



NEWCASTLE FIRE PROTECTION DISTRICT

9350 OLD STATE HIGHWAY, NEWCASTLE, CA 95658

530-878-0405 FAX 530-878-0405 WWW.NEWCASTLEFIRE.ORG

*DIRECTORS: Lawrence Bettencourt, Jonita Elder, Robin Enos, James Heisterkamp, William Kahrl
Fire Chief Ian Gow*

NOTICE OF A REGULAR MEETING and AGENDA

Wednesday, August 16, 2023 @ 6:00 p.m.

Long Valley Community Hall, 2008 Rattlesnake Rd., Newcastle CA 95658

This meeting will be open to in-person attendance.

The meeting is also offered through a virtual Zoom meeting webinar. To join the meeting:

<https://us02web.zoom.us/j/7699308229>

[Meeting ID: 769 930 8229](https://us02web.zoom.us/j/7699308229)

[Find your local number: https://us02web.zoom.us/u/kTxrun2H0](https://us02web.zoom.us/j/7699308229)

1. **CALL MEETING TO ORDER:** Pledge of Allegiance
2. **APPROVAL OF AGENDA:**
3. **APPROVAL OF MINUTES:** July 19, 2023 regular Meeting
4. **BILL APPROVAL AND FINANCIAL REPORT:** July/August 2023
5. **CORRESPONDENCE:**
6. **PUBLIC COMMENT:** (The Newcastle Fire Protection District Board of Directors has provided this period for members of the public to address the Board on items of interest to the public and which are applicable to the district. No action may be taken on any matter, which is not already on the agenda for consideration. Public comment will be limited to three (3) minutes per person, unless specifically authorized otherwise by the Chair).
7. **CHIEFS REPORTS:**
 - (A) Fire Chief Gow
 - (B) Fire Marshal D'Ambrogi
 - (C) Battalion Chiefs Nelson, Slusher and Williamson
8. **NEVADA COUNTY PROFESSIONAL FIREFIGHTERS, LOCAL 3800 REPORT**
9. **BOARD COMMITTEE REPORTS:**
 - (A) Building Committee: Fire station (Chair Kahrl and Director Bettencourt).
 - (B) Inter-district Cooperation Ad-hoc Committee (Chair Kahrl and VC Elder).
10. **INFORMATIONAL AND DISCUSSION ITEMS:**
 - (A) Review the Attorney's correspondence regarding the Brown Act Changes that went into effect on January 1, 2023.
11. **ACTION ITEMS REQUIRE A VOTE BY ROLL CALL**
 - (A) Public Hearing to consider updating the Fire Facility Impact and Mitigation Fee Schedule and to adopt Resolution No. 2023-09 increasing the fee to \$1.32 per square foot.
 - (B) Consider and approve the audit for Fiscal Year 2021-2022 prepared by Smith & Newell CPAs.
 - (C) **CLOSED SESSION:** Pursuant to California Government Code § 54957.6(a) LABOR NEGOTIATIONS; Discussion of a side letter to the memorandum of understanding (MOU) with Nevada County Professional Firefighters, Local 3800. District negotiators: Directors Enos and Heisterkamp;
 - (D) Consider and approve a side letter to the MOU with Nevada County Professional

Newcastle Fire Protection District is committed to accommodate individuals with disabilities to participate in the public meeting process. If you have a special need to attend or participate in our public meetings, please contact our office at (530) 878-0405, in advance of the regular meeting so that we may make every reasonable effort to accommodate you.

NEWCASTLE FIRE PROTECTION DISTRICT IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER.

Firefighters, Local 3800 for the term of July 1, 2023 through June 30, 2024 approving a paramedic stipend for qualified employees working through the Joint Operations Agreement at an Agency that provides Advanced Life Support services.

12. DIRECTORS REPORTS:

13. MEETING ADJOURNED:

Next Board meeting: September 20, 2023

Newcastle Fire Protection District
Minutes of Regular Board of Directors Meeting
July 19, 2023
Held via teleconference and in-person at:
Long Valley Community Hall
2005 Rattlesnake Rd., Newcastle, CA 95658

1. Call Meeting to Order

- a. Chairman Kahrl called the meeting to order at 6:00 p.m.
- b. Secretary Heisterkamp led the flag salute.
- c. All Directors were present.
- d. Chief D'Ambrogi and BC Nelson were present.

