

1 **June 24, 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 5:04 p.m.

5 **THE INVOCATION GIVEN BY CHAPLAIN DAVE HELMAN**  
6 **ALL RECITED THE PLEDGE OF ALLEGIANCE.**

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

8 **Absent:** None.

9  
10 **ALSO PRESENT:** Chief Metcalf, Deputy Chief Glasgow, Attorney James and Board Secretary  
11 Loren Stephen-Porter. In the audience were: Deputy Chiefs Glasgow and Torchia, Division  
12 Chief Goldberg, Battalion Chiefs Abbott and Stevens, A/C Strikwerda, F/A Timmers, FF  
13 Association members and members of the public.

14  
15 **PUBLIC ACTIVITIES AGENDA**

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17 1. **PUBLIC COMMENT:** President Harris addressed the audience and inquired whether there  
18 were any public comments regarding items not on the Agenda. There being no public  
19 comment, the public comment time was closed.

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21 2. **EMPLOYEE OATH OF OFFICE — CHIEF METCALF:** Chief Metcalf presented the following  
22 individuals to the Board as the newest members of the District:

23 Deputy Chief Jonathan Torchia                      Firefighter/Paramedic Ben Lian  
24 Firefighter/Paramedic Danny Sahagun              Reserve Firefighter Aaron Downing  
25 Reserve Firefighter Jesse Fronk                      Reserve Firefighter Dustin Glasgow  
26 Reserve Firefighter Jason Harbert

27 These individuals were welcomed to the District and sworn in to their positions. Family  
28 members were on hand to assist with the Badge pinning.

29 Chief Metcalf presented the following individuals to the Board, who were promoted or assumed  
30 new positions within the District:

31 Captain Steven Marovich Administrative Captain Brandon Lucore

32 Captain Marovich was pinned by his wife, with it being noted he will be serving initially at  
33 Station 1, taking Captain Lucore's position. Captain Lucore is replacing Captain Strikwerda as  
34 the Administrative Captain. He is taking over his special administrative duties.

35  
36 3. **ACKNOWLEDGEMENT OF RETIRING EMPLOYEES — CHIEF METCALF:** Chief Metcalf  
37 presented Deputy Chief Glasgow and A/C Strikwerda to the Board as the latest retiring  
38 members of the District. He noted they had started work the same day and were retiring the  
39 same day. Chief Metcalf presented both with a certificate of appreciation from the District.  
40 Each individual was given an opportunity to address the Board and audience, with many  
41 memories shared. Chief Metcalf invited everyone to attend their combined retirement picnic  
42 on July 12<sup>th</sup>, at the District.

## 43 44 **ACTION AGENDA**

### 45 **CONSENT ITEMS:**

- 46  
47 4. **APPROVE REGULAR BOARD MEETING MINUTES, MAY 2008**  
48 5. **APPROVE FINANCIAL REPORT MAY 2008**  
49 6. **APPROVE POLICIES AND PROCEDURES**

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51 President Harris inquired whether there were any questions regarding Consent Agenda items.  
52 There being no discussion, President Harris asked for a motion to approve the consent  
53 agenda. On a motion by Director Olson to approve Items 4-6 as they were presented, which  
54 was seconded by Director Thuner, the motion passed unanimously.

55 **ACTION ITEMS:**

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57 **7. ADOPTION OF A BOARD OF DIRECTORS EVALUATION REVIEW — DIRECTORS THUNER AND OLSON**

58 **AND CHIEF METCALF:** Director Thuner presented the survey to the Board, noting that as the Ad  
59 Hoc Review Committee, she and Director Olson had reviewed the form and found it to be  
60 valuable for evaluating Board performance. She is requesting further scoring information from  
61 the instructor who provided the form, and will make that available for discussion when it is  
62 obtained. The Committee strongly recommended that the Board use the survey for one year  
63 to test its value. Discussion ensued regarding who would be offered the survey, with it being  
64 noted that the leadership team, regular board attendees and staff. Dr. Thuner made a motion  
65 that after the scoring information is available, to use the survey on a monthly basis for one  
66 year, to present Board attendees and quarterly to Leadership staff, with a quarterly compilation  
67 and report to the Board. The motion was seconded by Director Olson and passed  
68 unanimously. Director Thuner to bring the scoring sheet to the next Board meeting after it  
69 becomes available. The Board Secretary will coordinate then implement distribution and  
70 compilation of results as outlined.

