



Moraga-Orinda Fire District

Board of Directors

REGULAR MEETING

December 20, 2017

5:00 p.m. CLOSED SESSION

6:00 p.m. OPEN SESSION

PLEASE NOTE NEW MEETING ADDRESS:

Hacienda Mosaic Room

2100 Donald Drive

Moraga, CA 94556

1. OPENING CEREMONIES
 - 1.1. Call the Meeting to Order
 - 1.2. Roll Call
 - 1.3. Core Values – Service, Honor, Integrity
2. PUBLIC COMMENT

The public is invited to speak on any Closed Session item below. Comments should be limited to three minutes. Please state your name and address for the record.
3. CLOSED SESSION
 - 3.1. **Conference with Legal Counsel – Potential Litigation**

Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9
 - 3.2. **Conference with Labor Negotiator**

(Government Code Section 54957.6)
Agency Designated Representative: Jeff Sloan
Employee Organization: Local 1230, International Association of Firefighters IAFF
 - 3.3. **Conference with Labor Negotiator**

(Government Code Section 54957.6)
Agency Designated Representative: Jeff Sloan
Employee Organization: Local 2700 United Clerical, Technical & Specialized Employees
 - 3.4. **Conference with Labor Negotiator**

(Government Code Section 54957.6)
Agency Designated Representative: Jeff Sloan
Employee Organization: Moraga-Orinda Fire Chief Officers Association (MOFCOA)
4. RECONVENE THE MEETING
 - 4.1. Call the Meeting to Order
 - 4.2. Pledge of Allegiance
5. REPORT OF CLOSED SESSION ACTION
6. PUBLIC COMMENT

The public is invited to speak on any matter not appearing on the agenda, and within the subject matter jurisdiction of the District. Comments should be limited to three minutes. Please state your name and address for the record.
7. CONSENT AGENDA
 - 7.1. **Meeting Minutes – November 13, November 15, November 20, November 28, and December 6, 2018**

Staff Recommendation: Approve and File
 - 7.2. **Monthly Incident Report for November 2017**

Staff Recommendation: Approve and File
 - 7.3. **Monthly Check/Voucher Register**

Staff Recommendation: Approve and File
 - 7.4. **Monthly Financial Report**

Staff Recommendation: Approve and File

- 7.5. **Surplus Property**
Staff Recommendation: Approve and File
- 7.6. **Terminate Employment Agreement Between Moraga-Orinda Fire District and Jerry Lee as Interim Fire Chief**
Staff Recommendation: Terminate Employment Agreement Between Moraga-Orinda Fire District and Jerry Lee as Interim Fire Chief Effective December 20, 2017
8. REGULAR AGENDA
 - 8.1. **Retention of District Counsel**
The Board will present a Letter of Engagement with Renne Sloan Holtzman Sakai LLP to provide District general counsel services.
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Approve Letter of Engagement with Renne Sloan Holtzman Sakai LLP and the appointment of Jonathan Holtzman as General Counsel effective December 20, 2017; 4) Appoint Jonathan Holtzman, currently of Renne Sloan Holtzman Sakai LLP, as District General Counsel effective December 20, 2017; 5) Authorize the Board President to execute on behalf of the District a Letter of Engagement with Renne Public Law Group, a new law firm Mr. Holtzman will be affiliated with starting March 1, 2018, to provide the District with District Counsel services under the same terms and conditions set forth in the Letter of Engagement the District approved with Renne Sloan Holtzman Sakai for those services; and 6) Authorize the Board President to terminate the agreement the Board approved with Renne Sloan Holtzman Sakai for District Counsel Services, but only after the Board President first executes a Letter of Engagement for those services with Renne Public Law Group
 - 8.2. **Adoption of Resolution No. 17-17 Designation of District's Agent**
Staff will present Resolution No. 17-17 Designation of District's Agent to the Board.
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution No. 17-17 Designation of District's Agent
 - 8.3. **Adoption of Resolution No. 17-18**
Staff will present Resolution No. 17-18 to the Board, suspending medical in lieu payments to employee Deferred Compensation accounts and instead setting aside monthly payments to participating employees, in the same monetary amount, in a separate account pending satisfaction of all bargaining obligations including potential factfinding.
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution No. 17-18
 - 8.4. **Approval of Amendment No. 1 to the Consulting Services Agreement Between the Moraga-Orinda Fire Protection District and Consolidated CM, Inc. in the Amount Not to Exceed \$62,700**
Staff will present a Consulting Services Agreement Amendment #1 with Consolidated CM, Inc. to the Board.
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Approve Contract Amendment with Consolidated Construction Management, Inc. in the Amount Not to Exceed \$62,700
 - 8.5. **Election of Board Officers, Finance Committee Members and District Liaisons**
The Board of Directors will elect new Board Officers, Finance Committee members and District Liaisons to be effective January 2, 2018.
Staff Recommendation: 1) Discuss; 2) Elect officers, Finance Committee members and District liaisons to be effective January 2, 2018
 - 8.6. **2018 Regular Board Meeting Schedule**
Discuss changing the Regular Board meeting schedule to twice a month on the first and third Wednesday of each month.
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide Direction to Staff
 - 8.7. **Approval of Employment Agreement Between Moraga-Orinda Fire District and David Winnacker for the Position of Fire Chief**
Staff will present an Employment Agreement between Moraga-Orinda Fire District and David Winnacker for the Position of Fire Chief.
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Approve Employment Agreement Between Moraga-Orinda Fire District and David Winnacker for the Position of Fire Chief

9. COMMITTEE REPORTS

- 9.1. **Finance Committee (Directors Anderson and Barber)**
- 9.2. **Pension Review Ad Hoc Committee (Directors Barber and Jorgens)**
- 9.3. **Board of Directors and Fire Chief Roles & Responsibilities and Rules of Procedures Update Ad Hoc Committee (Directors Famulener and Jorgens)**
- 9.4. **Audit Ad Hoc Committee (Director Jex)**
- 9.5. **Long Range Financial Plan Ad Hoc Committee (Directors Barber and Jex)**
- 9.6. **Fire Chief Recruitment Ad Hoc Committee (Directors Barber and Jorgens)**
- 9.7. **Labor Negotiator Ad Hoc Committee (Directors Anderson and Barber)**
- 9.8. **District Counsel Ad Hoc Committee (Directors Anderson and Barber)**

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**

11. ADJOURNMENT

12. SPECIAL PRESENTATION

Installation and swearing in ceremony of Fire Chief Dave Winnacker administered by the Honorable John Kennedy, Judge of the Superior Court of Contra Costa County.

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 December 15, 2017, at the Moraga and Orinda Fire Administration offices, Stations 41, 42, 43, 44, and 45. Agenda provided to the Moraga Town Office (Hacienda) and Orinda City Hall.



Grace Santos, District Clerk

Moraga-Orinda Fire Protection District

BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

November 13, 2017



1. **Opening Ceremonies**

The Board of Directors convened in Open Session at 9:00 A.M. on November 13, 2017 at the Hacienda Mosaic Room, 2100 Donald Drive, Moraga, California. President Famulener called the meeting to order. Present were the following Directors and Staff:

Director Anderson	President Famulener
Director Jex	Director Jorgens
Director Barber	Jerry Lee, Fire Chief

2. **Public Comment**

There was no comment from the public.

3. **Closed Session**

At 9:00 A.M., the Board adjourned into Closed Session.

4. **Reconvene the Meeting**

President Famulener reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 1:00 P.M. Present were the following Directors and Staff:

Director Anderson	President Famulener
Director Jex	Director Jorgens
Director Barber	

5. **Report of Closed Session Action**

There was no reportable action taken in Closed Session on item 3.1 Public Employee Appointment (Fire Chief), 3.2 Conference with Legal Counsel – Potential Litigation.

6. **Public Comment**

There was no comment from the public.

7. **Adjournment**

At 1:00 P.M., President Famulener called for adjournment of the regular meeting.

A handwritten signature in blue ink that reads "Grace Santos".

Grace Santos
Secretary to the Board

Moraga-Orinda Fire Protection District

BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

November 15, 2017



1. Opening Ceremonies

The Board of Directors convened in Open Session at 5:30 P.M. on November 15, 2017 at the Hacienda Mosaic Room, 2100 Donald Drive, Moraga, California. President Famulener called the meeting to order. Present were the following Directors and Staff:

Director Anderson	President Famulener	Gloriann Sasser, Admin Services Director
Director Jex	Director Jorgens	Grace Santos, District Clerk
Director Barber	Jerry Lee, Fire Chief	

2. Public Comment

There was no comment from the public.

3. Closed Session

At 5:30 P.M., the Board adjourned into Closed Session.

4. Reconvene the Meeting

President Famulener reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 7:00 P.M. Present were the following Directors and Staff:

Director Anderson	President Famulener	Gloriann Sasser, Admin Services Director
Director Jex	Director Jorgens	Grace Santos, District Clerk
Director Barber	Jerry Lee, Fire Chief	

5. Report of Closed Session Action

There was no reportable action taken in Closed Session on item 3.1 Conference with legal Counsel (Potential Litigation), 3.2 Public Employee Appointment (Fire Chief), 3.3 Conference with Labor Negotiator (Local 1230), 3.4 Conference with Labor Negotiator (Local 2700), 3.5 Conference with Labor Negotiator (MOFCOA), 3.6 Public Employee Performance Evaluation (District Counsel).

6. Public Comment

Brian Oliver, MOFD Captain, gave a report on incidents that occurred in the last month. His report highlighted the strike teams that assisted with the Sonoma County fires. A total of 8 MOFD personnel (Captain Brian Oliver, Engineer Paramedic Jon Ford, Captain Mike Lacy, Captain Daryle Balao, Captain Mike Marquardt, Firefighter Paramedic Lucas Lambert, and Emergency Preparedness Coordinator Dennis Rein) were part of the various strike teams. He also gave a brief report on the 9 Archer Court fire. Captain Oliver announced that the MOFD Firefighter Ball is scheduled for November 18th at the Moraga Country Club.

7. Consent Agenda

Motion by Director Barber and seconded by Director Jorgens to approve and file item 7.1 Meeting Minutes, 7.2 Monthly Incident Report, 7.3 Monthly Check/Voucher Register, 7.4 Monthly Financial Report, 7.5 Quarterly Treasurer's Report, 7.6 Quarterly Ambulance Report, 7.7 Quarterly Balance Sheet, and 7.8 Station 43 Construction Project Report. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Famulener, Jex, and Jorgens).

8. Regular Calendar

8.1 Annual Audit and Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2017

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, 2017. 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, 2017, 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 third year the District has participated in the CAFR Program.

The District's CAFR for the fiscal year ended June 30, 2017 will be submitted to the GFOA for consideration of a Certificate of Achievement for Excellence in Financial Reporting. The CAFR will also be posted on the District's website.

ASD Sasser gave a brief PowerPoint presentation. Ahmad Gharaibeh from Vavrinek, Trine, Day & Co., LLP reported that their opinion is clean and that there are no adjustments or changes to the statements. He answered a few questions from the Board.

Director Anderson stated that it would be helpful to include a note in the report of what the total balance is in the PARS account. ASD Sasser stated that she would make a note of it.

Director Barber asked about the healthcare cost trend and the significance of the 57-year period. Mr. Gharaibeh explained that liabilities are calculated over the expectancy of the youngest individuals, which include the current retirees and active employees.

Motion by Director Jex and seconded by Director Jorgens to approve the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2017, the Independent Accountant's Report on Applying Agreed-Upon Procedures for Appropriations Limit Calculation for the Year Ended June 30, 2017 and the Communication with Those Charged with Governance June 30, 2017. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Famulener, Jex, and Jorgens).

Director Barber commented on the supplemental material very helpful. He offered some suggestions for the next year. On the demographic and economic statistics for the communities that we serve (page 88), it would be helpful to break out the age of the people in the district, at least the people who are over age 65. He had other suggestions that he would give to ASD Sasser.

8.2 Approval of Station 43 Capital Projects Fund Expenditure Budget Increase of \$381,357

In September 2017, MOFD retained a new contractor to complete the fire station 43 construction project. A proposed budget adjustment based on estimates from the previous construction manager was presented to the board and approved with some exceptions. A budget for 1) contingency, 2) construction management, and 3) architectural services were tabled for further discussions. Since September 2017, a construction management consultant was retained with an approved budget adjustment.

Based on current price estimates for services and materials to complete the project and to meet the maintenance needs of the temporary fire station, a recommended budget adjustment of \$381,357 is needed. A contingency budget is also now necessary to avoid unnecessary interruptions in construction.

Chief Lee announced that this item would be removed from the agenda and tabled to a future meeting.

- 9.1 Finance Committee (Directors Anderson and Barber)**
The Committee has not met.
- 9.2 Pension Review Ad Hoc Committee (Directors Barber and Jorgens)**
The Committee has not met.
- 9.3 Board of Directors and Fire Chief Roles & Responsibilities and Rules of Procedures Update Ad Hoc (Directors Famulener and Jorgens)**
The Committee has not met.
- 9.4 Audit Ad Hoc Committee (Director Jex)**
The Committee continues to meet, but no report is available.
- 9.5 Long Range Financial Plan Ad Hoc Committee (Directors Barber and Jex)**
The Committee has not met.
- 9.6 Fire Chief Recruitment Ad Hoc Committee (Directors Barber and Jorgens)**
The Committee continues to meet, but no report is available.
- 9.7 Labor Negotiator Ad Hoc Committee (Directors Anderson and Barber)**
Director Anderson reported that they interviewed several firms and will have a recommendation at the Special Meeting on November 20, 2017.

10. Announcements

- 10.1 Brief information only reports related to meetings attended by a Director at District expense**
There was nothing to report.

- 10.2 Questions and informational comments from Board members and Staff**

President Famulener announced that the County Fire Boards and Commissioners Association will be meeting on December 14, 2017, and the speaker will be Staff Chief David Shew, from CAL FIRE, and urged the other directors to attend.

Engineer Ford suggested that staff purchase an HDMI adapter that can connect iPhones and Mac laptops to the overhead projector so that they could use it for their presentations. The Board thought it was a good idea and directed staff to look into purchasing one.

Director Jex commented on how amazing it is that the fire at 9 Archer Court did not spread to the two homes and the hillside.

11. Adjournment

At 7:45 P.M., President Famulener called for adjournment of the regular meeting.



Grace Santos
Secretary to the Board

Moraga-Orinda Fire Protection District

BOARD OF DIRECTORS SPECIAL BOARD MEETING MINUTES

November 20, 2017



1. **Opening Ceremonies**

The Board of Directors convened in Open Session at 9:00 A.M. on November 20, 2017 at the Hacienda Mosaic Room, 2100 Donald Drive, Moraga, California. President Famulener called the meeting to order. Present were the following Directors and Staff:

Director Anderson	President Famulener	Grace Santos, District Clerk
Director Jex (Teleconference)	Director Jorgens	
Director Barber	Jerry Lee, Fire Chief	

2. **Public Comment**

There was no comment from the public.

3. **Closed Session**

At 9:00 A.M., the Board adjourned into Closed Session.

4. **Reconvene the Meeting**

President Famulener reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 1:00 P.M. Present were the following Directors and Staff:

Director Anderson	President Famulener	Grace Santos, District Clerk
Director Jex (Teleconference)	Director Jorgens	
Director Barber	Jerry Lee, Fire Chief	

5. **Report of Closed Session Action**

President Famulener reported that the Board of Directors decided to offer the Fire Chief position to Alameda County Division Chief Dave Winnacker, subject to contract negotiations and background check. There was no reportable action taken on item 3.2 Public Employee Performance Evaluation (General Counsel).

6. **Public Comment**

There was no comment from the public.

7. **Adjournment**

At 1:00 P.M., President Famulener called for adjournment of the special meeting.

A handwritten signature in blue ink, appearing to read "Grace Santos".

Grace Santos
Secretary to the Board

Moraga-Orinda Fire Protection District

BOARD OF DIRECTORS SPECIAL BOARD MEETING MINUTES

November 28, 2017



1. Opening Ceremonies

The Board of Directors convened in Open Session at 9:00 A.M. on November 28, 2017 at the Hacienda Mosaic Room, 2100 Donald Drive, Moraga, California. President Famulener called the meeting to order. Present were the following Directors and Staff:

Director Anderson (Teleconference)	President Famulener	Gloriann Sasser, Admin Services Director
Director Jex	Director Jorgens	Jonathan Holtzman
Director Barber	Jerry Lee, Fire Chief	Geoff Spellberg

2. Public Comment

There was no comment from the public.

