

1 **December 14, 2010**

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

4 President Graham called the meeting to order at 17:01

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

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

7 **ROLL CALL: Present:** Directors Harris, Hooper, Munson Schaden and Thuner.

8 **Absent:** None.

9 **Staff Present:** Fire Chief/CEO Metcalf, Attorney James and Board Secretary
10 Stephen-Porter. In the audience were: Deputy Chief Torchia, Administrative
11 Captain Lucore and members of the public and Association.

12 **PUBLIC ACTIVITIES AGENDA**

13 1. **PUBLIC COMMENT:** President Thuner addressed the audience and inquired whether
14 there were any public comments regarding items not on the Agenda. There being no public
15 comment, the public comment time was closed.

16 2. **RECOGNITION OF NORTH COUNTY FIRE PROTECTION DISTRICT'S COMMUNITY PARTNERS —**
17 **D/C MOREL:** D/C Morel presented an award to the Village News for working with the District
18 throughout the year to keep current information flowing to the public and continuing to ask
19 questions that keep the public informed. He lauded the News for continuing to ask the difficult
20 questions and supporting the District in its efforts. Debbie Ramsey and Judy Reeder were
21 present to accept the award on behalf of the Village News.

22 **ACTION AGENDA**

23 **PRIORITY ACTION ITEMS:**

24 3. **OFFICIAL SEATING AND SWEARING-IN OF NEW BOARD MEMBERS – CHIEF METCALF AND**
25 **DISTRICT COUNSEL JAMES:** Chief Metcalf noted the District had received confirmation that
26 since both Director Munson and Thuner ran unopposed, they are certified as elected. District
27 Counsel James swore both Directors into office and certificates of election were given to the
28 Directors.
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30 4. **BOARD ELECTIONS OF OFFICERS FOR 2011 – CHIEF METCALF AND DISTRICT COUNSEL**

31 **JAMES:** Chief Metcalf informed those present that the first meeting following an election, the
32 Board is to select officers for the coming year, with the new President assuming office at the
33 end of the meeting. Director Thuner turned the meeting over to District Counsel for election of
34 the President. District Counsel James called for nominations for President, with Director Harris
35 nominating herself, which was seconded by Director Hooper. Director Munson nominated
36 Director Thuner, which was seconded by Director Schaden. The result of the vote was that
37 Director Thuner was elected to President for the year 2011 with the vote being: Director
38 Harris: Directors: Harris and Hooper; Director Thuner: Directors Munson, Schaden and
39 Thuner. District Counsel asked for nominations for the election for Vice President. Director
40 Hooper nominated Director Munson, which was seconded by Director Thuner. As there were
41 no other nominations for Vice President, Director Munson was elected to Vice President.

42 **CONSENT ITEMS:**

43 5. **APPROVE REGULAR BOARD MEETING MINUTES, OCTOBER 2010**

44 6. **REVIEW AND ACCEPT FINANCIAL REPORT FOR OCTOBER, 2010**

45 7. **REVIEW AND ACCEPT POLICIES & PROCEDURES**

46 8. **REVIEW AND ACCEPT EMERGENCY SERVICE OVERTIME TRACKING REPORT**

47 President Thuner inquired whether there were any questions on Items 5-8. There being none,
48 she asked for a motion to approve the Consent Agenda. On a motion by Director Schaden to
49 approve Items 5-8, which was seconded by Director Munson, the motion passed unanimously.

50 **ACTION ITEMS:**

51 9. **PUBLIC HEARING DATE — DATE/TIME CERTAIN FOR ADOPTION OF THE CALIFORNIA FIRE**
52 **CODE, 2010 EDITION AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS**
53 **AND DELETIONS - DECEMBER 14, 2010 AT 5:15 P.M. - FIRST READING OF ORDINANCE 2011-01 —**

54 **D/C MOREL:** At 5:15 p.m., President Thuner declared the public hearing open to public
55 comment on the following: **“ADOPTION OF THE CALIFORNIA FIRE CODE, 2010 EDITION AND 2009**
56 **INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS - DECEMBER**
57 **14, 2010 AT 5:15 P.M. - FIRST READING OF ORDINANCE 2011-01.”** There was no public
58 comment and President Thuner declared the public hearing closed. D/C Morel made his

