



NEWCASTLE FIRE PROTECTION DISTRICT

February 14, 2013

Regular Board of Directors Meeting Minutes

461 Main St.

Newcastle, CA

www.newcastlefpd.org

Email: info@newcastlefire.org

Call to Order:

- Chairman Ward called the NFPD Board of Directors Meeting to order at 6:03 p.m.

Pledge of Allegiance:

- VC Jordan led the Pledge of Allegiance.

Roll Call:

- Chairman Ward present, Vice- Chairman Jordan present, Secretary Elder present, Director Sprouse present and Director Egge present.

Moment of reflection:

- Director Egge made a brief statement recognizing the recent loss of two young girls in a vehicle accident. Director Egge also thanked Kathleen Daugherty and Newcastle School for stepping up to the plate during this heartbreaking time.
- Director Egge further recognized the unfortunate burden imposed on our men in uniform that have to respond to these incidents.
- Lastly, on behalf of the Board of Directors and the entire community, Director Egge extended his sympathy to the West family. The two young ladies involved in the vehicle accident perished on their property and approximately one week later their patriarch, Don West passed away.

Consent Agenda:

- VC Jordan made a motion to accept the minutes of the January 10, 2013 meeting as presented. Secretary Elder seconds the motion.
 - Chairman Ward AYE
 - VC Jordan AYE
 - Secretary Elder AYE
 - Director Sprouse AYE
 - Director Egge AYE
 - Motion carries.
- VC Jordan made a motion to accept the minutes of the January 23, 2013 meeting as presented. Director Egge seconds the motion.
 - Chairman Ward AYE
 - VC Jordan AYE
 - Secretary Elder AYE
 - Director Sprouse AYE
 - Director Egge AYE
 - Motion carries.
- VC Jordan made a motion to accept the January Expense Report as presented. Director Sprouse seconds the motion.
 - Chairman Ward AYE
 - VC Jordan AYE
 - Secretary Elder AYE
 - Director Sprouse AYE
 - Director Egge AYE
 - Motion carries.

Discussion/Information/Action:

- Resolution #02-14-2013, In support of participation in the Placer County Hazardous Vegetation Abatement Ordinance Implementation Program
 - OES Director Rui Cunha addressed the Board regarding this program.
 - **SEE ATTACHMENT 1**
 - Mr. Cunha covered the following discussion points:
 - 100' of defensible space is required for all SRA (State Responsibility Area) property.
 - If you cannot achieve 100' of defensible space because of the property next to yours, the property owner can be asked to abate their property.
 - Ordinance does not apply to an improved parcel next to another improved parcel. Must be an improved parcel adjacent to an unimproved parcel.
 - Program was started in 2007 after the Angora and Washoe fires.
 - It has been expanded from eastern Placer County to include western Placer County.