3. Closed Session

At 9:00 A.M., the Board adjourned into Closed Session.

4. Reconvene the Meeting

President Famulener reconvened the special business meeting of the Moraga-Orinda Fire District Board of Directors at 10:30 A.M. Present were the following Directors and Staff:

Director Anderson (Teleconference)	Director Jorgens	Jonathan Holtzman
Director Jex	Jerry Lee, Fire Chief	Geoff Spellberg
Director Barber	Gloriann Sasser, Admin Services Director	
President Famulener	Grace Santos, District Clerk	

5. Report of Closed Session Action

There was no reportable action taken in Closed Session on items 3.1 Conference with Legal Counsel – Potential Litigation, and 3.2 Public Employee Appointment (Fire Chief).

6. Public Comment

There was no comment from the public.

7. Regular Calendar

7.1 Termination of Agreement with Federal Solutions Group, Inc. (FSG) for Construction of Station 43 Project

The District sent FSG a notice of default concerning its failure to comply with the terms of the construction contract. FSG was given an opportunity to cure by November 23, 2017. If FSG has not cured the default by that date, the Board will consider ratifying the Fire Chief's letter terminating the agreement with FSG for the construction of the Station 43 project.

Motion by Director Jorgens and seconded by Director Jex to ratify the Fire Chief's letter formally terminating the agreement with FSG. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Famulener, Jex, and Jorgens).

7.2 Retention of Construction Attorney for Station 43

The Board presented a Letter of Engagement with Geoff Spellberg of Renne Sloan Holtzman Sakai LLP to provide legal services on the Station 43 project.

Director Anderson commented that he had not seen a letter of engagement but does not have a problem with engagement. He would like to move forward and not delay the matter any longer.

Motion by Director Jorgens and seconded by Director Jex to approve the Letter of Engagement with Geoff Spellberg of Renne Sloan Holtzman Sakai LLP to provide legal services on the Station 43 project. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Famulener, Jex, and Jorgens).

7.3 Consider Establishment of a District Counsel Ad Hoc Committee

The Board shall discuss establishment of a District Counsel ad hoc committee. President Famulener suggested keeping the same committee members who are on the Labor Negotiator Ad Hoc Committee – Directors Anderson and Barber.

Motion by Director Jorgens and seconded by President Famulener to establish a District Counsel Ad Hoc Committee made up of Directors Anderson and Barber. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Famulener, Jex, and Jorgens).

President Famulener announced that the Board would like to calendar a special meeting for December 6, 2017 at 9:00 A.M.

8. Adjournment

At 10:40 A.M., President Famulener called for adjournment of the special meeting and announced that the Board would be returning to Closed Session.

9. Reconvene the Meeting

President Famulener reconvened the special business meeting of the Moraga-Orinda Fire District Board of Directors at 11:45 A.M. Present were the following Directors and Staff:

Director Anderson (Teleconference)	President Famulener
Director Jex	Director Jorgens
Director Barber	

10. Report of Closed Session Action

There was no reportable action taken on item 3.2 Public Employee Appointment (Fire Chief).

11. Public Comment

There was no comment from the public.

12. Adjournment

At 11:45 A.M., President Famulener called for adjournment of the special meeting.



Grace Santos
Secretary to the Board

Moraga-Orinda Fire Protection District

BOARD OF DIRECTORS SPECIAL BOARD MEETING MINUTES

December 6, 2017



1. Opening Ceremonies

The Board of Directors convened in Open Session at 9:00 A.M. on December 6, 2017 at the Hacienda Mosaic Room, 2100 Donald Drive, Moraga, California. President Famulener called the meeting to order. Present were the following Directors and Staff:

Director Anderson	President Famulener	Gloriann Sasser, Admin Services Director
Director Jex	Director Jorgens	Jonathan Holtzman
Director Barber	Jerry Lee, Fire Chief	Geoff Spellberg (Teleconference)

2. Public Comment

There was no comment from the public.

3. Closed Session

At 9:00 A.M., the Board adjourned into Closed Session.

4. Reconvene the Meeting

President Famulener reconvened the special business meeting of the Moraga-Orinda Fire District Board of Directors at 11:04 A.M. Present were the following Directors and Staff:

Director Anderson	President Famulener	Gloriann Sasser, Admin Services Director
Director Jex	Director Jorgens	Grace Santos, District Clerk
Director Barber	Jerry Lee, Fire Chief	Jonathan Holtzman

5. Report of Closed Session Action

There was no reportable action taken in Closed Session on items 3.1 Conference with Legal Counsel – Potential Litigation, 3.2 Conference with Labor Negotiator (Fire Chief), 3.3 Conference with Labor Negotiator (Local 1230), 3.4 Conference with Labor Negotiator (Local 2700), and 3.5 Conference with Labor Negotiator (MOFCOA).

6. Public Comment

There was no comment from the public.

7. Regular Calendar

7.1 Consider Establishment of an Ad Hoc Committee to Conduct Updated Review of Architect's Plans for Station 43

President Famulener announced that the Board decided that they do not wish to create an ad hoc committee.

7.2 Retention of Labor Negotiator

A Labor Negotiator Ad Hoc Committee was formed on November 7, 2017. The Board will present a Letter of Engagement with Renne Sloan Holtzman Sakai LLP to provide labor negotiation services.

Vince Wells, President of Local 1230, stated that they were in the middle of negotiations with prior labor negotiator Edward Kreisberg, and asked if the Board plans to continue to move forward. President Famulener stated that the Board plans to move forward. She introduced the new labor negotiator Jon Holtzman, who has been working with Mr. Kreisberg to get up to speed.

Motion by Director Jorgens and seconded by Director Jex to approve the Letter of Engagement with Renne Sloan Holtzman Sakai LLP. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Famulener, Jex, and Jorgens).

8. Closed Session

At 11:08 A.M., the Board adjourned into Closed Session.

9. Reconvene the Meeting

President Famulener reconvened the special business meeting of the Moraga-Orinda Fire District Board of Directors at 12:00 P.M. Present were the following Directors and Staff:

Director Anderson
Director Jex
Director Barber

President Famulener
Director Jorgens
Jonathan Holtzman. Labor Negotiator

10. Report of Closed Session Action

There was no reportable action taken on item 8.1 Public Employee Performance Evaluation – District Counsel.

11. Public Comment

There was no comment from the public.

12. Adjournment

At 12:00 P.M., President Famulener called for adjournment of the special meeting.



Grace Santos
Secretary to the Board

DRAFT

MOFD Response Time Summary by Incident Type (grouped) for All Code 2 and Code 3 Responses.

Will only show Incident Types that are applicable. EMS/Rescue - Structure Fires (actual type is in structure) - Vegetation Fires - Other Types Grouped (Alarms/Hazards/Pub Svc/Etc) Data Based On Completed RMS Incident Report Data entered by Company Officer - Not based on Raw CAD Data...

	<i>November, 2017</i>			<i>Totals</i>
	<i>All Others (Alarms / Pub Service / Etc.)</i>	<i>EMS / Rescue</i>	<i>Vehicle Accidents</i>	
Incident Totals	123	159	12	294
Median Turnout	1.83	1.55	1.78	1.63
Median Resp Time	6.00	5.72	8.47	5.93
Resp Time (90th%)	9.43	11.68	13.58	11.60

Code 3 Response Time Summary by City and Incident Type. Times shown are based on the First Responding Units Arrival at Scene of Emergency.

		<i>November, 2017</i>			
		<i>Incident Totals</i>	<i>Median Turnout</i>	<i>Median Resp Time</i>	<i>Resp Time (90th%)</i>
Orinda	EMS / Rescue	68	1.55	4.35	10.15
	All Other Types	22	1.78	6.36	8.02
	Totals for City	90	1.60	5.00	9.09
Moraga	EMS / Rescue	54	1.42	4.55	6.35
	All Other Types	22	1.86	4.73	8.15
	Totals for City	76	1.45	4.57	6.53
Lafayette	EMS / Rescue	8	1.62	7.15	9.23
	All Other Types	2	2.01	8.13	8.27
	Totals for City	10	1.62	7.17	9.01
Overall Total		176	1.55	4.88	8.15

Response Totals By Incident Type

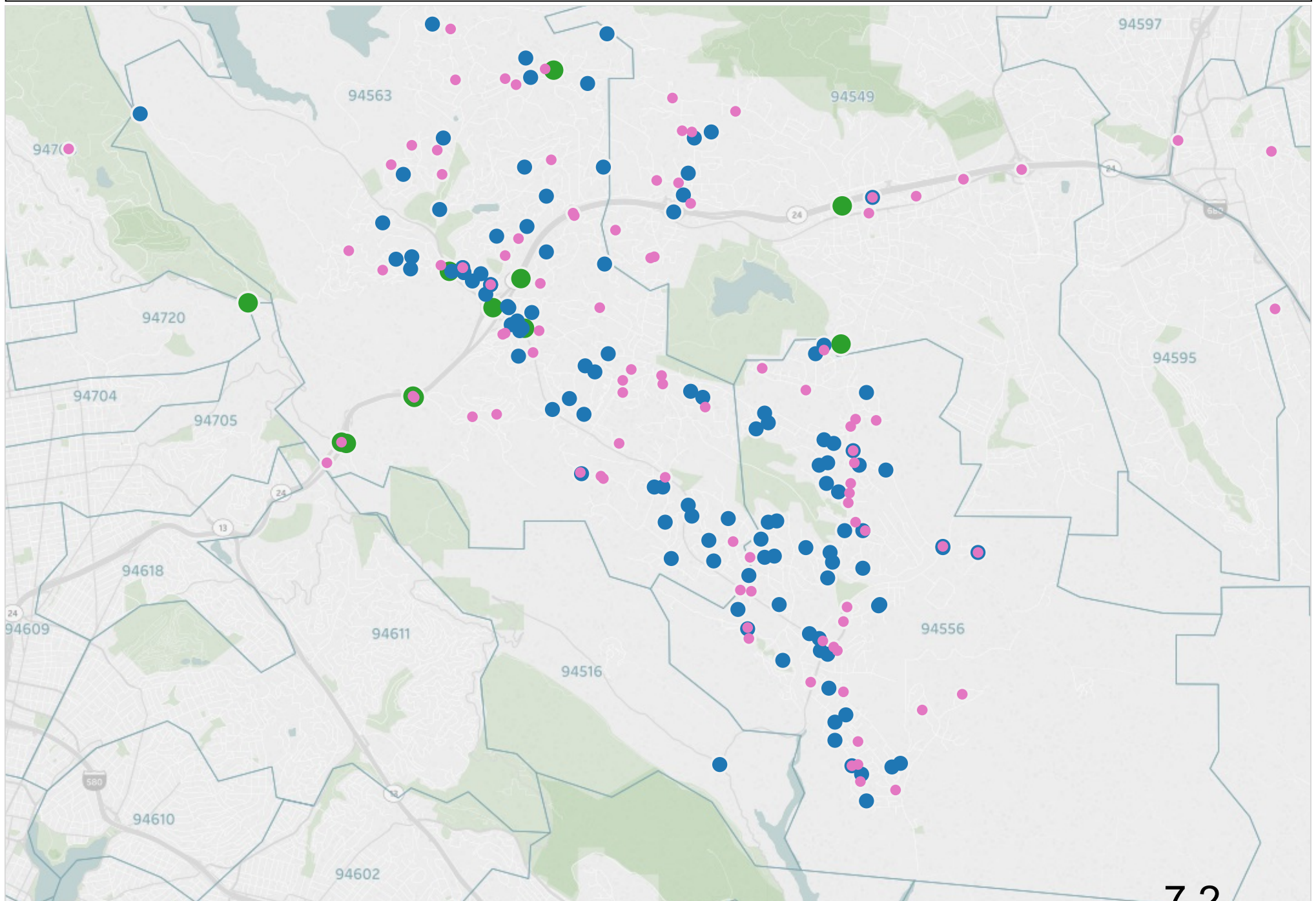
	Dec 16	Jan 17	Feb 17	Mar 17	Apr 17	May 17	Jun 17	Jul 17	Aug 17	Sep 17	Oct 17	Nov 17	Total
All Others (Alarms / Pub Service / Etc.)	118	110	98	125	86	107	114	132	161	130	148	123	1,452
EMS / Rescue	166	196	137	171	165	174	162	166	166	167	175	159	2,004
Structure Fires	2	2	1	2		4	3	5	3	2	4		28
Veg Fires							3	6	3		2		14
Vehicle Accidents	25	22	18	13	14	9	23	9	11	14	19	12	189
Grand Total	311	330	254	311	265	294	305	318	324	313	348	294	3,667

Incident Types

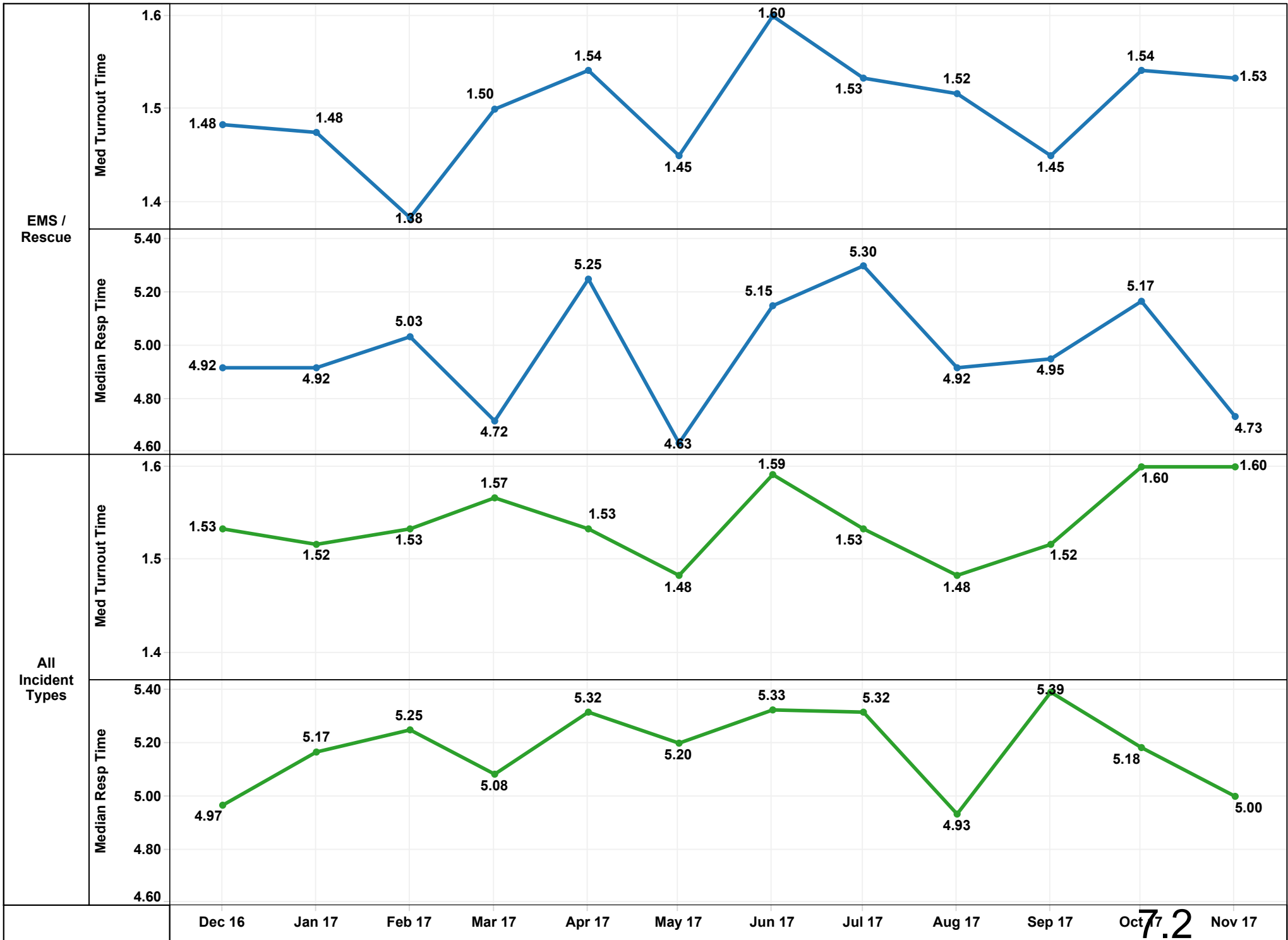
■ All Others (Alarms / Pub Service / Etc.) ■ EMS / Rescue

