

# Moraga-Orinda Fire Protection District



## BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

December 5, 2018  
(Approved February 20, 2019)

### 1. Opening Ceremonies

The Board of Directors convened in Open Session at 6:00 P.M. on December 5, 2018 at the Orinda Community Room 7, 28 Orinda Way, Orinda, California. Director Jorgens called the meeting to order. Present were the following Directors and Staff:

Director Baitx	Director Jex (Teleconference)	
Director Donner	Director Jorgens	Gloriann Sasser, Admin Services Director
Director Danziger	Dave Winnacker, Fire Chief	
Jonathan Holtzman, District Counsel (Teleconference)		

### 2. Public Comment

There was no comment from the public.

### 3. Closed Session

At 6:00 P.M., the Board adjourned into Closed Session.

### 4. Reconvene the Meeting

Director Jorgens reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 7:04 P.M. Present were the following Directors and Staff:

Director Baitx	Director Jex (Teleconference)	
Director Donner	Director Jorgens	Gloriann Sasser, Admin Services Director
Director Danziger	Dave Winnacker, Fire Chief	Grace Santos, District Clerk

### 5. Report of Closed Session Action

There was no reportable action taken in Closed Session.

### 6. Public Comment

Former MOFD Director Anderson asked to take a moment of silence for former President George H. W. Bush.

Jonathan Goodwin, Canyon resident, asked if Chief Winnacker would give an update regarding the issue of the bathrooms in the Administrative building and the District's compliance with the Americans with Disabilities Act (ADA). Director Jorgens stated that the issue would be added to a future agenda.

Mr. Goodwin remarked upon on the current elections results, hopes that line personnel would begin conducting inspections in their first-due areas for vegetation, stating that it would be a turning point for the positive.

### 7. Consent Agenda

Director Jorgens asked to pull Item 7.5 Surplus Equipment and discuss separately.

Chief Winnacker provided additional information as to why staff is requesting to declare the "Spirit of St. Mary's", the 2000 Spartan Fire truck, a surplus item and for the authorization to dispose of it. There may be local agencies interested in the apparatus and once staff receives approval from the Board, they will move rapidly to find a new home for it.

Director Jorgens suggested coming up with a reasonable number in the event staff receives very low numbers.

Director Danziger agreed with Director Jorgens, and suggested donating the apparatus if offers are too low and not worth it. There may be a tax benefit for doing so.

Chief Winnacker stated that staff would definitely look at how to get the best value for the District, in any format that would surplus the apparatus.

Motion by Director Danziger and seconded by Director Baitx to approve and file all items on the Consent Agenda – 7.1 Meeting Minutes, 7.2 Monthly Incident Report, 7.3 Monthly Check/Voucher Register, 7.4 Monthly Financial Reports, and 7.5 Surplus Equipment. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

## **8. Regular Agenda**

### **8.1 Review of Standing and Ad Hoc Committees**

Chief Winnacker stated the definition of a Standing Committee: a committee of a legislative body, irrespective of their composition, which have either a continuing subject matter jurisdiction or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body. Even if comprised of less than a quorum of the governing body, a standing committee is subject to the Brown Act.

The definition of an Ad Hoc Committee: a temporary advisory committee composed solely of less than a quorum of the legislative body that serves a limited or single purpose, that is not perpetual, and that will be dissolved once its specific task is completed is not subject to the Brown Act.

The Board presently has one standing committee and five ad hoc committees: Finance Committee – standing, Pension Review Ad Hoc Committee, Board of Directors and Fire Chief Roles & Responsibilities and Rules of Procedures Update Ad Hoc Committee, Audit Ad Hoc Committee Long Range Financial Plan Ad Hoc Committee, Labor Negotiations Ad Hoc Committee

Director Danziger stated that he would like to see an ad hoc committee to discuss a new format for the Fire Chief performance evaluations going forward (not the actual Fire Chief evaluation itself, but only the format).

