

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
MONTECITO FIRE PROTECTION DISTRICT
Held at Fire District Headquarters, 595 San Ysidro Road, October 18, 2010.

The meeting was called to order by President Jensen at 8:44am.

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

- 1. Public comment:** There was no public comment.
- 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 advised that there was a prior settlement offer made to Dr. DeSitter that included the other property owners to sign off as well. The owners have responded to Ms. DeSitter's attorney regarding changes that were proposed by Dr. DeSitter.

Mr. Amspoker reported that the eminent domain case is currently on file to allow possession of the easement, scheduled for November 2, 2010 at 9:30 in Department 3. Ms. DeSitter has filed an opposition to the motion and a demure to the eminent domain complaint. He advised that if the court makes an order for possession at the hearing, it would then be appropriate for the owners to determine where they will obtain their financing.

Ms. Collins reviewed the owners report, including: additional testing at the proposed hydrant location which indicated that the water pressure will be sufficient for the installation of a hydrant; engineering at the wash out area; and upcoming completion of road engineering by Mike Gomes.

Chief Wallace advised that the Montecito Water District is optimistic that the static pressure results at the proposed hydrant location will meet the Fire District's needs.

The Board took no action.

- 3. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(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 did not go into closed session and took no action.

4. Approval of Minutes of September 20, 2010 Regular Meeting.

The minutes of the September 20, 2010 Regular Meeting were unanimously approved on a motion made by Director Venable, seconded by Director Newquist.

5. Approval of District warrants and claims.

After an explanation of payments made to AMEC, Associated Transportation Engineering, Informa Corporation, Nikon cameras, and RRM Design Group, the warrants and claims of September were unanimously approved on a motion made by Director Newquist, seconded by Director Jensen. Mr. Hvolbøll suggested that costs associated with Station 3 be put under one heading on the expense report.

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

Mr. Hvolbøll reviewed Mr. Campbell's proposals to provide geological survey services, and discussed the environmental concerns with the proposed Station 3 location, including a possible earthquake fault identified in the area as the property being considered.

Mr. Amspoker advised that there will need to be additional survey work in order to meet necessary requirements. Director Newquist suggested that the District work closely with the land use committee and possibly invite them to attend a Board meeting.

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.

- 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 entered closed session at 9:18 am and reconvened at 9:42 am.

Mr. Hvolboll reported that 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.

8. Reschedule 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 to November 15, 2010 for the subsequent adoption of the ordinance.

Chief Wallace advised that staff did not get the public notice posted on the dates required, which necessitates that the public hearing be rescheduled.

The Board unanimously approved rescheduling the 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 to November 15, 2010 for the subsequent adoption of the ordinance on a motion made by Director Newquist, seconded by Director Venable.

9. Consider storage building cost share use agreement with Montecito Water District.

Chief Wallace advised that the Water District will be building a new storage facility and have offered a portion of structure to store the MERRAG van and supplies. He explained that MERRAG will fund a portion of the construction and pay small a monthly fee to assist with covering maintenance and utility costs. Although the storage would be used and paid for by MERRAG, the Water District would like the agreement to be with the Fire District.

The Board unanimously agreed to enter an agreement with Montecito Water District to provide storage for the MERRAG Van and supplies on a motion by made by Director Venable, seconded by Director Newquist.

10. Accept \$10,000 donation from Mr. and Mrs. Nylan.

Chief Wallace advised that Mr. and Mrs. Nylan made a \$10,000 to the District as a direct result of the ongoing community outreach provided by Curtis Vincent and Jeff Saley.

The donation of \$10,000 from Mr. and Mrs. Nylan was unanimously approved on a motion made by Director Venable, seconded by Director Newquist.

11. Approve Resolution 2010-14 Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act.

Chief Wallace advised that this resolution is necessary to ratify the additional contribution of \$60 per month to health care expenses as outlined in the salaries and benefits package at the July 21, 2010 Board Meeting.

On a motion made by Director Newquist, seconded by Director Jensen, the Board approved Resolution 2010-14 Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act by the following roll call vote:

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

12. Approve temporary promotion for Richard Lauritson.

Chief Wallace advised that Richard Lauritson will be shadowing Kirk Johnson the District's Assistant Fire Marshal through December 15th. He explained that the promotion will become permanent on December 16th, as Captain Johnson has submitted a letter stating that he intends to retire in the middle of December.

On a motion made by Director Venable, seconded by Director Newquist, the Board unanimously approved the temporary promotion for Richard Lauritson.

13. Report on Highmark OPEB Investment Strategies.

Director Venable reviewed two documents showing the current allocations of the District's investment with PARS. These documents are attached to the minutes.

The Board took no action.

14. Fire Chief's report.

Chief Wallace reported that the District's job classification, salary ranges and MOU are now posted on the District's website; the Grand Jury's recent inquiry of agency management and board compensation; current personnel off on injury and a review of the Family medical Leave Act (FMLA), and Cal Family Rights Act (CFRA).

The Board took no action.

15. Board of Directors report.

Director Venable reviewed a meeting that he and Chief Wallace attended at the Rotary Club with a presentation from Bob Braitman. He advised that Mr. Braitman misrepresented the Montecito Special Districts budgets and taxation, and because of time constraints there was no time for rebuttal at the meeting. Mr. Hvolbøll advised that at a future meeting, the Board can appoint a member to attend a future LAFCO meeting to voice their opinion of their actions.

The Board took no action.

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

Director Newquist asked to add that the Board appoint a LAFCO representative, and a review of the PERS Conference at the next Board meeting. He also asked that any activity between the Fire District and the Montecito Association be reported back to this board.

Director Jensen adjourned the meeting at 10:15.