

1 **March 24, 2009**

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 **ALSO PRESENT:** Fire Chief/CEO Metcalf, Attorney James and Board Secretary Stephen-
10 Porter. In the audience were: Deputy Chief Torchia, Division Chief Goldberg, Battalion Chief
11 Abbott, Administrative Captain Lucore and members of the public and Association.

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13 **PUBLIC ACTIVITIES AGENDA**

14 1. **PUBLIC COMMENT:** President Munson addressed the audience and inquired whether
15 there were any public comments regarding items not on the Agenda. Fred Luevano of the
16 Fallbrook Fire Safe Council provided an update to the Board on the Council's fundraising,
17 noting that they had received a check for \$250,000.00 for weed abatement. The Council is
18 working with the Fire Prevention Bureau on plans and bids for the projects. The Council is
19 anticipating receipt of \$197,000.00 and perhaps another \$100,000.00 (primary to be used for
20 education) within the next year. There being no further public comment, the public comment
21 time was closed.

22 2. **EMPLOYEE OATH OF OFFICE — CHIEF METCALF:** Chief Metcalf swore-in the new
23 members: Firefighter/Paramedic Ross Carson, Reserve Firefighter Collin Baker, Reserve
24 Firefighter Cory Ender, Reserve Firefighter Chris Flores, Reserve Firefighter Mark Hammes
25 and Reserve Firefighter Brett Switzer, welcoming them to the North County Fire Protection
26 District. After the swearing-in, family members and friends were invited to share in the badge
27 pinning. In addition, Engineer Rob DeCamp and Engineer Nick Crilly were sworn into their
28 new positions, with family members also joining for the badge pinning.

ACTION AGENDA

CONSENT ITEMS:

3. APPROVE REGULAR BOARD MEETING MINUTES, FEBRUARY 24, 2009
4. APPROVE FINANCIAL REPORT FEBRUARY 2009
5. APPROVE POLICIES AND PROCEDURES

President Munson inquired whether there were any questions on Items 3-5. There being none, he asked for a motion to approve the consent agenda. On a motion by Director Harris to approve Items 3-5, which was seconded by Director Schaden, the motion passed unanimously.

ACTION ITEMS:

6. REVIEW AND APPROVE RESOLUTION 2009-01 OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY FIRE PROTECTION DISTRICT MAKING ANNUAL REQUIRED FINDINGS OF THE SAN DIEGO COUNTY FIRE MITIGATION FEE PARTICIPATION ORDINANCE FY 2009/2010 – D/C MOREL: Chief Metcalf presented the annual item to the Board for approval, noting that the adoption is required to allow the District to participate in the Fee Mitigation Program. Chief Metcalf noted that the County is presenting a resolution to the Board of Supervisors on March 25, 2009, to leave the fee schedule unchanged, at \$0.46. On a motion by Director Hooper, seconded by Director Schaden, the Board unanimously voted to approve Resolution 2009-01 as presented.
7. REVIEW AND APPROVE NOMINATIONS FOR SPECIAL DISTRICT MANAGEMENT AUTHORITY'S (SDRMA) BOARD OF DIRECTORS — CHIEF METCALF: Chief Metcalf presented the information to the Board, noting that SDRMA provides an annual opportunity for Board members to participate in the SDRMA governance. He noted the commitments and obligations of the position. After discussion, it was the consensus of the Board not to submit a nomination for the SDRMA Board. No further action is required.
8. REVIEW AND APPROVE CALPERS CONTRACT AMENDMENT FOR MISCELLANEOUS MEMBERS AND RESOLUTION 2009-02 OF INTENTION — DEPUTY CHIEF TORCHIA: Deputy Chief Torchia presented Resolution 2009-02, stating an intention to modify the CalPERS contract for Non-

58 Safety members as agreed in the labor negotiations for 2008. Chief Metcalf noted that the
59 original agreement called for the modification to the CalPERS contract in December of 2009,
60 however, the District would be saving \$49,000.00 if the modification is implemented earlier.
61 He noted that the position for the Maintenance Supervisor is not going to be filled at this time,
62 resulting in these savings. Along with this savings and earlier implementation date, NCFPD
63 would save approximately \$100,000.00 overall. Chief Metcalf noted that as per a new legal
64 requirement, the District has an actuarial on standby if there were any questions that required
65 further explanation. There being no questions, Chief Metcalf noted that this is a two-part
66 process, with the Resolution of Intention being the first part and the actual Resolution of
67 Amendment being presented next month. Brief discussion ensued regarding who is covered
68 by the Amendment. At the conclusion of the discussion, a motion was made by Director Harris
69 to approve Resolution 2009-02 as presented, which was seconded by Director Hooper. The
70 motion passed unanimously.

