

1 **JANUARY 22, 2008**

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

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

5 **THE INVOCATION GIVEN CHIEF METCALF.**

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

7 **ROLL CALL: Present:** Directors Graham, Harris, Munson, Olson and Thuner.

8 **Absent:** None.

9 **ALSO PRESENT:** Fire Chief/CEO Bill Metcalf, Attorney James and Board Secretary Loren  
10 Stephen-Porter. In the audience were: Division Chiefs Goldberg and Morel, Battalion Chiefs  
11 Abbott and Lane, Bookkeeper Timmers, members of the public and Association.

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13 **PUBLIC ACTIVITIES AGENDA**

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15 1. **PUBLIC COMMENT:** President Harris addressed the audience and inquired whether there  
16 were any public comments regarding items not on the Agenda. Ms. Danni Fieri and members  
17 of her second grade class were there to read a poem written by the children. After the reading,  
18 a presentation was made to the District on behalf of the class of the framed poem. There  
19 being no further public comment, the public comment time was closed.

20 2. **FIRST QUARTER REVIEW OF BOARD RECOGNITION PROGRAM — CHIEF METCALF:** Chief Metcalf  
21 presented the first quarter winners to the Board for recognition and presentation of the award  
22 certificates. The Board thanked the two members present, Captain Meers and FF/PM  
23 Bradshaw, for their work on behalf of the District.

24 **ACTION AGENDA**

25 **CONSENT ITEMS:**

26 3. **APPROVE REGULAR BOARD MEETING MINUTES, DECEMBER 11, 2007**

27 4. **APPROVE FINANCIAL REPORT DECEMBER 2006**

28 5. **APPROVE POLICIES AND PROCEDURES**

29 6. **REVIEW AND APPROVE OVERTIME TRACKING REPORT FOR THE SECOND QUARTER 2006/2007**

7. REVIEW AND APPROVE EMERGENCY STATISTICS REPORT – SECOND QUARTER FY 2006/2007
8. REVIEW AND APPROVE TRAINING REPORT – SECOND QUARTER FY2006/200
9. REVIEW AND APPROVE FIRE PREVENTION REPORT – SECOND QUARTER FY 2006/2007
10. REVIEW AND APPROVE CUSTOMER SATISFACTION SURVEY PROGRAM RESULTS – FOURTH QUARTER 2006
11. REVIEW AND APPROVE ANNUAL HEALTH AND SAFETY REPORT – YEAR 2006
12. REVIEW AND APPROVE MAINTENANCE DIVISION REPORT – SECOND QUARTER FY 2006/2007

Chief Metcalf informed the Board that on Item #9, the report did not include the amount of financial loss to the District due to the Rice Fire. D/C Morel provided the Board with additional handouts. As noted on pages 4 and 5, Chief Metcalf drew their attention to the number of structures lost and the value, over \$1 billion, which was saved by the efforts of District Staff. President Harris inquired whether there were any questions. There being none, she asked for a motion to approve the consent agenda. On a motion by Director Olson to approve Items 3-12 as they were presented, which was seconded by Vice President Munson, the motion passed unanimously.

**ACTION ITEMS:**

13. PUBLIC HEARING DATE/TIME CERTAIN, JANUARY 22, 2008 AT 5:25 P.M. — TO ADOPT THE CALIFORNIA FIRE CODE, WITH 2007 AMENDMENTS, ORDINANCE NUMBER 2007-03: At 5:25 p.m., President Harris opened the public hearing portion of the meeting to hear “Adoption of the California Fire Code with 2007 Amendments.” Comment from those present was invited. No comment was offered and the public hearing portion of the meeting closed at 5:26 p.m. D/C Morel presented an overview of the process, noting that this is the second in a series of hearings for the Code adoption, with the first hearing taking place on January 22, 2008. He noted this adoption includes local amendments, specific to our District and San Diego. There were no further questions from the Board. Discussion ended at 5:31 p.m. On a motion by Vice President Olson to adopt the California Fire Code with 2007 Amendments, North County Fire Protection District Ordinance Number 2007-03, which was seconded by Director Olson, the Board unanimously voted to adopt the ordinance as presented. The vote was: **AYES:** Graham, Harris, Munson, Olson and Thuner; **NOES:** None.

