

1 **May 24, 2011**

2 **REGULAR MEETING OF THE BOARD OF DIRECTORS OF**  
3 **THE NORTH COUNTY FIRE PROTECTION DISTRICT**

4 President Thuner called the meeting to order at 17:00.

5 **THE INVOCATION GIVEN BY CHIEF METCALF.**

6 **ALL RECITED THE PLEDGE OF ALLEGIANCE.**

7 **ROLL CALL:**

8 **Present:** Directors Harris, Hooper, Munson, Schaden and Thuner.

9 **Absent:** None.

10 **Staff Present:** Fire Chief/CEO Metcalf, Attorney James and Board Secretary Stephen-  
11 Porter. In the audience were: D/Cs Lane and Morel, B/C Abbott and F/S Timmers and  
12 members of the public.

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14 **PUBLIC ACTIVITIES AGENDA**

15 1. **PUBLIC COMMENT:** President Thuner addressed the audience and inquired whether  
16 there were any public comments regarding items not on the Agenda. There being none,  
17 the public comment section was closed.

18 2. **FIRST QUARTER 2011 AWARDS FOR BOARD RECOGNITION PROGRAM — CHIEF METCALF**  
19 **AND B/S STEPHEN-PORTER:** President Thuner noted the Awardee could not be present and  
20 requested the Board Secretary reschedule the matter for the next Board meeting.

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22 **ACTION AGENDA**

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24 **CONSENT ITEMS:**

25 3. **APPROVE REGULAR BOARD MEETING MINUTES, APRIL 2011**

26 4. **REVIEW AND ACCEPT FINANCIAL REPORT FOR APRIL 2011**

27 5. **REVIEW AND ACCEPT POLICIES & PROCEDURES**

28 6. **REVIEW AND ACCEPT FIRST QUARTER 2011 HEALTH & SAFETY COMMITTEE MINUTES**

30 President Thuner inquired whether there were any questions on Items 3-6. There being no  
31 discussion, President Thuner asked for a motion to approve the Consent Agenda. On a  
32 motion by Vice President Munson to approve Items 3-6, which was seconded by Director  
33 Schaden, the motion passed unanimously.

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35 **ACTION ITEMS:**

36 7. **CALL FOR NOMINATION TO THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) AND**  
37 **ADVISORY COMMITTEE — CHIEF METCALF:** Chief Metcalf informed the Board this is a  
38 regular item that occurs as positions on LAFCO expire. He inquired whether anyone was  
39 interested in being nominated for the upcoming vacancies. As there was no interest, no  
40 further action is required.

41 8. **REVIEW AND APPROVE REQUEST FOR LEAVE OF ABSENCE — CHIEF METCALF:** Chief  
42 Metcalf presented a request by Captain Jonathan Semar for a Leave of Absence. Captain  
43 Semar was injured off duty and requires an extended period of recovery. Because of this,  
44 he has requested a Leave of Absence without pay. He has been counseled by Staff on his  
45 options; he will keep his seniority, but will have a break in service. On a motion by Director  
46 Hooper, seconded by Director Schaden, the Board unanimously approved a one year  
47 Leave of Absence for Captain Jonathan Semar, retroactive to May 10, 2011, holding his  
48 current position open until the completion of the Leave period.

49 9. **REVIEW AND APPROVE RESOLUTION 2011-03 RE-DESIGNATING RESERVE FUNDS TO**  
50 **REDUCE SAFETY SECTION SIDE FUND PAYMENTS — CHIEF METCALF:** Chief Metcalf presented  
51 Resolution 2011-03 to the Board for approval, noting this is as requested from last month  
52 for the Side Fund buy-down. He noted the funds will be transferred from the Vehicle  
53 Reserve Fund to the General Fund, then used immediately to pay down the Safety Side  
54 Fund in the amount of \$1,776,044. Chief Metcalf informed the Board the Vehicle Reserve  
55 Fund currently contains \$2,352,600, and after the transfer the Fund will have \$576,616.  
56 On a motion by Vice President Munson, seconded by Director Harris, the Board  
57 unanimously approved Resolution 2011-03 re-designating \$1,776,004 from the Vehicle  
58 Reserve Fund to the General Fund for use to pay down the Safety CalPERS Side Fund.

59 On a motion by Director Schaden, seconded by Director Hooper, the Board unanimously  
60 approved the motion to authorize Chief Metcalf to execute all documents and the funds  
61 necessary to effectuate the CalPERS Safety Risk Pool Side Fund buy down as proposed.

