



Moraga-Orinda Fire District

Board of Directors

CALL AND NOTICE OF A SPECIAL MEETING

March 20, 2020

1:00 p.m. OPEN SESSION
(no Closed Session)

Pursuant to Executive Order N-25-20, Teleconferencing Restrictions of the Brown Act have been suspended. We are closely following the latest Public Health Order from the Contra Costa Health Services issued on March 16, 2020. At this time all formal public meetings will continue remotely.

PLEASE NOTE TELECONFERENCE MEETING INFORMATION:

To join the Meeting By Phone Dial:

US: +1 669 900 6833 or +1 346 248 7799 or +1 312 626 6799 or +1 929 205 6099
or +1 253 215 8782 or +1 301 715 8592

Webinar ID: 537 036 066

To join the Meeting by Zoom Go To:

<https://zoom.us/j/537036066>

Webinar ID: 537-036-066

Public Participation is encouraged by joining via the ZOOM link or the dial-in information above. You can access either via a smartphone or computer App (Zoom) or via phone. Comments can be provided via the Zoom app during public comment or email at info@mofd.org. Emails will be read into the record by staff. The meeting will also be live streamed via the District's Facebook page. <https://www.facebook.com/MoragaOrindaFireDistrict/>

1. OPENING CEREMONIES

- 1.1. Call the Meeting to Order
- 1.2. Roll Call

2. PUBLIC COMMENT

At the beginning of each regular District Board meeting, any member of the public may address the District Board concerning any item not on the Board's agenda but within the subject matter jurisdiction of the Board. Speakers will be limited to three (3) minutes unless otherwise specified by the Presiding Officer. The public will be given an opportunity to speak on each agenda item at the time it is called. The Board may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Board, no further comment from the public will be permitted unless authorized by the Board and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Board or as otherwise limited by order of the Presiding Officer or the Board.

3. RESOLUTIONS

3.1. ADOPT RESOLUTION 20-04 DECLARING A LOCAL EMERGENCY IN RESPONSE TO COVID-19

The Board of Directors will consider Adoption of Resolution 20-04 of Local Emergency in response to COVID-19.

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution 20-04 Declaring a Local Emergency in response to COVID-19.

4. REGULAR AGENDA

4.1. APPROVAL OF GENERAL FUND EXPENDITURE BUDGET ADJUSTMENT INCREASE IN THE AMOUNT OF \$50,000 FOR COVID-19 EMERGENCY RESPONSE COSTS

Staff will present information to the Board regarding a budget adjustment expenditure increase for COVID-19 emergency response costs.

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Approve General Fund Expenditure Budget Adjustment Increase in the Amount of \$50,000 for COVID-19 emergency response costs.

4.2. MARCH 25, 2020 REGULAR BOARD MEETING REVIEW

Staff will present the March 25, 2020, agenda and seeks direction from the Board on determining the status of the March 25, 2020 Regular Board Meeting. Options for the Board's consideration are: 1) Hold the Regular Board Meeting virtually with no agenda modifications; 2) Hold the Regular Board Meeting virtually with agenda modifications; 3) Cancel the Regular Board Meeting

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide Direction.

5. ADJOURNMENT

The Moraga-Orinda Fire Protection District ("District"), in complying with the Americans with Disabilities Act ("ADA"), requests individuals who require special accommodations to access, attend and/or participate in District Board meetings due to a disability, to please contact the District Chief's office, (925) 258-4599, at least one business day prior to the scheduled District Board meeting to ensure that we may assist you.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Moraga-Orinda Fire District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspections at 1280 Moraga Way, Moraga, during normal business hours.

I hereby certify that this agenda in its entirety was posted on March 19, 2020, at the Moraga and Orinda Fire Administration offices, Stations 41, 42, 43, 44, 45, and digital copy www.MOFD.org. Agenda provided to the Moraga Town Office (Hacienda) and Orinda City Hall.



