

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
MONTECITO FIRE PROTECTION DISTRICT
Held at Fire District Headquarters, 595 San Ysidro Road, September 20, 2010.

The meeting was called to order by President Jensen at 8:36 am.

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. **Personnel Announcements: 30 Year anniversary of Captain Kirk Johnson, introduction of new dispatcher, Leslie Muller, promotional announcements for Jeff Villarreal and Richard Lauritson, and retirement announcement for Tom Van Homer.**

Chief Wallace introduced Leslie Muller, the District's new dispatcher, Richard Lauritson, who was recently promoted to Engineer, and Jeff Villarreal, who was recently promoted to Captain. Chief Wallace also acknowledged Kirk Johnson, who just celebrated his 30 year anniversary with the Fire District.

3. **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 reviewed the eminent domain procedures and advised that a hearing on the matter is scheduled on Nov 2, 2010. He advised that this hearing will be for the court to consider whether or not the District has the right and the need to be given possession of the easement and allow road construction to begin. This hearing will not decide the amount to be paid.

Mr. Magnussen, Ms. DeSitter's attorney, advised that they made a proposal to the neighbors on August 18 and have yet to hear back from anyone.

Mr. Connelly asked why the neighbors need to negotiate if the case is now pending in court. Mr. Amspoker advised that there is nothing requiring the owners to negotiate in connection with the eminent domain case on file. He advised that a settlement could be negotiated outside of the eminent domain if the property owners and Ms. DeSitter choose to discuss it on their own.

Ms. Collins reviewed the owners report, stating that engineering will be complete this weekend for the installation of a fire hydrant. She stated that Mr. Harris of Santa Barbara Country Office of Emergency Services is working with her and he believes there are federal funds available to pay for the hydrant on Upper Hyde and Lower Hyde as well. They are now looking into different financing options.

Ms. Noel stated that she has a prescriptive easement and would like to claim her use of this easement. She wanted to clarify that she only agreed to option 3 because she believed it would facilitate the overall process.

The Board took no action.

4. 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 entered closed session at 9:04 am and combined Agenda Item 4, Conference with legal counsel existing litigation, and Agenda Item 5, Conference with Real Property Negotiators (Government Code Sec. 54956.8) Property: portions of APN 155-070-008, 2500 East Valley Road, Montecito.

The Board reconvened at 9:33 am. Mr. Manion reported that Counsel updated the Board on the status of Santa Barbara Superior Court Case No. 1371200, and no reportable action was taken

5. 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.

Mr. Manion 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.

6. Approval of Minutes of August 16, 2010 Regular Meeting.

The minutes of the August 16, 2010 Regular Meeting were unanimously approved on a motion made by Director Venable, seconded by Director Newquist.

7. Approval of District warrants and claims.

The warrants and claims of August were unanimously approved on a motion made by Director Newquist, seconded by Director Jensen.

8. Approval of Resolution 2010-11 amending Appendix A of the District's Conflict of Interest Code, adding District Counsel and all shift Battalion Chiefs.

Chief Wallace advised that District Counsel was added to the District's Conflict of Interest Code. In the past, they have filed as consultants, however we were advised by the County that they should be listed separately. Additionally Battalion Chief in Charge of Supplies was changed to (all) Battalion Chiefs, and Administrative Secretary was changed to Administrative Assistant.

On a motion made by Director Venable, seconded by Director Jensen, Resolution 2010-11 amending Appendix A of the District's Conflict of Interest Code was unanimously approved by the following roll call vote:

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

9. Approve Vehicle Replacement Plan

Chief Wallace advised that the vehicle replacement plan was last updated in 2005. Since that time, the equipment has been renamed, costs have increased, there was a reorganization of the fleet, and funding has been created for the addition of a new engine for Station 3.

On a motion made by Director Newquist, seconded by Director Venable, the Board unanimously approved the new Vehicle Replacement Plan.

