

NEWCASTLE FIRE PROTECTION DISTRICT

June 15, 2016, 6:00 P.M.

at 461 Main Street, Newcastle, CA 95658, Newcastle, CA 95658

MEETING MINUTES

Board Present: Jim Jordan, Chairman
Eric Sprouse, Vice Chairman
Jonita Elder, Secretary
Rocky Robinson, Director

Absent: Robin Enos, Director

1. CALL MEETING TO ORDER:

- (A) Chairman called meeting to order at 6:00 pm.
- (B) All Board members present with the exception of Director Robin Enos
- (C) Chief Higgins was also in attendance.
- (D) Pledge of Allegiance.

2. APPROVAL OF AGENDA:

- (A) June 15, 2016 Meeting Agenda.
 - Secretary Elder asked if we received a letter from the Labor Union to request negotiations. Per Chairman Jordan, we received a letter after last meeting.
 - Secretary Elder asked about Action Item #11 (F), preliminary budgets. She noticed the wording of "Final" on one of the sheets. Per Chairman Jordan, budgets are only *preliminary*.
 - Director Robinson made the motion to approve the agenda; seconded by Vice Chairman Sprouse. Motion carried out unanimously with Board members present.

3. Executive Session (CLOSED) (6:04 pm – 6:24pm)

- (A) Conference with Labor Negotiator (Gov. C. sec. 54957.6): Meeting with District's Labor Negotiator M. Higgins to discuss bargaining with NPFA re successor MOU.

4. Reconvene Open Session:

- (A) Per Chairman Jordan, the report on closed session is relating to the letter from the Association. Established an ad hoc committee to bargain for a successor MOU. Provided some guidelines for the group. The bargaining unit will be Kristianne (Attorney), Joni, Eric, and Chief Higgins.

5. APPROVAL OF MINUTES:

- (A) Month of May 18, 2016, Regular Meeting
 - Two corrections: correct spelling on Item 7. (G) Arthur Berliner; and Item 9. (B), 5th bullet point...brown out days for Penryn: 0.
 - Director Robinson made the motion to approve the minutes for the regular Board Meeting of May 18, 2016, with corrections noted; seconded by Secretary Elder. Motion carried out unanimously with Board members present.

6. BILL APPROVAL:

- (A) Monthly Expense Report – Month of June, 2016. Spreadsheet presented and reviewed by the Board.
 - One clarification on District Financials item 21, FY 14/15.
 - Director Robinson made the motion to approve the monthly expense report as submitted; seconded by Vice Chairman Sprouse. Motion carried out unanimously with Board members present.
 - Financial Report: Email copy available upon request info@newcastlefire.org

7. CORRESPONDENCE:

- (A) Chairman Jordan received several items of correspondence. First item was from Reed & Assoc., bargaining consultant for NPFA asking to reconvene on bargaining for their new MOU which would be retroactive to July 1, 2016. They want to discuss salary, MOU language, benefits, retirement, etc. He has assigned the committee to work with them and they will start that process.
- (B) Email received after the agenda was published. It was copied to all Board members. Sent to County Council who responded that the email that Secretary Elder forwarded violates Brown Act. She copied all members of the Board. She attempted to discuss an item that was being presented to the Board at the next meeting. As such, the Email should be disclosed to the public to make sure we are as transparent as possible.
- Chairman Jordan read the email out loud ...she asked to remove item (F) of the Action Items (Preliminary Budget). As an independent contractor, Mitch is allowed to make budget recommendations, not prepare our budget. Budget preparation is a function of the Board, etc. Also mentioned Mitch as labor negotiator and asks that at least one Board member be included in negotiations. Per Chairman Jordan, agenda corrections are to take place during the Board meeting.
 - Per Secretary Elder, she did not realize it violated the Brown Act. Spoke with County Council, and apologized.
- (C) Email from Mr. Monahan regarding issues with resolutions. Those were followed up with several people, and he's told we are okay with our current language.
- (D) Letter from Newcastle Community Association regarding ...widespread concern within the community about the day-to-day administration of the fire district...complaints about repeated closures, emergency services being delayed, and resources the community provides for the district's operations are not being applied to support Newcastle. Appreciates the presentation from Board Member Sprouse provided on May 18th meeting. ... Terms of contract with Penryn have been breached. Public safety of Newcastle is at greater risk ...because of closures. The Association would like to recommend to the Newcastle Fire Protection District to ...consider terminating contract with Penryn, and take all necessary and immediate steps to make sure our fire station remains open every day. Signed William Karl, President of the Association.
- (E) Letter to the Penryn Fire Board. We were copied on the letter. Newcastle residents...read the Auburn Journal of June 7, 2016. Concerned about local fire protection. One too many closures. ...contract with Penryn not being honored to help with fire protection. Stan and Susie Brown.
- (F) Per Chairman Jordan, the letters stating the contract or agreement with Penryn is not being followed, but no one is being specific about the exact points. The contract is not being dishonored from how he sees it. Sees what is being done is bashing a Chief ...who has bent over backwards to help. Would like to see specific points in the contract that can help us understand how we're not being covered. Per Neil Anderson, he will send email that covers this.
- (G) Note regarding posting Newcastle's wage information on public website and that perhaps it is not posted. The information has been posted for the past 4 months, per Chief Higgins. It is also on Transparent California. And on State Controllers Compensation website also.
- (H) Director Enos comments about the contract between Newcastle and Penryn stating several things ...stating as part of contract. One of the things being that Penryn will supply staff when we are short. Per Chairman Jordan, the contract states that we as a unit will fill one engine/company with staff. Typically, whichever station is short-staffed on days (where they don't have two people) ...that individual will fill the needs at other station. Robin's comments about filling/coverage from Penryn for our station, etc, does not make sense. Publically published. Not truthful. And he is not present three meetings in a row to defend those actions.
- (I) Resident asked about Penryn contracts - two documents – Contract with the Chief, and a letter of understanding. Are they running subsequent? Per Chairman Jordan, they are two different items. Per resident, in the contract. Penryn will supply help to Newcastle. Per Chief, it does not state that...it says 'may'. Normal chief duties to assign staff, but unfortunately we don't have the staff.

