

Holbrook, Marcia

From: jonathan@sojourningsoul.net
Sent: Monday, September 16, 2024 11:10 AM
To: Holbrook, Marcia
Subject: Comment on MOFD Agenda Item 10.2, Sept. 18, 2024

Conventionally, when a fire chief retires, a new fire chief is hired. There has never been a case in the history of this agency where an interim chief was selected after a chief retires. To fail to give an explanation for this deviation in standard protocol in the staff report is outrageous, I would aver. It smacks of scheming.

Recently the MOFD Board hired a Deputy Chief by the following process. One day the position opened, the next day it closed and the day after that the sole applicant was hired. Meaning no disrespect whatsoever to Chief Lambert, this was not a proper hiring process where various applicants were interviewed and then the best was selected. Why the scheming instead of a transparent process?

From your staff report I deduce that, again, there will be no legitimate hiring process for this Interim Chief position.

How sad it is that this board once again falls conspicuously short of professional standards of conduct. I find this abundantly disappointing because this fire district deserves the best possible candidate available in the current market, in my view. Apparently, you see things differently. Sad, indeed.

~Jonathan Goodwin
Canyon, Calif.

Holbrook, Marcia

From: jonathan@sojourningsoul.net
Sent: Monday, September 16, 2024 12:13 PM
To: Holbrook, Marcia
Cc: Sasser, Gloriann; Jon Holtzman; jairola; Jill Ray; candace.andersen@bos.cccounty.us; gjjury@contracosta.courts.ca.gov; Susann Bradford; jblome@greenfirelaw.com; jill.cowan@nytimes.com; kevin.yamamura@nytimes.com; demian.bulwa@sfchronicle.com; local@bayareanewsgroup.com; jaya@lamorindaweekly.com; editor@theorindanews.com; Winnacker, David
Subject: At MOFD the Costly Concatenation of "Care-Free" Conduct Continues

To: The Moraga-Orinda Fire District Board of Directors
Re: Public Comment ion Item 10.6, Sept. 18th, 2024 Board Meeting

After all the information I have presented on this topic, you are now set up to accept another staff report with serious flaws.

1. It hides the actual cost of the lawsuit by concealing the ~\$49k taken by Renne Public Law Group-- which describes itself two times now as **unqualified to do the work** and unavailable. (This is clearly a dodge, in terms of being unavailable.) Who's to say how much these costs will rise? You consistently ignore this self-interested and odd presentation of the facts, and this is striking because you are so diligent with funding future pension costs and so picayune with staff about how budgetary information is presented. How is that you now sleepwalk through the costs of this particular item? Any other agency board would want to know the full financial impact of a proposed action and would not accept the presentation of actual costs being misrepresented. But then, you have your own ways with things, such as approving a likely retired annuitant working half time for a budgeted \$350,000 this year in local and State funds.
2. Also, it comes out now that it was Downey Brand that wrote this indefensible ordinance (or did something in that time frame to bill you \$16,200), and now they are poised to rake in up to \$170,000 to defend it in court. ...or rather, not defend it. ...or maybe they will defend it eventually? Your legal staff chose not to inform you that, so far as I can tell from the public record, for nearly \$100,000 in billing over the past 11 months, Downey Brand has met briefly twice with the judge and plaintiffs and filed a long series of continuances rather than do any actual work. Very sadly, we find that this board is incapable of providing reasonable oversight.
3. It gives no context for the costs. What justifies expenditure of well over \$200,000 to fight for an ordinance that you rushed through, despite the City of Orinda asking for more time for discussion? Is this ordinance really worth that much public money? When it was first disputed, staff said repeatedly that the most controversial portion of your ordinance would apply only to a very small number of parcels in the District, so why are you willing to pay up to \$220,000 for it (with no cap on the funds collected by Renne Public Law Group)? Surely, a word of discussion is called for here to justify the large cost of this action.
4. There is no alternatives analysis. What would be the result if the Board declined to pass the resolution? Some political bodies prefer to be informed on such things...why not you? What would be the consequence if this matter were abandoned? What other ends could the money be put to, such as hiring someone to fly over the District and see where PG&E is in compliance with their vegetation management and where they are not?

I recently spoke with a local fire person who once dubbed me some years ago a "Senior Local Expert" (SLE) in wildfire mitigation. I learned that your legacy of numerous wildfire prevention activities has largely disappeared from view. We can begin with those fancy sensors you believed would automatically report fires. They turned out to be infeasible. The fuel you spent something like 13 Million Dollars clearing with your big fuel break grants has mostly regrown, exactly as I told you it would five or so years ago. Your efforts to twist the arms of public agencies to their clear fuels to your liking has failed for the

most part. And what might surprise some people most, in local neighborhoods where the fire chief⁰⁷ has spent years giving scores and scores of talks to local groups, the rate of compliance with the fire code is just the same in these places as in other places that had no personal contact. Likewise, the District now contains some 40 Firewise Communities and the rate of compliance in those areas is also no better than non-Firewise areas. You spent something like \$200,000 giving away gutter guards, and this has had no effect on rates of compliance. The only method proven to be effective is strict enforcement, and I'll tell you a secret about that. This also is not a sustainable policy because people eventually rebel against it in expensive ways. (How many hundreds of thousands more of tax payer funds will you spend fighting with your neighbors?)

In sum, while there are successes here and there, what is overwhelming to the eye is the massive failure of your chosen policies.

Clearly, new ideas are needed. But I would guess that the quality of mentation you are applying to this lawsuit indicates that real and sustainable improvement in wildfire safety in this fire district will never *even be imagined* while we are governed by the quality of leadership such as this board is capable of offering.

And, alas, there is no mechanism for accountability. The voters don't understand this, the press is too emaciated to stand up and explain it and powers with jurisdiction over the District such as LAFCO and the Civil Grand Jury won't likely take an interest in such small potatoes. So, you guys win, allowing you to enjoy your hollow triumph.

Happy Trails.
~SLE Goodwin
Canyon, Calif.

PS: In a prior email I observed incorrectly that the Secretary to the MOFD Board was made by senior staff to lie, saying that my email which opened up this discussion was not received. Having discovered that senior staff's prestidigitation had located acknowledgement of said email just prior to closed session, I wish to say that I truly regret having cast any shadow over the integrity of junior staff and I regret any internal dissonance this may have caused.