71 9. **REVIEW AND APPROVE INITIATION OF PROGRAM TO RECOVER COSTS FOR RESPONSE FOR AT-**
72 **FAULT PARTY AND SET A PUBLIC HEARING TIME CERTAIN FOR APRIL 28, 2009 AT 5:15 P.M. — CHIEF**

73 **METCALF:** Chief Metcalf presented a new concept to the Board, which would allow the District
74 to recover expenses for responses on vehicle accidents. The proposed program would allow
75 the District to recover costs on a set scale reflective of the actual costs to the District to
76 respond in the following major areas: Motor Vehicle Accidents, Haz-Mat Responses and
77 Pipeline Breakage/Repairs. Chief Metcalf noted that these fees are recoverable through the
78 individual's insurers as part of their coverage. If the insurance does not pay, no bill would be
79 sent to the individual. It is the recommendation of Staff to bill all individuals using these
80 services. He noted the options for billing, including billing all individuals who use this service
81 or only out of District users. Discussion ensued about the billing process and what would
82 happen should insurance refuse payment. In a poll of others exercising this option, he noted
83 approximately one-half bill both residents and non-residents, and one-half bill only non-
84 residents. Chief Metcalf also informed the Board that he has not heard of any legal challenges
85 to this practice and in fact, it is usually unchallenged by the insurance when presented for
86 payment. There was a consensus to proceed with the program. Chief Metcalf noted although

87 it is not required because it is a cost recovery method, the Staff is recommending a public
88 hearing to allow individuals an opportunity to be present for the Resolution discussion and
89 adoption. On a motion by Vice President Thuner, which was seconded by Director Harris, the
90 Board unanimously approved setting a public hearing as presented.

91 10. **REVIEW AND APPROVE RESOLUTIONS 2009-03 TO RE-AUTHORIZE MEDICAL STANDBY**
92 **SERVICES WITHIN THE DISTRICT'S AREA OF OPERATIONS — B/C ABBOTT:** B/C Abbott presented
93 Resolution 2009-03 to the Board for approval for the re-authorization of Medical Standby
94 services within the District exclusive operational area (EOA). B/C Abbott noted that the
95 company 2 the Rescue had previously be given a contract to perform services at Los Willows,
96 since has been difficult finding Department members to provide these standby ancillary
97 services. The contract is at no cost to the District and provides a service in the community.
98 Discussion ensued regarding who provides the transport, with it being noted that the Company
99 only provides onsite services; all transportation is done by North County Fire Protection
100 District. B/C Abbott noted that the previous contract had lapsed for the Company's failure to
101 timely renew and there had been no concerns with the Company's performance. On a motion
102 by Director Hooper, which was seconded by Vice President Thuner, the Board unanimously
103 approved Resolution 2009-03 as presented.

104 **DISCUSSION AGENDA**

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106 11. There were no discussion items for the March 24th Board meeting.

107 **STANDING DISCUSSION ITEMS:**

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109 • **LEGAL COUNSEL REPORT:** Counsel James presented his letter "Fitness-For-Duty
110 Examinations: Assessing The Legal Rights And Obligations Under The Fair Employment And
111 Housing Act And Related Laws From The Employer And Employee Perspective." Brief
112 discussion ensued regarding the situations that permit Fitness-for-Duty examinations and the
113 impact of Federal and state standards on these situations. This is informational only, no action
114 required.

115 • **WRITTEN COMMUNICATIONS:** Chief Metcalf noted that the District had received a
116 number of support letters for the upcoming LAFCO elections. Informational only, no further
117 action required.

118 • **BOARD RECOGNITION PROGRAM:** The information submitted was reviewed with
119 discussion about the submission from the Medema family and that County's response to the
120 assistance they received during the recent fires. Informational only, no further action required.

121 • **NEWS ARTICLES:** Chief Metcalf directed the Board's attention to the article regarding
122 the recent burn down training exercise. Director Hopper noted the outstanding coverage the
123 Village News had provided for the event. Director Harris, who had an opportunity to participate
124 in the event, informed the Board that it gave her a new perspective on what the employees do
125 every day. Chief Metcalf acknowledged the contribution of the site by the McReynolds family
126 to the event. He noted that although the experience received from the training trailers is good,
127 that training under actual conditions present a much better training experience. Informational
128 only, no further action required.