62 10. **REVIEW AND APPROVE RESOLUTION 2011-04 DESIGNATING EMPLOYEE CONTRIBUTIONS**  
63 **TO CALPERS AS TAX DEFERRED — CHIEF METCALF:** Chief Metcalf presented Resolution  
64 2011-04 to the Board for approval, noting the Resolution has been recommended by  
65 CalPERS as a best practice. Under the IRS code, it allows the payments into the PERS  
66 retirement to go as tax deferred when paid from the employee. It will allow the  
67 continuation of current District practice. On a motion by Director Hooper, which was  
68 seconded by Director Schaden, the Board unanimously approved Resolution 2011-04 as  
69 presented.

## 70 **DISCUSSION AGENDA**

71 11. **REVIEW OF DRAFT PRELIMINARY BUDGET – CHIEF METCALF:** Chief Metcalf presented a  
72 draft of the Preliminary Budget for the Board's reviewing and discussion, noting the budget  
73 is balanced. He noted the decline in revenue of \$353,706. The decline is attributable to  
74 reductions in ambulance revenue, Medicare funding, building reductions, reduction in  
75 interest for payment on Side Fund buy-down and property tax payments from the County.  
76 Chief Metcalf informed the Board other items of interest in the coming year is the first  
77 payment from the Facilities Reserve for the Station 5 Construction Payment (\$200,000),  
78 purchase of a Type 1 Engine, \$206,000 received for funding of a Type 1 Engine for  
79 Station 4 as a grant from the Indian Gaming Grant, \$142,451 on the Microwave Tower  
80 Grant, savings of \$764,000 from the CalPERS Side Fund buy-down, \$340,000 in savings  
81 from employee 4% payment to retirement, \$50,000 in reduction for health insurance  
82 reductions, no raises and other salary reductions. In addition, Chief Metcalf noted Staff  
83 had done an excellent job in holding costs down this fiscal year. Discussion ensued re:  
84 Roll over funds, how this is calculated and ability to use these funds throughout the year.  
85 Informational only, will be presented as a voting item at the June meeting.

88 **STANDING DISCUSSION ITEMS:**

89 ● **LEGAL COUNSEL REPORT:** Counsel James presented his letter “Statutory  
90 Immunities.” He noted a public entity is entitled to immunity where death resulted from  
91 firefighter’s allegedly negligent operation of a motor vehicle while attempting to fight a fire.  
92 Discussion ensued. This is informational only, no action required.

93 ● **WRITTEN COMMUNICATIONS:** The Board congratulated Chief Metcalf on  
94 receiving his designation as Chief Fire Officer by the Center for Public Safety Excellence.

95 ● **BOARD RECOGNITION PROGRAM:** The Board also noted the Association and  
96 Explorer’s involvement in activities in the community. Informational only, no action  
97 required.

98 ● **NEWS ARTICLES:** Brief discussion ensued regarding articles. This is informational  
99 only, no action required.

100 ● **COMMENTS:**

101 ● **STAFF REPORTS/UPDATES:**

102 ● **UPDATE ON STATION CONSTRUCTION:** Chief Metcalf informed the Board of the status  
103 of Station 5 Building Project, noting Staff continues to work with the County to resolve  
104 issues continues. Informational only, no further action required.

105 ● **BILL METCALF, FIRE CHIEF/CEO:** Chief Metcalf noted that the District had received  
106 the \$206,000 from the Indian Gaming Grant as initiated by Chief Torchia. This amount will  
107 offset the Type 1 being purchased and placed at Station 4. Chief Metcalf informed the  
108 Board that on May 11, 2011 he was given a Lifetime Meritorious Service Award for service  
109 in EMS by the IAFC EMS Section. Informational only, no further action required.

110 ● **CHIEF OFFICERS: D/C MOREL:** D/C Morel informed the Board the Countywide CERT  
111 drill went well with the Explorers helping out and Northgate and Major Markets donating  
112 bottled water. He thanked B/C Abbott and his wife for assisting with the EMS portion of  
113 the drill. D/C Morel informed the Board the Firesafe Council is working with FPO Holdridge  
114 to sponsor a Chipping Day on 06/25, with flyers handed out. The chipping is free and the  
115 users are welcome to either leave or take the chips with them.

117 ● **OTHER STAFF: B/S STEPHEN-PORTER:** B/S Stephen-Porter inquired whether the  
118 Board would be willing to meet in June on either the day before or after the regularly  
119 scheduled Board meeting. This is due to a conflict for one of the Directors. By consensus,  
120 the Board agreed to meet on June 29<sup>th</sup>. B/S Stephen-Porter will look for a venue and  
121 inform the Board. B/S Stephen-Porter presented a report regarding the information  
122 received from the Fair Political Practice Commission regarding the District's letter  
123 regarding Conflicts of Interests. She noted under the circumstances cited, the FPPC found  
124 no conflict for Director Harris to proceed on voting on labor contracts as there to be on  
125 economic interest for Director Harris. B/S Stephen-Porter inquired whether there was any  
126 desire to continue to the proposed language changes to the BOD Operations Policy.  
127 There being none by the Board, this matter is considered closed.

