

**RESOLUTION NO. 23-11**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORAGA-ORINDA  
FIRE PROTECTION DISTRICT APPOINTING THE BOARD MEMBERS  
OF THE BOARD OF DIRECTORS AS THE MEMBERS OF THE  
DISTRICT'S BOARD OF APPEALS**

WHEREAS, Section 111.1 of the California Fire Code creates a Board of Appeals to hear appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of the Fire Code; and

WHEREAS, Section 111.1 also provides that the Board of Appeals shall be appointed by the applicable governing authority.

NOW, THEREFORE, BE IT RESOLVED that the members of this Board of Directors shall serve also as the members of the Board of Appeals for the Moraga-Orinda Fire District; and be it

FURTHER RESOLVED that the Board of Directors as the members of the District's Board of Appeals will follow the hearing procedures attached hereto as "Exhibit A" entitled Board of Appeals Hearing Procedures.

PASSED, APPROVED, and ADOPTED this 17th day of May 2023 at the regular meeting of the Moraga-Orinda Fire Protection District Board of Directors held at 22 Orinda Way, Orinda, California 94563, on a motion made by Director Roemer, and seconded by Director Danziger, and duly carried with the following roll call vote:

AYES: DIRECTORS DANZIGER, HASLER, ROEMER, AND JEX

NOES: NONE

ABSENT: DIRECTOR JORGENS

ABSTAIN: NONE

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ATTEST:

  
\_\_\_\_\_  
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, was passed and adopted by the Moraga-Orinda Fire District on the date shown.

ATTEST:

  
\_\_\_\_\_  
Marcia Holbrook  
District Secretary/District Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jonathan V. Holtzman  
District Counsel

## RESOLUTION 23-11

Exhibit "A"

### **Board of Appeals Hearing Procedures**

The District Board of Directors sits as the Board of Appeals to hear appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of the code. When the Board hears these matters, the hearing is conducted in the following manner:

1. Board members disclose any ex parte communications
2. Staff report
3. Board questions for staff
4. Presiding officer then opens the public portion of the hearing
5. Presentation by appellant (10 minutes)
6. Board questions for appellant
7. Public comment
8. Rebuttal by staff (5 minutes)
9. Rebuttal by appellant (5 minutes)
10. Final Board questions of appellant
11. Final Board questions of staff
12. Presiding officer closes the public portion of hearing
13. Board discusses, deliberates, makes findings and takes final action by motion.