

1 **June 22, 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 17:00

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, Division Chief
11 Morel, Battalion Chief Lane and Stevens, Administrative Captain Lucore, F/S
12 Timmers and members of the public and Association.

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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 no public
17 comment, the public comment time was closed.

18 2. **RECOGNITION OF RETIRING EMPLOYEE - CHIEF METCALF:** Chief Metcalf brought forward
19 soon to retire Engineer Gerry Montante, giving a brief overview of his twenty-eight year career
20 at North County Fire Protection Districts, including: joining as a reserve in 1982, coming on
21 fulltime as a dispatcher in 1984, beginning as a firefighter in 1987 and serving as an Engineer,
22 starting in 1997. Chief Metcalf noted that Engineer Montante had been an integral part of
23 recruitment and testing, always had a positive attitude, and set a professional an example,
24 being a role model for the rest of the staff. He was thanked and congratulated for all his
25 dedication to the District. Engineer Montante thanked God and his family for support, his co-
26 workers and stated "it was a good haul." He was presented with a certificate of achievement
27 and an engraved bell.

28 3. **EMPLOYEE OATH OF OFFICE — CHIEF METCALF:** Chief Metcalf welcomed the large crowd
29 present and brought the three new reserve firefighters up to be recognized: Jorge Gonzalez,

30 Joshua Klimek and Michael Tingley. Chief Metcalf gave a brief historical overview of the
31 profession and the “family” perspective of the service. Significant others were invited to stand
32 with the inductees to pin their badges after the swearing-in. After the oath was administered
33 by Chief Metcalf, each was pinned with their badge and welcomed to the District.

34 **ACTION AGENDA**

35 **CONSENT ITEMS:**

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- 37 4. **APPROVE REGULAR BOARD MEETING MINUTES, MAY, 2010 FOR THE EMPLOYEES.**
- 38 5. **APPROVE FINANCIAL REPORT MAY 2010**
- 39 6. **APPROVE POLICIES AND PROCEDURES CHANGE CORONER;**

40 President Thuner inquired whether there were any questions on Items 4-6. Director Hooper
41 requested there be a change in line 172-173 to reflect that the retirement badge would be for
42 employees. With that modification, President Thuner inquired whether there was a motion to
43 approve Items 4-6, on the consent agenda. On a motion by Director Munson to approve Items
44 4-6 as modified, which was seconded by Director Schaden, the motion passed unanimously.

45 **ACTION ITEMS:**

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- 47 7. **SET PUBLIC HEARING DATE/TIME CERTAIN AUGUST 17, 2010 — FOR ADOPTION OF UPDATED**
48 **FIRE PREVENTION FEES AND ORDINANCE 2010-01 (5:15 P.M.) AND ESTABLISHMENT OF EQUIPMENT**
49 **PLAN FOR THE FEE MITIGATION PROGRAM WITH ADOPTION OF RESOLUTION 2010-07 (5:25 P.M.) —**

50 **D/C MOREL:** D/C Morel presented the matter to the Board noting that these are routinely
51 reviewed and presented to the Board for hearing when there are increases in the fees to
52 recover costs. Although the increases are modest this year, due to the economy, it was
53 determined to move forward to recover the costs. On a motion by Director Schaden to set the
54 public hearings for the time and time certain as presented, which was seconded by Director
55 Hooper, the motion passed unanimously.

- 56 8. **APPROVAL OF RESOLUTION 2010-05 ESTABLISHING THE LIMIT OF APPROPRIATIONS OF**
57 **PROCEEDS OF TAX SUBJECT TO LIMITATION FOR FISCAL YEAR 2010/2011 IN COMPLIANCE WITH**
58 **ARTICLE XIII-B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA — DEPUTY CHIEF TORCHIA:**

59 F/S Timmers presented the annual Resolution to the Board to approve the limitation to the
60 Board nothing the District is \$4,497,754 under the limit. On a motion by Vice President Harris,
61 which was seconded by Director Hooper, the motion to approve Resolution 2010-05 was
62 approved unanimously.

63 9. **REVIEW AND APPROVE RESOLUTION 2010-06 REQUESTING A TEMPORARY TRANSFER OF**
64 **FUNDS FROM THE COUNTY TREASURER TO NORTH COUNTY FIRE PROTECTION DISTRICT — DEPUTY**

65 **CHIEF TORCHIA:** F/S Timmers presented the annual Resolution to the Board, approving
66 adoption of Resolution 2010-06. The Resolution approves a temporary transfer of funds from
67 the County Treasurer to the District to meet shortfall until revenue is received. The maximum
68 amount to be received is \$9,599,101. On a motion by Director Hooper, seconded by Director
69 Schaden, the motion was approved unanimously as presented.

70 10. **REVIEW AND AUTHORIZE FIRE CHIEF/CEO TO ENTER AGREEMENT WITH ARCHITECT FOR**
71 **ARCHITECTURAL SERVICES FOR STATION 5 — DEPUTY CHIEF TORCHIA:**

72 Chief Torchia presented the request to authorize Chief Metcalf to enter into the contract for
73 architectural services to build Station 5, with amounts not to exceed \$286,000.
74 He noted that the services would be for development of the plans and submission
75 through plan check, with the remaining funds to be used for the last of the
76 geotechnical work, permits and grading. Discussion ensued regarding their being
77 some unfilled areas in the contract. Deputy Chief Torchia noted there will be a
78 kick-off session with the architect during which the timing on the days to complete
79 the work, etc., would be determined and completed in the contract. Legal counsel
80 and the architect have reviewed and agreed upon the contract language. Deputy
81 Chief Torchia estimated that construction would commence in approximately
82 January 2011. On a motion by Director Munson, seconded by Director Schaden, the request
83 to approve the contract as presented and to authorize Chief Metcalf to enter into the contract
84 on behalf of the District was unanimously.