2. Approval of Agenda

- a. Chief D'Ambrogi requested that item 11(b) be removed from the agenda for tonight. It will be presented at the August meeting.
- b. VC Elder made a motion to approve the agenda as amended. Director Bettencourt seconds the motion. Motion carries unanimously via roll call vote (5/0).

3. Approval of Minutes

- a. Secretary Heisterkamp made a motion to approve the minutes of the June 21st regular meeting and the June 29th special meeting as presented. Director Enos seconds the motion. Motion carries unanimously via roll call vote (5/0).

4. Approval of Financial Report

- a. VC Elder made a motion to approve the financial report as presented by Chief D'Ambrogi. Secretary Heisterkamp seconds the motion. Motion carries unanimously via roll call vote (5/0).

5. Correspondence

- a. None

6. Public Comment

- a. Jon Anacker – Had occasion to use the chipper program and was very happy with the service.

7. Chief's Report

- a. Chief D'Ambrogi reporting:
 - i. Placer Hills has one Engineer in backgrounds.
 - ii. Cal Fire asked for public comment on their "Fire Zone Severity Maps". Over 1k comments were received.
 - iii. Placer County is working with all the MAC's (Municipal Advisory Committee) to go over the general plan update process. Specifically, high density re-zoning for high density housing (aka. affordable housing).
 - iv. Placer Hills received a request from the MSR (Municipal Services Review) firm for incident information for all 3 districts.
 - v. The plan is to bring a resolution to the board next month to raise mitigation fees to approximately \$1.32 per square foot.
- b. BC Nelson Reporting:
 - i. 43 Calls for June.
 1. Provided mutual aid 7 times
 2. Received mutual aid 7 times.

8. Newcastle Professional Firefighter's Association

- i. No report

9. Board Committee Reports

- a. Building Committee report on the new fire station.
 - i. Director Bettencourt reporting:

1. PG&E transformer hasn't been removed yet. The hole can't be filled in until it is. It must be completed by December or our contractor will not fill it in.
2. The drip irrigation needs to be checked. Some of the landscape is looking stressed.
- b. Ad-hoc Committee report on selling the existing station and dedication of the new fire station.
 - i. Secretary Heisterkamp reporting:
 1. Escrow closed on July 11th. The selling price was \$438k.
 2. This item can be removed from future agendas.
- c. Inter-district Cooperation Ad-hoc Committee.
 - i. No movement is anticipated until the MSR is complete.

10. Informational/Non-Action Items

- a. Review the Brown Act Changes that went into effect January 1, 2023.
 - i. Chairman Kahrl would like to find out where each board member stands as far as meeting attendance. The changes to the Brown Act are quite specific regarding meeting attendance rules. Staff is requested to provide attendance statistics at the next board meeting.

11. Action Items

- a. Consider and approve the Memorandum of Understanding for the terms and cost (\$2,326.79) for the Auditor-Controller services for FY 2023/2024.
 - i. Director Bettencourt made a motion to approve the MOU and associated cost as presented. VC Elder seconds the motion. Motion carries unanimously via roll call vote (5/0).
- b. Consider and approve the audit for FY 2021/2022 prepared by Smith & Newell CPA's.
 - i. This item was scratched during agenda approval.
- c. Consider and approve the Memorandum of Understanding with Nevada County Professional Firefighters, Local 3800 for the term July 1, 2023 – June 30, 2024.
 - i. The new MOU includes a \$2.00/hour pay increase and a \$2k increase to the district's 457(b) retirement contribution. All is retroactive to July 1, 2023.
 - ii. There is a side letter in the works to address the compensation issue of a Newcastle Fire employee who is paid BLS, Basic Life Support, wages but works as an ALS (Advanced Life Support) Paramedic through the JOA (Joint Operating Agreement).
 - iii. Secretary Heisterkamp made a motion to approve the MOU with L3800 as presented. VC Elder seconds the motion. Motion carries unanimously via roll call vote (5/0).

