

Orindans Speak Out Against MOFD-ConFire Plan

By Nick Marnell

At a March 20 public workshop, Orinda residents lambasted the Moraga-Orinda Fire District's proposal to merge its fire station 43 with Contra Costa County Fire Protection District station 16. In addition, a second MOFD board member and the firefighters' union withdrew their support for the consolidation plan.

Fire Chief Randall Bradley outlined the plan to an involved Orinda audience, focusing on the location of the new combined station, the financial benefits to the district and the consequent service level impacts. He also cited major concerns about the partnership, including the ability of ConFire to uphold its end of the bargain through the county's uncertain financial times, and the fact that the union has backed off its support of the merger.

In a phone interview Vince Wells, president of United Professional Firefighters of Contra Costa County Local 1230, explained the union's position. "The plan is far too much in favor of the MOFD, and it is not fair to the ConFire employees and the communities they serve," he said. Wells, who represents firefighters in both ConFire and MOFD, does not think it is right that the new station will be paid for in part by ConFire but will be staffed exclusively by MOFD employees.

Comments from the Orinda audience were overwhelmingly negative: "I have concerns for noise and for my privacy." "Why not just rebuild 43 right where it is? Serve Orinda!" "I have no confidence in ConFire." "Too many unanswered questions. This is crazy. You're playing with fire!"

"What we have, works! I see how this works well for Lafayette. I don't see how this works for us!"

Only one of the more than 20 public comments was favorable to the proposal. "The minimal service impact for a \$60 million savings is worth it," said Orinda resident Steve Cohn, referring to the 30-year projected operational savings to both fire districts that may result from the merger.

The board members' opinions were mixed. Directors Alex Evans and Steve Anderson spoke in favor of the merger, because they believe that the cost savings will sustain the long-term viability of MOFD. Board vice president John Wyo wished to continue dialogue with ConFire, but he expressed concern over its financial stability. Frank Sperling, board president, again refused to support the consolidation. And director Fred Weil, who was previously in favor of the idea, delivered an eloquent speech on the failings of the proposed merger.

"My decision is 'No,'" he said. "Let's get on with our own business, and stop this discussion tonight."

The audience cheered after Weil's presentation.

Despite time and public pressure bearing down on the district, the board voted 3-2 to continue the negotiations with ConFire. A special board meeting was scheduled for March 26, after our press deadline, to decide whether to approve a \$15,000 non-refundable deposit to the seller of the property on which MOFD plans to build the new fire station—read the related article, "Planning Commission Looks at Shared Fire Station" on page A2, and check our website for updates, www.lamorindaweekly.com.

Lamorinda Fire News Briefs

By Nick Marnell

Supervisors Ask CCCERA for Change of Plan

The Contra Costa County Board of Supervisors voted to issue a notice to the Contra Costa County Employees' Retirement Association board. The notice requested that CCCERA reduce its investment rate of return to 7.25 percent on July 1, 2014, rather than phase-in the reduction from 7.75 percent over a number of years. The recommendation was made by County Administrator David Twa.

Rollie Katz, Local One representative, argued that, as a result of the lower assumed rate of return, employees will have to pay more into their pension funds. Supervisor John Gioia countered that the new rate was a fair compromise, since if an assumed rate of investment return is not met, the result is a greater unfunded pension liability, which is the total responsibility of the employer.

The pension plans of both the Moraga-Orinda Fire District and the Contra Costa County Fire Protection District are managed by CCCERA.

Highway 24 Accident Investigation

The Moraga-Orinda Fire District hired Sharry and Associates to investigate the Dec. 2 Highway 24 accident in which three MOFD firefighters—Kelly Morris, Mike Rattary and Steve Rogness—were seriously injured. The investigation began March 14, and the report is due in mid-May.

"John Sharry was the lead investigator for one of the most famous life-loss fires in the country - the Beverly Hills Supper Club," said MOFD fire chief Randall Bradley. Sharry has also chaired the National Fire Protection Association's Technical Committee on Firefighter Health and Safety. He will be paid \$125 per hour, up to a maximum district expenditure of \$10,000. This cost was anticipated and included in the

MOFD's mid-year budget review according to Sue Casey, administrative services director.

The scope of the investigation will run from a determination of the district's safety culture to a thorough analysis of MOFD policies and procedures, according to Division Chief Stephen Healy, who is the district's liaison to Sharry.

Morris said recently that her knees are feeling much better, but that her ankle is still bothering her and may require surgery. Healy confirmed that Rattary returned to work in March, and Rogness continues to recover at home from his injuries.

Pension Obligation Bonds

When the Moraga-Orinda Fire District issued its Pension Obligation Bonds in 2005, the bonds were purchased by Lehman Brothers. The district then entered into a Debt Service Deposit Agreement in which Lehman paid the district a \$450,000 fee in lieu of future investment earnings; the fee in reality being an advance against future revenue—that is, the interest on property tax payments. In 2009, Lehman Brothers declared bankruptcy.

A representative of Legacy Asset Management Company, a subsidiary of Lehman Brothers Holdings, contacted MOFD and explained that, since the DSDA represents an asset to the Lehman estate, it would like to bring the contract to a mutually beneficial conclusion to both parties after a termination payment is made by MOFD. The matter was forwarded to MOFD's legal counsel, Steve Meyers.

Meyers recommended that the district work with Craig Bettencourt, of Prager & Co., LLC, to negotiate a settlement and termination of the DSDA. Bettencourt agreed to negotiate the settlement pro bono.

At its March 20 meeting, the MOFD board unanimously approved staff's recommendation to engage Bettencourt's services.



Moraga-Orinda Fire District Board of Directors Meetings
The Moraga-Orinda Fire District holds Board Meetings on the first and third Wednesday of every month at 7 p.m. Any exceptions will be posted in advance.

Next meeting: Regular Board Meeting, April 3, 2013, 7 p.m.
(Go to www.mofd.org as the meeting date approaches for location and more information)

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