

MONTECITO FIRE PROTECTION DISTRICT  
MINUTES FOR THE SPECIAL MEETING  
OF THE BOARD OF DIRECTORS

Held at Fire District Headquarters, 595 San Ysidro Road,  
**June 10, 2013 at 2:30 p.m.**

The meeting was called to order by Director Venable at 2:32 p.m.

Present: President Venable, Vice President Keller, Secretary Powell, Director Jensen, and Director Sinser. Chief Hickman and District Counsel M. Manion were also present.

- 1. Public comment: Any person may address the Board at this time on any 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.)**

Denise Jarman, an insurance attorney representing Ivana Noel, reviewed the issues relating to financing her rebuild and other impacts affecting her on the Upper Hyde Road project.

- 2. Staff presentation on history of Tea Fire rebuild policies.**

Mark Manion reviewed the history of the Tea Fire Rebuild process including: the terms of the Agreement for the issuance of Fire Protection Certificates which was signed by all property owners on Upper Hyde Road; a private agreement between property owners (that the Fire District is not a party to); the acquisition of the DeSitter easement; the formation of Upper Hyde Road (UHR) Community Facilities District (CFD) No. 2011; alternative access approach to rebuilds adopted in November of 2012; differences between the new approach and the rebuilds on UHR; and reviewed the UHR CFD options.

Chief Hickman reviewed reasons that access improvements are important including the need for 2 lane access for evacuations and response into the areas, and the protection of life and property. He referenced injuries to two Upper Hyde Road residents which may have resulted due to inadequate driveway and road conditions.

Chief Hickman advised that the District is currently approaching rebuilds in the same way Santa Barbara County approaches rebuilds. Ms. Noel has been issued an FPC, but the anomaly to utilizing the alternative approach on UHR is the existence of the CFD and the existence of a binding agreement between the residents and the District.

The Board discussed the options they could pursue to best assist the residents on UHR, including: the dissolution of the UHR CFD; modification of the agreement between the District and the residents; and/or allowing for requests for modifications. If the Board chose to dissolve the UHR CFD, the District could lose approximately \$76,000 which would otherwise have been repayed to the District at the time bonds were issued by the CFD

Public comment:

Mr. Collis explained issues related to completing the necessary engineering, which has delayed the process of moving forward. He felt that many were forced into it as they had no other options and many of the residents didn't fully understand the consequences of the agreements they entered into. The newest engineering plans may provide cost savings.

Michael Collins reviewed the reasoning behind the resident's pursuit of the Mello-Roos CFD, particularly financing aspect. He stated that nobody liked it, but there were no real alternatives.

Katherine Lane Collis stated that they were "guestimating" the costs to improve the road, but first engineering estimates were as high as \$2.5 million, making it impossible for the residents higher up on the road. They were advised it was over-engineered, and sought out another engineer.

Denise Jarman stated that delayed engineering may cause Ivana Noel to lose her SBA loan.

Arthur Von Wiesenberg supports the District allowing for modification requests that do not require the full build out of the road.

Chuck Thomason asked how long would it take to dissolve the Mello-Roos CFD. Mr. Manion stated that it is unknown, and that special counsel would have to determine the timeline.

Paula Speigal advised that when they bought their home they knew they were buying in an earthquake zone and in a high fire area, and chose to live there anyways. She questioned the issue of trying to assist the residents getting back into their property, versus improving the areas to prevent problems and increase safety for future.

Henry Childs reported that he had previously served on the Fire District Board and feels that Mello-Roos is centered around making it safer versus getting people back in their homes. He urged the Board to support leniency and that it be applied immediately to all rebuild applicants. He suggested that full enforcement of code requirements could be applied to new projects, or projects with a new scale.

Kai Hoffman asked about modifications requests. Chief Hickman advised that the modifications allowed to Mr. Hoffman include allowing him to have pinch points, turnouts and visibility with distances that are reasonable. He is still willing to meet with Mr. Hoffman and discuss the requirements for his road, adding that portions of his road narrow down to 11 feet in some areas.

Ivana Noel advised that the District took the Type 1 engine up to her property and took 45 minutes, but the Type 3 could get there more quickly. She recognizes that there would be a delay in service with the road as it is, adding that her FPC has included turn arounds which will improve access to her residence.

The Board took a recess at 4:20 p.m., reconvening at 4:30 p.m.

The Board took no action.

**3. Provide direction to staff on how to proceed with Tea Fire rebuild policies.**

The Board continued discussion regarding the District's rebuild policies, issues relating to the Mello-Roos CFD, potential District liabilities, and how best to move forward.

On a motion made by Director Keller, seconded by Director Sinser, the Board unanimously: (1) appointed Director Powell to serve as a liaison between the Board and the residents of UHR; (2) requested that Director Powell meet with the Fire Chief and Fire Marshal to review the District's policies and determine how they compare to those of other agencies, and (3) appointed Director Powell to work with the UHR property owners to determine how best to address the Mello-Roos CFD issues and existing agreements. The Board advised that the goal is to have a report and recommendation for the July meeting.

**4. Fire Chief's Report.**

(1) The District has received submissions for Qualifications for a Standards of Cover Study and a Comprehensive Community Risk Assessment Study and hard copies of all submissions were provided to the Strategic Planning Committee members.

**5. CLOSED SESSION - Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a)).**

*Name of Case:* Montecito Agricultural Foundation, an Unincorporated Association vs. Montecito Fire Protection District; Board of Directors of the Montecito Fire Protection District; and DOES 1-10 Respondents, Petan Company, a California Limited Partnership; Palmer G. Jackson; and DOES 11-20, Real Parties in Interest, Santa Barbara Superior Court Case No. 1401924.

The Board entered into closed session at 5:55 p.m., and reconvened at 6:10 p.m.

Mark Manion reported that the Board unanimously authorized District Counsel to execute a settlement agreement related to the pending litigation between the Montecito Agricultural Foundation and the Montecito Fire Protection District.

The meeting was adjourned at 6:11 p.m.