

**FOOTHILL FIRE PROTECTION DISTRICT  
3255 HELISMA ROAD, BURSON, CA 95225  
REGULAR MEETING MINUTES  
June 10, 2009**

The meeting was called to order by Vice Chairman Ron Spradlin at 7:00 p.m.

**1. Pledge of Allegiance**

**2. Roll Call**

Directors Present: Ed Anderson, Jeff Palm and Ron Spradlin.

Directors Absent: Ken Glissman and Gary West.

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

**3. Public Comments**

David Edwards, FFPD Volunteer Firefighter and General Manager for the Wallace Community Service District, described his background (approximate 33 years of experience) relative to serving in the capacity of a Board Member to both water and fire special districts. Alluding to the matter which the FFPD Board had been considering for several past meetings, regarding payment of a volunteer firefighter summer wage and compliance to the FSLA (Fair Labor Standards Act), Mr. Edwards stated that in all his experience he had never known of a Board of Directors being held liable when acting in "good faith". He stated however, that in the event of public loss resulting from a summer fire in which sufficient volunteers were not available/provided to respond, that Directors might be subject to liability if, in fact, volunteers were available/provided for a previous and similar period of time. Reading aloud from Government Code, Division 3 Community Services District, Part 2 Internal Organization, Chapter 4 District Officers, Mr. Edwards noted the responsibility of a General Manager versus those of a Board Director.

Responding to Mr. Edwards, Linda Churches from the Office of Auditor-Controller for the County of Calaveras noted that of the many Special Districts within the County (some with no more than three board members) none of the board members function in the capacity of a General Manager.

Director Anderson noted that under the business of Public Comments the Board is not responsible to respond. He stated, however, that a Director as an elected official is indeed responsible to comply with the law and held liable for not doing so. Director Anderson stated that as a government entity the Board must handle business by the letter of the law not as a "club".

Director Spradlin interjected that conversation specific to FSLA/Volunteer Firefighter Pay should more appropriately be addressed later in the meeting, under Agenda Item 9c. Director Spradlin subsequently requested that with consideration to the presence of County staff Agenda Item 10a be addressed following Item 8/Correspondence (and before Old Business) and the Board voiced consensus for the same.

**4. Approval of Minutes: May 13, 2009 Regular Meeting, May 20, 2009 Special Meeting and May 27, 2009 Special Meeting.**

In addressing the minutes for the May 13, 2009 Regular Meeting, Director Anderson stated that the several e-mails directed to Board Members pertaining to modifications to the draft minutes made it difficult to ascertain what changes and which draft minutes were the most current. Vice Chairman Spradlin read an excerpt from the Ralph M. Brown Act (California Government Code Sections 54950 et seq.) noting that minutes cannot be changed until done so before the public. The Board informed the Fire District Clerk that while preparing draft minutes the Clerk could converse with the Board for the purpose of clarification, but that in the future changes to draft minutes should only be made during the course of business at a meeting setting, before the public.

Referring to the draft minutes for the May 13, 2009 Regular Meeting (Item 6/Correspondence) specific to that Memo dated April 29, 2009 from Personnel Director Spradlin/Personnel Committee Member Glissman to Mr. Gary West re Inappropriate Checks Given to a Third Party by Gary West, Vice Chairman Spradlin requested that for the purpose of clarification the minutes be modified to include the subject memo in its entirety.

In response to inquiry presented by Resident Nancy Pizarz regarding the aforementioned memo and the Director West/Wayne Fry reimbursement matter, the Board provided some general background information.

FFPD Firefighter Laura Schlatter asked Mr. Fry (present in the audience) to confirm that after receiving a reimbursement check he did subsequently pay Director West. Mr. Fry confirmed to the affirmative and Ms. Schlatter requested that a copy of the subject paperwork (accounts payable transmittal and any supporting documentation, etc.) be requested of the County of Calaveras for review at the next Board meeting.

