



Moraga-Orinda Fire District

Board of Directors

REGULAR MEETING

February 3, 2016

6:00 p.m. CLOSED SESSION

7:00 p.m. OPEN SESSION

PLEASE NOTE NEW MEETING ADDRESS:

Sarge Littlehale Community Room
22 Orinda Way
Orinda, CA 94563

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 matter not appearing on the agenda including Closed Session, 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.

3. CLOSED SESSION

- 3.1. **Public Employee Performance Evaluation**
(Government Code Section 54957)
Public Employee Appointment Title: Fire Chief

4. RECONVENE THE MEETING

- 4.1. Call the meeting to Order

5. REPORT OF CLOSED SESSION ACTION

6. PUBLIC COMMENT

The public is invited to speak on any matter not appearing on the agenda including Closed Session, 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. PUBLIC HEARING

- 7.1. **Public Hearing to consider the proposed revision to the Schedule of Fees for District Services.**

Open Public Hearing for the purpose of receiving public comment regarding proposed revision to the Schedule of Fees for District Services.

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution 16-04, A Resolution of the Moraga-Orinda Fire District Revising a Schedule of Fees for District Services.

8. CONSENT AGENDA

- 8.1. **Meeting Minutes – January 20, 2016**
Staff Recommendation: Receive and File
- 8.2. **Quarterly Treasurer's Report**
Staff Recommendation: Receive and File
- 8.3. **Quarterly Ambulance Billing Report**
Staff Recommendation: Receive and File
- 8.4. **Annual Operating Budget Timeline**
Staff Recommendation: Receive and File

9. REGULAR CALENDAR

9.1. **Introduction and First Reading of Ordinance 16-01, An Ordinance of the Moraga-Orinda Fire Protection District Setting Forth Purchasing and Contracting Procedures and Authorities**

Staff will present information to the Board regarding Ordinance 16-01, an Ordinance of the Moraga-Orinda Fire District setting forth purchasing and contracting procedures and authorities.

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Introduction and First Reading of Ordinance 16-01

9.2. **Resolution 16-05, A Resolution of the Moraga-Orinda Fire Protection District to Access State and Federal Level Summary Criminal History Information**

Staff will present Resolution 16-05, A Resolution of the Moraga-Orinda Fire Protection District to Access State and Federal Level Summary Criminal History Information.

Staff Recommendation: 1) Receive report; 2) Deliberate; 3) Adopt Resolution 16-05

9.3. **Mid-Year Budget Review and Approval of Budget Adjustment**

Staff will present the Mid-Year Budget to the Board for review.

Staff Recommendation: 1) Receive report; 2) Deliberate; 3) Approve Budget Adjustments

9.4. **Amendment No. 4 to Fire Chief Employment Agreement Adjusting Annual Base Salary**

Staff will present information to the Board regarding Amendment No. 4 to Fire Chief Employment Agreement Adjusting Annual Base Salary.

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Approve Amendment No. 4 to Fire Chief Employment Agreement

10. COMMITTEE REPORTS

10.1. **Finance Committee (*Directors Barber & Weil*)**

11. ANNOUNCEMENTS

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

11.2. **Questions and informational comments from Board members and Staff**

12. ADJOURNMENT

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

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

I hereby certify that this agenda in its entirety was posted on January 29, 2016, 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 District

TO: The Board of Directors

FROM: Kathy Leonard, Fire Marshal

DATE: January 27, 2016

SUBJECT: Item 7.1 – Resolution 16-04, A Resolution of the Moraga-Orinda Fire District Revising a Schedule of Fees for District Services

BACKGROUND

On August 7, 2013, Fire Prevention staff reported on the results of a third party independent fee study analysis and in-house comparable agency survey in order to evaluate MOFD's current fees, which have not been updated since 2005.

The Board instructed staff to continue development of a new fee structure, with substantiating data that will restructure fees for services and reflect the true cost of providing those services for revenue cycle improvement to the District. In 2014, along with the adoption of the 2013 California Fire Code and Ordinance 13-01, the updated fee schedule was adopted.

The District may, if authorized by the Board of Directors, increase fees and charges based on annual adjustment of the Consumer Price Index (CPI) Urban Wage Earners, San Francisco-Oakland-San Jose, California region, measured as of October of each year. In 2015, the updated fee schedule was approved by the Board to reflect the annual adjustment of the CPI.

Staff proposes adoption of the new fee schedule for 2016 based on the most recent CPI adjustment as of October, 2015.

RECOMMENDATION

1) Discuss; 2) Deliberate; 3) Adopt Resolution 16-04, a Resolution of the Moraga-Orinda Fire District Revising a Schedule of Fees for District Services.

ATTACHMENTS

1. Attachment A – Proposed Resolution 16-04, A Resolution of the Moraga-Orinda Fire District Revising a Schedule of Fees for District Services

RESOLUTION NO. 16-04

A RESOLUTION OF THE MORAGA-ORINDA FIRE DISTRICT REVISING A SCHEDULE OF FEES FOR DISTRICT SERVICES

WHEREAS, on November 20, 2013, the Moraga-Orinda Fire District of Contra Costa County (“District”) enacted District Ordinance No. 13-02 (the “Ordinance”), which authorized the schedule of fees as provided in Fire Protection Law of 1987 (Health and Safety Code sections 13800 et seq., the “Act; and,

WHEREAS, Ordinance No. 13-02 set forth District fees and costs which are subject to reimbursement; and,

WHEREAS, it is necessary from time to time to revise the fees and charges that assist in defraying the costs of specific services provided by the Moraga-Orinda Fire Protection District (“District”); and,

WHEREAS, the District has given notice of its intent to increase such fees and charges contained in Ordinance No. 13-02 as may be adopted by Resolution and noticed in accordance with Health and Safety Code Section §13916 *et seq.*, and Government Code Section §6066; and,

WHEREAS, Health and Safety Code Section §13916 (d) provides that the schedule of fees established by Ordinance No. 13-02 must indicate an amount to be charged which is based on the estimated cost to provide the service and that schedule was made available to the public at least ten days before the adoption of this Resolution; and,

WHEREAS, the District has determined, based on the services provided, that it should increase fees and charges based on an annual adjustment each Jan. 1 based on the annual change in the Consumer Price Index (CPI) Urban Wage Earners, San Francisco-Oakland-San Jose, CA region, measured as of October of each year; and,

WHEREAS, the annual change in the Consumer Price Index (CPI) Urban Wage Earners, San Francisco-Oakland-San Jose, CA region, measured as of October, 2015 was determined to be 2.6 percent; and,

WHEREAS, the fees and charges set forth in Exhibit A, attached hereto and made a part hereof, have been increased by a maximum of 3 percent rounded to the nearest whole number and found to be based upon the actual costs of performing such District services and are reasonable,

Attachment A

Resolution 16-04
Page 2

NOW THEREFORE BE IT RESOLVED by the District Board of Directors that:

1. Each of the recitals of this Resolution is found to be determinations of fact which are true and correct;
2. The fees and charges set forth in Exhibit A attached and incorporated by this reference shall be effective February 4, 2016;
3. The Board of Directors delegates its authority to the Fire Chief or his/her designee to administer the fees and charges as set forth in Exhibit A;
4. The fees and charges authorized by this Resolution are statutorily exempt from review under the California Environmental Quality Act ("CEQA") as confirmed in CEQA Guidelines Section 15273.

PASSED, APPROVED and ADOPTED this 3rd day of February 2016 at the regular meeting of the District Board of Directors held at 22 Orinda Way, Orinda California 94563, on motion made by Director _____, seconded by Director _____, and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attachment A

Resolution 16-04
Page 3

Dated: February 3, 2016

Stephen Anderson, President
Board of Directors

ATTEST:

Grace Santos
Clerk to the Board

Exhibit A

MORAGA-ORINDA FIRE DISTRICT PERMIT AND PLAN REVIEW FEE SCHEDULE

Effective February 4, 2016

Fee No.	Fee Description	Unit	Fee/Deposit Proposed	
			2015	2016
INSPECTION - SINGULAR PERMITTED ACTIVITIES				
T1	Special Events, Tents and Booths			
T1.1	Tents between 200 and 5000 ft ² in Size, and canopies in excess of 400 s.f.	per permit	\$ 162	\$ 166
T1.2	Tents greater than 5000 ft ² in Size	per permit	\$ 170	\$ 174
T1.3	Extended Period of Use, up to 180 Days per Tent or Air Supported Structure	per permit	\$ 221	\$ 227
SE1	Street Fairs, Carnivals, and Special Events	per permit (1)	\$ 299	\$ 307
E1	Explosives - any kind	per permit (3)	\$ 346	\$ 355
FW	Fireworks			
FW1.1	Fireworks Aerial	per permit (3)	\$ 692	\$ 710
FW1.2	Set Piece / Theatrical	per permit (3)	\$ 461	\$ 473
HM1	Hazardous Materials	per permit (3)	\$ 461	\$ 473
BP1	Burn Permit - Recreational / Open Flame	per permit	\$ 141	\$ 145
SP	Singular Permits - Other			
SP1.1	Change of Occupancy	per permit	\$ 282	\$ 289
SP1.2	Install/Maintain Acid Battery Systems > 50 gallons	per permit	\$ 288	\$ 295
SP1.3	Miscellaneous Permit (otherwise not listed above)	per permit	\$ 221	\$ 227
INSPECTION - ANNUAL OPERATIONAL PERMITS				
API	LPG Dispense	per year	\$ 333	\$ 342
AP2	Welding or Hot Works	per year	\$ 333	\$ 342
AP3	Spraying Flammable Finishes	per year	\$ 333	\$ 342
AP4	Compressed Gas / Cryogenics	per year		
AP4.1	Inert		\$ 333	\$ 342
AP4.2	Flammable		\$ 333	\$ 342
AP4.3	Cryogenics Portable Tanks		\$ 333	\$ 342
AP4.4	Cryogenics Portable Tanks Fixed System		\$ 333	\$ 342
AP5	Flammable / Combustible Liquids	per year		
AP5.1	Flammable Liquid Storage Cabinet		\$ 333	\$ 342
AP5.2	Flammable Liquid Storeroom		\$ 333	\$ 342
AP5.3	Aboveground Storage Outside		\$ 346	\$ 355
AP5.4	Underground Storage Tank		\$ 346	\$ 355
AP6	Engine Repair Facilities	per year		
AP6.1	1 - 4 Bays		\$ 333	\$ 342
AP6.2	5 - 8 Bays		\$ 333	\$ 342
AP6.3	9 + Bays		\$ 333	\$ 342
AP7	Group A Places Of Public Assembly	per year		
AP7.1	Occupancy Load 50-100		\$ 277	\$ 284

