



# Moraga-Orinda Fire District

## Board of Directors

REGULAR MEETING

December 20, 2017

**5:00 p.m. CLOSED SESSION**

**6:00 p.m. OPEN SESSION**

**PLEASE NOTE NEW MEETING ADDRESS:**

Hacienda Mosaic Room

2100 Donald Drive

Moraga, CA 94556

1. OPENING CEREMONIES
  - 1.1. Call the Meeting to Order
  - 1.2. Roll Call
  - 1.3. Core Values – Service, Honor, Integrity
2. PUBLIC COMMENT

The public is invited to speak on any Closed Session item below. Comments should be limited to three minutes. Please state your name and address for the record.
3. CLOSED SESSION
  - 3.1. **Conference with Legal Counsel – Potential Litigation**

Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9
  - 3.2. **Conference with Labor Negotiator**

(Government Code Section 54957.6)  
Agency Designated Representative: Jeff Sloan  
Employee Organization: Local 1230, International Association of Firefighters IAFF
  - 3.3. **Conference with Labor Negotiator**

(Government Code Section 54957.6)  
Agency Designated Representative: Jeff Sloan  
Employee Organization: Local 2700 United Clerical, Technical & Specialized Employees
  - 3.4. **Conference with Labor Negotiator**

(Government Code Section 54957.6)  
Agency Designated Representative: Jeff Sloan  
Employee Organization: Moraga-Orinda Fire Chief Officers Association (MOFCOA)
4. RECONVENE THE MEETING
  - 4.1. Call the Meeting to Order
  - 4.2. Pledge of Allegiance
5. REPORT OF CLOSED SESSION ACTION
6. PUBLIC COMMENT

The public is invited to speak on any matter not appearing on the agenda, and within the subject matter jurisdiction of the District. Comments should be limited to three minutes. Please state your name and address for the record.
7. CONSENT AGENDA
  - 7.1. **Meeting Minutes – November 13, November 15, November 20, November 28, and December 6, 2018**

Staff Recommendation: Approve and File
  - 7.2. **Monthly Incident Report for November 2017**

Staff Recommendation: Approve and File
  - 7.3. **Monthly Check/Voucher Register**

Staff Recommendation: Approve and File
  - 7.4. **Monthly Financial Report**

Staff Recommendation: Approve and File

- 7.5. **Surplus Property**  
Staff Recommendation: Approve and File
- 7.6. **Terminate Employment Agreement Between Moraga-Orinda Fire District and Jerry Lee as Interim Fire Chief**  
Staff Recommendation: Terminate Employment Agreement Between Moraga-Orinda Fire District and Jerry Lee as Interim Fire Chief Effective December 20, 2017
8. REGULAR AGENDA
  - 8.1. **Retention of District Counsel**  
The Board will present a Letter of Engagement with Renne Sloan Holtzman Sakai LLP to provide District general counsel services.  
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Approve Letter of Engagement with Renne Sloan Holtzman Sakai LLP and the appointment of Jonathan Holtzman as General Counsel effective December 20, 2017; 4) Appoint Jonathan Holtzman, currently of Renne Sloan Holtzman Sakai LLP, as District General Counsel effective December 20, 2017; 5) Authorize the Board President to execute on behalf of the District a Letter of Engagement with Renne Public Law Group, a new law firm Mr. Holtzman will be affiliated with starting March 1, 2018, to provide the District with District Counsel services under the same terms and conditions set forth in the Letter of Engagement the District approved with Renne Sloan Holtzman Sakai for those services; and 6) Authorize the Board President to terminate the agreement the Board approved with Renne Sloan Holtzman Sakai for District Counsel Services, but only after the Board President first executes a Letter of Engagement for those services with Renne Public Law Group
  - 8.2. **Adoption of Resolution No. 17-17 Designation of District's Agent**  
Staff will present Resolution No. 17-17 Designation of District's Agent to the Board.  
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution No. 17-17 Designation of District's Agent
  - 8.3. **Adoption of Resolution No. 17-18**  
Staff will present Resolution No. 17-18 to the Board, suspending medical in lieu payments to employee Deferred Compensation accounts and instead setting aside monthly payments to participating employees, in the same monetary amount, in a separate account pending satisfaction of all bargaining obligations including potential factfinding.  
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Adopt Resolution No. 17-18
  - 8.4. **Approval of Amendment No. 1 to the Consulting Services Agreement Between the Moraga-Orinda Fire Protection District and Consolidated CM, Inc. in the Amount Not to Exceed \$62,700**  
Staff will present a Consulting Services Agreement Amendment #1 with Consolidated CM, Inc. to the Board.  
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Approve Contract Amendment with Consolidated Construction Management, Inc. in the Amount Not to Exceed \$62,700
  - 8.5. **Election of Board Officers, Finance Committee Members and District Liaisons**  
The Board of Directors will elect new Board Officers, Finance Committee members and District Liaisons to be effective January 2, 2018.  
Staff Recommendation: 1) Discuss; 2) Elect officers, Finance Committee members and District liaisons to be effective January 2, 2018
  - 8.6. **2018 Regular Board Meeting Schedule**  
Discuss changing the Regular Board meeting schedule to twice a month on the first and third Wednesday of each month.  
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Provide Direction to Staff
  - 8.7. **Approval of Employment Agreement Between Moraga-Orinda Fire District and David Winnacker for the Position of Fire Chief**  
Staff will present an Employment Agreement between Moraga-Orinda Fire District and David Winnacker for the Position of Fire Chief.  
Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Approve Employment Agreement Between Moraga-Orinda Fire District and David Winnacker for the Position of Fire Chief

9. COMMITTEE REPORTS

- 9.1. **Finance Committee (Directors Anderson and Barber)**
- 9.2. **Pension Review Ad Hoc Committee (Directors Barber and Jorgens)**
- 9.3. **Board of Directors and Fire Chief Roles & Responsibilities and Rules of Procedures Update Ad Hoc Committee (Directors Famulener and Jorgens)**
- 9.4. **Audit Ad Hoc Committee (Director Jex)**
- 9.5. **Long Range Financial Plan Ad Hoc Committee (Directors Barber and Jex)**
- 9.6. **Fire Chief Recruitment Ad Hoc Committee (Directors Barber and Jorgens)**
- 9.7. **Labor Negotiator Ad Hoc Committee (Directors Anderson and Barber)**
- 9.8. **District Counsel Ad Hoc Committee (Directors Anderson and Barber)**

10. ANNOUNCEMENTS

- 10.1. **Brief information only reports related to meetings attended by a Director at District expense**  
(Government Code Section 53232.3(d))
- 10.2. **Questions and informational comments from Board members and Staff**

11. ADJOURNMENT

12. SPECIAL PRESENTATION

Installation and swearing in ceremony of Fire Chief Dave Winnacker administered by the Honorable John Kennedy, Judge of the Superior Court of Contra Costa County.

*The Moraga-Orinda Fire Protection District ("District"), in complying with the Americans with Disabilities Act ("ADA"), requests individuals who require special accommodations to access, attend and/or participate in District Board meetings due to a disability, to please contact the District Chief's office, (925) 258-4599, at least one business day prior to the scheduled District Board meeting to ensure that we may assist you.*

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Moraga-Orinda Fire District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspections at 1280 Moraga Way, Moraga, during normal business hours.

I hereby certify that this agenda in its entirety was posted on December 15, 2017, at the Moraga and Orinda Fire Administration offices, Stations 41, 42, 43, 44, and 45. Agenda provided to the Moraga Town Office (Hacienda) and Orinda City Hall.



Grace Santos, District Clerk