59 Staff presentation to the Board, noting that the main changes in the Code are to include more
60 Wildland-Urban Interface issues, Mid-Rise Building and Commercial Building Sprinkler
61 Standards. Discussion ensued regarding the Palomar College Project, with D/C Morel noting
62 that there has been good communication and that the Project is using the District's systems
63 and access regulations. Discussion ensued regarding specific incidents, including Christmas
64 Tree lots, Medfly damaged groves and other abatement issues. D/C Morel reviewed the
65 grants received and the Fire Safe Council's activities in weed abatement. D/C Morel noted
66 the Ordinance would be back at the January 18th meeting for the second reading.

67 11. **REVIEW AND APPROVE NOMINATION FOR CSDA REPRESENTATIVE FOR REGION 6 — CHIEF**
68 **METCALF:** Chief Metcalf informed the Board that the individual selected at the last CSDA
69 election will be unable to complete the entire term. Therefore, the Board is requesting
70 nominations for additional individuals to fill the seat in the 6th district. After discussion, the
71 Board made no nomination to the CSDA Board. No further action required.

72 **DISCUSSION AGENDA**

73 11. **PROPOSED REVISIONS TO BOARD OF DIRECTORS OPERATIONS POLICY — DIRECTOR THUNER:**
74 President Thuner presented the proposed language to the Board discussing her concerns for
75 clarifying the language with regards to Conflict of Interest for Family Members. She noted the
76 matter had been delayed for several months and requested that the Board freely discuss their
77 concerns regarding the issues in question. She stated the impetus for the language inclusion
78 stemmed partial from the extraordinary scrutiny every elected official in the State is now under
79 in the wake of the City of Bell scandal. She noted that the prototype she followed was from the
80 Redistricting Application she filled out as part of the application process. At the conclusion of
81 her introduction, she opened the floor for discussion. Director Hooper stated he felt the matter
82 with regards to family members, spouses and dependents and the dollar limit of \$250.00 was
83 too extreme. President Thuner noted the language follows that of the Redistricting Application,
84 with the exception of the dollar amount, which was changed from \$1000.00 to \$250.00. This
85 was done in an attempt to meet the new standard being followed by the California Fair Political
86 Practices Commission (FPPC) for gifts. Director Harris stated she had little time to perform
87 research, but did call the FPPC and was told there was not a conflict because there was no

88 financial relationship. She also would like to do some more investigation on family member
89 and conflict of interest and whether the Board can remove her ability to vote on a given issue.
90 Director Thuner asked whether the Board Secretary could see if there are other examples of
91 how this has handled them. At the conclusion of the discussion, the Board noted the
92 discussion should continue requested the issue be placed on the agenda for the next meeting
93 for continuing discussions.

94 **STANDING DISCUSSION ITEMS:**

95 ● **LEGAL COUNSEL REPORT:** Counsel James presented his letter “Top 5 FLSA (Fair
96 Labor Standards Act) Mistakes Special Districts Make – Part 1.” Brief discussion ensued
97 regarding report. This is informational only, no action required.

98 ● **WRITTEN COMMUNICATIONS:** Chief Metcalf noted the letter received by the District
99 regarding the outstanding ALS services provided by the District. He lauded B/C Abbott for his
100 work with the EMS Division. Informational only, no further action required.

101 ● **BOARD RECOGNITION PROGRAM:** The information submitted was reviewed with
102 discussion about the outstanding team efforts. Informational only, no further action required.

103 ● **NEWS ARTICLES:** Chief Metcalf directed the Board’s attention to the numerous
104 articles. Informational only, no further action required.

105 ● **COMMENTS:**

106 ● **STAFF REPORTS/UPDATES:**

107 ● **UPDATE ON STATION CONSTRUCTION:** Chief Torchia presented the Board with an update
108 on the status of the Construction of Station 5. He presented a display of four different
109 elevations of the proposed Station, requesting the Board provide any feedback for
110 preferences. Chief Torchia informed the Board there were several unanticipated items that
111 have come up, including a minor subdivision violation and the need for a boundary adjustment.
112 He is working with the District Counsel and Architect to resolve the issues. Informational only,
113 no further action required.

