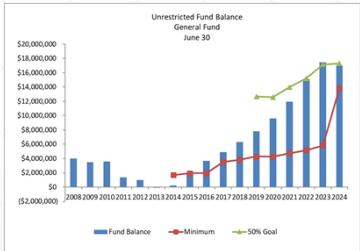
Revenue – Less than budget \$215K      Expenditures – Less than budget \$433K

- Property tax exceed budget \$104K
- Ambulance services (\$198K)
- Strike team revenue (\$144K)

- Salaries less than budget \$798K
- Overtime exceed budget \$1.1M
- Retirement contributions less than budget \$429K
- Attorney fees exceed budget \$100K



### General Fund Unrestricted Fund Balance



### Other Funds

- Capital Projects Fund – Projected surplus \$177K (no Fire Station 41 or 45 construction expenses)
- Debt Service Fund – Balanced budget
- Tunnel East Bay Hills Fuel Break Fund – Projected surplus \$615K
- Fire Risk Reduction Grant Fund – Projected surplus \$21K

### Financial Update Plan FY2023

