

REGULAR MEETING OF THE BOARD OF DIRECTORS  
MONTECITO FIRE PROTECTION DISTRICT

Held at Fire District Headquarters, 595 San Ysidro Road, December 17, 2012 at 8:30 a.m.

**The meeting was called to order by Director Jensen at 8:30 am.**

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

- 1. Public comment: Any person may address the Board at this time on any agenda matter or non-agenda matter that is within the subject matter jurisdiction of the Montecito Fire Protection District; 30 minutes total time is allotted for this discussion.**

Bob Hazard, Associate Editor of Montecito Journal spoke on his hopes for the future board including efficiency, transparency, good stewardship of tax payer funds, and increased information on the website. He added that the Journal intends to provide all editorials about the Fire District to each Board member prior to publishing.

Carolee Krieger who resides at 808 Romero Canyon Road spoke in support of Station 3.

Warner Owens extended congratulations to the new members of the board suggested that they consider humility and wisdom when making decisions.

Travis Ederer, Montecito Firemens Association president congratulated the new board, thanked Warner and Sandy Owens for decorating Station 1, and reported on the results of their Movember fund raiser.

Ceremonial Board Action:

- 2. Adopt Resolution 2012-14 Commending Director Dana Newquist.**

On a motion made by Director Keller, seconded by Director Venable, the Board unanimously approved Resolution 2012-14 Commending Director Newquist on the following roll call vote:

Ayes:	R. J. Jensen, S. Keller, A. Powell, G.B. Sinsler, J. Venable
Noes:	None
Abstain:	None
Absent:	None

- 3. Election of Board officers for 2013.**

Director Jensen nominated Director Venable for president citing his tenure and leadership experience.

Director Keller nominated Director Powell, citing his past experience and that he was the top vote getter in election.

A vote was called nominating Director Venable for Board President:

In favor: G.B. Sinser, R.J. Jensen, J. Venable

Director Venable was appointed President with three votes in favor.

Director Powell nominated Director Keller for Vice President. There were no other nominations.

A vote was called nominating Director Keller for Vice President.

In favor: G.B. Sinser, R.J. Jensen, J. Venable, J.A. Powell, S. Keller

Director Keller was appointed Vice-President unanimously

Director Keller nominated Director Powell for Board Secretary.

A vote was called: Director Powell for Secretary.

In favor: G.B. Sinser, R.J. Jensen, J. Venable, J.A. Powell, S. Keller

Director Powell was appointed Secretary unanimously

#### **4. Appointment of Board negotiator for 2013.**

Director Powell nominated Director Keller citing her experience as an attorney, her negotiating skills and his trust in her judgment.

Director Jensen nominated Director Venable citing his previous experience and the need to make slow changes as the board learns and transitions.

Public comment included the importance of having knowledge of historical actions and negotiations training, and the suggestion that this be handled by the financial committee.

Mr. Manion explained that it is necessary to have a designated negotiator (or negotiators) to enter into labor negotiations. Mr. Manion also discussed some of the issues relating to having overlapping participants on standing committees and ad hoc committees.

Director Keller suggested that the Board defer the selection of the negotiators(s) until after the committee structure is established to avoid potential conflicts with other committees.

Director Sinser asked for the consideration of appointing a Board Treasurer. Mr. Manion explained that the County of Santa Barbara acts as the Treasurer for the District, but this could be reconsidered at a future meeting.

The Board deferred making the appointment of the negotiator(s) until after Committees are formed.

**5. Consider formation of Board Committees.**

The Board discussed the desire to have several standing committees including a Finance Committee, a Strategic Planning Committee and a Communications and Public Outreach Committee.

Director Keller made a motion “to create two, two Board member committees, that at this time are not Brown Act committees; one would be a Finance Committee, one would be a Strategic Planning Committee, and we would consider at a future time creating a Communications Committee. ”

Mr. Manion explained the difference between Brown Act legislative committees and Ad-hoc Committees.

Director Keller amended her motion: “to create a Finance and Strategic Planning Committee comprised each of two Members of the Board.” The motion was seconded by Director Powell.

Director Sinsler suggested an amendment or separate motion to “add to that list a Communications Committee.” The Board decided to have this be a separate motion after the first motion is decided.

Public comment on the motion included a statement that Brown Act committees allows for input from others as well as protects the Board, and that it is important for the Board to retain control as decision makers and not have that diluted by committees filled by community members.

The vote was called to create a Finance and a Strategic Planning Committee comprised each of two Members of the Board:

In favor: S. Keller, G.B. Sinsler, J. Venable, J.A. Powell  
Opposed: R.J. Jensen  
Abstentions: None

The motion passed, four in favor, one opposed, and no abstentions.

