

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

Held at Fire District Headquarters, 595 San Ysidro Road, July 25, 2016 at 2:00 p.m.

The meeting was called to order by Director Powell at 2:00p.m.

Present: Director Powell, Director van Duinwyk, Director Easton, Director Venable. Fire Chief Hickman and District Counsel Susan 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.**

There were no public comments at this meeting.

- 2. Recognition for 15 years of service: Captain, Evan Skei.**

Chief Hickman commended and thanked Evan Skei for 15 years of service.

- 3. Candidate Interviews for Appointment of New Director.**

- a. **Michael N. Lee**

- b. **Thomas T. Schleck**

The Board asked both candidates a series of interview questions.

- 4. Appointment of New Director.**

After careful consideration, the motion to appoint Michael Lee as the New Director was made by Director Venable, seconded by Director Easton. The Roll Call Vote was as follows:

Ayes: P. van Duinwyk, J. A. Powell, J. Venable, S. Easton

Nays: None

Abstain: None

- 5. Administer Oath of Office for New Director.**

Director Powell presented the Oath of Office to Michael Lee.

- 6. Appointment of vacant Board positions.**

- a. **Board Secretary.**

The motion to appoint Director Easton as the Board Secretary was made by Director Powell, seconded by Director Lee and unanimously passed.

b. Board Real Property Negotiator.

The motion to appoint Director Powell as the Board Real Property Negotiator was made by Director Venable, seconded by Director van Duinwyk and unanimously passed.

c. Finance Committee member, and establish frequency of Finance Committee Meetings.

The motion to appoint Director Venable as the Finance Committee member was made by Director van Duinwyk, seconded by Director Easton and unanimously passed. The motion to change the frequency of the Finance Committee meetings from monthly to bi-monthly was made by Director van Duinwyk, seconded by Director Venable and unanimously passed.

d. Personnel Committee member.

The motion to appoint Director Lee as the Personnel Committee member was made by Director van Duinwyk, seconded by Director Easton and unanimously passed.

7. Report on the status of transferring of access easement to Upper Hyde Road property owners and quitclaiming District's easement interest.

The Chief stated that all property owners have signed the agreement. He added that Director Powell's signature will be notarized after the meeting.

8. Report on Annual Notification System Test.

Communications Coordinator Jackie Jenkins provided a staff report regarding the Annual Notification System Test.

9. Approval of Resolution No. 2016-06, Fixing the Employer Contribution at an equal amount for Employees and Annuitants under the Public Employees' Medical and Hospital Care Act.

The motion to approve resolution 2016-06 as read was made by Director Venable, seconded by Director van Duinwyk. The Roll Call Vote was as follows:

Ayes: M. Lee, P. van Duinwyk, J. A. Powell, J. Venable, S. Easton

Nays: None

Abstain: None

10. Review and approve financial statements ending June 30, 2016.

The District Accountant stated that the entire Board is seeing the financial statements, as no Finance Committee meeting was held. Ms. Gil highlighted the financial statements ending June 30, 2016. The motion to approve the financial statements was made by Director van Duinwyk, seconded by Director Venable and unanimously passed. The Board took a break at 3:16 p.m. The meeting reconvened at 3:22 p.m.

11. Review Financial Summary Staff Report for fiscal year 2015-16.

The District Accountant provided a staff report regarding the Financial Summary for fiscal year 2015-16.

12. Approval of Minutes of the June 27, 2016 Regular Meeting.

The motion to approve the minutes of the June 27, 2016 Regular Meeting was made by Director Easton, seconded by Director Lee and unanimously passed.

13. Fire Chief's report.

Chief Hickman provided an update regarding significant calls during the month of June. He also provided an update regarding current Mutual Aid assignments. The Chief mentioned Dispatcher Leslie Muller and her team's (The California Emergency Dispatch Association) response to Baton Rouge, LA. Chief Hickman provided an update regarding up-staffing for the recent red flag event. He also expressed his gratitude to MERRAG for their assistance.

14. Staff Report regarding time line and event chronology related to Station 3.

District Counsel Susan Basham notified the Board that on July 21, Price, Postel & Parma LLP filed the District's Second Return on the Writ of Mandate issued by the Superior Court in the *Montecito Agricultural Foundation* case challenging the 2012 EIR for the Station 3 project. The court retained jurisdiction following the District's initial return on the Writ in 2013, requiring the District to correct certain deficiencies in the final EIR before the court would discharge the writ. The Second Return is intended to inform the court of the steps taken in the 2016 EIR to address the identified deficiencies. Ms. Basham stated that the court likely would not issue an order discharging the writ or providing new instructions to the District before giving the original petitioners time to file an opposition, which could be 30 days or more. Ms. Basham also reported that while a discharge of the writ will establish that the 2016 FEIR has overcome particular deficiencies of the 2013 FEIR and therefore will resolve the *Montecito Agricultural Foundation* litigation, the 2016 EIR will still be subject to CEQA challenges based on other purported deficiencies that arose in the EIR revision process or were not litigated previously.

15. Board of Director's report.

There were no items to report at this meeting.

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

There were no additional suggestions from the Directors. The Board took a break at 4:07 p.m. The Board reconvened at 4:15 p.m. and moved into closed session.

17. CLOSED SESSION –

A. Conference with Legal Counsel – Existing Litigation [Government Code section 54956.9 (d)]

Montecito Agricultural Foundation v. Montecito Fire Protection District, Santa Barbara Superior Court Case No. 1401924

The Board reported out of closed session at 5:40 p.m. There was no reportable action.

The meeting was adjourned at 5:45 p.m.

President John Abraham Powell

Secretary Sylvia Easton