10. Adopt Resolution 2010-12 regarding Fiscal Year 2010-11 Final Budget.

Chief Wallace reviewed the Final Budget, which reflects an increase of .89% over last year's budget, adding that this is the lowest increase in over 24 years. He advised that the Prop 1A securitization funds were reimbursed, which provided additional funding to this budget.

He advised that a large amount is allocated to the replacement of 30 Scott SCBA's, which are currently non compliant with Cal OSHA standards.

On a motion made by Director Venable, seconded by Director Newquist, Resolution 2010-12 in the matter of the Adoption of the Final Budget for the 2010/11 Fiscal Year was unanimously approved by the following roll call vote:

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

11. Approve Resolution 2010-13 regarding environmental and planning analysis for a potential site for a new District Fire Station Three at 2500 East Valley Road and approving Option Agreement, for portions of APN 155-070-008, with the Petan Company, including CEQA notice.

Mr. Manion reviewed the history, research, studies and procedures that have taken place over the past several years to determine the need for a 3rd Station. He explained that Resolution 2010-13 approves an Option Agreement between the District and Petan Company and authorizes the Fire Chief to execute it. The resolution also orders a CEQA notice of exemption.

On a motion made by Director Newquist, seconded by Director Venable, Resolution 2010-13 regarding environmental and planning analysis for a potential site for a new District Fire Station Three at 2500 East Valley Road and approving Option Agreement, for portions of APN 155-070-008, with the Petan Company, including CEQA notice was unanimously approved by the following roll call vote:

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

12. Approve the first reading by title only of 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 and scheduling a public hearing on October 18, 2010 for the subsequent adoption of the ordinance.

Mr. Manion explained that the California Building Standards Codes, including the California Fire Code, are adopted every 3 years. He advised that the District has made amendments to these codes in the past, including the California Building Code regarding roofing requirements. Any amendments made to the California Building Code requires ratification by the Board of Supervisors.

Chief Gregson advised that the 2010 California Residential Code includes a provision that requires all new residential occupancies to install sprinklers. The District includes an amendment of the California Residential Code which eliminates an exemption for retrofits on existing residents, consistent with the District's previous requirements. He explained that two thresholds must be met for a retrofit to require the installation of sprinklers: a cumulative addition of 1000 square feet, and that the dwelling be 3500 sq foot or larger.

Director Newquist suggested that the District the media, residents and insurance companies be advised of these changes. Director Venable suggested escrow companies be given the information.

On a motion made by Director Newquist, seconded by Director Venable the Board unanimously authorized Ordinance 2010-1 to be introduced as read by title only, and that

a public hearing on adoption of the Ordinance would be set at the Board's regular meeting at 8:30 a.m., October 18, 2010, at District headquarters, and that notice of the public hearing be published as required by law."

On a motion made by Director Venable, seconded by Director Newquist, the Board unanimously authorized the Secretary to certify true copies of the 2010 California Fire Code and such certification and one copy of the 2010 California Fire Code to be kept on file at District headquarters at least 15 days prior to October 18, 2010, and ordered that the Fire Chief transmit a copy of Ordinance 2010-1 to the County of Santa Barbara for their review and comment as required by Health and Safety Code section 13869.7 (b))."

13. Consider Board workshop and potential agenda items.

Chief Wallace advised that he did not receive any input or suggestions for a Board Workshop since the previous meeting. Director Newquist stated that this should be considered at a future date if they feel it is necessary.

The Board took no action.

14. Fire Chief's report.

Chief Wallace reported that there has been no statewide fire activity, due in part by this having been the coolest summer on record; the second coolest was in 1955. He did remind the Board that the Refugio Fire did occur in October 1955 which had a similar summer weather pattern.

The Board took no action.

15. Board of Directors report.

The Board took no action.

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

The Board took no action.

Director Jensen adjourned the meeting at 10:10.

John Venable, Secretary

Roland J. Jensen, President