

**FOOTHILL FIRE PROTECTION DISTRICT
REGULAR MEETING MINUTES
February 11, 2009**

Meeting called to order by Chairman, Gary West at 7:00 p.m.

1. Pledge of Allegiance

2. Roll Call

Directors Present: Ken Glissman, Ron Spradlin and Gary West

Directors Absent: Ed Anderson and Jeff Palm

Officers Present: Chief Mike Siligo and Secretary Linda West

Officers Absent: None

3. Public Comments

Chairman West read an email from Kirsten Anderson, as requested, concerning children riding bikes in the Station #1 parking lot and office entrance ramp. Her concern was the bike jumps on the ramp and possible liability issues suggesting a sign.

4. Approval of Minutes – January 14, 2009 regular meeting

Director Spradlin noted that the year in the date of the January 14th minutes was incorrect.

**Motion passed to approve the regular meeting minutes of January 14, 2009 as corrected.
(Glissman/Spradlin – Approved 3 – 0)**

5. Finance Report

Bill Transmittal dated 02/11/09 in the amount of \$19,434.73, Bill Transmittal dated 02/11/09 in the amount of \$165.00 and Bill Transmittal dated 02/11/09 in the amount of \$356.40 were presented for review. (Attached) Copies of the Transmittals were available for public review. The following comments were made.

- Page 2: \$11,194.49 to Nevada Pacific Fire & Safety for the 50/50 Cal-Fire grant with a 50% reimbursement to the District.
- Page 2: \$256.00 to Moore Medical is for two cases of disposable gloves.
- Page 2: \$512.60 to Moore Medical is also for the 50/50 Cal-Fire grant with a 50% reimbursement to the District.

Motion passed to approve for payment the Bill Transmittal dated 02/11/09 in the amount of \$19,434.73.

(Glissman/Spradlin – Approved 3 – 0)

The second transmittal covering bookkeeping was presented.

Motion passed to approve for payment the Bill Transmittal dated 02/11/09 in the amount of \$165.00 as presented covering Karyn Larson's bookkeeping services.

(Spradlin/Glissman – Approved 3 – 0)

The third transmittal covering mileage reimbursement to Chairman Gary West was presented; however, due to a lack of quorum will not be acted upon at this meeting.

5a. Budget Transfer

None required at this time.

6. Correspondence

- Letter from County Clerk-Recorder notification to file Form 700 Statement of Economic Interests (conflict of interest) need to be filed by the Directors by April 1, 2009. This form may be completed online. The Secretary asks that you notify her when it is filed, but no copy is required for the District's record.
- Letter from the County Aging Agency requesting nominees for outstanding community service – must be at least 60 years of age.
- Letter from counsel in Stockton for documents was filled by Chairman West.

7. Fire Chief's Report

Fire Chief Mike Siligo distributed his report to the Directors. (Attached)

- Calls totaled 37 for January, 62% were medical, 2 total loss building fires and 1 fatal accident.
- The Chief noted that for January the average time of calls is from 8 a.m. to 2 p.m., which might warrant making some changes to the paid staffing schedule and/or hiring a second person. It was noted that the fire chief, assistant chief and battalion chief are the top responders.
- Personnel totals 24 and Class B drivers total 10 or 42%.
- Station #1 sign now has bracket installed for lettering. Station #2 no change.
- There is nothing he is aware of regarding Station #2 meeting with VSPUD.
- E144 is in reserve awaiting clarification in regards to the public property process. Chief will work on a related policy.

- The Assistant Chief's vehicle had some work done as well as the Chief's vehicle needed 2 tires.
- Chief attend a Grant Writing class in Sacramento, which provided excellent information.
- Received paperwork for the next 50/50 Cal-Fire grant for the 2009-2010. Will be looking at what is needed with an eye to the budget because of the economic unknowns.
- The Chief showed the new turnout and pointed out the various new features. The Board was pleased with the enhancements and the lettering on the back includes the firefighter's last name and "Foothill." It was noted that suspenders are no longer being required.
- The cost to purchase two sets of the manuals/CD's for the Building Fee Ordinance (includes IBC, IFC, IMC, IFGC, and NFPA) is \$700 - \$1,000. Two sets will allow for a full District copy and the other allows for public access and is recommended by Consultant Jan Lopez.

Comments to the report follow:

- Director Spradlin reconfirmed that paid part-time staffing starts in May through November and possibly a sooner start date may be needed.
- Tofanelli spoke to Chairman West who should provide the lettering shortly.
- Chairman West stated that as of the last communication with Director Anderson and VSPUD they were still waiting for paperwork from the County, and until then we haven't been contacted to schedule a meeting.
- Director Spradlin, currently handling the District's website, stated inclusion of the building fee ordinance manuals would probably be a monumental task requiring professional assistance. This option might be too cumbersome due to security and possible proprietary issues and requirements.
- Chairman West suggested that CSDA might be contacted for assistance with the manuals/CD's for the Building Fire Ordinance.

The meeting was opened for the Public Hearing on Ordinance No. 2009-01 to Establish Fees for Services and To Adopt Relevant Fire & Safety Codes.