■ Vehicle Accidents

Incident Location Map for MOFD November 2017



Run Chart for MOFD EMS / Rescue and All Incident Types for the last full 12 months. Median Turnout and Response Times By Month for First At Scene Units



7.2

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 11/1/2017 Through 11/30/2017

Check Number	Check Date	Name	Check Amount	Transaction Description
25385	11/3/2017	ADP, Inc.	60.09	ADP Payroll Signature Image Fee 10/27/17
25386	11/3/2017	ADT Security Services	65.73	Services 11/9/17-12/08/17- Station 45
25410	11/3/2017	A T and T Mobility	1,319.53	Phone Acct #287016079073 09/16/17-10/15/17
25411	11/3/2017	Bandwidth.com, Inc.	420.58	Service 11/1/17-11/30/17
25412	11/3/2017	The Blackrock Group	1,960.00	Background investigations
25413	11/3/2017	FASIS - Calif Bank and Trust	180,187.00	2nd Qtr FY17/18 Workers Comp
25414	11/3/2017	California Diesel & Power	325.00	Generator inspection-Honda EM5000S
	11/3/2017	California Diesel & Power	400.00	Generator inspection-Honda EM6500SXX3
	11/3/2017	California Diesel & Power	400.00	Generator inspection-Station 41
	11/3/2017	California Diesel & Power	617.02	Generator inspection-Station 42
	11/3/2017	California Diesel & Power	525.00	Generator inspection-Station 44
	11/3/2017	California Diesel & Power	425.00	Generator inspection-Station 45
25415	11/3/2017	Comcast	86.28	8155 40 005 0208428 Station 41-10/29/17-11/28/17
25416	11/3/2017	Definitive Networks, Inc.	19,166.00	Service coverage for October 2017
25417	11/3/2017	Dell Financial Services	570.70	Rental & Admin Fee 11/13/17-12/12/17 A/C #001-840...
25418	11/3/2017	Travis Dulli	309.29	PHTLS recert class and text-T. Dulli
	11/3/2017	Travis Dulli	1,782.50	Reimb.-Hotel, meals and class-Rescue Systems 1-T....
25419	11/3/2017	EBMUD	236.96	Water 8/28/17-10/25/17
25420	11/3/2017	Jian Eddinger	296.29	Replace lost check #14998 dated 7/10/17
25421	11/3/2017	Got Watts Electric, Inc.	799.00	Apparatus doors electrical failure repair
25422	11/3/2017	HdL Coren & Cone	3,150.00	Contract services-Property taxes 10/01/17-12/31/17
25423	11/3/2017	Industrial Safety Supply	95.60	SCBA repairs
25424	11/3/2017	Lea & Braze Engineering, Inc.	1,289.50	Re-stake building gridlines
25425	11/3/2017	Mike Marquardt	86.24	Reimb. strike team exp. 10/12-10/21
25426	11/3/2017	Mission City Rebar, Inc.	10,786.00	Rebar materials and work through 7/7/17
25427	11/3/2017	Moraga Hardware & Lumber	87.38	Tarps to cover wood for training
25428	11/3/2017	Moraga Smog	50.00	Smog-Unit 4544
25429	11/3/2017	National Construction Rentals	34.26	Overhead meter pole-0001 monthly rental- 10/18/17-...
25430	11/3/2017	Brad Nygard	42.31	Lunch for tiller training for 4
25431	11/3/2017	Office Depot	58.24	Copy paper, tissues and cleaning supplies
	11/3/2017	Office Depot	7.33	Disinfecting wipes
	11/3/2017	Office Depot	13.65	Plastic file holder
	11/3/2017	Office Depot	19.65	Self inking "approval" stamp
25432	11/3/2017	Physio-Control, Inc	246.72	LifePak maintenance
25433	11/3/2017	Safeway, Inc	1.71	Open House
	11/3/2017	Safeway, Inc	13.28	Water and ice for interviews
25434	11/3/2017	Staples Advantage	717.97	Misc. supplies-Station 42
25435	11/3/2017	Verizon Wireless	69.06	Account 623714059-00004 Service 09/24/17-10/23/17
25436	11/9/2017	AFSCME Council 57	181.59	Period Ending 10/31/17
25437	11/9/2017	Allied Propane Services, Inc	228.16	Commercial propane 10/31/17
25438	11/9/2017	American Fidelity	2,369.47	Period Ending 10/31/2017
	11/9/2017	American Fidelity	1,078.68	Supplemental deductions-Period Ending 10/31/17
25439	11/9/2017	Biomedical Waste Disposal	79.00	October 2017 Medical Waste A/C #0349
	11/9/2017	Biomedical Waste Disposal	79.00	October 2017 Medical Waste A/C #0350
25440	11/9/2017	Concord Garden Equipment	939.60	Replace lost check #24684 dated 4/13/17- VP 4 cycl...
25441	11/9/2017	Cordico Psychological Corpor...	400.00	Pre-employment exam
25442	11/9/2017	Evan Ford	117.00	EMT re-certification-Evan Ford
25443	11/9/2017	Gill's Electric Company, Inc	198.07	GFCI outlet replaced
25444	11/9/2017	Andrew Hess	50.00	Shoes
25445	11/9/2017	IAFF Local 1230 Dues	8,516.09	Period Ending 10/31/17
25446	11/9/2017	IAFF Local 1230 Insurance	1,805.19	Period Ending 10/31/17
25447	11/9/2017	Industrial Safety Supply	57.90	SCBA repair parts
25448	11/9/2017	Napa Auto Parts	21.63	Wiper blades-Unit 451
25449	11/9/2017	L.N. Curtis & Sons	19.58	PPE repair
	11/9/2017	L.N. Curtis & Sons	5,187.38	Turnout coat and pants-J. Ford
	11/9/2017	L.N. Curtis & Sons	5,165.62	Turnout coats and pants-Marquardt and Murphy

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 11/1/2017 Through 11/30/2017

Check Number	Check Date	Name	Check Amount	Transaction Description
	11/9/2017	L.N. Curtis & Sons	5,165.63	Turnout coats and pants-Nichols
25450	11/9/2017	Orinda Motors, Inc.	490.00	Repairs-Unit 430
25451	11/9/2017	Paymentus Group, Inc.	84.44	Credit card fees-October 2017
25452	11/9/2017	Stryker Sales Corporation	16,870.40	Ambulance Gurney System-7 year service contract
	11/9/2017	Stryker Sales Corporation	174,947.82	Ambulance Gurney System-Stryker cots and power I...
25453	11/9/2017	Sun Valley Heating & Air Con...	221.86	HVAC repair
25454	11/9/2017	The UPS Store	10.69	Air sample SCBA trailer
25455	11/9/2017	U.S. Bank	5,047.24	A/C #4246-0445-5564-6748 09/22/17
25456	11/9/2017	Verizon Wireless	387.19	Account 623714059-00001 Service 09/24/17-10/23/17
	11/9/2017	Verizon Wireless	15.37	Account 623714059-00003 Service 09/24/17-10/23/17
25457	11/17/2017	Abila	3,419.00	MIP Maintenance & Support Service 12/20/17-12/19/18
25458	11/17/2017	ADP, Inc.	1,031.96	HR/Benefit Workforce processing&Payroll fees endin...
25459	11/17/2017	Airgas USA, LLC	257.33	Tank Rental-Station 41- #2118770 -October 2017
	11/17/2017	Airgas USA, LLC	35.66	Tank Rental-Station 44- #2902766 - 2017
	11/17/2017	Airgas USA, LLC	247.41	Tank Rental-Station 45- #2867225 -October 2017
25460	11/17/2017	Alameda County Fire Depart...	17,969.41	Misc. repairs
25461	11/17/2017	All Truss Inc.	2,028.95	Truss design and calculations-Construction claim pay...
25462	11/17/2017	American Messaging	29.18	Paging Service September 2017
25463	11/17/2017	Arrowhead Towing & Recovery	50.00	Vehicle fo Open house demo and extrication training
	11/17/2017	Arrowhead Towing & Recovery	50.00	Vehicle for Open house demo and extrication training
25464	11/17/2017	A T and T	158.24	Acct# 9391053307 10/01/17-10/31/17
25465	11/17/2017	Bay Area News Group	646.72	Legal notice for special tax-10/2/17 and 10/09/17
25466	11/17/2017	Bound Tree Medical, LLC	234.61	Blankets
	11/17/2017	Bound Tree Medical, LLC	50.75	Clipboards
	11/17/2017	Bound Tree Medical, LLC	1,361.71	IV admin set
	11/17/2017	Bound Tree Medical, LLC	5,007.17	Misc supplies
	11/17/2017	Bound Tree Medical, LLC	390.16	Needles
	11/17/2017	Bound Tree Medical, LLC	72.09	Syringes
	11/17/2017	Bound Tree Medical, LLC	351.14	Syringes and needles
25467	11/17/2017	Comcast	86.21	8155 40 006 0191002 Station 44-11/14/17-12/13/17
	11/17/2017	Comcast	86.21	8155 40 006 0191028 Station 43-11/14/17-12/13/17
25468	11/17/2017	Dell Financial Services	302.46	Rental & Admin Fee 12/01/17-12/31/17 A/C #001-840...
25469	11/17/2017	EBMUD	295.06	Water 08/31/17-10/31/17 2"
	11/17/2017	EBMUD	464.11	Water 08/31/17-10/31/17 6"
25470	11/17/2017	FDAC EBA	1,350.68	December 2017 vision
25471	11/17/2017	Far West Sanitation and Stora...	2,356.75	Service 11/01/17-11/30/17
25472	11/17/2017	FedEx Kinko's	163.13	B-occupancy forms
25473	11/17/2017	Laura Gardner	150.00	Refund overpayment- Incident 2/15/17
25474	11/17/2017	GovInvest Inc.	1,481.67	Reimb. costs-Actuary at Board meeting 9/27/17
25475	11/17/2017	Andrew Hess	225.00	PALS recert class and text-A. Hess
25476	11/17/2017	Hunt & Sons, Inc.	981.59	Fuel A/C #72371
	11/17/2017	Hunt & Sons, Inc.	1,372.73	Fuel A/C #72372
	11/17/2017	Hunt & Sons, Inc.	1,023.24	Fuel A/C #72375
25477	11/17/2017	Greg Kennedy	1,800.00	3rd quarter EMS training
25478	11/17/2017	KNB Fire	7,200.00	Ambulance Gurney System-Power load installation
25479	11/17/2017	Meyers,Nave,Riback,Silver,Wi...	660.41	October 2017-Client Matter 1025.001
	11/17/2017	Meyers,Nave,Riback,Silver,Wi...	707.81	October 2017-Client Matter 1025.005
	11/17/2017	Meyers,Nave,Riback,Silver,Wi...	2,782.35	October 2017-Client Matter 1025.030
	11/17/2017	Meyers,Nave,Riback,Silver,Wi...	4,752.41	October 2017-Client Matter 1025.031
	11/17/2017	Meyers,Nave,Riback,Silver,Wi...	9,302.58	October 2017-Client Matter 1025.033
25480	11/17/2017	Moraga Hardware & Lumber	115.22	Admin office light bulbs
	11/17/2017	Moraga Hardware & Lumber	2.72	Electrical cover plate
	11/17/2017	Moraga Hardware & Lumber	18.17	Nails for training
	11/17/2017	Moraga Hardware & Lumber	(50.23)	Return Admin office light bulbs
25481	11/17/2017	Office Depot	60.55	Wastebaskets, post-it notes and restroom supplies
25482	11/17/2017	Pacific Gas & Electric	601.34	10/04/17-11/01/17 Station 44

Moraga-Orinda Fire District
 Check/Voucher Register - Check Register
 From 11/1/2017 Through 11/30/2017

Check Number	Check Date	Name	Check Amount	Transaction Description
	11/17/2017	Pacific Gas & Electric	1,319.53	10/04/17-11/01/17 Station 45 Electric
	11/17/2017	Pacific Gas & Electric	284.64	10/05/17-11/02/17 Admin
	11/17/2017	Pacific Gas & Electric	774.85	10/05/17-11/02/17 Station 41
	11/17/2017	Pacific Gas & Electric	818.57	10/05/17-11/02/17 Station 42 Electric
	11/17/2017	Pacific Gas & Electric	69.77	10/06/17-11/03/17 Station 42 Gas
25483	11/17/2017	PODS Enterprises, LLC	216.61	Container rental 11/12/17-12/11/17
25484	11/17/2017	Reinholdt Engineering Constr...	250.00	Fuel Tank Annual Test St. 42
	11/17/2017	Reinholdt Engineering Constr...	250.00	Fuel Tank Annual Test St. 44
	11/17/2017	Reinholdt Engineering Constr...	400.00	Fuel Tank Annual Test St. 45
25485	11/17/2017	Republic Services	442.57	November 2017 Trash A/C#302100093245
	11/17/2017	Republic Services	84.82	November 2017 Trash A/C#302100094052
	11/17/2017	Republic Services	444.86	November 2017 Trash A/C#302100095331
	11/17/2017	Republic Services	84.82	November 2017 Trash A/C#302100108522
25486	11/17/2017	Shred-it	66.00	November 2017 pick-up
25487	11/17/2017	Smart Clean Building Mainten...	245.00	November 2017 cleaning service
25488	11/17/2017	White Nelson Diehl Evans LLP	395.00	2017 Gov't Tax Seminar-Sasser
25489	11/17/2017	World Point ECC, Inc.	322.75	CPR supplies
25490	11/22/2017	ADT Security Services	42.99	Services 12/4/17-01/03/18- Admin bldg. burglar system
	11/22/2017	ADT Security Services	40.97	Services 12/4/17-01/03/18- Admin bldg. camera
25491	11/22/2017	Air Exchange Inc.	339.69	Plymovent service call-Station 44
25492	11/22/2017	Arrow International, Inc.	1,820.87	EZ IO needles
25493	11/22/2017	A T and T	387.68	Acct# 9391035207 10/12/17-11/11/17
	11/22/2017	A T and T	1.01	Acct#9391060223 10/13/17-11/12/17 Conference call...
25494	11/22/2017	The Blackrock Group	1,200.00	Background investigation
25495	11/22/2017	Bound Tree Medical, LLC	4,546.32	Misc supplies
25496	11/22/2017	Cordico Psychological Corpor...	400.00	Pre-employment exam
25497	11/22/2017	Mark DeWeese	117.00	EMT re-certification-M. DeWeese
25498	11/22/2017	Adam Goodyear	117.00	EMT re-certification-A. Goodyear
25499	11/22/2017	Lucas Lambert	441.60	Strike Team per diem 10/10/17-10/22/17-L. Lambert
25500	11/22/2017	Moraga Hardware & Lumber	28.37	Remove MOFD identifiers on surplus medic units
25501	11/22/2017	National Construction Rentals	34.26	Overhead meter pole-0001 monthly rental- 11/15/17-...
25502	11/22/2017	NBS	3,635.00	Professional services through 10/31/17
25503	11/22/2017	Pacific Gas & Electric	149.36	10/15/17-11/14/17 Station 45 Gas
25504	11/22/2017	St. Stephen's Episcopal Church	12,000.00	Grind, repair and repave upper parking lot
25505	11/22/2017	Verizon Wireless	56.22	12-lead modem wireless 10/11/17-11/10/17
25506	11/22/2017	Vavrinek, Trine Day & Co., LLP	3,000.00	Final payment-2017 audit
25507	11/22/2017	Wittman Enterprises, LLC	3,210.08	October 2017
341801...	11/29/2017	Government Leasing and Fina...	300,624.66	Apparatus lease payment- Contract 077-0020368-001
CC-1117	11/9/2017	CCCERA Retirement	157,930.63	CCCERA retirement payment-October 2017 contribut...
CP042	11/9/2017	Calif. Public Employees'	163,406.04	CalPers Health Ins
CU-1117	11/9/2017	1st NorCal Federal Credit Union	1,943.20	Contra Costa Federal Credit Union
DD042	11/9/2017	Delta Dental Plan of Calif.	16,270.90	Delta Dental ACH payment
L18850...	11/1/2017	Employment Development De...	2,862.02	UI-07/01/17-09/30/17
PFA 1117	11/9/2017	Moraga-Orinda Professional F...	1,671.00	Period ending 10/31/17
Report Total			1,210,885.79	