- All fire agencies have indicated that this is a good tool that allows the Chief to work with property owners who are not maintaining their parcel(s).
- By adopting the resolution there is no obligation on the Board's part to implement the program.
- The following districts have opted out:
 - Placer Hills FPD is expected to adopt in 2013.
 - Truckee FPD, this is a bi-county fire district (Placer and Nevada Counties).
 - South Placer FPD is concerned about the workload but may look at it again this year.
- Director Sprouse asked if the ISO rating is affected.
 - Mr. Cunha stated that he does not know and deferred to a professional FF.
 - Chief Randy Smith from CalFire stated that ISO does not look at vegetation to establish ISO ratings.
- Director Sprouse asked Chief Smith if the benefits outweigh the risks.
 - Chief Smith said yes.
- Richard Molzahn asked what the expected participation is.
 - Mr. Cunha referred to the flowchart in ATTACHMENT 1.
- Mr. Cunha further stated that 100% of the time the property owner is best served by abating the problem early in the process. It can get expensive if the county has to do the abatement.
- Dale Pier asked where the legal definition of "defensible space" can be found.
 - Mr. Cunha stated that it is located under Annex A of the prescription.
- Richard Molzahn asked if there is any other recourse for property owners if this program is not implemented.
 - Mr. Cunha stated that the only other recourse is to work directly with the property owner.
- Director Sprouse asked how long the resolution is effective.
 - Mr. Cunha stated that it is effective until it is repealed by the Board.
- Richard Molzahn asked BC Love for his opinion and if this program will be a burden to implement.
 - BC Love stated that he believes this is a good tool and did not think it would be a burden to implement.
- Jamie Conyers asked if there are any legal obligations for the District if this program is adopted.
 - Mr. Cunha stated that there are not.
- Donna Seidel asked if there are any fees associated with the program.
 - Mr. Cunha stated that there are not. The county incurs the cost of abatement but will do a 100% cost recovery. The County Board of Supervisors established a fund in 2007 to run the pilot program.
- Patrice Metz asked if there are any punitive costs assessed to the property owner.
 - Mr. Cunha stated that yes, \$500 in punitive costs are assessed.
- Bob Kelly asked if the County was "dumping" their problem on NFPD.
 - Mr. Cunha stated that the County has no obligation to do this work. NFPD does not carry the "big stick", the County does. More can be accomplished if the NFPD and the County work together.
- Bob Kelly asked if Auburn City Fire is participating.
 - Mr. Cunha stated that they are an incorporated city. Placer County has no authority inside the city limits.
- Brennan Toohey asked if this is a complaint driven process.
 - Mr. Cunha stated that all participants have gone to a complaint driven process.
- Julie Cunha asked if any complaint that comes in has to be checked out.
 - Mr. Cunha stated that NFPD has no legal obligation to check out complaints.
- VC Jordan made a motion to adopt resolution # 02-14-2013 as presented. Director Egge seconds the motion.
 - Chairman Ward AYE
 - VC Jordan AYE
 - Secretary Elder AYE
 - Director Sprouse ABSTAIN
 - Director Egge AYE
 - Resolution is adopted.
- Station 41 Update
 - Chairman Ward stated that the yellow tag has been removed from the building and the Firefighters are residing in the building once again.
 - Bob Stearns read from a prepared statement. **ATTACHMENT 2**
 - Chairman Ward stated that over the years many of you have been told that the Board cannot answer questions because of the Brown Act. After studying the Brown Act, nothing could be further from the truth. So when I ask you these questions Mr. Stearns, it is covered under sections 54954.2 and .3 of the Brown Act.

- Did you consider it structurally sound in 2005 or 2007 whenever you were first presented with the order to fix it?
 - Mr. Stearns stated that no, he did not.
 - Are these your opinions or are you a graduate of engineering school? We did exactly what Placer County wanted. They wanted an engineer's study and it was done. The engineer has said that if this is done the building will be structurally sound. As far as wiring and so on, it is grandfathered in.
 - Mr. Stearns stated that if those are the answers to the questions then those meet the Cal OSHA requirements and if there was an OSHA inspection done then everything you've stated is grandfathered in would be ok. I don't understand how the electrical wiring can be compliant with any code.
 - Mr. Stearns also requested that the Board answer his 6 questions. He is deeply concerned about the safety of the Firefighters and the public.
 - Director Sprouse stated that the entire Board is also concerned about everyone's safety in the firehouse.
 - Secretary Elder requested that Mr. Stearns provide a list of his questions to the Clerk for inclusion in the minutes.
- Accept Final Audit Report for FY 2011/2012
 - No public comment was received.
 - VC Jordan made a motion to accept the audit report as presented. Secretary Elder seconds the motion
 - Chairman Ward AYE
 - VC Jordan AYE
 - Secretary Elder AYE
 - Director Sprouse AYE
 - Director Egge AYE
 - Motion carries.
- Contract with SPFPD to Supply Equipment Repair Services to NFPD
 - VC Jordan stated that So. Placer FPD has a full-time repair staff. NFPD would prefer to have scheduled maintenance performed on the equipment as opposed to reactive maintenance. SPFPD offers a lower hourly labor rate.
 - Secretary Elder asked if SPFPD provides mobile services.
 - VC Jordan stated that they do scheduled rounds weekly.
 - Director Sprouse asked what we are currently paying per hour for labor and what the SPFPD rate is.
 - VC Jordan stated that our current mechanic charges \$90 per hour. SPFPD will perform services for \$75 per hour.
 - Greg Kirk asked if SPFPD will perform pump maintenance.
 - VC Jordan stated that they will perform all maintenance.
 - Director Egge asked BC Love if he has any reservations about this contract.
 - BC Love stated that he does not.
 - Chairman Ward stated that the first order of business will be the brush rig of their (FF's) choosing.
 - VC Jordan made a motion to authorize Chairman Ward to sign a final contract with SPFPD once the contract has been approved by the SPFPD Board of Directors provided no change in the hourly labor rate is made. Director Sprouse seconds the motion.
 - Chairman Ward AYE
 - VC Jordan AYE
 - Secretary Elder AYE
 - Director Sprouse AYE
 - Director Egge AYE
 - Motion carries.
- Declare 1990 Terry Travel Trailer "Excess Property"
 - VC Jordan made a motion to declare the 1990 Terry Travel Trailer "Excess Property" for the purpose of selling it. Secretary Elder seconds the motion.
 - Chairman Ward AYE
 - VC Jordan AYE
 - Secretary Elder AYE
 - Director Sprouse AYE
 - Director Egge AYE
 - Motion carries.
- Authorize Sale of the 1990 Terry Travel Trailer

