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Group Demands Weil's Ouster from MOFD Board

By Nick Marnell



Fred Weil Photo Lamorinda Weekly archive

A grass roots group of district residents began a petition drive in October to force Fred Weil to resign from the Moraga-Orinda Fire District board of directors. The petition, posted on the Care2 website, states that Weil, as board president, violated the public trust in 2008 by authorizing retiring MOFD Chief Pete Nowicki's compensation beyond what his contract allowed, costing the district \$4 million in pension charges over the chief's expected 30-year retirement period. The Contra Costa County Employees' Retirement Association board in September stripped Nowicki of more than \$1 million of his pension when it determined that his pension had been calculated improperly.

"You will note that the petition is not for recall, only for Fred to act unilaterally in the community's best interest. The petition is really for Fred. He knows what he did," said Steve Cohn, spokesman for the Orinda Citizens' Emergency Services Task Force, sponsor of the petition. "This is not right and there should be repercussions." The task force notes that since Weil's term ends in

November 2016, a recall would not be worth the effort and expense. Rather, the group encourages Weil to remove himself from the board immediately "so as to allow the board and the community to move on without distractions."

"As long as he remains a voting member of the MOFD board, his judgment will be questioned," reads the petition. "If the other members of the (2008) board were still public officials, they would be included. But they are not," said Cohn.

"The petition is part of Steve Cohn's malicious smear campaign, motivated, I believe, by a desire for revenge," said Weil. "He has resented for years my willingness to publicly challenge his dubious proposals, including his latest attempt to derail the rebuilding of Orinda's fire station 43 on Via Las Cruces, (which is a station) so important to the safety of north Orinda."

Cohn wrote to Supervisor Candace Andersen in October blaming MOFD and the Contra Costa County Fire Protection District for costing the districts millions of dollars by halting plans to build and operate joint fire station 46 in western Lafayette, and asking her to intercede. MOFD opted to rebuild station 43 and ConFire chose to repair Lafayette station 16. "I was in favor of station 46, but the situation has changed," said Andersen. "The important thing is that Lafayette and Orinda will have excellent coverage."

"Cohn has used as a vehicle for his personal attack the written and oral statements of CCCERA's lawyer, Harvey Leiderman," continued Weil. He explained that in August, Leiderman wrote a memorandum to CCCERA laying much of the blame on the MOFD board for Nowicki's improper pension, failing to mention that Leiderman warned CCCERA in 2009 that the practices and policies of the retirement board for more than 10 years had caused overpayments to retirees, including many of the items that Leiderman claimed were caused by the misconduct of the MOFD board or Nowicki. "Cohn knows all about Leiderman's 2009 letter, but he is hiding that fact in his petition," said Weil.

Weil asserted that Leiderman's suggestion that the MOFD board violated the Brown Act in

working out Nowicki's pension was baseless and gratuitous, yet Weil said that Cohn continues to create the impression that Weil violated the Brown Act.

"This is not personal between me and Fred; I don't even know him personally," said Cohn. "This is about something he and the 2008 board did ... which has damaged the community by handing out millions of dollars to a favored public employee."

In its 18-year history, several directors have resigned from the MOFD board, the latest being Frank Sperling, who moved out of the district in 2013. No board member ever resigned in response to public pressure.

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[back](#)

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