Moraga-Orinda Fire District
Statement of Revenues and Expenditures - Capital Projects Fund Actual to Budget-17/18
From 7/1/2017 Through 11/30/2017

		Current Period Actual	Total Budget - Original	Total Budget Variance - Original	Percent Total Budget Remaining - Original
Revenue					
Taxes					
Fire Flow Tax	4066	1,080,597.40	1,076,738.00	3,859.40	0.36%
Total Taxes		1,080,597.40	1,076,738.00	3,859.40	0.36%
Use of Money & Property					
Investment Earnings	4181	8,421.91	10,000.00	(1,578.09)	(15.78)%
Total Use of Money & Property		8,421.91	10,000.00	(1,578.09)	(15.78)%
Intergovernmental Revenue					
Intergovernmental Revenue-Fed...	4437	0.00	159,906.00	(159,906.00)	(100.00)%
Total Intergovernmental Revenue		0.00	159,906.00	(159,906.00)	(100.00)%
Charges for Service					
Impact Mitigation Fees	4743	28,000.00	200,000.00	(172,000.00)	(86.00)%
Total Charges for Service		28,000.00	200,000.00	(172,000.00)	(86.00)%
Total Revenue		1,117,019.31	1,446,644.00	(329,624.69)	(22.79)%
Expenditures					
Other Expense					
Bank Fees	7510	57.00	100.00	43.00	43.00%
Fire Flow Tax Collection Fees	7531	11,381.85	14,000.00	2,618.15	18.70%
Capital Contingency-Facilities, ...	7700	5,772.07	150,000.00	144,227.93	96.15%
Apparatus/Vehicles-Fixed Asset...	7703	366,019.94	365,951.00	(68.94)	(0.02)%
Buildings-Station #43-Fixed Ass...	7706	58,736.96	3,940,414.00	3,881,677.04	98.51%
Misc. Equipment Expense	7709	201,743.62	395,096.00	193,352.38	48.94%
Transfers to Debt Service Fund	7999	462,040.79	1,011,980.00	549,939.21	54.34%
Total Other Expense		1,105,752.23	5,877,541.00	4,771,788.77	81.19%
Total Expenditures		1,105,752.23	5,877,541.00	4,771,788.77	81.19%
Excess of Revenues Over/ (Under) Expenditures		11,267.08	(4,430,897.00)	4,442,164.08	(100.25)%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures - General Fund Actual to Budget 17/18
From 7/1/2017 Through 11/30/2017

		Current Period Actual	Total Budget \$ - Original	Total Budget \$ Variance - Original	Percent Total Budget Remaining - Original
Revenue					
Taxes					
Property Tax-Current Secured	4010	17,388,779.92	18,641,737.00	(1,252,957.08)	(6.72)%
Property Tax-Supplemental	4011	127,805.61	300,000.00	(172,194.39)	(57.40)%
Property Tax-Unitary	4013	229,987.79	212,126.00	17,861.79	8.42%
Property Tax-Curr Unsecured	4020	575,625.13	612,696.00	(37,070.87)	(6.05)%
Prop Tax- Prior Secured	4030	(96.65)	(50,000.00)	49,903.35	(99.81)%
Prop Tax-Prior Supplement	4031	0.00	(35,000.00)	35,000.00	(100.00)%
Prop Tax Prior Unsecured	4035	5,829.79	(10,000.00)	15,829.79	(158.30)%
Total Taxes		<u>18,327,931.59</u>	<u>19,671,559.00</u>	<u>(1,343,627.41)</u>	<u>(6.83)%</u>
Use of Money & Property					
Investment Earnings	4181	2,921.05	3,000.00	(78.95)	(2.63)%
Total Use of Money & Property		<u>2,921.05</u>	<u>3,000.00</u>	<u>(78.95)</u>	<u>(2.63)%</u>
Intergovernmental Revenue					
Homeowners Relief Tax	4385	0.00	154,000.00	(154,000.00)	(100.00)%
CA FF JAC Training Funds	4440	12,419.26	10,000.00	2,419.26	24.19%
Other/In Lieu of Taxes	4580	0.00	902.00	(902.00)	(100.00)%
Measure H-Emerg Med Ser Subsid	4896	0.00	85,312.00	(85,312.00)	(100.00)%
Total Intergovernmental Revenue		<u>12,419.26</u>	<u>250,214.00</u>	<u>(237,794.74)</u>	<u>(95.04)%</u>
Charges for Service					
Permits	4740	1,679.00	614.00	1,065.00	173.45%
Plan Review	4741	152,327.37	250,000.00	(97,672.63)	(39.07)%
Inspection Fees	4742	28,201.00	35,000.00	(6,799.00)	(19.43)%
Weed Abatement Charges	4744	4,357.25	4,357.00	0.25	0.01%
CPR/First Aid Classes	4745	715.00	2,000.00	(1,285.00)	(64.25)%
Reports/ Photocopies	4746	195.00	350.00	(155.00)	(44.29)%
Other Charges for Service	4747	3,105.00	6,000.00	(2,895.00)	(48.25)%
Total Charges for Service		<u>190,579.62</u>	<u>298,321.00</u>	<u>(107,741.38)</u>	<u>(36.12)%</u>
Charges for Service - Ambulance					
Ambulance Service Fees	4898	358,707.99	1,079,564.00	(720,856.01)	(66.77)%
Ambulance Service Fee Reimbursements	4899	(59,012.16)	(77,250.00)	18,237.84	(23.61)%
Ambulance Collection Recovery Payments	4900	1,549.67	2,000.00	(450.33)	(22.52)%
Ground Emergency Medical Transportation	4901	42,230.39	20,000.00	22,230.39	111.15%
Total Charges for Service - Ambulance		<u>343,475.89</u>	<u>1,024,314.00</u>	<u>(680,838.11)</u>	<u>(66.47)%</u>
Other Revenue					
Other Revenue-Strike Team Recovery	4971	585,258.33	530,000.00	55,258.33	10.43%
Other Revenue & Financing Sources	4972	0.00	18,000.00	(18,000.00)	(100.00)%
Other Revenue-Misc.	4974	345.43	1,000.00	(654.57)	(65.46)%
Misc Rebates & Refunds	4975	1,927.58	1,000.00	927.58	92.76%
Sale of Surplus Property	4980	0.00	1,000.00	(1,000.00)	(100.00)%
Transfers In	4999	4,476.30	0.00	4,476.30	0.00%
Total Other Revenue		<u>592,007.64</u>	<u>551,000.00</u>	<u>41,007.64</u>	<u>7.44%</u>
Total Revenue		<u>19,469,335.05</u>	<u>21,798,408.00</u>	<u>(2,329,072.95)</u>	<u>(10.68)%</u>
Expenditures					
Salaries & Benefits					
Permanent Salaries	5011	3,588,077.85	8,645,029.00	5,056,951.15	58.50%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures - General Fund Actual to Budget 17/18
From 7/1/2017 Through 11/30/2017

		Current Period Actual	Total Budget \$ - Original	Total Budget \$ Variance - Original	Percent Total Budget Remaining - Original
Temporary Salaries	5013	66,992.08	190,756.00	123,763.92	64.88%
Overtime	5014	930,928.52	1,890,000.00	959,071.48	50.74%
Deferred Compensation	5015	70,564.04	3,600.00	(66,964.04)	(1,860.11)%
Overtime - Strike Team	5016	554,455.93	355,000.00	(199,455.93)	(56.18)%
Worker's Compensation Recovery	5019	(67,316.54)	(100,000.00)	(32,683.46)	32.68%
Payroll Taxes -FICA,SUI	5042	80,907.53	175,188.00	94,280.47	53.82%
Payroll Processing Fees	5043	6,141.23	20,000.00	13,858.77	69.29%
Retirement Contributions	5044	2,011,916.75	4,814,450.00	2,802,533.25	58.21%
Life/Health Insurance-Permanent Employees	5060	431,975.58	1,121,160.00	689,184.42	61.47%
Employee's-Health Insurance Contribution	5061	(46,617.36)	(124,260.00)	(77,642.64)	62.48%
Retiree Health Insurance	5062	467,235.75	1,180,000.00	712,764.25	60.40%
Retiree-Health Insurance Contribution	5063	(127,562.48)	(331,000.00)	(203,437.52)	61.46%
Unemployment Insurance	5064	5,724.02	15,000.00	9,275.98	61.84%
Retiree-Health OPEB Contribution	5065	0.00	280,000.00	280,000.00	100.00%
Vision Insurance	5066	7,599.04	15,340.00	7,740.96	50.46%
Pension Rate Stabilization	5067	0.00	280,000.00	280,000.00	100.00%
Workers' Compensation Insurance	5070	360,374.00	720,745.00	360,371.00	50.00%
Total Salaries & Benefits		8,341,395.94	19,151,008.00	10,809,612.06	56.44%
Operating Expense					
Office Supplies	6100	2,080.93	11,000.00	8,919.07	81.08%
Postage	6101	2,204.43	3,000.00	795.57	26.52%
Books & Periodicals	6102	110.24	6,750.00	6,639.76	98.37%
Printer Ink Cartridges	6103	270.07	3,000.00	2,729.93	91.00%
Telephone/Communication	6110	13,516.26	42,000.00	28,483.74	67.82%
Dispatch/Comm Center Services w/ AVL MDT	6111	0.00	180,000.00	180,000.00	100.00%
Utilities- Sewer	6120	3,542.75	3,160.00	(382.75)	(12.11)%
Utilities-Garbage	6121	5,372.88	12,845.00	7,472.12	58.17%
Utilities-PG&E	6122	22,791.41	65,690.00	42,898.59	65.30%
Utilities-Water	6123	3,940.51	13,860.00	9,919.49	71.57%
Utilities-Medical Waste	6124	948.00	2,200.00	1,252.00	56.91%
Small Tools & Instruments	6130	884.58	10,750.00	9,865.42	91.77%
Minor Equipment/Furniture	6131	0.00	1,000.00	1,000.00	100.00%
Computer Equipment & Supplies	6132	185.70	2,000.00	1,814.30	90.72%
Gas Power Chain Saw/Other Equipmen	6133	326.07	4,500.00	4,173.93	92.75%
Fire Trail Grading	6135	60.83	20,000.00	19,939.17	99.70%
Fire Fighting Equipment & Supplies	6137	64.43	4,000.00	3,935.57	98.39%
Fire Fighting Equipment-Hoses & Nozzles	6138	1,624.97	10,000.00	8,375.03	83.75%
Fire Fighting Equipment-Class A Foam	6139	0.00	1,500.00	1,500.00	100.00%
Medical & Lab Supplies	6140	39,616.32	105,000.00	65,383.68	62.27%
Food Supplies	6150	308.08	3,800.00	3,491.92	91.89%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures - General Fund Actual to Budget 17/18
From 7/1/2017 Through 11/30/2017

		Current Period Actual	Total Budget \$ - Original	Total Budget \$ Variance - Original	Percent Total Budget Remaining - Original
Safety Clothing & Personal Supplies	6160	25,943.15	80,000.00	54,056.85	67.57%
Non-Safety Clothing & Personal Supplies	6161	450.00	1,500.00	1,050.00	70.00%
Household Expense	6170	5,102.07	10,000.00	4,897.93	48.98%
Household Expense-Linen	6171	1,168.95	2,000.00	831.05	41.55%
Public & Legal Notices	6190	646.72	4,000.00	3,353.28	83.83%
Dues, Memberships & Professional Fees	6200	547.50	7,795.00	7,247.50	92.98%
EMT/Paramedic Licensure Fees	6201	868.00	7,500.00	6,632.00	88.43%
Rent & Leases (Equipment)	6250	12,064.81	41,900.00	29,835.19	71.21%
Computer Software & Maintenance	6251	36,790.86	77,200.00	40,409.14	52.34%
Website Development & Maintenance	6252	1,660.00	1,700.00	40.00	2.35%
EPA ID# Verification Fee	6264	150.00	200.00	50.00	25.00%
CCC HazMat Plan (CUPA)	6265	2,519.00	3,000.00	481.00	16.03%
BAAQMD & Environmental Health Fees	6266	0.00	900.00	900.00	100.00%
Air Monitor Maintenance & Replacement	6269	0.00	1,300.00	1,300.00	100.00%
Maintenance -- Equipment	6270	11,598.86	56,943.00	45,344.14	79.63%
Central Garage Repairs	6271	66,082.64	140,000.00	73,917.36	52.80%
Central Garage Gasoline & Oil	6272	23,993.09	60,000.00	36,006.91	60.01%
Central Garage Tires	6273	6,251.93	5,000.00	(1,251.93)	(25.04)%
Service/Repair Fuel System Dispensers	6274	1,433.46	3,500.00	2,066.54	59.04%
Aerial Ladder & Pump Testing	6275	0.00	1,000.00	1,000.00	100.00%
Smog Inspections	6276	251.95	500.00	248.05	49.61%
Air Compressor Quarterly Service	6278	10.69	1,500.00	1,489.31	99.29%
Hydro Test SCBA & Oxy Cylinder	6279	369.28	2,500.00	2,130.72	85.23%
Tank Testing	6280	0.00	1,000.00	1,000.00	100.00%
Maintenance -- Building	6281	14,156.77	47,000.00	32,843.23	69.88%
Maintenance -- Grounds	6282	672.85	6,100.00	5,427.15	88.97%
Meetings & Travel Expenses	6303	577.97	1,375.00	797.03	57.97%
Medical - Pre-Emp Processing and Annual Exams	6311	2,784.34	18,000.00	15,215.66	84.53%
Ambulance Billing Administration Fees	6312	15,354.86	60,000.00	44,645.14	74.41%
Outside Attorney Fees	6313	45,057.17	96,000.00	50,942.83	53.07%
Outside CPR Instructors	6314	30.00	3,000.00	2,970.00	99.00%
CCC County Tax Administration Fee	6316	0.00	175,000.00	175,000.00	100.00%
Professional Services	6317	19,545.00	40,000.00	20,455.00	51.14%
Professional Services - Labor Negotiator	6318	8,697.59	50,000.00	41,302.41	82.60%
Professional Services - Technology	6319	76,664.00	244,640.00	167,976.00	68.66%
Professional Services - Pre-Employment Investigations	6320	6,212.50	5,000.00	(1,212.50)	(24.25)%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures - General Fund Actual to Budget 17/18
From 7/1/2017 Through 11/30/2017

		Current Period Actual	Total Budget \$ - Original	Total Budget \$ Variance - Original	Percent Total Budget Remaining - Original
Professional Services - Promotional Exams & Recruitment	6321	20,304.40	28,750.00	8,445.60	29.38%
Professional Services-OPEB Actuarial Valuation	6322	1,481.67	1,200.00	(281.67)	(23.47)%
Exterior Hazard Removal	6323	2,578.38	12,000.00	9,421.62	78.51%
Professional Services-Prop Tax Audit & Forecasting	6326	6,300.00	12,600.00	6,300.00	50.00%
Professional Services	6327	3,635.00	10,000.00	6,365.00	63.65%
Burn Trailer Grant Maintenance	6352	0.00	3,500.00	3,500.00	100.00%
Testing Materials & Training Props	6354	786.18	10,000.00	9,213.82	92.14%
Career Development Classes	6357	2,802.03	15,000.00	12,197.97	81.32%
Target Safety Online Training	6359	0.00	6,200.00	6,200.00	100.00%
Training & Education Classes-Paramedic & EMT CE	6360	755.29	5,000.00	4,244.71	84.89%
District Sponsored Training-Mandated	6361	8,995.37	35,000.00	26,004.63	74.30%
Recruiting Costs	6470	0.00	15,000.00	15,000.00	100.00%
Strike Team Supplies	6474	10,600.19	13,500.00	2,899.81	21.48%
Community Emergency Response Team	6475	2,021.58	2,000.00	(21.58)	(1.08)%
Exercise Supplies/Maint.	6476	39.31	2,000.00	1,960.69	98.03%
Recognition Supplies	6478	0.00	3,835.00	3,835.00	100.00%
Other Special Departmental Exp	6479	4,038.88	31,180.00	27,141.12	87.05%
Public Education Supplies	6480	(83.61)	0.00	83.61	0.00%
CPR Supplies	6481	0.00	3,000.00	3,000.00	100.00%
LAFCO	6482	10,976.88	10,977.00	0.12	0.00%
Emergency Preparedness Expense	6484	1,133.86	6,000.00	4,866.14	81.10%
Misc. Services & Supplies	6490	7,169.61	8,200.00	1,030.39	12.57%
Fire Chief Contingency	6491	6,274.52	100,000.00	93,725.48	93.73%
Property & Liability Insurance	6540	40,343.00	45,343.00	5,000.00	11.03%
Total Operating Expense		<u>615,657.01</u>	<u>2,143,393.00</u>	<u>1,527,735.99</u>	<u>71.28%</u>
Other Expense					
Bank Fees	7510	2,228.46	3,200.00	971.54	30.36%
Interest on County Teeter Account	7520	0.00	50.00	50.00	100.00%
County Tax Collection Fees	7530	251.70	300.00	48.30	16.10%
Total Other Expense		<u>2,480.16</u>	<u>3,550.00</u>	<u>1,069.84</u>	<u>30.14%</u>
Total Expenditures		<u>8,959,533.11</u>	<u>21,297,951.00</u>	<u>12,338,417.89</u>	<u>57.93%</u>
Excess of Revenues Over/ (Under) Expenditures		<u>10,509,801.94</u>	<u>500,457.00</u>	<u>10,009,344.94</u>	<u>2,000.04%</u>