Marcia Holbrook
District Secretary/Clerk

Memorandum

Date: March 19, 2020

To: Moraga-Orinda Fire District Board of Directors

From: Jon Holtzman, General Counsel
Teresa Stricker, Partner
Ian Long, Senior Associate

Re: Item 3.1 - Effect of the Resolution (1) Acknowledging the Local Emergency Declared to Exist within the Moraga-Orinda District Related to COVID-19 and (2) Creating the Office and Duties of Director of Emergency Services

I. INTRODUCTION

After adoption of the proposed Resolution of the Board of Directors of the Moraga-Orinda Fire District (1) Acknowledging the Local Emergency Declared to Exist within the Moraga-Orinda District Related to COVID-19 and (2) Creating the Office and Duties of Director of Emergency Services (“Resolution”), the Fire Chief will have the authority to exercise the Moraga-Orinda Fire District’s (“MOFD”) emergency powers.

Because Contra Costa County has declared a “local emergency” throughout the County under Government Code section 8630, the District Board, or any official to whom the Board has delegated, “may promulgate orders and regulations necessary to provide for the protection of life and property” under Section 8634. If adopted, the proposed Resolution will delegate MOFD’s emergency powers to the Fire Chief. The Fire Chief may then exercise MOFD’s emergency powers.

II. BACKGROUND

The United States of America has confirmed cases of individuals who have a severe acute respiratory illness caused by a novel corona virus (COVID-19) first detected in Wuhan, Hubei Province, People's Republic of China (China) on December 31, 2019. As of March 2, 2020, the World Health Organization (WHO) reported more than 3,000 deaths stemming from over 100,000 confirmed cases of COVID-19 and the virus is present in 100 countries. The number of confirmed cases has continued to escalate dramatically over a short period of time. WHO officials now report that sustained human-to-human transmission of the virus is occurring and transmission from asymptomatic individuals has been documented.

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Suspected community transmission of the virus is occurring in the United States. Although the majority of individuals infected with COVID-19 recover without special treatment, there is significant potential for serious infection and death, especially in person over 65 years of age.

On January 30, 2020, WHO declared the COVID-19 outbreak a global health emergency of international concern and on January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency. The United States Center for Disease Control and Prevention (CDC) has determined that the virus presents a serious public health threat, requiring coordination among state and local health departments to ensure readiness for potential health threats associated with the virus.

On March 4, 2020, the Governor of California proclaimed a state of emergency to exist in California as a result of the threat of COVID-19.

On March 10, 2020, due to the introduction of COVID-19, the Contra Costa County Board of Supervisors proclaimed the existence of a local emergency throughout Contra Costa County (County Resolution No. 2020/92) and requested that the Governor proclaim Contra Costa County to be in a state of emergency (County Resolution No. 2020/91).

Both the City of Orinda and Town of Moraga have also declared local emergencies. On March 16, 2020, the City Council for the City of Orinda adopted resolution #22-20 ratifying the Proclamation of a Local Emergency within the City of Orinda, declared on March 14, 2020 by the City Manager in his capacity as Emergency Manager. On March 17, 2020, the Director of Emergency Services of the Town of Moraga proclaimed a local emergency within the Town of Moraga. The Orinda City Council will hold a special meeting on March 23, 2020 to determine whether to ratify that proclamation of local emergency.

III. ANALYSIS

California passed the Emergency Services Act, Government Code sections 18550 *et seq.*, to delineate powers during states of emergency. One of its primary purposes is to ensure coordination between all governmental and private entities during times of emergency so as to maximize the efficiency of available workforce, resources and facilities.¹

¹ See Gov't Code § 8550.

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A. Because Contra Costa County, the Town of Moraga and the City of Orinda Have Declared Local Emergencies, the District Board Does Not Need to Separately Declare a Local Emergency.

Under Government Code section 8630, only the governing body of a city or county may declare a “local emergency.”² Other types of local public agencies, such as fire districts like MOFD, do not have the authority to declare a local emergency.