12. Director's Reports

- a. Chairman Kahrl reported that he "sampled" Newcastle Fire's services and found Captain Shaw to be "masterful" in the care he provided.

13. Chairman Kahrl adjourned the meeting at 7:15 p.m.

Respectfully Submitted:


Patrice Metz, Recording Secretary

Approved

**Newcastle Fire Protection District
Revenue and Expense Report
Fiscal Year 2023/2024**

	<u>Jul 1 - Aug 11, 23</u>	<u>Budget</u>	<u>% of Budget</u>
Income			
REVENUE			
Property Taxes	0.00	333,398.00	0.0%
40180 Other Taxes	0.00	570,646.00	0.0%
42010 Investment Income	0.00	500.00	0.0%
44350 State Homeowners Relief	0.00	1,716.00	0.0%
46350 Fire Services	438.00	50,500.00	0.9%
46360 Other Fees and Charges	1,000.00	12,000.00	8.3%
48030 Miscellaneous	0.00	200.00	0.0%
Total REVENUE	<u>1,438.00</u>	<u>968,960.00</u>	<u>0.1%</u>
Total Income	1,438.00	968,960.00	0.1%
Expense			
EXPENSES			
52030 Fire Protective clothing	0.00	4,000.00	0.0%
52040 Communication Services	0.00	1,500.00	0.0%
52060 Station/Household Expense	132.96	2,500.00	5.3%
52080 General Liability Ins	7,343.00	32,410.00	22.7%
52160 Equipment Maintenance	4,374.23	15,000.00	29.2%
52170 Fuels & Lubricants	871.51	12,500.00	7.0%
52180 Building maintenance	1,873.91	3,000.00	62.5%
52220 Gases, medical	288.50	1,000.00	28.9%
52260 Miscellaneous Expense	253.35	1,000.00	25.3%
52330 General Office	2,046.82	2,500.00	81.9%
52360 Special Services	500.00	190,096.00	0.3%
52370 Professional Services	3,471.97	5,580.00	62.2%
52390 County Services	0.00	3,500.00	0.0%
52460 Small Tools, Accessories	0.00	2,000.00	0.0%
52570 Publications Legal Notice	0.00	150.00	0.0%
52580 Special District Expense	0.00	3,900.00	0.0%
52800 Utilities	2,630.60	25,910.00	10.2%
Total EXPENSES	<u>23,786.85</u>	<u>306,546.00</u>	<u>7.8%</u>
54440 Fixed Assets Blding/Loan	0.00	118,886.00	0.0%
Payroll Expenses			
51010 Salaries & Wages	0.00	471,440.00	0.0%
51030 Extra Help	0.00	5,250.00	0.0%
51040 Overtime Call Back	0.00	75,770.00	0.0%
51220 Payroll Tax	0.00	41,700.00	0.0%
51310 Employee Group Insurance	2,576.41	56,000.00	4.6%
51360 Workers Comp Insurance	12,164.00	49,300.00	24.7%

Newcastle Fire Protection District
Revenue and Expense Report
Fiscal Year 2023/2024

	<u>Jul 1 - Aug 11, 23</u>	<u>Budget</u>	<u>% of Budget</u>
Total Payroll Expenses	14,740.41	699,460.00	2.1%
Total Expense	38,527.26	1,124,892.00	3.4%
Net Income	-37,089.26	-155,932.00	23.8%

