

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

Held at Fire District Headquarters, 595 San Ysidro Road, August 19, 2013 at 3:00 p.m.

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

**Present:** Director Venable, Director Keller, Director Powell, and Director Sinser. Director Jensen 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.)**

There was no public comment.

- 2. Provide direction to District staff regarding the Environmental Impact Report for the Station 3 Site Acquisition and Construction Project located on East Valley Road on a portion of APN 155-070-008.**

Director Sinser removed himself from the dais.

Chief Hickman reported that he made contact with AMEC and Price, Postel and Parma (PPP) to determine what they are willing to do to address the Environmental Impact Report (EIR) deficiencies determined in the lawsuit.

Dan Gira of AMEC stated that his firm was willing to provide the information necessary to address the deficiencies identified by Judge Anderle, as well as reproduce and redistribute the new EIR at no cost to the District. Mr. Manion of PPP added that they are willing to review the new EIR at no cost to the District as well.

Public Comment:

Bob Hazard asked if the impacts of the Highway 101 construction to traffic will be addressed in the new EIR. Mr. Gira stated any updated information gathered on response times could be included in the new EIR.

Director Sinser stated that the sequence of completing the Standards of Cover study and the revisions to the EIR should be considered.

Joe Cole also felt the Board should focus on the studies first, and consider why the EIR wasn't fixed when he pointed out the issues last January, or when the Montecito Agricultural Foundation filed their petition. He suggested that the Board "fulfill their duty of inquiry" on these issues.

Sally Jordan stated that she and many others would like to see the EIR move forward immediately and simultaneously as the proposed studies are pursued.

Sylvia Easton stated she supports moving forward with the EIR.

The Board reviewed the options offered by AMEC and PPP, including the possibility of postponing the revisions to the EIR until the studies are completed. Mr. Gira discussed the issues relating to delaying the revisions. He added that the offer to revise the EIR did not have a "hard and fast" deadline, but AMEC would prefer that they move forward sooner than later.

After additional discussion, Director Keller made a motion to table this topic for consideration at the next meeting so that Director Jensen can participate in the decision and more information may be available relating to the proposed Standards of Cover Study. The motion was seconded by Director Powell and passed unanimously.

### **3. Fire Chief's report.**

(1) Fuel moistures at critical levels; (2) August 21 Montecito Planning Commission presentation; (3) upcoming interviews for Standards of Cover RFQ; (3) July 17 "Chat with the Chief"; (4) two employees on fire assignment with Los Padres Team 7; (5) final budget planning; (6) hiring process for paramedics; (7) recent meeting with broker of record; and (8) review of July false alarm calls.

The Board asked to have the Outreach Committee research educating the community on false alarm responses, and asked that the Personnel Committee agendize researching methods to encourage diversity in the workplace.

### **4. Board of Director's report.**

Director Sinsler reported that he contacted the Sanitary District and found that they are not as dependent on the county for their financial support, such as accounting, payroll, and auditing. He plans to meet with other Districts to determine how they do business as well.

Director Powell reported that he was invited to attend the Montecito Planning Commission Disaster Preparedness presentation.

The Board took no action.

### **5. Report from the Strategic Planning Committee (Copy of Agenda for Strategic Planning Committee Meeting Attached).**

Director Powell reported that the Strategic Planning Committed had planned to draft a Request for Proposal (RFP) for enhanced Standards of Cover Study with an enhanced Risk Assessment, but opted to delay the issuance a RFP until after the firms that submitted their qualifications participate in an interview process.

The Board took no action.

### **6. Report from Director Powell regarding research on District's policies on Tea Fire Rebuilds.**

Director Powell reported that the residents on Upper Hyde Road have completed a draft engineering document which will be submitted to the District for review. They are still trying to decide whether or not they will need the Community Facilities District to fund the project.

Public Comment:

Ivana Noel reviewed the funding issues she is currently dealing with and asked the District to issue a letter to the county acknowledging the delays that have impacted the building process so that she may be able to get an extension on her permit.

Ms. Noel's attorney reviewed the situation and stated that Ms. Noel's SBA loan requires that it take first order on title which the Community Facilities District does not allow for.

Mr. Manion stated that an individual property owner cannot opt out of the Mello-Roos; the only way to eliminate the recorded lien would be to dissolve the Community Facilities District.

Roger Collis advised that he will ask the home owners to indicate (in writing) what their position is on the Community Facilities District, and ask that they cc: Director Powell, Director Venable, and the Fire Chief with their responses.

Chief Hickman asked Ms. Noel to email him with the information she needs included for a letter to the county.

The Board took no action.

The Board took a recess at 4:45 pm and returned at 4:55 pm.

**7. Correspondence regarding pending litigation between Montecito Water District et al. and Price, Postel & Parma et al.**

Chief Hickman reviewed the background of the letter provided by PPP's counsel, Robie & Matthai.

The Board discussed the original request for this information.

The Board took no action.

**8. Review process of rescheduling Board meetings.**

Director Sinsler advised that he was concerned with the large number of schedule changes and feels that schedule changes should be kept to a minimum. If the Fire Chief and staff are unavailable, others can fill in for them.