Critically, however, when a larger political entity (such as a county) declares a local emergency through its boundaries, political subdivisions within that jurisdiction (such as cities or special districts) do not need to separately declare a local emergency to exercise their emergency powers even if they otherwise have the power to do so.³

B. The District Board May Delegate Its Local Emergency Powers to the Fire Chief as Director of Emergency Services.

Under Government Code section 8634, once a city or county declares a local emergency, “the governing body of a *political subdivision*, or official designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property” (emphasis added). While only cities and counties may declare local emergencies, once they do so, any political subdivision located within emergency area may exercise emergency powers. This encourages various political entities to coordinate their emergency response.

Government Code section 8634 expressly provides that a political subdivision’s governing body may delegate its emergency powers to an official. Put another way, the governing body (e.g., a board of directors) of a political subdivision may delegate powers to an official to make necessary emergency orders without further approval by the governing body. It is typical in most cities for the City Council to delegate broad emergency powers to the City Manager as a Director of Emergency Services (“Director”) default.⁴ Typically, the Director may also delegate his or her emergency authority to others as needed.⁵

Here, Contra Costa County has declared the existence of a local emergency throughout the County. MOFD is a political subdivision that lies wholly within Contra Costa County. Furthermore, the Town of Moraga and City of Orinda have both declared local emergencies. As

² “A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.”

³ See generally, 62 Ops. Cal. Atty. Gen. 701 (1979), Opinion No. 79-710 (California Attorney General opinion explaining that “[w]hen the county has declared a local emergency based upon conditions which include both incorporated and unincorporated territory of the county, it is not necessary for the cities to also declare the existence of a local emergency independently”).

⁴ Santa Rosa City Code section 2-24.040, available at <http://qcode.us/codes/santarosa/?view=desktop>.

⁵ Santa Rosa City Code section 2-24.050, available at <http://qcode.us/codes/santarosa/?view=desktop>.

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a result of these declarations of local emergencies, the District Board, or any official the Board delegates, may “promulgate orders and regulations necessary to provide for the protection of life and property” pursuant to Government Code section 8634.⁶ MOFD may also create a Director of Emergency Services position to exercise MOFD’s emergency powers and appoint the Fire Chief to that office.

Thus, after adoption of the proposed Resolution, the Fire Chief will have the authority to exercise the Moraga-Orinda Fire District’s (“MOFD”) emergency powers.

Cc: Fire Chief David Winnacker

⁶ These powers include temporarily changing the terms and conditions of employment for represented employees as necessary for the emergency before negotiating under the Meyers-Milias Brown Act. *See* Gov’t Code § 3504.5(a) & (b).

RESOLUTION NO. 20-04

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORAGA-ORINDA FIRE DISTRICT (1) ACKNOWLEDGING THE LOCAL EMERGENCY DECLARED TO EXIST WITHIN THE MORAGA-ORINDA DISTRICT RELATED TO COVID-19 AND (2) CREATING THE OFFICE AND DUTIES OF DIRECTOR OF EMERGENCY SERVICES

WHEREAS, the United States of America has confirmed cases of individuals who have a severe acute respiratory illness caused by a novel (new) corona virus (COVID-19) first detected in Wuhan, Hubei Province, People's Republic of China (China) on December 31, 2019. As of March 2, 2020, the World Health Organization (WHO) reported more than 3,000 deaths stemming from over 100,000 confirmed cases of COVID-19 and the virus is present in 100 countries. The number of confirmed cases has continued to escalate dramatically over a short period of time; and

WHEREAS, WHO officials now report that sustained human-to-human transmission of the virus is occurring and transmission from asymptomatic individuals has been documented. Suspected community transmission of the virus is occurring in the United States. Although the majority of individuals infected with COVID-19 recover without special treatment, there is significant potential for serious infection and death, especially in persons over 65 years of age; and

WHEREAS, on January 30, 2020, WHO declared the COVID-19 outbreak a global health emergency of international concern and on January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency; and

WHEREAS, the United States Center for Disease Control and Prevention (CDC) has determined that the virus presents a serious public health threat, requiring coordination among state and local health departments to ensure readiness for potential health threats associated with the virus; and