Exhibit A

AP7.2	Occupancy Load 101-200		\$ 333	\$ 342
AP7.3	Occupancy Load 201-299		\$ 443	\$ 455
AP7.4	Occupancy Load 300 +		\$ 443	\$ 455
AP8	Group E Occupancies- Schools	per year		
AP8.1	Private Schools			
AP8.1.1	E-2 Occupant Load ≤ 150		\$ 369	\$ 379
AP8.1.2	E-1 Occupant Load > 150		\$ 461	\$ 473
AP8.3	Public Schools			
AP8.3.1	E-2 Occupant Load ≤ 150		\$ -	\$ -
AP8.3.2	E-1 Occupant Load > 150		\$ -	\$ -
AP9	Group I Institutional (I-2.1, I-4)	per year		
AP9.1	Occupant Load 7-20		\$ 443	\$ 455
AP9.2	Occupant Load 21-99		\$ 499	\$ 512
AP9.3	Occupant Load 100 -249		\$ 499	\$ 512
AP9.4	Occupant Load 300 +		\$ 499	\$ 512
AP10	Group R-2 Occupancies Apartments	per year		
AP10.1	Base Fee		\$ 133	\$ 136
AP10.1.1	3-12 units, per unit		\$ 133	\$ 136
AP10.1.2	13-30 units, per unit		\$ 3	\$ 3
AP10.1.3	31+ units, per unit		\$ 4	\$ 4
AP10A	Group R-2 Assisted Living Facilities			
AP10A.1	Base Fee		\$ 333	\$ 342
AP10A.1.2	per unit		\$ 4	\$ 4
AP11	Group R-3.1 Daycare-Residential	per year		
AP11.1	R 3.1 Residential Day Care Occupant, Load 7-14			
AP12	Group R-4 Adult & Residential Care Facilities	per year		
AP12.1	R 4 Adult Residential Day Care (Non-Medical), Client Load 7+, max of 6 non-ambulatory		\$ 387	\$ 397
AP12.2	Licensed Facilities (includes R-2.1,R-4)			
AP12.3	Occupant Load < 6		\$ 387	\$ 397
AP12.4	Occupant Load > 6		\$ 387	\$ 397
AP12.5	850 Form Fire Clearance Inspection		\$ 194	\$ 199
AP13	Group R-4 Day Care Facilities-Commercial			
AP13.1	Occupant Load ≤ 50		\$ 368	\$ 378
AP13.2	Occupant Load > 50		\$ 414	\$ 425
AP14	Annual Operational Permits - Other	per year		
AP14.1	Combustible Materials Storage	per permit	\$ 387	\$ 397
AP14.2	Change of Occupancy	per permit	\$ 443	\$ 455
AP14.3	Install/Maintain Acid Battery Systems > 50 gallons	per permit	\$ 443	\$ 455
PLAN REVIEW				
PR1	Site Access Review: Preliminary Plan Review, Consulting, and Meetings			
PR1.1	Pre-project application review	per appl (3)	\$ 461	\$ 473
PR1.2	Design Review			
PR1.2.1	Residential	per project	\$ 276	\$ 283
PR2.1.2	Commercial	per project	\$ 461	\$ 473
PR3	Site / Water Access Review	per project	\$ 369	\$ 379
PR4	Cell Tower / Antenna Land Use Review	per project	\$ 333	\$ 342

Exhibit A

PR5	Street Numbering / Address Review	per project	\$ 173	\$ 177
PR6	Building Construction - New Building			
PR6.1	Plan Review			
PR6.1.1	0 - 5,000 s.f.	per project	\$ 443	\$ 455
PR6.1.2	Greater than 5,000 s.f.	hourly (6)	\$ 111	\$ 114
PR6.2	Inspection			
PR6.2.1	0 - 5,000 s.f.	per project	\$ 333	\$ 342
PR6.2.2	Greater than 5,000 s.f.	hourly (6)	\$ 111	\$ 114
PR7	Building Construction - Tenant Improvement			
PR7.1	Plan Review			
PR7.1.1	0 - 5,000 s.f.	per project	\$ 554	\$ 568
PR7.2.2	Greater than 5,000 s.f. (per hour with \$100 deposit)	hourly (6)	\$ 111	\$ 114
PR7.3	Inspection			
PR7.3.1	0 - 5,000 s.f.	per project	\$ 443	\$ 455
PR7.3.2	Greater than 5,000 s.f.	hourly	\$ 111	\$ 114
PR8	Fire Alarm System			
PR8.1	Plan Review	per project		
PR8.1.1	First 25 Devices		\$ 443	\$ 455
PR8.1.2	each additional 25 devices, or portion thereof		\$ 166	\$ 170
PR8.2	Inspection	per project		
PR8.2.1	First 25 Devices		\$ 333	\$ 342
PR8.2.2	each additional 25 devices, or portion thereof		\$ 166	\$ 170
PR9	Fire Protection Systems - Residential - New / Modify			
PR9.1	Plan Review	per project		
PR9.1.1	First 25 Heads		\$ 333	\$ 342
PR9.1.2	each additional 25 heads, or portion thereof		\$ 166	\$ 170
PR9.2	Inspection	per project		
PR9.2.1	First 25 Heads		\$ 333	\$ 342
PR9.2.2	each additional 25 heads, or portion thereof		\$ 166	\$ 170
PR10	Fire Protection Systems - Commercial - New			
PR10.1	Plan Review	per project		
PR10.1.1	First 25 Heads		\$ 443	\$ 455
PR10.1.2	each additional 25 heads, or portion thereof		\$ 166	\$ 170
PR10.2.2	Inspection	per project		
PR10.2.2.1	First 25 Heads		\$ 443	\$ 455
PR10.2.2.2	each additional 25 heads, or portion thereof		\$ 166	\$ 170
PR10.2.2.3	Per additional Riser	per riser	\$ 111	\$ 114
PR11	Fire Protection Systems - Commercial - Tenant Improvement			
PR11.1	Plan Review	per project		
PR11.1.2	First 25 Heads		\$ 443	\$ 455
PR11.1.3	each additional 25 heads, or portion thereof		\$ 166	\$ 170
PR11.2	Inspection	per project		
PR11.2.1	First 25 Heads		\$ 369	\$ 379
PR11.2.2	each additional 25 heads, or portion thereof		\$ 166	\$ 170
PR12	Fire Protection Systems - Miscellaneous			
PR12.1	Additional Overhead Hydro Test	per test	\$ 443	\$ 455
PR12.2	Spray Booths Including Fire Protection System (New Install)	per project	\$ 387	\$ 397
PR12.3	Fire Pumps & Related Equipment - Install or Modify (Non-Residential Applications)	per project	\$ 387	\$ 397
PR12.4	Standpipe System (Wet or Dry)	per project	\$ 443	\$ 455
PR12.5	Pre-Action Fire Protection System Review	per project	\$ 443	\$ 455
PR12.6	Hood and Duct Fire Protection system	per project	\$ 443	\$ 455

Exhibit A

PR12.7	Clean Agent Fire Protection System	per project	\$ 499	\$ 512
PR12.8	Nitrous Oxide/Medical Gas System	per project	\$ 499	\$ 512
PR12.9	Smoke Management System	per project	\$ 499	\$ 512
PR12.10	Fire Hydrant Plan Review	per project	\$ 387	\$ 397
PR12.11	Water Flow Field Test for Sprinkler Systems	per project	\$ 387	\$ 397
PR13	Tanks / Piping			
PR13.1	Install Underground	per permit		
PR13.1.1	Plan Review		\$ 443	\$ 455
PR13.1.2	Inspection		\$ 443	\$ 455
PR13.2	Remove Underground	per permit		
PR13.2.1	Plan Review		\$ 443	\$ 455
PR13.2.2	Inspection		\$ 443	\$ 455
PR13.3	Install Aboveground Tank with Lines	per permit		
PR13.3.1	Plan Review		\$ 443	\$ 455
PR13.3.2	Inspection		\$ 443	\$ 455
PR13.4	Temporary Construction Tank (Install and Use per Location/ Site)	per permit		
PR13.4.1	Plan Review		\$ 443	\$ 455
PR13.4.2	Inspection		\$ 443	\$ 455
PR14	Special Hazard - Hazardous Material			
PR14.1	Hazardous Materials Approval for Use & Compliance	per project	\$ 554	\$ 568
PR14.2	Compressed Gas & Cryogenics (Initial plan review and install)	per project	\$ 554	\$ 568
PR15	High Piled Stock / Rack Systems		\$ 443	\$ 455
MISCELLANEOUS				
ALT1	Alternative Means and Methods	per project (3)	\$ 576	\$ 591
ASP1	Additional Inspections	per inspection	\$ 221	\$ 227
PR1	Additional Plan Review Submittal	per submittal	\$ 221	\$ 227
SB1	After hours (2 Hour Minimum)	per project	\$ 333	\$ 342
MS1	Photocopies (per Page) Letter or legal Size	per copy	\$ 0.10	\$ 0.10
RS1	Research Fee	hourly (4)	\$ 111	\$ 114
IR1	Incident Report Request	per request	\$ 6	\$ 6
CP1	Instructional Services (CPR)	per student	\$ 77	\$ 79
MR1	Medical Records Request	per request	\$ 15	\$ 15
FA1	Repeated False Alarm Responses (per response after the 3rd response in 30 consecutive days)	per response	\$ 152	\$ 156
WA1		per instance	\$ 634	\$ 650
DP1	Deposit processing fee	per project	\$ 56	\$ 57
	Subpoena Fee	per employee per day [7]		\$ 150
	Returned Check Charge	per check		\$ 25

[Notes]

- [1] Does not include standby time. Separate fee would apply.
- [2] Actual Cost of photos not included. Separate fee would apply.
- [3] Minimum fee includes time shown. For service required in excess of standard, hourly rate would apply.
- [4] Fee for retrieval & formatting of records information above and beyond basic retrieval and copy of a public record
- [6] Deposit fee of 50% applies. Non-refundable deposit processing fee also applies.

A deposit of \$150 for each day that a specified employee is required to remain in attendance pursuant to the subpoena. The District shall then be reimbursed for traveling expenses and the full cost to the District of paying the employee. If the actual expenses should later prove to be less than \$150 per day tendered, the excess of the amount shall be refunded. If the actual expenses should later prove to be more than the amount deposited, the District may collect the balance from the party at whose request the subpoena is issued.

[7]



Moraga-Orinda Fire Protection District

BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

January 20, 2016

1. **Opening Ceremonies**

The Board of Directors convened in Open Session at 6:04 P.M. on January 20, 2016 in the Orinda Community Center Room 7, 28 Orinda Way, Orinda, California. President Anderson called the meeting to order.

Present were the following Directors and Staff:

President Anderson	Director Weil
Director Barber	Stephen Healy, Fire Chief
Director Evans	Gloriann Sasser, Admin Services Director
Director Famulener	Grace Santos, District Clerk

2. **Closed Session**

At 6:04 P.M., the Board adjourned into Closed Session.

3. **Reconvene the Meeting**

President Anderson 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:

President Anderson	Director Weil	Gloriann Sasser, Admin Services Director
Director Barber	Stephen Healy, Fire Chief	Grace Santos, District Clerk
Director Evans	Kathy Leonard, Fire Marshal	
Director Famulener	Sean Perkins, Battalion Chief	

4. **Report of Closed Session Action**

There was no reportable action taken during Closed Session on item 3.1 Public Employee Performance Evaluation – District Counsel.

5. **Public Comment**

There were no public comments.

6. **Public Hearing**

In accordance with the California Health and Safety Code, the Board of Directors must hold a public hearing to confirm the costs of abatement incurred by the Fire District in abating separate parcels of land. The purpose of the hearing is to review any objections from property owners legally responsible to be assessed. The confirmation of the costs includes the passing, approval, and adoption of Resolution 16-03, which includes the necessary documents be submitted to the Contra Costa County Auditor-Controller Tax Division for enrollment on the property tax roll.

On April 15, 2015, notices to abate vegetation were sent to all properties within the boundaries of the Fire District with a compliance date of after June 15, 2015. Property owners who were noncompliant and received notices to abate vegetation hazards were given a minimum of 15 days (as required by ordinance) to remove the vegetation. If such removal was not completed by the requested removal date, the Fire District, after inspection and proper second and final notice, conducted the required abatement of the property. A contracted company, in accordance with the instructions from the Office of the Fire Marshal and the vegetation clearance standards, conducted the removal. After the work order was executed, the property owners were billed for the work and had an opportunity to pay prior to the District processing a lien on the property.

Fire Marshal Leonard recommended that the Board of Directors confirm the Report for Costs of Abatement incurred by the Fire District in abating public nuisances on separate parcels of land within the Moraga-Orinda Fire District boundaries.

President Anderson opened the public hearing. There were no comments from the public. President Anderson closed the public hearing.

