



Moraga-Orinda Fire District

Board of Directors

REGULAR MEETING

September 18, 2024 – 5:30 PM
5:30 p.m. CLOSED SESSION
7:00 p.m. OPEN SESSION

LOCATION:
Orinda Library Auditorium
26 Orinda Way
Orinda, CA 94563

To access the meeting remotely:
please click the link below to join the webinar by Zoom:
[https://https://us02web.zoom.us/j/83317883341](https://us02web.zoom.us/j/83317883341)
or By Phone: 1-669-900-6833
Webinar ID: 833 1788 3341

NOTICE OF TELECONFERENCED MEETING:

Pursuant to Government Code Section 54953, Subdivision (b), this meeting will include teleconference participation by Board Member Mike Roemer from:
2265 Keim Rd,
Naperville, IL 60565

NOTICE OF TELECONFERENCED MEETING:

Pursuant to Government Code Section 54953, Subdivision (b), this meeting will include teleconference participation by Board Member John Jex from:
26 Ravenhill Lane,
Moraga, CA 94556

The agenda for both teleconference meetings has been posted at the teleconference locations. The teleconference locations are accessible to the public, and members of the public are allowed to address the Board from the teleconference locations.

Public Participation

This meeting will be conducted in a hybrid format with in-person and remote options for public participation. If you are participating via the Zoom meeting link (i.e. web platform), and experience personal technological difficulties, please re-join the meeting by phone via phone number provided above.

For In-person Attendees: Face coverings are strongly encouraged and attendees are encouraged to be up-to-date on the COVID-19 vaccine. Social distance should be maintained when practical. If you are feeling sick, please do not attend the meeting in person.

SPEAKER CARDS: Members of the public may comment on any item on the agenda during the Board's consideration of the item. If you would like to speak during the public forum or on an item listed on the agenda, you are invited to submit a speaker card to the District Clerk. You will be permitted to speak even if you elect not to submit a speaker card or decline to provide information requested on the card. After the Board of Directors has heard from everyone who submitted speaker cards, anyone electing not to submit a speaker card may form a line at the lectern. Public comment is limited to 3 minutes per speaker per agenda item.

For Remote Attendees: join via the ZOOM link or the dial-in information above. You can access the meeting via a smartphone or computer App (Zoom) or phone. Live Public Comment can be provided via the Zoom app (during the public comment period) by the raise hand feature. The District Clerk will announce, "the next speaker has been unmuted." A notification will appear for the speaker who has raised their hand, asking them to unmute their microphone. Please unmute your microphone and state your first and last name for the record (not required). If participating by phone, dial *9 to raise your hand. Staff will announce the last four (4) digits of the phone number for dial-in attendees. Participants will be called in the order of hands raised.

Submit Public Comment Before the Meeting: Members of the public can provide public comment by sending an e-mail to info@mofd.org no later than 3:00 p.m. the day of the meeting. Those e-mails will be distributed to the Board of Directors and posted on the District's website as part of the public record by 5:00 p.m. on the day of the meeting. Note: any written public comments received after the deadline will not be distributed to the Board of Directors or posted on the District's website until the following day. Written comments will NOT be read into the record. All written public comments are available to view at mofd.org/agendas.

The meeting will be live streamed via the [MOFD YouTube Channel](#). A link is accessible via the District's website.

1. **OPENING CEREMONIES**

- Call the Meeting to Order
- Roll Call
- Pledge of Allegiance

2. **PUBLIC COMMENT - CLOSED SESSION ITEMS**

3. **CLOSED SESSION**

3.1 **Conference with Labor Negotiator - Local 1230, IAFF**

(Government Code Section 54957.6)

Employee Organization: Local 1230, International Association of Firefighters IAFF

Agency Designated Representative: Luke Jensen

3.2 **Conference with Labor Negotiator - MOFCOA**

(Government Code Section 54957.6)

Employee Organization: Moraga-Orinda Fire Chief Officers' Association

Agency Designated Representative: Luke Jensen

3.3 **Conference with Labor Negotiator - Unrepresented Employees**

(Government Code Section 54957.6)

Employee Organization: Unrepresented Employees

Agency Designated Representative: Luke Jensen

3.4 **Conference with Labor Negotiator - Fire Chief**

(Government Code Section 54957.6)

Unrepresented Employee: Fire Chief Dave Winnacker

Agency Designated Representative: Jonathan Holtzman

3.5 **Public Employee Appointment**

(Government Code Section 54957)

Position to be Filled Title: Interim Fire Chief

3.6 **Conference with Legal Counsel - Existing Litigation (Pearson)**

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of Case: Sandia Pearson and Anita K. Pearson v. Moraga-Orinda Fire District