8. Newcastle Professional Firefighter Association:

- (A) Statement from the Association: There are a lot of statements in the Auburn Journal article from Board member Enos. He invites everyone to voice their opinion. Newcastle fire station has been closed about 10 times in the last month.

Other points:

- Putting Penryn firefighters in the spots to fill. We can't be replaced by just anybody.
- Passed out a flyer "What Does It Cost to be a Newcastle Firefighter?"
- More effort to go to hiring for Newcastle, and ...what is a fair wage.
- Newcastle is not a second-rate fire department...we have to stop breeding that term. There is a high level of training.
- Relating to the Auburn Journal Article...Board member running amok? Did Board members not know what was being negotiated?
- Per Chairman Jordan, Mr. Enos was in the same meeting that did approve negotiations.

9. PUBLIC COMMENT:

- (A) Reporter asks Chairman Jordan regarding his support on consolidation. Chairman Jordan did not want to respond and can't at this time respond to the question.
- (B) Director Robinson's view on budget ...in favor of consolidation.
- (C) Council (Kristianne) advised the Board on not engaging in the back and forth with public comment. People are allowed to provide comment, but no discussion should be taking place at this time. Issues can be requested to be placed on the agenda. Board needs to remember Brown Act on avoiding discussion.
- (D) Resident asks... Seems like we are hurting for money, so why are we sending \$6000 from this fire Board to Penryn Fire Board?
- (E) Penryn Firefighter Edgar started as volunteer 4 years, then took a part time position, and has been there 6.5 yrs. Comments about article...wanted to address "stealing firefighters". We are not an object; we are human beings. Trying to better ourselves. There are many reasons – benefits, location/commute, etc. When Brown applied to an opening, he did it out of his own will. He was one of many that applied, and he was the most qualified candidate. Roberto applied to Newcastle because he liked the benefits. He moved from Penryn. Another erroneous comment that was made was that Brown was offered more money and benefits – that was incorrect. Brown took a pay cut in Penryn. "We didn't steal him." Roberto is now working in Marysville. Firefighters love working here, but can't afford to. All firefighters have applications at other departments because they don't have livable wage. They are just looking for better opportunities for their families.
- (F) Art Berliner concerns on public comment over 3 minutes.
- (G) Bill Karl. (On letters from NCA) The most positive comments he's heard tonight are from the firefighter from Penryn. We don't need to settle every legality to realize this contract with Penryn is not working out as well as we had hoped. ...Because the station is closed all the time, and that is not what we are paying our taxes for. On the Letter from the Newcastle Community Association, it says for the next meeting, can you please include a vote on whether to continue with the contract with Penryn or not.
- (H) Resident heard about a firefighter being asked not to eat at a restaurant. Hopes that isn't the case. Community supports firefighters...important job.

10. INFORMATIONAL/NON-ACTION ITEMS:

- (A) New Fire Station Update (Chairman Jordan)
 - Received a call from the County Treasury, so we have suspended all activity for the continuation of the process to get the station started. The activity is suspended until the final approval by the County is completed. Will be based on the continued activities of the district and stability. There are concerns about the Board's activity at this time. Articles...various issues, the fact we are discussing terminating our agreement with Penryn are all factors.
 - Vice Chairman Sprouse was surprised...was under the impression there would be a bid package coming out. The County is now putting all on hold? For what reasons?
 - Jordan: it's all on hold because of the activities that are going on within the community, with the Board (this Board as well as Penryn Board). Our financing is on hold.
 - Sprouse: asks who to talk with... Per Chair, it's the Treasurer of the County. Said their portion is on hold.
 - Sprouse: They are probably uneasy that we are having internal issues. Issue with stability.
 - We got a Yes vote from the Placer County Board.
 - The news came post-Auburn Journal article
 - Elder: ...not understanding this based on her conversations with the County.
 - Members and residents need to fill Supervisor's Board meeting and ask same questions.