Consequent to the aforementioned request by Vice Chairman Spradlin regarding modification to the minutes for the May 13, 2009 Regular Meeting (pertaining to Memo dated April 29, 2009) and considering that the Board had received minutes with little time for appropriate review, it was the consensus of the Board that the matter of approving minutes for May 13, 2009, May 20, 2009 and May 27, 2009 be tabled to the next Board meeting.

**5. Finance Report**  
**a. Budget Transfer**

The Board took a few minutes to review the Special District Budget Adjustment (Reserve Transfer in the amount of \$46,232.23) and the Accounts Payable Transmittal dated June 10, 2009 (in the amount of \$6,357.97).

***Motion: Anderson/Palm to approve the Reserve Transfer in the amount of \$46,232.23.***

***Ayes: Spradlin/Anderson/Palm***

***Absent: Glissman/West***

***Motion: Anderson/Palm to approve forwarding the transmittal dated 6/10/2009 in the amount of \$6,357.97 to Calaveras County for payment.***

***Ayes: Spradlin/Anderson/Palm***

***Absent: Glissman/West***

**b. Budget Proposal for 2009-2010**

It was noted that the 2009-2010 Budget had been completed at the May 27, 2009 Special Meeting/Budget Workshop and that a printed copy of the budget detail (by line item) should be available at the next Board meeting.

***Motion: Anderson/Palm to adopt the Preliminary Budget for 2009-2010 as prepared in the May 27, 2009 Special Meeting/Budget Workshop for review and adoption at the July 8, 2009 Regular Meeting of the Board.***

***Ayes: Spradlin/Anderson/Palm***

***Absent: Glissman/West***

**6. Fire Chief's Report**

Chief Siligo presented and reviewed the Fire Chief's Report dated June 10, 2009. He acknowledged and thanked Apparatus Supervisor Don Clark for his work on the pump problem pertaining to Vehicle E145 and for consequently saving the FFPD a considerable amount of money. Chief Siligo responded to general Board inquiry regarding the Fire Chief's Report.

**7. Committee Reports**

Finance Committee: Director Anderson reported that he had been discussing with Chairman West considering a semi-annual review of the Approved 2009-2010 Budget, such that line items which had been depleted more than 50% at the middle of the fiscal year (June 30th) would require a 4/5th vote for continued expenditure into the second

half of the fiscal year (July 1 – December 31). Director Anderson stated that such action would allow the Board to better address any potential financial challenges before 2011.

Personnel Committee: Referring to Agenda Item 9h (Old Business, Fire Chief Review), Personnel Director Spradlin recommended that the Personnel Committee meet with the Fire Chief for the purpose of conducting a review and then report to the Board. Director Palm and Director Spradlin voiced agreement to this recommendation.

Fire Chief Siligo noted that the Personnel Committee report should be made in Closed Session and Director Anderson and Palm affirmed the same.

## **8. Correspondence**

- Memorandum received from CSDA (California Special Districts Association) dated May 21, 2009 announcing there will be no increase in CSDA membership dues for 2010.

## **10 New Business**

### **a. Calculation of Calaveras County Distribution to Fire Districts; County Auditor**

Vice Chairman Spradlin introduced Linda Churches, Auditor Controller for the County of Calaveras, and thanked her for her efforts in helping the Board and the public better understand the calculations/tax apportionment passed to the special districts.

Ms. Churches provided some background information relative to her interaction with the FFPD and acknowledged the presence of County staff Amy Klotsch and Jennifer Barr. Ms. Churches distributed several handouts and opened her presentation by addressing the matter of property tax apportionment in Calaveras County relative to the legislative passage of Proposition 13 (June 6, 1978) and subsequent Assembly Bill 8 (in 1979; enabling the implementation of Proposition 13 and establishing a basic property tax apportionment system.). She provided comparison information relative to the apportionment for the various special districts, secured and unsecured values by tax base and a schedule reflecting Apportionment Rates for Funds that Receive a % of the 1.00000 Tax Rate. Ms. Churches responded to general inquiry from the Board, Chief Siligo and the public. Ms. Churches also noted the economic impact to the County resulting from reduced property values and stated that the County was estimating a 5% budget reduction in 2009-2010.

