

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

Held at Fire District Headquarters, 595 San Ysidro Road, December 20, 2010.

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 20 members of the public were also present.

1. **Public comment:** Chief Wallace announced the promotion of Richard Lauritson to Assistant Fire Marshal and Mike Elliott to Engineer. He also announced the 25 year anniversary for Fire Marshal Al Gregson.

The Board took no 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.**

Mr. Amspoker advised that the order for possession for the portion of the road owned by Ms. DeSitter is now in effect, and the owners can move forward with the road construction process.

Ms. Collins reviewed the owners report, with a correction to item #1, regarding the East fork, there was an onsite meeting. Timing for the completion of engineering for East and West forks should be done at the end of January.

Mr. Amspoker advised that if the owners want to pursue the Mello-Roos District, they will need to sign a petition to begin that process.

The Board took no action.

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 8:45 am and reconvened at 9:10 am.

Mr. Manion reported that the Board took no reportable action.

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.

Mr. Amspoker advised that there is additional investigation that must occur regarding the potential existence of an earthquake fault on the Petan Property. The District is working with San Carlos/The Petan Company in order to obtain the necessary authority to conduct the additional investigation on the Petan Property.

The Board took no action.

6. Staff discussion on the Tree Subcommittee of the Montecito Association's Land Use Committee proposed Tree Protection ordinance for inland Montecito

Chief Gregson reported that the District's involvement with the Montecito Association's Land Use Committee proposed Tree Protection ordinance for inland Montecito is only related to the Fire District's tree removal requirements, as it pertains to our vegetation management and access requirements. He reported that the only instances that the Fire District requires the removal of any tree is as follows:

1. The tree is dead, *and* within the 100 foot defensible space requirement, or
2. If the tree is encroaching into a roadway limiting fire department access and limbing or trimming does not provide enough access.

Chief Gregson added that the District neither advocates nor oppose the proposed Tree Protection ordinance.

Mr. Bob Hazard explained his interpretation of the proposed ordinance, and Ms. Victoria Green advised that it is currently in a draft form which will include additional public meetings and workshops

The Board took no action.

7. Approval of Minutes of November 15, 2010 Regular Meeting.

The minutes of the November 15, 2010 Regular Meeting were unanimously approved on a motion by Director Venable, seconded by Director Newquist.

8. Approval of Minutes of November 29, 2010 Special Meeting.

The minutes of the November 29, 2010 Special Meeting were unanimously approved on a motion by Director Venable, seconded by Director Newquist.

9. Approval of District warrants and claims.

After explanation of payments to Allstar Fire Equipment and the easement evaluation on upper Hyde Road, the warrants and claims were unanimously approved on a motion by Director Venable, seconded by Director Newquist.

10. Accept Proof of publication in Montecito Journal for Ordinance 2010-1.

The Board accepted proof of publication in Montecito Journal for Ordinance 2010-1, which will go into effect on January 1, 2011.

11. Second reading on Ordinance 2010-2 of the Montecito Fire Protection District adopting the Fire Protection Plan for the Montecito Fire Protection District and repealing District Resolution No. 1995-1, and subsequent adoption.

On a motion made by Director Newquist, seconded by Director Jensen the Board approved the second reading by title only of Ordinance 2010-2 of the Montecito Fire Protection District on the following roll call vote:

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

12. Election of Board officers for 2011, Board negotiator for 2011

On a motion made by Director Newquist, seconded by Director Venable, the Board unanimously elected to keep Director Jensen as Board President, and Director Venable as Board Secretary and Board Negotiator.

13. Adopt Resolution 2010-16 determining time and place of regular board meetings.

On a motion made by Director Newquist, seconded by Director Venable, the Board voted to approve Resolution 2010-16 in the matter of setting the time and place for holding regular Board meetings. The motion was adopted by the following roll call vote:

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

14. Adopt Annual Resolution 2010-17 regarding inventory of District lands and air space.

On a motion made by Director Newquist, seconded by Director Jensen, the Board approved Resolution 2010-17 concerning inventory of District lands and air space. The motion was adopted by the following roll call vote:

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

15. Consider increase in Director's Compensation, Resolution 2010-18.

On a motion made by Director Venable, seconded by Director Newquist, the Board approved Resolution 2010-18 revising compensation for its Board of Directors with the right to revisit Board compensation after counsel researches additional compensation options by the following roll call vote:

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

16. Demonstration of new Scott Air packs.

Firefighter Ben Hauser and Paramedic/Firefighter Kurt Hickman demonstrated the new Scott Air packs Model 75, which includes new upgraded technology not available by other vendors.

The Board took no action.

17. Fire Chief's report.

Chief Wallace reported on the Allen Hancock Fire Academy graduation, FDAC Fire Leadership Summit, potential State funding realignments, update on Mike Nelson, and a letter of acknowledgement from the Chief Tom Harver of the Forest Service for Chief McElwee.

The Board took no action.

18. Board of Directors report.

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

Director Newquist asked for an update from AON on GASB45 funding. Mr. Manion explained that PARS is required to provide an updated actuarial every 2 years. Chief Wallace will find out when the next update will be necessary.

The Board had no additional requests and took no action.

President Jensen adjourned the meeting at 10:23 am.