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**MORAGA-ORINDA FIRE DISTRICT  
BOARD OF DIRECTORS  
REGULAR BOARD MEETING MINUTES  
March 7, 2012  
(Adopted May 30, 2012)**

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**1. Opening Ceremonies**

The Board of Directors convened in Open Session at 6:00 P.M. on March 7, 2012, at the Moraga Library Community Room, 1500 St. Mary's Road, Moraga, California. Present were the following Directors and Staff:

President Weil	Randall Bradley, Fire Chief
Director Sperling	Ed Kreisberg, Labor Negotiator
Director Wyro	Sue Casey, Admin Services Director

**2. Public Comment**

There were no comments from the public.

**3. Closed Session**

At 6:02 P.M., the Board adjourned into Closed Session.

**4. Reconvene the Meeting**

President Weil reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 7:08 P.M. Present were the following Directors and Staff:

President Weil	Randall Bradley, Fire Chief	Sue Casey, Admin Services Director
Director Sperling	Darrell Lee, Division Chief	Grace Santos, Administrative Secretary
Director Wyro	David Warner, District Counsel	

**5. Report of Closed Session Action**

President Weil announced that there was no reportable action taken during the Closed Session on Item 3.1 – Conference with Labor Negotiator, (Government Code Section 54957.6), Agency Designated Representative: Edward Kreisberg, Employee Organization: Association of Federated Firefighters IAFF, Local 1230.

**6. Public Comment**

There were no public comments.

**7.1 Board of Directors Vacancy**

After comments from the public and a brief discussion from members of the Board and staff, President Weil, Director Sperling and Director Wyro decided to wait until the next Board meeting before they take possible action on appointing or holding elections to fill the Director vacancies in Division 3 and Division 5. They asked the public to provide feedback, comments and suggestions.

**7.2 Five Member Board Operating with Two Vacancies**

After comments from the public and a brief discussion from members of the Board and Staff, District Counsel David Warner provided the Board with direction on how to operate as a five member Board with two vacancies. He explained that under the Brown Act, a majority of the legislative body constitutes a quorum for the transaction of business. The existing membership of a legislative body may be less than the fixed membership of the body if one or more seats are vacant. Since the existing membership of the District Board is three, a majority is two or more.

District Counsel Warner continued to explain that the Brown Act does not apply to (ad hoc) advisory committees composed of solely less than a quorum of the legislative body. This normally exempts an ad hoc committee consisting of two Board members from the requirements of the Brown Act. However, when the legislative body consists of only three members, a quorum of the legislative body is now two meaning that ad hoc committees consisting of two Board members are no longer exempt.

Under the Brown Act, a majority of the members of a legislative body shall not discuss, deliberate, or take action on any item of business within the subject matter jurisdiction of the body. Where two vacancies create a three-person legislative body, a majority of the body now consists of two or more members.

Section 13856 of the Health and Safety Code states that the legislative body of a fire district may only act by ordinance, resolution or motion. Except in certain limited instances, a majority of the total membership of the legislative body (counting any vacant seats) is required to take action. Therefore, most actions of the District Board should require unanimous consent to take effect.

**7.3 Mid-Year Budget Review**

Chief Bradley read the staff report and presented the mid-year budget review to the Board. The Board discussed the budget and was satisfied with the results of the mid-year budget review.

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

President Weil reported that on March 1, 2012, he attended the Contra Costa County Fire Commissioners Association meeting, along with Director Wyro and Chief Bradley. They did not sit together nor did they discuss District business.

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

Chief Bradley reported that he attended an NFPA Standard's Council Meeting, at the expense of the NFPA.

Chief Bradley announced that the District will be hosting a Spring Open House and Hot Dog Lunch on Saturday, April 14, 2012, from 10am-2pm, at Station 45 – 33 Orinda Way, in Orinda. He encouraged the public to attend.

Chief Bradley reported that the Station 43 Construction Project continues to progress; they are currently searching for a house to lease as temporary quarters for the firefighters. Staff will provide the Board with preliminary estimates on March 21, 2012.

**9. Adjournment**

At 8:40 P.M., President Weil called for adjournment of the regular meeting.



Grace Santos  
Secretary to the Board