

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
MONTECITO FIRE PROTECTION DISTRICT
Held at Fire District Headquarters, 595 San Ysidro Road, November 15, 2010.

The meeting was called to order by President Jensen

Present: Chief Wallace, Director Jensen, Director Venable, and Director Newquist, District Counsel T. Amspoker, M. Manion and Terry Utterback, as well as approximately 20 members of the public were also present.

1. **Public comment:** Ms. DeSitter complained of vandalism on the Upper Hyde Road easement and Ms. Friedman asked the Board for concessions for those who have homes on Upper Hyde Road.

The Board took no action.

2. **Administer oath of Office for Director John Venable.**

Terry Utterback administered the Oath of Office to Director Venable.

3. **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 owner of DeSitter property regarding potential road easement; including report from homeowners.**

Mr. Amspoker reported that the order for possession in the eminent domain case was granted and will be valid 10 days after service. At that time, the District and owners will be able to move forward with work.

Ms. Collins reported that they will have a meeting with the County on the November 17th. They are currently researching alternative methods to bring costs down. All bids are due by December 1.

Ms. Noel asked if there could be an option for part private financing and part public financing. Mr. Amspoker advised that he will consult bond counsel on this and report back to the board and owners.

The Board took no action.

4. **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.**

The Board deferred this item to be combined with the Closed Session – Conference with Real Property Negotiators (Government Code Sec. 54956.8) Property: portions of APN 155-070-008, 2500 East Valley Road, Montecito.

5. Consider request from Jacqueline De Sitter to revise September 20, 2010 Regular Meeting Minutes.

Mr. Amspoker reviewed Ms. DeSitter's request to modify the minutes of September 20. He explained that there is no need to change the minutes, as they accurately reflect the actions taken. Ms. DeSitter's requested additions were out of context and he recommended that the Board take no action.

Ms. DeSitter read from her letter that was included in the 11/15/10 Board packet.

The Board took no action.

6. 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.

Mr. Amspoker reviewed the progress of the drilling performed by Campbell Geo. He advised that there have been no indications of bedrock at 90 feet, or at 300 feet. They will now need to do additional trenching, which has been proposed to Petan Co., but this has not yet been approved by Petan Co. Petan Co's representatives have expressed some concern that the deep trenching may damage the lemon trees.

Chief Wallace advised that this geotechnical investigation is to locate any earthquake fault lines. Because fire stations are essential services they have special requirements.

The Board took no action.

7. 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 entered closed session at 8:50 am and reconvened at 9:25 am.

Mr. Manion reported that for the 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 conferred with negotiators regarding price and terms of payment for portions of APN 155-070-008, 2500 East Valley Road, Montecito, and no reportable action was taken.

Mr. Manion reported that for the closed session: Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a)), the Board took no reportable action.

8. Approval of Minutes of October 18, 2010 Regular Meeting.

On a motion made by Director Newquist, seconded by Director Venable, the Board unanimously approved the Minutes of October 18, 2010 Regular Meeting.

9. Approval of Minutes of November 4, 2010 Special Meeting.

Chief Wallace advised that there needs to be a correction to reflect that Mr. Amspoker took the actions listed by Mr. Hvolboll. On a motion made by Director Venable, seconded by Director Jensen, the November 4, 2010 Special Meeting were approved. Director Newquist abstained.

10. Approval of District warrants and claims.

After explanations of payments made for vegetation management, 4850 time, overtime, Arizona Vortex tripod, and fire danger signs, the warrants and claims for October were unanimously approved on motion by Director Newquist, seconded by Director Jensen.

11. Public Hearing on Ordinance 2010-1 of the Montecito Fire Protection District adopting the 2010 California Fire Code, amending provisions of the 2010 California Residential Code and the 2010 California Building Code for the subsequent adoption of the ordinance.

Director Jensen opened the public hearing at 9:40 am.

There was no public comment, and no comments were received from the County regarding the Ordinance.

Director Jensen closed the public hearing at 9:41 am.

Chief Gregson reviewed the significant changes, including residential fire sprinklers, which are now required in all 1 and 2 family dwellings and townhouses regardless of square footage.

