

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

Held at Fire District Headquarters, 595 San Ysidro Road, July 22, 2013 at 10:00 a.m.

The meeting was called to order by Director Venable at 10:05 a.m.

Present: President Venable, Vice President Keller, Secretary Powell, and Director Jensen.
Director Sinsler was absent. Chief Hickman and District Counsel S. Basham 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.)

Robert Ornstein questioned how a citizen raises issues or concerns with the board, and who decides whether they are communicated or agendized. He also commented on the need for more outreach to the community regarding the Station 3 litigation and how the District is responding.

2. Fire Chief's report.

(1) Fireline EMT Response to an incident in the Sequoia National Forest; (2) response to assist Orcutt at wildland fire on June 20; (3) K. Kellogg's response with the local Incident Management Team to Colorado; (4) response to Warner Springs incident; (5) over the side vehicle accident on Mountain Drive; (6) greenhouse fire and burn victim response with Carpinteria/Summerland Fire; (7) proactive response approach to volatile fuel and weather conditions, including trail monitoring and up-staffing on 6/19, 6/20 and 6/29; (8) Montecito Firefighter Association Fourth of July Pancake Breakfast; (9) Chat with the Chief on July 17; (10) Sean Misner's Memorial Services; (11) request for preparedness presentation at the Montecito Planning Commission meeting; (12) Chief's vacation 8/27-9/6 and 9/1-9/4; (13) CSDA conference.

Public Comment:

Sylvia Easton reported her concern with the large number of abandoned cigarette butts being left along Mountain Drive and at trail heads.

3. Board of Director's report.

Director Powell reported that he met with residents on Upper Hyde Road regarding the rebuild process and issues relating to false alarms. He also reported that he attended the Sean Misner memorial and felt that it was an "impressive event."

4. Staff Report on Fire District and MERRAG interaction.

Chief Hickman reviewed his staff report including MERRAG's original goals, establishment, purpose, District's interaction, and where they are now.

Warner Owens, MERRAG 1st Vice President reported on his history and experiences with MERRAG including activation during the Tea Fire, structure fire responses, the Amgen Tour and other community events. He invited the Board and the public to become

more active with the group.

The Board took no action.

5. Report from the Finance Committee (Copy of Agenda for Finance Committee Meeting Attached).

Director Venable reported that the Finance Committee met and discussed paying down the District's OPEB (Other Post Employment Benefits) liability and that they hope to bring a recommendation to the Board at the September Board meeting.

6. Report from the Strategic Planning Committee (Copy of Agenda for Strategic Planning Committee Meeting Attached).

Director Powell reported that the Strategic Planning Committee's goal is to prepare a concrete strategic plan for the District, but more homework needs to be done. He reported that the Committee received five (5) submissions for the Community Risk Assessment RFQ, and three (3) submissions for the Standards of Cover RFQ. The Committee's recommendation(s) regarding the RFQ's will be made later in the meeting.

7. Report from Director Powell regarding research on District's policies on Tea Fire Rebuilds.

Director Powell reported that his research included: meeting with the Santa Barbara County Fire Marshal's office regarding their fire rebuild policy; MFPD's issuance of modification letters; lack of insurance coverage for driveway upgrades; review of the previous District administration's code upgrade policy; and review of enforcement policy. He reported that the "current administration" appears to have learned from the past, and is finding ways to balance safety while being fair, practical and reasonable. Upper Hyde Road residents are working on new engineering documents that are less destructive to the hillside and have more reasonable costs.

Public Comment:

James Bell (Ivana Noel's architect) reported that if the District maintains the Mello-Roos Community Service District, she will be unable to obtain her SBA loan.

Kaj Hoffman thanked Director Powell for his efforts.

Claire Gottstanker asked if the District will be developing policies in response to the inconsistencies that Director Powell brought forward.

Chief Hickman and Chief Gregson reviewed the District's rebuild policies as they were revised in November, which are much like those being used by Santa Barbara County.

The Board took no action.

The Board took a recess at 11:42 am, and reconvened at 12:00 pm.

8. Provide direction regarding Strategic Planning Committee recommendation that the Committee be authorized to prepare and advertise Request for Proposals for a Standards of Cover Study with an enhanced Risk Analysis component.

Director Powell and Director Keller explained the committee's recommendation, adding that no monies will be spent, and information gathered from the RFP process will be used by the Strategic Planning Committee to make a final recommendation to the Board on selecting a consultant to conduct the study.