59 14. **PUBLIC HEARING DATE/TIME CERTAIN, JANUARY 22, 2008 AT 5:35 P.M. — TO ADOPT THE**  
60 **INTERNATIONAL URBAN-WILDLAND INTERFACE CODE WITH LOCAL AMENDMENTS:** At 5:35 p.m.,  
61 President Harris opened the public hearing portion of the meeting to hear “Adoption of the  
62 International Urban-Wildland Interface Code with Local Amendments, North County Fire  
63 Protection District Ordinance 2007-02.” Comment from those present was invited. No  
64 comment was offered and the public hearing portion of the meeting closed at 5:36 p.m. D/C  
65 Morel presented an overview of the process, noting that this is the second hearing for the  
66 Code adoption, with the first hearing taking place on January 22, 2008. He noted this adoption  
67 includes local amendments, specific to our District and San Diego. He informed the Board the  
68 major changes are listed in the Board documents, with it being noted one of the most valuable  
69 changes will be on the inspection of fire resistant materials in construction. D/C Morel  
70 presented a response to the inquiry made by Director Thuner at the January meeting.  
71 Discussion concluded at 5:47 p.m. On a motion by Director Olson to adopt the International  
72 Urban-Wildland Interface Code with Local Amendments and North County Fire Protection  
73 District Ordinance 2007-02, which was seconded by Director Graham, the Board unanimously  
74 voted to adopt the ordinance as presented. The vote was: **AYES:** Graham, Harris, Munson,  
75 Olson and Thuner; **NOES:** None.

## 76 **DISCUSSION AGENDA**

77 15. None.

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### 79 **STANDING DISCUSSION ITEMS:**

### 80 **LEGAL COUNSEL REPORT:**

81 Counsel James presented his letter “Due Process in Public Employment: Thirty-Two Years  
82 After Skelly v. State Personnel Board, Part 3.” He noted that this provides information  
83 regarding who may preside at the hearing and who may be the reviewing officer. This is  
84 informational only, no action required.

### 85 **WRITTEN COMMUNICATION:**

#### 86 1. **WRITTEN COMMUNICATIONS:**

87 ➤ Fire Victim Rebuild Conceptual Policy;

- 88 ➤ Summary of Legislative Changes to Cortese-Knox Hertzberg Act, Effective January 1,  
89 2008;
- 90 ➤ Open Letter to County Investment Pool Participants from the County Treasurer-Tax  
91 Collector.

92 Chief Metcalf informed the Board that the Fire Marshals throughout the County have worked  
93 together to develop a single approach to fee collection for fire victims who are rebuilding after  
94 the fires throughout the County. The Rebuild Policy is the culmination of their work to develop  
95 a standard approach to address situations where the individual property owners may receive  
96 consideration during their rebuild for conditions that would affect the property under newer  
97 standards. The goal is to work with the public to rebuild lost properties, not to act as an  
98 obstacle to the rebuilding. It was noted that when there is an exception made to any  
99 requirement, the exception will be noted on the building plans to memorialize the exception.  
100 Chief Metcalf noted the other materials are for reading, to keep the Board aware of issues  
101 currently in the County. This is informational only, no action required.

102 2. **BOARD RECOGNITION PROGRAM:** Chief Metcalf noted the following individuals were  
103 recognized for their efforts on December 18, 2007: Captain Steven Cate; Engineer/PM Eddie  
104 Jones; FF/PM Rich Berry; FF/PM Joel Hammer and Reserve FF Mathieu Lindsey. In addition,  
105 he noted the results of the Aeromedical Transport Utilization study that demonstrates that  
106 North County Fire Protection District is properly utilizing this resource. Director Thuner  
107 requested the presentation be made available for the Directors' review. B/C Abbott agreed to  
108 forward the review to the Directors. This is informational only, no action required.

109 **NEWS ARTICLES:** Chief Metcalf directed the Board's attention to the article regarding the  
110 State budget, which shows the declaration of a State fiscal emergency. Brief discussion  
111 ensued. This is informational only, no action required.

112 **COMMENTS:**

113 1. **STAFF REPORTS/UPDATES:**

114 1.1. **BILL METCALF, FIRE CHIEF/CEO:** Chief Metcalf noted that at the State level, the major  
115 concern is with solving the budgeting problems, with the Governor call a fiscal emergency.  
116 There is a concern that the District may see a reduction, but at this time, the schools and

117 prisons are under the most scrutiny. Chief Metcalf informed the Board of some of the  
118 discussion regarding the backfill in the budget through cuts in Cal Fire. He noted the Staff is  
119 watching the activities carefully, especially with regards to fire-related matters. Chief Metcalf  
120 informed the Board the Board of Supervisors voted to accept the LAFCO report. He has  
121 received inquires from May Sanderson and Supervisor Ron Robertson regarding joining a  
122 working group. Chief Metcalf also noted that the District has submitted the paperwork to  
123 receive reimbursements related to the Rice Fire.

124 2. **CHIEF OFFICERS:**

125 2.1. **D/C MOREL:** D/C Morel noted that much of the change in the new fire code addresses  
126 problems with larger apparatus and Wildlife-Urban Interface concerns. He noted the new  
127 Codes assist the District in keeping consistent with neighboring jurisdictions and with State  
128 requirements.

129 2.2. **D/C GOLDBERG:** D/C Goldberg informed the Board that several Staff members had  
130 attended a seminar on the Firefighter Bill of Rights (AB 220) that went into effect on January 1,  
131 2008. The group will be looking at policies and training to ensure the District meets  
132 compliance requirements.