Director Jorgens stated that it is important to keep an Audit Committee. The Pension Review Committee should be dissolved, the Labor Negotiations Committee should also be dissolved since the entire board is involved in the process, and dissolve the Board of Directors and Fire Chiefs Roles and Responsibilities and Rules of Procedures Update Committee.

Director Danziger suggested adding a Facilities Ad Hoc Committee.

Director Jorgens suggested that the Board determine who its officers will be before establishing and dissolving committees.

Chief Winnacker stated that this item is discuss establishing or dissolving committees, and the subsequent item (Item 8.2) would be to discuss how to populate them.

Mr. Goodwin stated that most of the committees do not do too much except for during certain times of the year. He suggested not forming committees now but to wait and form them during the less stressful times of the year.

Brad Barber, Orinda resident and former MOFD Director, stated that the way the Board is currently doing it is fine. Mr. Barber suggested considering making the Audit Committee a standing committee.

Mr. Anderson disagreed, stating that making the Audit Committee a standing committee would make it difficult for the Board to accomplish what it needs to.

Motion by Director Jorgens and seconded by Director Danziger to keep the Finance Standing Committee and the Audit Ad Hoc Committee, to establish a Fire Chief Performance Evaluation Ad Hoc Committee, a Facilities Ad Hoc Committee, and a Long Range Financial Plan Ad Hoc Committee, and to dissolve the Pension Review Ad Hoc Committee, the Board of Directors and Fire Chief Roles & Responsibilities and Rules of Procedures Update Ad Hoc Committee and the Labor Negotiations Ad Hoc Committee. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

### **8.2 Election of Board Officers and Appointment of Standing and Ad Hoc Committee Members and District Liaisons**

Per Resolution No. 11-03, each year the Board of Directors elects new officers and appoints standing and ad hoc committee members and District liaisons.

The Board officer positions are President, Vice President, Secretary and Treasurer. The Board presently has one standing committee and five ad hoc committees. Board Members act as District Liaisons to five outside agencies: Contra Costa Special Districts Association, Contra Costa County Fire Boards and Commissioners Association, Local Agency Formation Committee, Orinda City Council and the Moraga Town Council.

Chief Winnacker explained that the historical rotation has been that the previous year's Secretary historically has become the Vice President, the previous year's Vice President historically becomes the President, and the previous year's President historically reverts to being a Director. The historical rotation would move Director Jorgens from Secretary to Vice President, and Director Jex from Vice President to President, leaving the Secretary and Treasurer positions to be filled. It is historical practice and not contained in the District bylaws.

Director Donner asked that if it was the Board's historical practice, and not contained in the District bylaws, could they then nominate another Director for President? Chief Winnacker confirmed that was correct.

Director Donner nominated Director Danziger as the MOFD Board President. Director Baitx seconded his motion.

Director Jorgens commented on the reason why Directors who have experience on the Board have historically been officers of the Board.

Kymerleigh Korpus, Moraga resident and Town of Moraga Vice Mayor, commented on the huge learning curve for new council or board members just coming on. She stated that tradition is often there for a reason. Tradition gives new people time to learn and understand, and it is often prudent to follow tradition that has been long standing because there are good reasons behind it. Vice Mayor Korpus encouraged the new directors to think about that, practice their patience and learn how it all works before taking a leadership role. Whatever the Board decides to do, there will be ramifications.

Mr. Goodwin commented on his concern about the impression that the Local 1230 Union is taking over the board and the Fire District. He finds it to be a disturbing message to send out. He feels distressed that the leadership of the District will be at an internal struggle to understand and encompass all that is done.

Mr. Barber stated that there is an additional reason for the seniority mechanism. It is a politically neutral mechanism, the President is not a tremendously powerful position but important in several respects, everyone eventually becomes President, and it avoids a contention that he thinks is best to be avoided.