WHEREAS, on March 4, 2020, the Governor of California proclaimed a state of emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, pursuant to Government Code section 8630, the governing bodies (or designated officials) of California cities and counties have the power to declare a local emergency; and

WHEREAS, on March 10, 2020, due to the introduction of COVID-19, the Contra Costa County Board of Supervisors proclaimed the existence of a local emergency throughout Contra Costa County (County Resolution No. 2020/92) and requested that the Governor proclaim Contra Costa County to be in a state of emergency (County Resolution No. 2020/91); and

WHEREAS, on March 16, 2020, the City Council for the City of Orinda adopted resolution #22-20 ratifying the Proclamation of a Local Emergency within the City of Orinda, declared on March 14, 2020, by the City Manager in his capacity as Emergency Manager; and

WHEREAS, on March 17, 2020, the Director of Emergency Services of the Town of Moraga declared a local emergency within the Town of Moraga; and

WHEREAS, pursuant to Government Code 8634, during a local emergency declared by a city or county, the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property; and

WHEREAS, the Moraga-Orinda Fire District is a political subdivision within the meaning of Government Code section 8634 that lies wholly within Contra Costa County, and the Town of Moraga and City of Orinda each lie within the District's boundaries;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

A. As declared by Contra Costa County, as well as the Town of Moraga and City of Orinda, a local emergency now exists throughout the Moraga-Orinda Fire District; and

B. There is created the Office of Director of Emergency Services as set forth below.

1. The Fire Chief shall be the Director of Emergency Services ("Director"); and
2. The Director is empowered to:
 - a. Control and direct the effort of the emergency organization of the District;
 - b. Direct cooperation between and coordination of services and staff of the emergency organization of the District; and resolve questions of authority and responsibility that may arise;
 - c. Represent the District in all dealings with public or private agencies on matters pertaining to emergencies;
 - d. In the event of the proclamation of a local emergency, the proclamation of a state of emergency by the Governor or Director of the State Office of Emergency Services, or the existence of a state of war emergency, the Director is empowered to take the following actions to the fullest extent authorized by California Health & Safety Code section 13861:
 - i. Make and issue rules and regulations on matters reasonably related to the protection of life and property of the District as affected by such emergency;
 - ii. Obtain vital supplies, equipment, and such other properties found lacking and needed for protection of life and property, and to bind the town for the fair value thereof and, if required immediately, to commandeer the same for public use;
 - iii. Require emergency services of any District officer or employee, and in the event of the proclamation of a state of emergency in Contra Costa County, the Town of Moraga or Town of Orinda, the existence of a state of war emergency, to command the aid of as many citizens of this community as the

Directors deems necessary in the execution of the Director's duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

- iv. Requisition necessary personnel or materials of any District department and provide for necessary food and lodging accommodation for all employees involved in disaster related duties, or necessary rest periods between the performance of such duties;
 - v. Execute all of the ordinary powers as Fire Chief of the District; all of the special powers conferred upon Director by the District Board; all powers conferred upon the Fire Chief by any statute, by any agreement approved by the District Board, and by any other lawful authority;
 - vi. Delegate duties as necessary.
3. The Office of the Director shall continue without interruption until and unless that office is terminated by the District Board;
4. The order of succession in the absence or incapacity of the Director or that of the then acting Director next in line, shall be as follows:
- a. Battalion Chief of Support Services;
 - b. Battalion Chief of Training.

PASSED, APPROVED and ADOPTED this 20th day of March, 2020 at a special meeting of the District Board of Directors held on March 20, 2020, via teleconference, on motion made by Director __, seconded by Director __, and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: March 20, 2020

Steven Danziger, President
Board of Directors

ATTEST:

Marcia Holbrook, District Clerk

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-25-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed; and

WHEREAS state and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure; and

WHEREAS the Department of Public Health is maintaining up-to-date guidance relating to COVID-19, available to the public at <http://cdph.ca.gov/covid19>; and

WHEREAS the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19; and

WHEREAS there is a need to secure numerous facilities to accommodate quarantine, isolation, or medical treatment of individuals testing positive for or exposed to COVID-19; and