Motion by Director Famulener and seconded by Director Evans to confirm the Report for Costs of Abatement incurred by the Fire District in abating public nuisances on separate parcels of land within the Moraga-Orinda Fire District boundaries and adopt Resolution 16-03, Confirming and Adopting the Reported Costs Incurred by the Moraga-Orinda Fire District in Abating Public Nuisances on Certain Property within the District Pursuant to Health and Safety Code section 14912. Said motion carried a 5-0 roll-call vote (Ayes: Anderson, Barber, Evans, Famulener and Weil).

7. Consent Agenda

Motion by Director Evans and seconded by Director Barber to receive and file all items 7.1 – Board Meeting Minutes, 7.2 – Monthly Incident Report, 7.3 – Monthly Financial Report, and 7.4 – Monthly Check/Voucher Register. Said motion carried a 5-0 roll-call vote (Ayes: Anderson, Barber, Evans, Famulener and Weil).

8. Committee Reports

8.1 Finance Committee (Directors Anderson & Barber)

Director Weil announced that the Finance Committee will meet on January 22, 2016 in the Sarge Littlehale Conference Room at 22 Orinda Way.

9. Announcements

9.1 Brief information only reports related to meetings attended by a Director at District expense

(Government Code Section 53232.3(d))

There were no comments.

9.2 Questions and informational comments from Board members and Staff

Director Evans stated that the Board restored pay to all District employees except for Fire Chief Healy. He asked the other Board members consider placing the item of pay restoration for the Fire Chief on a future agenda. President Anderson directed staff to include the item on the agenda for a future meeting.


Director Famulener asked if a second reading of an Ordinance can be conducted at a special meeting. District Clerk Santos stated that both first and second readings of Ordinances must be conducted at a regularly scheduled meeting of the Board.

President Anderson stated that he will be unable to attend the February 17, 2016 meeting and Director Famulener is unsure if she can attend or not. Director Evans can attend via conference call. Directors Weil and Barber are both available to attend the February 17 meeting in person. The Board directed District Secretary Santos to report at the February 3 meeting whether or not a Board of three is sufficient to pass a resolution for the fee increase.

Fire Chief Healy reported that on January 18, the District lost a friend and family member. Teri Epperson, wife of Engineer Matt Epperson, passed away after a courageous battle with cancer. The District's thoughts and prayers are with the Epperson family.

10. Adjournment

At 7:15 P.M., President Anderson called for adjournment of the regular meeting.



Grace Santos
Secretary to the Board

**MORAGA-ORINDA FIRE DISTRICT
TREASURER'S QUARTERLY INVESTMENT REPORT
DECEMBER 31, 2015**


Type of Investment	Financial Institution	Date of Maturity	Par Value/ Original	Market Value	Rate of Interest	Fiscal Year to-Date Income
Cash	Contra Costa County	N/A	(6,957,004)	(6,957,004)	0.00%	0
Cash	Citibank	N/A	100,659	100,659	0.00%	0
Cash	Citibank	N/A	129,244	129,244	0.00%	0
Local Agency Investment Fund	Local Agency Investment Fund	N/A	15,062	15,050	0.37%	1,032
Money Market	Wells Fargo Bank Advantage Cash Investment Fund	N/A	3,069,356	3,069,356	0.01%	0
Money Market	Deutsche Bank Lease Escrow	N/A	424,569	424,569	0.01%	15
Total			(3,218,114)	(3,218,126)		1,047

Average Weighted Yield 0.01%

Market values obtained from monthly statements issued by Citibank and Wells Fargo Bank

Sufficient funds exist to meet the Districts financial obligations for the next six months using the County of Contra Costa's "Teeter Plan". In 1949, the California Legislature enacted an alternative method for the distribution of secured property taxes to local agencies known as the "Teeter Plan". The "Teeter Plan" is a tax distribution procedure by which secured tax tolls are distributed to the District on the basis of the tax levy, rather than on the basis of actual tax collections. While the County bears the risk of loss on delinquent taxes that go unpaid, it benefits from the penalties associated with these delinquent taxes when they are paid. In turn, the "Teeter Plan" provides the District with stable cash flow and the elimination of collection risk.

The December 2015 investments are in accordance with the District adopted investment policy.


1-27-2016

 Gloriann Sasser Date
 Administrative Services Director

Wittman Enterprises LLC
Moraga-Orinda Fire District
Ambulance Billing-Fiscal Year 2015/2016-Revenue to Date
as of 12/31/15

	GROSS REVENUE(1)	MEDICARE WRITE OFFS (2)	MEDI-CAL WRITE OFFS (3)	RESIDENT WRITE OFFS (4)	OTHER CONTRACTUAL WRITE OFFS (5)	NET REVENUE (6)	CASH RECEIPTS (7)	REFUNDS (8)	NET RECEIPTS (9)	BAD DEBT WRITE OFFS (10)	ADJUSTMENTS (11)	NEW A/R BALANCE (12)
JULY '15	\$ 205,317.60	\$ 88,399.25	\$ 8,053.87	\$ 30,052.49	\$ 2,929.58	\$ 75,882.41	\$ 85,589.65		\$ 85,589.65	\$ 8,236.65	\$ (0.63)	\$ 394,924.26
AUGUST '15	\$ 165,251.85	\$ 71,948.99	\$ 5,136.59	\$ 15,455.33		\$ 72,710.94	\$ 75,790.41	\$ 293.25	\$ 75,497.16	\$ 4,346.37	\$ 4.44	\$ 387,796.11
SEPTEMBER '15	\$ 244,477.60	\$ 104,584.80	\$ 9,101.42	\$ 7,648.83	\$ 1,928.64	\$ 121,213.91	\$ 62,953.24	\$ 333.27	\$ 62,619.97	\$ 9,086.93		\$ 437,303.12
OCTOBER '15	\$ 187,897.85	\$ 63,288.90	\$ 10,892.55	\$ 16,571.89		\$ 97,144.51	\$ 96,168.82		\$ 96,168.82	\$ 2,627.00	\$ 50.44	\$ 435,702.25
NOVEMBER '15	\$ 182,868.50	\$ 85,100.64	\$ 5,496.57	\$ 4,557.60	\$ 1,079.27	\$ 86,634.42	\$ 72,712.22	\$ 2,489.08	\$ 70,223.14		\$ (440.30)	\$ 451,673.23
DECEMBER '15	\$ 148,614.05	\$ 63,177.80	\$ 11,630.59	\$ 18,337.73	\$ 1,149.85	\$ 54,318.08	\$ 88,963.88		\$ 88,963.88	\$ (435.00)	\$ (359.47)	\$ 417,102.96
JANUARY '16												
FEBRUARY '16												
MARCH '16												
APRIL '16												
MAY '16												
JUNE '16												
YEAR TO DATE TOTALS	\$ 1,134,427.45	\$ 476,500.38	\$ 50,311.59	\$ 92,623.87	\$ 7,087.34	\$ 507,904.27	\$ 482,178.22	\$ 3,115.60	\$ 479,062.62	\$ 23,861.95	\$ (745.52)	
YTD PERCENTAGE OF REVENUE		42.00%	4.43%	8.16%	0.62%	44.77%	42.50%	0.27%	42.23%	2.10%	-0.07%	
YTD PERCENTAGE OF NET REVENUE									94.32%			

1. GROSS REVENUE – Charges billed within the month.
2. MEDICARE WRITE OFFS – Contractual write down that MOFD is obligated to take as a Medicare provider
3. MEDI-CAL WRITE OFFS - Contractual write down that MOFD is obligated to take as a Medi-Cal provider
4. RESIDENT WRITE OFFS – Write Downs that are taken according to MOFD’s resident policy
5. OTHER CONTRACTUAL WRITE OFFS – Contractual write downs that are taken for other federal or state agencies
6. NET REVENUE – Revenue after all contractual obligations are taken
7. CASH RECEIPTS – Payments that are received in month.
8. REFUNDS – Overpayments that are refunded.
9. NET RECEIPTS – Payments after refunds have been removed.
10. BAD DEBT – Accounts that have been sent to the collection agency.
11. ADJUSTMENTS – Any adjustment that has been made to a previously billed account, (for example, incorrect mileage).
12. NEW A/R BALANCE – Balance of all accounts in system at the end of the month and in general ledger account #1051-Receivables – Ambulance Billing.



Moraga-Orinda Fire District

Annual Operating Budget Timeline Fiscal Year 2016-2017

February

- 2/3/16 Board adopts mid year budget adjustments
- 2/9/16 Fire Chief assigns Goals and Objectives to managers
- 2/23/16 Goals and Objectives due to Fire Chief
- 2/23/16 Management Budget Meeting – Operating, Capital and Personnel budget worksheets distributed
- All Month Budget parameters determined

March

- 3/18/16 Operating, Capital and Personnel budget worksheets due to Finance

April

- 4/06/16 Draft Budget to Fire Chief
- 4/11-15/16 Fire Chief meets with managers regarding budget requests

May

- 5/9/16 Proposed Budget presented to Finance Committee

June

- 6/1/16 Proposed Budget presented to Board
- 6/15/16 Board adopts Annual Operating Budget



Moraga-Orinda Fire District

TO: Board of Directors
FROM: Gloriann Sasser, Administrative Services Director
DATE: February 3, 2016
SUBJECT: Item 9.1 – Ordinance No. 16-01 Purchasing and Contracting Procedures and Authorities

BACKGROUND

In December 2015, the District needed to make an emergency repair to pipes at Station-45. In the case of an emergency, the current Purchasing Ordinance requires a Board meeting with all five members in attendance in order to authorize the repair of a public facility. During this process, the Board directed staff to research possible changes to the Purchasing Ordinance to give the fire chief authority to repair District facilities in an emergency without requiring the Board to meet. Staff worked with legal counsel to identify alternatives.

The proposed Ordinance 16-01 would implement the following changes:

- Section 4 – Clarifies the requirements for special and incidental services
- Section 5.1.1 – In the case of an emergency, the District Board delegates authority to the Fire Chief up to \$100,000 to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes, without giving notice for bids. The proposed change also would require the Fire Chief to report information about the emergency action to the Board at its next meeting. Currently only the Board has authority in the case of an emergency.
- Section 6 - For Public Projects of \$100,000 or more, the District Board of Directors shall be the only Purchasing and Contracting Authority. This will increase the purchasing authority delegated to the Fire Chief. Currently public projects of \$10,000 or more must be approved by the Board.

The above changes are recommended to conduct District business more efficiently and expeditiously in the event of an emergency.

RECOMMENDATION

1. Introduce and waive the first reading of Ordinance 16-01 - An Ordinance Setting Forth Purchasing and Contracting Procedures and Authorities.
2. Schedule a public hearing and second reading of Ordinance 16-01 for the March 2, 2016 regular Board meeting.

ATTACHMENT

1. Attachment A – Ordinance 16-01 – Purchasing and Contracting Procedures and Authorities

ORDINANCE NO. 16-01

AN ORDINANCE OF THE MORAGA-ORINDA FIRE PROTECTION DISTRICT SETTING FORTH PURCHASING AND CONTRACTING PROCEDURES AND AUTHORITIES

The Board of Directors (the Board) of the Moraga-Orinda Fire Protection District (the “District”) ordains as follows:

WHEREAS, the District wishes to establish the following purchasing system for the purpose of setting forth efficient procedures for the purchase of supplies, equipment, public projects and services; to secure for the District those supplies, materials, equipment and services at the lowest possible cost in an efficient manner without unnecessary delays; to exercise positive financial control over purchases; to clearly define the delegated authority for the purchasing and contracting functions; in compliance with the Act, Government Code section 4526 and Public Contract Code section 20812(a) and (c); and to ensure the quality of the purchases and contracts for services accomplished by the District.

NOW THEREFORE BE IT RESOLVED, that the District establishes the following purchasing system for the purpose of setting forth efficient procedures for the purchase of supplies, materials, equipment and services; to secure for the District those supplies, materials, equipment and services at the lowest possible cost in an efficient manner without unnecessary delays; to exercise positive financial control over purchases; to clearly define the delegated authority for the purchasing and contracting functions; in compliance with the Act, Government Code section 4526 and Public Contract Code section 20812(a) and (c); and to ensure the quality of the purchases and contracts for services accomplished by the District.