- The Board discussed the possibility of donating the trailer to a charitable organization, but time is of the essence since Mrs. Egge wants it removed from her driveway expeditiously. After further consideration the Board agreed that selling the trailer was probably the quickest way to be rid of it.
 - Secretary Elder made a motion to authorize Director Egge to sell the 1990 Terry Travel Trailer for no less than \$500. Director Sprouse seconds the motion. Director Egge indicated that he did not think he could get that much since the trailer has been heavily modified. Secretary Elder modified her motion to accept no less than \$250 for the sale of the Terry Travel Trailer. Director Sprouse agreed with the modification.
 - Chairman Ward AYE
 - VC Jordan AYE
 - Secretary Elder AYE
 - Director Sprouse AYE
 - Director Egge AYE
 - Motion carries.
 - Captain Hickok requested that the EXEMPT license plates be removed prior to the sale and returned to station 41.
- Approve Process to Allow for Additional Repairs to Station 41 in Accordance with Public Contract Code 20150.4
 - Director Egge stated that after consulting with Roseville Design Group it is their opinion that this project will fall under the \$10k threshold for going out to bid. The specifics and timeline are spelled out in his proposed process. **ATTACHMENT 3.**
 - Director Egge made a motion to accept his Process to Allow for Additional Repairs to Station 41 in Accordance with Public contract code 20150.4 as presented. VC Jordan seconds the motion.
 - Chairman Ward AYE
 - VC Jordan AYE
 - Secretary Elder AYE
 - Director Sprouse AYE
 - Director Egge AYE
 - Motion carries.
- Dissolution of All Committees
 - Chairman Ward stated that he and Secretary Elder had attended a meeting with Supervisor Jim Holmes, OES Director Rui Cunha, NFPD Taxpayers Dave Mackenroth and Michael Leydon along with County Counsel. It was determined in the meeting that none of the committees were formed legally including the Measure B Oversight Committee, and therefore are dissolved.
 - Chairman Ward further stated that Karen Schwab from County Counsel will address the Brown Act at the March 14, 2013 regular meeting. The Board will not attempt to form anymore committees until they are very fluent in the Brown Act.
 - Michael Leydon stated that there have been a number of directives handed down to the Firefighters without the benefit of Board action. Does this declaration this evening also include those directives until such time that the Board can draw up a proper policy and take action on it?
 - Chairman Ward stated that the policies would not be adopted and would be handled as memos only until such time as the Board can adopt policy.
 - Greg Kirk stated that he was asked to develop some SOP's (standard operating procedures) for the District to be submitted to the Policy Committee for review. Is that still the process or are these "dead in the water"?
 - Chairman Ward instructed Captain Kirk to hang on to them for the time being. As he previously stated, all committees have been dissolved.
- Authorize Expenditure for (2) Directors to Attend the Truckee FPD Board Meeting on Tuesday, February 19, 2013.
 - Chairman Ward stated that during the same meeting regarding the Brown Act Mr. Cunha suggested that two of the Board members attend a Truckee FPD Board meeting. The next meeting in on 2/19/13. We will pick up a set of their Board Bylaws at that time and discussing some of their problems which are much the same as ours. This is a request to be reimbursed for the fuel and a meal while attending the meeting.
 - VC Jordan asked if NFPD has a standardized mileage rate.
 - Chairman Ward stated that NFPD does not have a standardized mileage reimbursement rate.
 - Clerk Metz suggested that in the absence of a policy that the Board approves the IRS mileage amount for this trip.
 - VC Jordan made a motion to reimburse the fuel cost for Chairman Ward and Secretary Elder to attend the February 19, 2013 TFPD Board Meeting at the current IRS allowable amount and the cost of one meal for each. Director Sprouse seconds the motion.

