

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

Held at Fire District Headquarters, 595 San Ysidro Road, March 15, 2010. The meeting was called to order by President Jensen at 8:30 am. Present were Chief Wallace, Director Jensen, Director Venable, and Director Newquist. District Counsel T. Amspoker, and E. Hvolbøll, as well as approximately 20 members of the public were also present.

1. Mr. Krock presented a letter to the Board, which is attached to these minutes.

2. Supervisor Carbajal advised that he has been asked to be at a Montecito Fire Board meeting many times; however, his schedule has prevented his attendance. He advised that he is pleased with a good relationship that his office has with the Fire District, and complimented the District on its extraordinary Fire Chief, Kevin Wallace.

The Board had no questions for Supervisor Carbajal and took no action.

3. Santa Barbara County Fire Chief Dyer thanked the Board for inviting him to the meeting. He advised that he and Chief Wallace have worked cooperatively to enforce the fire codes in a way that is consistent. He also complimented Chief Wallace on dealing with regional fire issues and operational issues. He stated that he is looking forward to working together on Ready! Set! Go! program as we prepare for the upcoming fire season.

Director Venable asked if we will have air support from Santa Barbara County this fire season. Chief Dyer advised that they do plan to have their helicopter available, but they are going through budget issues, so it cannot be guaranteed. They plan to staff both helicopters (County Fire and the Sheriff's), their hand crews and dozers when fire weather is present.

Director Newquist asked if the tanker base will be in Santa Barbara or Santa Maria. Chief Dyer advised that the current plan is to utilize Paso Robles, but the County Chief's, including Chief Wallace, are working on a letter to raise the question and get the tanker base reestablished at Santa Maria.

Supervisor Carbajal added that although the County is dealing with budget issues, he has no intention of cutting fire support, specifically air support.

Ms. Collins thanked Supervisor Carbajal's office, Michael Harris of OES, the Fire District Board, Fire District Counsel, Chief Wallace and Fire District Staff for their ongoing partnership in dealing with their rebuilding efforts.

The Board took no action.

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4. Ms. Ventura read several minor corrections to minutes including incorrectly identifying Ms. Friedman as Ms. Richardson. Mr. Hvolbøll suggested that the Fire Chief, Ms. Ventura and District Counsel bring examples of other board's minute format to consider. He advised that minutes must record the actions that are taken, and are not required to be verbatim. Montecito Fire has always had very lengthy descriptive minutes, and suggested that the Board review how other boards record their meetings as an agenda item at the next meeting. Director Venable pointed out that there is a lot of beneficial testimony recorded in the minutes.

On a motion made by Director Venable, seconded by Director Newquist the Board unanimously approved the minutes as corrected.

5. On a motion made by Director Newquist, seconded by Director Jensen the warrants and claims from February were unanimously approved.

6. Mr. Amspoker advised that the "Agreement for Issuance of Fire Protection Certificates and Completion of Upper Hyde Road Improvements." has been signed by all property owners and Director Jensen and will be recorded at the County.

The Board took no action.

7. Mr. Amspoker advised that the property owners in the Upper Hyde neighborhood have signed a petition to establish a Special Assessment District. A Special Assessment District requires a subsequent vote approved by 51% of the property owners. An engineer would need to determine each property owner's fair share. He advised that Mr. Ferguson stated that there can be legal vulnerabilities in establishing a Special Assessment District and recommends instead the establishment of a Mello-Roos District. A Mello-Roos District requires 2/3 approval from all owners and is less vulnerable to lawsuits. The property owners have already determined what is they feel is fair and have an agreement established. Mr. Ferguson advised Mr. Amspoker that their agreement could be applicable for Mello-Roos District and could be utilized to apportion the costs. This would eliminate the need for an engineer which would help bring down their costs.

