

RESOLUTION NO. 24-13

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORAGA-ORINDA FIRE PROTECTION DISTRICT AUTHORIZING A SERVICE CONTRACT AMENDMENT FOR LEGAL SERVICES WITH DOWNEY BRAND IN AN AMOUNT NOT TO EXCEED AN ADDITIONAL \$75,000

WHEREAS, the Moraga-Orinda Fire Protection District has received 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, on November 15, 2023 the Board of Directors approved Resolution 23-17 authorizing a contract with Downey Brand to provide legal representation to the District in connection with such CEQA related litigation in an amount not to exceed \$95,000; and

WHEREAS, the litigation has not been resolved and additional legal representation is needed from Downey Brand.

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 amendment for legal services with Downey Brand that has been approved by District Counsel, in an amount not to exceed an additional \$75,000.

PASSED, APPROVED and ADOPTED this 18th day of September 2024, at the regular meeting of the District Board of Directors held at 26 Orinda Way, Orinda, California 94563 on a motion made by Director Jorgens and seconded by Director Danziger and duly carried with the following roll call vote:

AYES: DIRECTORS DANZIGER, HASLER, JORGENS, AND ROEMER

NOES: NONE

ABSENT: DIRECTOR JEX

ABSTAIN: NONE

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Dated: September 18, 2024

Michael Roemer, 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:

APPROVED AS TO CONTENT:

Jonathan V. Holtzman
District Counsel

Dave Winnacker, Fire Chief