128 ● **BOARD: DIRECTOR HOOPER:** Director Hooper inquired about the construction on the  
129 Campus Park land, which he had heard was approved through the Planning Commission.  
130 Discussion ensued re: mitigation fees, annexation and station access. **DIRECTOR HARRIS:**  
131 Director Harris noted that Bonsall has the Craft Fair on June 4<sup>th</sup>; Hot Summer Nights is  
132 coming and she is working on the permits.

133 ● **BARGAINING GROUPS:** No comments.

134 ● **PUBLIC COMMENT:** No comments.

135

## 136 **CLOSED SESSION**

137 At 6:10 p.m., President Thuner inquired whether there was a motion to adjourn to Closed  
138 Session. Vice President Munson moved to go to Closed Session after a short break, which  
139 was seconded by Director Harris, which motion was passed unanimously. At 18:15 p.m.,  
140 the Board entered Closed Session to hear:

141 **CS-1. ANNOUNCEMENT — PRESIDENT THUNER:**

142 **CS-2. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6 -**

143 **MANAGEMENT GROUP NEGOTIATIONS – CHIEF METCALF:**

144 NCFPD MANAGEMENT GROUP NEGOTIATORS

145 **DISTRICT NEGOTIATORS:** CHIEF METCALF, DISTRICT COUNSEL JAMES

146 **CS-3. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6 - NON-**  
147 **SAFETY GROUP NEGOTIATIONS – CHIEF METCALF:**

148 FFA NON-SAFETY GROUP NEGOTIATORS

149 DISTRICT NEGOTIATORS: CHIEF METCALF, DISTRICT COUNSEL JAMES

150 **CS-4. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6 - SAFETY**  
151 **GROUP NEGOTIATIONS – CHIEF METCALF:**

152 FFA SAFETY GROUP NEGOTIATORS

153 DISTRICT NEGOTIATORS: CHIEF METCALF, DISTRICT COUNSEL JAMES

154 **CS-5. EVALUATION OF PERFORMANCE – GOVERNMENT CODE § 54957 - CHIEF METCALF:**

155 DISTRICT NEGOTIATOR: DISTRICT COUNSEL JAMES

156 **CS-6. REPORT FROM CLOSED SESSION — PRESIDENT THUNER**

157 ● **REOPENING OPEN SESSION:**

158 On a motion by Director Hooper, which was seconded by Director Schaden and which  
159 passed unanimously, the Board returned Open Session at 19:30 p.m.

160 The following items were reported out to the public:

161 **CS-2. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6 -**  
162 **MANAGEMENT GROUP NEGOTIATIONS – CHIEF METCALF:** On a motion by Director Hooper,  
163 which was seconded by Director Schaden, the Board unanimously approved the MOU with  
164 the Management Group as presented.

165 **CS-3. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6 - NON-**  
166 **SAFETY GROUP NEGOTIATIONS – CHIEF METCALF:** On a motion by Director Hooper, which  
167 was seconded by Director Schaden, the Board unanimously approved the MOU with the  
168 Non-Safety Group as presented.

169 **CS-4. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6 - SAFETY**  
170 **GROUP NEGOTIATIONS – CHIEF METCALF:** On a motion by Director Hooper, which was  
171 seconded by Director Schaden, the Board unanimously approved the MOU with the Safety  
172 Group as presented.

173 **CS-5. EVALUATION OF PERFORMANCE – GOVERNMENT CODE § 54957 - CHIEF METCALF:** No  
174 reportable action.

175 **ACTION AGENDA, RECONVENED:**

176 12. **APPROVAL OF MEMORANDUM OF UNDERSTANDING (3) WITH EMPLOYEE BARGAINING**  
177 **GROUPS — CHIEF METCALF:** See Items CS-1 through CS-6.

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179 **ADJOURNMENT**

180 A motion was made at 7:40 p.m. by Vice President Munson and seconded by Director  
181 Hooper to adjourn the meeting and reconvene on, June 29<sup>th</sup> at 17:00. The motion carried  
182 unanimously.

183 Respectfully submitted,

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186 Loren Stephen-Porter

187 Board Secretary

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189 Minutes approved at the Board of Director's Meeting on: June 29, 2011  
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