Chairman West introduced Consultant Jan Lopez who has been compiling the District's proposed program. Lopez recapped her more than 25 years of professional experience with LAFCO and a variety of special districts projects and noted her recent involvement with our Hogan Dam annexation. Copies of Ordinance No. 2009-01 was available as well as the potential impact to the existing FFPD budget. Lopez noted that the Districts ordinance is modeled after a district in Arizona that has encountered no legal-challenged issues to date. A summary explanation of this process includes the following:

- A fee for service must have an ordinance, as opposed to a resolution.
- Public notices were published in the local papers twice (January 16th & 23rd).

- A public workshop was held on January 31, 2009, (attended by Chairman West, Director Anderson, Fire Chief Siligo and some public residents).
- The fees collected from an approved ordinance can only cover certain purchases – they cannot be used for new equipment.
- The purpose of the ordinance is to plan for future growth with the collection of fees based on an approved fee schedule that will mitigate the effect of growth on the District. It collects from the new projects –it does not retroactively charge the residents and/or existing growth projects.

Lopez pointed out on page 1, paragraph 4, of the Ordinance the essence of what the District is trying to accomplish. It reads “Whereas, the inflationary costs of providing fire and emergency medical services when combined with the additional impacts of rapid development will have a negative fiscal impact on current District residents and property owners unless the Foothill Fire Protection District implements fee programs to permit expanding development activities to pay their share of growth related service costs and impacts; an...” Our attention was directed to Exhibit A – Plan Check Service Fees with a sliding scale based on the project value range that would then correlate to the District’s fees charged for plan check services. Exhibit B – Construction Permit Fees, has a full range of activity types with their minimum permit rates. Exhibit C – Operational Permit Fees, includes operational permit fees for various types of business activities. Also included in the ordinance are the violation penalties, page 5, Section 109.3.

Lopez asked for any public comments or questions.

- David Sant stated that the violation section 109.3 appears to not have “teeth.” The District has created a punitive section, but who is the enforcer? He suggested that an administrative citation process be adopted with an existing bail schedule. He further suggested it needs to be very clear who the enforcement entity is. Lopez said that is very easily done by use of a resolution as this ordinance is set up to allow amendments, changes by the means of a resolution. Sant stated this could be done in-house by the District or contracting with a third party, such as the way many city parking tickets are handled. Use of an administrative citation also takes the criminality out of the violation. The violation could simply initially be handled by the District’s business office sending to the violator notification of a violation, thus, allowing the District latitude in how they want to proceed with the violation or consider other options, such as allowing more time for correction, etc.
- Director Spradlin reconfirmed that the District is able to make any adjustments to the ordinance by the simple use of a Board resolution.
- Chief Siligo stated that our District is the first of its kind to even attempt such an ordinance and is of utmost importance since the County is not representing any of the fire district’s interest since the leaving of Sue Schuller.
- Director Glissman noted that we can subcontract any phase of this permit process out to engineering firms and consultants who have the expertise and the fees for their services is borne by the person(s) seeking the permit.

- Chairman West stated that Sue Schuller had agreed to be an outside consultant for certain projects. Lopez also stated she would be available; again noting that the costs incurred are not borne by the District. The District does not incur any costs.
- Chairman West stated he had taken this ordinance to County Counsel for comment and was expecting feedback early next week.
- It was also suggested that CFDA should be asked about legal counsel recommendations.
- Lopez reminded the Board that County Counsel works for the County first, and his priority is protecting the County and the District second. The District does not need his approval for this ordinance to be adopted and could even adopt with a 30-day effective date to March 15, 2009. Lopez further suggested that the District seek its own outside legal counsel in the future rather than relying on County Counsel. With the County's fiscal budget impacted the District could very well find that the limited legal services provided free to the District could be ending.
- Lopez reiterated that changes to this ordinance can simply be handled by resolution.

**Motion passed to adopt Ordinance No. 2009-01 To Establish Fees for Services and to Adopt Relevant Fire & Safety Codes.
(Glissman/Spradlin – Approved 3-0)**

8. Director Comments

Both Directors Spradlin and Glissman apologized for their schedule conflict and unavailability for the Work Shop regarding the ordinance.

It was noted that Director Anderson was unable to attend this meeting due to medical reasons and Director Palm was stuck in a snow-related traffic jam, but had left a message at Station #1 to that affect.

11. Adjournment

Meeting adjourned at approximately 8:30 p.m.

Approved by,

Submitted by,

Gary West
Chairman

Linda West
Secretary

Attachments

1. Email from Kirsten Anderson dated 2/10/09 for Public Comments section
2. Bill Transmittal dated 02/11/09
3. Bill Transmittal dated 02/11/09 for Karyn Larson
4. Bill Transmittal dated 02/11/09 for Chairman Gary West (tabled for March)
5. County Clerk-Recorder letter dated 1/20/09 re Form 700 Statement of Economic Interest
6. Nominations for Senior Citizens 2009 information & ballot
7. Fire Chief's Reports dated 02/11/09 with addendums
8. Ordinance No. 2009-01 to Establish Fees for Services & To Adopt Relevant Fire & Safety Codes dated February 11, 2009.
9. Fee for Service Ordinance: Potential Impact to Existing FFPD Budget
10. District Funding Chart – Fee for Services Ordinance Workshop 01/31/09
11. Plan Submittal Checklist - General Information