
**MORAGA-ORINDA FIRE DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING MINUTES**

November 18, 2009

(Approved December 16, 2009)

Opening Ceremonies

The Board of Directors convened in Open Session at 6:45 p.m. November 18, 2009, at the Moraga Orinda Fire Administration Building, 1280 Moraga Way in Moraga, California. President Wilson called the meeting to order and led the Pledge of Allegiance. Present were the following Directors and Staff:

President Wilson	Fire Chief Nowicki
Director Mancinelli - Absent	Steve Meyers, District Counsel
Director Sperling	
Director Weil	
Director Wyro	

At 6:47 p.m., the Board went into Closed Session.

Business Meeting

President Wilson reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 7:10 p.m. Present were the following Directors and Staff:

President Wilson	Fire Chief Bradley	Battalion Chief Healy
Director Sperling	Steve Meyers, District Counsel	Battalion Chief Lee
Director Weil	Sue Casey, Financial Services Manager	
Director Wyro	Secretary Pokorny	

Report of Closed Session Action

President Wilson stated that there was no action taken on Item 3.1 Conference with Labor Negotiator, Employee Organization, Local 1230 because the tentative contract was not yet available.

Public Comment

Clyde Vaughn (59 Donna Maria Way Orinda, CA) stated that the Board of Directors should hold a Special Election as opposed to the Board appointing someone to replace President Wilson who will be resigning in December. Jonathan Goodwin (Canyon, CA) thanked Fire Chief Nowicki for his years of service, the Strategic Plan Review that included Canyon, and his help with the Canyon Community.

Consent Agenda

Director Wyro requested that Item 7.7.1, October 21, 2009 Board Meeting minutes, be removed from the Consent Agenda and discussed before approval.

It was M/S/C by unanimous vote to approve the consent Agenda except for Item 7.7.1

Director Wyro requested that the Board minutes from the October 21, 2009 meeting be amended to reflect the names of individuals involved in the Life Saving Awards awarded at the meeting. It was M/S/C by unanimous vote to approve Item 7.7.1 of the Consent Agenda.

Regular Calendar

New District Fire Chief's Contract

Director John Wyro stated that the Board and District Fire Chief Candidate, Randall Bradley, came to an agreement on his contract for District Fire Chief. He made a motion to approve the contract. District Counsel Meyers stated that the contract was the same as the draft contract with no additional changes. It was M/S/ C by a 4 – 0 vote (Director Mancinelli was absent) to approve the contract for Randall Bradley as District Fire Chief.

Special Presentation

The meeting adjourned to the Apparatus Bay for a special presentation to recognize acting Fire Chief Pete Nowicki's retirement. Battalion Chief Healy thanked Chief Nowicki for his many years of service to the District and presented him with a plaque. Director Sperling and President Wilson thanked him for his dedication and leadership as Fire Chief. Chief Nowicki thanked everyone who helped and supported him throughout his long career in the fire service.

Battalion Chief Healy introduced Randall Bradley and the Honorable John Judge Kennedy. Judge Kennedy administered the oath of office to swear in Chief Bradley as the new Fire Chief of the Moraga-Orinda Fire District.

Second Reading, Public Hearing and Possible Adoption of "Ordinance 09-01, an Ordinance of the Moraga-Orinda Fire District of Contra Costa County Designating Very High Fire Hazard And High Hazard Fire Severity Zones".

Fire Marshal Mentink explained that due to the long history of wildland fires in California and subsequent State legislation, the California Department of Forestry and Fire Protection (Cal Fire) is required to review and update the fire hazard severity zones. He recommended that the Board approve Ordinance 09-01.

President Wilson moved to waive the second reading. It was M/S//C with a 4 to 0 vote (Director Mancinelli was absent) to waive the second reading of Ordinance 09-01, an Ordinance of the Moraga-Orinda Fire District of Contra Costa County Designating Very High Fire Hazard And High Hazard Fire Severity Zones" and to approve Ordinance 09-01.

Possible Approval of an Amendment of the Employee Agreement for Unrepresented Employee, Susan Casey, Financial Services Manager.

Director Wyro commented that the employment agreement for Ms. Casey has been agreed upon through a series of discussions between the Board, Ms. Casey and Fire Chief Nowicki. He was pleased to urge approval of the contract for a well deserving employee.

It was M/S/C by a 4 to 0 vote (Director Mancinelli was absent) to approve the amendment of the Employee Agreement for unrepresented employee, Susan Casey.

Board of Directors Vacancy

Director Wyro referred to President Wilson's resignation letter that cited health issues as the reason for his early departure from the Board of Directors. Director Wyro stated it was a sad day for the District. Director Sperling said he would miss President Wilson's guidance and expertise. Director Weil thanked President Wilson for all that he had done for the District throughout the years, adding that he had learned a lot about the District from President Wilson and would miss him. Mr. Vince Maiorana (23 Lost Valley Dr., Orinda) stated that he had known President Wilson a long time and thanked him for his time and dedication to the Fire District.

Mr. Steve Glazer (Orinda Council Member)) thanked President Wilson for all the energy and hard work he has put into public service.

President Wilson asked District Counsel to review the next steps to fill his vacancy. District Counsel Meyers referred to the Staff Report included in the Board packet that contained the steps. He added that State statute provides that the Board may appoint a member to the Board within 60 days after the date of resignation. The Board may also choose an Election. If the Board chooses an election, it would have to be held on a regularly scheduled election date and could be in May, which would be an all mail ballot, or in June, which would be a regular election. There would be a cost to the District for either election. The position vacated by President Wilson would go out to ballot vote again in November 2010, when the Board seat would have normally come up for election.

Director Weil expressed confidence in the Board to make an appointment and then have the community make a decision at the November election. Director Wyro agreed with Director Weil but added that the Board did not need to make a decision at this meeting. Director Sperling stated that he would like additional information before making a decision.

Public Comment

Members of the public stated that because of recent issues with the District, they believe the cost of a Special Election should not be a factor in the Board's decision. Several urged an election, which would allow the public to fill the vacancy.

After continued discussion by members of the Board and the public, the Board directed Staff to provide additional information at the December 2, 2009 Special Meeting.

Fire Chief Bradley listed items that will be added to the December 2, 2009 Board agenda for discussion:

1. Information on appointment process
2. Appointment process which would include public input
3. Objective costs and timing of an election process.

Committee Reports

Director Wyro stated that the Long Range Planning/Finance Committee had not met but would be meeting in December to discuss the Audit and Financial Reports as well as the role of Strategic Plan, Long Range Financial Forecast and the mid-year budget review.

Correspondence

President Wilson acknowledged and expressed appreciation for the correspondence received

Announcements

President Wilson reminded the Board of the Directors' dinner in January.

Director Sperling added that he attended the Orinda City Council meeting with Acting Fire Chief Nowicki and Fire Chief Bradley. The Council congratulated Chief Nowicki on his retirement and welcomed Chief Bradley as the new District Fire Chief.

Director Weil requested that the Board consider regularly scheduled meetings with the City of Orinda and the Town of Moraga and that the item be agendaized for the December 2nd meeting.

Acting Fire Nowicki thanked the Board of Directors. He said that it is not an easy job presiding over a District of over 35,000 citizens and the Directors should be proud of their accomplishments. He appreciated working with them as the Fire Chief and he thanked President Wilson for his leadership.

Adjournment

At 9:15 p.m., President Wilson called for adjournment of the regular meeting. It was M/S/C to adjourn to the Special Meeting to be held on December 2, 2009 at 7 p.m.

Christine Pokorny
Secretary to the Board