On a Motion made by Director Keller, seconded by Director Powell, the Board unanimously authorized the Strategic Planning Committee to prepare and advertise Request for Proposals for a Standards of Cover Study with an enhanced Risk Analysis component.

9. Consider response to Robert Ornstein regarding letter dated 2/17/13.

Mr. Ornstein reviewed his letter and questions previously presented to the Board. He stated that he had sent a similar letter to Carpinteria Fire he had received an acceptable response from them.

After discussing the situation related to potential conflicts with Price, Postel and Parma, the Board directed the Fire Chief to find out who Carpinteria Fire utilized to review their interactions with Price, Postel and Parma, and to have District Counsel provide information on the lawsuit that was filed against them.

10. Approval of Minutes of June 10, 2013 Special Meeting.

On a motion made by Director Keller, seconded by Director Venable, the Board unanimously approved the minutes of the June 10, 2013 Special Meeting.

11. Approval of Minutes of June 17, 2013 Regular Meeting.

Several corrections were suggested including changing the type of meeting to "regular" meeting, and correctly identifying the roll call votes.

On a motion made by Director Keller, seconded by Director Venable the Board unanimously approved the minutes of the June 17, 2013 Regular Meeting as corrected.

12. Approval of District warrants and claims.

After an explanation of income received from Carpinteria – Summerland Fire Dispatch, as well as payments made to Aspen Helicopters, Price, Postel, and Parma, and overtime, the warrants and claims for June were unanimously approved on a motion made by Director Powell, seconded by Director Keller. Director Venable left the room and was absent for the vote.

13. Consider modification to Flag Policy.

Chief Hickman explained that the current policy required Board approval to lower the flag to honor the 19 Prescott Fire Hotshot's lost at the Yarnell Incident. This may be difficult in some circumstances and he recommended changing the policy to allow the flag to be lowered with the approval of the Fire Chief. The Board unanimously approved an amendment to Standard Operating Policy R-301-06, on a motion by Director Keller, seconded by Director Jensen.

14. Provide direction to District staff regarding the Environmental Impact Report for the Station 3 Site Acquisition and Constructon Project located on East Valley Road on a portion of APN 155-070-008.

Ms. Basham reviewed the court's ruling and stated that the Board was required to rescind the certification of the EIR and the approval of the Station 3 project. The consultant that completed the EIR was prepared to address the concerns that the court raised and present a new draft to the Board at their expense. Chief Hickman explained that the costs to AMEC will likely be as high as \$40,000, however, the expected cost to the District was estimated to be approximately \$8,000. This would cover the costs of printing and re-circulation of the revised EIR

Chief Hickman recommended that the Board accept AMEC's offer and move forward with addressing the issues identified in Judge Anderle's decision. This would allow the District to continue with the studies proposed by the Strategic Planning Committee and re-engage with Station 3 if the studies support it. Doing this will allow the project to remain on the table and possibly prevent the need to ask for an extension on the purchase option from the seller.

Public Comment:

Warner Owens supported correcting the EIR and stated that it makes "sound business sense" to move forward if the costs are a reasonable. He also stated that losing a lawsuit is not proof of having poor representation.

Joe Cole, disclosed that he is member of the Montecito Agricultural Foundation who brought the lawsuit against the District, that he lives close to where the proposed station would be located, and is also the attorney for another member of the Montecito Agricultural Foundation. He stated that it will likely cost more than \$8,000 to repair the EIR, including additional costs for Price Postel and Parma to review it. He also suggested that AMEC appear before the Board to discuss their offer. He also suggested that the Board focus on the strategic plan and financial planning. He feels it would be a waste of time to redo the old EIR on a plan that may not be the direction the new studies indicate the District should be going.

Robert Ornstein stated that he feels it is a mistake to assume that the EIR can be "fixed". Even if it could be fixed, it may be out of date before the strategic plan is completed. He also suggested that the Board consider a professional liability malpractice lawsuit against AMEC and Price Postel and Parma.

Sylvia Easton stated that she feels that if AMEC is offering to correct the items that were identified, the Board should allow them to correct it.

The Board discussed the options that the District has, the length of time it may take to complete, and the option of negotiating additional cost reductions with AMEC and Price Postel and Parma.

On a motion made by Director Keller, seconded by Director Powell, the Board unanimously agreed to defer this agenda item to the next regular meeting and directed the Fire Chief to meet with AMEC and Price Postel and Parma regarding the District's costs to repair the EIR.

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

Director Keller asked to add a discussion of how issues can be brought to the board from the public.

Director Powell asked to add a report on his meetings with the residents on Upper Hyde Road.

The meeting was adjourned at 1:50 p.m.