

RESOLUTION NO. 18-10

**RESOLUTION OF MORAGA-ORINDA FIRE DISTRICT
("DISTRICT") ADOPTING AMENDMENT-1 TO EMPLOYMENT AGREEMENT
BETWEEN MORAGA-ORINDA FIRE DISTRICT AND DAVID WINNACKER**

WHEREAS, the Moraga-Orinda Fire District ("District") hired David Winnacker ("Employee") as Fire Chief effective December 20, 2017; and

WHEREAS, the District and the Employee agreed with respect to terms and conditions of employment of Employee as Fire Chief for the District; and

WHEREAS, the terms and conditions of employment are detailed in the Employment Agreement dated December 20, 2017 ("Employment Agreement"); and

WHEREAS, at the time the Employment Agreement was negotiated, the District and the Employee were not aware that some of the Employee's military training was categorized as active duty training; and,

WHEREAS, after the Employment Agreement was executed, the District and the employee became aware that some of the Employee's military training is categorized as active duty training; and,

WHEREAS, the District's existing policy regarding military leave addresses active military duty during an armed conflict and does not address active duty military training outside of an armed conflict; and,

WHEREAS, the Employee is required to attend active duty training outside of an armed conflict; and,

WHEREAS, the District is required to pay Employee his salary for the first 30 calendar days of a temporary military leave of absence for ordered active duty training in accordance with California law; and,

NOW THEREFORE BE IT RESOLVED, the District and Employee agree to voluntarily reopen the Employment Agreement to provide pay to Employee for the first 30 calendar days of a temporary military leave of absence for ordered active duty military training in accordance with California law effective June 1, 2018; and,

BE IT FURTHER RESOLVED, the District and Employee voluntarily agree to reopen the Employment Agreement to provide fewer hours of paid vacation time effective June 1, 2018.

PASSED, APPROVED and ADOPTED this 16th day of May, 2018 at a regular meeting of the District Board of Directors held on May 16, 2018, at 22 Orinda Way, Orinda, California 94563, on motion made by Director Famulener, seconded by Director Anderson, and duly carried with the following roll call vote:

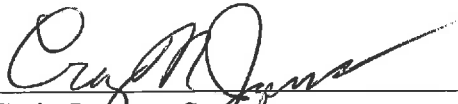
AYES: Directors Anderson, Famulener, Jex and Jorgens

NOES: None

ABSENT: President Barber


ABSTAIN: None

Dated: May 16, 2018



Craig Jorgens, Secretary
Board of Directors

ATTEST:



Grace Santos, District Clerk

