

1 **May 26, 2009**

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

4 President Munson 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 Goldberg,
11 Battalion Chief Abbott 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. There being no public
16 comment, the public comment time was closed.

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18 **ACTION AGENDA**

19 **CONSENT ITEMS:**

20 2. **APPROVE REGULAR BOARD MEETING MINUTES, APRIL 2009**

21 3. **APPROVE FINANCIAL REPORT APRIL 2009**

22 4. **RATIFICATION OF GOVERNANCE POLICY REVIEW**

23 President Munson inquired whether there were any questions on Items 2-4. There being none,
24 he asked for a motion to approve the consent agenda. On a motion by Director Harris to
25 approve Items 2-4, which was seconded by Director Schaden, the motion passed
26 unanimously.

27 **ACTION ITEMS:**

28 6. **REVIEW AND APPROVE IDENTITY PROGRAM AND RESOLUTION 2009-08 — B/C ABBOTT:** B/C

29 Abbott the proposed Program that has been required due to changes in the FTC rulings. He

30 noted that the District has received recommended language for the program, as provided by
31 recognized expert in the field. He also noted that the many of the requirements are the same
32 or similar to those required by HIPAA regulations. On a motion by Director Schaden,
33 seconded by Vice President Thuner, the Resolution and attached documents were
34 unanimously approved as presented.

35 7. **REVIEW AND APPROVE RESOLUTION 2009-06 RE: EXTREME FISCAL HARDSHIP — CHIEF**

36 **METCALF**: Chief Metcalf presented a recommended Resolution from the CSDA and FDAC
37 regarding proposed action by the Governor under Proposition 1A. The Resolution provides
38 feedback to the Governor on the District and Board's position that the District would suffer
39 extreme fiscal hardship if the Governor embarks on the threatened course of action. The
40 Resolution would be forwarded to the Governor and our legislators. Discussion ensued
41 regarding the amount of funding that may be in jeopardy if Prop 1A is acted on. Discussion
42 also ensued regarding the chilling effecting the action may have on Mutual Aid and the
43 District's ability to continue provide services. On a motion by Vice President Thuner, which
44 was seconded by Director Hooper, the motion to approve Resolution 2009-06 was
45 unanimously approved.

46 8. **SET PUBLIC HEARING DATE/TIME CERTAIN AUGUST 18, 2009 — ESTABLISHMENT OF**
47 **EQUIPMENT PLAN FOR THE FIRE FEE MITIGATION PROGRAM WITH ADOPTION OF RESOLUTION 2009-**

48 **10 (5:25 P.M.) — D/C MOREL**: The request to set a time certain public hearing for the adoption
49 of the Annual Fee Mitigation Program was presented to the Board. Chief Metcalf noted this is
50 a routine matter, done each year. The information will be presented in full at the August
51 meeting. On a motion by Director Hooper, seconded by President Munson, the motion to set
52 the public hearing was unanimously adopted as presented.

53 9. **RESOLUTION 2009-07 RE: CALPERS RESOLUTION 2.7% AT 55 FOR NON-SAFETY —**

54 **DEPUTY CHIEF TORCHIA**: Deputy Chief Torchia presented the modification to the PERS
55 contract for Non-Safety as first announced at the March 2009 meeting. It was noted that this is
56 the same change that was approved at the last negotiations. On a motion by Director Harris,
57 which was seconded by Director Hooper, the Board unanimously approved Resolution 2009-
58 07 as presented.

59 10. **REVIEW AND APPROVE RECOMMENDATION TO HOLD AMBULANCE BILLING FEES AT THE**
60 **CURRENT BILLING RATE — B/C ABBOTT:** B/C Abbott presented his request that the Board make
61 a determination whether to adjust the Ambulance Fees as presented. He noted that after a
62 review of neighboring providers, the District's fees are in-line with those agencies, therefore,
63 no increase is recommended for the forthcoming year. Discussion ensued regarding
64 verification of mileage and whether patients who are not treated are billed. On a motion by
65 Vice President Thuner, seconded by Director Schaden, the Board approved leaving the
66 ambulance fees at the current rate. No further action is required.