In closing her presentation, Ms. Churches referred to a handout pertaining to the County Fire Chiefs Meeting at the San Andreas Fire District Office on April 8, 2009 relative to discussion and the benefits of an association of County Fire Districts; specifically relative to acquiring/sharing the service of an audit firm and utilizing the

County claims processing via internet (Cisco Systems VPN Client software). Citing efficiency and cost-effectiveness for both the County and FFPD, she urged the Board to consider these cooperative efforts.

Both the Board and the public thanked County staff for their time and input, and County staff left the meeting.

**9. Old Business**  
**a. Independent Legal Counsel**

There was nothing new to report on this matter and by the consensus of the Board this item was tabled to the next regular meeting.

**b. County of Calaveras; Cal-Card Program**

The Board voiced support for participation in the County, Cal-Card Program. Director Anderson recommended one card be obtained for Chief Siligo with a limit of \$500.00 and one card be obtained for Chairman West with a limit of \$1,000.00. In general Board conversation it was noted that the action before the Board was the matter of participation in the program and that establishing transaction limits could later be addressed.

***Motion: Palm/Anderson to approve Resolution No. 2009-02 to participate in the County of Calaveras Cal-Card Program.***

***Ayes: Spradlin/Anderson/Palm***

***Absent: Glissman/West***

**c. FSLA; Volunteer Firefighter Pay**

David Sant, Resident, distributed copies of a PowerPoint presentation he had prepared reflecting his research on the subject at hand.

(For the Record: It should be noted that County Supervisor Tofanelli (District 1) arrived at 8:45 p.m.).

Mr. Sant stated that consequent to his research the continued action of the FFPD relative to volunteer firefighter pay would define/place a volunteer in the classification of an "employee". Referring to his PowerPoint handout, Mr. Sant addressed three options available to the Board and responded to general Board inquiry. To substantiate the information contained in his handout, Mr. Sant suggested the Board consider requesting a legal opinion and noted his handout reference to the firm of Jones & Mayer Attorneys at Law, offering to contact this firm on behalf of the Board.

The Board thanked Mr. Sant for his time and research, and General Board conversation ensued regarding various courses of action, legalities, economic realities and appropriately providing for community welfare. Director Anderson reiterated that he did not support the expenditure for summer volunteer firefighters.

***Motion: Anderson/Palm to repeal the current budget expenditure for summer volunteer firefighters.***

***Ayes: Anderson/Palm***

***Noes: Spradlin***

***Absent: Glissman/West***

***Motion: Palm/Anderson that on behalf of the Board, David Sant be charged with securing a written legal opinion pertaining to the FSLA/Volunteer Firefighter Pay matter at a legal cost not to exceed \$500.00.***

***Ayes: Anderson/Palm/Spradlin***

***Absent: Glissman/West***

Mr. Sant stated that continuing the current practice of affording payment to the volunteer firefighters would represent an illegal action on behalf of the FFPD Board and Fire Chief Siligo suggested that should repeal the current practice pending a legal opinion.

***Motion: Anderson/Palm/Spradlin to repeal the current budget expenditure for summer volunteer firefighters pending a legal opinion specific to this matter.***

***Absent: Glissman/West***

Director Spradlin requested that Chief Siligo communicate the action taken by the Board to the volunteer firefighters and that although the matter of monetary compensation was being repealed he asked that the Chief please extend appreciation to the volunteers for their continued support/service.

**d. Fire Staff Contracts; Review** - Per Board consensus this item was tabled to the next regular meeting of the FFPD Board of Directors.

**e. Responder Fee Program** - Per Board consensus this item was tabled to the next regular meeting of the FFPD Board of Directors.

**f. Disposal of Old Equipment**

District Fire Clerk Rogers referred to her Interoffice Memorandum dated June 3, 2009 and briefly reported to the Board the outcome of her research after verbally contacting Ebbetts Pass Fire District, Copperopolis Fire District, Mokelumne Hill Fire Protection District and Murphy's Fire Protection District in an effort to obtain a written policy/procedure pertaining to the handling of surplus equipment.

