

**FOOTHILL FIRE PROTECTION DISTRICT
SPECIAL MEETING MINUTES
3255 HELISMA ROAD, BURSON, CA 95225
July 20, 2009**

The meeting was called to order by Chairman Gary West at 7:07 p.m.

1. Pledge of Allegiance

2. Roll Call

Directors Present: Ken Glissman, Jeff Palm, Ron Spradlin and Chairman Gary West.

Directors Absent: Ed Anderson

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

3. Public Comments

Speaking to Chairman West, Ms. Laura Schlatter, Foothill Fire Protection District (FFPD) Volunteer Firefighter, inquired as to whether Chairman West had in the past received any mileage reimbursement from FFPD and also inquired as to the status/availability of documentation which was requested of him (by Wallace Resident Ken Hedrick) at the July 8, 2009 meeting pertaining to his receiving personal reimbursement from the FFPD through a third party.

Chairman West stated that he had not yet had the time to obtain the subject documentation.

4. Summer Firefighter Pay

David Sant, a Wallace resident, noted that at the April 8, 2009 regular meeting with a 3 Ayes/2 Noes vote of the FFPD Board a motion was passed to continue budgeting for the payment of volunteer firefighters during the summer period, pending receipt of more definitive information specific to the legal interpretation of the FLSA (Fair Labor Standards Act). He noted that consequent to his PowerPoint presentation at the June 10, 2009 regular meeting the FFPD Board took action to cease payment to volunteers during the summer period pending receipt of a legal opinion specific to this matter.

Referring to a memorandum dated July 6, 2009 from Attorney Martin J. Mayer to Chief Michael Siligo and a subsequent e-mail dated July 6, 2009 from Paul R. Coble to David Sant, Mr. Sant stated that both these correspondence substantiated his June 10th presentation. He noted that payment to "volunteers" could be done via a service hydrant program (June 10th presentation; Option 2) or preferably via a combination payment of a nominal fee, meal allowance and mileage reimbursement, (June 10th

presentation, Option 3). In compliance with the code of Federal Regulations, Mr. Sant stated that a "nominal fee" would equate to approximately 20% of the payment applicable to a full-time firefighter, including benefits, and that in lieu of such a position within the FFPD he had secured comparable information from neighboring fire districts. Mr. Sant stated that per his June 10th presentation he had identified Ebbetts Pass, Central Fire, Mokelumne Rural and Linden/Peters as organizations employing full-time firefighters and based upon the calculations presented a nominal fee would calculate to a total shift compensation of approximately \$52.40. Mr. Sant provided background information relative to various calculations, provided clarification pertaining to the correspondence received from Jones & Mayer and responded to general inquiry from the Board.

Mr. Sant noted that other fire districts may not be in compliance with the definition of the FLSA and reiterated that districts could be held liable if proven that proper compensation was not made based upon the respective knowledge and/or understanding of a district to do so.

Fire Chief Siligo confirmed that an invoice in the amount of \$500.00 had been received from Jones & Mayer for work performed specific to the FLSA matter before the Board.

Reiterating his opposition to the payment of "any paid firefighters", Chairman West presented to the Board a memo he prepared dated July 17, 2009 and read this same memo aloud. Chairman West stated that he would support compensation of \$5.00 per call, but is not in favor of an hourly compensation per six hour shift.

Responding to inquiry from Fire Chief Siligo, conversation ensued between Chairman West, Fire Chief Siligo and the FFPD Board of Directors regarding various financial/budget scenarios.

Following continued conversation between Mr. Sant and the Board, Fire Chief Siligo reminded those present that the matter of volunteer firefighter pay was only applicable to the high fire season.

Motion: Spradlin/Glissman to accept the legal rendering of Jones & Mayer specific to FLSA Issues and compensating volunteers, and to authorize that a payment amount be established in the range of \$48.00-\$52.40 per six-hour shift (based upon applying appropriate mileage reimbursement calculations) to compensate a volunteer when assigned to cover a scheduled shift during the "High Fire Season" period of July 1 thru October 31; with monies from the fire hydrant program to be utilized for the purpose of funding this expense.

Ayes: Glissman/Palm/Spradlin

Noes: West

Absent: Anderson

Resident Wayne Fry requested that attention be directed to Page 6 of the Jones & Mayer memo dated July 6, 2009 noting the “potential for an adverse view by DOL or the courts.” He suggested that as the last authority regarding this matter something in writing supporting the action of the FFPD be obtained from the DOL (Department of Labor).

Open conversation ensued between Mr. Fry, Chairman West and Mr. Sant pertaining to the position of Jones & Mayer in their memo dated July 6, 2009. Mr. Sant noted that the e-mail dated July 6, 2009 from David Sant to Paul R. Coble clarified the matter of the “high fire season” being the only FFPD shifts applicable to volunteers.

Based upon the action taken by the FFPD Board, Director Spradlin inquired as to the matter of potential back-pay to volunteers and Director Glissman requested that this matter be placed on the next agenda for the FFPD, and that Fire Chief Siligo provide any numbers specific to back-pay cost at the next regular meeting of the FFPD Board.

Director Spradlin informed Fire Chief Siligo that based upon the action taken by the FFPD Board; volunteer firefighters could be brought back to service with monetary compensation.

5. Closed Session – Fire District Clerk Review (Under Code #54957)

At approximately 7:55 p.m. the FFPD Board adjourned to Closed Session to address the subject matter.

6. Return to Open Session – Report of Action Taken

At 8:33 p.m. the FFPD Board returned to open session and reported that no action had been taken specific to this subject matter.

7. Adjournment Next Regular Board of Directors Meeting – Wednesday, August 12, 2009 at Station #1, Burson.

By the following motion the meeting was adjourned at approximately 8:35 p.m.

Motion: Glissman/Spradlin to adjourn to the regular meeting of the FFPD Board scheduled for August 12, 2009.

Ayes: Glissman/Palm/Spradlin/West

Absent: Anderson

Approved By:

Submitted By:

Gary West, Chairman

Pamela R. Rogers, Fire District Clerk

Attachments

1. Memo dated July 6, 2009 from Jones & Mayer to Chief Michael Siligo re FLSA Issues Vis-à-vis Compensating Volunteers.
2. E-mail dated July 06, 2009 from David Sant to Paul R. Coble (Jones & Mayer) re FLSA.
3. Memo dated July 17, 2009 from Gary West to Directors (FFPD) re Paid Summer Firefighters.