- Bid package is done. Cannot be published yet. Don't have the money. This is from Jeanine...until she finds out what's going on she's not completing her signature. Verbal.
- Elder: We need a letter from her explaining why.
- Resident also says everyone should go to the Board of Supervisors and ask/complain.
- Jordan: he will be following up. Does not have an answer today.
- Neil asks about if they are unhappy with the funding or the finances of the District.
- Jordan: They are unhappy with the circumstances surrounding the process...and the management structure. They want stability.

(B) Chief's Report (Mitch Higgins)

- Training for the month of May consisted of 119 hours
- Emergency Responses for the months of May:
EMS: 36 Auto: 5 Fire: 6 Public Assist: 10. Total of 57 responses.
- General information:
 - Verbal highlight of achievements and accomplishments while under contract with Penryn Fire
 - First tasks of Chief and staff was ISO audits. One of the factors that made it complicated for the ISO process was the records keeping at the time. ...went over training records, other records, programs, etc. Newcastle was a 6 and 9 ISO rating... it's related to how rated for insurance. They brought it down to a 5. With all the work that went into this, it was a great achievement in the first month.
 - He got approval from the Board to do a 5 year CIP plan. Didn't find previous.
 - Approved and implemented 90 days later. Then the rates per sq ft went up 67%.
 - Improved all the rolling stock fleet of the district. Figured out the labor cost, mechanics fees, they were spending \$66K/year. They replaced with type 3 ff engine. New Type 1, used, but low miles.
 - They instituted electronic file keeping. All prior was paper. They've updated all computers, and networked the systems.
 - Last year replaced self-containing breathing apparatus.
 - Elder: asks regarding equipment we bought ...doesn't match the other fire districts. Per Chief, they are a different brand. They are entirely compatible though.
 - They are now doing low angle rescue: rope and riggings over side of cliffs.
 - Other necessary general facilities improvements have been done.
 - Inventory of District equipment is now digitized.
 - Working with staff on commercial inspections.
 - Defensible space improvements
 - Policy and procedure improvements
 - Policy for Board of Directors
 - Numerous memos
 - Administrative meetings
 - School water system upgrades
 - Evacuation drills. We are involved with formal documentation of drill procedures.
 - Worked with engineering firm on improving water system at the mobile home park.
 - Continue to work on budget and monthly expense
 - The above is just a small portion of work being done on a daily basis.
 - Job applications on May 20th. Received 3 applications. Interviews and testing done. Candidate offer went out. 2nd candidate for Newcastle will go out next.
 - Elder: Calendar on website needs to be fixed.

(C) County Fire Service Study Update

- Will go before the Board in July.

(D) Agreement 07012015, Residential Fire Sprinkler Plan Review and Inspection Services.

- Expires June 30th. Secretary Elder had concerns...when we signed it, we think we were doing a favor, but is concerned about the liability. Benefits of continuing services?

- Higgins: During the process of new residence or commercial establishment. Pressurized fire suppression systems... engineering and installation is completed, then there are inspections and tests.
 - Elder: 2 million dollars is not a lot of money for a liability if there was an issue. There are concerns, lawsuits. Doesn't think this is the kind of liability we need to be taking on if there's no benefit.
 - Jordan: Suggests Elder make firm contact ...that they (the County) will assume it again, and we can talk about it in the next meeting.
 - This subject will be on the agenda for the next meeting.
- (E) Vice Chairman Sprouse thanks Chief Higgins for all he has done and all he is doing.