Chief Siligo stated that he would prepare and present a list of surplus equipment for Board review and direction at the next regular meeting.

**g. Proposed Ordinance No. 24; Establishing Fees for the Mitigation of Growth Impact and to Request the Calaveras County Building Officials to Collect the Fee at the Issuance of a Building Permit** - Per Board consensus this item was tabled to the next regular meeting of the FFPD Board of Directors.

**h. Fire Chief Review** – Per Board consensus this item was tabled to the next regular meeting of the FFPD Board of Directors.

#### **10. New Business**

**a. Calculation of Calaveras County Distribution to Fire Districts; County Auditor** – Item addressed above following agenda Item 8, Correspondence.

**b. Fiscal Year 6/30/09 Independent Audit Contract – Blomberg & Griffin**

The Board referred to the Independent Audit Proposal dated June 4, 2009 from Blomberg & Griffin Accountancy Corporation for the year ending June 30, 2009 and noted that no public comment was received regarding this item.

***Motion: Anderson/Palm to accept the subject proposal for auditor services with Blomberg & Griffin Accountancy Corporation for the year ending June 30, 2009 with a fee not to exceed \$2,950.00.***

***Ayes: Anderson/Palm/Spradlin***

***Absent: Glissman/West***

#### **11. Director Comments**

The Board recognized County Supervisor Tofanelli and thanked him for his attendance.

Chief Siligo noted that the “County Fire” budget reflects a balance of approximately \$400,000.00 and that the assumption is that from this account the County pays Cal-Fire for dispatch services. Chief Siligo inquired as to the balance of funds in the “County Fire” budget and whether or not these funds could be used by the FFPD. Supervisor Tofanelli stated he would look into the matter and reply back to Chief Siligo.

Director Anderson noted that funding was needed to hook-up the water tank behind the Burson Fire Station and he inquired as to whether monies in the Water Enhancement Trust Fund could be utilized for this purpose. County Supervisor Tofanelli suggested that the FFPD prepare a report and bring the matter to the County Administrator’s Office with a request for placement on the County Board of Supervisors agenda.

## 11. Adjournment

The meeting adjourned at approximately 9:40 p.m.

Approved By:

Submitted By:

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Ron Spradlin, Vice Chairman

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Pamela R. Rogers, District Clerk

## Attachments

1. Memorandum dated April 29, 2009 from Personnel Director Spradlin/Personnel Committee Member Glissman to Gary West re Inappropriate Checks Given to a Third Party by Gary West. (Agenda Item 4.)
2. Special District Budget Adjustment (Reserve Transfer in the amount of \$46,232.23).
3. Accounts Payable Transmittal dated 6/10/2009. (Agenda Item 5A.)
4. Estimated Property Tax Revenue for 2008-2009 Budget (County of Calaveras) and General Ledger Summary as of 6/5/2009.
5. Fire Chief's Report dated June 10, 2009. (Agenda Item 6.)
6. Correspondence (Agenda Item 8.): Memorandum received from CSDA (California Special Districts Association) dated May 21, 2009 announcing there will be no increase in CSDA membership dues for 2010.
7. Handouts distributed by Linda Churches, Office of Auditor-Controller, County of Calaveras pertaining to the Calculation of Calaveras County Distribution to Fire Districts. (Agenda Item 10a.)
8. Handout (PowerPoint presentation) distributed by Mr. David Sant pertaining to the Fair Labor Standards Act (FSLA). (Agenda Item 9c.)
9. Interoffice Memorandum dated June 3, 2009, District Fire Clerk to FFPD Board of Directors re Surplus Equipment Procedure. (Agenda Item 9f.)
10. Independent Audit Proposal dated June 4, 2009 from Blomberg & Griffin Accountancy Corporation pertaining to the audit for year ending June 30, 2009. (Agenda Item 10b.)