Moraga-Orinda Fire District
Statement of Revenues and Expenditures - Debt Service Fund Actual to Budget-17/18
From 7/1/2017 Through 11/30/2017

		Current Period Actual	Total Budget \$ - Original	Total Budget \$ Variance - Original	Percent Total Budget Remaining - Original
Revenue					
Taxes					
Property Tax-Current Secured	4010	3,376,281.00	3,376,281.00	0.00	0.00%
Total Taxes		3,376,281.00	3,376,281.00	0.00	0.00%
Use of Money & Property					
Investment Earnings	4181	670.83	0.00	670.83	0.00%
Total Use of Money & Property		670.83	0.00	670.83	0.00%
Other Revenue					
Transfers In	4999	462,040.79	1,011,980.00	(549,939.21)	(54.34)%
Total Other Revenue		462,040.79	1,011,980.00	(549,939.21)	(54.34)%
Total Revenue		3,838,992.62	4,388,261.00	(549,268.38)	(12.52)%
Expenditures					
Other Expense					
Pension Obligation Bond Principal Payment	7900	2,360,000.00	2,360,000.00	0.00	0.00%
Pension Obligation Bond Interest Payment	7901	429,736.50	797,877.00	368,140.50	46.14%
Apparatus Lease Principal Payment	7902	273,509.68	634,500.00	360,990.32	56.89%
Apparatus Lease Interest Payment	7903	27,114.98	55,967.00	28,852.02	51.55%
Lease Agreement Station 43 Principal	7906	120,000.00	240,000.00	120,000.00	50.00%
Lease Agreement Station 43 Interest	7907	41,416.13	81,513.00	40,096.87	49.19%
Transfers to Other Funds	7997	4,476.30	0.00	(4,476.30)	0.00%
Total Other Expense		3,256,253.59	4,169,857.00	913,603.41	21.91%
Total Expenditures		3,256,253.59	4,169,857.00	913,603.41	21.91%
Excess of Revenues Over/ (Under) Expenditures		582,739.03	218,404.00	364,335.03	166.82%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures
27 - Capital Projects Fund
From 7/1/2017 Through 11/30/2017

		Current Period Actual	Prorated Monthly Budget	Prorated Monthly Variance	Percent Prorated Budget Remaining
Revenue					
Taxes					
Fire Flow Tax	4066	1,080,597.40	448,640.85	631,956.55	(140.86)%
Total Taxes		1,080,597.40	448,640.85	631,956.55	(140.86)%
Use of Money & Property					
Investment Earnings	4181	8,421.91	4,166.65	4,255.26	(102.12)%
Total Use of Money & Property		8,421.91	4,166.65	4,255.26	(102.13)%
Intergovernmental Revenue					
Intergovernmental Revenue-Federal Grants	4437	0.00	66,627.50	(66,627.50)	100.00%
Total Intergovernmental Revenue		0.00	66,627.50	(66,627.50)	100.00%
Charges for Service					
Impact Mitigation Fees	4743	28,000.00	83,333.35	(55,333.35)	66.40%
Total Charges for Service		28,000.00	83,333.35	(55,333.35)	66.40%
Total Revenue		1,117,019.31	602,768.35	514,250.96	(85.31)%
Expenditures					
Other Expense					
Bank Fees	7510	57.00	41.65	(15.35)	(36.85)%
Fire Flow Tax Collection Fees	7531	11,381.85	5,833.35	(5,548.50)	(95.11)%
Capital Contingency-Facilities, Equipment	7700	5,772.07	62,500.00	56,727.93	90.76%
Apparatus/Vehicles-Fixed Asset Expenditures	7703	366,019.94	152,479.60	(213,540.34)	(140.04)%
Buildings-Station #43-Fixed Asset Expenditures	7706	58,736.96	1,641,839.15	1,583,102.19	96.42%
Misc. Equipment Expense	7709	201,743.62	164,623.35	(37,120.27)	(22.54)%
Transfers to Debt Service Fund	7999	462,040.79	421,658.35	(40,382.44)	(9.57)%
Total Other Expense		1,105,752.23	2,448,975.45	1,343,223.22	54.85%
Total Expenditures		1,105,752.23	2,448,975.45	1,343,223.22	54.85%
Excess of Revenues Over/ (Under) Expenditures		11,267.08	(1,846,207.10)	1,857,474.18	100.61%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures
50 - General Fund
From 7/1/2017 Through 11/30/2017

		Current Period Actual	Prorated Monthly Budget	Prorated Monthly Variance	Percent Prorated Budget Remaining
Revenue					
Taxes					
Property Tax-Current Secured	4010	17,388,779.92	7,767,390.40	9,621,389.52	(123.86)%
Property Tax-Supplemental	4011	127,805.61	125,000.00	2,805.61	(2.24)%
Property Tax-Unitary	4013	229,987.79	88,385.85	141,601.94	(160.20)%
Property Tax-Curr Unsecured	4020	575,625.13	255,290.00	320,335.13	(125.47)%
Prop Tax- Prior Secured	4030	(96.65)	(20,833.35)	20,736.70	99.53%
Prop Tax-Prior Supplement	4031	0.00	(14,583.35)	14,583.35	100.00%
Prop Tax Prior Unsecured	4035	5,829.79	(4,166.65)	9,996.44	239.91%
Total Taxes		18,327,931.59	8,196,482.90	10,131,448.69	(123.61)%
Use of Money & Property					
Investment Earnings	4181	2,921.05	1,250.00	1,671.05	(133.68)%
Total Use of Money & Property		2,921.05	1,250.00	1,671.05	(133.68)%
Intergovernmental Revenue					
Homeowners Relief Tax	4385	0.00	64,166.65	(64,166.65)	100.00%
CA FF JAC Training Funds	4440	12,419.26	4,166.65	8,252.61	(198.06)%
Other/In Lieu of Taxes	4580	0.00	375.85	(375.85)	100.00%
Measure H-Emerg Med Ser Subsid	4896	0.00	35,546.65	(35,546.65)	100.00%
Total Intergovernmental Revenue		12,419.26	104,255.80	(91,836.54)	88.09%
Charges for Service					
Permits	4740	1,679.00	255.85	1,423.15	(556.24)%
Plan Review	4741	152,327.37	104,166.65	48,160.72	(46.23)%
Inspection Fees	4742	28,201.00	14,583.35	13,617.65	(93.37)%
Weed Abatement Charges	4744	4,357.25	1,815.40	2,541.85	(140.01)%
CPR/First Aid Classes	4745	715.00	833.35	(118.35)	14.20%
Reports/ Photocopies	4746	195.00	145.85	49.15	(33.69)%
Other Charges for Service	4747	3,105.00	2,500.00	605.00	(24.20)%
Total Charges for Service		190,579.62	124,300.45	66,279.17	(53.32)%
Charges for Service - Ambulance					
Ambulance Service Fees	4898	358,707.99	449,818.35	(91,110.36)	20.25%
Ambulance Service Fee Reimbursements	4899	(59,012.16)	(32,187.50)	(26,824.66)	(83.33)%
Ambulance Collection Recovery Payments	4900	1,549.67	833.35	716.32	(85.95)%
Ground Emergency Medical Transportation	4901	42,230.39	8,333.35	33,897.04	(406.76)%
Total Charges for Service - Ambulance		343,475.89	426,797.55	(83,321.66)	19.52%
Other Revenue					
Other Revenue-Strike Team Recovery	4971	585,258.33	220,833.35	364,424.98	(165.02)%
Other Revenue & Financing Sources	4972	0.00	7,500.00	(7,500.00)	100.00%
Other Revenue-Misc.	4974	345.43	416.65	(71.22)	17.09%
Misc Rebates & Refunds	4975	1,927.58	416.65	1,510.93	(362.63)%
Sale of Surplus Property	4980	0.00	416.65	(416.65)	100.00%
Transfers In	4999	4,476.30	0.00	4,476.30	0.00%
Total Other Revenue		592,007.64	229,583.30	362,424.34	(157.86)%
Total Revenue		19,469,335.05	9,082,670.00	10,386,665.05	(114.36)%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures
50 - General Fund
From 7/1/2017 Through 11/30/2017

		Current Period Actual	Prorated Monthly Budget	Prorated Monthly Variance	Percent Prorated Budget Remaining
Expenditures					
Salaries & Benefits					
Permanent Salaries	5011	3,588,077.85	3,602,095.35	14,017.50	0.38%
Temporary Salaries	5013	66,992.08	79,481.65	12,489.57	15.71%
Overtime	5014	930,928.52	787,500.00	(143,428.52)	(18.21)%
Deferred Compensation	5015	70,564.04	1,500.00	(69,064.04)	(4,604.26)%
Overtime - Strike Team	5016	554,455.93	147,916.65	(406,539.28)	(274.84)%
Worker's Compensation Recovery	5019	(67,316.54)	(41,666.65)	25,649.89	(61.55)%
Payroll Taxes -FICA,SUI	5042	80,907.53	72,995.00	(7,912.53)	(10.83)%
Payroll Processing Fees	5043	6,141.23	8,333.35	2,192.12	26.30%
Retirement Contributions	5044	2,011,916.75	2,006,020.85	(5,895.90)	(0.29)%
Life/Health Insurance-Permanent Employees	5060	431,975.58	467,150.00	35,174.42	7.52%
Employee's-Health Insurance Contribution	5061	(46,617.36)	(51,775.00)	(5,157.64)	9.96%
Retiree Health Insurance	5062	467,235.75	491,666.65	24,430.90	4.96%
Retiree-Health Insurance Contribution	5063	(127,562.48)	(137,916.65)	(10,354.17)	7.50%
Unemployment Insurance	5064	5,724.02	6,250.00	525.98	8.41%
Retiree-Health OPEB Contribution	5065	0.00	116,666.65	116,666.65	100.00%
Vision Insurance	5066	7,599.04	6,391.70	(1,207.34)	(18.88)%
Pension Rate Stabilization	5067	0.00	116,666.65	116,666.65	100.00%
Workers' Compensation Insurance	5070	360,374.00	300,310.40	(60,063.60)	(20.00)%
Total Salaries & Benefits		8,341,395.94	7,979,586.60	(361,809.34)	(4.53)%
Operating Expense					
Office Supplies	6100	2,080.93	4,583.35	2,502.42	54.59%
Postage	6101	2,204.43	1,250.00	(954.43)	(76.35)%
Books & Periodicals	6102	110.24	2,812.50	2,702.26	96.08%
Printer Ink Cartridges	6103	270.07	1,250.00	979.93	78.39%
Telephone/Communication	6110	13,516.26	17,500.00	3,983.74	22.76%
Dispatch/Comm Center Services w/ AVL MDT	6111	0.00	75,000.00	75,000.00	100.00%
Utilities- Sewer	6120	3,542.75	1,316.75	(2,226.00)	(169.05)%
Utilities-Garbage	6121	5,372.88	5,352.10	(20.78)	(0.38)%
Utilities-PG&E	6122	22,791.41	27,370.80	4,579.39	16.73%
Utilities-Water	6123	3,940.51	5,775.00	1,834.49	31.76%
Utilities-Medical Waste	6124	948.00	916.70	(31.30)	(3.41)%
Small Tools & Instruments	6130	884.58	4,479.15	3,594.57	80.25%
Minor Equipment/Furniture	6131	0.00	416.65	416.65	100.00%
Computer Equipment & Supplies	6132	185.70	833.35	647.65	77.71%
Gas Power Chain Saw/Other Equipmen	6133	326.07	1,875.00	1,548.93	82.60%
Fire Trail Grading	6135	60.83	8,333.35	8,272.52	99.27%
Fire Fighting Equipment & Supplies	6137	64.43	1,666.65	1,602.22	96.13%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures
50 - General Fund
From 7/1/2017 Through 11/30/2017

		Current Period Actual	Prorated Monthly Budget	Prorated Monthly Variance	Percent Prorated Budget Remaining
Fire Fighting Equipment-Hoses & Nozzles	6138	1,624.97	4,166.65	2,541.68	61.00%
Fire Fighting Equipment-Class A Foam	6139	0.00	625.00	625.00	100.00%
Medical & Lab Supplies	6140	39,616.32	43,750.00	4,133.68	9.44%
Food Supplies	6150	308.08	1,583.35	1,275.27	80.54%
Safety Clothing & Personal Supplies	6160	25,943.15	33,333.35	7,390.20	22.17%
Non-Safety Clothing & Personal Supplies	6161	450.00	625.00	175.00	28.00%
Household Expense	6170	5,102.07	4,166.60	(935.47)	(22.45)%
Household Expense-Linen	6171	1,168.95	833.40	(335.55)	(40.26)%
Public & Legal Notices	6190	646.72	1,666.65	1,019.93	61.19%
Dues, Memberships & Professional Fees	6200	547.50	3,247.90	2,700.40	83.14%
EMT/Paramedic Licensure Fees	6201	868.00	3,125.00	2,257.00	72.22%
Rent & Leases (Equipment)	6250	12,064.81	17,458.35	5,393.54	30.89%
Computer Software & Maintenance	6251	36,790.86	32,166.65	(4,624.21)	(14.37)%
Website Development & Maintenance	6252	1,660.00	708.35	(951.65)	(134.34)%
EPA ID# Verification Fee	6264	150.00	83.35	(66.65)	(79.96)%
CCC HazMat Plan (CUPA)	6265	2,519.00	1,250.00	(1,269.00)	(101.52)%
BAAQMD & Environmental Health Fees	6266	0.00	375.00	375.00	100.00%
Air Monitor Maintenance & Replacement	6269	0.00	541.65	541.65	100.00%
Maintenance -- Equipment	6270	11,598.86	23,726.25	12,127.39	51.11%
Central Garage Repairs	6271	66,082.64	58,333.35	(7,749.29)	(13.28)%
Central Garage Gasoline & Oil	6272	23,993.09	25,000.00	1,006.91	4.02%
Central Garage Tires	6273	6,251.93	2,083.35	(4,168.58)	(200.09)%
Service/Repair Fuel System Dispensers	6274	1,433.46	1,458.35	24.89	1.70%
Aerial Ladder & Pump Testing	6275	0.00	416.65	416.65	100.00%
Smog Inspections	6276	251.95	208.35	(43.60)	(20.92)%
Air Compressor Quarterly Service	6278	10.69	625.00	614.31	98.28%
Hydro Test SCBA & Oxy Cylinder	6279	369.28	1,041.65	672.37	64.54%
Tank Testing	6280	0.00	416.65	416.65	100.00%
Maintenance -- Building	6281	14,156.77	19,583.35	5,426.58	27.71%
Maintenance -- Grounds	6282	672.85	2,541.65	1,868.80	73.52%
Meetings & Travel Expenses	6303	577.97	572.90	(5.07)	(0.88)%
Medical - Pre-Emp Processing and Annual Exams	6311	2,784.34	7,500.00	4,715.66	62.87%
Ambulance Billing Administration Fees	6312	15,354.86	25,000.00	9,645.14	38.58%
Outside Attorney Fees	6313	45,057.17	40,000.00	(5,057.17)	(12.64)%
Outside CPR Instructors	6314	30.00	1,250.00	1,220.00	97.60%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures
50 - General Fund
From 7/1/2017 Through 11/30/2017