Vince Wells, President of Local 1230 Union, stated that he does not want the board officers election to move forward on the premise that it is the Union versus the other candidates, and all the decisions being made based on the fact that they supported three of the candidates that won. Decisions should not be made based on that at all. The Union does not want to weigh in on who should be elected as the Board officers. The Board should make its decisions based on what is best for the organization and the Fire District. The Union's opinion about why they endorsed individuals is to maintain the level of protection for this community. They stood up for the community by endorsing their candidates. They did not do it to get more money in their pockets or get more things for the Union, as it has been portrayed. They supported the candidates because they believe in fire protection, firefighter safety and the ability to provide that to the community they serve.

Director Jex stated that it has not been the precedence that a new director without the experience or background to become the Board President. It would make it difficult to achieve the future mission and he does not support it.

Director Jorgens agreed with Director Jex and stated that he went through the process and feels that traditions are important.

Motion by Director Donner and seconded by Director Baitx to nominate and elect Director Danziger as President of the MOFD Board. Said motion carried a 3-2 roll-call vote (Ayes: Baitx, Donner and Danziger; Noes: Jex and Jorgens).

Motion by Director Donner and seconded by Director Baitx to nominate and elect Director Jorgens as Vice President of the Board. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

Motion by Director Jorgens and seconded by President Danziger to nominate and elect Director Jex as Secretary of the Board. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

Motion by Director Baitx and seconded by Director Jorgens to nominate and elect Director Donner as Treasurer of the Board. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

Motion by Director Donner and seconded by Director Baitx to nominate and elect Director Jorgens and President Danziger to be on the Finance Committee. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

Motion by President Danziger and seconded by Director Baitx to nominate and elect Directors Donner and Jorgens for the Long Range Financial Plan Ad Hoc Committee. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

Motion by President Danziger and seconded by Director Jorgens to nominate and elect Director Jex for the Audit Ad Hoc Committee. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

Motion by President Danziger and seconded by Director Jorgens to nominate and elect Directors Baitx and Donner for the Facilities Ad Hoc Committee. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

Motion by Director Jorgens and seconded by Director Donner to nominate and elect Directors Baitx and Danziger for the Fire Chief Performance Evaluation Ad Hoc Committee. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

Motion by President Danziger and seconded by Director Donner to nominate and elect Director Jorgens as the District liaison to the Orinda City Council. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

Motion by Director Donner and seconded by Director Jorgens to nominate and elect Director Baitx as the District liaison to the Moraga Town Council. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

Motion by Director Jorgens and seconded by President Danziger to nominate and elect Director Donner as the LAFCO District liaison. Motion by Director Jex and seconded by Director Jorgens to nominate and elect President Danziger as the District's alternate liaison to LAFCO. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

Mr. Goodwin inquired about the role and definition of a District Liaison and expressed his opinion on a level of expectation and reporting.

Director Donner commented on the separation between the District and the City of Orinda and the Town of Moraga. He stated that he would like to see the District work together and become more involved with Moraga and Orinda and form stronger relationships with its council members and the various departments within.

Motion by President Danziger and seconded by Director Jorgens; to nominate and elect Director Jex as the District liaison to the Contra Costa County Special Districts Association (CCSDA). Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

Motion by Director Donner and seconded by Director Jorgens to nominate and elect President Danziger as the District liaison to the Contra Costa County Fire Commissioners Association. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

### **8.3 2019 Regular Board Meeting Schedule**

The Board of Directors conducts Regular Board meetings on the first and third Wednesday of each month. Various other special meetings are scheduled throughout the year to address time sensitive District issues.

Staff proposed a slightly modified schedule to accommodate for two dates that fall near holidays - January 2 and July 3, which would move the meetings to January 9 and July 10 instead.

Director Jex questioned the reason for having two meetings a month. He stated that the Board discussed the issue in the past and decided to schedule one regular meeting on the third Wednesday of each month and other meetings as needed.

Director Jorgens explained that, until last year, the Board only met on the third Wednesday of each month, and the first Wednesdays were only used as placeholders to address time sensitive issues. If there were none, they were cancelled.

