

**RESOLUTION NO. 23-09**

**A RESOLUTION OF THE MORAGA-ORINDA FIRE PROTECTION DISTRICT UPHOLDING ADMINISTRATIVE CITATION NUMBER 23-0134-001 ISSUED ON MARCH 21, 2023 FOR VIOLATION OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24 PART 9, CALIFORNIA FIRE CODE SECTION 901.7, ON THE PROPERTY LOCATED AT 1928 SAINT MARY'S ROAD IN MORAGA CALIFORNIA, APN NUMBER 258140002**

WHEREAS, California Code of Regulations Title 24 Part 9 requires where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall be either evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service; and

WHEREAS, On at 4:07 March 19, 2023 MOFD crews responded for a fire with sprinkler activation in Augustine Hall on 1928 Saint Mary's Road, Moraga APN 258140002.

WHEREAS, as a result of this incident, MOFD crews were on scene at Saint Mary's College throughout the morning of March 19, 2023.

WHEREAS, during a chance encounter in the field at or around 8:30 am on March 19, 2023 a Saint Mary's Public Safety staff member informed on-duty MOFD members that fire watch was also being stood in Mitty Hall due to a fire protection system issue.

WHEREAS, MOFD staff contacted Bay Alarm and determined Zone 14 of the fire protection system in Mitty hall had been taken out of service until 8:00 am on March 20, 2023 as a result of a phone call from a Saint Mary's Public Safety staff member.

WHEREAS, California Code of Regulations Title 24 Part 9, Section 901 does require immediate notification of the fire department and fire code official when a required fire protection system is out of service.

WHEREAS, such required notification did not occur.

WHEREAS, On March 21, 2023, an Administrative Citation 23-0134-001 was issued for violating California Code of Regulations Title 24 Part 9, Section 901, Fire Protection system out of service.

WHEREAS, The MOFD Board of Directors conducted a hearing on April 19, 2023, considered all evidence presented by MOFD staff, all evidence presented and any statements made by the property owners, and any statements made by members of the public; and

NOW, THEREFORE, BE IT RESOLVED that the Moraga-Orinda Fire District Board of Directors hereby upholds Administrative Citation number 23-0134-001 issued on March 21, 2023 for violation California Code of Regulations Title 24 Part 9, California

Fire Code Section 901.7 on the property located at 1928 Saint Mary's Road in Moraga California, APN number 258140002; and be it

FURTHER RESOLVED that the property owners are hereby notified that the time for judicial review of this decision of the Board of Directors of the Moraga-Orinda Fire District is governed the California Government Code Section 53069.4;

PASSED, APPROVED AND ADOPTED this 19th day of April 2023 at the regular meeting of the District Board held at 22 Orinda Way, Orinda, California 94563, on a motion made by Director Jorgens, seconded by Director Danziger, and duly carried with the following roll call vote:

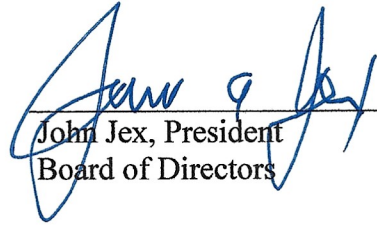
AYES: DIRECTORS DANZIGER, HASLER, JORGENS, AND JEX

NOES: NONE

ABSENT: DIRECTOR ROEMER


ABSTAIN: NONE

Resolution 23-09  
Dated: April 19, 2023

  
John Jex, 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, and that was passed and adopted by the Moraga-Orinda Fire Protection District on the date shown.

ATTEST:

  
Marcia Holbrook,  
District Secretary/District Clerk

APPROVED AS TO FORM:

  
Jon Holtzman (Apr 26, 2023 14:00 PDT)  
Jon Holtzman, District Counsel

APPROVED AS TO CONTENT:

  
Dave Winnacker (Apr 26, 2023 06:33 PDT)  
Dave Winnacker, Fire Chief

RESOLUTION 2023-09










# 23-09 Resolution Administrative Citation Hearing 1928 SAINT MARYS RD., APN 258140002


Final Audit Report

2023-04-28


Created:	2023-04-24
By:	Moraga-Orinda Fire District (info@mofd.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAM_bVLwacIKRjL1NKpg7TtNAYsdR9-ga9

## "23-09 Resolution Administrative Citation Hearing 1928 SAINT MARYS RD., APN 258140002" History

-  Document created by Moraga-Orinda Fire District (info@mofd.org)  
2023-04-24 - 11:18:25 PM GMT- IP address: 76.132.162.13
-  Document emailed to Jonathan Holtzman (jholtzman@publiclawgroup.com) for signature  
2023-04-24 - 11:19:31 PM GMT
-  Email viewed by Jonathan Holtzman (jholtzman@publiclawgroup.com)  
2023-04-25 - 3:24:49 AM GMT- IP address: 104.28.111.131
-  Email viewed by Jonathan Holtzman (jholtzman@publiclawgroup.com)  
2023-04-26 - 8:58:41 PM GMT- IP address: 104.28.123.102
-  Document e-signed by Jonathan Holtzman (jholtzman@publiclawgroup.com)  
Signature Date: 2023-04-26 - 9:00:20 PM GMT - Time Source: server- IP address: 104.28.123.179
-  Document emailed to dwinnacker@mofd.org for signature  
2023-04-26 - 9:00:22 PM GMT
-  Email viewed by dwinnacker@mofd.org  
2023-04-27 - 4:31:48 AM GMT- IP address: 104.28.32.97
-  Email viewed by dwinnacker@mofd.org  
2023-04-28 - 1:36:26 AM GMT- IP address: 104.28.123.93
-  Signer dwinnacker@mofd.org entered name at signing as Dave Winnacker  
2023-04-28 - 3:33:34 PM GMT- IP address: 12.90.38.230

 Document e-signed by Dave Winnacker (dwinnacker@mofd.org)

Signature Date: 2023-04-28 - 3:33:36 PM GMT - Time Source: server- IP address: 12.90.38.230

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2023-04-28 - 3:33:36 PM GMT