		Current Period Actual	Prorated Monthly Budget	Prorated Monthly Variance	Percent Prorated Budget Remaining
CCC County Tax Administration Fee	6316	0.00	72,916.65	72,916.65	100.00%
Professional Services	6317	19,545.00	16,666.65	(2,878.35)	(17.27)%
Professional Services - Labor Negotiator	6318	8,697.59	20,833.35	12,135.76	58.25%
Professional Services - Technology	6319	76,664.00	101,933.35	25,269.35	24.79%
Professional Services - Pre-Employment Investigations	6320	6,212.50	2,083.35	(4,129.15)	(198.19)%
Professional Services - Promotional Exams & Recruitment	6321	20,304.40	11,979.15	(8,325.25)	(69.49)%
Professional Services-OPEB Actuarial Valuation	6322	1,481.67	500.00	(981.67)	(196.33)%
Exterior Hazard Removal	6323	2,578.38	5,000.00	2,421.62	48.43%
Professional Services-Prop Tax Audit & Forecasting	6326	6,300.00	5,250.00	(1,050.00)	(20.00)%
Professional Services	6327	3,635.00	4,166.65	531.65	12.75%
Burn Trailer Grant Maintenance	6352	0.00	1,458.35	1,458.35	100.00%
Testing Materials & Training Props	6354	786.18	4,166.65	3,380.47	81.13%
Career Development Classes	6357	2,802.03	6,250.00	3,447.97	55.16%
Target Safety Online Training	6359	0.00	2,583.35	2,583.35	100.00%
Training & Education Classes-Paramedic & EMT CE	6360	755.29	2,083.35	1,328.06	63.74%
District Sponsored Training-Mandated	6361	8,995.37	14,583.35	5,587.98	38.31%
Recruiting Costs	6470	0.00	6,250.00	6,250.00	100.00%
Strike Team Supplies	6474	10,600.19	5,625.00	(4,975.19)	(88.44)%
Community Emergency Response Team	6475	2,021.58	833.35	(1,188.23)	(142.58)%
Exercise Supplies/Maint.	6476	39.31	833.35	794.04	95.28%
Recognition Supplies	6478	0.00	(1,318.75)	(1,318.75)	100.00%
Other Special Departmental Exp	6479	4,038.88	12,991.70	8,952.82	68.91%
Public Education Supplies	6480	(83.61)	0.00	83.61	0.00%
CPR Supplies	6481	0.00	1,250.00	1,250.00	100.00%
LAFCO	6482	10,976.88	4,573.75	(6,403.13)	(139.99)%
Emergency Preparedness Expense	6484	1,133.86	5,416.65	4,282.79	79.06%
Misc. Services & Supplies	6490	7,169.61	3,416.65	(3,752.96)	(109.84)%
Fire Chief Contingency	6491	6,274.52	41,666.65	35,392.13	84.94%
Property & Liability Insurance	6540	40,343.00	18,892.90	(21,450.10)	(113.53)%
Total Operating Expense		615,657.01	893,080.55	277,423.54	31.06%
Other Expense					
Bank Fees	7510	2,228.46	1,333.35	(895.11)	(67.13)%
Interest on County Teeter Account	7520	0.00	20.85	20.85	100.00%
County Tax Collection Fees	7530	251.70	125.00	(126.70)	(101.36)%
Total Other Expense		2,480.16	1,479.20	(1,000.96)	(67.67)%

Moraga-Orinda Fire District
Statement of Revenues and Expenditures
50 - General Fund
From 7/1/2017 Through 11/30/2017

	Current Period Actual	Prorated Monthly Budget	Prorated Monthly Variance	Percent Prorated Budget Remaining
Total Expenditures	<u>8,959,533.11</u>	<u>8,874,146.35</u>	<u>(85,386.76)</u>	<u>(0.96)%</u>
Excess of Revenues Over/ (Under) Expenditures	<u>10,509,801.94</u>	<u>208,523.65</u>	<u>10,301,278.29</u>	<u>(4,940.10)%</u>

Moraga-Orinda Fire District
Statement of Revenues and Expenditures
90 - Debt Service Fund
From 7/1/2017 Through 11/30/2017

		Current Period Actual	Prorated Monthly Budget	Prorated Monthly Variance	Percent Prorated Budget Remaining
Revenue					
Taxes					
Property Tax-Current Secured	4010	3,376,281.00	1,406,783.75	1,969,497.25	(140.00)%
Total Taxes		3,376,281.00	1,406,783.75	1,969,497.25	(140.00)%
Use of Money & Property					
Investment Earnings	4181	670.83	0.00	670.83	0.00%
Total Use of Money & Property		670.83	0.00	670.83	0.00%
Other Revenue					
Transfers In	4999	462,040.79	421,658.35	40,382.44	(9.57)%
Total Other Revenue		462,040.79	421,658.35	40,382.44	(9.58)%
Total Revenue		3,838,992.62	1,828,442.10	2,010,550.52	(109.96)%
Expenditures					
Other Expense					
Pension Obligation Bond Principal Payment	7900	2,360,000.00	983,333.35	(1,376,666.65)	(139.99)%
Pension Obligation Bond Interest Payment	7901	429,736.50	332,448.75	(97,287.75)	(29.26)%
Apparatus Lease Principal Payment	7902	273,509.68	264,375.00	(9,134.68)	(3.45)%
Apparatus Lease Interest Payment	7903	27,114.98	23,319.60	(3,795.38)	(16.27)%
Lease Agreement Station 43 Principal	7906	120,000.00	100,000.00	(20,000.00)	(20.00)%
Lease Agreement Station 43 Interest	7907	41,416.13	33,963.75	(7,452.38)	(21.94)%
Transfers to Other Funds	7997	4,476.30	0.00	(4,476.30)	0.00%
Total Other Expense		3,256,253.59	1,737,440.45	(1,518,813.14)	(87.42)%
Total Expenditures		3,256,253.59	1,737,440.45	(1,518,813.14)	(87.42)%
Excess of Revenues Over/ (Under) Expenditures		582,739.03	91,001.65	491,737.38	(540.36)%



Moraga-Orinda Fire District

TO: Board of Directors
FROM: Jerry Lee, Interim Fire Chief
DATE: December 20, 2017
SUBJECT: Item 7.5 – Approve and Declare List of Gurneys Surplus Property of the Moraga-Orinda Fire District

BACKGROUND

Staff identified the attached list of four ambulance gurneys to be surplus and no longer needed by the Fire District. As per District Policy 08 - Disposing of District Surplus Property, it is necessary for the Board of Directors to declare these items surplus. Once authorized, these items will be placed on public auction.

ATTACHMENTS

- 1) Attachment A – List of Ambulance Gurney Surplus

RECOMMENDATION

- 1) Approve and declare list of ambulance gurneys surplus to the Moraga-Orinda Fire District

Attachment A

SURPLUS PROPERTY DESCRIPTION	YEAR PURCHASED	ORIGINAL PURCHASE PRICE(IF KNOWN)	AGE	CONDITION	APPROX. VALUE
Two (2) Stryker Power Gurneys	2008	\$14,000 ea.	9	Fair	\$1,000.00 ea.
Two (2) Stryker Power Gurneys	2015	\$17,000 ea.	3	Good	\$5,000.00 ea.



Moraga-Orinda Fire District

TO: Board of Directors
FROM: Jerry Lee, Interim Fire Chief
DATE: December 20, 2017
SUBJECT: Item 7.6 – Termination of Employment Agreement Between Moraga-Orinda Fire District Jerry Lee as Interim Fire Chief

BACKGROUND

The Moraga-Orinda Fire District executed an employment agreement with Jerry Lee to serve as the Interim Fire Chief on September 20, 2017. The District has selected and will be appointing a permanent Fire Chief.

RECOMMENDATION

- 1) Terminate Employment Agreement between Moraga-Orinda Fire District and Jerry Lee as Interim Fire Chief



Moraga-Orinda Fire District

TO: Board of Directors
FROM: Jerry Lee, Interim Fire Chief
DATE: December 20, 2017
SUBJECT: Item 8.1 – Retention of District Counsel

BACKGROUND

The District Counsel Ad Hoc Committee would like to appoint Jonathan Holtzman, currently of Renne Sloan Holtzman Sakai LLP, as District General Counsel effective December 20, 2017. Beginning March 1, 2018, Mr. Holtzman will no longer be affiliated with Renne Sloan Holtzman Sakai LLP and will be affiliated with Renne Public Law Group. This will require the District to approve and terminate Letters of Engagement.

ATTACHMENT

- 1) Attachment A – Letter of Engagement with John Holtzman of Renne Sloan Holtzman Sakai LLP for District Counsel Services

RECOMMENDATION

- 1) Discuss; 2) Deliberate; 3) Approve Letter of Engagement with Renne Sloan Holtzman Sakai LLP and the appointment of Jonathan Holtzman as General Counsel effective December 20, 2017; 4) Appoint Jonathan Holtzman, currently of Renne Sloan Holtzman Sakai LLP, as District General Counsel effective December 20, 2017; 5) Authorize the Board President to execute on behalf of the District a Letter of Engagement with Renne Public Law Group, a new law firm Mr. Holtzman will be affiliated with starting March 1, 2018, to provide the District with District Counsel services under the same terms and conditions set forth in the Letter of Engagement the District approved with Renne Sloan Holtzman Sakai for those services; and 6) Authorize the Board President to terminate the agreement the Board approved with Renne Sloan Holtzman Sakai for District Counsel Services, but only after the Board President first executes a Letter of Engagement for those services with Renne Public Law Group

Attachment A



Renne Sloan Holtzman Sakai
Public Law Group®

350 Sansome Street, Suite 300
San Francisco, CA 94104
(415) 678-3800

Jonathan Holtzman
415-678-3807
Jholtzman@publiclawgroup.com

Via E-mail
famulener@gmail.com

Kathleen Famulener
President, Board of Directors
Moraga-Orinda Fire District
1280 Moraga Way
Moraga, CA 94556

Re: Engagement of Legal Services, District Counsel Services

Dear Ms. Famulener,

Thank you for retaining Renne Sloan Holtzman Sakai, Public Law Group (“RSHS”), to provide District Counsel legal services to Moraga-Orinda Fire District (“MOFD”). We appreciate the opportunity to serve as your lawyers and look forward to working with you on this matter.

This letter sets forth RSHS’s with MOFD concerning the District Counsel legal services RSHS will provide and our fee and expense reimbursement arrangements for those services. Please read this entire agreement before signing and returning it to us.

This Agreement is not intended to amend, supplant or terminate the three pre-existing agreements MOFD has with RSHS for labor relations, negotiation with the Fire Chief and construction-related issues.

Additionally, as you know, RSHS will be dividing into two separate law firms effective March 1, 2018. As of that date, I will no longer be affiliated with RSHS and will be joining Renne Public Law Group (“RPLG”) along with a number of other current RSHS lawyers. This letter sets forth the agreement between MOFD and RSHS only. As we have discussed, once formed, RPLG will provide you with a separate letter offering MOFD with the same District Counsel legal services under the same terms and conditions set forth in this letter.

1. Scope of Engagement.

RSHS will provide District Counsel advice to the Board of Directors, Fire Chief, and MOFD staff in all legal matters concerning MOFD, including/ without limitation, attending meetings of the Board of Directors, providing legal trainings, preparing resolutions, contracts, and other legal documents pertaining to MOFD affairs, preparing opinions regarding MOFD matters as requested by appropriate MOFD officials, providing general legal advice regarding labor law and employment matters, supervising litigation and other legal service providers and otherwise



providing full District Counsel assistance to MOFD. Such District Counsel services are referred to below as Basic District Counsel Services.

RSHS may, under the terms of this agreement, also provide special counsel services such as representation of MOFD in litigation involving MOFD, employee grievance matters and labor negotiations provided that such special counsel services shall be provided only upon the request of the Board of Directors, without involvement by the designated District Counsel. Such special counsel services are referred to below as Specialized Counsel Services

Legal services will not include matters in which RSHS has a conflict of interest that precludes RSHS from representing MOFD, members of the Board of Directors, or officers or employees of MOFD.

2. Fees and Personnel.

I will be the attorney in charge of your matter and shall be the designed District Counsel effective December 20, 2017. This agreement, however, retains the legal services of RSHS and not of a particular attorney. Other RSHS attorneys, including but not limited to Teresa Stricker and Katherine McGrath, may be assigned to work on MOFD matters as required for effective and efficient provision of legal services.

As compensation for our services, RSHS will bill MOFD at the following discounted hourly billing rates:

a. Basic District Counsel Services:

For all attorneys, a blended rate of \$295/hr.

If other non-attorney RSHS staff are assigned to work on your matter, then current hourly rates of those individuals will be utilized. RSHS's current standard public sector billing rates for attorneys, paralegals and legal assistants are attached as Attachment 1. Hourly rates are subject to reasonable change, usually in January of each year.

RSHS will not bill for time spent in routine travel from RSHS offices to MOFD offices up to three times per month. Additional on-site travel will be capped at 45 minutes in each direction. RSHS will bill for travel time when attending court appearances or meetings at destinations other than MOFD offices.



b. Specialized Counsel Services:

Specialized counsel services will be billed at the then-current public sector discounted rate of the attorney involved, or under the rates agreed in supplemental retainer agreements, including the existing retainer agreements for labor relations, negotiation with the Fire Chief and construction-related issues. Travel from RSHS offices to MOFD offices will be charged at regular rates, capped at 45 minutes in each direction.

c. Services Provided Between November 1, 2017 and December 20, 2017

It is understood that RSHS has provided limited interim services to the District beginning in November 2017. Such services will be billed and paid pursuant to the terms of this agreement or, where applicable, other existing agreements with MOFD.

3. **Billing and Payment Responsibilities.** RSHS will send monthly statements which are due within 30 days of receipt. If you have any questions about an invoice, please promptly telephone or write me so that we may discuss these matters. Billing is done in 1/10ths of an hour increments.

In addition, RSHS charges separately for certain costs incurred in the representation, as well as for any disbursements to third parties made on a client's behalf. For major disbursements to third parties, invoices may be sent directly to you for payment. Such costs and disbursements include, for example, the following: travel (at the IRS rate in effect at the time the travel occurs), computer-assisted research, transcription, overnight delivery and messenger services.

4. **Termination of Services.** You may terminate RSHS's services at any time by written notice. After receiving such notice, we will cease providing services. We will cooperate with you in the orderly transfer of all related files and records to your new counsel.

RSHS may terminate its services for any reason with 60 days written notice. If we terminate our services, you agree to execute a substitution of attorneys promptly and otherwise cooperate in effecting that termination.

Termination of our services, whether by you or by us, will not relieve the obligation to pay for services rendered and costs incurred before our services formally ceased.

5. **Insurance.** During the term of this agreement, RSHS shall take out and maintain general liability and property damage insurance in the amount of \$1,000,000; professional errors and omissions insurance in an amount of \$2,000,000 per occurrence; and \$4,000,000 aggregate, which insurance may not be canceled or reduced in required limits of liability unless at least ten days advance written notice be given to you.

Attachment A



Renne Sloan Holtzman Sakai
Public Law Group®

Kathleen Famulener

Page 4

6. **No Guarantee of Outcome.** Any comments made by us about the potential outcome of this matter are expressions of opinion only and are not guarantees or promises about any outcome or results.
7. **Government Law; Venue.** This agreement shall be governed by and construed in accordance with the laws of the State of California.
8. **Entire Agreement; Full Understanding; Modifications in Writing.** This letter contains our entire agreement about our representation. Any modifications or additions to this letter agreement must be made in writing.
9. **Joint Representation.** RSHS maintains Of Counsel agreements with certain legal specialists. Because these individuals are deemed independent contractors under the applicable provisions of the tax laws and not employees of the firm, it is necessary that you consent to dual representation by the firm and the specialist in the event the matter which you have engaged us to handle requires the use of that specialist. This arrangement has no effect whatsoever on the cost of your legal services, rather it is an ethical requirement that we disclose this fact and that you consent. You are consenting by signing this letter.

Sincerely,

Jonathan Holtzman

Encl(s): RSHS 2017 Public Sector Fee Schedule
RSHS Statement of Billing Information

cc: RSHS Billing Department

These terms are accepted and agreed to as of the date of this letter.

