

1 **May 25, 2010**

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

4 President Thuner 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: Battalion Chief Abbott, Administrative  
11 Captain Lucore and members of the public and Association.

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13 **PUBLIC ACTIVITIES AGENDA**

14 1. **PUBLIC COMMENT:** President Thuner addressed the audience and inquired whether  
15 there were any public comments regarding items not on the Agenda. FSC President Fred  
16 Luevano provided an update on the Council's activities to date. He noted the Council would be  
17 applying for additional grants for weed abatement, although grant funding is slim at this time.  
18 There being no further public comment, the public comment time was closed.

19 2. **BOARD RECOGNITION PROGRAM — B/S STEPHEN-PORTER AND CHIEF METCALF:** Chief  
20 Metcalf presented Matt Lindsey to the Board to receive the award from the last quarter, noting  
21 that RFF Joseph Harlin could not be present to accept his award.

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23 **ACTION AGENDA**

24 **CONSENT ITEMS:**

25 3. **APPROVE REGULAR BOARD MEETING MINUTES, APRIL 2010**

26 4. **APPROVE FINANCIAL REPORT APRIL 2010**

27 5. **REVIEW AND APPROVE POLICIES AND PROCEDURES**

28 President Thuner inquired whether there were any questions on Items 3-5. Chief Metcalf  
29 requested that the Certification Program be tabled for a future meeting as there were late

30 changes that needed to be addressed. It was the consensus of the Board to pull the policy  
31 from consideration on the agenda. Director Thuner noted an inconsistency in the language  
32 between in the Board of Directors Operations where “chairperson” “officer” and “president” are  
33 used interchangeably. She requested that language be consistently applied in §4.3.2. On a  
34 motion by Vice President Harris, seconded by Director Schaden, with the Board Secretary to  
35 address the inconsistencies in § 4.3.2., as modified, the motion passed unanimously.

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37 **ACTION ITEMS:**

38 6. **PUBLIC HEARING – TIME CERTAIN 5:15 P.M. FOR THE ADOPTION OF FEE SCHEDULES FOR**  
39 **EMERGENCY MEDICAL SERVICES/AMBULANCE FEES AND ADOPTION OF RESOLUTION NO. 2010-03**  
40 **RE: AMENDING THE CURRENT FEE SCHEDULE FOR EMERGENCY AND NON-EMERGENCY SERVICES**

41 **AND TRANSPORTATION — B/C ABBOTT:** B/C Abbott presented Resolution 2010-03 to the Board  
42 to adoption and the updated Ambulance Fee Schedule. He described the increase in fees as  
43 more closely recovering costs for services for medical aid. B/C Abbott discussed the reasons  
44 for the increase in the fees, noting that the District had not increased ambulances fees for  
45 several years and the recommended amount of increase still will not completely recoup the  
46 entire amount expended for medical aid calls. Discussion ensued regarding the type of calls  
47 where no fees are charged. On a motion by Director Hooper, seconded by Vice President  
48 Harris, the motion to adopt Resolution 2010-03 as presented passed unanimously. The fees  
49 will begin on July 1<sup>st</sup>.

50 7. **REVIEW AND APPROVE SALE OF SURPLUS PROPERTY — CHIEF METCALF:** Chief Metcalf  
51 informed the Board the items before them are of no use to the District and should be declared  
52 surplus. Discussion ensued regarding the amount of the expected return on the sale of the  
53 property. The Board discussed donation of fire equipment to less fortunate departments or  
54 local non-profit agencies if the equipment is safe to do so and the details of the issues  
55 surrounding such donation. Vice President Harris made a motion to declare the property  
56 surplus as presented with the addition of language to allow for the donation of equipment to  
57 local departments or non-profit agencies as outlined, which was seconded by Director  
58 Schaden; the motion passed unanimously.

59 8. **REVIEW AND APPROVE RESOLUTION 2010-04 AUTHORIZING CERTAIN ADMINISTRATIVE**  
60 **ACTIONS BY THE FIRE CHIEF AND DEPUTY FIRE CHIEF — CHIEF METCALF:** Chief Metcalf  
61 presented Resolution 2010-04 to the Board noting that this Resolution combines two existing  
62 resolutions, NCFPD Resolutions 2003-09 and 2008-07, while adding additional language for  
63 other administrative actions. The additions allow the Fire Chief/CEO and in his absence, the  
64 Deputy Chief, to accept or grant easements on behalf of the District under certain  
65 circumstances. An example of a pending easement acceptance was reviewed by the Board.  
66 On a motion by Vice President Harris, seconded by Director Munson, the motion to adopt  
67 Resolution 2010-04 as presented passed unanimously.