Newcastle Fire Protection District
Check Detail
July 1 through August 11, 2023

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Paid Amount</u>
07/31/2023		Service Charge	US Bank Checking	
		Service Charge	Bank charges	-6.00
TOTAL				-6.00
07/12/2023	ISU Insurance Atwood Ag...		US Bank Checking	
07/03/2023			52080 General Liability Ins	-7,343.00
TOTAL				-7,343.00
07/12/2023	Kaiser		US Bank Checking	
07/10/2023			51310 Employee Group Insur...	-1,917.92
TOTAL				-1,917.92
07/12/2023	Recology Auburn Placer		US Bank Checking	
07/10/2023		July - Sept 23	Garbage 9350 OSH	-226.29
TOTAL				-226.29
07/28/2023	Fire Risk Management Se...		US Bank Checking	
07/28/2023		Q3 2023	51360 Workers Comp Insuran...	-12,164.00
TOTAL				-12,164.00
07/28/2023	G&T Truck Repair, Inc.		US Bank Checking	
07/28/2023		Hose, wire fitting 3... Brass union 31247	Batt 41 2007 Ford E41 2004 HME	-88.77 -72.29
TOTAL				-161.06
07/28/2023	North State Tire Co.		US Bank Checking	
07/28/2023		2 tires	Brush 41 2014 Freightliner	-1,153.56
TOTAL				-1,153.56
07/28/2023	Placer Hills Fire District		US Bank Checking	
07/28/2023		A/C repair, pump p...	E41 2004 HME	-1,710.00
TOTAL				-1,710.00
07/28/2023	Sierra Striping Inc. & Sea...		US Bank Checking	
07/28/2023		Sealcoat parking lo...	52180 Building maintenance	-1,410.00
TOTAL				-1,410.00
07/28/2023	Smith & Newell CPAs		US Bank Checking	
07/28/2023		State controller an...	SC2900 Audit Costs	-500.00
TOTAL				-500.00

Newcastle Fire Protection District
Check Detail
July 1 through August 11, 2023

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Paid Amount</u>
08/10/2023	Auburn Ace Hardware		US Bank Checking	
08/10/2023		Misc	52180 Building maintenance	-51.41
TOTAL				-51.41
08/10/2023	Dawson Oil Company		US Bank Checking	
08/10/2023			52170 Fuels & Lubricants	-871.51
TOTAL				-871.51
08/10/2023	Kaiser		US Bank Checking	
08/10/2023			51310 Employee Group Insur...	-202.01
TOTAL				-202.01
08/10/2023	Metz, Patrice		US Bank Checking	
08/10/2023			SC2660 Recording Secretary	-75.00
TOTAL				-75.00
08/10/2023	Napa Auto Parts		US Bank Checking	
08/10/2023		Filter	Brush 41 2014 Freightliner	-78.28
TOTAL				-78.28
08/10/2023	PCWA		US Bank Checking	
08/10/2023		9211 Cypress	Water	-157.07
			Water	-1.44
TOTAL				-158.51
08/10/2023	PG&E		US Bank Checking	
08/10/2023			Electricity/gas	-1,235.97
TOTAL				-1,235.97
08/10/2023	Placer Hills Fire District		US Bank Checking	
08/10/2023		Annual service PT...	Brush 41 2014 Freightliner	-1,271.33
TOTAL				-1,271.33
08/10/2023	Sierra Building Systems, ...		US Bank Checking	
08/10/2023		Tech visit	52180 Building maintenance	-412.50
TOTAL				-412.50
08/10/2023	South Placer Fire District		US Bank Checking	
08/10/2023		Elite Rescue CAD	52370 Professional Services	-3,471.97
TOTAL				-3,471.97

Newcastle Fire Protection District
Check Detail
July 1 through August 11, 2023

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Paid Amount</u>
08/10/2023	SPMUD		US Bank Checking	
08/10/2023		Final bill for 9211 C...	Sewer	-120.33
TOTAL				-120.33
08/10/2023	US Bank		US Bank Checking	
08/10/2023		Astound Luna Tech	Phone/Cable/Internet	-778.50
		Dell computer	SC2660 Supplies	-1,971.82
		Clark	Pest control	-111.00
		CVS pharmacy epi...	52220 Gases, medical	-288.50
		Amazon	52060 Station/Household Exp...	-132.96
		Fire prevention goo...	Miscellaneous expenses	-247.35
TOTAL				-3,530.13
08/10/2023	Principal Life		US Bank Checking	
08/10/2023			51310 Employee Group Insur...	-456.48
TOTAL				-456.48

