

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
MONTECITO FIRE PROTECTION DISTRICT

Held at Fire District Headquarters, 595 San Ysidro Road, February 22, 2011.

The meeting was called to order by President Jensen at 8:30 am.

Present: Director Jensen, Director Venable, and Director Newquist, Chief Wallace, District Counsel T. Amspoker, and M. Manion as well as approximately 15 members of the public were also present.

- 1. Public comment: Any person may address the Board at this time on any agenda matter or non-agenda matter that is within the subject matter jurisdiction of the Montecito Fire Protection District; 30 minutes total time is allotted for this discussion.**

Sue Leal Katnic announced that it was exactly 831 days since she lost her home at 238 E. Mountain Drive during the Tea Fire, and paraphrased a child on a long road trip, "are we there yet?"

Jeff Morehouse of Montecito Sanitary District introduced himself as the LAFCO commissioner representing Special Districts. Mr. Moorhouse explained what LAFCO is and invited Fire District Board members to contact him with any concerns or questions regarding LAFCO activity.

- 2. Report on status and consideration of Upper Hyde Road property owners' request for possible public financing method(s) for road improvements on Upper Hyde Road, and report from District counsel on negotiations with owners regarding payment of consulting costs for establishment of Mello Roos district and possible appraisal requirement for Mello Roos district, including report from homeowners.**

Mr. Amspoker reviewed a summary of options that the Board can take to develop the Mello Roos District.

Ms. Collins reported that 100% of the residents have informally voted to approve the formation of a Mello Roos District utilizing an estimate of \$5 million as a cap. The owners presented a check in the amount of \$18,861.54 as a good faith deposit.

Ms. Noel read a prepared letter to the Board and explained that although her contribution was less than the other property owners, she intends to make her equal contribution as soon as she is able.

On a motion made by Director Newquist, seconded by Director Venable, the Board unanimously approved accepting the Upper Hyde Road Property owner's check in the amount of \$18,861.54 as a good faith deposit. Additionally the Board authorized District Counsel to engage the necessary consultants to create a resolution intention and begin the

process of developing the Mello Roos District. Mr. Amspoker added that the costs incurred to do this can be incorporated into the Mello Roos District.

3. **Closed Session Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a)).**
 - a. ***Name of Case:* Montecito Fire Protection District, a public entity, vs. Jacqueline De Sitter MD, individually and as trustee of the Casa del Mar Trust, Fidelity National Title Company, JPMorgan Chase Bank, NA, Does 1-25 inclusive. Santa Barbara Superior Court Case No. 1371200.**
4. **Closed Session – Conference with Real Property Negotiators (Government Code Sec. 54956.8) Property: portions of APN 155-070-008, 2500 East Valley Road, Montecito.**
 - a. **Agency Negotiators: Kevin Wallace, Fire Chief; and Price Postel & Parma LLP, District Counsel**
 - b. **Negotiating Party: Rancho San Carlos/The Petan Co.**
 - c. **Under Negotiation: Price and terms of payment.**

The Board combined Item 3, Closed Session Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a)), and Item 4, Closed Session – Conference with Real Property Negotiators (Government Code Sec. 54956.8) Property: portions of APN 155-070-008, 2500 East Valley Road, Montecito.

The Board entered closed session at 9:09 am and reconvened at 9:48 am. District Counsel Mr. Manion advised that the Board took no reportable actions during closed session.

5. **Review status of environmental and planning review for proposed Station 3 at 2500 East Valley Road and Campbell Geo Inc.'s Geologic Hazards and Geotechnical Investigation.**

Chief Wallace advised that the geotechnical investigation for proposed Station 3 at 2500 East Valley Road was completed approximately 1 ½ weeks ago, and they were unable to find evidence of a seismic fault. A written report will be submitted to the District in another week.

The Board took no action.

6. **Approval of Minutes of January 18, 2011 Regular Meeting.**

On a motion made by Director Newquist, seconded by Director Venable, the Board unanimously approved the Minutes of January 18, 2011 Regular Meeting.

7. **Approval of District warrants and claims.**

After a brief explanation of payments made to AON, and Price, Postel, and Parma, the warrants and claims for the month of January were unanimously approved on a motion made by Director Newquist, seconded by Director Venable.

8. Report on State Controller's Local Compensation website.

Chief Wallace explained that State Controller has posted the 2009 salaries of all cities and special districts to their website. He explained that salaries listed for 2009 were unusually high due to overtime contributed to the Jesusita Fire and the Station Fire, which was the largest fire in LA County. He noted that overtime related to the Jesusita Fire was reimbursed 75% by the Federal Government, and 12% by the State of California. All overtime for support given during the Station Fire was completely reimbursed. He also pointed out that overtime is not computed when calculating retirement benefits.

The Board took no action.

9. Consideration and approval of amendment to District's Expense Reimbursement Policy related to Compensation of Directors.

Mr. Manion reviewed Section 4 of the new expense reimbursement policy which includes the circumstances under which the Board members may be compensated for attendance at various meetings.

On a motion by Director Venable, seconded by Newquist, the Board unanimously approved the amendment to District's Expense Reimbursement Policy related to Compensation of Directors.

10. Discussion of refinance of CalPERS side fund.

Chief Wallace advised that when pension plans were improved around 2000-2001, a side fund was established to cover the costs. He advised that the District can refinance this fund with improved rates and reduce the overall cost to the district.

The Board directed Director Venable to review this option and bring it back to Board at the next meeting.

11. Demonstration of STEMI.

Garet Blake demonstrated the STEMI deliberator and thanked the Board for approving the funds to add this tool to their equipment. He advised that it is an asset to district and community because it saves time by allowing the patient's vital statistics prior to arrival at the hospital. Captain Skei advised that every firefighter in the District is trained to use the device, and every paramedic is trained to interpret the information.

12. Fire Chief's report.

Chief Wallace reported on an upcoming filming for an episode of "On Duty" for Montecito Fire, "On Duty" premier this Thursday, and the annual staff and Officer workshop on March 3-4. He also advised that the District will begin the process of developing RFP/RFQ for architectural services and requested that a Board member be on the final interview panel.

The Board took no action.

13. Board of Directors report.

Director Venable reported on the LAFCO meeting he attended in February to clarify information that he felt Bob Braitman had misrepresented at a previous meeting. He formally requested the LAFCO Board review information presented by their Executive Director when he represents LAFCO at other meetings.

The Board took no action.

14. Requests from Directors for items other than regular agenda items to be included for the March Regular Board meeting.

The Board had no additional items for the March Regular Board Meeting.

The Board Adjourned at 10:45 am.