

**RESOLUTION NO. 23-17**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORAGA-ORINDA FIRE PROTECTION DISTRICT AUTHORIZING A SERVICE CONTRACT FOR LEGAL SERVICES WITH DOWNEY BRAND IN AN AMOUNT NOT TO EXCEED \$95,000**

**WHEREAS**, the Moraga-Orinda Fire Protection District has received notice of threatened litigation under the California Environmental Quality Act (CEQA) challenging the approval of Amended Fuel Break Ordinance No. 23-08; and

**WHEREAS**, the law firm of Downey Brand has expertise in representing public agencies in CEQA litigation; and

**WHEREAS**, the Board of Directors intends to contract with Downey Brand to provide legal representation to the District in connection with such CEQA related litigation.

**NOW THEREFORE, BE IT RESOLVED**, that the Moraga-Orinda Fire Protection District Board of Directors, in accordance with District Resolution 23-15, hereby finds and declares the following:

- Public Contract Code Section 20812(a) authorizes the Moraga-Orinda Fire Protection District to enter into a service contract for legal services with Downey Brand.
- District staff is not available or qualified to perform these services provided by Downey Brand.
- A contract for legal services with Downey Brand approved by District Counsel is exempt from solicitation requirements.

**BE IT FURTHER RESOLVED**, that the Moraga-Orinda Fire Protection District Board of Directors hereby authorizes the Board President, on behalf of the Board of Directors, to execute a service contract for legal services with Downey Brand that has been approved by District Counsel, in an amount not to exceed \$95,000.

**PASSED, APPROVED and ADOPTED** this 15th day of November 2023, at the regular meeting of the District Board of Directors held at 22 Orinda Way, Orinda, California 94563 on a motion made by Director Roemer and seconded by Director Jorgens and duly carried with the following roll call vote:

**AYES: DIRECTORS DANZIGER, HASLER, JORGENS, ROEMER, AND JEX**

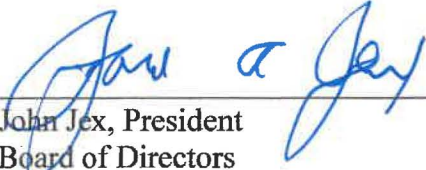
**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

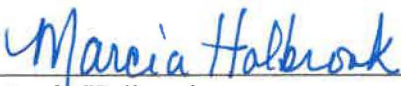
**Resolution 23-17**

**Dated: November 15, 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 Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Jonathan Holtzman (Nov 27, 2023 16:25 PST)  
Jon Holtzman, District Counsel

  
\_\_\_\_\_  
Dave Winnacker (Nov 21, 2023 11:04 PST)  
Dave Winnacker, Fire Chief










# 23-17 Authorize Downey Brand (REC 11-3-23) amended

Final Audit Report

2023-11-28

Created:	2023-11-21
By:	Marcia Holbrook (mholbrook@mofd.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAANGsNVQkTYANNzV9hX-38_MrqRqhhKDHj

## "23-17 Authorize Downey Brand (REC 11-3-23) amended" History

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2023-11-21 - 6:32:14 PM GMT- IP address: 12.90.38.230
-  Document emailed to Jonathan Holtzman (jholtzman@publiclawgroup.com) for signature  
2023-11-21 - 6:33:21 PM GMT
-  Document emailed to dwinnacker@mofd.org for signature  
2023-11-21 - 6:33:21 PM GMT
-  Email viewed by dwinnacker@mofd.org  
2023-11-21 - 7:03:49 PM GMT- IP address: 174.236.228.94
-  Signer dwinnacker@mofd.org entered name at signing as Dave Winnacker  
2023-11-21 - 7:04:26 PM GMT- IP address: 174.236.228.94
-  Document e-signed by Dave Winnacker (dwinnacker@mofd.org)  
Signature Date: 2023-11-21 - 7:04:28 PM GMT - Time Source: server- IP address: 174.236.228.94
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2023-11-28 - 0:24:52 AM GMT- IP address: 104.47.56.254
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Signature Date: 2023-11-28 - 0:25:40 AM GMT - Time Source: server- IP address: 23.114.98.147
-  Agreement completed.  
2023-11-28 - 0:25:40 AM GMT