Newcastle Fire Development Fees
July 1 through August 11, 2023

Type	Date	Memo	Amount	Balance
Income Mitigation Fees				
46440 Mitigation Fees				
Deposit	07/19/2023	Bevzyuk 22-02321 home	5,818.89	5,818.89
Deposit	07/19/2023	Officer 23-02530 shop patio	2,090.88	7,909.77
Deposit	07/26/2023	Castagnolo 23-03319 garage	1,452.00	9,361.77
Deposit	07/26/2023	Black 23-01112 shop	1,815.00	11,176.77
Deposit	08/03/2023	Gilmore 23-03168 Garage	1,931.16	13,107.93
Deposit	08/03/2023	Gerbel 23-02782 Addition	1,739.00	14,846.93
Total 46440 Mitigation Fees			14,846.93	14,846.93
Total Income Mitigation Fees			14,846.93	14,846.93
TOTAL			14,846.93	14,846.93



PLACER HILLS – NEWCASTLE – PENRYN FIRE PROTECTION DISTRICTS



Date: August 10, 2023
To: All Personnel
From: Matthew Slusher, Battalion Chief
Subject: Incident Data – July 2023



Newcastle Fire Protection District –

- Calls for Service - 57
- Mutual Aid Given - 12
- Mutual Aid Received – 3
- Unit Responses - 61

Penryn Fire Protection District –

- Calls for Service – 42
- Mutual Aid Given – 2
- Mutual Aid Received – 3
- Unit Responses - 42

Placer Hills Fire Protection District –

- Calls for Service – 137
- Mutual Aid Given – 21
- Mutual Aid Received – 1
- Unit Responses – 193

Total –

- Calls for Service -236
- Mutual Aid Given - 35
- Mutual Aid Received - 7
- Unit Responses – 296
- Total Calls for Service 2023 Jan. - July - 1626
- Total Calls for service 2022 Jan. - July - 1679

*Data current as of date issued; numbers may change as reports are completed.



KEVIN A. FLAUTT
kflautt@kmtg.com

August 9, 2023

Board of Directors
Newcastle Fire Protection District
9211 Cypress Street
Newcastle, CA 95658

Re: Potential Vacancies on the Board

Dear Honorable Members of the Board:

You have asked us to look into the issues and implications surrounding potential vacancies on the Fire District's Board of Directors. Below you will find an overview of the law most relevant to these issues.

Government Code 1770 sets forth situations in which a vacant office is created. It provides in relevant part to this discussion:

An office becomes vacant on the happening of any of the following events before the expiration of the term:

...

(c)(1) His or her resignation, except as provided in paragraph (2).

(2) In the case of the office of city council member, upon the delivery of a letter of resignation by the resigning council member to the city clerk. The letter of resignation may specify a date on which the resignation will become effective.

...

(g) His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.

The introductory paragraph makes clear that the vacancy occurs automatically without action by the board as it states that the seat "becomes vacant," indicating that it takes place by operation of the law. Therefore, if any of the listed events occurs, the individual is deemed removed and the office is vacant as of that date.

Under subpart (c), an office becomes vacant upon resignation of the person. Government Code section 1750 provides: "Resignations shall be in writing, and made as follows: (d) By all officers of a county or special district... to the clerk of the board of supervisors of their respective counties, unless by the terms of the act under which a district is formed appointment to vacancies is made by other than the board of supervisors, in which case the resignation shall be submitted to the appointing body."

Under subpart (g), the office automatically becomes vacant when an officer ceases to perform his or her duties for three consecutive months. Please note that this provision is silent with respect to the number of meetings missed and instead only looks at the duration of time for which the officer has failed to perform his or her duties. Absence from meetings alone is unlikely to be sufficient to constitute ceasing to perform duties. If the officer is absent from meetings but still performing other duties, he or she will not be deemed to have vacated the office under this section.

I have also researched the process for filling vacancies. Fire Protection District Law of 1987, Health and Safety code section 13852 provides:

- (a) Any vacancy in the office of a member appointed to the district board shall be filled pursuant to Section 1779 of the Government Code.
- (b) Any vacancy in the office of a member elected to the district board shall be filled pursuant to Section 1780 of the Government Code. Government Code section 1779 provides that that appointing authority must fill the seat within 90 or the County will fill the seat.

