

REGULAR MEETING OF THE BOARD OF DIRECTORS  
MONTECITO FIRE PROTECTION DISTRICT

Held at Fire District Headquarters, 595 San Ysidro Road, November 19, 2012.

**The meeting was called to order by Director Jensen at 8:33 am.**

**Present:** Director Jensen, Director Newquist and Director Venable. Chief Hickman and District Counsel M. Manion were also present.

**1. Public comment:**

Sally Jordan commented on her neighborhood meeting to discuss emergency preparedness and in support of construction of Station 3

Judith Ishkanian welcomed the new Directors to the Board and commented in support of construction of Station 3

Phyllis Marble discussed the election and possible conflicts of interest and commented in support of the Station 3 project.

Lauren Kenly spoke in support of the Station 3 project.

Abe Powell introduced himself as a newly elected Director and applauded the public's involvement in fire protection and community safety. He hopes that the community will come together and work to improve the area of safety. He also commented on the Firemens' Association Movember fund raiser for men's cancer awareness.

Susan Keller introduced herself as newly elected Director, stating that she is also the artistic director of the Santa Barbara Revels and invited everyone to come to the show.

Gene Sinsler introduced himself as a newly elected Director and stated that the new Board will be very conscious of what the community wants and urged the community to continue showing up to the Board meetings, make their points and discuss with the Board the needs and issues of concern.

For Board Action:

**2. Update on status of Banana Road agreement and consider alternative approach to access requirements for Tea Fire rebuilds.**

Chief Hickman provided history of discussion and negotiation with Banana Road property owners. He proposed a course correction to allow the District to evaluate each project on its own merit, give them the District's code requirements, and if they cannot meet those requirements, the property owner would request a modification. After the request for modification is made, we would give them our requirements attached to a fire protection certificate. Those requirements would need to be met before a final occupancy

could be granted. If they feel the requirements are too constrictive, the owner could appeal the requirements to the Board.

After receiving several public comments supporting the Chief's recommendation, Director Newquist made a motion to allow the residents of Banana Road and others to move forward with their building, and for them to be taken on an individual basis by Montecito Fire Protection District. The motion was seconded by Director Jensen, and unanimously approved.

**3. CLOSED SESSION – Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a)).**

**Name of Case: Montecito Agricultural Foundation, an Unincorporated Association vs. Montecito Fire Protection District; Board of Directors of the Montecito Fire Protection District; and DOES 1-10 Respondents, Petan Company, a California Limited Partnership; Palmer G. Jackson; and DOES 11-20, Real Parties in Interest, Santa Barbara Superior Court Case No. 1401924.**

There was no closed session.

**4. Station 3 Progress report and provide direction to staff regarding Montecito Planning Commission Hearing scheduled for November 28, 2012.**

Chief Hickman reviewed the actions taken at the Montecito Planning Commission, where the District offered an extension to November 28<sup>th</sup>. He proposed that the Board ask the Montecito Planning Commission to continue the November 28<sup>th</sup> meeting for an additional 90 days to allow the new board to look at the details before making further decisions on the project.

The Board discussed the Chief Hickman's recommendation, and unanimously supporting continuing the November 28<sup>th</sup> meeting for an additional 90 days.

Public comment included support for moving forward with the Station 3 project, support for Chief Hickman's proposal to continue the Montecito Planning Commission hearing for 90 days, concern for the timeliness of input from the Fair Political Practices Commission (FPPC) relating to potential conflicts of interest, and concern for Brown Act conflicts.

District Counsel reviewed the process of getting a decision from the FPPC. Mr. Manion stated that counsel is reviewing this, and will provide recommendations at the December 17th regular Board meeting.

On a motion made by Director Newquist, seconded by Director Venable, the Board unanimously voted to authorize staff enter into a 90 extension of the permit streamlining act with the County and to continue the November 28th meeting to their latest meeting in January for the Montecito Planning Commission.

**5. Adopt Resolution 2012-12, fixing the Employer's contribution under the Public**

**Employees' Medical and Hospital Care Act.**

Chief Hickman explained that this Resolution is necessary to ratify the increase in medical contributions that were negotiated for employees in July. He explained that it would into affect January 1, 2013.

On a motion made by Director Venable, seconded by Director Newquist, the Board unanimously approved Resolution 2012-12, fixing the Employer's contribution under the Public Employees' Medical and Hospital Care Act on the following roll call vote:

Ayes: R. J. Jensen , J. Venable, D. Newquist  
Noes: None  
Absent: None

**6. Adopt Resolution 2012-13 authorizing an amendment to the California Public Employees' Retirement System contract.**

Chief Hickman explained that this Resolution allows for employee's contributions to their pension be taken out as a pre-tax deduction as negotiated in July.

On a motion made by Director Venable, seconded by Director Jensen, the Board unanimously approved Resolution 2012-13 authorizing an amendment to the California Public Employees' Retirement System contract on the following roll call vote:

Ayes: R. J. Jensen , J. Venable, D. Newquist  
Noes: None  
Absent: None

**7. Approval of Minutes of October 25, 2012 Special Meeting.**

Mr. Powell asked that the minutes be reflected to indicate that he said "No director had been 'originally' selected by the community. Ms. Ventura stated she would listen to the recording and make the correction if necessary.

On a motion made by Director Newquist, seconded by Director Jensen, the Board unanimously approved the Minutes of October 25, 2012 Special Meeting noting the suggested correction if necessary.

**8. Approval of District warrants and claims.**

After comments regarding payments made for Professional fees and Aflac, the Board unanimously approved the warrants and claims for the month of November on a motion made by Director Jensen, seconded by Director Venable.

**9. Approve temporary promotions for Engineer Evan Skei to Captain and Captain Dave Andreas to Battalion Chief.**

Chief Hickman explained that we need to temporary promote Engineer Skei and Captain

Andreas to fill behind the fire Chief's vacancy.

On a motion made by Director Newquist, seconded by Director Venable, the Board unanimously voted to approve temporary promotions for Engineer Evan Skei to Captain and Captain Dave Andreas to Battalion Chief.

For Information Only:

**10. Fire Chief's report.**

Chief Hickman reported on the following items: (1) Cold Fire response; (2) Agreement with QAD to temporarily place antenna on their Eastern building; (3) packets for board candidates; (4) 2 day workshop to educate new Board governance in January; (5) SRA Fees; (6) Oath of office Dec 7<sup>th</sup> at 4 pm. Administered by a representative from Counsel's office; (7) Promotional Process; and (8) Thanked Director Newquist for his service to the Montecito Fire Protection District.

**11. Board of Directors report.**

Director Newquist invited the community and the Fire District to participate in the decoration of the Christmas Tree at Upper Manning Park on December 13<sup>th</sup> at 3:30 p.m.

**12. Requests from Directors for items other than regular agenda items to be included for the December Board meeting.**

Director Jensen adjourned the meeting at 10:16