Case No. Case No. N23-2201

3.7 **Conference with Legal Counsel - Existing Litigation (Nowicki)**

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of Case: Peter J. Nowicki v. Contra Costa County Employee' Retirement Association, Moraga-Orinda Fire District, and Does 1 - 25 inclusive

Case No. Case No. MSC17-01266

3.8 **Conference with Legal Counsel - Existing Litigation (Larson)**

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of Case: Keith Larson v. Moraga-Orinda Fire District, permissibly self-insured, adjusted by ATHENS ADMINISTRATORS, Defendants Adjudication Number: ADJ17881925

4. **RECONVENE THE MEETING**

- Call the Meeting to Order
- Roll Call

5. **REPORT OF CLOSED SESSION ACTION**

6. **PROCLAMATION**

A Proclamation Congratulating the Town of Moraga on its 50th Anniversary Celebration

6.1 [Town of Moraga 50th Anniversary Proclamation](#)

Staff Recommendation: 1) Present the Proclamation honoring the Town of Moraga on the occasion of its 50th anniversary

[Attachment: Town of Moraga 50th Anniversary Celebration Proclamation](#)

7. **ANNOUNCEMENTS**

7.1 **Brief information only reports related to meetings attended by a Director at District expense**

(Government Code Section 53232.3(d))

7.2 **Questions and informational comments from Board members and Staff**

7.3 **Communications Received**

7.4 **Fire Chief Updates**

- Finance Report**
- Human Resources**
- Fire Marshal Report (attached)**
- Tunnel East Bay Hills Fuel Break Project**
- Home Hardening Grant Program**
- Station 45 Remodel**
- Operations**
- Upcoming Calendar and Events - (next 30 days)**

MOFD Events:

October 5: Moraga Pancake Breakfast, Fire Station 41

October 16: Board of Director Meeting, Orinda Library Auditorium

October 21: Tri-Agency Meeting, Orinda Library Auditorium

External Events:

September 19: Nurtury Preschool

September 28: Town of Moraga 50th Anniversary Celebration Parade

[Attachment: Monthly Fire Prevention Report August 2024](#)

8. **PUBLIC COMMENT – ITEMS NOT ON THE AGENDA**

At the beginning of each regular District Board meeting, any member of the public may address the District Board concerning any item not on the Board's agenda but within the subject matter jurisdiction of the Board. Speakers will be limited to three (3) minutes unless otherwise specified by the Presiding Officer. The public will be given an opportunity to speak on each agenda item at the time it is called. The Board may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Board, no further comment from the public will be permitted unless authorized by the Board and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Board or as otherwise limited by order of the Presiding Officer or the Board.

8.1 [Written Public Comment - Items Not on the Agenda](#)

[01 Nick Waranoff The writ of mandate, Orinda City Council to vacate the DPP](#)

[02 Nick Waranoff #1 competing viewpoints regarding OSEE's victory over the City of Orinda regarding the deficient EIR](#)

[03 Nick Waranoff #2 competing viewpoints regarding OSEE's victory over the City of Orinda regarding the deficient EIR](#)

[04 Jonathan Goodwin Is MOFD Accountable or Not?](#)

9. **CONSENT AGENDA**

9.1 [Meeting Minutes - August 21, 2024 \(regular\)](#)

Staff Recommendation: Approve and File

- [Attachment: 08-21-24 Regular Minutes DRAFT](#)
- 9.2 **Monthly Incident Report - August 2024**
Staff Recommendation: Approve and File
[Attachment: Monthly Incident Report August 2024](#)
- 9.3 **Monthly Check/Voucher Register - August 2024**
Staff Recommendation: Approve and File
[Attachment: Check Register August 2024.pdf](#)
- 9.4 **Monthly Financial Report - August 2024**
Staff Recommendation: Approve and File
[August 2024 Financials.pdf](#)
- 9.5 **Approval of Deputy Fire Chief Right of Return Side Letter of Agreement Between Moraga-Orinda Fire Protection District and Moraga-Orinda Fire Chief Officers' Association**
Staff Recommendation: Approve Deputy Fire Chief Right of Return Side Letter of Agreement Between Moraga-Orinda Fire Protection District and Moraga-Orinda Fire Chief Officers' Association
[Attachment: Side Letter Deputy Fire Chief Right of Return 8-15-2024 - signed](#)
- 9.6 **Waive the Reading and Introduce Ordinance No. 24-03, an Ordinance of the Moraga-Orinda Fire Protection District, Amending the Purchasing and Contracting Procedures and Authorities; Review Draft Resolution 24-12 Establishing Contracting Procedures for Special Services Contracts.**
Staff Recommendation: 1) Introduce and Waive the Reading of Ordinance No. 24-03, an Ordinance of the Moraga-Orinda Fire Protection District, Amending the Purchasing and Contracting Procedures and Authorities; 2) Review draft Resolution 24-12 Establishing Contracting Procedures for Special Services Contracts
[Attachment A: 24-03 Amending Purchasing Procedures Ordinance 23-05 \(redline version\)](#)
[Attachment B: 24-03 Amending Purchasing Procedures Ordinance 23-05 \(final version\)](#)
[Attachment C: 24-12 Resolution Establishing Contracting Procedures](#)
[Attachment D: 24-12A Exhibit A Special Services Contracting Procedures \(Redline\)](#)