71  
72 **8. REVIEW AND APPROVE RECOMMENDATION FOR CSDA BOARD OF DIRECTORS NOMINATIONS**

73 **— CHIEF METCALF:** Chief Metcalf presented the opportunity for the Board to select a nominee  
74 for the CSDA Board of Directors. Director Olson expressed interest in running. On a motion  
75 by Director Graham, seconded by Director Thuner, the Board voted to submit a nomination for  
76 Director Olson to the Board of Directors for CSDA. The motion passed unanimously. The  
77 Board Secretary is directed to submit the nomination to CSDA.

78  
79 **9. APPROVAL OF RESOLUTION 2008-04 ESTABLISHING THE LIMIT OF APPROPRIATIONS OF**  
80 **PROCEEDS OF TAX SUBJECT TO LIMITATION FOR FISCAL YEAR 2008/2009 IN COMPLIANCE WITH**  
81 **ARTICLE XIII-B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA — CHIEF METCALF:** Chief

82 Metcalf informed the Board that the adoption of this Resolution is required each year to  
83 designate the amount of tax monies that may be used by the District, as subject to the

84 California Constitution, Article XIII-B. Chief Metcalf noted the District is under the allowable  
85 amount by 2 million dollars. Vice President Munson made a motion to approve Resolution  
86 2008-04, setting the limit of appropriations for the District at \$14,706,598.00 for the FY  
87 2008/2009. The motion was seconded by Director Thuner and passed unanimously.

88  
89 **10. REVIEW AND APPROVE RESOLUTION 2008-05 REQUESTING A TEMPORARY TRANSFER OF**  
90 **FUNDS FROM THE COUNTY TREASURER TO NORTH COUNTY FIRE PROTECTION DISTRICT — CHIEF**

91 **METCALF:** Chief Metcalf informed the Board the Resolution is the same as adopted and used  
92 last year. The resolution permits North County Fire Protection District to receive an advance  
93 from the County should such need arise during a period of prolonged dry funding. He noted  
94 advances would be only to cover for required items while awaiting routine tax payments. On a  
95 motion by Director Olson, which was seconded by Director Graham, the motion to approve and  
96 adopt Resolution 2008-05, permitting the ability to exercise a temporary transfer of funds from  
97 the County Treasurer to North County Fire Protection District, was unanimously approved.

98  
99 **11. REVIEW AND APPROVE PRELIMINARY BUDGET FOR FY 2007/2008; SET PUBLIC HEARING**  
100 **DATE TO APPROVE THE FINAL BUDGET DATE, TIME CERTAIN OF 5:15 P.M., SEPTEMBER 23, 2008 —**

101 **CHIEF METCALF, DEPUTY CHIEF GLASGOW AND BOOKKEEPER TIMMERS:** Chief Metcalf presented  
102 the preliminary budget draft to the Board, reviewing the yearly process. Chief Metcalf noted  
103 that the anticipated revenue is close to the predicted amounts, with almost a flat revenue  
104 growth. Chief Metcalf informed the Board the District would receive about \$12,900,000.00 in  
105 property tax, with the rest of expected revenue to be down. In addition, it is anticipated there  
106 will be a 3.5% growth in the next fiscal year, with an expectation of a continued revenue  
107 decline in the coming months. Chief Metcalf lauded Staff on controlling their proposed  
108 expenditures and budgeting efforts in this fiscal year, including the reduction in discretionary  
109 spending. He noted there would be some increases in the coming year in operating costs,  
110 especially in the area of fuel, fleet expenditures and training costs. Priorities for the coming  
111 year were discussed, with it being noted the coming year demonstrates a maintenance budget.  
112 On a motion by Director Olson, which was seconded by Director Graham, the Board approved

113 the preliminary budget unanimously. In addition, on a motion by Vice President Munson,  
114 which was seconded by Director Olson, the Board unanimously voted to set a public hearing  
115 for approval of the Final Budget for Date and Time Certain of September 23, 2008 at 5:15 p.m.