129 • **COMMENTS:**

130 • **STAFF REPORTS/UPDATES:**

131 • **UPDATE ON STATION CONSTRUCTION:** As requested by the Board, the Staff will present a
132 monthly update on the status of the Station construction. Deputy Chief Torchia noted that a
133 RFP geotechnical services and a RFQ for architectural services has been let and will be
134 closing on April 24th. He expects to have the geotechnical services contract ready for the May
135 meeting and the selection of the architect for the June meeting. Discussion ensued regarding
136 the length of time to build and the details of the process. At this time, the District is moving as
137 fast as they can to perform all the groundwork for the actual building. Director Schaden
138 inquired about the stimulus package funds. Chief Metcalf noted the District will be ready to
139 apply when the details are released. Director Hooper inquired whether there were any
140 problems with the Station 5 site. Deputy Chief Torchia noted that no problems are known at
141 this time and the geotechnical review should alert us to any concerns. Informational only, no
142 further action required at this time. Informational only, no further action required.

143

144 • **BILL METCALF, FIRE CHIEF/CEO:** Chief Metcalf informed the Board the District was
145 gearing-up for the Avocado Festival on April 19th, inviting members to attend. He informed the
146 Board the District is working with the Chamber to ensure the new cooking code issues are
147 resolved. Chief Metcalf noted the Orange Grove Power Plant project is moving forward and an
148 annexation may be coming to the Board in the future. Chief Metcalf is working closely with the
149 builder and County. Chief Metcalf reminded the Board he would be out of town in Washington
150 on IAFC business. Chief Metcalf also noted that the District is expecting the Stimulus Grant
151 submissions to be in the summer, and believes the District will be well situated to respond and
152 receive favorable consideration. Discussion ensued regarding whether one or more stations
153 may be submitted. Chief Metcalf noted that those details should be available soon.
154 Informational only, no further action required.

155 • **CHIEF OFFICERS:** The Board members were invited to the upcoming “Every 15 Minutes”
156 event to see the presentation sponsored by the District. CERT has invited all District and
157 Board members to the CERT picnic at Live Oak Park and A/C Lucore noted if you said the
158 word “CERT,” parking would be free. **CHIEF GOLDBERG:** Division Chief Goldberg noted that
159 the District had received two checks for: generator installation at the Scout Hut and Annual
160 Haz-Mat training. He noted the District be applying for the next AFG grant for support of an
161 improved Wellness program. The revised program will provide enhanced wellness services to
162 all District members, with the aim at having a healthy workforce and a significant reduction in
163 Worker’s Compensation claims. He noted that San Diego Sports Medicine (SDSM) has been
164 providing these services to other fire entities, noting those agencies have had a large reduction
165 in industrial injuries. In addition, has begun a data collection process to qualify the
166 improvements realized from the SDSM program. **DEPUTY CHIEF TORCHIA:** Chief Torchia
167 informed the Board the District is has also let a RFP for new auditors. This is a routine
168 process to ensure the District receives the best services. The deadline for the submission is
169 April 24th, with the goal of presenting the new contract at the May meeting. **B/C ABBOTT:**
170 Chief Abbott informed the Board the District is applying to Fallbrook Hospital District to obtain
171 AED’s for each of the Staff vehicles. He noted the District had several patient saves this year
172 using the AED and would like to have the machines available for quick response, especially

173 within the first minutes. Chief Abbott informed the Board that FHD has been supportive of our
174 Project Heartbeat program and hopes this grant will continue that support. Informational only,
175 no further action required.

176 • **BOARD: DIRECTOR HARRIS:** Director Harris lauded the efforts of the District in the recent
177 Car Seat distribution event, specially noting the efforts of Captain Meers. Altogether, 148
178 seats were distributed. **PRESIDENT MUNSON:** President Munson invited the Directors interest in
179 attending the Fire-Rescue International event in August, requesting that he be notified of their
180 interest. Discussion ensued regarding who would be attending from Staff this year. Chief
181 Metcalf noted that the four who attended last year are attending the last year of their three-year
182 program. In addition, they are seeking two new captain candidates for the next series and the
183 District plans to add two more Candidates each year, staggering the starting process.
184 Informational only, no further action required.

- 185 • **BARGAINING GROUPS:** No comments.
- 186 • **PUBLIC COMMENT:** No comments.

187

188 **CLOSED SESSION**

189 At 18:50 p.m., President Munson inquired whether there was a motion to adjourn to closed
190 session. Director Harris moved to go to closed session after a short break, which was
191 seconded by Director Schaden, which motion was passed unanimously. At 19:00 p.m., the
192 Board entered Closed Session to hear:

- 193 • **WORKERS' COMPENSATION CLAIM REVIEW — Government Code §54956.95**
194 Deputy Chief Torchia and District Counsel James
- 195 • **CONFERENCE WITH PROPERTY NEGOTIATORS — GOVERNMENT CODE §54956.8**
196 District Counsel James and Deputy Chief Torchia

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- 198 • **REOPENING OPEN SESSION:**
199 On a motion by Director Hopper, which was seconded by Director Harris and which passed
200 unanimously, the Board returned open session at 19:07 p.m., the following items were
201 reported out to the public:

