

# MOFD Board of Directors Seeks Public Input Regarding Vacant Seats

By Lucy Amaral

With a meeting room full of concerned citizens, the Moraga Orinda Fire District (MOFD) Board of Directors used the opportunity to ask the public for its advice on how best to replace former Board members Dick Olsen and Brook Mancinelli.

After receiving the staff report on this issue during the March 7 meeting, Board member John Wyro recommended, and the other members agreed, that the meeting should be used for discussion and any decision be made at the March 21 Board meeting. "Tonight, let's listen to the community, get feedback, then return on the 21st to discuss any action," he said.

Mancinelli and Olsen announced their resignation during the February 15th Board meeting, both stating their end date would be February 29. The March 7 Board meeting was the first since the res-

ignations took effect. According to MOFD Board president, Fred Weil, the process of replacing Mancinelli and Olsen will probably take time. "It should be a thoughtful and considered decision," Weil said.

Mancinelli's term was due to end this November, while Olsen had more than two years left of his four-year tenure. Those variances and how to most effectively and economically fill the seats garnered much discussion. First and foremost was the cost consideration for a special election. Bradley said that the average cost per District would run approximately \$35,000 for a mail-in election if held outside a traditional voting calendar. If the board matched the special election dates with the upcoming November general election, each District's election would cost approximately \$5,000.

The combinations of options

from Staff and the Board came at a dizzying pace. Both seats could be filled with appointments by the sitting MOFD Board of Directors. Both seats could be filled by a special election held as early as July. One person could be elected, and one person appointed. If a special election is the option, the date of the election could be pushed back to coincide with the general election in November. And, if the Board chose to do absolutely nothing, the matter would then be transferred to the Contra Costa County Board of Supervisors, where this process would begin all over again. No one in the room felt that giving up the authority to appoint or elect their own representative was a workable solution.

The Board opened the floor for comments and received both compliments and harsh criticism on this subject and their work in general; however, most comments were

slanted toward finding an appropriate solution to the issue. Art Haig of Orinda said that he knew of two individuals who were interested in representing District 5, vacated by Mancinelli, then offered the suggestion of an appointment for Mancinelli's seat, combined with a special election in November for Olsen's seat. "It makes no sense to hold an election when the term ends in three months," he said, referring to Mancinelli's tenure. Most of the comments from the audience echoed Haig's support for more than three members on board and several noted the fact that Orinda was currently under-represented.

According to MOFD's Staff report, there are specific deadlines that must be met and Bradley said that the Board will be able to meet those deadlines even if they push back their decision until March 21.



**Moraga Orinda Fire District**  
**Board of Directors Meetings**  
 Meetings of the MOFD Board of Directors are open to the public and take place on the third Wednesday of each month at the Moraga Library Community Room, 1500 St. Mary's Road, Moraga.

**Next meeting:**

**Next regular MOFD Board meeting March 21, 2012 7:00 pm at the Moraga Library, 1500 St. Mary's Road**  
 (go to www.mofd.org as the meeting date approaches for more information)

# Smaller MOFD Board Works Through New Operational Procedures

By Lucy Amaral

With the loss of two of its members, the Moraga Orinda Fire District (MOFD) Board of Directors needed to find out how, or if, it could run as a three member board. At the meeting held March 7, Fire Chief Randy Bradley, and MOFD legal counsel, David Warner, discussed the new operating procedures and legal requirements the remaining members must abide by.

Warner, of the law firm Myers-Nave, said that with the remaining three members, the Board now acts as a five-member Board with two vacancies. According to the Brown Act, if Board seats are vacant, a majority of the remaining members constitutes a quorum. In this case, as there are three MOFD Board Members, a majority would be two or more.

However the MOFD Board is also governed by rules that apply specifically to Special Districts. The conflicting issue comes when the three members of the board meet and one votes against an action. According to rules that apply to Special

Districts, because the MOFD Board is officially five seats, it would still take three yes votes to create a majority and approve any action. As well, under these rules, if only two Board members were able to attend the regularly scheduled Board meeting, they would only be able to advise Staff, not approve any motions.

Other issues that came up included ad hoc committees and member contact outside the meeting room. The MOFD Board has several standing committees, including Finance, Facilities and Human Resources, which meet to advise Fire Chief Randy Bradley, and traditionally consist of two members of the Board. However, as two members of the board meeting are now considered a quorum, the meeting options for ad hoc committees now are to simply disband, or to set an official agenda for any meeting that would include two or more Board members. The Board opted to keep the ad hoc committees and offer notifications and agendas. Warner added that Board members must be aware that meeting outside the Boardroom,

even casually, might also have the appearance of a quorum.

Board President Fred Weil noted that if one Board vacancy is

filled, then the majority moves to three and the ad hoc committees could function as they previously had. However until then, he said,

the current Board members should try to keep their schedule as open as possible to at least ensure a three member Board meeting.

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## Civic News Moraga, Orinda

### Jerry Meyers Retires at 87

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MOFD Board Member Frank Sperling said that it had always been a thrill for him to come to the meetings and get the real story about what is going on in town. Tim Farley, Director of Community and Government Relations for Saint Mary's College, thanked Meyers on behalf of the entire College Committee and the 80,000 students that have gone through Saint Mary's since she's been serving. "I value the 59-minute monthly meeting," he said, "it's been an example and a lesson of leadership we can learn from."

Former Mayors Karen Mendonca and Dale Walwark offered her flowers.

In a conversation afterward, Meyers confirmed that her motivation over the years has been to contribute to the town she loves, and make sure that enough control and responsibility was retained locally. "It's better to be your own boss, than to have to listen to someone else," she said.

Going forward, Susan Sperry will moderate the meetings that are held in the community room of the Moraga Library.

### Adventurer and Future Community Leader Seeks Nurturing Family

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An avid athlete, he participates in soccer, track and field, and volleyball, and has won medals at the regional level for swimming and cross-country. He also enjoys skiing and snowboarding with his family, as well as cycling, rafting, hiking, camping, and guitar.

He hopes, one day, "to work with young people and help to organize international sport events. This way I could encourage the young people's relationship toward sport and friendship."

Michael also tells us that he admires "the American attitude

toward upbringing and education. The American system which gives children and students space to show what they can do."

All who apply to become exchange students, according to Orinda's Sister City web site "are thoroughly interviewed and vetted by the Orinda Klub in Tábor, and then screened again by our local Sister City members."

To become the host family for Michael, contact Bobbie Landers, president of the Orinda/Tábor Sister City Foundation: (925) 254-8260.

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