116  
117 12. **REVIEW AND RECOMMEND ACTION ON SUPPORT OF CSDA OPPOSITION TO AB 983 —**  
118 **DIRECTOR THUNER AND CHIEF METCALF:** Director Thuner brought forth her concerns that the  
119 District should join with the CSDA to oppose AB 983, which shifts the burden for full, complete  
120 and accurate plans from the design professional, to the District. It was noted that frequently,  
121 the District needs to hire professionals to advise them regarding complicated projects,  
122 including construction. The bill would make the District responsible for inaccurate or incorrect  
123 work by the design professionals. Director Thuner made a motion for the District to join CSDA  
124 in opposing the adoption of AB 983 and to voice such opposition to legislators representing the  
125 District. The motion was seconded by Director Olson and passed unanimously. Chief Metcalf  
126 was directed to send letters of opposition on behalf of the District and Board.

## 127 128 **DISCUSSION AGENDA**

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130 13. There was no Discussion Agenda for the June 24, 2008 Board meeting.

## 131 132 **STANDING DISCUSSION ITEMS:**

### 133 134 **LEGAL COUNSEL REPORT:**

135 Counsel's report on "Constitutional Law – City and City Manager Are Not Liable Where  
136 Employee Deprived of Pre-Termination Hearing Alleges Due Process Violation" was presented  
137 to the Board with brief discussion regarding the changes in the law. This report is  
138 informational only, no action is required.

139 **WRITTEN COMMUNICATION:**

- 140 ➤ April 8, 2008 Note From Service Recipient
- 141 ➤ May 2008 Letter from the Padres regarding Thanks for October 2008 Wildfire Efforts
- 142 ➤ June 5, 2008 Letter from the Burn Institute re: "Give Burns the Boot" drive

143 Chief Metcalf noted the thank you letter from the Padres and passed out the commemorative  
144 coin to the Board members, given by the team.

145 **BOARD RECOGNITION PROGRAM:**

- 146 ➤ April 23, 2008 Letter from the City of Escondido re: Service by Captain Rick Rees
- 147 ➤ May 5, 2008 Letter from Fallbrook Union Elementary School District re: Receipt of  
148 Cornucopia Award for PIO John Buchanan and Captain Randy Meers
- 149 ➤ June 5, 2008 Memo of Outstanding Community Service from B/C Abbott re: Engineer  
150 John McKnight
- 151 ➤ June 11, 2008 Letter from Sullivan Middle School Student re: Participate in Portfolio Day  
152 by D/C Goldberg
- 153 ➤ June 18, 2008 Wow Memo from A/S Susan Kettner re: FPS Gregg Holdridge

154 The Board took note of the various information regarding recognized individuals. Informational  
155 only at this time, no action required.

156

157 **NEWS ARTICLES:** Chief Metcalf directed the Board's attention to several articles, noting a  
158 recent CPR save and the fundraiser efforts of Engineer John McKnight. Brief discussion  
159 ensued. This is informational only, no action required.

160

161 **COMMENTS:**

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

164 **CHIEF METCALF:** Chief Metcalf brought the Board current on the Board of Supervisors (BOS)  
165 movements on the consolidation efforts. The BOS instructed the Chief Administrative Officer  
166 (CAO) for the County to develop an implementation plan, folding the participating agencies into  
167 the existing CSA 135, which houses the RCS system. The recommendation was to seek to