Director Sinsler restated his motion to “create as a Standing Committee, an Outreach / Communications Committee that has the responsibility to inform the general public in Montecito what is going on in the Fire Department.” Director Keller seconded the motion.

Mr. Hazard provided public comment on the motion as a representative of the Montecito Journal, in that they have had open communications with the Fire Chief and Ms. Ventura and it is their desire to continue to work with them, and the President of the Board, suggesting that they table the motion until a later time.

The vote was called to create as a Standing Committee: an Outreach / Communications Committee that has the responsibility to inform the general public in Montecito what is going on in the Fire Department:

In favor: S. Keller, G.B. Sinser, J.A. Powell  
Opposed: J. Venable, R.J. Jensen  
Abstentions: None

The motion passed, three in favor, two opposed, and no abstentions.

Mr. Manion advised that staff will come back to the next meeting with formal resolutions to establish and specify the purpose of each committee.

The following directors volunteered to meet with staff to assist in drafting the duties of each proposed committee:

Strategic Planning – Director Powell and Director Keller

Finance - Director Sinser and Director Venable

Communication and Outreach - Director Sinser and Director Powell

**6. Consider procedures for docketing of agenda items and establishing Board priorities.**

Chief Hickman asked the Board to consider streamlining the process of docketing agenda items.

After a discussion on how agenda items have been added in the past, and how other local agencies process agenda docketing, it was suggested that Directors be allowed to email agenda requests/suggestions to the Fire Chief (directly or via the Administrative Assistant) who will pass on the requests to the Board President. The Board President will ultimately decide whether or not to add the agenda item.

Additionally the Board directed staff to post agendas and make Board packets available one week prior to the Board meeting.

The Board took a break 9:50 am and reconvened at 10:00 am.

**7. Station 3 Progress report.**

District Counsel reviewed a potential conflict issue relating to the proximity of real property owned by Director Sinser's to the Station 3 project, which has been submitted to the Fair Political Practices Commission (FPPC) for an advisory decision. Until the ruling is determined, Mr. Manion recommended that Director Sinser not participate in Station 3 decisions.

Ms. Rita Bright, planning agent for the District, reported on current status of Station 3 project, including the timeline issues related to the Montecito Planning Commission.

Director Powell asked for a written report to be included in the next Board packet.

A motion was made by Director Keller to continue the hearing for the Station 3 project to the February meeting of the Montecito Planning Commission, and resubmit the appropriate 65402 forms. The motion was seconded by Director Venable.

The vote was called to continue the hearing for the Station 3 project to February meeting of the Montecito Planning Commission, and resubmit the appropriate 65402 forms:

In favor: J. Venable, R.J. Jensen, S. Keller, J.A. Powell  
Opposed: None  
Abstentions: G.B. Sinser

The motion passed, four in favor, none opposed, and one abstention.

**8. Consider formal evaluation of District's level of service, deployment delivery and response time objectives to create a baseline for the current standard of response coverage for all areas of the District.**

Director Powell suggested that the District annually evaluate its level of service and response time objectives utilizing the NFPA 1710 recommendations; specifically the 4 year quadrennial report, to create a baseline, and allow the Board to set goals based on hard data. Staff identified the complexity and inability to meet all of NFPA 1710 standards, and the difficulty in extracting data sets from our current software.

The Board directed staff to bring back a response time report utilizing data from the past year.

**9. Assess possible short-term safety service deployment options to address response time related safety concerns within the District.**

Director Powell reported that several members of the community have expressed concerned about underserved area in the East end of the District.

After discussing several possibilities, the Board directed staff to bring back a report on interim solutions that could be considered to improve service to the East end of the District.

**10. Approval of Minutes of November 19, 2012 Regular Meeting.**

On a motion by Director Venable, seconded by Director Jensen, a vote was called to approve the minutes of November 19, 2012 Regular Meeting:

In favor: J. Venable, R.J. Jensen  
Opposed: None  
Abstentions: S. Keller, G.B. Sinser, J.A. Powell

The motion passed, two in favor, none opposed, and three abstentions.

**11. Approval of Minutes of December 7, 2012 Special Meeting.**

On a motion by Director Keller, seconded by Director Sinser, a vote was called to approve the minutes of December 7, 2012 Special Meeting:

In favor: G.B. Sinser, R.J. Jensen, J. Venable, J.A. Powell, S. Keller  
Opposed: None  
Abstentions: None

The motion passed unanimously.

