

**FOOTHILL FIRE PROTECTION DISTRICT  
3255 HELISMA ROAD, BURSON, CA 95225  
REGULAR MEETING MINUTES  
May 13, 2009**

The meeting was called to order by Chairman Gary West at 7:00 p.m.

**1. Pledge of Allegiance**

**2. Roll Call**

Directors Present: Ed Anderson, Ken Glissman, Jeff Palm (Arrived: 7:05 p.m.), Ron Spradlin and Chairman Gary West.

Directors Absent: None

Staff Present: Fire Chief Mike Siligo and District Clerk Pamela Rogers.

**3. Public Comments**

Gary Caldwell noted that at a previous meeting he had suggested that the Board look into the availability of any Federal economic stimulus funding, noting that Amador County was receiving \$500,000 for transportation projects. Mr. Caldwell inquired as to the status of any Board action relative to this subject. Chairman West replied that any available funding to the Foothill Fire Protection District (FFPD) would come through the efforts of the Office of Emergency Services.

FFPD Firefighter Laura Schlatter noted that at the April 8, 2009 regular meeting there was conversation regarding why the FFPD receives a much smaller percentage of the Calaveras County "pie" in comparison to the other Fire Districts. Ms. Schlatter inquired as to whether the Board had the opportunity to look into this matter and Chairman West replied that he had made contact with Supervisor Gary Tofanelli and requested that he ask staff to start review on this matter, Supervisor Tofanelli stated he would start working on it. Ms. Schlatter suggested that the Board consider disseminating pertinent information to the public and actively seeking tax payer support in this matter, in an effort to position the FFPD to receive a higher percentage of the County "pie".

Acknowledging the outstanding incident/response statistics held by the FFPD, Director Spradlin commented that the percentage received by the FFPD was low in comparison to the other 10 districts. Director Anderson noted that when the various districts were actually formed and the implementation of Proposition 13 are factors in calculating the percentages distributed to each district.

Fire Chief Siligo suggested that an invitation to attend the next regular meeting of the Board be extended to County Board of Supervisor Gary Tofanelli and Auditor Controller Linda Churches, for the purpose of better understanding how this distribution is actually calculated. By means of general poll the Board voiced support in extending such an invitation.

As a cost savings measure, Ms. Schlatter also inquired as to the status of disposing of old equipment and Chairman West responded that the District Clerk was instructed to contact other districts in the general area and request copies of their procedures for Board review.

Acknowledging the leadership efforts of the Chief, Assistant Chief and Battalion Chief, Ms. Schlatter stated that continual micromanagement on behalf of the Board did not support a positive working environment.

David Sant, resident of Wallace, noted that more than three months past he had suggested the Board consider seeking independent legal counsel for specific matters such as the exaction fee and even more generally on a day-to-day basis.

Director Anderson stated that although he would welcome the option of independent legal counsel, given the current budget constraints this was not a viable option. Chairman West stated that he had in fact contacted independent legal counsel and was waiting for response to his inquiry.

Mr. Sant also made mention to the April 29, 2009 correspondence, included in the Board packet, pertaining to Inappropriate Checks Given to a Third Party by Gary West and was instructed by the Board that this matter would need to be addressed under the Correspondence item of the Agenda.

#### **4. Approval of Minutes – April 8, 2009 Regular Meeting**

The following corrections were requested to the Minutes:

- Page 6/Bullet 7: "1% of the fire ax allocation" should read, "1% of the fire tax allocation".
- Page 7/Comments to the report follow/Last Bullet: "Chairman Anderson" should read, "Director Anderson".
- Page 7/Fire Chief's Report/First Bullet: "Calls totaled 37 for March" should read, "Calls totaled 59 for March".
- Page 8/Item 9/Paragraph 2: "Laurie Slaytor, Burson," should read "Laura Schlatter, Burson".

***Motion: Anderson/West to approve the regular meeting minutes of April 8, 2009 with the corrections as noted.***

***Vote: Approved 5-0***

## **5. Finance Report**

The accounts payable transmittal dated 4/28/2009 was reviewed with some general discussion of items.