68 9. **REVIEW AND DIRECT STAFF REGARDING EXTENSION OF CONTRACT TO PROVIDE FIRE**  
69 **PROTECTION SERVICES TO CSA 135 — CHIEF METCALF:** Chief Metcalf presented the  
70 background on the current contract with the San Diego County Fire Authority for the Orange  
71 Grove Power Plant area, which agreement is slated to expire on June 30, 2010. He informed  
72 the Board the District received the Authority's request to extend the contract for an additional  
73 year on May 25, 2010, on the same terms as previously provided. He noted this offer did not  
74 reflect his previous discussions with the County regarding the amounts the District could  
75 expect to receive when the property annexed to the District or for the District to continue the  
76 contract until the annexation occurred. Discussion ensued regarding the current contract rate  
77 and the amount the District would require to break even on providing services in this area. He  
78 noted the District had initially agreed to the amount based on conversations with the County,  
79 the annexation of the area to the District and a percentage of the underage being paid by the  
80 power plant. Discussion ensued regarding the status of the annexation, whether it would go  
81 forward, how much would be required for the District to not subsidize this area and the amount  
82 the County is receiving for the tax base now that the power plant is completed. It was noted  
83 that if the annexation went forward, the District would be required to build at least one other  
84 station in the CSA area as the area to be annexed grows, which would increase the costs to  
85 the District. Chief Metcalf informed the Board that although the area is in the District's Sphere  
86 of Influence, it is currently the responsibility of CSA 135 to provide firefighting coverage in this  
87 area. Chief Metcalf also informed the Board that currently, CSA 135 is not a signatory on the

88 Mutual Aid Agreement with other agencies in the County. Director Hooper made a motion to  
89 reject the offer for the extension of the contract with CSA 135 with the understanding that Chief  
90 Metcalf is authorized to continue to seek additional offers/alternatives that will cover the  
91 District's costs for such an arrangement. The motion seconded by Vice President Harris and  
92 passed unanimously.

93 10. **REVIEW AND DIRECT STAFF REGARDING FUNDING OPTIONS FOR CONSTRUCTION OF STATION**

94 **5 — CHIEF METCALF:** Chief Metcalf presented the options for the proposals for financing the  
95 construction of Station 5. The options include a thirty and fifty percent Reserve Fund option,  
96 with the total of loan amounts to be between 2 and 2.5 million. Staff requested an initial  
97 authorization of \$500,000 from the Facilities Reserves to initiate the Station 5 Construction in  
98 calendar year 2010. These funds will be used for design development, site and building  
99 engineering, preparing construction documents and obtaining building permits. Once these are  
100 completed, the Project would proceed with the development of a Request for Proposal for  
101 building construction. In the FY2011/2012, when these items are complete, the Staff would  
102 have a more accurate estimate of the final budget for the construction and will reduce the time  
103 the amounts are borrowed. Discussion ensued regarding the manner the initial amounts will  
104 be spent. Chief Metcalf opined this approach allows the District to begin planning for the  
105 project, but will permit it to exercise the best options if the economy takes a downturn or other  
106 unanticipated factors arise. Chief Metcalf noted the District would have a better overall  
107 financial picture in October 2010, when it receives the CALPers premium for FY 2011/2012.  
108 On a motion by Vice President Harris to adopt the Option which will finance the project with  
109 fifty percent of Facility Reserves and the remainder from a loan and to authorize \$500,000  
110 from the Reserves to be placed in the FY10/11 Budget for pre-construction development. The  
111 motion was seconded by Director Hooper and passed unanimously.

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113 **DISCUSSION AGENDA**

114 10. **REVIEW OF DRAFT PRELIMINARY BUDGET – CHIEF METCALF AND FS TIMMERS:** Chief  
115 Metcalf presented the first look at the Preliminary Budget for the coming Fiscal Year. He noted  
116 the Budget was developed with the assumption that revenue would be flat. He noted that the

117 expenses for vehicles include the ordering of an engine, which will be paid for next FY and the  
118 remounting of an ambulance. He noted the biggest change this year is in personnel costs, due  
119 to a once every eleven year anomaly of an extra paycheck, amounting to \$336,000. There is a  
120 small increase for election costs, which may not be used if the election is not contested. He  
121 noted that the Administrative Captain's position will go dormant in December and there will be  
122 an internal recruiting of the Operations Division Chief, to be filled by January 2011. Although  
123 the Administrative Captain position is not being done away with, Chief Metcalf feels it is not in  
124 the best interest of the District to continue to operate without the Operations Chief Officer. The  
125 only cost difference is between the salary of two positions. Chief Metcalf thanked the Chief  
126 Torchia, Becky and Renae for their hard work on the Budget and all the Staff for their efforts to  
127 maintain costs throughout the year. President Thuner noted keeping personnel costs at 82%  
128 was doing well. She requested that Finance include the dollar amount in addition to the  
129 percent amount on the pie charts. The Preliminary Budget will be brought back with the  
130 changes from Item 10 to the next meeting. There being no other requests, discussion ended.  
131 Informational only, no further action required.