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

After an explanation of payments made for CAD software maintenance and vehicle fuel costs, the Board unanimously approved the warrants and claims for the month of November on a motion made by Director Sinser, seconded by Director Powell.

The Board directed Staff to research diesel fuel options and provide this information at the next Board meeting, and to add additional information into the financial reports provided in the Board Packets.

**13. Reject claim for property damages at 330 E. Mountain Drive.**

Ms. Lim explained that this is a procedural letter required by our insurance provider to pay for the damages that occurred at 330 E. Mountain Dr. The resident is aware of the process.

On a motion by Director Sinser, seconded by Director Keller, the Board unanimously approved rejecting the claim for property damages at 330 E. Mountain Drive.

**14. Adopt Resolution 2012-15 determining time and place of regular board meetings.**

On a motion by Director Keller, seconded by Director Sinser, the Board unanimously approved Resolution 2012-15 determining the time and place of regular board meetings by the following roll call vote:

Ayes: R. J. Jensen, S. Keller, J.A. Powell, G.B.Sinser, J. Venable  
Noes: None  
Abstain: None  
Absent: None

**15. Adopt Annual Resolution 2012-16 regarding inventory of District lands and air space.**

On a motion made by Director Powell, seconded by Director Keller, the Board approved Resolution 2012-16 regarding inventory of District lands and air space by the following roll call vote:

Ayes: R. J. Jensen, S. Keller, J.A. Powell, J. Venable

Noes: G.B.Sinser  
Abstain: None  
Absent: None

**16. Consider increase in Director's Compensation, Resolution 2012-17.**

On a motion by Director Sinser, seconded by Director Powell, the Board unanimously approved Resolution 2012-17 regarding Director's Compensation by the following roll call vote:

Ayes: R. J. Jensen, S. Keller, J.A. Powell, G.B.Sinser, J. Venable  
Noes: None  
Abstain: None  
Absent: None

**17. Suggestions from Directors for items other than regular agenda items to be included for the January Regular Board meeting.**

Director Keller requested that the January Regular meeting be adjourned to allow Directors to attend the CSDA Board Governance and Ethics training on January 22, 2013. The Board agreed to adjourn the regular meeting to January 28, 2013 at 8:30 am.

Director Keller asked Staff to investigate the option to purchase Montecito Water District property adjacent to Station 1 to accommodate the District's training needs.

Director Powell asked to research and develop response studies for at least the past 3 months, and provide information on software fixes or upgrades to enhance our ability to better evaluate the performance of the District.

Director Keller asked for a representative from the Santa Barbara County Treasurer's to make a report. She also requested to have a representative from the County Auditor's office come back to answer budgetary questions such as the District's pension obligations. Director Powell suggested this be deferred to the Finance committee after it is formed.

Director Sinser asked for a recap of monthly calls to be added to the response narratives that are currently included in the Board Packet.

For Information Only:

**18. Fire Chief's report.**

(1) MTO Association meeting presentation on close helicopters, (2) SRA presentation (3) Promotional Process to fill behind Fire Chief's promotion. (4) New Type 3 Engine (5) Issuance of 2 new FPC's for Tea Fire victims. (6) Chief McElwee's celebration of life (7) Communication/radio challenges (8) Governance Training on Jan 22, 2012 (9) LAFCO training opportunities (10) Miramar Hotel training (11) District participation of decorating the Don Hathaway Tree.

**19. Board of Director's report.**

Director Venable welcomed Greg Lopez back to work from recent surgery, acknowledgement of the letter from Ms. Jordan recognizing Ms. Ventura's participation at her neighborhood training session, and he encouraged board members to attend MERRAG meetings.

The Board convened in Closed session at 12:25 p.m.

Closed Session:

**20. Conference with Real Property Negotiators (Government Code Sec. 54956.8)  
Property: portions of APN 155-070-008, 2500 East Valley Road, Montecito.**

- a. Agency Negotiators: Chip Hickman, Fire Chief; and Price Postel & Parma LLP, District Counsel
- b. Negotiating Party: Rancho San Carlos/The Petan Co.
- c. Under Negotiation: Price and terms of payment.

**21. 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.

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

*Name of Case:* Rhonda Kauer Dalton, individually vs. Montecito Fire Protection District, a public agency; and DOES 1-10, inclusive, Santa Barbara Superior Court Case No. 1381564

The Board discussed item 22 in closed session first. At the conclusion of that discussion Director Sinsler departed the closed session at 1:00 p.m.

Following Director Sinsler's departure, the Board discussed items 20 and 21 in closed session.

There were no reportable actions taken in closed session to report.

Adjournment 1:56 p.m.