67 11. **REVIEW AND APPROVE CONTRACT FOR GEOTECHNICAL SERVICES FOR STATIONS 4 AND 5 —**
68 **DEPUTY CHIEF TORCHIA:** Deputy Chief Torchia presented a proposed contractor and contract
69 for the Geotechnical Services to the Board for approval. He noted that funding for this project
70 has already been set aside. Discussion ensued regarding the breadth of the work to be
71 performed and the final product to the District. Deputy Chief Torchia noted the task of the firm
72 is to ensure that the site is suitable for the proposed station. On a motion by Director
73 Schaden, which was seconded by Director Hooper, the Board unanimously approved the
74 contract and contractor as presented, approving the Fire Chief execution of the contract.

75 12. **REVIEW AND APPROVE SALE OF SURPLUS PROPERTY — DEPUTY CHIEF TORCHIA:** Deputy
76 Chief Torchia presented a request to declare surplus the three trailers at Station 1 that formerly
77 housed the administrative staff. After the trailers are moved, the District will rehabilitate the
78 asphalt to be more useful for Station 1. Discussion ensued regarding the method of disposal.
79 On a motion by Director Harris, seconded by Director Hooper, the Board unanimously
80 approved declaration of the surplus via the approved policy.

81 82 **DISCUSSION AGENDA**

83 13. **REVIEW OF DRAFT PRELIMINARY BUDGET – CHIEF METCALF, DEPUTY CHIEF TORCHIA AND FS**
84 **TIMMERS:** Chief Metcalf presented an overview of the preliminary budget for the FY
85 2009/2010. He discussed the issues facing the District, including a reduction in the amount of
86 property tax to be expected and County estimates of a 4% reduction in the rates over the
87 current year, which is already 3% under the budget for revenue. He noted that ambulance

88 billing has been doing better than expected by approximately 14%. Although the budget is on
89 track for the projected amounts, Chief Metcalf noted the amounts received do not meet the
90 expected amounts. He noted the affect of the unrealized investment amounts, the outstanding
91 mutual aid reimbursement and other issues, noting that the District expects to realize an
92 approximately \$333,741 shortfall. In order to accommodate the expected shortfall, the District
93 plans to reduce the transfer of amounts to the reserves. The District is aggressively controlling
94 costs, with discretionary spending on hold. Chief Metcalf discussed the expected revenue for
95 the next FY, noting the District expects to receive \$864,000 less in revenue than FY
96 2008/2009. This amount will be more accurately predicted by the time the final budget is
97 reviewed for approval in September. He noted there is a chance the State may take another
98 8% under the Prop 1A suspension. If that occurs, the District will used planned deposits to
99 reserves to cover those amounts. Chief Metcalf noted some of the major reductions in the new
100 year, including leaving the following positions unfilled: Division Chief of Operations, Medical
101 Services Officer, one mechanic and the Administrative Specialist for Fire Prevention, for a
102 \$400,000 savings. Other major reductions include: a 43% reduction in administrative leave
103 and overtime, professional development, facilities maintenance, medical supplies and dispatch
104 costs. Other items of savings include no vehicle acquisition or building construction, except as
105 provided by grant. The proposed preliminary budget will be a balanced budget. In addition, no
106 jobs or services will be cut, although with the reduction in staff, Chief Metcalf opined that the
107 District might not be able to provide exactly the same services at the past levels. Discussion
108 ensued regarding how to inform the public of the District financial situation and efforts by the
109 Staff to meet the current financial crisis and how it affects the District. The preliminary budget
110 will be presented at the next meeting for the Board approval.