1. DEFINITIONS

1.1 Purchasing and Contracting Authority

Purchasing and Contracting Authority is the representative or representatives of the District, whether members of its staff, or its Board of Directors acting together, who, depending on the size and type of transaction at issue, are authorized to approve a particular purchasing transaction or award a contract after completion of the applicable selection process.

1.2 Lowest Responsible Bidder

The Lowest Responsible Bidder is a bidder that is deemed responsible by the District and has demanded the least compensation from the District. When determining whether a bidder is responsible, the District shall consider one or more of the following factors as appropriate:

- 1.2.1** The ability, capacity, and skill of the bidder;
- 1.2.2** Whether the bidder has the facilities to perform the contract promptly, or within the time specified, without delay or interference;
- 1.2.3** The character, integrity, reputation, judgment, experience and efficiency of the bidder;

- 1.2.4 The bidder's record of performance of previous contracts;
- 1.2.5 Previous and existing compliance by the bidder with laws and policies relating to the contract;
- 1.2.6 The sufficiency of the financial resources and ability of the bidder to perform the contract;
- 1.2.7 The available insurance held by the bidder;
- 1.2.8 The quality and availability of the supplies, equipment, or services purchased, and the adaptability of the above to the particular use required;
- 1.2.9 The ability of the bidder to provide future maintenance and service for the supplies, equipment, or services purchased;
- 1.2.10 The number and scope of conditions attached to the bid;
- 1.2.11 Any referrals or comments regarding the bidder made by knowledgeable persons familiar with the bidder and/or the bidder's business, industry or finances.
- 1.2.12 For contracts for Professional Services, consistent with the Act, Government Code section 4526 and Public Contract Code section 20812(a) and (c), whether the business is (i) a "small business" within the definition of Government Code section 14837(d), which is "an independently owned and operated business which is not dominant in its field of operation, the principal office of which is located in California, the offices of which are domiciled in California, and which, together with affiliates, has 100 or fewer employees, and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years," or (ii) a manufacturer within the meaning of Government Code section 14837(c) and has 100 or fewer employees.

1.3 Open Market Purchase Procedure

The Open Market Purchase Procedure does not involve any formal or informal solicitation and evaluation of competitive bids. The Purchasing and Contracting Authority shall use his or her judgment and experience in making the decision, and shall also consider the same criteria used to determine the Lowest Responsible Bidder.

1.4 Informal Bidding Procedure

The Informal Bidding Procedure is a cost-effective competitive process for canvassing the marketplace to identify vendors most likely to provide appropriate supplies or services at a reasonable price and in an efficient manner.

The Informal Bidding Procedure requires the Purchasing and Contracting Authority to solicit written, faxed, e-mailed or verbal price quotations from a minimum of three (3) vendors. The solicitation may be either written or verbal, as dictated by the circumstances and judgment of the Purchasing and Contracting Authority. The bid shall be awarded to the Lowest Responsible Bidder as defined above.

1.5 Formal Bidding Procedure

- 1.5.1 Preparation of Plans and Specifications.** For Public Projects, the District shall prepare plans and specifications providing adequate direction to enable any competent contractor or other builder to carry them out.
- 1.5.2 Notice.** Notice requesting sealed bids shall set a date for the opening of sealed bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the sealed bids. Notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation in the District, or if there is none, it shall be posted in at least three public places in the District.
- 1.5.3 Posting Bonds.** The District Board may require in the public notice for bids that the bidder provide bidder's security, insurance, and/or the posting of those bonds it deems desirable as a condition to the filing of a bid or the letting of a contract. A surety bond insures the faithfulness of the bid and insures the performance of a contract. The intent is to protect the District from losses, damages, claims and liabilities in the event the vendor fails to execute a contract. For all Public Projects in excess of \$25,000, posting of a bond shall be required.
- 1.5.4 Time Stamping Bids.** Bids received shall be time-stamped by the District Clerk and deposited unopened in the bid file. Any bid received subsequent to the time of closing as stated on the request for bid shall be time-stamped and returned to the bidder.
- 1.5.5 Tendering Bids.** Bidders shall be entitled to the return of bid security, except that a successful bidder shall forfeit its bid security upon refusal or failure to execute the contract within ten (10) days after the notice of award has been mailed, or a time agreed upon in writing by both the successful bidder and the District, unless the District is responsible for the delay. The Purchasing and Contracting Authority may, on refusal or failure of the successful bidder to execute the contract, award the contract to the next Lowest Responsible Bidder. The amount of the lowest bidder's forfeited security shall be applied by the District to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder. The successful bidder's check or bond will be held until submission of the performance bond.
- 1.5.6 Bid Opening.** In the case of construction contracts, and pursuant to the Public Contract Code, bidders shall submit sealed bids to the District and shall identify the bid as a sealed bid on the envelope. Sealed bids must be opened only at the time and place stated in the public notice. The Purchasing and Contracting Authority shall prepare a summation of all sealed bids received and shall make the summation available for public inspection during regular business hours for a period of not less than thirty (30) days after the bid opening. The District shall not accept any bid unless it is in writing.
- 1.5.7 Award of Bid.** If any bid is awarded, it shall be awarded to the Lowest Responsible Bidder using the criteria defined within this Ordinance.

Attachment A

1.5.8 Tie Bids. Pursuant to the Public Contract Code, if two or more bids are the same and the lowest, the Purchasing and Contracting Authority may accept the bid of any of the lowest responsible bidders.

1.5.9 Rejection of Bids. In its discretion, the District Board may reject the bids presented and readvertise.

1.6 Formal Request for Proposal Procedure

1.6.1 The Request for Proposal shall include a general description of the services to be procured, the criteria by which the District shall evaluate proposals, a proposed agreement, including insurance requirements, and the time and place for submission of proposals.

1.6.2 A notice inviting proposals shall be distributed to at least three (3) consultant or service firms at least ten (10) days prior to the deadline for submission of proposals.

1.6.3 Proposals must be signed acknowledging acceptance of the terms and conditions of the agreement and insurance requirements, and proposers shall submit sealed proposals.

1.6.4 All responsive proposals shall be reviewed and evaluated by the Purchasing and Contracting Authority to determine which proposer best meets the District's needs by demonstrating the competence and qualifications necessary for the satisfactory performance of the required services. The dollar amount of the proposal shall be considered but the award need not be made to the lowest dollar proposal.

1.7 Public Projects

Contracts for the construction or completion of any building, structure, or improvement

2 PURCHASES OF SUPPLIES AND EQUIPMENT

This section governs purchases of goods, materials, supplies, vehicles, machinery, furnishings and other tangible property.

2.1 For purchases of supplies and equipment under \$5,000, the Purchasing and Contracting Authority shall use the Open Market Purchase Procedure.

2.2 For purchases of supplies and equipment of between \$5,000 and \$100,000, the Purchasing and Contracting Authority shall use the Informal Bidding Procedure.

2.3 For purchases of supplies and equipment over \$100,000, the Purchasing and Contracting Authority shall use the Formal Bidding Procedure.

2.4 For purchases of gasoline or other automotive fuel, the Purchasing and Contracting Authority shall use the Informal Bidding Procedure. Informal bidding shall occur at least triennially.

Attachment A

- 2.5 Notwithstanding the above, purchases of any equipment for fire protection purposes shall conform to the standardization provisions of Health & Safety Code section 13025 and following (dealing with couplings and threaded fittings).

3 PUBLIC PROJECTS

Contracts for the construction or completion of any building, structure, or improvement must follow the procedures of this section.

- 3.1 When the expenditure required for a Public Project described above exceeds ten thousand dollars (\$10,000), the Purchasing and Contracting Authority shall follow the Formal Bidding Procedure.

In addition, the following provisions apply to contracts let for Public Projects.

- 3.1.1 **Cost Records.** Cost records of the public project work shall be kept in the manner provided in Chapter 1 (commencing with Section 4000) of Division 5 of Title 1 of the Government Code.
- 3.1.2 **Contractor Requirements.** Contracts authorized by the District shall be let only to a holder of a valid State Contractor's license unless such work is exempt from such licensing requirement by any other provision of law.

4 SERVICES

- 4.1 **Professional Services** includes professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms.
- 4.1.1 Pursuant to Government Code section 4526, selection of providers of the above Professional Services shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Formal competitive bidding is not required.
- 4.2.1 **Special and Incidental Services** includes accounting, administration, ambulance, auditing, custodial, economics, finance, insurance, labor relations, law, maintenance, mechanics, medicine, planning, science, technology, and other services which are incidental to the operation of the district.
- 4.2.2 When the annual aggregate cost of the **special and incidental services** contract is less than \$5,000, the Purchasing and Contracting Authority shall utilize the Open Market Purchase Procedures when selecting the service provider.
- 4.2.3 When the annual aggregate cost of the **special and incidental services** contract is \$5,000 or more, but not more than \$100,000, the Purchasing and Contracting Authority may hire independent contractors to perform the special and/or incidental services by using the Informal Bidding Procedures.

Attachment A

- 4.2.4 For the special and incidental services contracts with an annual aggregate cost of \$100,000 or more, the Purchasing and Contracting Authority shall use the Formal Request for Proposal Procedure.
- 4.2.5 If the District Board rejects all proposals received as part of the Formal Request for Proposal Procedure, it may either readvertise or adopt a resolution, by two-thirds vote, declaring that the service can be performed more economically by the District's employees or obtained at a lower price in the open market.
- 4.3 **Core Services** includes fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and any other emergency services for the protection of lives and property.
- 4.3.1 When the district board determines that it is in the public interest, the District may contract with any other public agency for Core Services. No formal competitive process is required. The District may not contract with private entities for the Core Services.

5 EXCEPTIONS TO THE BIDDING PROCESS

Purchases of supplies, equipment or services may be, but need not be, allowed pursuant to competitive proposals in the following circumstances:

- 5.1.1 In the case of an emergency, as defined in Public Contract Code section 1102, the District Board ~~may, pursuant to a four-fifths vote, delegates authority to the Fire Chief up to \$100,000 to~~ repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts. If the Fire Chief orders any such action, he or she shall report to the Board, at its next meeting as required under Public Contract Code section 22050, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency. ~~Before the Board takes any such action, it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.~~ The District shall follow all other applicable procedures of Public Contract Code section 22050.
- 5.1.2 When the following types of personal property or services are being acquired, obtained, rented or leased: (i) advertising; (ii) books, recordings, films, subscriptions; (iii) election supplies; (iv) insurance; (v) public utility services; (vi) travel services; (vii) property or services provided by or through other governmental agencies; or obtainable from suppliers which have in force a current contract with another governmental agency for the same item or service; or (viii) property or services the price of which is fixed by law; or
- 5.1.3 The supplies, materials, services or equipment are produced only by one manufacturer or are available from only one source; or

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5.1.4 When a purchase is made through a master agreement, multiple award schedule or cooperative agreement with any federal, state or local agency wherein the original agreement was properly awarded through the appropriate public bid process.

6 PURCHASING AUTHORITY LEVELS

The funding included in the annual budget approved by the Board of Directors for the purchase of supplies and equipment, services, and Public Projects shall constitute spending authority to the listed persons for such contracts up to the amounts listed below. The Board of Directors, when sitting as a convened Board, may serve as the Purchase and Contract Authority for any District purchases in any amount. All such purchases by any individual or the Board of Directors shall meet the requirements, if any, of the informal or formal bidding requirements prior to purchase and the contracting limits as specified below.

For Public Projects of ~~\$10,000~~ **\$100,000** or more, the District Board of Directors shall be the only Purchasing and Contracting Authority.

