

**AMENDMENT-6 TO  
EMPLOYMENT AGREEMENT BETWEEN  
MORAGA-ORINDA FIRE DISTRICT AND DAVID WINNACKER**

This Amendment to the Agreement is made and entered into on October 16, 2024 ("Effective Date"), by and between the Moraga-Orinda Fire District ("District") and David Winnacker ("Employee" or "Fire Chief").

**Recitals**

- A. The District and David Winnacker are parties to an Employment Agreement dated December 20, 2017. That agreement was amended effective June 1, 2018 to clarify certain terms related to military service (Amendment 1). The Agreement was amended again effective January 1, 2019 to increase Winnacker's annual salary and clarify certain terms related to medical and dental insurance (Amendment 2). The Agreement was amended again effective January 1, 2020 to increase Winnacker's annual salary, provide a retention incentive and provide compensation for third party reimbursed participation in OES Master Mutual Aid (Amendment 3); The Agreement was amended again effective August 18, 2021 to increase Winnacker's annual base salary, increase administrative leave and modify provisions providing compensation during military leave. The Agreement was amended again effective April 20, 2022 to increase Winnacker's annual base salary and to permit Winnacker to engage in certain consulting activities.
- B. The parties now desire to amend the Employment Agreement to modify the date of service upon which a previously earned retention bonus shall be payable, to authorize payment to Winnacker hourly wages earned due to service in excess of 40 hours per week on wildfires, where such funds have been or will be reimbursed to the District by third parties, and to amend the area in which Winnacker may deploy on wildfire assignments.

**AMENDMENT**

- 1. The one-time retention bonus included in Amendment 3 of \$75,000 to be paid upon termination of employment, earned for service from January 1, 2020 through December 20, 2022, which was extended pursuant to Amendment 5, shall be payable upon termination on any date on or after December 20, 2024.
- 2. Amendment 3 provides that Winnacker may be paid for deployment as part of the OES Mutual Aid System to Northern California fires and may be paid his regular hourly rate for hours in excess of 8 per day and on weekends, provided such compensation is reimbursed to the District by third parties, minus any administrative fees due to the District. Effective July 1, 2024, this provision shall also apply to Winnacker's deployment to wildfires without geographic limitation. Recognizing that the District generally receives reimbursement for such activities in arrears due to the time required by state agencies to process submissions, if reimbursement is not received prior to the conclusion of Winnacker's employment, the Administrative Services Director is authorized to calculate the amount owed by OES for such services, and pay the amount due to Winnacker as part of or at the same time as his final paycheck.
- 3. Pursuant to state law and CCCERA regulations, neither of the above payments will be included in Winnacker's final compensation for the purpose of retirement calculations.

Except to the extent expressly provided herein, all other terms of the Employment Agreement between Moraga-Orinda Fire District and David Winnacker including amendments 1-5 shall remain unchanged.

“District”

Dated: Oct 29, 2024

*Mike Roemer*  
Mike Roemer (Oct 29, 2024 12:05 PDT)

Michael Roemer, President

“Employee”

Dated: Oct 29, 2024

*Dave Winnacker*  
Dave Winnacker (Oct 29, 2024 10:17 PDT)

David Winnacker

Approved as To Form:

*Jonathan V. Holtzman*  
Jonathan Holtzman (Oct 29, 2024 15:37 PDT)

Jonathan V. Holtzman  
District Counsel











# DWinnacker Contract Amendment 6 Approved 101624

Final Audit Report

2024-10-29

Created:	2024-10-25
By:	Marcia Holbrook (mholbrook@mofd.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAFYvdiZ4anVIPyIT-EvF2qerkeo5qFNzt

## "DWinnacker Contract Amendment 6 Approved 101624" History

-  Document created by Marcia Holbrook (mholbrook@mofd.org)  
2024-10-25 - 11:06:23 PM GMT
-  Document emailed to Dave Winnacker (dwinnacker@mofd.org) for signature  
2024-10-25 - 11:09:08 PM GMT
-  Email viewed by Dave Winnacker (dwinnacker@mofd.org)  
2024-10-29 - 5:17:28 PM GMT
-  Document e-signed by Dave Winnacker (dwinnacker@mofd.org)  
Signature Date: 2024-10-29 - 5:17:45 PM GMT - Time Source: server
-  Document emailed to Mike Roemer (mroemer@mofd.org) for signature  
2024-10-29 - 5:17:48 PM GMT
-  Email viewed by Mike Roemer (mroemer@mofd.org)  
2024-10-29 - 7:03:29 PM GMT
-  Document e-signed by Mike Roemer (mroemer@mofd.org)  
Signature Date: 2024-10-29 - 7:05:13 PM GMT - Time Source: server
-  Document emailed to Jonathan Holtzman (jholtzman@publiclawgroup.com) for signature  
2024-10-29 - 7:05:15 PM GMT
-  Email viewed by Jonathan Holtzman (jholtzman@publiclawgroup.com)  
2024-10-29 - 10:36:51 PM GMT
-  Document e-signed by Jonathan Holtzman (jholtzman@publiclawgroup.com)  
Signature Date: 2024-10-29 - 10:37:39 PM GMT - Time Source: server

✔ Agreement completed.

2024-10-29 - 10:37:39 PM GMT