WHEREAS, many individuals who have developmental disabilities and receive services through regional centers funded by the Department of Developmental Services also have chronic medical conditions that make them more susceptible to serious symptoms of COVID-19, and it is critical that they continue to receive their services while also protecting their own health and the general public health; and

WHEREAS individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources such as shelters and food banks; and

WHEREAS in the interest of public health and safety, it is necessary to exercise my authority under the Emergency Services Act, specifically Government Code section 8572, to ensure adequate facilities exist to address the impacts of COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571 and 8572, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. All residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.
2. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 2627(b)(1) for disability insurance applicants who are unemployed and disabled as a result of the COVID-19, and who are otherwise eligible for disability insurance benefits.
3. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 1253(d) for unemployment insurance applicants who are unemployed as a result of the COVID-19, and who are otherwise eligible for unemployment insurance benefits.
4. Notwithstanding Health and Safety Code section 1797.172(b), during the course of this emergency, the Director of the Emergency Medical Services Authority shall have the authority to implement additions to local optional scopes of practice without first consulting with a committee of local EMS medical directors named by the EMS Medical Directors Association of California.
5. In order to quickly provide relief from interest and penalties, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief, are suspended for a period of 60 days after the date of this Order for any individuals or businesses who are unable to file a timely tax return or make a timely payment as a result of complying with a state or local public health official's imposition or recommendation of social distancing measures related to COVID-19.
6. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by complying with a state or local public health official's imposition or recommendation of social

distancing measures related to COVID-19 with the extensions for filing, payment, audits, billing, notices, assessments, claims for refund, and relief from subsequent penalties and interest.

7. The Governor's Office of Emergency Services shall ensure adequate state staffing during this emergency. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.
8. The California Health and Human Services Agency and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available—including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State's power to commandeer property – hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.
9. The certification and licensure requirements of California Code of Regulations, Title 17, section 1079 and Business and Professions Code section 1206.5 are suspended as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health laboratory or licensed clinical laboratory.
10. To ensure that individuals with developmental disabilities continue to receive the services and supports mandated by their individual program plans threatened by disruptions caused by COVID-19, the Director of the Department of Developmental Services may issue directives waiving any provision or requirement of the Lanterman Developmental Disabilities Services Act, the California Early Intervention Services Act, and the accompanying regulations of Title 17, Division 2 of the California Code of Regulations. A directive may delegate to the regional centers any authority granted to the Department by law where the Director believes such delegation is necessary to ensure services to individuals with developmental disabilities. The Director shall describe the need justifying the waiver granted in each directive and articulate how the waiver is necessary to protect the public health or safety from the threat of COVID-19 or necessary to ensure that services to individuals with developmental disabilities are not disrupted. Any waiver granted by a directive shall expire 30 days from the date of its issuance. The Director may grant one or more 30-day extensions if the waiver continues to be necessary

to protect health or safety or to ensure delivery of services. The Director shall rescind a waiver once it is no longer necessary to protect public health or safety or ensure delivery of services. Any waivers and extensions granted pursuant to this paragraph shall be posted on the Department's website.

11. Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended, on the conditions that:

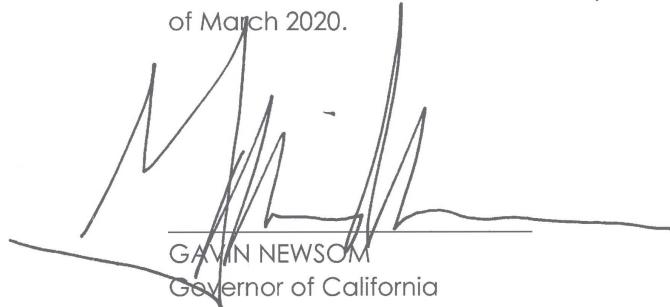
- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 12th day of March 2020.