Motion by Director Jorgens and seconded by Director Donner to schedule regular Board meetings on the third Wednesday of each month and schedule special meetings to address time sensitive issues as needed. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

### **8.4 Approval of One Month Extension of District's Payment of Enhanced Medical Insurance Contribution Rates**

The District is currently in negotiations in pursuit of successor Memoranda of Understanding with AFSCME Local 2700 and the Moraga Orinda Fire Chief Officers Association (MOFCOA). In 2016, the District entered into side letters of agreement with the employee organizations to provide enhanced medical insurance contributions. The side letters provided that on June 30, 2018, the enhanced medical insurance contributions "shall revert" to the previous lower contribution levels.

Previously the board approved extensions of the enhanced medical insurance contributions through December 31, 2018. In light of the status of negotiations, an extension of the enhanced medical insurance contributions for one additional month, through January 31, 2019 is appropriate. The terms of the side letter between the parties remain in full force and effect.

The approximate additional cost is \$1,900 and sufficient appropriations are available in the 2018/2019 Annual Operating Budget.

### **8.5 Annual Audit and Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2018**

Each year the District engages a certified public accountant to audit the financial statements of the District. The District's Administrative Services Division prepared the financial statements for the fiscal year ending June 30, 2018. The financial statements have been audited by Vavrinek, Trine, Day & Co., LLP (VTD.) In addition to the financial statement audit, VTD was engaged to prepare a required report on the District's Gann appropriations spending limit calculation and a letter to the Board required by professional accounting standards discussing their audit engagement and the procedures they performed. This report includes no audit findings.

Based upon the audit procedures performed, VTD has rendered their opinion that the District's financial statements present fairly the District's financial position at June 30, 2018, and the results of the governmental activities and the budgetary comparison information for the year then ended, in accordance with generally accepted accounting principles. This is generally referred to as a "clean" or "unqualified" audit opinion.

In addition to the audited financial statements, the District prepared a Comprehensive Annual Financial Report (CAFR) that is designed to meet the requirements of the Government Finance Officers Association (GFOA). The GFOA established the Certificate of Achievement for Excellence in Financial Reporting Program (CAFR Program) in 1945 to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports that evidence the spirit of transparency and full disclosure. The GFOA then recognizes individual governments that succeed in achieving this goal. This is the fourth year the District has participated in the CAFR Program.

The CAFR was presented to the board at the November 5, 2018 board meeting. The board directed changes to the CAFR which have been incorporated.

The CAFR was reviewed by the Audit Ad Hoc Committee in October 2018.

Mr. Goodwin reminded the Board of his previous comment at the last meeting about how difficult it is to understand the terminology used in the CAFR. He suggested creating a guide to make it easier for a layperson to understand.

Mr. Olsen stated that he agreed with Mr. Goodwin, however, approval of the CAFR has been delayed for too long and strongly suggested the Board move forward with the process of approving the report.

Director Jorgens read a letter from Steve Cohn (Attachment A), Orinda resident, who could not attend the meeting and asked that his letter be read and entered into the minutes.

Director Jex stated that there were discussions at the last meeting regarding the inadequate disclosure on the significant post-balance sheet event. He met with the auditor, who made some recommendations, which were then included in the CAFR.

Motion by Director Jorgens and seconded by President Danziger to accept the CAFR as presented. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

#### **8.6 State Homeland Security Grant Acceptance**

The District is part of a regional grant from the State Homeland Security Department. The grant was awarded to the Contra Costa County Fire Protection District to provide mobile data terminals, mounts and installation for front-line apparatus. The District is a regional partner agency for the grant.

The grant will provide the District with 15 second generation iPad Pros. The new iPads will be deployed in the District's apparatus to replace legacy mobile data terminals. The grant includes 15 new iPads that are Wi-Fi and cellular compatible, warranty, 15 mounts, 15 vehicle power solutions (cable and dual USB vehicle chargers), removal of legacy mobile data terminals and installation of the new equipment. The grant covers the full cost of the equipment and installation. The District is responsible to repair or replace any iPads that are broken. The District is also responsible to participate in any grant audits and to track the grant funded equipment. District policy A2.05.01 requires board approval for acceptance of grants.