133 3. **BOARD:** The Directors noted some of the recent growth occurring close to the freeway  
134 and the hydro-seeding along the perimeters. Discussion ensued regarding the difference  
135 between hydro-seeding and hydro-mulching, with it being noted the later, which is present, has  
136 been applied to reinforce the slopes and prevent slippage during rain. President Harris  
137 inquired whether than had been any response from the Village Association regarding the  
138 Revitalization Project. Chief Metcalf informed the Board no further contact had been made  
139 since he forwarded a letter to them regarding the Board's position.

140 4. **BARGAINING GROUPS:** President Marovich addressed the Board, noting that this is the  
141 year the Groups would be going into negotiations. Chief Metcalf has agreed to use IBN and is  
142 arranging for a training seminar for participates. Board members have been invited to attend  
143 and were requested to forward any interest in attending to the Board Secretary. President  
144 Marovich noted that although the Association is looking at joining with other unions, to  
145 consolidate and form a San Diego Council of Firefighters, NCFPD remains on the leading edge

146 on coming to agreement during bargaining. He opined that the coalition is considering forming  
147 in order to improve communications among the Presidents of the various associations and to  
148 have one voice regarding labor matters.

149 5. **PUBLIC COMMENT:** A member of the public noted there had recently been a big jump  
150 in the overtime and inquired whether that was due to the Rice Fire. Chief Metcalf noted it was  
151 and that the District has requested reimbursement for those monies.

## 153 **CLOSED SESSION**

### 154 **ENTERING CLOSED SESSION:**

155  
156 At 5:55 p.m., President Harris inquired whether there was a motion to adjourn to closed  
157 session. Director Munson moved to go to closed session, which was seconded by Director  
158 Thuner, which motion was passed unanimously. At 6:00 p.m., the Board entered Closed  
159 Session to hear:

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161 1.0. **POTENTIAL LIGATION – GOVERNMENT CODE SECTION 54956.9 (B)(1) - CHIEF METCALF**

162 2.0. **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE — GOVERNMENT CODE 54957**

163 ➤ The Board Will Meet In Closed Session To Discuss The Appointment, Evaluation Of Performance Or  
164 Dismissal Of A Public Employee Or To Hear Complaints Or Charges Brought Against That Employee By Another  
165 Unless The Employee Requests A Public Hearing. **DISTRICT COUNSEL JAMES**

166 3.0. **CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6**

167 ➤ **MANAGEMENT GROUP NEGOTIATORS** **DISTRICT NEGOTIATORS:**  
168 **Chief Metcalf**  
169 **District Counsel James**

170 4.0. **CONFERENCE WITH LABOR NEGOTIATOR – Government Code § 54957.6**

171 ➤ **NON-SAFETY GROUP NEGOTIATORS** **DISTRICT NEGOTIATORS:**  
172 **CHIEF METCALF**  
173 **DISTRICT COUNSEL JAMES**

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175 **5.0. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6**

176 ➤ SAFETY GROUP NEGOTIATORS

DISTRICT NEGOTIATORS:

177 CHIEF METCALF

178 DISTRICT COUNSEL JAMES

179 **REOPENING OPEN SESSION:**

180 On a motion by Director Thuner, which was seconded by Vice President Munson and which  
181 passed unanimously, the Board returned open session at 6:48 p.m. The following items were  
182 reported out to the public:

183 **1.0. POTENTIAL LIGATION – GOVERNMENT CODE SECTION 54956.9 (B)(1) - CHIEF METCALF**

184 The Board authorized Staff to proceed with settlement and release as presented.

185 **2.0. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE — GOVERNMENT CODE 54957**

186 ➤ The Board Will Meet In Closed Session To Discuss The Appointment, Evaluation Of Performance Or  
187 Dismissal Of A Public Employee Or To Hear Complaints Or Charges Brought Against That Employee By Another  
188 Unless The Employee Requests A Public Hearing. DISTRICT COUNSEL JAMES

189 No reportable action.

190 **3.0. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6**

191 ➤ MANAGEMENT GROUP NEGOTIATORS

DISTRICT NEGOTIATORS:

192 CHIEF METCALF

193 DISTRICT COUNSEL JAMES

194 No reportable action.

195 **4.0. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6**

196 ➤ NON-SAFETY GROUP NEGOTIATORS

DISTRICT NEGOTIATORS:

197 CHIEF METCALF

198 DISTRICT COUNSEL JAMES

199 No reportable action.

200 **5.0. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6**

201 ➤ SAFETY GROUP NEGOTIATORS

DISTRICT NEGOTIATORS:

202 CHIEF METCALF

203 DISTRICT COUNSEL JAMES

204 No reportable action.

## 205 **ADJOURNMENT**

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207 A motion was made at 6:50 p.m. by Vice President Munson and seconded by Director Thuner,  
208 to adjourn the meeting and reconvene on, February 26, 2008 at 17:00. The motion carried  
209 unanimously.

210 Respectfully submitted,

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Loren Stephen-Porter

214 Board Secretary

215 Minutes approved at the Board of Director's Meeting on: February 26, 2008

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