



BOARD OF DIRECTORS SPECIAL BOARD MEETING MINUTES

October 18, 2021

(APPROVED: NOVEMBER 17, 2021)

1. OPENING CEREMONIES

The Board of Directors convened a teleconference Open Session at 6:31 p.m. on October 18, 2021, via the Zoom application <https://us02web.zoom.us/j/84889487075> webinar id: 84889487075 and by phone 669-900-6833. This meeting was conducted by webinar and teleconference only in accordance with AB 361 to protect the residents, officials, and Staff. The meeting was not available for in-person attendance, and members of the public were able to attend the meeting by video or phone to allow for real-time public comment.

President Jorgens called the meeting to order and requested an attendance roll call. Present were the following Directors and Staff:

President Jorgens	Director Donner	Gloriann Sasser, Admin. Services Director
Director Baitx	Director Jex	Marcia Holbrook, District Clerk
Director Danziger	Dave Winnacker, Fire Chief	

2. PUBLIC COMMENT

President Jorgens opened Public Comment on the closed session items. There were no requests to address the Board. President Jorgens closed Public Comment.

3. SPECIAL AGENDA

3.1 Adopt Resolution No. 21-17 Making Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference

District Clerk Holbrook provided the report. On August 16, 2021, the Board directed staff to prepare for hybrid in-person board meetings and provide virtual public access to the in-person meetings upon the expiration of State Executive Orders pertaining to virtual meetings. This action was in response to the pending expiration of Executive Orders N-25-20 and N-29-20, which suspended some aspects of the Brown Act and allowed for legislative bodies (any council, board, commission, or committee) to hold meetings entirely electronically with no physical meeting place. On September 16, 2021, Governor Gavin Newsom signed Assembly Bill 361 into law, which modified the Brown Act's requirements for conducting remote meetings by teleconferencing during a declared state of emergency. AB 361 went into effect as an urgency measure to continue using the modified teleconferencing rules as of October 1, 2021, and added Government Code section 54953(e)(1).

AB 361 contains several requirements to continue the use of remote meetings. District Clerk Holbrook reviewed the requirements outlined in the staff report. Staff recommended adopting Resolution 21-17, a resolution making findings and determining a need to continue holding remote meetings by teleconference for the meetings of all governing Board and committee bodies (as defined by the Brown Act) pursuant to Assembly Bill AB 361 effective immediately.

President Jorgens inquired if the resolution's expiration date could be extended to 35 days instead of 30 days since the regular board meetings are held monthly. District Clerk Holbrook answered that the 30-day rule is an AB 361 requirement to continue utilizing virtual-only meetings. Director Danziger commented that he attended another governing board meeting and the Moraga Town Council meeting. Both legislative bodies had the same questions about AB 361. The answers provided at each meeting were that the resolutions need to be adopted every 30 days. President Jorgens stated that the Board might need to hold extra board meetings to adopt the subsequent resolutions since the board meetings are only held monthly. Director Donner asked if the meetings could be scheduled to accommodate the 30-day requirement. District Clerk Holbrook answered any rescheduling of the regularly scheduled meetings would redefine those meetings as Special meetings, and certain restrictions apply to Special meetings. President Jorgens asked if a Special meeting is required to be held in-between the regularly scheduled meeting, if the Regular meeting is scheduled 31 days apart from the adoption of Findings and resolution, and if the resolution is something the Board must adopt in advance of the business. District Clerk Holbrook answered that the resolution must be the first order of business on the agenda. President Jorgens requested clarification on the adoption of the Finding and when the adoption would go into effect. District Clerk Holbrook answered that once the Board adopts the Findings and resolution, the resolution goes into effect immediately.

President Jorgens asked if the next scheduled meeting was scheduled 31 days apart, would the Board have to schedule a meeting to adopt Findings, or can the Board adopt the Findings at the beginning of that

For audio recordings of this and other Board meetings,

Visit <https://www.mofd.org/transparency/resources/board-agendas-minutes>

meeting. Fire Chief Winnacker stated that there is not a requirement to hold a meeting strictly for the purpose of adopting the Findings; however, the Board could not conduct a meeting in the remote-only format more than 30 days from adopting the last Findings and resolution without opening the meeting with a new adoption. Staff to confirm with District counsel by the next meeting. Directed Danziger requested three grammatical edits:

1. **Page 1: NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors has reconsidered the circumstances of the state of emergency; and, be it – (Remove comma)
2. **Page 2: FURTHER RESOLVED**, that the Board finds that State or local officials continue to impose or recommend measures to promote social distancing and that State of Emergency declared by Governor Newsom on March 4, 2020, continues to directly impact the ability of Board members, Staff, and the public to meet safely in person; and, be it – (Remove comma)
3. **Page 2: FURTHER RESOLVED**, that the Board finds that State or local officials continue to impose or recommend measures to promote social distancing and that State of Emergency declared by Governor Newsom on March 4, 2020, continues to directly impact the ability of Board members, Staff, and the public to meet safely in person; and be it –(Added)

President Jorgens opened Public Comment. There were no requests to address the Board. President Jorgens closed Public Comment. No discussion by the Board.

Motion by Director Jex and seconded by Director Danziger to Adopt Resolution No. 21-17 Making Findings and Determining A Need to Continue Holding Remote Meetings By Teleconference. Said motion carried 5-0 roll call vote (Ayes: Baitx, Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: None; Abstain: None).

At 6:45 p.m., the Board adjourned to Closed Session. Present were the following Directors and Staff:

President Jorgens	Director Donner	Jonathan Holtzman, District Counsel (absent)
Director Baitx	Director Jex	Donna Williamson, District Counsel
Director Danziger	Dave Winnacker, Fire Chief	Gloriann Sasser, Admin. Services Director

4. CLOSED SESSION

4.1 Conference with Labor Negotiator

(Government Code Section 54957.6)
Agency Designated Rep: Donna Williamson
Employee Organization: Local 1230, International Association of Firefighters IAFF

4.2 Conference with Labor Negotiator

(Government Code Section 54957.6)
Agency Designated Rep: Donna Williamson
Employee Organization: Moraga-Orinda Fire Chief Officers' Association

4.3 Conference with Labor Negotiator

(Government Code Section 54957.6)
Agency Designated Rep: Donna Williamson
Employee Organization: Unrepresented Employees

5. RECONVENE THE MEETING

5.1 Call the Meeting to Order

5.2 Roll Call

President Jorgens reconvened the Moraga-Orinda Fire District Board of Directors' special business meeting at **7:22 p.m.** and requested an attendance roll call. Present were the following Directors and Staff:

President Jorgens	Director Donner	Gloriann Sasser, Admin. Services Director
Director Baitx	Director Jex	Marcia Holbrook, District Clerk
Director Danziger	Dave Winnacker, Fire Chief	

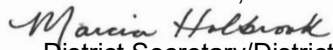
6. REPORT OF CLOSED SESSION ACTION

President Jorgens stated that the Board took no reportable action on agenda items 4.1-4.3.

7. ADJOURNMENT

At 7:23 p.m., Director Donner motion and seconded by Director Danziger to adjourn the meeting. Said motion carried 5-0 roll call vote (Ayes: Baitx, Danziger, Donner, Jex, and Jorgens; Noes: None; Absent: None; Abstain: None).

Marcia Holbrook,


District Secretary/District Clerk