

From: jonathan@
To: Holbrook, Marcia
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Subject: MOFD's Unapproved Legal Payments to In-House Firm
Date: Tuesday, August 20, 2024 10:17:27 AM

To: The Moraga-Orinda Fire District Board of Directors
Subject: The CEQA Lawsuit Against Ordinance 23-08 (Case No. N23-2201)
Text of the Petition for Writ of Mandate can be downloaded [HERE](#).

- The MOFD meeting notes for the Board meeting of September 20th, 2023 (where Ordinance 23-08 was approved) contain the following. *"Director Danziger asked if Ordinance 23-08 is similar to other ordinances in other jurisdictions in the State. Mr. Cruse [from Renne Public Law Group] confirmed."* This statement has never been substantiated; to my knowledge, no instances have ever been cited. If this statement is untrue, then it leans towards encouraging the Board to pass this ordinance and submit to litigation under a false pretense.
- On November 15th, 2023, the MOFD Board passed Resolution 23-17 which authorized payment of up to \$95,000 to an outside law firm (Downey Brand) for services concerning the lawsuit pertaining to Ordinance 23-08. To refresh your memories, the resolution reads in part: *"District staff [meaning, Renne Public Law Group] is not available [n]or qualified to perform these services provided by Downey Brand."* The discussion around this resolution, as I recall, did not mention, nor does the resolution drafted by Renne Public Law Group state, that the financial impact of this project upon the District would also involve many tens of thousands of dollars paid to Renne Public Law Group. As of August 19th, 2024, the District's legal bills for this project so far amount to \$129,204.76, just over half of which has been pocketed by Renne Public Law Group. How honest was it to conceal the true financial impact of this legal action upon this fire district by capping the cost of legal fees paid to the outside firm at \$95,000 and not disclosing the other costs (over \$65,000 as of now) which were, de facto, not approved by the Board?
- An examination of court records shows the District's lawyers, during the period of October 25th, 2023 until now, filed a motion to remove the judge from the case, but this was denied because they filed it eleven days past the deadline for doing so, they had two meetings with the judge and plaintiffs' attorneys saying they would like to move the case along, they filed numerous motions for a continuance regarding some sort of response to the plaintiff's petition before the court and have done very little else. In other words, they have nothing substantive to show for their efforts so far, for the cost of close to \$130k, half of which was not approved by the Board.
- Finally here, I would note that the District's legal team has yet to make any serious effort to resolve this case, but if that happens, one might expect the costs to escalate at that point.

My question, Directors, is this, are you being good stewards of the public's finances? Whether or not you are actually being duped by your Renne Public Law Group, is it acceptable to pay so much for so little? Have you considered how much the District would benefit if it were to win this case, if anything at all?

Perhaps you would like to put the public's mind at ease about this and explain, first of all, why this lawsuit is worth pursuing when our fire chief (David Winnacker) had an article published online saying that one of the most contentious items in this ordinance (requiring 100' fuel breaks around properties greater than one acre) would serve no useful purpose, unless these extra fuel breaks were along access roads usable by fire apparatus. ("We Can Do It Better" (Aug. 7, 2023)

<https://www.dailydispatch.com/Columns/GuestColumn/2023/August/We.Can.Do.It.Better.aspx>
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I will just point out that there are already requirements on the books for vegetation clearance along roads, and no one needs to be concerned about CEQA when complying with existing State Fire Code regulations. So, please enumerate your justifications for funding this lavish, environmentally detrimental and apparently needless lawsuit? What benefits truly outweigh these costs?

I am asking you to show us that you are acting responsibly when spending our money. Please. This should not be too much to ask.

Thank you.
~Jonathan Goodwin,
Canyon, Calif.

From: jonathan@sojourningsoul.net
To: [Holbrook, Marcia](#)
Subject: Comment on Item 9.13 in the August 21, 2024 Board meeting agenda.
Date: Wednesday, August 21, 2024 9:08:51 AM

Approving an expenditure of \$1.5 Million in the Consent Calendar is rather unusual behavior, in my experience. More often, concerning a large amount of money, a governing body would like a word or two about the situation, for example, where is the money coming from? (This detail was not mentioned in your staff report.)

How is it that the project is being managed in such a way that an unforeseen \$1.5 Million is suddenly required? Moreover, now that this large grant is winding up, **where are the financial reports correlating the planning and the spending?**

How can you do any oversight absent such information?

Is financial oversight a matter of concern for you or is it not? Please make yourselves clear on this point.