Motion by Director and seconded by Director to accept the State Homeland Security Grant and authorize staff to execute the Memorandum of Understanding with Contra Costa County Fire Protection District. Said motion carried a 5-0 roll-call vote (Ayes: Baitx, Donner, Jex, Jorgens and Danziger; Noes: None).

#### **8.7 Moraga-Orinda Fire Protection District Public Facilities Financing Corporation Staffing and Appropriateness**

Chief Winnacker stated that there was a previous discussion to pull the item from the agenda to allow District Counsel more time to review the information. President Danziger approved.

#### **8.8 Moraga Way Evacuation Exercise**

Due to topography and limited surface street capacity, emergency evacuations of large portions of the district will be a challenge. In order to execute a time sensitive evacuation, multiple agencies will be involved and detailed coordination will need to occur.

To prepare for an evacuation, in partnership with Moraga and Orinda Police Departments, MOFD has developed evacuation polygons that are shared between all agencies. These polygons allow an incident commander to communicate evacuation needs in a timely and accurate manner using a shared understanding of the relevant zones.

In order to develop these inter-agency relationships and test the system in a realistic environment, an evacuation drill is being held on Saturday, 15 December.

On 27 November the Orinda City Council passed a resolution supporting the road closure and the execution of the exercise.

At 0700 on Saturday December 15th, a CWS alert will be sounded to participating members of the public who live within the Moraga Country Club. At the same time, Moraga Way will be closed to South Bound traffic and all lanes converted to Northbound only. Evacuees will travel from Saint Andrews to Glorietta using contra-flow traffic patterns. Upon arriving at Glorietta, the drill will be complete and participants will return to Moraga via Rheem Blvd for a debrief at Fire Station 41.

The road closure will be lifted no later than 0800. Appropriate traffic control measures will be in place through the placement of police officers and CERT volunteers at intersections along the route.

Road closure information is being disseminated via all available means by participating agencies: LaMorinda CERT, Moraga PD and Public Works, Orinda PD and Public Works, MOFD, CHP and the Contra Costa County Community Warning System.

Goals are to validate Fire-Police evacuation coordination, validate Police-CWS evacuation notification, validate CWS-Public communication, validate MCC Block Captain system and validate contra-flow traffic patterns. Future goals include conducting a similar exercise in North Orinda in January to further refine the evacuation process and validate Miner road as a contra-flow evacuation route.

There was a brief discussion and questions from the Board, which Chief Winnacker answered.

### **8.9 Fire Chief Update**

Chief Winnacker provided an update regarding the fatality fire that occurred on November 18, 2018, located on Moraga Way. An MOFD firefighter was injured and is currently recovering. He expressed his sorrow for the loss to the family and the community. The fire remains under investigation. All fatality fires are treated as a crime scene and as a result, the investigation proceeds very methodically. Chief Winnacker will provide an update once it is complete and there is further information to report.

Chief Winnacker provided a report regarding the fire that occurred in the community of Canyon on December 4, 2018 and an update to the Station 43 construction project.

Mr. Goodwin asked why the water tender did not go up the ramp during the Canyon fire, and inquired on its ability to get to a fire if one occurred further up the hill. Chief Winnacker stated that he did not know definitively, but thinks it is not an access issue and more to do with understanding that the conditions of the scene indicated there would be a requirement for more than one tank of water. Once they commit, turning it around becomes a challenge, particularly if there are other engines already up the hill. Leaving the water tender on Pinehurst was the decision made in order to facilitate the refill-return cycle that was anticipated they were going to need several times.

Lucas Lambert, MOFD Captain, recognized Director Donner on his presence at the fire, representing the District and his show of solidarity by referring to the District by using the term "us" referring to the District, firefighters and the citizens of the community as one. The show of solidarity of an elected official is always appreciated by Captain Lambert and the firefighters.

### **9. Adjournment**

At 8:48 P.M., President Danziger called for adjournment of the regular meeting.



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Grace Santos, District Secretary/Clerk