A handwritten signature in black ink, appearing to read 'Gavin Newsom', is written over a horizontal line. The signature is stylized and somewhat messy.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



Moraga-Orinda Fire District

TO: Board of Directors

FROM: David Winnacker, Fire Chief

DATE: March 20, 2020

SUBJECT: Item 4.1 - Approval of General Fund Expenditure Budget Adjustment Increase in the Amount of \$50,000

Background

Due to the COVID-19 emergency response, the District is experiencing additional needs and costs. A budget adjustment is necessary to purchase necessary items including emergency medical supplies, personal protective equipment and decontamination supplies for District apparatus and facilities. This will decrease the General Fund FY2020 projected surplus of \$872K to \$822K.

The District is tracking COVID-19 expenses and will seek reimbursement from state and/or federal sources at a later date.

Recommended Action

Staff recommends the Board approve a General Fund expenditure budget increase in the amount of \$50,000.



Moraga-Orinda Fire District

TO: Board of Directors
FROM: Dave Winnacker, Fire Chief
DATE: March 19, 2020
SUBJECT: Item 4.2 – MARCH 25, 2020 REGULAR BOARD MEETING REVIEW

BACKGROUND

On March 16, 2020, The Contra Costa Health Service Officer issued a Shelter-In-Place order directing all individuals to Shelter at their Place of Residence. In accordance with Contra Costa Public Health recommendation to practice social distancing, MOFD has canceled participation in all Public Education events through the end of the month, and all non-essential staff are working remotely. We are closely following the latest Public Health Order from the Contra Costa Health Services intended to slow the spread of COVID-19.

Staff seeks direction from the Board on the March 25, 2020, Regular Board Meeting. Options for the Board's consideration are: 1) Hold the Regular Board Meeting virtually with no agenda modifications; 2) Hold the Regular Board Meeting virtually with agenda modifications; 3) Cancel the Regular Board Meeting.

Item 8.1 Long Range Financial Forecast will not be ready for board review due to updates being calculated by GovInvest. These updates are related to the filling of vacant positions and increases in fuels mitigation staff.

Item 8.3 Discussion of Ambulance Billing and Collections Process will not be ready for board review due to staff focus on COVID-19 preparation and response.

Recommended Action

1) Discuss; 2) Deliberate; 3) Provide Direction.

Attachments

Attachment A – Draft Agenda March 25, 2020 Regular Board Meeting



Moraga-Orinda Fire District

Board of Directors

REGULAR MEETING

March 25, 2020

6:00 p.m. CLOSED SESSION

7:00 p.m. OPEN SESSION

Pursuant to Executive Order N-25-20, Teleconferencing Restrictions of the Brown Act have been suspended

PLEASE NOTE TELECONFERENCE MEETING INFORMATION:

To join the Meeting:

By Phone:

By Zoom

Webinar ID:

1. OPENING CEREMONIES

- 1.1. Call the Meeting to Order
- 1.2. Roll Call

2. CLOSED SESSION

2.1. Conference with Labor Negotiator

(Government Code Section 54957.6)

Agency Designated Representative: Jonathan Holtzman

Employee: David Winnacker, Fire Chief

3. RECONVENE THE MEETING

- 3.1. Call the Meeting to Order
- 3.2. Pledge of Allegiance

4. REPORT OF CLOSED SESSION ACTION

5. PUBLIC COMMENT

At the beginning of each regular District Board meeting, any member of the public may address the District Board concerning any item not on the Board's agenda but within the subject matter jurisdiction of the Board. Speakers will be limited to three (3) minutes unless otherwise specified by the Presiding Officer. The public will be given an opportunity to speak on each agenda item at the time it is called. The Board may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Board, no further comment from the public will be permitted unless authorized by the Board and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Board or as otherwise limited by order of the Presiding Officer or the Board.

6. PROCLAMATIONS

6.1. PROCLAMATION HONORING VOLUNTEERS FROM THE LAMORINDA COMMUNITY EMERGENCY RESPONSE TEAM NAMED 2019 NONPROFIT OF THE YEAR BY THE MORAGA CHAMBER OF COMMERCE

Staff will present information honoring volunteers from the Lamorinda Community Emergency Response Team voted 2019 nonprofit of the year by the Moraga Chamber of Commerce.