Government Code section 1780(b) provides that the district must notify the county elections official of the vacancy within 15 days of the vacancy. Section 1780(c) provides: "The remaining members of the district board may fill the vacancy either by appointment pursuant to subdivision (d) or by calling an election pursuant to subdivision (e)." Subdivision (d) provides that a district shall fill the seat within 60 days of the vacancy. A district must post notice of the vacancy in three conspicuous places in the district at least 15 days before the appointment is made. Within 15 days after the appointment, the district must notify the county elections official. The duration of the appointment depends on its timing. (See Gov. Code § 1780(d)(2 and 3).)

In sum, based on the information you have provided, it does not appear that anyone on the board has vacated their office at this time. Also, it appears unlikely that anyone is currently in jeopardy of vacating their office due to absences as everyone attended the July meeting. I understand that there is some confusion over whether Robin Enos's correspondence from July 28, 2023, to the Chief constitutes a resignation under Section 1770(C). I have reviewed the correspondence and conclude that it is not a resignation letter as it indicates only a future intent to resign without a specific resignation date and in fact specifies that he will tender a resignation to the Board. I further recommend that Enos be asked to clarify his current status and provide a resignation letter to the Board with an effective date in order to allow the Board to plan accordingly.

We have also been asked to consider the implications of board attendance at board meetings via Zoom under the new updates to the Brown Act law.

First, I note that nothing in the Brown Act, or updates, provides that an officer vacates his or her office by not attending a meeting or by improperly attending a meeting. Therefore, a board member not attending a meeting in strict compliance with the provisions of the Brown Act are not at risk of being removed from his or her office- **instead the normal Brown Act remedies would apply**. As we have previously advised, Government Code section 1770 sets forth the limited situations in which an office will be **deemed vacant**, including a complete and continuous "cessation" of the performance of duties for 90 days, and it does not appear that any of those conditions have been met at this time.



Under the new provisions of the Brown Act, and Government Code section 54953(f) specifically, a member cannot attend more than 20% of the meetings in a calendar year by video conference. Given that the District meets once per month, that means that each member can attend by video conference twice in a calendar year without issue, provided that he or she has just cause or meets the emergency circumstances for each instance. If a member has already appeared twice by video conference in a given calendar year, he or she will be deemed absent for each subsequent meeting at which he or she appears by video conference and not legally permitted to vote under the Brown Act. Based upon the information provided, it appears that Mr. Enos is the only member who has used one of his video appearances to date. All other members can appear two times by Zoom until the end of the calendar year, provided they meet the other requirements.

Second, as to what Brown Act remedies may be lurking in the weeds, the Brown Act contains a legal procedure by which any interested person can invalidate board action on the grounds that it was taken in violation of the Brown Act, in addition to optional injunctive relief going forward and attorney's fees. (See, e.g., Gov. Code § 54960, et seq.) However, the agency must first be provided an opportunity to cure any defect before such action is filed and the pre-filing requirement must generally be exhausted within 90 days. In addition, the challenger must show prejudice as a result of the violation- i.e., that the violation actually impacted the challenged board action. Therefore, as an example, if a board approves an action by 5-0 vote at a meeting but it is later discovered that one board member voted by Zoom without meeting the requirements, there would be no prejudice because the remaining 4 votes would still have been sufficient to approve the action.

The Brown Act also provides for criminal penalties for violations of its provisions. However, a criminal violation of the Brown Act requires proof that action is taken with the specific intent to deprive the public of information to which it is entitled. (See Gov. Code §54959.) Inasmuch as prior instances appear to be the Board acting out of blissful ignorance of new legislative red tape, this seems to be entirely absent from our situation.

So, based upon the information that we have, it does not appear that although the Board may not have been following the current iteration of the Brown Act, it is unlikely to have any repercussions. The Board should simply ensure that it is following the correct procedure going forward.

Finally, I have attached general guidelines on new Brown Act teleconference compliance.