Chairman West noted that routinely payroll is not reflected on the transmittal reviewed and approved by the Board, but is generated by Jenkins Business & Tax Service and forwarded directly to the County of Calaveras for payment. He stated that this cost is roughly \$5,000 per month. It was noted that commencing in July, 2009 (with the new fiscal year) payroll will be processed in-house by the Fire District Clerk and these costs will be reflected on the transmittal reviewed and approved by the Board.

The Chief reflected on the FASIS charge on the transmittal and stated that he was not privy to the documents and questioned the billing. Chairman West explained that this charge was a year-end adjustment for the FFPD insurance premium. Chief Siligo questioned whether this invoice was actually for FFPD or some other northern fire district, stating that the office sometimes receives mail by mistake. The Board requested that the Fire District Clerk ensure that the charge reflected on the transmittal as payable to FASIS (Fire Agencies Self Insurance System) in the amount of \$890.50 (Invoice FASIS-2009-0901) pertain specifically to the FFPD.

***Motion: Spradlin/Glissman to approve forwarding the transmittal dated 4/28/2009 to Calaveras County for payment including assurance that the mentioned FASIS charge pertains specifically to the FFPD.***

***Vote: Approved 5-0***

### **5a. Budget Transfer – None to report per Director Anderson.**

The General Ledger Summary (Balance Sheet Accounts as of 4/30/2009 and Account Summary as of 5/5/2009) prepared by the County of Calaveras was distributed for review; Director Anderson noted the year-to-date actual as a deficit of (\$30,467.20).

The floor was opened to the public for comment/discussion.

Assistant Chief Byous voiced exception to the use of “non-essential” stating that providing service to the public was “essential” and that existing budget constraints did not allow for “fluff” or any expenditure by the FFPD unless absolutely required; he speculated as to whether the Board was referring to “paid” staff as “non-essential”.

In an effort to better understand the financial position of the FFPD, Resident David Sant requested Board clarification and reviewed calculations with the Board regarding the General Ledger Summary and the FFPD Reserve Policy No. 5090 relative to the need for maintaining a reserve balance of 25% of operating revenues at fiscal year end.

Fireman Nate Detlefsen suggested that the Board focus on efforts to bring more funding into the FFPD.

Resident Gary Caldwell stated that considering the numerous requests being submitted to the County of Calaveras regarding property assessment reductions, excessive foreclosures and the imperative need for budget constraints and new revenues, that the Board meets with representative from the County of Calaveras to better ascertain specifics pertaining to the complexity of these matters.

***Motion: Anderson/Palm that any “non-required/non-essential” expenditure shall require a 4/5 Board vote pending the approval/adoption of the 2009-2010 Budget.  
Vote: Director Palm rescinded this motion.***

Director Spradlin suggested that prior to taking action relative to the previous motion presented by Directors Anderson/Palm, that the Board considers a public budget workshop. He made brief mention to a past suggestion presented by Chief Siligo relative to eliminating the expense of a Fast Attack” vehicle, adding that this matter might be reconsidered as a cost cutting item and better addressed at a budget workshop.

Chairman West reiterated the need to curtail costs before exhausting available funding.

Chief Siligo stated that looking forward, acknowledging that the FFPD is currently operating on reserve funding and the need to work together, he supported the need for a budget workshop to better determine “essential” and “non-essential” items.

Jean Sant, Wallace resident, thanked the Board for undertaking the task of affording the community a better FFPD. She noted the need for fiscal management comparable to that of an individual resident and home budgeting/constraints. Ms. Sant voiced support for a budget workshop, more effort toward implementing the exaction fee process, securing grants and researching new avenues to increase FFPD income. She suggested the consideration/necessity of having to spend some of the “savings” in tough times to carry through until future revenue and/or new sources of revenue can be secured by the FFPD.

Apparatus Supervisor Don Clark voiced support for the efforts of the FFPD volunteer and questioned why Chairman West could receive mileage reimbursement but doesn't support paying the firefighters for summer help.

FFPD Firefighter Laura Schlatter suggested that the Board consider aggressively seeking a revenue/impact fee from EBMUD relative to fire support at Lake Camanche and Chairman West confirmed that this matter is on the FFPD "To Do List.