- Michael Leydon stated since there are directives to Firefighters that the Board will no longer purchase uniforms and directives that the FF's may no longer leave the station in an engine except on calls in order to save money he suggests that authorizing this expenditure at this time and under these conditions is inappropriate. Mr. Leydon further suggests that this is not the appropriate way to authorize such an expenditure. Expenditures such as these should be approved during the ordinary budgeting process and that authorizing expenditures such as this on a one by one basis sets an extremely poor precedent and may come to haunt you a little later on. Mr. Leydon suggests that it does not look right to approve such an expenditure at this time.
 - Chairman Ward clarified Mr. Leydon's statement about not purchasing uniforms for the Firefighters anymore. NFPD is trying to follow what other fire districts have done and they purchase uniforms for their full time firefighters only. Chairman Ward asked if Mr. Leydon is aware of how much has been spent on uniforms this year.
 - Mr. Leydon asked if there has been any change in what this department is doing now compared to what it has done in the past because that is really the pertinent issue, not what other districts are doing
 - Chairman Ward stated that there has and it was done by memo.
 - Rocky Robinson volunteered to donate the cost of the fuel and food for the trip.
 - Chairman Ward thanked Mr. Robinson but stated that they cannot accept his offer.
 - Chief Randy Smith clarified for the Board that in the absence of a mileage reimbursement policy an individual cannot make the decision to be reimbursed only the governing board of 5 can.

- Chairman Ward AYE
- VC Jordan AYE
- Secretary Elder AYE
- Director Sprouse AYE
- Director Egge ABSTAIN

- Motion carries.

- Approve Letter Drafted by NFPD Counsel to Modern Building Systems, Inc. to Negate Contract for Trailers
 - Chairman Ward requested that the Board allow an emergency item to be placed on the agenda this evening. In addition to the letter for MBS there is also a letter to Madera Carport requesting a refund. This can be done according to the Brown Act section 54954.2.
 - VC Jordan made a motion to allow the addition of the Madera Carport Letter for consideration on tonight's agenda. Secretary Elder seconds the motion.
 - Chairman Ward AYE
 - VC Jordan AYE
 - Secretary Elder AYE
 - Director Sprouse ABSTAIN
 - Director Egge AYE
 - Motion carries.
 - Chairman Ward asked for questions or comments from the Board on the MBS letter.
 - Director Egge asked what legal counsel said about this matter. Will we be able to just walk away?
 - Chairman Ward stated that there was never a board action to adopt the lease for the trailers or expend the funds for the carport. Legal did some research and is of the opinion that the contracts are unenforceable. NFPD is not obligated to pay either one of those contracts.
 - Director Egge asked if Chairman Ward was confident that no Board action was taken to approve the contracts.
 - Chairman Ward stated that he has been over the approved meeting minutes with the Clerk twice and nothing can be found. The only action found was authorizing Mr. Stearns to spend \$10k on the temporary move.
 - Tim Compton asked how much the NFPD will save by returning the trailers that don't allow any overnight occupancy and the canopy.
 - Chairman Ward stated that approximately \$27K will be saved.
 - Bob Stearns stated that Wayne Summers of MBS told Dave Poore that the trailer could be modified for overnight occupancy.
 - Chairman Ward stated that on the back of the contract, item 11 states that the trailers can only be used for their intended purpose.

- Bob Stearns stated that the trailers were modified to allow for overnight occupancy including an ADA compliant bathroom.
- VC Jordan made a motion to authorize the sending of the letter dated February 14, 2013 to MBS, Inc. regarding lease agreements dated October 29, 2012. Secretary Elder seconds the motion.
 - Chairman Ward AYE
 - VC Jordan AYE
 - Secretary Elder AYE
 - Director Sprouse AYE
 - Director Egge AYE
 - Motion carries.
- VC Jordan made a motion to authorize the sending of the letter dated February 14, 2013 to Madera Carports regarding the agreement dated November 1, 2012. Director Egge seconds the motion.
 - Chairman Ward AYE
 - VC Jordan AYE
 - Secretary Elder AYE
 - Director Sprouse AYE
 - Director Egge AYE
 - Motion carries.

