

# Moraga-Orinda Fire Protection District



## BOARD OF DIRECTORS SPECIAL BOARD MEETING MINUTES

November 28, 2017

(Approved December 20, 2017)

### 1. Opening Ceremonies

The Board of Directors convened in Open Session at 9:00 A.M. on November 28, 2017 at the Hacienda Mosaic Room, 2100 Donald Drive, Moraga, California. President Famulener called the meeting to order. Present were the following Directors and Staff:

Director Anderson (Teleconference)	President Famulener	Gloriann Sasser, Admin Services Director
Director Jex	Director Jorgens	Jonathan Holtzman
Director Barber	Jerry Lee, Fire Chief	Geoff Spellberg

### 2. Public Comment

There was no comment from the public.

### 3. Closed Session

At 9:00 A.M., the Board adjourned into Closed Session.

### 4. Reconvene the Meeting

President Famulener reconvened the special business meeting of the Moraga-Orinda Fire District Board of Directors at 10:30 A.M. Present were the following Directors and Staff:

Director Anderson (Teleconference)	Director Jorgens	Jonathan Holtzman
Director Jex	Jerry Lee, Fire Chief	Geoff Spellberg
Director Barber	Gloriann Sasser, Admin Services Director	
President Famulener	Grace Santos, District Clerk	

### 5. Report of Closed Session Action

There was no reportable action taken in Closed Session on items 3.1 Conference with Legal Counsel – Potential Litigation, and 3.2 Public Employee Appointment (Fire Chief).

### 6. Public Comment

There was no comment from the public.

### 7. Regular Calendar

#### 7.1 Termination of Agreement with Federal Solutions Group, Inc. (FSG) for Construction of Station 43 Project

The District sent FSG a notice of default concerning its failure to comply with the terms of the construction contract. FSG was given an opportunity to cure by November 23, 2017. If FSG has not cured the default by that date, the Board will consider ratifying the Fire Chief's letter terminating the agreement with FSG for the construction of the Station 43 project.

Motion by Director Jorgens and seconded by Director Jex to ratify the Fire Chief's letter formally terminating the agreement with FSG. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Famulener, Jex, and Jorgens).

#### 7.2 Retention of Construction Attorney for Station 43

The Board presented a Letter of Engagement with Geoff Spellberg of Renne Sloan Holtzman Sakai LLP to provide legal services on the Station 43 project.

Director Anderson commented that he had not seen a letter of engagement but does not have a problem with engagement. He would like to move forward and not delay the matter any longer.

Motion by Director Jorgens and seconded by Director Jex to approve the Letter of Engagement with Geoff Spellberg of Renne Sloan Holtzman Sakai LLP to provide legal services on the Station 43 project. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Famulener, Jex, and Jorgens).

**7.3 Consider Establishment of a District Counsel Ad Hoc Committee**

The Board shall discuss establishment of a District Counsel ad hoc committee. President Famulener suggested keeping the same committee members who are on the Labor Negotiator Ad Hoc Committee – Directors Anderson and Barber.

Motion by Director Jorgens and seconded by President Famulener to establish a District Counsel Ad Hoc Committee made up of Directors Anderson and Barber. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Famulener, Jex, and Jorgens).

President Famulener announced that the Board would like to calendar a special meeting for December 6, 2017 at 9:00 A.M.

**8. Adjournment**

At 10:40 A.M., President Famulener called for adjournment of the special meeting and announced that the Board would be returning to Closed Session.

**9. Reconvene the Meeting**

President Famulener reconvened the special business meeting of the Moraga-Orinda Fire District Board of Directors at 11:45 A.M. Present were the following Directors and Staff:

Director Anderson (Teleconference)	President Famulener
Director Jex	Director Jorgens
Director Barber	

**10. Report of Closed Session Action**

There was no reportable action taken on item 3.2 Public Employee Appointment (Fire Chief).

**11. Public Comment**

There was no comment from the public.

**12. Adjournment**

At 11:45 A.M., President Famulener called for adjournment of the special meeting.



Grace Santos  
Secretary to the Board