

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

Held at Fire District Headquarters, 595 San Ysidro Road, July 9, 2010.

**The meeting was called to order by President Jensen at 8:46 am.**

**Present:** Chief Wallace, Director Jensen, Director Venable, and Director Newquist. District Counsel T. Amspoker, D. Magnusson, J. DeSitter, N. Krock, as well as approximately 15 members of the public were also present.

**1. Public comment:**

There was no public comment

**2. Consideration of adoption of Resolution 2010-08, Resolution of Necessity for Property Easement over a Portion of APN 013-030-022, 202 East Mountain Drive, Montecito.**

Mr. Amspoker reviewed the previous actions taken regarding the proposed easement over Ms. DeSitter's property and the process of the District acquiring the easement.

There was a brief discussion regarding the process of the District acquiring the easement, and Mr. Amspoker responded to several questions raised by Ms. DeSitter's attorney, David Magnusson.

Mr. Krock read a letter prepared for the Board, which is attached to these minutes.

On a motion made by Director Newquist, seconded by Director Venable, the Board unanimously Approved Resolution 2010-08 declaring the acquisition of certain easement interests necessary for the improvement of Upper Hyde Road (Affects Portion of APN: 013-030-022) with direction to allow a one month period reserved for negotiation to determine if staff can come to an agreement with Ms DeSitter, prior to filing the necessary documents. If an agreement is reached that is acceptable by staff, staff is directed not to file the eminent domain documents. Resolution 2010-08 was approved by the following roll call vote:

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

The Board took a Recess at 9:10 a.m. and reconvened at 9:23 a.m.

**3. Consideration and discussion of County Sheriff's proposal to the County Board of Supervisors for a ballot measure in November, 2010, to authorize a one half of one percent (1/2%) Transactions (Sales) and Use tax to fund construction and operation of a 304-bed jail facility, refurbishment of existing jail facilities, enhanced front-line law enforcement and fire protection services, and prevention, treatment, rehabilitation and alternatives-to-incarceration programs to reduce the number of future inmates, within**

**the incorporated and unincorporated areas of Santa Barbara County, including a District position on the Sheriff's proposal.**

Chief Wallace reviewed the County Sherriff's proposal for a ½% sales tax. The proposal includes distribution to fire agencies as well, including Montecito Fire. There is an OPT OUT option, so the District can choose to take or decline the distributions at any time.

After a brief discussion on the proposal, the Board gave direction to the Fire Chief to remain neutral on the project.

**4. Fire Chief's report.**

Chief Wallace reported on an automatic aid response with Santa Barbara City to structure fire on Coast Village Rd; the results of the 4<sup>th</sup> of July pancake breakfast and the new tone alert emergency notification system.

**5. Board of Director's report.**

No Report

**6. Requests from Directors for items other than regular agenda items for July or August Regular Board Meeting.**

Mr. Amspoker advised that there should be an item to allow the Upper Hyde Road property owners to report on their status on the July regular agenda.

Director Newquist asked for a review of the Board's previous study to increase the size of the Board to 5 or more members at a future meeting. He also proposed a workshop in the future for the directors to look at the overall operation of the Fire District, including, revenues, budget allocation, salaries, equipment, income tied to rental properties; an overall picture on how the department runs.

Chief Wallace advised that we will agendize the possibility of having the workshop and if it is determined that there is a workshop, what should be included on the workshop agenda for the August regular meeting.

**7. Director Jensen adjourned the meeting at 9:55 am.**

July 9, 2010

Montecito Fire Protection District  
Board of Directors  
595 San Ysidro Road  
Montecito, CA 93108

Dear Members of the Board:

I am writing this letter to try to give some perspective to the issues in regards to the road widening. At the last board meeting on June 21<sup>st</sup> there was a large misunderstanding of the question raised by my wife concerning the validity of using preliminary design drawings in place of final approved plans to appraise the value of the expanded easement. Several people voiced their opinion that this was “stalling”. Our belief was based on the quote by MNS engineers for this project dated 4-16-10. In their scope of services they list four tasks: number one, preliminary design, number two, project review and community meeting, number three, final design detailing and PS&E preparation and number four, prepare assessment map and legal descriptions. Following this plan the legal descriptions, a necessary part of an easement declaration were not to be produced until all other plans were completed. No one had informed us of any other plan of action so we were using MNS engineers plan for guidance. It appears that the plans were changed and we were not informed.

We have been offering our support and cooperation in this effort to expand the road to the east of the existing berms since July of 2009 one full year. In the minutes of the January 26<sup>th</sup> board meeting my wife clearly stated again that she was open to widening the road to the east. It took the other property owners till May 18<sup>th</sup>, an additional 4 months to accept this offer. During these four months we met with the district’s appraiser Mr. Steve Schott on February 23<sup>rd</sup> so he could appraise the value of the proposed easement. Mr. Schott produced a written report seven weeks later on April 15<sup>th</sup>. We requested a copy for us to review but we did not receive this report till six weeks later on May 31<sup>st</sup>. However it did not include updated drawings from MNS engineers which are needed for cross checking the report. The next two weeks, till June 15<sup>th</sup>, we were busy preparing for mediation with our fire insurer California Fair Plan concerning losses from the Tea Fire which they were refusing to cover. The three business days that were available until the fire district meeting on the 21<sup>st</sup> was not enough time to prepare a response. The day after the meeting we requested the updated drawings from MNS engineers that we needed to cross check the district’s appraisal. We did not receive these drawings until Friday June 24<sup>th</sup>

When we received the appraiser’s report over three months after his inspection a letter from the fire district’s attorney, Mr. Todd Amspoker, was also enclosed. In this letter he said that the funding source for the easements has not been determined yet. Therefore the districts offer was contingent upon the district obtaining a funding source for the acquisition. He was saying that they didn’t have any money to complete the deal. If someone approached you and said he wanted to buy some of your property but didn’t have any money, what would you tell him? I think the response from the majority of

people in this room would be the same: come back when you have money to complete the deal and we will discuss it then.

I will now summarize the timeline. The other property owners took four months to accept our offer. The appraiser took 7 weeks to generate his report. It took another six weeks to get a copy of that report to us. With the report was the letter saying there was no money available for the purchase.

To say that we are taking too much time, and “stalling” is holding us to a different standard and is not equal treatment. “Stalling “ was the district’s professed need to pursue eminent domain from cooperative and willing sellers and is not warranted

Sincerely

Norman Krock

Jacqueline De Sitter