10. **REGULAR AGENDA**

- 10.1 **Draft GASB 75 OPEB Valuation Report as of June 30, 2024 and Approval of OPEB Funding Policy**
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide direction to staff regarding the Draft GASB 75 OPEB Valuation Report as of June 30, 2024; 4) Approve the OPEB Funding Policy
[Attachment A: Moraga-Orinda Fire GASB 75 RF Report 2024.pdf](#)
[Attachment B: OPEB Funding Policy](#)
- 10.2 **Establish Interim Fire Chief Recruitment Ad Hoc Committee and Appoint Two Directors to the Ad Hoc Committee for Interim Fire Chief Recruitment**
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Establish an Ad Hoc Committee for the Recruitment of Interim Fire Chief; 4) Appoint two Directors to the Ad Hoc Committee for Interim Fire Chief Recruitment
- 10.3 **Quarter Four Financial Update and Budget Review FY2024**
Staff Recommendation: 1) No action required; Informational purposes only
[Attachment A: Quarter Four Financial Update.pdf](#)
- 10.4 **Consider Options for District Investments held in Section 115 Trust with Public Agency Retirement Services**
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide direction to staff regarding District investments held in the Section 115 trust with Public Agency Retirement Services
[Attachment A: Comparison to Vanguard Returns.pdf](#)
- 10.5 **Authorize Insurance Brokerage Service Agreement with Loveland and Smart Insurance Services, Inc.**
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Authorize staff to enter into insurance brokerage service agreement with Loveland and Smart Insurance Services, Inc. in the amount of \$6,000

[Attachment A: FAIRA Summary of Insurance - Moraga-Orinda.pdf](#)

[Attachment B: Loveland and Smart Broker Agreement 2025.pdf](#)

- 10.6 [Adopt Resolution 24-13 Authorizing a Service Contract Amendment for Legal Services with Downey Brand in an Amount Not to Exceed an Additional \\$75,000 for Litigation Under the California Environmental Quality Act \(CEQA\) from Sandia Pearson and Anita K. Pearson Challenging the Approval of Amended Fuel Break Ordinance No. 23-08](#)

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution 24-13 Authorizing a Service Contract Amendment for Legal Services with Downey Brand in an Amount Not to Exceed an Additional \$75,000 for Litigation from Sandia Pearson and Anita K. Pearson Challenging the Approval of Amended Fuel Break Ordinance No. 23-08

[Attachment A: Resolution 23-17 Authorize Downey Brand signed.pdf](#)

[Attachment B: Payments to Downey Brand.pdf](#)

[Attachment C: Resolution 24-13 Authorize Downey Brand.docx](#)

11. COMMITTEE REPORTS

11.1 **Standing Audit Committee (Directors Hasler and Jex)**

11.2 **Ad Hoc Committee Joint Fire Prevention w/City of Orinda (Directors Jorgens and Roemer)**

12. REQUESTS FOR ITEMS ON FUTURE AGENDAS

13. ADJOURNMENT

The Moraga-Orinda Fire Protection District ("District"), in complying with the Americans with Disabilities Act ("ADA"), requests individuals who require special accommodations to access, attend and/or participate in District Board meetings due to a disability, to please contact the District Chief's office, (925) 258-4501, at least one business day prior to the scheduled District Board meeting to ensure that we may assist you.

Any disclosable public records related to an open session item on a Regular meeting agenda and distributed by the Moraga-Orinda Fire District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspections at 1280 Moraga Way, Moraga, during normal business hours, and available on our website at www.mofd.org/agendas.

I hereby certify that this agenda in its entirety was posted on September 13, 2024, at the Moraga and Orinda Fire Administration offices, Stations 41, 42, 43, 44, and 45 and electronically at www.mofd.org/agendas. Agenda provided to the Moraga Town Office (Hacienda) and Orinda City Hall.



Marcia Holbrook
District Secretary/Clerk