11. ACTION ITEMS:

- (A) Resolution #2016_5, Notice of Governing Board Member Election and/or Notice to Submit Measure(s) to a Vote of the Voters. "DECLARING AN ELECTION BE HELD IN ITS JURISDICTION; REQUESTING THE BOARD OF SUPERVISORS TO CONSOLIDATE THIS ELECTION WITH ANY OTHER ELECTION CONDUCTED ON SAID DATE; AND REQUESTING ELECTION SERVICES BY THE COUNTY CLERK.
- Chief Higgins: Since this an election year, this resolution is for the Board to approve placement of the measure on the ballot.
 - Secretary Elder made the motion to approve the Resolution 2016_5; seconded by Director Robinson. **Roll Call Vote:** Secretary Elder-aye; Vice Chairman Sprouse-aye; Director Robinson-aye; Chairman Jordan-aye; **Vote Carries 4-0 with Board members present.** Resolution approved.
- (B) Resolution #2016_1, Adjustment of Special Tax by Consumer Price Index Measure "F"
- Neil Anderson: the cost of living increase was 3%. However, under measure F we are passed the deadline that it sets forth to adjust, so we cannot adjust Measure F. The Board cannot act on this.
 - Per Chairman Jordan, this will be a NO vote by default.
- (C) Resolution #2016_2, Adjustment of Special Tax by Consumer Price Index Measure "B"
- Jordan: This measure was passed in 2012. We have not taken any increases as of yet. Asks for comments from the Board.
 - Elder: How much will it be?
 - Anderson: About \$9,000. Per parcel it will be approximately \$4.38 per parcel (rough estimate).
 - Sprouse: The treasurer was surprised we hadn't raised this... and she recommended we raise to stay with cost of living.
 - Secretary Elder made the motion that we raise the tax by 3%; seconded by Vice Chairman Sprouse.
 - Question from resident if the tax will go to fire station. Per Board members, tax goes to the entire budget, not just the fire station.
 - **Roll Call Vote:** Secretary Elder-aye; Vice Chairman Sprouse-aye; Director Robinson-aye; Chairman Jordan-aye; **Vote Carries 4-0 with Board members present.** Resolution approved.
- (D) Resolution #2016_3, Requesting Collection of Charges on Tax Roll for Tax Year 2016-2017 "Measure F"
- Anderson: With these next two resolutions, we must request from the County that they collect the taxes for us.
 - Secretary Elder made the motion in favor of Resolution 2016_3; seconded by Director Robinson;
 - **Roll Call Vote:** Secretary Elder-aye; Vice Chairman Sprouse-aye; Director Robinson-aye; Chairman Jordan-aye; **Vote Carries 4-0 with Board members present.** Resolution approved.
- (E) Resolution #2016_4, Requesting Collection of Charges on Tax Roll for Tax Year 2016-2017 "Measure B"
- Director Robinson made the motion in favor of Resolution 2016_4; seconded by Vice Chairman Sprouse.

- **Roll Call Vote:** Secretary Elder-aye; Vice Chairman Sprouse-aye; Director Robinson-aye; Chairman Jordan-aye; **Vote Carries 4-0 with Board members present.** Resolution approved.

(F) FY 2016/2017 Preliminary Budgets, 360 & 361

- Elder: The mitigation budget said Final on the Spreadsheet. She asks Chief Higgins to explain. On the fire equipment, we are budgeted for \$29,200...for new Brush Fire Engine. It is the yearly payment on the engine. This is not coming from reserves. 110,933 in the account 361. We are keeping up with our contingency and have funds in order.
- Chief Higgins provided clarification on revenue items/taxes, budget year, percent increase (used 3% on some of the items).
- Adding more to Measure B budget will have to wait until Mr. Anderson completes his direct charges which won't happen until September after the County does the work they need to get done.
- Director Robinson made the motion to approve the FY 2016/2017 Preliminary Budgets; Seconded by Vice Chairman Sprouse. Vote: All in favor of approving the preliminary budget. Motion carried out unanimously with Board Members present.

12. Board of Director Reports:

(A) Secretary Elder:

- Because of the issue she had with the Agenda, she asked that there be a discussion placed on the next Agenda – a discussion on consolidation.
- She did meet with Jim Holmes, where she apologized profusely for her error in judgement and that it will not happen again. And discussed with County Council that they provide more Brown Act Training. Training will be in January after the election.

(B) Director Robinson:

- Thanks Chief Higgins for all his efforts. The Preliminary Budget had very few questions on. The work he has done in the Fire District of Newcastle is extraordinary. He gets called out of all jurisdictions because of his respected abilities and training, even other parts of the state, and he works his ass off. So really wanted to thank him.
- Policy 2220 states all Board members come to meetings. We have a Board member hasn't seemed to have been able to come to a Board meeting. Would like to see an item on the next Agenda to clarify what we plan on doing at this point.

(C) Vice Chairman Sprouse:

- Still sees building the new fire station should be our priority...and that we move forward.
- We don't have anything in writing...the treasurer called Jim directly and said do not move forward with the bid package. The Treasurer would like to see stability of the Board.

(D) Chairman Jordan

- The Treasurer was concerned about what's been going on...concerns about the Board's stability as a management team.
- Recommends that all Board members read the Policy Manual we did last year. Thinks it will be a help for the Board.

Meeting adjourned at 8:12 PM.

13. NEXT REGULAR MEETING: Wednesday, July 20, 2016. Location: 461 Main Street.

Respectfully Submitted,
Gayle Capik, Recording Secretary