For all other types of purchases and contracts, each of the following persons shall be authorized to be a Purchasing and Contracting Authority:

Any amount less than \$100,000:	District Fire Chief
Any amount less than \$25,000:	Administrative Services Director
Any amount less than \$10,000	Battalion Chief, Fire Marshal and Emergency Preparedness Coordinator
Any amount less than \$500	Captain
Any amount less than \$100	Any District employee

7 PROHIBITED ACTS

In no event shall any Purchasing and Contracting Authority allow any unlawful activity including, but not limited to, rebates, kickbacks or other unlawful consideration in fulfilling the requirements of this Ordinance nor shall any individual participate in the selection process when he or she has a financial interest as defined in Government Code section 87100, et seq. with a person or business entity seeking a contract.

8 SUFFICIENT FUNDS REQUIRED

Nothing in this Ordinance shall be interpreted to allow any purchase or contract for which insufficient District funds have been appropriated.

9 USE OF DISTRICT FORM CONTRACTS

The District shall utilize a form contract provided by the District and approved by District Counsel ("Form Contract") to memorialize agreements for provision of any Services whenever the District is agreeing to pay \$500.00 or more. The District may utilize a Form Contract for expenditures of \$499.99 or less.

10 PROTEST PROCEDURE

After the award of any contract, any unsuccessful bidder may challenge the bid procedure by filing a written protest with the Purchasing and Contracting Authority. The protest must set forth the reasons for the challenge and must be filed within ten (10) days of the award of the contract,

and must be accompanied by a bid protest deposit. The District bid protest deposit is \$1,500. The bid protester will be charged actual hourly costs of staff time and attorney fees and any remaining deposit will be returned.

The Board of Directors shall review the protest and provide a written reply in an expeditious manner. The decision of the Board of Directors with respect to the protest shall be final. Failure to file a timely protest shall be deemed a waiver of any challenge to the selection procedure or the award of a contract. Notice of this procedure shall be included in any formal or informal District solicitation for the purchase of supplies, materials, equipment or the performance of services.

11 SPLITTING ORDERS

The splitting of orders to separate purchases, orders or contracts for services into smaller quantities or amounts for the purpose of avoiding the competitive bidding provisions or the Purchasing and Contracting Authority provisions of this Ordinance will not be allowed.

12 INSPECTION AND TESTING

The Purchasing and Contracting Authority shall have the power to inspect all supplies, materials and equipment delivered pursuant to any District purchase or any service provided by District contract to determine their conformance with the specifications for the involved supplies, materials, equipment or service. The Purchasing and Contracting Authority shall also have the power to require chemical and physical tests of samples submitted with bids and samples of deliveries, as necessary to determine their quality and conformance with specifications and applicable law.

13 SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining provisions of this Ordinance. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, phrase or word of this Ordinance regardless of the unconstitutionality or invalidity of any other section, subsection, subdivision, paragraph, sentence, clause, phrase or word herein.

SECTION 2. Effective Date and Publication of Ordinance Summary. This Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The Administrative Secretary of the District shall cause a summary of the Ordinance to be posted in accordance with Section 25124 of the Government Code of the State of California.

SECTION 3. This Ordinance supercedes Ordinance 15-01.

Adoption on motion by the Board of Directors of the Moraga-Orinda Fire Protection District.

AYES:

NOES:

ABSENT:

ABSTAIN:

Attachment A

Steve Anderson, President
Board of Directors

I certify that this is a full, true and correct copy of the original document which is on file in my office that was passed and adopted by the Moraga-Orinda Fire Protection District on the date shown.

ATTEST:

Secretary, Board of Directors
Grace Santos



Moraga-Orinda Fire District

TO: Board of Directors
FROM: Stephen Healy, Fire Chief
DATE: February 3, 2016
SUBJECT: Item 9.2 – Resolution 16-05, A Resolution of the Moraga-Orinda Fire Protection District to Access State and Federal Level Summary Criminal History Information

Background

The District conducts employment background checks on candidates for most positions within the District (e.g.) Firefighter-Paramedic, Fire Chief. Presently, the District uses an outside contractor for this purpose. The District is adding “Live Scan” as an added level of screening.

Applicant Live Scan is a system for the electronic submission of applicant fingerprints and the subsequent automated background check and response, enabling the electronic transfer of the fingerprint image data, in combination with personal descriptor information, to central computers at the Department of Justice (DOJ).

To receive live scan results, the District must designate an employee. The Fire Chief has completed the 26-page application process for this position and will obtain an Originating Agency Identifier (ORI) number. As part of the application process, a resolution is required by the District to officially declare its right to have access to this information (through its designee) under California Penal Code Sections 11105(b)(11) and 13300(b)(11).

RECOMMENDATION

- 1) Discuss; 2) Deliberate; 3) Adopt Resolution 16-05

ATTACHMENTS

1. Resolution 16-05, A Resolution of the Moraga-Orinda Fire Protection District to Access State and Federal Level Summary Criminal History Information

RESOLUTION NO. 16-05

**A RESOLUTION OF THE MORAGA-ORINDA FIRE PROTECTION DISTRICT
TO ACCESS STATE AND FEDERAL LEVEL
SUMMARY CRIMINAL HISTORY INFORMATION**

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts and joint powers authorities to access state and local summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties, districts and joint powers authorities to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, governing body of a city, county or district or joint powers authority to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW THEREFORE, BE IT RESOLVED, that the Moraga-Orinda Fire Protection District is hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract employees), licensing of Paramedics, or certification for Emergency Medical Technicians purposes and may not disseminate the information to a private entity.

PASSED, APPROVED and ADOPTED this 3rd day of February 2016 at the regular meeting of the District Board of Directors held at 22 Orinda Way, Orinda California 94563, on motion made by Director _____, seconded by Director _____, and duly carried with the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: February 3, 2016

Stephen Anderson, President Board of Directors

ATTEST:

Grace Santos, District Clerk



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Stephen Healy, Fire Chief
Gloriann Sasser, Administrative Services Director

DATE: February 3, 2016

SUBJECT: Item 9.3 – Mid-Year Budget Review 2015/16 and Approval of Budget Adjustments

Background

Staff has conducted a mid-year budget review of the District's Fiscal Year 2015/16 Budget, which was presented to the Finance Committee on January 22, 2016. The review allows us to take a broad look at the District's financial picture at the mid-point of the fiscal year. The review included a detailed examination of revenue and expenditures. Current financial reports are attached for your information. The financial reports contain updated revenue and expenditure projections for the current fiscal year. In addition, the Long Range Financial Plan has been updated which provides a financial forecast over the next 15-year period.

The primary goal in developing the 2015/16 Annual Operating Budget was to produce a balanced financial plan that retains current service levels and addresses capital equipment needs to fully maintain firefighter safety and operational effectiveness. Considerable effort was made to reduce costs wherever possible. The budget adopted in June 2015 projected a total District surplus of \$1,026,448. The Mid-Year Budget Review projects a total surplus of \$636,778 for FY 2015/16.

Overview of the Mid-Year Budget Review

The updated revenue projections are generally consistent with the original amounts projected in the Budget. Property tax revenue, the District's most important revenue source, is projected to slightly exceed budget. The notable revenue exceptions are other financing revenue from the lease issued for ambulance purchases and the estimate for federal grant revenue, which are discussed in detail below.

The updated salaries and benefits expenditure projections are forecast to meet the original amounts projected in the Budget. Operating expenses are forecast slightly more than the original amounts projected in the Budget. This is discussed in detail below.

Staff has proposed only mid-year budget requests that are necessary to maintain current service levels or to meet costs that were not anticipated when preparing the 2015/16 Budget. These requests, which are discussed in detail below, need to be approved now in order to adequately fund current service levels through the end of the fiscal year.

Present Situation - General Fund Revenue

Total General Fund revenue is projected to exceed budget \$99K or less than 1%. The District budgeted property tax revenue of \$17.2M. The current year projection for property taxes is \$159K or 1% more than budgeted. This increase is primarily the result of increased sale prices of single family homes in the District. The median sale price of a single family home in the District in 2015 increased 11.8% to \$1,185,000. The new median price is an all-time high for the area. The increase is also due to recaptures of property values reduced under Proposition 8 or recent sales. Proposition 8 recaptures are at the discretion of the County Assessor and are difficult to predict. The current year projection for property tax revenue in the General Fund is \$1.1M or 6.5% more than the amount received in the prior year (\$16.3M).

Ambulance service revenue, the next most important source of revenue, is expected to exceed budget \$78K or 8.5%. This increase is primarily due to fewer account write-offs in the first half of the year.

Federal grants revenue is projected to exceed budget \$189K. This is due to the District's successful completion and receipt of the full SAFER Grant. Strike team revenue is projected to be \$315K less than budgeted because the District sent fewer employees out of the District on strike teams because employees were needed for fire protection within the District due to the drought conditions in 2015.

Present Situation – General Fund Expenditures

Total District General Fund expenditures for fiscal year 2015/16 are projected to exceed budget \$69K or less than 1%. Total salaries and benefits of \$16.9M are projected to remain within the original budget. Notable General Fund expenditures are discussed as follows:

- Permanent salaries are projected to exceed budget \$172K. This is due to acceleration of the 2.5% employee wage adjustments from July 2016 to December 2015.
- Overtime is projected to be \$30K less than budgeted
- Strike team overtime is projected to be \$124K less than budget because the District sent fewer employees to work on strike teams in 2015.
- Retirement contributions are projected to remain within budget.
- The full 2015/16 annual OPEB pre-funding contribution of \$94K for retiree health benefits was made in August 2015 as budgeted.
- Medical supplies are projected to exceed budget \$30K due to increased use
- Maintenance costs are projected to exceed budget \$22K due to increased fire station and building repairs.

The General Fund is projected to end the year with a surplus of revenue in excess of expenditures of \$319K.

Present Situation – Other Post Employment Benefits – Retiree Healthcare Plan

In 2015, the District established an OPEB trust account and began funding retiree health benefits. There are several advantages to funding OPEB including:

- Earnings on assets reduce employer costs
- Continued reduction of the District's net OPEB obligation

- Pre-funding OPEB is considered a best practice by the Government Finance Officers' Association.

The District made the full annual OPEB pre-funding contributions in both 2014/15 and 2015/16. As of November 30, 2015, the balance in the District's OPEB trust account is \$178,456.

Fund Balance Policy

The District's fund balance policy states the District will maintain a minimum fund balance of unrestricted fund balance in the General Fund of at least 10% of budgeted General Fund revenue at fiscal year-end. It is projected the General Fund balance at June 30, 2016 will be 11.71% of budgeted General Fund revenue, which exceeds the minimum.

Present Situation - Capital Projects Fund Revenue and Expenditures

The Capital Projects Fund Budget projected a surplus of \$292K. Fire flow tax revenue slightly exceeded the budget (\$1.1M). The notable revenue variance is other financing revenue from the ambulance lease that was approved last year. The ambulance lease process was completed more quickly than expected and the lease revenue was received at the end of the prior fiscal year. As a result, no lease revenue was received in 2015/16.

The Capital Projects Fund expenditures are projected to be less than budget \$239K. This is primarily due to the Station 43 project. The budget included \$110K to complete a seismic retrofit of the Station 43 garage. Now that the station will be completely rebuilt to current standards, the seismic retrofit is not necessary. The budget also included \$150K to purchase and install a new mobile home to serve as a temporary fire station during construction. Subsequently the District secured a used mobile home for \$3K. The revised projection to move and install the mobile home is \$30K. As a result, the FY 2015/16 Station 43 project expenditures are projected to be \$219K less than budget.

The other significant expenditure updates are for the Station 41 wash pad and Station 46. An additional \$25K is necessary for the wash pad to meet additional requirements placed on the project by the sanitary district. The Station 46 project has ended and the budget should be reduced \$33K.

Budget adjustments are recommended to reflect the necessary revenue and expenditure changes. The revised projected surplus is \$121K.

Present Situation - Debt Service Fund Revenue and Expenditures

The Debt Service Fund Budget projected a surplus of \$197K. Actual results are trending appropriately.