7. CONSENT AGENDA

- 7.1. **Meeting Minutes – February 19, 2020**
- 7.2. **Monthly Incident Report – February 2020**
Staff Recommendation: Approve and File
- 7.3. **Monthly Check/Voucher Register –February 2020**
Staff Recommendation: Approve and File

7.4. Monthly Financial Reports – January 2020

Staff Recommendation: Approve and File

7.5. Contra Costa County Employees' Retirement Association Investment Performance Review – Period Ending: December 31, 2019

Staff Recommendation: Approve and File

7.6. Authorize Contract with Delta Dental of California for the Period April 1, 2020 through March 31, 2021

Staff Recommendation: Authorize a contract with Delta Dental of California for the period April 1, 2020 through March 31, 2021.

8. REGULAR AGENDA

8.1. ~~Long Range Financial Forecast March 2020~~

~~Staff will present information to the Board regarding the updated Long Range Financial Forecast.~~

~~Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide direction to staff.~~

8.2. Discussion of Increased Suppression Staffing

Staff Recommendation: Staff Recommendation: 1) Discussion Only.

8.3. ~~Discussion of Ambulance Billing and Collections Process~~

~~Staff Recommendation: Staff Recommendation: 1) Discussion Only.~~

8.4. Adopt Resolution No. 20-03 Adopting Amendment-3 to Employment Agreement Between Moraga-Orinda Fire District and David Winnacker

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution No. 20-03 Adopting Amendment-3 to Employment Agreement Between Moraga-Orinda Fire District and David Winnacker.

8.5. Approval of Unrepresented Employee Handbook Authorizing Salary and Benefits for Unrepresented Employees Effective March 26, 2020; Approval of Salary Schedule for Unrepresented Employees Effective March 26, 2020

Staff Recommendation: 1) Discuss, 2) Deliberate, 3) Approval of Unrepresented Employee Handbook Authorizing Salary and Benefits for Unrepresented Employees Effective March 26, 2020; Approval of Salary Schedule for Unrepresented Employees Effective March 26, 2020.

9. COMMITTEE REPORTS

9.1. Finance Committee (Directors Danziger and Jorgens)

9.2. Audit Ad Hoc Committee (Directors Danziger and Jex)

9.3. Facilities Station 41Ad Hoc Committee (Directors Baitx and Donner)

9.4. Fire Chief Performance Evaluation Ad Hoc Committee (Directors Baitx and Donner)

10. ANNOUNCEMENTS

10.1. Brief information only reports related to meetings attended by a Director at District expense (Government Code Section 53232.3(d))

10.2. Questions and informational comments from Board members and Staff

10.3. Fire Chief Updates

10.3.1. COVID-19

10.3.2. Cancellation of Open House, May 9, 2020, Station 45

10.3.3. Human Resources Update

10.4. Communications Received

10.4.1. Sanders Ranch HOA Letter

10.4.2. HdL Coren & Cone Email

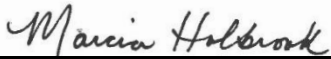
10.5. Future Agenda Items

11. ADJOURNMENT

The Moraga-Orinda Fire Protection District ("District"), in complying with the Americans with Disabilities Act ("ADA"), requests individuals who require special accommodations to access, attend and/or participate in District Board meetings due to a disability, to please contact the District Chief's office, (925) 258-4599, at least one business day prior to the scheduled District Board meeting to ensure that we may assist you.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Moraga-Orinda Fire District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspections at 1280 Moraga Way, Moraga, during normal business hours.

I hereby certify that this agenda in its entirety was posted on March 20, 2020, at the Moraga and Orinda Fire Administration offices, Stations 41, 42, 43, 44, 45, and digital copy at www.MOFD.org. Agenda provided to the Moraga Town Office (Hacienda) and Orinda City Hall.



Marcia Holbrook
District Secretary/Clerk

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