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

133 ● **LEGAL COUNSEL REPORT:** Counsel James presented his letter "California False  
134 Claims Rulings: Contractor Invoices Include Implied Certification of Contract Compliance" Brief  
135 discussion ensued regarding the application to contracts. This is informational only, no action  
136 required.

137 ● **WRITTEN COMMUNICATIONS:** None.

138 ● **NEWS ARTICLES:** Chief Metcalf directed the Board's attention to the numerous  
139 articles. Informational only, no further action required.

140 ● **COMMENTS:**

141 ● **STAFF REPORTS/UPDATES:**

142 ● **UPDATE ON STATION CONSTRUCTION/HWY 76 CONSTRUCTION:** Chief Metcalf provided an update  
143 on the Hwy 76 construction, noting the District had invited Mark Phelan from Caltrans to the  
144 meeting to discuss the work, although he was not present at the meeting. He noted the  
145 preliminary EIR is currently being developed, which must consider two alternate routes. The

146 District has been actively working with North Comm on response times to ensure the data is  
147 available to be part of the consideration. Chief Metcalf noted that from the District's  
148 perspective, the concern is to ensure that response times/routes are not impaired and that the  
149 District has a chance to weigh in on the proposed mitigation and alternate routes. Discussion  
150 ensued regarding the inaccurate information being put forth in the media regarding the issues.  
151 Chief Metcalf opined it was best for the Board to weigh-in on the issues when all the facts are  
152 available. Staff will continue to participate with and close monitor the situation, working with  
153 North Comm to ensure information is timely provided to Caltrans. It anticipated that June is  
154 the projected time for the preliminary EIR to be published. Informational only, no further action  
155 required.

156 ● **BILL METCALF, FIRE CHIEF/CEO:** Chief Metcalf noted that Fire Recovery now has more  
157 than sixty-six customers in California. In addition, San Miguel, Oceanside, National City and  
158 Chula Vista are looking at adopting a similar program, although no two are exactly alike. He  
159 noted that the San Diego County Taxpayers Association has been looking at the matter. Chief  
160 Metcalf informed the Board he had sent them a website of the County of San Diego report for  
161 the Deployment Study. He noted the study showed unexpected results, with new stations  
162 needed in the city (14) and more consistent staffing (on call or paid volunteers) needed in the  
163 rural areas. In addition, the study recommends consolidating dispatch centers and helicopters  
164 services. The Supervisors directed the CAO to come back with an implementation plan. Chief  
165 Metcalf noted the District is bringing on three new reserves. Chief Metcalf discussed changes  
166 in dispatch with Pala coming into the North Comm JPA. Chief Metcalf discussed a letter  
167 received by the Board members on a private property matter, which recites an inaccurate  
168 version of events. Chief Metcalf noted the parties have not contacted either he or Chief Morel  
169 regarding their concerns. The District has been working with District Counsel on the matter and  
170 a response has been provided to the letter. Informational only, no further action required.

171 ● **CHIEF OFFICERS:** None.

172 ● **BOARD:** Director Hooper: Discussed a desire to have a wallet badge as a retirement  
173 memento for retiring employees. Vice President Harris: Thanked everyone who worked on the  
174 budget. Informational only, no further action required.

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- **BARGAINING GROUPS:** No comments.
- **PUBLIC COMMENT:** No comments.

### **CLOSED SESSION**

At 7:20 p.m., President Thuner inquired whether there was a motion to adjourn to closed session. Vice President Harris moved to go to Closed Session after a short break, which was seconded by Director Munson, which motion was passed unanimously. At 7:30 p.m., the Board entered Closed Session to hear:

- **PERFORMANCE REVIEW – GOVERNMENT CODE § 54957 – CHIEF METCALF**  
**DISTRICT NEGOTIATOR COUNSEL JAMES**

- **REOPENING OPEN SESSION:**  
On a motion by Director Hooper, which was seconded by Director Munson and which passed unanimously, the Board returned open session at 8:20 p.m., the following items were reported out to the public:

- **PERFORMANCE REVIEW – GOVERNMENT CODE § 54957 – CHIEF METCALF**  
No reportable action. **DISTRICT NEGOTIATOR COUNSEL JAMES**

### **ADJOURNMENT**

A motion was made at 8:25 p.m. by Director Hooper and seconded by Director Munson, to adjourn the meeting and reconvene on, June 22, 2010, at 17:00. The motion carried unanimously.

Respectfully submitted,

  
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Loren Stephen-Porter  
Board Secretary

Minutes approved at the Board of Director’s Meeting on: June 22, 2010