Mr. Amspoker advised that if the Board wanted to proceed with moving forward with a Mello-Roos District, a petition would need to be prepared and signed by the property owners. If there is unanimous approval on the petition, there are certain timelines that can be shortened. He then provided a draft Mello-Roos District petition that was developed by Mr. Ferguson. Mr. Ferguson's agreement for legal services and the draft Mello-Roos District petition are attached to these minutes.

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He advised that in order for the Board to move forward, they would need to formally hire Mr. Ferguson as special counsel for the Fire District and hire a special tax consultant who would put together the appropriate documents.

Mr. Ferguson provided 3 proposals for a special tax consultant. Mr. Amspoker provided a brief overview of each proposal and stated that Mr. Ferguson recommended Susan Goodwin.

Mr. Amspoker advised that there would need to be more hearings and the property owners would need to submit the petition at a future meeting. Additionally, the road would have to be in public ownership, and no County agencies have indicated that they would be willing to own the road.

Director Venable asked if there could be any form of cost recovery for the Fire District's expenses in the establishment of a Mello-Roos District. Mr. Amspoker stated that all costs can be folded into the Mello-Roos District.

Director Newquist asked if a government entity is required for the establishment of a Mello-Roos District. Mr. Amspoker advised that it is necessary.

Director Newquist asked if a maintenance fee could be included. Mr. Amspoker advised that it could also be included in the Mello-Roos District

Director Newquist asked why is Montecito Fire was chosen as the agency to pursue this. Mr. Hvolbøll advised that this was pursued by the Fire District because was it was available and within its control.

Director Newquist asked what would happen if the Mello-Roos District is created and there is a failure in the sale of bonds. Mr. Amspoker stated that it is unlikely, but possible that could occur; if that were to happen the residents wouldn't have the necessary funds to complete the project.

Ms. Collins stated that it seems reasonable that the owners would be expected to participate financially in some of the legal fees but was concerned that the property owners have no control relating to staff and attorney expenses.

Director Venable asked if the commitment would transfer if an owner decided to sell the property. Mr. Amspoker advised that their agreement and any taxes (if a form of assessment district is approved) would be transferred.

Ms. Noel asked when it will be decided which type of special assessment district should be pursued. Mr. Hvolbøll advised that it is up to the property owners; however, the District's special counsel is suggesting that it might be better to submit a different petition pursuing a Mello-Roos District.

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Mr. Amspoker advised that the Board could approve hiring Mr. Ferguson as special counsel and require that he not proceed until the petition is signed by the property owners.

On a motion by Director Newquist, seconded by Director Venable, the Board unanimously approved hiring Mr. Ferguson as special counsel adding the stipulation that he not proceed until the Mello- Roos petition is signed by the property owners.

8. Mr. Hvolbøll stated that there has been no communications from Mr. Jackson or his attorneys for several months regarding a site for proposed station 3. He advised that he contacted AMEC, the District's environmental consultants, and asked what kind of environmental documents would be necessary to proceed with the acquisition of property for Station 3.

Dan Gira of AMEC indicated that the District will probably need a mitigated negative declaration, which would include a minimum of three specific studies that he needs from outside sources before he could proceed.

Mr. Hvolbøll recommended that the Board approve AMEC hiring the appropriate consultants to provide the three studies Mr. Gira needs. The first would be a Phase 1 cultural resources survey and records search estimated to cost \$3,000. The second report would be a focused traffic study on Mr. Jackson's property, estimated to cost \$2850. The last study would be an arborist's report to inventory the trees that are on the proposed site, estimated to cost \$2800.

Mr. Hvolbøll recommended that the consultants provide studies for both locations on the Jackson parcel being considered. The estimated fees include both locations.

Mr. Hvolbøll advised that AMEC's estimate for the mitigated negative declaration is \$48,000. Director Newquist asked if these studies are required to obtain the property. Mr. Hvolbøll stated that the studies are part of CEQA requirements, but who is hired to perform them and when is up to the Board. He advised that these are the background documents that will help to move the process along, and will be ready if and when they do the full environmental review and purchase the property.