Long Range Financial Plan – Assumptions

An updated Long Range Financial Plan is attached. The Long Range Financial Plan covers the 15-year period through June 30, 2030. Significant assumptions are as follows:

- Property tax revenue is projected to increase as follows: 5% in 2016/17, 4% following years.

- Salary adjustments are based on the percentage amounts agreed upon in the MOUs as follows: 4.5%, +4%, +1%.
- Overtime projections include daily on-duty minimum staffing of 17, seasonal staffing (model to be determined) for five months and reflect hiring two new firefighter paramedics in 2015/16.
- Pension contribution costs are based on actual rates set by CCCERA for 2015/16 and 2016/17, then decrease as follows based on CCCERA projections provided by Segal: -3.93%, -2.72%, -2.47%, -1.08%.
- Employee and retiree health insurance costs are capped based on the amounts agreed upon in the MOUs.
- Operating expenditures are projected to increase 2.5% per year
- The single role paramedic position established in the MOU is not implemented in the Long Range Financial Plan.
- Capital Projects Fund revenue of \$4M is projected in 2015/16 due to issuance of a direct placement lease for the construction of Station 43. The related construction expense of \$4M is projected in 2016/17.
- A debt payment of \$285K per year is included in the Capital Projects Fund for the Station 43 direct placement lease.
- Capital Projects Fund revenue of \$1.67M is projected in 2016/17 due to the sale of the Lorinda Lane property.

Long Range Financial Plan – Results

The Long Range Financial Plan results show a balanced General Fund with revenue meeting expenditures in each year of the Plan except 2016/17. Use of a small amount of fire flow tax revenue to meet expenditures in the General Fund may be necessary next year (\$52K). However, beginning with fiscal year 2017/18, it is projected fire flow tax use will not be necessary in the General Fund to meet operating expenditures. Fund balance in the General Fund is projected to exceed 10% of budgeted General Fund revenue throughout the Plan.

The Plan results show a Capital Projects Fund surplus in some years and a deficit in other years based on capital needs. However, fund balance in the Capital Projects Fund is projected to be sufficient and increase overall throughout the years.

Budget Preparation Fiscal Year 2016/2017 Budget

Looking ahead to the upcoming 2016/17 budget preparation process, employees will receive a 4.5% salary increase on July 1, 2016. CCCERA rates for 2016/17 were set by the retirement board in July 2015. The actual rates set by CCCERA were higher than the rates previously projected by CCCERA. As a result, the cost to the District for retirement benefits will increase in 2016/17. Use of a small amount of fire flow tax revenue to meet expenditures in the General Fund may be necessary next year (\$52K). However, a balanced General Fund budget is expected for 2016/17.

Mid-Year Budget Adjustments

As discussed previously, staff has proposed only budget adjustments that are necessary to maintain current service levels or to meet costs that were not anticipated when preparing the 2015/16 Budget.

Mid-Year General Fund Revenue Budget increase request totals \$98,610 as follows:

Taxes revenue	\$159,478
Intergovernmental revenue	180,372
Charges for service	(5,332)
Ambulance revenue	78,000
Other revenue	(313,908)
Total	<u>\$98,610</u>

Mid-Year General Fund Expenditure Budget increase request totals \$68,527 as follows:

Operating expense	<u>\$68,527</u>
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Mid-Year Capital Projects Fund Revenue Budget decrease request totals (\$410,084) as follows:

Fire flow tax	\$1,926
Impact mitigation fees	12,000
Miscellaneous	544
Other financing - lease	(424,554)
Total	<u>(\$410,084)</u>

Mid-Year Capital Projects Fund Expenditure Budget decrease request totals (\$239,495) as follows:

Fire flow tax collection fees	\$1,110
Buildings	(196,854)
Station 46 – construction in progress	(32,970)
Ambulance lease payment	(10,781)
Total	<u>(\$239,495)</u>

Recommended Action

Staff and the Finance Committee recommend the following Board actions:

- Approve an increase in the General Fund revenue budget in the amount of \$98,610.
- Approve an increase in General Fund expenditure appropriations in the amount of \$68,527.
- Approve a decrease in the Capital Projects Fund revenue budget in the amount of \$410,084.
- Approve a decrease in the Capital Projects Fund expenditure appropriations in the amount of \$239,495.

Moraga-Orinda Fire District
General Fund
Statement of Revenues and Expenditures
July 1, 2015 through December 31, 2015

	Current Period <u>Actual</u>	<u>Budget</u>	Projected Actual FY 2015/16	Projected Variance
Revenue				
Taxes				
Property Tax-Current Secured	16,440,128	16,247,015	16,440,128	193,113
Property Tax-Supplemental	101,736	228,000	228,000	0
Property Tax-Unitary	203,699	178,000	203,699	25,699
Property Tax-Curr Unsecured	561,494	657,000	605,000	(52,000)
Property Tax- Prior Secured	(61,010)	(51,413)	(61,010)	(9,597)
Property Tax-Prior Supplement	(25,262)	(27,525)	(25,262)	2,263
Prop Tax Prior Unsecured	11,550	(16,362)	(16,362)	0
Total Taxes	<u>17,232,335</u>	<u>17,214,715</u>	<u>17,374,193</u>	<u>159,478</u>
Use of Money & Property				
Investment Earnings	(292)	0	0	0
Total Use of Money & Property	<u>(292)</u>	<u>0</u>	<u>0</u>	<u>0</u>
Intergovernmental Revenue				
Homeowners Relief Tax	0	158,000	158,000	0
Federal Grants	193,339	135,000	323,896	188,896
CA FF JAC Training Funds	25,091	33,615	25,091	(8,524)
Other/In Lieu of Taxes	0	1,000	1,000	0
Measure H-Emerg Med Services	0	85,748	85,748	0
Total Intergovernmental Revenue	<u>218,430</u>	<u>413,363</u>	<u>593,735</u>	<u>180,372</u>
Charges for Service				
Permits	1,604	1,900	3,200	1,300
Plan Review	85,592	171,360	171,360	0
Inspection Fees	16,691	21,000	21,000	0
Weed Abatement Charges	3,465	9,000	3,465	(5,535)
CPR/First Aid Classes	558	3,000	1,100	(1,900)
Reports/ Photocopies	121	339	242	(97)
Other Charges for Service	1,730	2,500	3,400	900
Total Charges for Service	<u>109,761</u>	<u>209,099</u>	<u>203,767</u>	<u>(5,332)</u>
Charges for Service - Ambulance				
Ambulance Service Fees	453,586	1,067,000	1,088,000	21,000
Ambulance Reimbursements	(24,683)	(157,000)	(100,000)	57,000
Ambulance Collection Payments	93	4,000	4,000	0
Total - Ambulance	<u>428,996</u>	<u>914,000</u>	<u>992,000</u>	<u>78,000</u>
Other Revenue				
Strike Team Recovery	18,401	548,000	233,092	(314,908)
Other Revenue	8,820	62,500	62,500	0
Misc Rebates & Refunds	1,018	1,000	2,000	1,000
Sale of Surplus Property	355	1,000	1,000	0
Total Other Revenue	<u>28,594</u>	<u>612,500</u>	<u>298,592</u>	<u>(313,908)</u>
Total Revenue	<u>18,017,824</u>	<u>19,363,677</u>	<u>19,462,287</u>	<u>98,610</u>

Moraga-Orinda Fire District
General Fund
Statement of Revenues and Expenditures
July 1, 2015 through December 31, 2015

	Current Period <u>Actual</u>	<u>Budget</u>	Projected Actual FY <u>2015/16</u>	Projected <u>Variance</u>
Expenditures				
Salaries & Benefits				
Permanent Salaries	3,698,528	7,343,278	7,515,349	(172,071)
Temporary Salaries	88,006	166,800	166,800	0
Overtime	1,053,781	1,984,000	1,954,000	30,000
Deferred Compensation	51,678	106,578	111,000	(4,422)
Overtime - Strike Team	137,004	274,000	150,000	124,000
Contract Services	35,217	180,000	180,000	0
Worker's Compensation Recovery	(35,543)	(65,000)	(35,543)	(29,457)
Payroll Taxes -FICA,SUI	79,198	158,044	157,000	1,044
Payroll Processing Fees	6,753	20,000	20,000	0
Retirement Contributions	2,039,781	4,136,778	4,136,778	0
Life/Health Insurance-Permanent Em	470,042	1,003,944	985,000	18,944
Employee's-Health Insurance Contrib	(99,075)	(195,038)	(200,000)	4,962
Retiree Health Insurance	587,375	1,311,000	1,200,000	111,000
Retiree-Health Insurance Contributor	(155,001)	(413,000)	(329,000)	(84,000)
Unemployment Insurance	3,250	10,000	10,000	0
Workers' Compensation Insurance	393,768	785,612	785,612	0
Flexible Benefits/Section 125	300	750	750	0
OPEB Contribution - Retiree Health	94,000	94,000	94,000	0
Total Salaries & Benefits	<u>8,449,062</u>	<u>16,901,746</u>	<u>16,901,746</u>	<u>0</u>
Operating Expense				
Office Supplies	5,361	19,850	19,850	0
Postage	1,504	5,950	5,950	0
Books & Periodicals	932	4,950	4,950	0
Printer Ink Cartridges	2,963	5,000	5,000	0
Telephone/Communication	19,305	45,000	45,000	0
Dispatch/Comm Center Services w/ A	138	170,000	170,000	0
Utilities- Sewer	3,433	2,640	2,640	0
Utilities-Garbage	7,239	14,720	14,720	0
Utilities-PG&E	26,044	66,890	66,890	0
Utilities-Water	4,936	15,020	15,020	0
Utilities-Medical Waste	1,185	2,070	2,070	0
Small Tools & Instruments	0	750	750	0
Minor Equipment/Furniture	917	2,250	2,250	0
Computer Equipment & Supplies	371	10,000	10,000	0
Gas Power Chain Saw/Other Equipm	7,642	13,000	13,000	0
Fire Trail Grading	4,817	10,500	10,500	0
Fire Fighting Equipment & Supplies	1,989	20,000	20,000	0
Fire Fighting Equipment-Hoses	1,611	7,500	7,500	0
Fire Fighting Equipment-Class A Foa	0	500	500	0
Medical & Lab Supplies	47,239	60,000	90,000	(30,000)

**Moraga-Orinda Fire District
General Fund
Statement of Revenues and Expenditures
July 1, 2015 through December 31, 2015**

	Current Period <u>Actual</u>	<u>Budget</u>	Projected Actual FY <u>2015/16</u>	Projected <u>Variance</u>
Food Supplies	495	7,500	7,500	0
Safety Clothing & Personal Supplies	24,242	80,000	80,000	0
Non-Safety Clothing & Personal Supp	550	2,000	2,000	0
Household Expense	9,064	18,820	18,820	0
Household Expense-Linen	6,437	14,730	14,730	0
Public & Legal Notices	779	4,750	4,750	0
Dues, Memberships & Prof Fees	8,065	19,390	19,390	0
EMT/Paramedic Licensure Fees	1,133	5,500	5,500	0
Rent & Leases Equipment	20,755	39,140	39,140	0
Computer Software & Maintenance	25,093	59,875	59,875	0
Website Development & Maintenance	0	1,700	1,700	0
EPA ID# Verification Fee	150	200	200	0
CCC HazMat Plan (CUPA)	2,519	3,000	3,000	0
BAAQMD & Enviro Health Fees	0	750	750	0
Air Monitor Maintenance & Replacem	0	2,000	2,000	0
Maintenance Equipment	21,117	60,675	77,325	(16,650)
Central Garage Repairs	55,614	160,000	160,000	0
Central Garage Gasoline & Oil	25,277	80,000	80,000	0
Central Garage Tires	2,737	15,000	15,000	0
Service/Repair Fuel System Dispense	2,118	4,500	4,500	0
Aerial Ladder & Pump Testing	0	800	800	0
Smog Inspections	400	500	500	0
Air Compressor Quarterly Service	0	1,500	1,500	0
Hydro Test SCBA & Oxy Cylinder	0	2,000	2,000	0
Tank Testing	0	3,000	3,000	0
Maintenance - Building	26,930	57,165	75,865	(18,700)
Maintenance - Grounds	1,800	10,650	13,650	(3,000)
Meetings & Travel Expenses	13,975	26,200	26,200	0
Employee Assistance Program	2,407	4,300	4,300	0
Medical - Annual Exams	34,463	43,000	43,000	0
Ambulance Billing Admin Fees	20,675	65,000	60,000	5,000
Outside Attorney Fees	22,582	60,000	60,000	0
Outside CPR Instructors	1,320	2,500	2,500	0
CCC County Tax Administration Fee	0	172,000	172,000	0
Prof Services	6,867	55,750	55,750	0
Prof Services - Labor Negotiator	202	10,000	10,000	0
Prof Services - Technology	69,930	180,000	180,000	0
Prof Services - Investigations	0	15,000	15,000	0
Prof Services - Promotional Exams	23,726	49,000	49,000	0
Prof Services-OPEB Actuarial Valuati	0	2,000	2,000	0
Exterior Hazard Removal	3,093	12,000	12,000	0
Prof Services-Prop Tax Forecast	6,300	12,600	12,600	0