***Motion: Spradlin/Palm to hold a budget workshop, inviting public input, on Wednesday, May 20, 2009 at 10:00 a.m.***

***Vote: Approved 5-0***

Firefighter Colton Meyer voiced support of the FFPD Board and volunteer efforts, and support for maintaining a sound budget and seeking new revenue avenues.

Resident Nancy Pizarz, acknowledged that the community was grateful to the FFPD volunteers. However, she reminded all present, that historically the FFPD has always been manned by a non-paid "volunteer".

## **6. Correspondence**

- Letter dated March 20, 2009; FFPD to Valley Springs Public Utility District (VSPUD) re Valley Springs Station 2 Property Deed. (Disposition: Following review by the Directors, this letter was forwarded to VSPUD.)
- E-mail dated April 21, 2009; Chief Siligo to Chairman West re Volunteer Firefighter Payment. (Disposition: Utilized for calculation purposes.)
- Letter dated April 24, 2009; Mike Fischer, General Manager Valley Springs Public Utility District to Chairman West re Valley Springs Firehouse. (Disposition: Mr. Fischer requested new information including insurance coverage, etc. and FFPD responded accordingly.)
- Letter dated April 24, 2009; Law Offices Mayall, Hurley, Knutsen, Smith & Green to Chairman West re Utterback v. Foothill Volunteer Fire Department. (Disposition: The Court has denied any court action against the FFPD. However, Utterback has 60 days to appeal.)
- Memo dated April 29, 2009; Chairman West re Calculation of Firefighter Pay. (Disposition: Utilized for calculation purposes.)
- Memo dated April 29, 2009; Directors Spradlin/Glissman to Chairman West re Inappropriate Checks Given to a Third Party by Gary West. (Disposition: Brief statement of letter's content.)

Director Spradlin clarified that in a previous conversation with Jenny Lind Fire Chief Brian Ochoa the subject of volunteer pay as referred to in the memo from Chairman West dated April 29, 2009 (pertaining to the calculation of firefighter pay) had not been a topic of discussion.

Chairman West responded to inquiry from Resident David Sant regarding the memo dated April 29, 2009 pertaining to Inappropriate Checks Given to a Third Party by Gary West. General Board discussion ensued relative to this memo and respective background information. The consensus of the Board was that in the transaction of general board business, directors should be mindful of the importance of avoiding any appearance of impropriety. Chairman West stated that County Counsel and the County Auditor's Office informed him not to have any reimbursement checks written to himself to avoid any public perception that he was making money from a project. Chairman West stated that he had felt that if he submitted the bill for payment he could be accused of using products purchased by FFPD on other personal jobs and thought it was best to give the bills to Wayne Fry (past Director). Chairman West said this same matter was similar to the Fire Chief signing off on bills pertaining to reimbursement of firefighters. He also made reference to the letter from Director Spradlin in which County Counsel stated there was nothing illegal in this action although it was not necessarily in keeping with generally accepted accounting practice. Director Spradlin stated that he had written his letter to clarify the appearance of impropriety on behalf of the FFPD and consequently avoid any potential for a Grand Jury inquiry of the FFPD.

## **7. Fire Chief's Report**

Chief Siligo made mention to the Board that he had not received a copy of the current agenda packet.

Chief Siligo presented and reviewed the Fire Chief's Report dated May 13, 2009. He noted the need to clarify the ISO rating for the FFPD (providing a brief explanation of some of the factors involved in ascertaining an ISO rating) and the impact of this rating relative to water enhancement funding; reiterating the need to include Auditor-Controller Linda Churches and Calaveras County Board of Supervisor Gary Tofanelli in a future meeting.

The Chief noted that at a May 12, 2009 meeting of the Board of Supervisors action was taken to transfer title on five fire tenders to the respective districts.

Responding to inquiry from Director Anderson, Chief Siligo affirmed that "paid staff" would be utilized from the remainder of May and June, 2009. Director Anderson stated for the record that given the information provided by Chairman West in the October 27, 2008 letter from the U.S. Department of Labor, he cannot support the continued action of volunteer "paid staff". Director Anderson read and distributed

copies of an excerpt from the Fire Districts Association Handbook of California 6.17 regarding the personal liability of public officials pertaining to expenditures.