By: _____
Kathleen Famulener
Moraga-Orinda Fire District

ATTACHMENT 1

**PUBLIC SECTOR FEE SCHEDULE
EFFECTIVE JANUARY 1, 2017 TO DECEMBER 31, 2017**

Partners:	\$300 - \$450
Of Counsel:	\$265 - \$385
Senior Counsel:	\$275 - \$345
Associates:	\$215 - \$275
Law Clerks:	\$145
Paralegals:	\$105 - \$175
Analysts:	\$95 - \$135
Consultants:	\$160 - \$275

These rates are reviewed and may be adjusted annually, generally in January of each year.

ATTACHMENT 2

RENNE SLOAN HOLTZMAN SAKAI STATEMENT OF FEE AND BILLING INFORMATION

The following is a general description of our fee and billing policies. These general policies may be modified by the specific engagement letter or agreement to which this summary is attached.

Professional Fees. Our fees for professional services are based on the fair value of the services rendered. To help us determine the value of our services, our attorneys and paralegals maintain time records for each client and matter. Our attorneys and paralegals are assigned hourly rates which are based on years of experience, specialization, training and level of professional attainment. We adjust our rates periodically (usually at the beginning of each year) to take into account inflation and the increased experience of our professional personnel.

To keep professional fees at a minimum, legal work that does not require more experienced attorneys will be performed, where feasible, by attorneys with lower billing rates. Of course, the quality of the work is paramount, and we do not sacrifice quality to economy.

Before undertaking a particular assignment, we will, if requested, provide you with a fee estimate to the extent possible. Estimates are not possible for some matters, however, and cannot be relied on in many others because the scope of our work will not be clear at the outset. When a fee estimate is given, it is only an estimate; it is not a maximum or minimum fee quotation. The actual fee may be more or less than the quoted estimate.

Billing and Payment Procedures. Unless other arrangements are made at the time of the engagement, invoices will be sent monthly. Invoices for outside services exceeding \$100 may be billed separately. Occasionally, however, we may defer billing for a given month or months if the accrued fees and costs do not warrant current billing or if other circumstances would make it appropriate to defer billing.

Our invoices contain a brief narrative description of the work performed; if requested, the initials of the attorney who performed the work will appear on the statement. The invoice will include a line item reflecting in-house administrative costs. The firm's in-house administrative costs include duplicating, facsimile charges, telephone charges, e-mail, postage, mileage and other administrative expenses.

In addition, the Firm charges separately for certain costs incurred in the representation, as well as for any disbursements to third parties made on a client's behalf. Such costs and disbursements

Attachment A



Kathleen Famulener

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include, for example, the following: travel (at the IRS rate in effect at the time the travel occurs), computer-assisted research, transcription, overnight delivery and messenger services. For major disbursements to third parties, invoices may be sent directly to you for payment.

If you have any questions regarding an invoice, the Billing Coordinator or Accounting Manager is available to answer your questions. For any unresolved matters, the Bar Association has an arbitration mechanism that can be used to resolve such matters.



Moraga-Orinda Fire District

TO: Board of Directors
FROM: Gloriann Sasser, Administrative Services Director
DATE: December 20, 2017
SUBJECT: Item 8.2 – Adoption of Resolution No. 17-17 Designation of District's Agent

BACKGROUND

The District applied for reimbursement from the State of California Office of Emergency Services (Cal OES) for costs incurred due to the closure of the Canyon Bridge in Moraga. The District has submitted a claim to Cal OES in the amount of \$13,850 for cost reimbursement. The District is required to submit a resolution designating the District's agent authorized to execute documents for state financial assistance under the California Disaster Recovery Act. Staff recommends the Board authorize the fire chief to execute documents for state financial assistance.

RECOMMENDATION

- 1) Discuss; 2) Deliberate; 3) Adopt Resolution No. 17-17 Designation of District's Agent

ATTACHMENTS

- 1) Attachment A – Resolution No. 17-17 Designation of District's Agent

RESOLUTION NO. 17-17

A RESOLUTION OF THE BOARD OF DIRECTORS OF MORAGA-ORINDA FIRE PROTECTION DISTRICT DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE Board of Directors of the Moraga-Orinda Fire Protection District (Governing Body) (Name of Applicant)

THAT FIRE CHIEF, OR (Title of Authorized Agent), OR (Title of Authorized Agent), OR (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the Moraga-Orinda Fire Protection District, a public (Name of Applicant) entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the Moraga-Orinda Fire Protection District, a public entity established under the laws of the State (Name of Applicant) of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

- [X] This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below. [] This is a disaster specific resolution and is effective for only disaster number(s) _____

PASSED, APPROVED and ADOPTED this 20th day of December, 2017 by the Board of Directors of the Moraga-Orinda Fire Protection District at the regular meeting of the District Board held on the 20th day of December 2017, at 2100 Donald Drive, Moraga, California 94556, on a motion made by Director _____, seconded by Director _____, and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attachment A

Dated December 20, 2017

Kathleen Famulener, President
Board of Directors

ATTEST:

Grace Santos, District Clerk



Moraga-Orinda Fire District

TO: Board of Directors
FROM: Jerry Lee, Interim Fire Chief
DATE: December 20, 2017
SUBJECT: Item 8.3 - Approval of Resolution No. 17-18 Modifying a Stipend In-Lieu of Medical Benefits Program for Employees of the Moraga-Orinda Fire District Who Qualify for Medical Benefits

BACKGROUND

Resolution 10-13 was adopted by the District in October 2010. Under the resolution, eligible employees who choose to waive MOFD medical insurance benefits may receive a 457 B Deferred Compensation incentive payment in lieu of the medical benefit. The District has determined that it cannot lawfully continue to contribute medical-in-lieu incentive payments into 457 B Deferred Compensation accounts and must discontinue such payments in light of legal requirements.

In the interest of protecting MOFD employees and the cafeteria plan, the District remains committed to good faith participation in any requested fact-finding process, and to the goal of attaining an appropriate, lawful agreement with all affected employee organizations. The District wishes to preserve the status quo within legal bounds for the employees, pending full satisfaction of its bargaining obligations with IAFF Local 1230 including completion of any requested statutory fact-finding process.

Under Resolution 17-18, the District will for all employees participating in the program on a monthly basis set aside and preserve, in a separate account, monetary amounts equal to the amount of the medical-in-lieu payment currently being paid into a 457 B Deferred Compensation account. Resolution 17-18 shall supersede Resolution 10-13 effective January 1, 2018.

ATTACHMENT

- 1) Attachment A – Resolution No. 17-18

RECOMMENDATION

- 1) Discuss; 2) Deliberate; 3) Approve Resolution No. 17-18 Modifying a Stipend In-Lieu of Medical Benefits Program for Employees of the Moraga-Orinda Fire District Who Qualify for Medical Benefits

RESOLUTION NO. 17-18

**A RESOLUTION OF THE MORAGA-ORINDA FIRE PROTECTION DISTRICT
MODIFYING A STIPEND IN LIEU OF MEDICAL BENEFITS PROGRAM FOR EMPLOYEES
OF THE MORAGA-ORINDA FIRE DISTRICT WHO QUALIFY FOR MEDICAL BENEFITS**

WHEREAS, the District pays a portion of the cost of medical insurance for qualifying Employees and their Dependents; and

WHEREAS, in 2010 the District developed a program whereby employees meeting certain criteria could elect to receive a 457 B Deferred Compensation incentive payment in lieu of medical insurance, which was subsequently approved by the Board by means of Board Resolution 10-13; and

WHEREAS, the amount of medical-in-lieu incentive payments under the program are equal to one half of the employer contribution for employee health benefits that the participating employee would otherwise qualify for based on number of dependents, as identified in the District's Collective Bargaining Agreements and Individual Employee Contracts; and

WHEREAS, the District has determined that it cannot lawfully continue to contribute medical-in-lieu incentive payments into 457 B Deferred Compensation accounts; and

WHEREAS, the District has determined it must therefore discontinue such payments in light of legal requirements and restrictions; and

WHEREAS, the District plan years for both medical benefits and deferred compensation are the same as the calendar year, and commence on each January 1; and

WHEREAS, medical in-lieu payments are generally within the scope of negotiations under the Meyers-Milias-Brown Act (California Government Code sections 3500 *et seq.*); and

WHEREAS, District employees who are currently eligible to participate in the program if they meet stated criteria include employees who are exclusively represented by International Association of Fire Fighters Local 1230 (Local 1230), United Clerical, Technical & Specialized Employees Local 2700 (Local 2700), and the Moraga-Orinda Fire Chief Officers Association (MOFCOA); and

WHEREAS, under the terms of Resolution 10-13 current employees may, absent a qualifying event, only elect to participate in the program during the open enrollment period with an effective date on January 1 of the following year; and

WHEREAS, Federal law requires the District to enforce Deferred Compensation contribution limits on a calendar year basis, and generally bars the District from modifying the terms of such Plans after the calendar year has commenced; and

WHEREAS, prior to the most recent open enrollment period the District provided notice to all impacted employee organizations of the need to discontinue medical in-lieu payments to Deferred Compensation accounts, and its intent to do so effective January 1, 2018 so as to coincide with the plan year for District health benefits and Deferred Compensation plans; and

Attachment A

WHEREAS, AFSCME Local 2700 and IAFF Local 1230 subsequently requested to meet and confer over the issue, and the parties then engaged in good faith negotiations; and

WHEREAS, the District has reached an impasse in its efforts to attain an appropriate resolution of this matter with IAFF Local 1230, but the statutory impasse process with IAFF Local 1230 is not yet complete; and

WHEREAS, the District has not determined its final course of action vis-à-vis the underlying negotiable issue; and

WHEREAS, the District wishes to preserve the status quo within legal bounds for employees in the IAFF Local 1230 bargaining unit, and for employees represented by all other similarly situated employee organizations, pending full satisfaction of its bargaining obligations with IAFF Local 1230 including completion of any requested statutory fact-finding process:

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE MORAGA-ORINDA FIRE PROTECTION DISTRICT does hereby declare Resolution No. 10-13 to be superseded effective January 1, 2018; and

BE IT FURTHER RESOLVED THAT to maintain the status quo in a lawful manner for employees in the IAFF Local 1230 bargaining unit, and for employees represented by all other similarly situated employee organizations, and to enable completion of any requested statutory fact-finding process in good faith, the District will for all employees participating in the program, on a monthly basis, set aside and preserve in a separate account monetary amounts equal to the amount of the medical-in-lieu payment currently being paid into 457 B Deferred Compensation accounts under the program, pending satisfaction of bargaining obligations including completion of any requested statutory fact-finding process; and

BE IT FURTHER RESOLVED THAT the District remains committed to good faith participation in any requested fact-finding process, and to the goal of attaining an appropriate, lawful agreement with all affected employee organizations with respect to the underlying negotiable issue.

PASSED, APPROVED and ADOPTED this 20th day of December, 2017 at a regular meeting of the District Board of Directors held on December 20, 2017, at 1280 Moraga Way, Moraga, California 94556, on motion made by Director ____, seconded by Director ____, and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attachment A

Dated: December 20, 2017

Kathleen Famulener, President
Board of Directors

ATTEST:

Grace Santos, District Clerk



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Jerry Lee, Interim Fire Chief

DATE: December 20, 2017

SUBJECT: Item 8.4 - Approval of Amendment No. 1 to the Consulting Services Agreement Between the Moraga-Orinda Fire Protection District and Consolidated CM, Inc. in the Amount Not to Exceed \$62,700

BACKGROUND

The Moraga-Orinda Fire District executed a contract agreement with Consolidated CM, Inc. for construction management services for the station 43 construction project on September 27, 2017. The contract with the fire station builder was recently terminated, and the construction project will be going back out to competitive bid. The District now needs to expand the scope of work with the construction manager to include preconstruction administration of the project for the next four to five months and to perform a constructability review of the plans.

The constructability review will be performed before the bid process so that any findings will be shared with the architect, and necessary revisions will be included in the bid document. The total cost of the work proposed in Amendment No. 1 is \$62,700 and is broken down as follows:

Constructability Review:	\$9,000
Preconstruction and Bidding Work:	\$53,700
Total:	\$62,700

Construction management is considered a professional service and is exempt from the bidding requirement in MOFD Ordinance No. 16-01 for purchase of goods and services.

ATTACHMENT

- 1) Attachment A – Amendment No. 1 to the Consulting Services Agreement Between the Moraga Orinda Fire Protection District and Consolidated CM, Inc.

RECOMMENDATION

- 1) Discuss 2) Deliberate 3) Approve Contract Amendment with Consolidated CM, Inc. in the Amount Not to Exceed \$62,700

Amendment No. 1 to the Consulting Services Agreement Between the Moraga Orinda Fire Protection District and Consolidated CM, Inc.

Whereas, the parties hereto have entered into a Consulting Services Agreement dated September 27, 2017 under which Consolidated CM, Inc. (“CCM”) is providing construction management services to the Moraga Orinda Fire Protection District (“MOFD”) related to the construction of Fire Station No. 43;

Whereas, the parties have agreed that additional work is needed on this project that is not included in the current scope of work and MOFD desires to retain CCM to provide those services.

Now therefore, based upon the consideration described herein, the Parties agree to this Amendment No. 1 as follows:

Services re: constructability review

CCM will provide a constructability review of all the project drawings and specifications with the view of a potential bidder, looking for items that may cause a change orders or extra work after the contract award. One specific item for review is the elevations set forth in the current project drawings and specifications.

This review will be performed by experienced construction professionals including Construction and Project Managers, Inspectors, and construction code experts. CCM will review the findings with the Architect (and MOFD) and ensure that all needed and necessary revisions are included in the documents put out for bid. CCM will provide a written report of the findings including a table of all items identified and the Architects response/correction of each of the items.

Fee

The fee for this constructability review work shall be \$8,000 plus additional costs of up to \$1,000 needed to print multiple sets of the plans. The total cost of this work shall not exceed \$9,000.

Services re: preconstruction/bidding activities

CCM will provide pre-construction services and services related to the bidding of the project which shall include:

- 1) Preparation of Pre-Qualification documents for distribution to potential bidders.
- 2) Submit all Pre-Qualification and bidding documents to MOFD for legal review.
- 3) Contact bidding community to ensure and encourage interest in project.

Attachment A

- 4) Evaluation (scoring) of Pre-Qualification documents from Contractors.
- 5) Notification of all responders as to their acceptance into the bidding pool.
- 6) Assure a biddable and buildable set of drawings and plans are put out for bid.
- 7) Coordinate responses to bidder questions with District and Architect.
- 8) Review and evaluate bids and recommend lowest responsive and responsible bidder.
- 9) Assure all bonding requirements are met.
- 10) Work with past subcontractors to:
 - Assist with claims for payment
 - Coordinate delivery of previously purchased materials
- 11) Coordinate any on site work in preparation for main contract spring of 2018.

Fee

The fee for this preconstruction and bidding work is \$49,200 for pre-construction and bidding services and up to \$4,500 for direct costs of items such as shipping, printing, and other misc. project related costs. The total cost for this work shall not exceed \$53,700.

Time of Contract

In light of the need to re-bid this contract, the term of the CCM/MOFD construction management agreement shall be 15 months commencing from the date of the issuance of the Notice to Proceed.

Executed this ____ day of December, 2017.

MORAGA-ORINDA FIRE DISTRICT

CONSOLIDATED CM INC.

By: _____
Jerry Lee
Interim Fire Chief

By: _____
Scott Ritter
Senior Vice President



Moraga-Orinda Fire District

MEMORANDUM

TO: The Board of Directors

FROM: Jerry Lee, Interim Fire Chief

DATE: December 20, 2017

SUBJECT: Item 8.5 – Election of Board Officers, Finance Committee Members and District Liaisons

BACKGROUND

Each year, the Board of Directors elects new officers, Finance Committee Members and District Liaisons.

The Board presently has one Standing Committee:

1. Finance Committee

Board Members act as District Liaisons to five outside agencies:

1. Contra Costa Special Districts Association (CCSDA)
2. Contra Costa County Fire Boards and Commissioners Association
3. Local Agency Formation Committee (LAFCO)
4. Orinda City Council
5. Moraga Town Council

RECOMMENDATION

The Board of Directors should elect new officers, Finance Committee members and District Liaisons to be effective January 2, 2018.