On a motion made by Director Newquist, seconded by Director Venable, the second reading by title only of Ordinance 2010-1 of the Montecito Fire Protection District was approved adopting the 2010 California Fire Code, amending provisions of the 2010 California Residential Code and the 2010 California Building Code by the following roll call vote:

Ayes:	R. Jensen, J. Venable, D. Newquist
Noes:	None
Absent:	None

On a motion made by Director Venable, seconded by Director Newquist, The Board unanimously voted to instruct the Fire Chief to file a notice of exemption.

12. Approve the first reading by title only of Ordinance 2010-2 of the Montecito Fire Protection District.

Chief Gregson explained that the adoption Ordinance 2010-1 warranted a change to our fire protection plan. He reviewed the new plan, which includes the following changes: inclusion of fire hazard severity zones, 100 foot clearance or to the property line in all zones, increased gate widths, increased turnout and turnaround dimensions, reduction of stored water requirements, and sprinkler requirements.

On a motion made by Director Venable, seconded by Director Newquist the Board approved the first reading by title only of Ordinance 2010-2 of the Montecito Fire Protection District on the following roll call vote:

Ayes:	R. Jensen, J. Venable, D. Newquist
Noes:	None
Absent:	None

13. Consider adoption of donation policy to Allan Hancock Fire Technology Academy.

Chief Wallace advised that the District's 1990 Pierce engine is at the end of its usable life. He explained that the District utilizes Allan Hancock Fire Academy for on going training, which is currently in the process of building a new training facility. The academy survives on donations from local agencies. He advised the Board that the donation would have a direct benefit to the Fire District, which was explained in greater detail in Chief McLeod's board letter, and reviewed the proposal submitted in the Board packet by Chief McLeod.

On a motion made by Director Newquist, seconded by Director Venable, the Board unanimously approved the donation of 1990 Pierce to Allen Hancock Academy.

14. Consider appointment for Board representative to attend LAFCO meetings.

Director Venable suggested that both he and Director Newquist alternate attendance at LAFCO meetings. Director Newquist stated that would be fine.

The Board took no action.

15. Presentation of Post Retirement Health Benefits Actuarial Valuation Study dated June 4, 2010.

Chief Wallace advised that the Board must receive the Post Retirement Health Benefits Actuarial Valuation Study before adopting changes to benefits.

Mr. Manion advised that in accordance with Government Code section 7505, the actuarial study must be presented to the Board at a public meeting at least 14 days prior to adoption of any increased health benefits, and further informed the Board that a fellow of the Society of Actuaries is required to be present at the next Board meeting when the Board considers the adoption of the increased health benefits.

Chief Wallace advised that we will need to have a Special Meeting on November 29, 2010 to adopt the resolution approving the proposed changes.

The Board received the study and took no further action.

16. Report on PERS Conference.

Director Venable advised that he attended the PERS Conference with Chief McElwee and Jackie Jenkins. Chief McElwee reported on the My CalPers website, investment returns for 09/10, and their implementation of a 3 year smoothing period. They met with an actuarial at the conference to get projections for the District, who indicated that we are potentially going to see 4% increase, however this can change.

Jackie advised that she was there on behalf of the MFA to bring back information on health and wellness benefits. She also attended the actuarial presentations, but her main purpose at the conference is to bring back information to the association on how the economy affects our department and the association as a whole.

Director Venable stated that it was a very good conference, and reviewed the CalPERS current portfolio, which includes emerging countries in the global market.

The Board took no action.

17. Fire Chief's report.

Chief Wallace reported on the Hoffman lawsuit, Captain Nelson's progress, the failure of Measure S and the addition of the complete Station 3 site survey on our website.

The Board took no action.

18. Board of Directors report.

Director Newquist participated at the Beautification Day events, and thanked everyone for their participation.

The Board took no action.

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

Chief Wallace advised that we will have a special meeting on November 29, 2010 to adopt a Resolution fixing the employer's contribution under the public employees' medical and hospital care act.

Director Jensen adjourned the meeting at 10:33.