**Moraga-Orinda Fire District
General Fund
Statement of Revenues and Expenditures
July 1, 2015 through December 31, 2015**

	Current Period <u>Actual</u>	<u>Budget</u>	Projected Actual FY 2015/16	Projected Variance
Burn Trailer Grant Maintenance	0	3,000	3,000	0
Testing Materials & Training Props	314	4,000	4,000	0
Career Development Classes	6,488	26,200	26,200	0
Target Safety Online Training	0	6,195	6,195	0
Training Classes-Paramedic CE	2,546	5,500	5,500	0
District Sponsored Training	10,865	20,000	20,000	0
Educ Courses/Conferences Board	0	2,200	2,200	0
Recruiting Costs	0	55,000	55,000	0
Strike Team Supplies	11,705	9,500	9,500	0
Recognition Supplies	6,729	8,200	12,200	(4,000)
Other Special Departmental Exp	35,007	62,000	69,500	(7,500)
Public Education Supplies	1,637	10,500	10,500	0
CPR Supplies	1,216	3,000	3,000	0
LAFCO	9,943	10,500	9,943	557
Emergency Preparedness Expense	3,804	8,800	11,350	(2,550)
Misc. Services & Supplies	8,700	39,000	39,000	0
Property & Liability Insurance	44,684	53,000	44,684	8,316
Total Operating Expense	<u>722,079</u>	<u>2,167,680</u>	<u>2,236,207</u>	<u>(68,527)</u>
Other Expense				
Bank Fees	2,915	5,000	5,000	0
Interest on County Teeter Account	0	100	100	0
County Tax Collection Fees	253	300	300	0
Total Other Expense	<u>3,168</u>	<u>5,400</u>	<u>5,400</u>	<u>0</u>
Total Expenditures	<u>9,174,309</u>	<u>19,074,826</u>	<u>19,143,353</u>	<u>(68,527)</u>
Excess of Revenues Over Expend	8,843,515	288,851	318,934	30,083
Fund Balance July 1, 2015		<u>1,269,207</u>	<u>1,960,581</u>	<u>691,374</u>
Fund Balance Projected June 30, 2016		<u>1,558,058</u>	<u>2,279,515</u>	<u>721,457</u>

**Moraga-Orinda Fire District
Capital Projects Fund
Statement of Revenues and Expenditures
July 1, 2015 through December 31, 2015**

	Current Period Actual	Budget	Projected Actual FY 2015/16	Projected Variance
Revenue				
Fire Flow Tax	\$1,070,214	\$1,068,288	\$1,070,214	\$1,926
Investment Earnings	(447)	0	0	0
Impact Mitigation Fees	12,000		12,000	12,000
Miscellaneous	544		544	544
Other Financing - Lease		424,554	0	(424,554)
Total Revenue	<u>1,082,311</u>	<u>1,492,842</u>	<u>1,082,758</u>	<u>(410,084)</u>
Expenditures				
Bank Fees	65	100	100	0
Prof Services - Fee Study	570	7,390	7,390	0
Fire Flow Tax Collection Fees	12,610	11,500	12,610	(1,110)
Capital Contingency	24,571	75,950	75,950	0
Fire Fighting Equipment	10,955	20,000	20,000	0
Computer Equip & Software	0	21,824	21,824	0
Buildings-Administration	5,352	10,000	7,000	3,000
Buildings-Station #41		40,000	65,000	(25,000)
Buildings-Station #43	11,146	329,000	110,146	218,854
Misc. Equipment Expense	34,049	60,675	60,675	0
Station 46- Constr in Progress	12,030	45,000	12,030	32,970
Ambulance Purchase	17,758	479,554	479,554	0
Ambulance Lease Payment	44,609	100,000	89,219	10,781
Total Expenditures	<u>173,715</u>	<u>1,200,993</u>	<u>961,498</u>	<u>239,495</u>
Excess of Revenues Over Exp	<u>\$908,596</u>	291,849	121,260	(170,589)
Fund Balance July 1, 2015		<u>3,817,027</u>	<u>4,314,565</u>	<u>497,538</u>
Fund Balance Projected June 30, 2016		<u>\$4,108,876</u>	<u>\$4,435,825</u>	<u>\$326,949</u>

**Moraga-Orinda Fire District
Debt Service Fund
Statement of Revenues and Expenditures
July 1, 2015 through December 31, 2015**

	Current Period Actual	Budget	Projected Actual FY 2015/16	Projected Variance
Revenue				
Property Tax-Current Secured	\$3,069,093	\$3,069,093	\$3,069,093	\$0
Total Revenue	<u>3,069,093</u>	<u>3,069,093</u>	<u>3,069,093</u>	<u>0</u>
Expenditures				
Pension Oblig Bond Principal	1,855,000	1,855,000	1,855,000	0
Pension Oblig Bond Interest	532,962	1,017,509	1,017,509	0
Total Expenditures	<u>2,387,962</u>	<u>2,872,509</u>	<u>2,872,509</u>	<u>0</u>
Excess of Revenues Over Exp	<u>\$681,131</u>	196,584	196,584	0
Fund Balance July 1, 2015		<u>2,388,096</u>	<u>2,388,226</u>	<u>130</u>
Fund Balance Projected June 30, 2016		<u>\$2,584,680</u>	<u>\$2,584,810</u>	<u>\$130</u>

Moraga-Orinda Fire Protection District
 Long Range Financial Plan - Capital Expenditures
 Draft Update
 January 2016

	DESCRIPTION	AGE	REPLACEMENT DATE		PROJ 16/17	PROJ 17/18	PROJ 18/19	PROJ 19/20	PROJ 20/21	PROJ 21/22	PROJ 22/23	PROJ 23/24	PROJ 24/25	PROJ 25/26	PROJ 26/27	PROJ 27/28	PROJ 28/29	PROJ 29/30	PROJ 30/31
				2012 Costs															
	FACILITY EXPENDITURES																		
	STATION-41 (Fixed Asset Expenditures)																		
	STATION 41 RENOVATION			1,300,000				324,730	450,465	689,241									
	STATION-42 (Fixed Asset Expenditures)																		
	STATION-43 (Fixed Asset Expenditures)																		
	STATION-43 RECONSTRUCTION			4,000,000															
	STATION-43 RECONSTRUCTION DEBT PAYMENT			285,000	285,000	285,000	285,000	285,000	285,000	285,000	285,000	285,000	285,000	285,000	285,000	285,000	285,000	285,000	285,000
	STATION-44 (Fixed Asset Expenditures)																		
	STATION-45 (Fixed Asset Expenditures)																		
	STATION-45 RECONSTRUCTION			6,000,000															
	TRAINING CLASSROOM BUILDING			300,000				344,606											
	CAPITAL MAINTENANCE				13,113	13,506	13,912	14,329	14,759	15,202	15,658	16,127	16,611	17,109	17,623	18,151	18,696	19,257	19,835
	TOTAL FACILITIES EXPENDITURES				4,298,113	298,506	298,912	968,665	750,224	989,443	300,658	301,127	301,611	302,109	302,623	303,151	303,696	304,257	304,835
				2012 Costs															
	APPARATUS/VEHICLE EXPENDITURES																		
1996	ENGINE TYPE 1 SPARTAN 3D (REPLACE W/TRUCK)	19	2017	750,000		149,000	149,000	149,000	149,000	149,000									
1998	ENGINE TYPE 1-SPARTAN, HI TEC	17	2018	530,000		149,000	149,000	149,000	149,000	149,000									
1998	ENGINE TYPE 1-SPARTAN, HI-TEC	17	2018	530,000		149,000	149,000	149,000	149,000	149,000									
2000	UTILITY FORD F250	15	2018	60,000			63,673												
2001	AERIAL LADDER SPARTAN/LTI-93	14	2016	750,000															
2002	AMBULANCE FORD/ROAD RESCUE	13	2015	150,000	44,609	44,609	44,609	44,609											
2002	AMBULANCE FORD/ROAD RESCUE	13	2015	150,000	44,609	44,609	44,609	44,609											
2002	ENGINE TYPE 3 WESTATES	13	2022	350,000							418,282								
2002	ENGINE TYPE 3 WESTATES	13	2022	350,000							418,282								
2005	FORD RANGER	10	2021	17,000						20,723									
2005	FORD RANGER	10	2021	17,000						20,723									
2007	COMMAND-FORD EXPEDITION (4500)	8	2020	50,000					57,998										
2008	AMBULANCE BRAUN	7	2020	150,000					50,000	50,000	50,000	50,000	50,000						
2008	AMBULANCE BRAUN	7	2020	150,000					50,000	50,000	50,000	50,000	50,000						
2008	COMMAND CHEVY SUBURBAN (4512)	7	2020	50,000					57,998										
2008	COMMAND CHEVY SUBURBAN (4511)	7	2020	50,000					57,998										
2008	COMMAND-CHEVY SUBURBAN (4514)	7	2020	50,000					57,998										
2008	ENGINE TYPE 1 PIERCE	7	2028	530,000														727,576	
2008	ENGINE TYPE 3 PIERCE	7	2028	350,000														480,475	
2009	WATER TENDERFORD/WELCH	6	2029	300,000															
2010	TYPE 3 ENGINE PIERCE	5	2030	350,000															
2011	COMMAND-CHEVY TAHOE (4575)	4	2020	32,000					37,493										
2011	HEAVY RESCUE BOAT/OUTBOARD ENGINE	4		30,000															
2011	TRAILER RESCUE -ALL RISK	4		15,000															
2012	COMMAND FORD EXPLORER (4520)	3	2022	32,000						39,008									
2012	ENGINE TYPE 1-PIERCE	3	2032	530,000															
	TOTAL APPARATUS EXPENDITURES/VEHICLE				89,218	536,218	599,891	536,218	816,485	627,454	936,565	100,000	100,000	0	0	0	1,208,051	0	0
	FIREFIGHTING CAPITAL EQUIPMENT				37,132	38,246	39,393	40,575	41,792	43,046	44,337	45,668	47,038	48,449	49,902	51,399	51,399	51,399	51,399
	IT CAPITAL (FIXED ASSETS) EXPENDITURES				16,586	17,084	17,597	18,124	18,668	19,228	19,805	20,399	21,011	21,642	22,291	22,960	22,960	22,960	22,960
	OTHER SPECIAL REVENUE EXPENDITURES				11,951	12,071	12,191	12,313	12,436	12,561	12,686	12,813	12,941	13,071	13,201	13,333	13,467	13,601	13,737
	TOTAL CAPITAL				\$ 4,453,000	\$ 902,125	\$ 967,984	\$ 1,575,895	\$ 1,639,605	\$ 1,691,731	\$ 1,314,051	\$ 480,007	\$ 482,601	\$ 385,271	\$ 388,017	\$ 390,844	\$ 1,599,573	\$ 392,217	\$ 392,931

ENGINE/TRUCK
 AMBULANES
 STAFF VEHICLES

NOTES: 2% INFLATION FACTOR PER YEAR
 ADDED 4575 REPLACEMENT AND MOVED 2 AMBULANCE REPLACEMENTS TO 2020



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Gloriann Sasser, Administrative Services Director

DATE: February 3, 2016

SUBJECT: Item 9.4 – Approval of Amendment No. 4 to Fire Chief Employment Agreement Adjusting Annual Base Salary

BACKGROUND

In 2013, the District faced significant financial challenges. In response to the financial condition of the District, the three employee labor groups, full-time management staff and the fire chief agreed to across-the-board salary reductions of 3.5%. Per the current Memorandums of Understanding, employees received a 1% salary adjustment on July 1, 2015.

