MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS

MONTECITO FIRE PROTECTION DISTRICT

# Held at Fire District Headquarters, 595 San Ysidro Road, May 20, 2013 at 3:04 p.m.

**The meeting was called to order by Director Venable 3:00 p.m.**

**Present**: Director Venable, Director Powell, Director Jensen, and Director Sinser. Director Keller was absent. Chief Hickman and District Counsel M. Manion 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.)**

Sylvia Easton complimented the District on the neighborhood clean up and fire prevention activities, reviewed weather conditions that may contribute to fire risks, and commented on her concern with staff’s ability to provide outreach, education and fire service activities due to workload created by Board requests and pubic printing requests.

Bret Matthews stated that he agreed with Ms. Easton and felt the Board should prioritize prevention and outreach to help come up with plans and funding to assist in preventing the next fire.

Travis Ederer reported on Montecito Firemen’s Association activities including participation with the Quest Burn Relay; extreme fire behavior exhibited at the Spring Fire and how defensible space created around the homes saved many structures on that incident.

1. **Report on District audit FY 2011-12 from representatives of the Santa Barbara County Auditor’s Office.**

Heather Fletcher and KyleSlattery of the Santa Barbara County Auditor’s Office reviewed the District’s audit for FY 2011-12 and explained its contents including: the purpose of the audit; auditor’s recommendations; addition of the District’s MD&A; financial statements; required supplementary information and new GASB accounting standards, specifically GASB 68 which requires accounting and reporting of pension plans.

Mr. Slattery pointed out that “there is some increased risks to early adoption of GASB 68 because no one else has done it. Being one of the ‘leaders’ in something this significant can pose additional risks… Without comparables, or other Districts to look and discuss the issues with you may run into some ‘first leader’ problems.”

Director Sinser asked how they felt about CalPERS’ ability to prepare an accurate actuarial of the District’s liabilities. Mr. Slattery advised that their actuarial will be acceptable and their work is also audited.

Director Sinser asked that the Finance Committee be provided a list of communications and recommendations that the auditors have had with the District that were not included in the audit.

The Board took no action.

1. **Accept District audit FY 2011-12 from the Santa Barbara County Auditor’s Office, including the District’s Management Discussion and Analysis.**

On a motion made by Director Sinser, seconded by Director Powell, the Board unanimously accepted the District audit FY 2011-12 from the Santa Barbara County Auditor’s Office, including the District’s Management Discussion and Analysis.

1. **Review Staff Report on proposed selection of Broker of Record for Worker’s Compensation Insurance.**

Chief Hickman stated that this was previously presented to the Finance Committee which was unable to come up with a recommendation for the Board. He reviewed the Staff Report that recommended that the Board select the services of SullivanCurtisMonroe to represent the District as Broker of Record for Worker's Compensation Insurance.

Director Sinser made a motion to support staff's recommendation to approve a contract between the District and SullivanCurtisMonroe. The motion was seconded by Director Jensen.

Chief McElwee explained the process that was used to interview and select a Broker of Record, including how many were considered, issues relating to fire service liabilities, the affect of frequency of claims, and how a Broker of Record will be an advocate to help reduce claims and costs.

Public comment included Mr. Hazard challenging the Board to operate in the most efficient and best manner possible, suggesting that the District find 10 others Fire Districts similar in size and benchmark all of the issues being reviewed including pensions, healthcare and worker's compensation issues.

Travis Ederer reviewed the problems that Scott Edwards had with State Compensation when he injured his hand on duty, adding that he and the Montecito Firemen's Association support the idea of using the 3rd party Broker.

Director Powell asked to change the motion to: approve and authorize the execution of a contract with SullivanCurtisMonroe for the term of one year with the option to terminate by either party for convenience. The new motion was seconded by Jensen.

The motion was approved unanimously.

1. **Provide direction regarding Strategic Planning Committee recommendation to authorize the Fire Chief to enter into a contract for lease for Gibraltar Peak.**

Chief Hickman and Director Powell reported that this was presented to the Strategic Planning Committee who recommended that the Board authorize the Fire Chief to enter into a contract to lease space on Gibraltar Peak for improved radio coverage.

Chief McElwee explained how this site was selected and how it will improve service throughout the District with greater redundancy.

On a motion made by Director Powell seconded by Director Sinser, the Board unanimously authorized the Fire Chief to enter into a contract for lease for Gibraltar Peak.

1. **Authorize the Fire Chief to enter into an agreement with the Nature Conservancy for communication equipment installation on Diablo Peak on Santa Cruz Island.**

Chief McElwee reviewed this project and how this additional location that will improve radio coverage in the canyons and the bluffs. He also stated that we have worked with other agencies to share in costs to get to the island.

Chief Hickman reported that this was budgeted in the 2012/13 FY budget and reviewed the costs associated with its installation.