Chief Siligo provided general background regarding the matter of AB1004, Local Government; Emergency Response (to add Section 53154.5 to the Government Code), recommending the Board consider supporting this legislation; he suggested that matter be discussed at a future Board meeting. Chairman West acknowledged the need to proceed with this matter within the FFPD/Board approval process.

Assistant Fire Chief Byous stated that at a recent Calaveras County Fire Chief meeting, Jenny Lind Fire Chief Ochoa had stated that his position with regard to the FSLA matter was to remain status-quo and being within the intent of correctly interpreting the implementation of this matter had justification to avoid any penalty consequent to an improper interpretation.

Assistant Chief Byous inquired as to the status of matters pertaining to the work efforts of Consultant Jan Lopez specific to the proposed Ordinance Establishing Fees for the Mitigation of Growth Impact and Chairman West provided a brief update, noting that the proposed ordinance in its current stage would need to be revisited and would require revision/amendment to meet County of Calaveras compliance.

Resident Lynn Siligo noted that the decision to employ a Fire District Clerk was done in part to accommodate the foreseen public need relative to implementation of the proposed Ordinance Establishing Fees for the Mitigation of Growth Impact and inquired as to whether Clerk services were required given the status of the subject proposed ordinance. Chairman West stated that in addition to general office coverage the District Fire Clerk will provide three work functions which were previously performed under contract (bookkeeping, payroll and minutes).

## **8. Fee for Service Program**

Discussion ensued regarding a "Responder Fee" program utilized by the FFPD in the past and the general consensus of the Board was to consider reinstating/implementing a similar program in an effort to increase needed revenue. It was stated that the Jenny Lind Fire Department had such a program currently in place and Director Spradlin offered to accept the responsibility for researching and preparing a Responder Fee program for Board/County of Calaveras approval.

***Motion: Spradlin/Glissman to move forward in taking action to reinstate a "Responder Fee" Program.***

***Vote: Approved 5-0***

## **9. Calaveras Cal-Card Program, Policy & Procedure**

It was the consensus of the Board that participation in a Calaveras Cal-Card Program might be beneficial to the FFPD and that further review and discussion to this matter should be carried forward to the next regular meeting agenda.

## **10. Director Comments**

Director Spradlin reviewed and presented to the District Fire Clerk an agenda format for consideration in the preparation of future agendas, and suggested that the District Fire Clerk be assigned the task of contacting each Director relative to items to be placed on the agenda and subsequent preparation of the agenda.

Chairman West stated that it had been a full year since the last Fire Chief review and asked the Board for a consensus in scheduling a review for the next Friday or another suitable date. The Chief stood and stated that a review would not be necessary as the Board would have his resignation in writing the following morning and Director Spradlin stated that he would be right behind the Chief.

## **11. Adjournment**

The meeting adjourned at approximately 9:30 p.m.

Approved By:

Submitted By:

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Gary West, Chairman

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Pamela R. Rogers, District Clerk

## **Attachments**

1. Accounts Payable Transmittal dated 4/28/2009
2. General Ledger Summary as of 4/30/2009
3. Correspondence:
  - a.) Letter dated March 20, 2009; FFPD to Valley Springs Public Utility District re Valley Springs Station 2 Property Deed.
  - b.) E-mail dated April 21, 2009; Chief Siligo to Chairman West re Volunteer Firefighter Payment.
  - c.) Letter dated April 24, 2009; Mike Fischer, General Manager Valley Springs Public Utility District to Chairman West re Valley Springs Firehouse.
  - d.) Letter dated April 24, 2009; Law Offices Mayall, Hurley, Knutsen, Smith & Green to Chairman West re Utterback v. Foothill Volunteer Fire Department.
  - e.) Memo dated April 29, 2009; Chairman West re Calculation of Firefighter Pay.

- f.) Memo dated April 29, 2009; Directors Spradlin/Glissman to Chairman West re  
Inappropriate Checks Given to a Third Party by Gary West.
- 4. Fire Chief's Report dated May 13, 2009
- 5. Excerpt: Fire Districts Association Handbook of California 6.17
- 6. County of Calaveras Purchasing Card Policy Handbook