

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

Held at Fire District Headquarters, 595 San Ysidro Road, January 18, 2011.

The meeting was called to order by President Jensen at 8:30 am.

Present: Director Jensen, Director Venable, and Director Newquist, Chief Wallace, District Counsel T. Amspoker, and M. Manion as well as approximately 15 members of the public were also present.

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

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.**

Ms. Collins reviewed the owners' report including clarification that the Fire District will handle the final bidding of this project if it becomes a Mello-Roos public works project.

Mr. Amspoker presented and reviewed a summary of the District's potential costs for developing the project which can then be included into the Mello Roos District. He added that costs associated with the DeSitter easement acquisition are not included in the Mello-Roos based upon the requirements of the District's agreement with the Upper Hype property owners.

Mr. Scott Ferguson joined the meeting on a conference call at 8:55 am, and outlined the necessary steps to form the Mello-Roos District. He advised that the next step is to determine the cost of the project.

The Board requested that the homeowners meet with District Counsel and the Fire Chief to discuss the payment of costs related to forming of the Mello-Roos District. Director Newquist suggested that the District call a special meeting if an agreement is arrived at prior to the next regular meeting.

- 3. Closed Session Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a)).**
 - 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 entered closed session at 9:16 am and reconvened at 9:42 am.
Mr. Manion announced that the Board designated Director Newquist to participate in the mediation for the DeSitter matter.

- 4. Closed Session – Conference with Real Property Negotiators (Government Code Sec. 54956.8) Property: portions of APN 155-070-008, 2500 East Valley Road, Montecito.**
 - a. Agency Negotiators: Kevin Wallace, Fire Chief; and Price Postel & Parma LLP, District Counsel**
 - b. Negotiating Party: Rancho San Carlos/The Petan Co.**
 - c. Under Negotiation: Price and terms of payment.**

The Board did not convene in closed session for this item.

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

Chief Wallace reported that the District and representatives from Rancho San Carlos/The Petan Co. signed an agreement for reimbursement of tree damage and crop losses relating to the trenching project, which can now move forward.

The Board took no action.

- 6. Approval of Minutes of December 20, 2010 Regular Meeting.**

The minutes of December 20, 2010 Regular Meeting were unanimously approved on a motion by Director Newquist, seconded by Director Jensen.

- 7. Approval of District warrants and claims.**

After explanation of reimbursements for the CADA Save EMP program, and PARS, the December warrants and claims were unanimously approved on a motion by Director Newquist, seconded by Director Venable.

- 8. Accept Proof of publication in Montecito Journal for Ordinance 2010-2.**

The Board reviewed the proof of publication for Ordinance 2010-2 and took no additional action.

- 9. Discussion on Director's Compensation.**

Mr. Manion reported on the current requirements under which Board Members may be compensated for attendance at various meetings related to District business. The Board

discussed the various aspects and responsibilities of their duties and directed District Counsel to present revisions to the current policy which would allow a Director to be compensated for meetings that they are asked by the Board to attend.

For Information Only:

10. Fire Chief's report.

Chief Wallace reported on the Staff workshop March 3-4; a recent STEMI Save; State Budget and realignment proposals; 3 new paramedics starting February 1; and a recent RV fire on Olive Mill Road.

11. Board of Directors report.

There were no reports.

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

Director Newquist asked for 1st District Supervisor, Salud Carbajal to be invited to a future meeting.

Adjournment

President Jensen adjourned the meeting at 10:20 am.