Director Newquist asked if the documents would be necessary if they decided to purchase the parcel now, but because of timing and economic situations that they deferred the process of building the facility. Mr. Hvolbøll stated that the studies and reports are required to purchase the property regardless of when construction begins.

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On a motion made by Director Newquist, seconded by Venable the Board unanimously approved authorizing AMEC to engage the Phase 1 cultural resources survey and records search estimated to cost \$3,000; a focused traffic study estimated to cost \$2850, and an arborist report estimated to cost \$2800.

9. At 9:50 am the Board went into closed session pursuant to Government Code Section 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/Palmer G. Jackson/Petan Company, a California limited partnership. Under negotiation: Price and terms of payment. Those present in the closed session included Director Jensen, Director Venable, Director Newquist, Chief Wallace, Mr. Hvolbøll, and Mr. Amspoker.

The Board returned from closed session at 10:04 am. Mr. Hvolbøll advised that no decisions were made during the closed session.

10. Chief Wallace advised that Resolution 2010-04 amends the 2009/10 fiscal budget. He stated that throughout the year the District receives reimbursements for fires we've gone to. This year the combined state and federal reimbursements are approximately \$476,000. He pointed out the Tea and Jesusita Fire reimbursements go through the state for reimbursement, and at this time, the District hasn't received those funds.

He advised that one of the changes to the budget includes the addition of new 12 lead EKG machines because the Local Emergency Medical Services Agency is changing their cardiac responses. The cost of these new machines is \$55,000. There are some additional changes to the budget including the fees associated with property tax administration, and the addition of donations that were made for our hazard mitigation programs.

Director Venable asked if the Birnam Wood defibrillators will now need to be updated. Chief Wallace advised that on site defibrillators are very basic, compared to the ones our paramedics use, and will not need to be updated. Paramedic Alex Broumand explained the technical differences between basic defibrillators and the new 12 lead defibrillators.

On a motion made by Director Newquist, seconded by Director Jensen, the Board approved Resolution 2010-04 of the Governing Board of the Montecito Fire Protection District Amending the Final Budget for fiscal year 2009/2010 by the following roll call vote:

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

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11. At 10:16 a.m., the Board went into Closed Session, pursuant to Government Code section 54957.6, conference with labor negotiator to review the District's position and instruct the District's designated representative regarding salaries/salary schedules/compensation in the form of fringe benefits. District Negotiator: John Venable. Unrepresented Employees: Fire Marshal/Battalion Chief, Hourly Employees. Those present in the closed session included Director Jensen, Director Venable, Director Newquist, Chief Wallace, Mr. Hvolbøll, and Mr. Amspoker.

The Board returned from closed session at 10:32 a.m. Mr. Hvolbøll advised that the Board took no action and made no decisions during the closed session.

12. Chief Wallace recommended the Fire Marshal Battalion Chief receive a 10% staff differential making their starting monthly salary \$11,923, and increasing it to \$13,224 after six months. He also recommended that the District's hourly employees receive 2% retroactive raise as was previously given to staff, and for them to be included in Staff MOU in the future.

Director Newquist asked for counsel's recommendation on retroactive pay. Mr. Hvolbøll advised that he does not recommend retroactive pay.

On a motion made by Director Newquist, seconded by Director Venable, the Board unanimously approved giving the Fire Marshal Battalion Chief a 10% staff differential making their starting monthly salary \$11,923, and increasing it to \$13,224 after six months; the District's hourly employees be included in Staff MOU; and that the District's hourly employees receive 2% pay increase effective immediately.

13. Chief Wallace explained that Carpinteria Fire District's Dispatch committee has recommended that Montecito Fire provide their dispatch services. Their board hasn't given their final approval; however he recommended that the District add the position of a Communications Coordinator. This would be an internal promotional opportunity, however if no one is interested, we would hire from outside.

Chief Wallace advised that the District can fund the position two ways. One way is that the engineer/inspector position remain unstaffed, which would provide a cost savings to the District. Additionally, in the proposed contract with Carpinteria, includes an annual payment a little over \$80,000, with an annual increase of up to 3% of CPI.

Chief Wallace advised that the Communication Coordinator position is essential for the District to dispatch for Carpinteria Fire.

Director Newquist asked if the District has the equipment necessary to provide dispatch services for Carpinteria and if there were any down sides. Chief

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Wallace explained that we are already in the process of upgrading our E911 system which is being paid for by state, but we were doing that regardless of whether or not we dispatch for Carpinteria.

Director Newquist asked if Montecito Fire would be responsible for initiating Reverse 911 calls for Carpinteria. Chief Wallace explained that the Reverse 911 system is owned by the sheriff's dispatch center and they are responsible for evacuations and notifications. He does not believe that the sheriff would charge for the Reverse 911 services which they are responsible for. He added that Reverse 911 is one tool for making notifications, but we will be talking about other tools later in the meeting. Director Newquist asked for that presentation as he felt it was relevant to this topic.

Todd Edwards reviewed the Executive Summary of Notification Systems. He advised that he and Curtis Vincent researched ways to enhance our notification systems and augment Reverse 911 which has some limitations. FEMA studies on notification methods have indicated that only 35-40% typically get notified by Reverse 911.

Engineer Edwards advised that they researched sirens and conducted tests. Typically sirens used under wildland fire conditions often include heavy winds. Wind is a key component of how sound travels and can be an issue for the effectiveness of the sirens. Additionally, sirens are designed for exterior notification, not interior notification. He referenced a study done in Pennsylvania in a town that has a siren system for nuclear reactors; they have 110 sirens for 5 square miles and only provided 35% success rate on notifications made with this system.

Engineer Edwards advised that they considered several factors when researching notification systems include easement and maintenance issues. The more they looked into them, the less feasible sirens became.

One system they found that was being used extensively on the east coast are enhanced alert radios systems. He advised that they are similar to am/fm clock radios and can be purchased by residents for \$90-\$100. They function daily as a regular radio.

We would set up a web based server system that would enable the District to send out message instantaneously with a 90+ db tone. This system also provides a radio data system (RDS) which provides a scrolling message across the radio display. With a siren, one might hear the alert, but not know what to do and overload the E911 system with inquiries. This system provides a method to give the residents instructions. The system is also designed to send out emails and text messages as well. He feels at this is the most feasible system, and the District will be testing it soon.

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Director Newquist advised that marketing companies utilize cell phones to sell their products, and he believes that the District could utilize the same data lists to notify the community of disasters as an adjunct to these systems.

Engineer Edwards stated that the Oak Ridge National laboratory have conducted most of the research on this, and determined that texting and email are beneficial as a secondary means of notification, not primary. There is still a large part of population not using these methods of technology, particularly the older generations. The firestorms of 2007 indicated that these methods had 8% rate of effectiveness. The benefit of the enhanced alert radios system is that it offers email and text methods as an additional layer of notification. He stated that he spoke with the administering agencies that have this system in Oklahoma and Florida, and they indicated that they are happy with their systems so far.

Director Venable asked how dispatch would interface with this system. Engineer Edwards advised that the use of this system would need to be coordinated with Reverse 911. This system would not take the place of Reverse 911, but would be an adjunct to that system. The servers would be located in our district and could be used to send messages to individuals, specific geographical zones or groups such as the Board of Directors, or MERRAG. We would have complete administration of how it is utilized.

Chief Wallace advised that he began the research of siren systems after the Tea Fire, but he was disappointed in the results of the first siren test. He advised that he feels this system is a great way to get notification into the homes. He advised that the cost of the system is less than they had originally budgeted for, but that would allow for the purchase of extra radios for distribution by the District. He added that the District is already using the NIXLE alerting method that Geri Ventura set up, which enables residents to register their email and cell phones for notifications. All of these methods will work together to offer multiple layers of notification methods. Ms. Ventura and Engineer Edwards pointed out that both NIXLE and the atoneable alert radios can be activated remotely by designated administrators.