85 11. **REVIEW AND APPROVE PRELIMINARY BUDGET FOR FY 2010/2011; SET PUBLIC HEARING**
86 **DATE TO APPROVE THE FINAL BUDGET DATE, TIME CERTAIN OF 5:15 P.M., SEPTEMBER 28, 2010 —**
87 **CHIEF METCALF, DEPUTY CHIEF TORCHIA AND FS TIMMERS:**

Chief Metcalf presented the

88 Preliminary Budget to the Board noting there is a statutory requirement that it be approved by
89 June 30th each year. He also noted that the second part of the process is to have the Final
90 Budget is approved in September each year. Chief Metcalf noted the Preliminary Budget is
91 the same as presented last month with the following changes: the decision not to renew the
92 contract with the County for the coverage of the Orange Grove project reduced the revenue by
93 \$40,000. He noted the Budget is similar to last year, with most of the revenue and expenses
94 flat-line. The biggest change this year was the one additional payroll payment at the end of the
95 year. Discussion ensued regarding vehicle replacements, with it being noted the engine would
96 be ordered this year, but paid for next year. The Board thanked all the employees for their
97 hard work keeping to the tight budget and the Finance members for their work on the Budget.
98 Chief Metcalf noted a lot of credit goes to the Program Managers and since this program is so
99 decentralized, with special recognition to Deputy Chief Torchia and F/S Timmers. Vice
100 President Harris made a motion to approve the Preliminary Budget and to set a public hearing
101 as presented. The motion was seconded by Director Schaden and passed unanimously.

102 **DISCUSSION AGENDA**

104 12. There are no discussion items for the Board Meeting on June 22, 2010.

105 **STANDING DISCUSSION ITEMS:**

106 ● **LEGAL COUNSEL REPORT:** Counsel James presented his letter “Taxation: City’s Fire
107 Protection Impact Fee Violates Fee Act Where It Is Not Reasonably Related to Burden
108 Created By Development Project.” He noted the difficulty in getting development fees and
109 opined the program in San Diego for mitigation fees is a better than the fee battles still going
110 on elsewhere. Brief discussion ensued. This is informational only, no action required.

111 ● **WRITTEN COMMUNICATIONS:** None.

112 ● **BOARD RECOGNITION PROGRAM:** The information submitted was reviewed with President
113 Thuner commented on the nice memo received regarding Chief Morel. Informational only, no
114 further action required.

115 ● **NEWS ARTICLES:** Chief Metcalf directed the Board’s attention to the continuing issues
116 with the “crash tax” and continuing focus in other jurisdictions on it. It was noted that the

117 District had responded to several public records requests regarding our resolution for cost
118 recovery. Discussion ensued. This is informational only, no action required.

119 ● **COMMENTS:**

120 ● **STAFF REPORTS/UPDATES:**

121 ● **UPDATE ON STATION CONSTRUCTION:** None further.

122 ● **BILL METCALF, FIRE CHIEF/CEO:** Chief Metcalf informed the Board although he had
123 immediately notified the County and multiple other agencies of the Board's determination not
124 to renew the contract for the coverage with Orange Grove, he had not heard anything until this
125 afternoon, when he was informed the County would be signing with Pala. Communication
126 Chief Stevens is moving forward with the transfer of Dispatch services over to Monte Vista.
127 With the retirement of Engineer Montante, the District is moving forward with promotions,
128 which will create two openings for firefighters; the District will move forward with filling those
129 from its current list. Chief Metcalf gave an update on the current grant status. Informational
130 only, no further action required.

131 ● **CHIEF OFFICERS: CHIEF MOREL:** D/C Morel noted that the District is taking lead for 4th of
132 July, with the Ham radio volunteers roving to catch unauthorized fireworks.

133 ● **BOARD: VICE PRESIDENT HARRIS:** Vice President Harris thanked Staff for their work on
134 the Budget.

135 ● **BARGAINING GROUPS:** Although members of the bargaining group were present, there
136 were no comments of note.

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

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139 **CLOSED SESSION**

140 At 5:55 p.m., President Thuner inquired whether there was a motion to adjourn to closed
141 session. Director Munson moved to go to Closed Session after a short break, which was
142 seconded by Director Schaden, which motion was passed unanimously. At 6:05 p.m., the
143 Board entered Closed Session to hear:

1. *EVALUATION OF PERFORMANCE – GOVERNMENT CODE § 54957*

CHIEF METCALF

DISTRICT COUNSEL JAMES

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- **REOPENING OPEN SESSION:**

On a motion by Director Schaden, which was seconded by Director Munson and which passed unanimously, the Board returned open session at 6:55 p.m., the following items were reported out to the public:

1. *EVALUATION OF PERFORMANCE – GOVERNMENT CODE § 54957*
CHIEF METCALF DISTRICT COUNSEL JAMES

No reportable action.

ADJOURNMENT

A motion was made at by Director Munson and seconded by Director Schaden, to adjourn the meeting and reconvene on, July 27, 2010, at 5:00 p.m. The motion carried unanimously.

Respectfully submitted,



Loren Stephen-Porter
Board Secretary

Minutes approved at the Board of Director's Meeting on: July 27, 2010