

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
MONTECITO FIRE PROTECTION DISTRICT
Held at Fire District Headquarters, 595 San Ysidro Road, August 16, 2010.

The meeting was called to order by President Jensen at 8:36 am.

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

- 1. Public comment:** There was no public comment.

For Board Action:

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

Mr. Amspoker reviewed correspondence and information regarding the status of negotiations for the easement agreement for Ms. DeSitter and the timeline for the resolution of necessity. He explained that the Board can negotiate and discuss the terms with Ms. DeSitter's attorney, Mr. Magnusson or the Board can file the resolution of necessity to begin eminent domain proceedings.

Mr. Magnusson advised that they received a proposal on August 4, and they are concerned with the wording that includes Ms. DeSitter being responsible for a portion of the maintenance of the easement; the existing easement does not include this, and they believe that would be appropriate for the new easement agreement to remain the same. All Upper Hyde property owners except Ms. Noel, who were present, agreed to remove any maintenance responsibility from Ms. DeSitter in order to allow the process to proceed without further delay.

This item was trailed to allow District Counsel and Mr. Magnusson time to discuss the easement agreement and was continued to later in the meeting.

- 2. Consider letter to Cal Trans regarding removal of Eucalyptus trees on East Valley Road including Staff Report on information provided by Robert Hazard regarding removal of Eucalyptus trees on East Valley Road.**

Chief Wallace reviewed the staff report regarding Mr. Hazard's presentation and recommended that the Board not write a letter to Cal Trans.

The Board took no action.

- 3. Approval of Minutes of July 21, 2010 Adjourned Regular Meeting.**

Director Venable advised that the minutes need to be corrected to indicate that he called the meeting to order. The minutes of July 21, 2010 Adjourned Regular Meeting were approved as corrected on a motion made by Director Newquist, seconded by Director Venable. Director Jensen abstained.

4. Approval of District warrants and claims.

Director Venable asked to include the PARS investment strategies in next board packet.

The June warrants and claims were unanimously approved on a motion made by Director Newquist, seconded by Director Venable.

5. Approval of Resolution 2010-09 establishing the District's appropriations limit in accordance with Article XIII B of the California Constitution.

On a motion made by Director Newquist, seconded by Director Venable, Resolution 2010-09 establishing the District's appropriations limit in accordance with Article XIII B of the California Constitution was unanimously approved by the following roll call vote:

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

6. Approval of Resolution 2010-10 declaring the results of the all-mailed special election, M2010 Proposition 4 Override Election.

On a motion made by Director Newquist, seconded by Director Venable, Resolution 2010-10 declaring the results of the all-mailed special election, M2010 Proposition 4 Override Election was unanimously approved by the following roll call vote:

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

7. Approval of Resolution 2010-11 amending Appendix A of the District's Conflict of Interest Code.

On a motion made by Director Venable, seconded by Director Newquist, Resolution 2010-11 amending Appendix A of the District's Conflict of Interest Code was unanimously approved by the following roll call vote:

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

8. Approve Employee Reimbursement Disclosure report.

The annual Employee Reimbursement Disclosure report was unanimously approved on a motion made by Director Newquist, seconded by Director Venable.

9. Fire Chief's report.

Chief Wallace reported on several issues including the following: a recent meeting with Congresswoman Capps regarding vegetation management and the Santa Maria air tanker base; an estimate of \$80,000 for installation of a generator and pump on Upper Hyde Road; "Stemi" save on a recent heart attack victim; South Coast dispatch launch for Carpinteria/Summerland Fire District on ; press conference for Home Alert Emergency Notification system, and the and the PERS conference scheduled for October 25-27.

The Board did not discuss the Fire Chief's report and took no action.

10. Consider Board workshop and potential agenda items, including:

- **District Hiring Process**
- **Budget Development and Adoption Process**
- **How the discussion topics are determined for the annual staff and officer workshop**

Director Venable suggested a discussion on the PARS investment process as another workshop topic. A motion was made by Director Newquist to hold a Board workshop, to be scheduled based on Board member availability.

Director Newquist stated that he feels he needs more education on District matters and it could be for the betterment of all Board members to review. Director Jensen proposed that Board members meet one on one with the Fire Chief if they have specific questions about District activities. Chief Wallace advised he is always available to provide individual review of any specific District topics adding that a workshop would be useful if more than one Board member wants information on the same topic.

Mr. Hvolbøll advised that what makes a workshop different from the one on one discussions with the Fire Chief, is that a workshop permits the Board an opportunity to discuss these items together, and allows for the public to observe and ask questions.

The motion died for lack of a second. Board members were asked to contact Chief Wallace directly with their specific questions to bring back at the September meeting as potential workshop topics. The Board took no action.

11. Board of Directors report.

There were no reports, and the Board took no action.

The Board took a recess at 9:35 reconvened at 9:45.

2. CONTINUED - 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.

Ms. Collins provided an update to the Board on the owners progress and the schedule of water pressure improvements.

Mr. Magnusson advised that he reviewed the proposed changes with District Counsel, Mr. Amspoker and was generally in agreement. He stated that he would respond by Thursday to issues related to cost.

The Board took no action.

13. Closed Session – Conference with Real Property Negotiators (Government Code Sec. 54956.8) Property: portions of APN 155-070-008, 2500 East Valley Road, Montecito.

- **Agency Negotiators: Kevin Wallace, Fire Chief; and Price Postel & Parma LLP, District Counsel**
- **Negotiating Party: Rancho San Carlos/The Petan Co.**
- **Under Negotiation: Price and terms of payment.**

The Board went into closed session at 9:51 am, and reconvened at 9:53 am.

The Board gave direction to the District negotiators and took no reportable actions in the closed session.

14. Closed Session – Conference with Real Property Negotiators (Government Code Sec. 54956.8) Property: Easement over a Portion of APN 013-030-022, 202 East Mountain Drive, Montecito.

- **Agency Negotiators: Kevin Wallace, Fire Chief; and Price Postel & Parma LLP, District Counsel**
- **Negotiating Party: Jackie DeSitter**
- **Under Negotiation: Price and terms of payment**

The Board went into closed session at 9:53 am, and reconvened at 10:06 am.

Mr. Hvolboll reported that all three directors voted to instruct District Counsel Mr. Amspoker to file the action regarding purchase of the referenced property for which the Board had already approved a resolution of necessity, and to continue to negotiate the price and terms of payment with Ms. DeSitter's counsel, Mr. Magnusson.

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

The Board took no action.

Adjournment

Director Jensen adjourned the meeting at 10:08.