The District's financial condition has improved significantly. In response to the District's improved financial condition, the Board authorized salary adjustments of 2.5% effective December 1, 2015. The salary adjustments did not include the fire chief, who is employed under a separate employment agreement.

At the January 20, 2016 Board meeting, the Board directed staff to draft an amendment to the fire chief employment agreement. The proposed amendment would adjust the fire chief annual base salary 2.5% to \$220,000 effective February 4, 2016.

The proposed Amendment No. 4 would provide a salary adjustment to the Fire Chief equal to all other full-time employees.

ATTACHMENTS

1. Attachment A – Amendment No. 4 to Fire Chief Employment Agreement
2. Attachment B – Employment Agreement Between Moraga-Orinda Fire District and Stephen Healy and Amendments 1 through 3.

**AMENDMENT-4 TO
EMPLOYMENT AGREEMENT BETWEEN
MORAGA-ORINDA FIRE DISTRICT AND STEPHEN HEALY**

This Amendment to the Agreement is made and entered into as of the effective date, by and between the Moraga-Orinda Fire District ("District") and Stephen Healy ("Employee" or "Fire Chief"), becoming effective February 4, 2016 (the "Effective Date"), with respect to terms and conditions of employment of Employee as Fire Chief for the District.

Recitals

A. The District and Stephen Healy are parties to that certain Employment Agreement, dated November 20, 2013, as amended by Amendment-1, Amendment-2 and Amendment-3 ("the Agreement"), which amendments initially reduced and subsequently partially restored Employee's base salary from \$220,000.

B. The parties now desire to amend the agreement to restore Healy's base salary to \$220,000 set forth in the version of the Agreement that became effective on November 20, 2013.

AMENDMENT

Notwithstanding anything to the contrary in Amendment -1, Amendment-2, and Amendment-3, Section 5.1 Salary of the Agreement shall be deemed to read as it read prior to being amended.

"District"

"Employee"

Dated: _____

Dated: _____

Steve Anderson, President

Stephen Healy

2597535.2

Attachment B

AMENDMENT-3 TO
EMPLOYMENT AGREEMENT BETWEEN
MORAGA-ORINDA FIRE DISTRICT AND STEPHEN HEALY

This Amendment to the Agreement is made and entered into as of the effective date, by and between the Moraga-Orinda Fire District ("District") and Stephen Healy, becoming effective March 1, 2015 (the "Effective Date"), with respect to terms and conditions of employment of Employee as Fire Chief for the District.

Term of Amendment.

The term of this Amendment shall commence on the Effective Date and shall continue until November 19, 2018.

Section 5.10. Medical Plan Contribution.

The District will contribute no more per month for Employee medical benefits than what is provided to all other sworn employees for medical benefits as of the Effective Date. The District will provide Employee with the same increase or decrease in medical plan contributions as all other sworn employees in the District.

"District"


"Employee"

Dated: 3-23-2015

Dated: 3-19-15



Alex Evans, President



Stephen Healy

AMENDMENT-2 TO
EMPLOYMENT AGREEMENT BETWEEN
MORAGA-ORINDA FIRE DISTRICT AND STEPHEN HEALY

This Amendment to the Agreement is made and entered into as of the effective date, by and between the Moraga-Orinda Fire District and Stephen Healy, becoming effective July 1, 2014 (the "Effective Date"), with respect to terms and conditions of employment of Employee as Fire Chief for District. This amendment supersedes amendment-1.

Term of Amendment.

The term of this Amendment shall commence on the Effective Date and shall expire on July 1, 2016.

Section 5.1. Salary.

Effective, July 1, 2014, employee's annual base salary will be reduced by 3.5% to \$212,300 payable in installments at the same time and in the same manner as other employees of the District are paid for the term of the amendment.

Effective, July 1, 2015, employee's annual base salary will be restored by 1% to \$214,500 payable in installments at the same time and in the same manner as other employees of the District are paid for the term of the amendment.

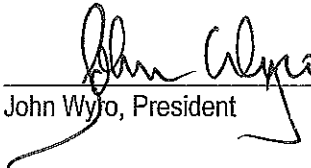
Effective, July 1, 2016, employee's annual base salary will be restored to \$220,000 payable in installments at the same time and in the same manner as other employees of the District are paid for the term of the amendment.

"District"


"Employee"

Dated: 7-16-2014

Dated: 7-17-14



John Wyfo, President



Stephen Healy

AMENDMENT TO
EMPLOYMENT AGREEMENT BETWEEN
MORAGA-ORINDA FIRE DISTRICT AND STEPHEN HEALY

This Amendment to the Agreement is made and entered into as of the effective date, by and between the Moraga-Orinda Fire District and Stephen Healy, becoming effective July 1, 2014 (the "Effective Date"), with respect to terms and conditions of employment of Employee as Fire Chief for District.

Term of Amendment.

The term of this Amendment shall commence on the Effective Date and shall expire on June 30, 2015.

Section 5.1. Salary.

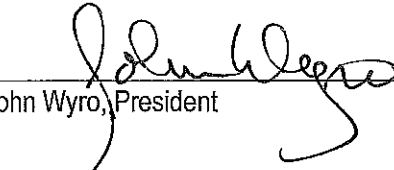
Employee voluntarily agrees to reduce annual base salary by 9.5% to \$199,100 payable in installments at the same time and in the same manner as other employees of the District are paid for the term of the amendment.

"District"

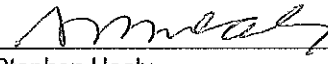
"Employee"

Dated: 2/19/14

Dated: 2-19-14



John Wyro, President



Stephen Healy



**EMPLOYMENT AGREEMENT BETWEEN
MORAGA-ORINDA FIRE DISTRICT AND STEPHEN HEALY**

This Agreement ("Agreement") is made and entered into as of the effective date, by and between the Moraga-Orinda Fire District ("District") and Stephen Healy ("Employee" or "Fire Chief"), becoming effective November 20, 2013 (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. The Fire Chief's duties are prescribed in the Fire Chief Roles and Responsibilities Policy #11 adopted by the District's Board of Directors ("Board") on December 8, 2011. Such Policy may be amended from time to time at the sole discretion of the Board. 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 July November 19, 2018. 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 in the sole and absolute discretion of the Board with or without stated cause. Termination 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 a review of the Fire Chief's performance 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 determine necessary and appropriate for the District's policy and operational objective. The Board and Fire Chief shall further establish a relative priority among the various goals and objectives. The goals and objectives shall be obtainable generally within the time limit as specified in the capital and operating budgets of the District. This section shall not prevent more frequent evaluations as necessary.

Attachment B

Section 3.2. Should the Fire Chief receive a "below satisfactory rating" on his annual performance evaluation, he shall have six (6) months from his receipt of that evaluation to improve his performance or, in the alternative, seek other employment options. There shall be no severance pay under this section in the event of termination of employment.

Section 3.3. If at the end of the six (6) month period mentioned in Section 3.2, should the Fire Chief receive a second "below satisfactory rating" on his evaluation, this rating shall serve as a six (6) month notice to terminate the Fire Chief's employment agreement. There shall be no severance pay under this section in the event of termination of employment.

Section 3.4. 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, 3.3, 3.5 or 3.6, District agrees to pay Employee severance pay in a lump sum cash payment equivalent to the lesser of six (6) months salary or an amount equal to the monthly salary of the Employee multiplied by the number of months left on the unexpired term of this Agreement, without the value of benefits. District agrees to pay Employee six (6) 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 3.5. 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 willful misconduct. A determination of willful misconduct shall be within the sole discretion of the Board, provided that it shall relate to the welfare of the District and be evidenced by findings of acts constituting such willful misconduct. Willful misconduct shall include conduct directly related to conduct in office, and directly related to the duties of the office including the refusal to follow the lawful directions of the Board. Willful misconduct shall also include conduct not directly related to the performance of the official duties when such conduct has a direct and harmful effect on the welfare of the District. Evidence of such direct and harmful effect shall include, but not be limited to, conviction of a felony.

Section 3.6. In the event Employee voluntarily resigns from the position of Fire Chief, Employee shall provide District a minimum of sixty (60) 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.

Section 5. Compensation and Benefits.

Section 5.1. Salary. District agrees to pay Employee for Employee's services on an annual base salary of \$220,000 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 may receive a salary adjustment as determined by the Board annually following a performance evaluation. In the event during the

Attachment B

term hereof, the District implements a salary reduction for all employees of the District in order to obtain a balanced budget, Employee agrees that this section may be reopened by the District and subject to further negotiation.

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

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. Deleted

Section 5.5. Vacation. Employee currently has five hundred and seventy six (576) hours of accrued vacation time. Employee shall accrue vacation at the rate of two hundred and forty (240) hours per year however, maximum accrual shall be five hundred and seventy six (576) hours. Employee may not sell back any unused but accrued vacation.

Section 5.6. Holidays. Employee may have 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.

Section 5.8. Bereavement Leave. Employee shall have an annual but unaccruable bereavement leave of up to three (3) days per year for relatives defined under applicable state and federal law.

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 no more per month for Employee medical benefits than what is provided to all other sworn employees for medical benefits as of the Effective Date. If the District's medical benefit contribution for sworn employees decreases during the term of this Agreement, the District's contribution for Employee medical benefits shall decrease in an equal amount. Should the Employee elect, or be required, to change the number of family members covered by the District's medical benefit plan, the District shall adjust the amount of its contribution to an amount equal to the lesser of the rates in effect (i) as of the Effective Date or (ii) at the time the coverage change takes effect.

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 sworn employees in the District.

Section 5.12. Administrative Leave. Employee shall be credited one hundred and twenty (120) 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.

Attachment B

Section 6. Hours of Work.

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. Employee is an exempt employee (not subject to overtime under the FLSA) and is expected to devote 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 sworn 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. Employee shall receive retiree medical benefits in an amount equal to that provided to active sworn employees under CALPERS as of the retirement date of Employee.

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 to establish goals and objectives and standards for performance.

Section 10.2. By June 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. 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. Such evaluation shall be placed in Employee's personnel file.

Employment Agreement Between Moraga-Orinda Fire District and Stephen Healy

November 2013

Page 4 of 6

2195471.3

Attachment B

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:

Stephen Healy
Moraga-Orinda Fire District
1280 Moraga Way
Moraga, CA 94556

With a copy to:

John Wyro
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 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.

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.

Attachment B

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.

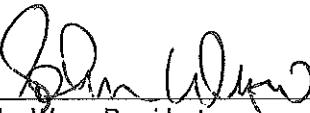
IN WITNESS WHEREOF, the parties hereto have executed this Agreement with the intent to be bound thereby as of the date first written above.

"District"

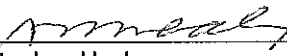
"Employee"

Dated: 11/20/13

Dated: 11/20/13



John Wyro, President



Stephen Healy