ATTACHMENTS

- 1) Attachment A – List of Current Officers, Finance Committee Members and District Liaisons.

MORAGA-ORINDA FIRE DISTRICT
 BOARD OFFICERS
 FINANCE COMMITTEE MEMBERS
 AND
 DISTRICT LIASONS
 As of 12/2/2016

BOARD OFFICERS	MEMBERS
President	Kathleen Famulener
Vice President	Brad Barber
Secretary	John Jex
Treasurer	Craig Jorgens
Director	Steve Anderson
STANDING COMMITTEES	MEMBERS
FINANCE COMMITTEE	Steve Anderson
	Brad Barber
DISTRICT LIASONS	LIASON
Contra Costa Special District's Association (CCSDA)	John Jex
Contra Costa County Fire Boards & Commissioners Association	Kathy Famulener
LAFCO	Steve Anderson
<i>LAFCO Alternate</i>	<i>Craig Jorgens</i>
Orinda City Council	Brad Barber
<i>Orinda City Council Alternate</i>	<i>Steve Anderson</i>
Moraga Town Council	John Jex
<i>Moraga Town Council Alternate</i>	<i>Kathy Famulener</i>



Moraga-Orinda Fire District

TO: The Board of Directors
FROM: Jerry Lee, Interim Fire Chief
DATE: December 20, 2017
SUBJECT: Item 8.6 – 2018 Regular Board Meeting Schedule

BACKGROUND

Currently, the Board of Directors conduct Regular Board meetings on the third Wednesday of each month. Various other special meetings are scheduled throughout the year to address time sensitive District issues. Currently, the Regular Board Meeting Schedule for 2018 is as follows:

January 17	July 18
February 21	August 15
March 21	September 19
April 18	October 17
May 16	November 21
June 20	December 19

It was brought to staff's attention that the Board would like to consider changing the Regular Board meeting schedule to twice a month, on the first and third Wednesday of each month, with various other special meetings scheduled throughout the year. If this change is approved, the Regular Board Meeting Schedule for 2018 would be as follows:

January 3, 17	July 18
February 7, 21	August 1, 15
March 7, 21	September 5, 19
April 4, 18	October 3, 17
May 2, 16	November 7, 21
June 6, 20	December 5, 19

RECOMMENDATION

- 1) Discuss; 2) Deliberate; 3) Approve a Regular Board Meeting Schedule for Calendar Year 2018



Moraga-Orinda Fire District

TO: Board of Directors
FROM: Jerry Lee, Interim Fire Chief
DATE: December 20, 2017
SUBJECT: Item 8.7 – Approval of Employment Agreement Between Moraga-Orinda Fire District and David Winnacker for the Position of Fire Chief

BACKGROUND

A board committee has negotiated an employment agreement with David Winnacker for the position of Fire Chief. The terms are consistent with the negotiating instructions from the Board. The committee recommends approval.

ATTACHMENT

- 1) Attachment A – Employment Agreement Between Moraga-Orinda Fire District and David Winnacker for the Position of Fire Chief

RECOMMENDATION

- 1) Discuss; 2) Deliberate; 3) Approve Employment Agreement Between Moraga-Orinda Fire District and David Winnacker for the Position of Fire Chief



**EMPLOYMENT AGREEMENT BETWEEN
MORAGA-ORINDA FIRE DISTRICT AND DAVID WINNACKER**

This Agreement ("Agreement") is made and entered into as of the effective date, by and between the Moraga-Orinda Fire District ("District") and David Winnacker ("Employee" or "Fire Chief"), becoming effective December 20, 2017 (the "Effective Date"), with respect to terms and conditions of employment of Employee as Fire Chief for District.

WHEREAS, District desires to employ the services of Employee as Fire Chief of the District; and

WHEREAS, Employee desire to accept employment as Fire Chief of the District on the terms and conditions contained in this Agreement; and

NOW, THEREFORE, in consideration of the mutual covenants contained in this Agreement the parties agree as follows:

Section 1. Duties.

The Fire Chief position is that of Chief Administrator of the District and is responsible for the efficient administration of all affairs of the District which are under his control. At all times during the term of this Agreement, Employee shall be directly responsible to and report to the Board.

Section 2. Term.

Section 2.1. The term of this Agreement shall commence on the Effective Date and shall continue until December 20, 2022. This term may be extended or renewed prior to the expiration date by mutual agreement of the parties. In the event of non-renewal or non-extension there shall be no severance pay under Section 3. The parties expressly agree that the employment of the Fire Chief is at will and this Agreement may be terminated at any time before the expiration of this term by either party with or without stated cause. Termination by the Board without stated cause will entitle Employee to payment of severance pay as provided more specifically in Section 3.

Section 3. Termination and Severance Pay.

Section 3.1. The Board shall engage in an oral review of the Fire Chief's performance after the first 3 months and again after the first 6 months. A written review will occur annually as provided in Section 10 hereof. Such reviews may be facilitated by a professional mutually acceptable to the Board and the Fire Chief. The Board and Fire Chief shall establish such goals and performance objectives with timetables which they mutually determine necessary and appropriate for the District's policy and operational objectives. The Board and Fire Chief shall further establish a relative priority among the various goals and objectives. The goals and objectives shall be attainable generally within the time limit as specified. This section shall not prevent more frequent evaluations as necessary.

Section 3.2. Should the Fire Chief receive a "below satisfactory rating" on his written performance evaluation, Employee shall have two (2) months from receipt of that evaluation to improve Employee's performance.

Attachment A

A follow up review will be scheduled at that time. If Employee receives a "below satisfactory rating" on Employee's follow up performance evaluation the Employee will be given another one (1) month to improve. A follow up review will be scheduled at that time. If Employee receives a "below satisfactory rating" on Employee's third performance review, the Employee will be terminated and given forty five (45) days of severance pay.

Section 3.3. In the event Employee is terminated by the Board during such time as Employee is willing and able to perform his duties under this Agreement, other than under Sections 3.2, 3.4 or 3.5, District agrees to pay Employee severance pay in a lump sum cash payment equivalent to four (4) months' salary, subject to the requirements of Government Code sections 53243.2 and 53260. District agrees to pay Employee three (3) months of District's share of medical premium in effect at the time of severance. Such severance pay shall be calculated based on Employee's current level of salary at the time of receipt of the notice.

Section 3.4. District shall have no obligation to make the severance payments specified in this section if Employee is terminated and removed from the Fire Chief position for serious misconduct. As used herein, "serious misconduct" means (i) fraud, theft, embezzlement, bribery or other similarly serious acts in connection with Employee's position or duties; (ii) conviction of any felony; (iii) violation of District policies in a manner that caused substantial loss, damage or injury to District's property or employees; (iv) habitual failure to report to work (other than because of personal illness); or (v) willful refusal to carry out the lawful directives of Board. A determination of serious misconduct shall be within the sole discretion of the Board, subject to the provisions of Government Code sections 3254 and 3254.5, and shall include a written description of the specific acts on the part of the Employee that form the basis of this determination.

Section 3.5. In the event Employee voluntarily resigns from the position of Fire Chief, Employee shall provide District a minimum of forty five (45) days written notice, unless the parties otherwise agree in writing. There shall be no severance pay under this section in the event of a voluntary separation and termination.

Section 4. Disability.

If Employee is permanently disabled or is otherwise unable to perform Employee's duties because of sickness, accident, injury, mental incapacity or health condition not within the scope of Labor Code section 4850 for a period of four (4) consecutive months, District, in its sole discretion, shall have the option to terminate this Agreement. There shall be no severance pay under this section or Section 3 in the event of termination under this section. During Employee's employment, the District will pay for supplemental disability insurance for disabilities not covered under Labor Code section 4850 in an amount not to exceed one thousand (\$1,000) dollars per year.

Section 5. Compensation and Benefits.

Section 5.1. Salary. District agrees to pay Employee for Employee's services on an annual base salary of \$215,000 payable in installments at the same time and in the same manner as other employees of the District are paid. A 414 (h) 2 provision will be added to this base salary (currently 3.91% of base salary) that is consistent with the District's 414 (h) 2 Program, subject to the Employee paying 100% of the employee retirement contribution. Unless otherwise specified herein, Employee shall receive all normal and customary health, welfare and retirement benefits provided to all safety employees of the District unless otherwise provided herein. Employee's future annual salary adjustments shall be largely based on performance against mutually agreed upon objectives as determined by the Board following the annual written performance evaluation.

Section 5.2. Automobile. District shall provide Employee with the use of an emergency vehicle twenty-four (24) hours per day for official business only. The use of such vehicle shall be subject to any existing or future Board policy established with respect to such vehicle.

Attachment A

Section 5.3. Uniforms. District shall provide and maintain uniforms for the Employee provided that the value of such provision and maintenance is not includible in Employee's final compensation for the purposes of calculating Employee's retirement benefits.

Section 5.4. Deferred Compensation. District shall pay at a rate of \$18,500 annually beginning in 2018 into a deferred compensation 457 plan on the same basis and timing as Employee's base salary.

Section 5.5. Vacation. Employee shall accrue vacation at the rate of two hundred and eight (208) hours per year however, maximum accrual shall be five hundred and seventy six (576) hours. District policy provides for leave without pay for annual reserve military service. Employee may not sell back any unused vacation.

Section 5.6. Holidays. Employee is entitled to eleven (11) paid holidays off from work taken in the same manner as administrative/clerical employees of the District.

Section 5.7. Sick Leave. Employee shall accrue one (1) day per month. Unused sick leave may not be sold back but may be used for the purpose of service credit in the same manner as safety employees of the district.

Section 5.8. Bereavement Leave. Employee shall have an annual bereavement leave of up to three (3) days per year for relatives defined under applicable state and federal law. Bereavement leave shall not be carried over year to year.

Section 5.9. Life Insurance. Employee shall be provided by District with a \$50,000 term life insurance policy, which shall include an accelerated death benefit option. Premiums for this insurance shall be paid by the District with conditions of eligibility to be reviewed annually. Employee may also subscribe voluntarily for supplemental life insurance coverage.

Section 5.10. Medical Plan Contribution. The District will contribute the same amount per month for Employee's medical benefits than what is provided to all other safety employees for medical benefits as of the Effective Date. If the District's medical benefit contribution for safety employees increases or decreases during the term of this Agreement, the District's contribution for Employee's medical benefits shall increase or decrease in an equal amount.

Section 5.11. Dental Plan Contribution. The District will contribute \$116.98 per month for Employee dental benefits and will provide Employee with the same increase or decrease in dental benefit contributions as all other safety legacy employees in the District.

Section 5.12. Administrative Leave. Employee shall be credited twenty four (24) hours on July 1 of each fiscal year for use within that fiscal year. Such Administrative Leave may not be accumulated over any fiscal year and carried over nor may it be sold back.

Section 5.13. OES Master Mutual Aid. The Board is supportive of the Chiefs desire to participate in and be deployed as part of the OES Master Mutual Aid system twice per year as a way to maintain and develop large scale wildland incident management skills. This participation will be supported by the Board after satisfactory performance reviews and completion of one full year of employment with MOFD.

Section 6. Hours of Work.

Attachment A

The Employee shall devote such time to the Fire Chief position as may be required and necessary to perform the duties and responsibilities of Fire Chief of the District. Employee shall attend all Board of Directors' meetings unless excused by the Board President. Employee is an exempt employee (not subject to overtime under the FLSA) and is expected to devote all of the necessary time outside normal office hours as is necessary for the performance of his duties.

Section 7. Retirement.

Section 7.1. 3% at 50 Benefit. Employee shall receive the 3% at 50 retirement benefit subject to the terms and conditions of the Contra Costa County Plan that requires the employee to contribute at the employee contribution rates set by CCCERA. District reserves the right to change the retirement plan at any time and, if so, Employee will receive the same benefits as safety personnel.

Section 7.2. Retirement Contribution. Pursuant to the implementation of the 414 (h) 2 plan, Employee shall pay one hundred percent (100%) of the contribution required of employees.

Section 7.3. Retiree Medical. In light of Employee's prior service as a California firefighter the Employee shall receive retiree medical benefits, as of the retirement date of Employee, in an amount equal to that provided to the District's active safety employees hired by the District prior to April 2014 and covered under CALPERS.

Section 8. Expense Reimbursement.

District shall reimburse, provided that approval is obtained from the Board, all reasonable, actual and necessary expenses of Employee in performing the duties of the Fire Chief.

Section 9. Indemnification and Defense of Employee.

Section 9.1. District shall, consistent with the provisions of Government Code sections 810 et. seq., defend, save and hold harmless, and indemnify Employee against any tort, professional liability, claim or demand or any legal action, arising out of an alleged act or omission occurring in the performance of Employee's duties or actions related to his position as Fire Chief. The District will provide and pay a full legal defense with a mutually agreed upon attorney representing Employee's interest. Consistent with the requirements of Government Code Section 53243, et seq., any District funds (i) expended for the legal criminal defense of Employee, (ii) paid to Employee while on leave due to a pending investigation, and (iii) paid as severance pursuant to Section 3.4 of this Agreement, shall be repaid to the District by Employee within thirty (30) days following any conviction of Employee of a crime involving an abuse of Employee's office or position.

Section 9.2. District shall provide and pay for all cost of any fidelity or other bonds required of the Employee.

Section 10. Goal Setting, Performance Evaluation.

Section 10.1. Employee shall meet with the Board within the first month of employment to establish mutually agreeable goals and objectives and standards for performance.

Section 10.2. By December 30 each year or at such time as may be mutually agreed by the parties, the Board shall formally review and evaluate the performance of the Employee as provided in Section 3.1. The Board shall provide the Employee with a written summary statement of the evaluation and provide the Employee an adequate opportunity to discuss his evaluation. Employee shall sign the performance evaluation to acknowledge that he is aware of its contents.

Attachment A

Such evaluation shall be placed in Employee's personnel file.

Section 11. Notices.

Any notice relating to this Agreement shall be given in writing and shall be deemed sufficiently given and served for all purposes when delivered personally or by generally recognized overnight courier service, or three (3) business days after deposit in the United States mail, certified or registered, return receipt requested with postage prepaid addressed as follows:

If to Employee:

David Winnacker
Moraga-Orinda Fire District
1280 Moraga Way
Moraga, CA 94556

And to

David Winnacker
(home address as recorded in personnel file)

With a copy to:

Kathleen Famulener
President
Board of Directors
Moraga-Orinda Fire District
1280 Moraga Way
Moraga, CA 94556

Section 12. Entire Agreement.

The terms, conditions and covenants of this Agreement are intended by the parties as a final expression of their agreement with respect to such terms, conditions and covenants as are included in this Agreement and may not be contradicted by evidence of an prior or contemporaneous agreement. This Agreement specifically supersedes any prior written or oral agreements between the parties.

Section 13. Amendment.

This Agreement may be amended from time to time only by the mutual written agreement of the parties.

Section 14. Governing Law.

This Agreement shall be governed by the laws of the State of California and of the United States, and the rights and obligations of the parties hereto shall be construed and enforced in accordance with the laws of the State of California.

Section 15. Waiver.

Any waiver at any time by any party hereto of its rights with respect to default or any other matter arising in connection with this Agreement shall not be deemed to be a waiver with respect to any other default or matter. The exercise by a party of any remedy provided in the Agreement or at law shall not prevent the exercise by that party of any other remedy provided in this Agreement or at law.

Attachment A

Section 16. Severability.

If any terms, provisions, conditions and covenants of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

Section 17. Legal Advice: Neutral Interpretation.

Each party is entitled to receive independent legal advice from its attorneys with respect to the advisability of executing this Agreement and the meaning of the provisions hereof. The provisions of this Agreement shall be construed as to their fair meaning, and not for or against any party based on any attribution to such party as the source of the language in question. The headings used in this Agreement are for the convenience of reference only and shall not be used in construing this Agreement.

Section 18. No Third Party Beneficiary.

Nothing in this Agreement, express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any person other than the parties to it and their respective permitted successors and assigns, nor is anything in this Agreement intended to relieve or discharge any obligation of any third party to any party hereto or given any third person any right of subrogation or action over and against any party to this Agreement.

Section 19. Counterparts.

This Agreement is executed in four (4) duplicate originals, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This Agreement consists of six (6) pages, which constitute the entire understanding and agreement of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement with the intent to be bound thereby as of the date first written above.

"District"

"Employee"

Dated: _____

Dated: _____

Kathleen Famulener, President

David Winnacker