111 **STANDING DISCUSSION ITEMS:**

112 • **LEGAL COUNSEL REPORT:** Counsel James presented his letter “City Does Not
113 Engage In Improper Campaign Activities Where Information About Ordinance Is Disseminated
114 Via Internet, Newsletter And Flyer.” Brief discussion ensued. This is informational only, no
115 action required.

- 116 • **WRITTEN COMMUNICATIONS:** Chief Metcalf noted the communications to the
117 District. Informational only, no further action required.
- 118 • **BOARD RECOGNITION PROGRAM:** The information submitted was reviewed with brief
119 discussion. It was noted the review of the program is still underway. Informational only, no
120 further action required.
- 121 • **NEWS ARTICLES:** Chief Metcalf directed the Board's attention to numerous articles.
122 Informational only, no further action required.
- 123 • **COMMENTS:**
- 124 • **UPDATE ON STATION CONSTRUCTION:** Deputy Chief Torchia noted that the update had
125 been mainly provided in Item 11. The Staff is anticipating being ready for the construction
126 grant process.
- 127 • **CHIEF METCALF:** Chief Metcalf reported on the progress of the annexation of 5,000
128 acres of the area surrounding the Orange Grove Power Plant. He noted that the annexation
129 would not occur until sometime in 2010, however, the Plant cannot begin construction until fire
130 protection is obtained. Chief Metcalf noted that he is working with the County to reach an
131 agreement for fire protection coverage, which would be brought to the Board at a future
132 meeting. Chief Metcalf noted the Staff is ready to apply for the construction grants as soon as
133 they open. He noted that the Staff has applied for the health and safety grants previously
134 discussed. Chief Metcalf and the Staff continue to watch the state budget and continue to
135 attempt to recoup the \$150,000 still outstanding for the previous fire support. Chief Metcalf
136 noted that at a future meeting, the staff may be bring a request that the Board re-evaluate the
137 quarterly reports, what they are receiving and what they would like to receive.
- 138 • **STAFF REPORTS/UPDATES:** None.
- 139 • **BOARD:** Director Harris inquired whether the District could refuse to provide mutual aid
140 response if the District cannot obtain the reimbursement owed to it for previously supported
141 fires. Chief Metcalf noted that not on OES calls, but the Staff is considering the possibilities
142 associated with reduction in response or relinquishing the OES engine. He noted that the
143 FDAC has been taking with the legislators about the Districts concerns. He also noted that

144 both Representative Hollingsworth and Jefferies have been very support of the fire districts
145 and their concerns. Informational only, no further action required.

- 146 • **BARGAINING GROUPS:** No comments.
- 147 • **PUBLIC COMMENT:** No comments.

148 **CLOSED SESSION**

149 At 7:38 p.m., President Munson inquired whether there was a motion to adjourn to closed
150 session. Director Schaden moved to go to closed session after a short break, which was
151 seconded by Vice President Thuner, which motion was passed unanimously. At 7:40 p.m., the
152 Board entered Closed Session to hear:

- 153 • **PERFORMANCE REVIEW – GOVERNMENT CODE § 54957 –**

154 **DISTRICT NEGOTIATOR COUNSEL JAMES**

- 155 • **REOPENING OPEN SESSION:**

156 On a motion by Director Schaden, which was seconded by Vice President Thuner and which
157 passed unanimously, the Board returned open session at 8:14 p.m., the following items were
158 reported out to the public:

- 159 • **PERFORMANCE REVIEW – GOVERNMENT CODE § 54957 –**

160 **DISTRICT NEGOTIATOR COUNSEL JAMES**

161 No reportable action.

162 **ADJOURNMENT**

164 A motion was made at 8:18 p.m. by Vice President Thuner and seconded by Director
165 Schaden, to adjourn the meeting and reconvene on, June 23, 2009, at 17:00. The motion
166 carried unanimously.

167 Respectfully submitted,

168 

169 _____
170 Loren Stephen-Porter

171 Board Secretary

172 Minutes approved at the Board of Director's Meeting on: June 23, 2009