114 ● **BILL METCALF, FIRE CHIEF/CEO:** Chief Metcalf informed the Board that public attention
115 is now focused on public employment compensation and pensions. The District was required
116 and met the deadline for submission of employee salaries to the State by the December 13th

117 deadline. Chief Metcalf reviewed the upcoming Holiday events, inviting the Board Members'
118 participation. He noted there will be a Recognition Luncheon on December 15th for the
119 volunteers. He also noted the Staff is planning for the upcoming Awards Banquet, which is
120 anticipated for the first quarter of the year. Chief Metcalf informed the Board that although the
121 District had adopted a Resolution to permit borrowing from the County, for the first time in
122 three years, the District did not have to resort to using it. Chief Metcalf highlighted the recent
123 promotions of Battalion Chief Lane to Division Chief – Operations and Administrative Captain
124 Lucore to Battalion Chief. Chief Metcalf presented an overview of a possible consolidation of
125 areas of **overlap** between Vista, Carlsbad, Escondido, Oceanside and North County Fire. He
126 noted as the Board had agreed before, Staff is examining the concept of consolidating certain
127 services and has authorized \$3,000.00 for participation in a study by Citygate to look at an
128 overview of how a consolidation might be accomplished. The investigation is preliminary and
129 the Board would have an opportunity to weigh in on any future action. Informational only, no
130 further action required.

131 ● **CHIEF OFFICERS:** None.

132 ● **BOARD: DIRECTOR HOOPER:** Director Hooper noted the JPA Board had several new
133 members and the Authority is looking to consolidate into three main dispatch centers within
134 San Diego County. Informational only, no further action required.

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

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

137 **CLOSED SESSION**

138 President Thuner inquired whether there was a motion to adjourn to Closed Session. Director
139 Schaden moved to go to Closed Session after a short break, which was seconded by Director
140 Harris, which motion was passed unanimously. The Board entered Closed Session to hear:

141 1. **CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6**

142 ***Management Group Negotiations – Chief Metcalf***

143 2. **CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6**

144 ***Non-Safety Group Negotiations – Chief Metcalf***

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146 3. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6

147 **Safety Group Negotiations – Chief Metcalf**

148 4. CONFERENCE WITH DISTRICT LEGAL COUNSEL – INITIATION OF
149 LITIGATION — GOVERNMENT CODE § 54956.9(C) — Chiefs Metcalf and Torchia

150 NUMBER OF POTENTIAL CASES: ONE

DISTRICT COUNSEL JAMES

151 Item 4 was heard first as Director Harris declared a potential conflict with regards the
152 Conference with Labor Negotiator for all three labor groups. At the conclusion of the
153 discussion regarding Item 4, she excused herself from the remaining three Closed Session
154 items (Items 1-3), leaving the Board Room.

155 • **REOPENING OPEN SESSION:**

156 On a motion by Director, which was seconded by Director and which passed unanimously, the
157 Board returned open session; the following items were reported out to the public:

158 1. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6

159 **Management Group Negotiations – Chief Metcalf**

160 No reportable action.

161 2. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6

162 **Non-Safety Group Negotiations – Chief Metcalf**

163 No reportable action.

164 3. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6

165 **Safety Group Negotiations – Chief Metcalf**

166 No reportable action.

167 4. CONFERENCE WITH DISTRICT LEGAL COUNSEL – INITIATION OF
168 LITIGATION — GOVERNMENT CODE § 54956.9(C) — Chiefs Metcalf and Torchia

169 NUMBER OF POTENTIAL CASES: ONE

DISTRICT COUNSEL JAMES

170 No reportable action.

171 **ADJOURNMENT**

172 A motion was made at by Director Hooper and seconded by Director Schaden, to adjourn the
173 meeting and reconvene on, January 18, 2011, at 17:00. The motion carried unanimously.

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Respectfully submitted,



Loren Stephen-Porter
Board Secretary

Minutes approved at the Board of Director's Meeting on: January 18, 2011