On a motion made by Director Powell, seconded by Director Sinser, the Board unanimously authorized the Fire Chief to enter into an agreement with the Nature Conservancy for communication equipment installation on Diablo Peak on Santa Cruz Island.

1. **Accept FEMA 2012 AFG Communications Grant.**

Chief Hickman reported that the District joined with Carpinteria/Summerland Fire and Santa Barbara City Fire in applying for a common , 80/20 cost share grant for communications equipment and radios. He advised that the District will receive $62,987. The District's cost share portion of $12,597 has been included in the FY 2013/14 preliminary budget.

On a motion made by Director Powell, seconded by Director Jensen, the Board unanimously accepted FEMA 2012 AFG Communications Grant **#**EMW-2012-FR00340.

1. **Authorize the Fire Chief to enter into an agreement with Santa Barbara City Fire Department and Carpinteria-Summerland Fire District regarding administration of the AFG Communications Grant.**

Chief Hickman advised that the agreement was drafted by Santa Barbara City Fire Department to allow them to administer the grant and assist in managing how the three participating agencies procure the equipment.

On a motion made by Director Powell, seconded by Director Jensen the Board unanimously authorized the Fire Chief to enter into the proposed agreement pursuant to the 2012 AFG Communications Grant Request Survey financial numbers on behalf of the Montecito Fire Protection District.

The Board took a recess at 4:31 p.m. and reconvened at 4:45 p.m.

1. **Consider presentation to Board from Bob Braitman of LAFCO for future meeting.**

Chief Hickman advised that this request came from Director Sinser for consideration of the Board.

Public comment included commentary from Dan Eidelson who expressed his concern that Mr. Braitman contract was not renewed with LAFCO, that he has been a controversial figure, and recommended that the Board wait to bring in LAFCO's new representative Paul Hood if a presentation is wanted.

Phyllis Marble stated that the Board has a lot of things they are currently addressing and this may be something they should postpone to a future date.

The Board discussed the benefits of having a LAFCO presentation, and considered the recommendations made in public comment, including postponing this to a later date, but took no action.

1. **Review Preliminary Budget proposals for FY 2013-14.**

Chief Hickman advised that the preliminary budget has already been presented to the Finance Committee, and he wanted to provide a preview of the proposed preliminary budget for the General Board to see before it must be approved at the next Regular Board Meeting.

Chief Hickman explained that the $300,000 allocated to the communications system will be carry over for a project that was approved in the FY 2012/13 budget, but we were unable to complete. He explained that the expense details for this system will be spelled out in detail in the final budget.

The Board took no action.

1. **CLOSED SESSION - Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a)).**

***Name of Case:* Montecito Agricultural Foundation, an Unincorporated Association vs. Montecito Fire Protection District; Board of Directors of the Montecito Fire Protection District; and DOES 1-10 Respondents, Petan Company, a California Limited Partnership; Palmer G. Jackson; and DOES 11-20, Real Parties in Interest, Santa Barbara Superior Court Case No. 1401924.**

The Board entered closed session at 5:00 pm. and reconvened into open session at 5:34 p.m.

Mr. Manion advised that there was no reportable action.

1. **Staff Report from Prevention on how they bid out projects.**

Jeff Saley provided an overview of the criteria used to select contractors for the District's neighborhood projects. He explained that each project is contracted individually based on the criteria listed in the staff report and the contractor's availability.

The Board discussed how the contractors are currently selected, and concern that there may be an appearance of favoritism. It was suggested that the District consider the costs of all the projects as a single cumulative project instead of individual projects, and bid it out in that manner on an annual basis in the future.

During Public comment, Sandie Owens suggested that the Board consider initiating a 2-3 year contract with the service provider in the future.

The Board took no action.

1. **Approval of District warrants and claims.**

After an explanation of payments to Branch out tree care, Air Bottles, and overtime, the Board unanimously approved the District's warrants and claims on a motion made by Director Powell, and seconded by Director Jensen.

1. **Provide direction on when District’s counsel should attend Board meetings.**

Director Sinser advised that he requested this be added to the agenda for consideration and Board discussion.

The Board discussed the benefit of having District Counsel at Board meetings, including current litigation, new issues, support with motions and Board actions, support with brown act issues, and other legal issues.

Chief Hickman supported the continuance of having District Counsel at Board meetings and suggested that the agenda could be organized so that things that would most benefit from Counsel's presence be grouped and dismiss Counsel if the Board felt it was unnecessary for them to stay for all items.

A motion was made by Director Sinser that the Board should be more judicious about District Counsel’s required attendance at Board Meetings.

The motion died for lack of a second and the Board took no action.

1. **Provide direction to all Committees regarding Committee authority to take action independent of Board review/authorization.**

Director Sinser advised that he requested this be on the agenda for discussion because it appears that whatever a committee decides or recommends, requires the full Board's approval. He advised that he feels Committees should be able to make decisions independently without it needing to come before the full Board, using the example of the Community Outreach Committee's recommendation to purchase business cards for the Directors.