Very truly yours,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation



KEVIN A. FLAUTT

Attachment



BROWN ACT TELECONFERENCE RULES

This memo outlines general permissions and limitations contained in the Ralph M. Brown Act, Government Code section 54950 ("Act"), regarding teleconferencing by members of legislative bodies. Such legislative bodies include the Newcastle Fire Protection District. This memo is general guidance, terms and circumstances require further analysis on a case-by-case basis. Therefore, if a member of a legislative body intends to participate electronically in a meeting, they should consult legislative body leadership or legal counsel to confirm compliance.¹

- **Customary Teleconferencing (Gov. Code, § 54953(b))** - The legislative body may use teleconferencing if the following conditions are met:
 - At least a quorum of the members of the legislative body participates in the meeting from locations within the legislative body's jurisdiction;
 - All votes are by rollcall;
 - Meeting conduct protects the statutory and constitutional rights of the public (e.g., opportunity for public comment, accessible, no disruptions);
 - Opportunity for public comment is provided in a time and manner as typically required by the Act (e.g. after each agenda item and at a separate general public comments time);
 - Notice is given and agendas are posted in a time and manner as typically required by the Act AND the agenda specifically identifies each teleconference location; and
 - Each teleconference location:
 - ◆ Must have the agenda posted;
 - ◆ Be open and accessible to the public for viewing; and
 - ◆ Provide a means for public comment to be given (e.g., speakerphone).

- **Member Just Cause/Emergency Teleconferencing (Gov. Code, § 54953(f))** - The legislative body may use teleconferencing if the following conditions are met:
 - At least a quorum of the members of the legislative body participates in-person from a single physical location (1) identified on the agenda, (2) open to the public, and (3) within the legislative body's jurisdiction;
 - Either (a) a two-way audiovisual platform or (b) a two-way phone *and* live webcasting is provided for the public to observe and electronically address the legislative body;
 - The posted agenda includes information on how the public can electronically observe the meeting and electronically give public comment;
 - The posted agenda provides an opportunity for public comment at times typically required by the Act, including electronically (e.g., after each agenda item and at a separate general public comments time);

¹ Pursuant to Assembly Bill 361 effective September 16, 2021, the Act permits modified teleconference meetings if, among other things, the Governor has proclaimed a state of emergency. (Gov. Code 54953(e).) The Governor proclaimed a state of emergency related to the COVID-19 pandemic. That proclamation expired February 28, 2023, and AB 361 is set to expire December 31, 2023. Given these limits, this memo focuses on other teleconference options.

BROWN ACT TELECONFERENCING

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- The legislative body takes no action during a disturbance in the electronic access that prevents the public from observing the meeting or giving public comment;
- Public comments are not required to be submitted in advance;
- A member of the legislative body participating electronically has not done so for more than three consecutive months or 20% of the regular meetings within a calendar year;
- A member of the legislative body may only participate electronically if they (1) participate through both audio and visual technology, (2) disclose the presence of any person over 18 years old in the room and his or her relation, and (3) one of the following apply:
 - ◆ *Just Cause*
 - They are prevented from attending in-person due to (a) caregiving needs of a child or certain family member, (b) contagious illness, (c) needs related to certain physical or mental disabilities, or (d) travel on official business of the legislative body or public agency;
 - They notify the legislative body at the earliest opportunity and provide a general description (< 20 words) of the just cause circumstances; and
 - They may not participate remotely for "just cause" more than twice per calendar year.
 - ◆ *Emergency Circumstances*
 - They are prevented from attending in-person due to a physical or family medical emergency;
 - They notify the legislative body as soon as possible, provide a general description (<20 words) of the emergency circumstances, and request to participate electronically; and
 - The legislative body grants the request to participate electronically. This must be done separately for each meeting.
 - ◆ Note: there is no requirement that the remote location be disclosed on the agenda or open to the public for "just cause" or "emergency" participation.



PLACER HILLS-NEWCASTLE-PENRYN FIRE PROTECTION DISTRICTS

STAFF REPORT

To: Board of Directors, Newcastle Fire Protection District
From: Ian Gow, Fire Chief
By: Mark D'Ambrogi, Fire Marshal
Date: August 16, 2023
Subject: Updating the Fire Facilities Impact and Mitigation Fee Schedule

The Issue

Shall the Board by resolution, adopt an increase to the Fire Facilities Impact and Mitigation Fee schedule?