Reports:

- Battalion Chief's Report – **ATTACHMENT 4**
 - BC Love reported that all vehicles are in service except UTL-41 and WT-41.
- Director's Reports –
 - Chairman Ward - None
 - VC Jordan – WT-41 may be excess equipment in the near future. VC Jordan is in the process of reviewing all insurance policies. Recommendations will be forthcoming.
 - Secretary Elder – Is looking at the budget. Has been working with BC Love and Clerk Metz to review our expenses. Some areas have been identified where cuts can be made.
 - Director Sprouse – Is in the process of looking into the medical service provided by the Firefighters. He is hoping to expand the EMT role. He will be meeting with SSV and our neighboring districts to look at options. The Board decided to survey the FF's, Captains and Engineers with a SWAT analysis. It has been sent out to assess the weaknesses, opportunities and threats facing our district. All data will be anonymous so there is no fear of retaliation by the Board or anyone else. It is going to be looked at by the Board and analyzed to see what our line personnel think of the dept. and things we should or shouldn't do.
 - Director Egge – He and Chairman Ward met with Roman Porter from the UAIC and the Tribal Council. Thanks to Mr. Stearns for securing that gift for the district. The UAIC calls us "Their Fire Department". They think very highly of us. They would like us to come and evaluate their evacuation plan for their offices. Director Egge has identified a local business that will help us with our website. It will be very user friendly. He is also in the process of analyzing diesel exhaust systems for the apparatus bay. This includes grant opportunities. Lastly, Director Egge will be sinking his teeth into policies and procedures. He anticipates that he will have some drafts ready for Board review in 30-60 days.

Public Comment

- Captain Hickok provided the inventory list that VC Jordan had requested for the equipment that belongs on each engine.
 - » Richard Molzahn
 - i. Would like to know the date in which the Controller's Office must be notified of any changes to the assessment. Including the Measure B CPI.
 - ii. Since the Board has abandoned all committees how will exemptions be considered? Including hardship cases.
 - iii. At the last meeting I asked how to contact NCA and have been provided with the application. Thank you.
 - » Dave Mackenroth announced that Newcastle Celebration Day will be held on Sunday, May 19, 2013. NFPD can set up an information booth if they like and are requested to have an engine present at the event.
- Greg Kirk announced that he has been selected by the Newcastle Firefighter Volunteer Association to act as the spokesman for the NFVA to NFPD.
- Sue Stack asked if the Appeals Process for Measure B will be agendized anytime soon. What is the Board's plan?
 - » Secretary Elder stated that all appeals were sent to SCI, however some have been returned.
- Ms. Stack stated that she contacted Susan Barnes at SCI and was told that the NFPD does not have an Appeals Process in place.

- » Secretary Elder stated that she will contact Susan Barnes on 2/15/13 to clarify.
- John Brassfield stated that just because there isn't a policy in place doesn't mean the Board can handle the matter.
 - » Chairman Ward stated that he needs to have a means test done by the County to get some idea of how appeals will affect us. He will try to have it done by the March meeting for presentation and comment.
 - » Greg Kirk asked how the memo process that is to be used until policies can be written and approved will work.
 - i. Chairman Ward stated that everything will go through BC Love. The Board will not pass anything directly to the staff.
 - » Greg Kirk stated that he has heard some things but has not seen any memos to back them up so he isn't sure what to think.
 - i. Director Sprouse asked him to provide an example.
 - ii. Greg Kirk said that he has heard that they can no longer take the engine over to Denny's to eat.
 - Chairman Ward stated that the memo has not been generated yet. BC Love was spoken to about it because of the number of complaints from members of the public about the use of the fire trucks because of the money and the costs. Many of the people in the room understand the financial position the district is at this moment and it is not good. They are looking at dollars spent so that is why that is handed down.
 - iii. Director Sprouse stated that the well being of the FF's needs to be taken into consideration also. The Board shouldn't arbitrarily take away their ability to feed themselves. It is completely illogical. We are going to alienate a group of people. Someplace in the middle resides the answer to this problem. We need to take some time to look at that before we start signing memos that I personally have not seen.
 - Chairman Ward stated that this was strictly mentioned to BC Love as something we might pursue.
- **AT THAT POINT AN OPEN DISCUSSION BETWEEN MEMBERS OF THE AUDIENCE AND THE BOARD ENSUED. IF YOU WISH A COPY OF THE AUDIO DISCUSSION PLEASE SEND YOUR REQUEST TO INFO@NEWCASTLEFIRE.ORG.**

Announcements

- NFPD SPECIAL Board Meeting, Wednesday, March 6, 2013, 6:00p, 461 Main St.
- NFPD REGULAR Board Meeting, Thursday, March 14, 2013, 6:00p, 461 Main St.

Meeting was adjourned at 8:12 p.m.

Minutes Prepared By:

Minutes Approved By:

Patrice Metz, Clerk

Dave Ward, Chairman of the Board