Mr. Manion explained that the expenditure of funds or the commitment of staff resources without the Board's approval could be considered an illegal delegation of power. He advised that the resolutions that establishing the committees could be amended to allow for more authority, but cautioned that it could be problematic.

Chief Hickman explained that the reason the business cards are on the agenda is not because of the cost or expenditure, but because it was a specific and new recommendation made by the Community Outreach Committee, and there were several suggested and recommended changes to the design and content of the cards.

The Board took no action.

1. **Provide direction regarding Finance Committee recommendation to authorize the Fire Chief to increase rental rates for Employee Housing.**

Director Powell advised that he would have liked to have seen a staff report and market rates for comparisons to consider for this agenda item.

Chief Hickman explained that the District has a policy that allows for increased rental rates and this, along with other information relating to this topic was presented to the Finance Committee for vetting and consideration. After receiving this report, their recommendation was to authorize the Fire Chief to increase the rates as necessary. He expressed concern with having to make full staff reports and presentations on this and other items to both the designated Committee and to the Board.

Director Powell suggested that the Committee’s Chairperson should create and present a "digested" packet of information supporting their recommendations when they make a recommendation to the Board.

Director Venable made a motion to authorize the Fire Chief, at his discretion, to increase the rental rates for the employee housing. The motion was seconded by Director Sinser.

Chief Hickman advised that he has evaluated the existing rental rates, and if the Board authorizes him to make adjustments, he will re-engage with the employees to see if there is any new interest in the housing that is currently not rented by District employees.

Director Venable called for the vote to authorizing the Fire Chief, at his discretion, to increase the rental rates for the employee housing. Director Sinser, Director Venable and Director Jensen voted in favor, Director Powell abstained.

1. P**rovide direction regarding Community Outreach Committee recommendation to purchase business cards for Directors.**

On a motion made by Director Sinser, seconded by Director Powell, the Board unanimously directed staff to purchase calling cards for the Directors.

1. **Provide direction regarding Community Outreach Committee recommendations for website upgrades.**

On a motion made by Director Sinser, seconded by Director Venable, the Board unanimously approved the recommended website changes.

1. **Provide direction regarding Community Outreach Committee recommendation that staff submit weekly listing of significant or unusual incident responses for a column in the Montecito Journal.**

Director Sinser reviewed this recommendation explaining that the idea would be for the information to be similar to the "Sherriff's Blotter" in the Montecito Journal. It will require staff to communicate the information to the Montecito Journal by noon on Mondays. When asked why this should go specifically to the Montecito Journal, he explained that it is because they have offered free space for the information. It was suggested that the information be sent to all three of the major print news and let them decide if they want to print it or not.

On a motion made by Director Sinser, seconded by Director Powell, the Board unanimously directed staff to submit weekly listing of significant or unusual incident responses to the three local news papers.

1. **Provide direction regarding Community Outreach Committee recommendation that the District submit a letter to all community organizations, schools, home owner associations, churches, and civic organizations informing them that the District is willing to meet with them and provide information and educational presentations.**

Director Sinser reviewed the intent of this recommendation, emphasizing that the Outreach Committee feels that there should be more outreach offered to the Community, including the representation of Board members.

Phyllis Marble expressed concern with Directors speaking on behalf of the District with so little Fire District experience.

Mr. Manion stated that typically, when an agency offers these kinds of outreach services, it is a staff person who responds and represents the agency. Being a Director does not relieve the Director of their constitutional rights to speak in public, and they have the right to identify themselves as a Director, but they do need to make a point of stating that they are speaking as an individual, not speaking on behalf of the Board. He added that the Board could, if they desired, authorize a Director to speak at a specific location on a specific issue.

Director Powell made a motion authorizing the District submit a letter to all community organizations, schools, home owner associations, churches, and civic organizations informing them that the District is willing to offer staff (not Board Members) to meet with them and provide information and educational presentations. The motion was seconded by Director Jensen.

Director Sinser stated that not including Board members would substantially reduce impact that the Outreach Committee intended.

Director Venable called for the vote: Director Powell, Director Venable, Director Jensen voted in favor of the motion; Director Sinser opposed.

1. **Fire Chief's report.**

The Fire Chief reported on responses to the Monrovia Fire and Spring Fire; a motorcycle vs vehicle fatality on East Valley Road; District participation at the Westmont Preparedness Drill; MERRAG activation for the Amgen tour of California; six car seat installations; fire safety/preparedness presentation scheduled for the Young Presidents Organization; and Hazard abatement notices being sent out June 1.

The meeting was adjourned at 7:13 p.m. and a Special Meeting was scheduled for May 29, 2013 at 4:00 p.m.