Conclusion and Recommendation

Staff recommends the Board by resolution, adopt an increase to the Fire Facilities Impact and Mitigation Fee schedule.

Background

The Fire District, under Government Code § 66000 *et. seq.*, is allowed to collect fees from new developments to offset the impacts on local services. This is known as the Fire Facilities Impact and Mitigation Fee. The fee is collected on all new construction including additions and is applied towards capital expenditures such as fire facilities, apparatus, and firefighting equipment to meet future service demands of the Fire District.

This fee schedule can be adjusted annually using the Construction Cost Index (CCI) of the San Francisco area (applies to the Sacramento area) as reported in the Engineering News-Record (ENR).

For the 2022 calendar year the CCI indicated a 9.3% average increase in construction costs. It is recommended this construction cost increase of 9.3% be used as the basis to increase the Fire Facilities Impact and Mitigation Fee.

Current and Proposed Fee Schedule:

Residential:	\$1.21 per sq. foot to \$1.32 per sq. foot
Commercial:	\$1.21 per sq. foot to \$1.32 per sq. foot
Commercial Office:	\$1.21 per sq. foot to \$1.32 per sq. foot

Current and Proposed Fee Schedule (cont.):

Industrial:	\$1.21 per sq. foot to \$1.32 per sq. foot
Agricultural:	\$1.21 per sq. foot to \$1.32 per sq. foot

Alternatives Available to the Board

1. Adopt by resolution fee increases to the Fire Facilities Impact and Mitigation Fee schedule;
2. Take no action, current fees will remain in place.

Fiscal Impact

No fiscal impact or costs incurred to the budget is associated by this action.



NEWCASTLE FIRE PROTECTION DISTRICT BOARD OF DIRECTORS

Lawrence Bettencourt, Jonita Elder, Robin Enos, James Heisterkamp, William Kahrl, Fire Chief Ian Gow

RESOLUTION NO. 2023-09

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NEWCASTLE FIRE PROTECTION DISTRICT UPDATING THE FIRE FACILITIES IMPACT AND MITIGATION FEE SCHEDULE

WHEREAS, the Newcastle Fire Protection District adopted a Fire Facility Improvement Plan and established a fire fee for all new development within the fire district on June 17, 2020; *and*

WHEREAS, the Board of Directors of the District reviewed the Fire Facility and Fire Mitigation Fee improvement and expenditure plan update in accordance with the requirements of Government Code 66000 et seq. *and*;

WHEREAS, the Board of Directors of the District has reviewed the fee schedule and approves an increase using the 2022 average of the San Francisco Construction Cost Index (CCI) as reported in the Engineering News Record (ENR) *and*;

WHEREAS, based on the average change from January 1, 2022 to December 31, 2022 of the San Francisco Construction Cost Index (CCI) as reported in the Engineering News Record (ENR) of the CCI, the District has calculated the fee increase of 9.3 percent *and*;

WHEREAS, the Board of Directors presented this matter at a Public Hearing on August 16, 2023.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Newcastle Fire Protection District does hereby adopt the annual cost escalator to be applied to the Fire Facilities Impact and Mitigation Fee schedule.

BE IT FURTHER RESOLVED, the cost increase of 9.3% results in the following fee schedule:

Residential:	\$1.32 per sq. foot
Commercial:	\$1.32 per sq. foot
Commercial Office:	\$1.32 per sq. foot
Industrial:	\$1.32 per sq. foot
Agricultural:	\$1.32 per sq. foot

BE IT FURTHER RESOLVED, the following fees shall be imposed on all new construction sixty (60) days after the approval by the Placer County Board of Supervisors:

APPROVED, PASSED AND ADOPTED at a regular meeting of the Governing Board of the Newcastle Fire Protection District at Newcastle, California on August 16, 2023 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED: _____

William Kahrl, Chair

ATTEST: _____

James Heisterkamp, Secretary