Public Comment:

Ms. Easton stated that the Board is dealing with many issues, and suggested that they consider reducing the Board and Committee Meeting work-load on staff so that they can do other aspects of their jobs.

Chief Hickman reviewed the challenges of holding meetings when he and Geri Ventura are unavailable to prepare for and attend meetings.

The Board took no action.

**9. Report from the Fire Chief on Carpinteria Fire District's costs to research Price Postel & Parma's legal services to the Fire District relating to Robert Ornstein's letter dated 2/17/13 and provide direction.**

Chief Hickman reported that he contacted the firm used by Carpinteria-Summerland Fire Protection District (CSFD) to respond to Mr. Ornstein's requests. He reviewed the differences in circumstances and advised that their firm felt a similar audit, or review of PPP's services would cost approximately \$50,000. CSFD's response to Mr. Ornstein's letter cost approximately \$1,500 because it required minimal research; this is largely in part because CSFD has not had the same amount of interaction and necessity for legal counsel as our District has had in the past several years.

Director Keller stated that she did not feel they requested an audit, but instead were concerned with any potential conflicts that may arise if PPP represents the District and other firms or agencies that also contract with them for services.

Mr. Cole reviewed the Board's duty of inquiry and potential conflicts of interest.

Mr. Hazard asked what the Water District's allegations are against PPP.

Director Powell suggested that once a decision is reached on the litigation, the Board can revisit this issue.

The Board appointed Director Keller to read through the litigation documents available to the public and give a report back to the Board on her findings at a future meeting.

**10. Provide direction on consideration of, and process for agendaing issues brought to the Board from the public.**

The Board discussed the process for adding agenda items to Board meetings. The Board President has the discretion to set the agenda with the Fire Chief and Staff. Directors can make additions based on suggestions made by the public, with approval of the President or with consensus of the Board.

The Board took no action.

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

After an explanation of income from employee rental units, and payments made to LAFCO, CalPERS, overtime, ADP, LN Curtis, FAIRA liability insurance, shift calendars, South Coast Emergency Vehicles Repair, Streamline Office Solutions, Ron Turley, overtime, and PPP, the warrants and claims for July were unanimously approved on a motion made by Director Sinsler, seconded by Director Powell.

Chief Hickman reviewed the costs associated with the new high fire season staffing model.

**12. Consider acceptance of donation of beds by "Sit & Sleep".**

Chief Hickman reviewed the offer from Sit & Sleep to donate new beds for both stations.

On a motion made by Director Powell, seconded by Director Keller, the Board unanimously accepted the donation of beds, with the stipulation that Sit & Sleep will not use the District's name or filmed footage of the donation for any subsequent marketing without the District's express written permission.

**13. Approval of Resolution 2013 –13 regarding the rules and regulations for the purchase of supplies and equipment.**

Chief Hickman and Director Sinser reviewed the process that brought the proposed changes to this resolution.

Director Powell made a motion to increase the limits in the resolution from \$10,000 to \$15,000, and approve Resolution 2013 –13 regarding the rules and regulations for the purchase of supplies and equipment as amended. The motion was seconded by Director Keller.

After additional discussion, Director Sinser amended the motion to increase the limits in the resolution from \$10,000 to \$20,000. The amended motion was seconded by Director Keller, and approved by the following roll call vote:

Ayes:	G.B. Sinser, J.A. Powell, J. Venable, and S. Keller
Noes:	None
Abstain:	None
Absent:	R.J. Jenson

**14. Approval of Resolution 2013 – 14 regarding the capital assets policy.**

Chief Hickman advised that making this change would be consistent with the capital assets policy used by Santa Barbara County. On a motion made by Director Keller, seconded by Director Venable, Resolution 2013 – 14 regarding the capital assets policy was approved by the following roll call vote:

Ayes:	G.B. Sinser, J.A. Powell, J. Venable, and S. Keller
Noes:	None
Abstain:	None
Absent:	R.J. Jenson

**15. Approval of Minutes of July 15, 2013 Regular Meeting.**

Director Keller suggested that the public comment be changed to read "She pointed out that he is a litigant in the lawsuit against the District, and feels that those who have a vested interest in litigation against the district should identify themselves as such."

On a motion made by Director Keller , seconded by Director Powell, the minutes of the July 15, 2013 regular meeting were unanimously approved as amended.

**16. Approval of Minutes of July 22, 2013 Special Meeting.**

The Board made several corrections, including adding the date, and changes to the wording and content in items 7, 11 and 14.

The Minutes of July 22, 2013 Special Meeting were approved as amended on a Motion by Director Powell, seconded by Director Venable. Director Sinser abstained.

**17. Suggestions from Directors for items other than regular agenda items to be included for the September Regular Board meeting.**

Provide direction on how to move forward with Upper Hyde rebuild process.

Provide direction on moving forward with EIR.

Report from District Counsel on the process and a potential timeline for dissolving Community Facilities District (Upper Hyde Road).

Approval of Dispatch agreement with Carpinteria-Summerland Fire Protection District.

The meeting was adjourned at 7:05 p.m.