Director Newquist advised that this is another proactive program that should be used to notify the community of the services that the District provides. Director Venable advised that the Montecito Association has continually asked for the District to provide more information; this system can do that. Engineer Edwards advised that this has been around for many years, but the Oklahoma Office of Emergency Management has been using it for 3 ½ years and could not provide any cons to the system. They advised that it works very well for them.

Director Jensen complimented staff on the professional work they do for the District, such as the presentation made by Engineer Edwards.

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Chief Wallace asked if the Board had any other questions about the Communications Coordinator position. The Board had no further questions.

On a motion made by Director Newquist, seconded by Director Jensen, the Board unanimously approved the Communication Coordinator position as presented.

14. Chief Wallace referenced the report written by Chief McElwee on the District's low power AM radio station. He advised that the difficulty with the system is that it is a low power radio. Geography and foliage provide a challenge getting complete coverage throughout the District. ISS, the company that the system was purchased from, will be coming out to do more studies as we are looking at ways to improve the system. They are going to look at the possibility of using another frequency or putting the system in a different location that might provide better coverage.

Director Newquist advised that he speaks with the Douglas' who funded the AM Radio, and he often gets questions from them about the system that he can't answer and has to refer them to Chief McElwee. He feels that we need to determine if the system is or isn't a viable project. He stated that the Douglas family feels it is not viable at this time.

Chief Wallace advised that it is only a tool; one that works well when other infrastructure notification systems crash. When power grids go down, there is less interference and coverage would improve. The company will be coming out in May and should be able to provide more information after that.

Director Jensen asked if the cell phone coverage at his house would be stopped if there are power outages, as this seemed to be the case earlier that week. Chief Wallace advised that they would not be related, however, he has found the cell phone coverage near Director Jensen's house is very poor.

The Board took no action.

15. Mr. Hvolbøll advised that the County Board of Supervisors approved having the County Elections office handle the Proposition 4 Override Election scheduled for July. Additionally County Counsel has indicated that they want to write the legal analysis. He stated that he will send them a copy of the version that has been used in the past, and they will likely use most of that language. The ballots will be sent out about 29 days before the date of the election, which is July 13, 2010.

The Board took no action.

16. Director Venable asked if the Board could discuss the Miramar. Mr. Hvolbøll advised that since the Miramar was listed on the agenda as a

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discussion item with Supervisor Carbajal, it could not be discussed now, but it would be an appropriate request for a staff report on the Miramar for the April Board Meeting, or if it's more urgent, they could hold a Special Meeting to discuss this.

The Board took no action.

17. Fire Chief's Report

Mr. Hvolbøll reminded the Board that they are not allowed to discuss anything in the Chief's report. If the Board wants to have any discussion on a specific item, it would have to be put off to a future meeting.

Chief Wallace reported on several issues including the following: April 28 will be Pre Fire Season Media Day at Skofield Park; FDAC Annual Conference in Tahoe on April 22-24; his work with the County Chiefs developing a position paper to be submitted to the Forest Service regarding the Santa Maria Tanker Base; review of the Fire District's code enforcement at Miramar; and the Annual Officer and Staff Workshop on March 24-25.

Mr. Hvolbøll reminded the Board that the Fire Chief has discretion to enforce the laws. Any enforcement actions that the Fire Chief makes are appealable to the Board of Directors. It is important that the Board of Directors remain unbiased. Any comments made in public that indicate a bias of any sort would be inappropriate because Board Members are an appealable board. He suggested that if any members of the public ask a Board member about the Miramar, that they refer them to the Fire Chief, or the prevention officer that would be handling the situation.

The Board took no action.

18. Director Newquist asked to add the following items on the next agenda: new meeting documentation procedures; possible addition of an IT Specialist position; Station 3 update; Director Venable asked for an update on the status of Miramar.

Director Jensen adjourned the meeting at 11:20 am.