168 fold all departments into a new fire zone within the CSA, using the County to provide  
169 administrative support, CalFire to train the new CSA members and the implementation of a  
170 new Fire Warden, reporting under the Department of Land Use (DPLU). The Fire Warden's  
171 responsibility is administrative only, not operational. Chief Metcalf noted that there were two  
172 areas in our Sphere of Influence (SOI) that have been suggested as being served by North  
173 County Fire Protection District. Those two areas are the De Luz area and the area out to the  
174 Pala reservation. Incorporation of service into these areas would increase the District by 40  
175 square miles. However, the tax base, at the current rate offered by the County, would result in  
176 approximately another \$50,000.00 per year. At this time, the County is paying CalFire  
177 \$175,000.00 to provide the coverage the District would be expected to assume for \$50,000.00.  
178 Discussion ensued regarding the Warner Ranch and other possible annexations. Chief  
179 Metcalf brought the Board up-to-date on the fires in Central and Northern California, noting that  
180 Engine 1164 and the OES engine had been sent. In addition, PIO Buchanan has been  
181 assigned to Command Team 9, serving as their sole PIO. Chief Metcalf noted the County has  
182 been drawn down by 55 engines and has agreed not to send more out of the County. It was  
183 noted there had been complaints of minor orthopedic injuries and burning poison oak.

184  
185 1.1. **CHIEF OFFICERS:** D/C Goldberg: D/C Goldberg informed the Board that the OES crew  
186 dispatched to Northern California had reported in, noting they are in Merced and bedded down  
187 for the night. They were up for 48 hours straight, but expect to be dispatched again after a 24  
188 hour rest period. Everyone is safe and in good health.

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190 2. **BOARD:** Vice President Munson: Vice President Munson brought forth a concern about  
191 evacuations as related by a local bird breeder and informed the Board of the difficulties  
192 evacuating 2000 birds. In addition, he discussed concerns of the community to have accurate,  
193 up-to-date information available for citizens, in the form of a hot line, website or live update.  
194 Chief Metcalf noted it is not necessarily a technical difficulty, but a procedurally difficulty. He  
195 noted the District is now part of the County Emergency Operations Center (EOC), which will  
196 provide accurate and timely information to interested parties. In addition, a Committee is

197 working to update the Department Emergency Operations Center (DOC), including the  
198 technology to provide the most vital information. Chief Metcalf offered to keep the Board  
199 apprised of the developments.

200  
201 3. **BARGAINING GROUPS:** No comments.

202 4. **PUBLIC COMMENT:** No comments.

## 203 204 **CLOSED SESSION**

### 205 **ENTERING CLOSED SESSION:**

206 At 6:35 p.m., President Harris inquired whether there was a motion to adjourn to closed  
207 session. Director Olson moved to go to closed session, which was seconded by Director  
208 Thuner, which motion was passed unanimously. At 6:45 p.m., the Board entered Closed  
209 Session to hear:

210 1. LIABILITY CLAIM — Government Code § 54956.9(d) - DISTRICT COUNSEL JAMES

211 ***SAN DIEGO GAS & ELECTRIC V. NORTH COUNTY FIRE PROTECTION DISTRICT***

212 2. LIABILITY CLAIM — Government Code § 54956.9(d) - DISTRICT COUNSEL JAMES

213 ***SAN DIEGO GAS & ELECTRIC V. RAINBOW VOLUNTEER FIRE DEPARTMENT***

214 3. CONFERENCE WITH LABOR NEGOTIATOR – Government Code § 54957.6 —

215 Management Group Negotiations — Chief Metcalf

216 Management Group Negotiators: NCFPD Management Group

217 District Negotiators: Chief Metcalf and District Counsel James

218 4. CONFERENCE WITH LABOR NEGOTIATOR – Government Code § 54957.6 — Non-

219 Safety Group Negotiations – Chief Metcalf

220 Non-Safety Group Negotiators: Fallbrook Firefighters Association

221 District Negotiators: Chief Metcalf and District Counsel James

222 5. CONFERENCE WITH LABOR NEGOTIATOR – Government Code § 54957.6 Safety

223 Group Negotiations – Chief Metcalf

224 Safety Group Negotiators: Fallbrook Firefighters Association

225 District Negotiators: Chief Metcalf and District Counsel James

226 6. PERFORMANCE REVIEW – Government Code § 54957 — Chief Metcalf

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228 REOPENING OPEN SESSION:

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230 On a motion by Director Thuner, which was seconded by Director Olson, and which passed  
231 unanimously, the Board returned open session at 8:05 p.m. The following items were reported  
232 out to the public:

233 1. LIABILITY CLAIM — Government Code § 54956.9(d) - DISTRICT COUNSEL JAMES  
234 **SAN DIEGO GAS & ELECTRIC V. NORTH COUNTY FIRE PROTECTION DISTRICT**

235 On a motion by Director Graham, which was seconded by Director Thuner, the Board  
236 unanimously voted to reject the claim as presented. District Counsel was directed to provide  
237 required notification.

238  
239 2. LIABILITY CLAIM — Government Code § 54956.9(d) - DISTRICT COUNSEL JAMES  
240 **SAN DIEGO GAS & ELECTRIC V. RAINBOW VOLUNTEER FIRE DEPARTMENT**

241 On a motion by Director Graham, which was seconded by Director Thuner, the Board  
242 unanimously voted to reject the claim as presented. District Counsel was directed to provide  
243 required notification.

244  
245 3. CONFERENCE WITH LABOR NEGOTIATOR – Government Code § 54957.6 —  
246 Management Group Negotiations — Chief Metcalf

247 Management Group Negotiators: NCFPD Management Group

248 District Negotiators: Chief Metcalf and District Counsel James

249 Director Graham made a motion to ratify the proposed Memorandum of Understanding as  
250 presented by the negotiators, authorizing President Harris, Chief Metcalf and District Counsel  
251 to sign the contract on behalf of the District, as approved/ratified by the Management Group.  
252 The motion was seconded by Director Olson and it unanimously passed.

254 4. CONFERENCE WITH LABOR NEGOTIATOR – Government Code § 54957.6 —

255 Non-Safety Group Negotiations – Chief Metcalf

256 Non-Safety Group Negotiators: Fallbrook Firefighters Association

257 District Negotiators: Chief Metcalf and District Counsel James

258 Vice President Munson made a motion to ratify the proposed Memorandum of Understanding  
259 as presented by the negotiators, authorizing President Harris, Chief Metcalf and District  
260 Counsel to sign the contract on behalf of the District, as approved/ratified by the Non-Safety  
261 Group. The motion was seconded by Director Thuner and it unanimously passed.

262  
263 5. CONFERENCE WITH LABOR NEGOTIATOR – Government Code § 54957.6 Safety

264 Group Negotiations – Chief Metcalf

265 Safety Group Negotiators: Fallbrook Firefighters Association

266 District Negotiators: Chief Metcalf and District Counsel James

267 President Harris declared a potential conflict of interest, removed herself from the Board table  
268 and did not participate in the discussion. Director Olson made a motion to ratify the proposed  
269 Memorandum of Understanding as presented by the negotiators, authorizing Vice President  
270 Munson, Chief Metcalf and District Counsel to sign the contract on behalf of the District, as  
271 approved/ratified by the Safety Group. The motion was seconded by Director Graham and  
272 was passed unanimously. President Harris recused herself from voting.

273  
274 6. PERFORMANCE REVIEW – Government Code § 54957 — Chief Metcalf: On a motion

275 by Director Graham, which was seconded by Director Thuner, the Board voted to finalize the  
276 annual evaluation of Chief Metcalf, increasing his salary to \$173,468.00 per annum, to be  
277 effective on July 1, 2008. In addition, his contract was extended for an additional year as per  
278 §2.1 of Chief Metcalf's contract. Direction was given to the Board Secretary to work with  
279 District Counsel to finalize contractual changes to reflect the same.

280 **ADJOURNMENT**

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282 A motion was made at 8:12 p.m. by Director Graham and seconded by Vice President  
283 Munson, to adjourn the meeting and reconvene on, July 22, 2008 at 5:00 p.m. The motion  
284 carried unanimously.

285 Respectfully submitted,

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Loren Stephen-Porter

289 Board Secretary

290 Minutes approved at the Board of Director's Meeting on: July 22, 2008  
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