



Bolinas Fire Protection District

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Minutes for August 31, 2009 Board Meeting

President Binley called the regular meeting of the Bolinas Fire Protection District to order at 7:30PM. Vice Pres. Buchanan, Dir. Kimball, Dir. O'Donnell, Dir. Kilkenny and Chief Brown were present. Also present: Secretary Brown and Bill Lyons.

MSC, Buchanan/O'Donnell (unan) to approve agenda.

CHIEF'S REPORT

MERA – No update.

Prevention – BFPD/BCPUD Joint Vegetation Encroachment Committee:

Chief Brown reported that she and Dir. Buchanan met with Directors Smith and McClellan of the BCPUD regarding the vegetation encroachment on the gridded Mesa. Dir. Smith proposed to the BCPUD board that they acquire a quote for the cost of mowing the roads that have been identified as priorities for clearing. Chief Brown informed the committee of the standards regarding vegetation clearing along roadways – five feet from the path of travel and fifteen feet vertical clearance. Advance written notice will be given to residents prior to mowing.

Planning–

50 Cresente, legalization of existing garage

350 Ocean Parkway, legalization of improvements

Alder between Cedar and Dogwood, relocation of residence from Horseshoe Hill Road

210 Elm, construction of new residence

100 Mesa Road, Crown Castle Tower modification

Grants – No response has been received yet from the DHS/FEMA or RFA grants. Expect to hear by the end of the year.

Training – Chief Brown reported that Tuesday night trainings have been focused on structure hose lays, SCBA training and securing water sources. The Volunteers have decided to train every Tuesday night instead of three times per month to address issues of inconsistency. Pres. Binley asked what “cross lay” refers to. Chief Brown answered that it is the name of the preconnected hose with nozzle that sits on the engine right behind the cab. It is also called the “initial attack line”.

Volunteers – Chief Brown stated that a new volunteer, Brad Clark is interested in joining the District Resident Firefighter Program. He is an EMT hoping to join the fire service. Chief Brown advised him to attend drills for at least one month to familiarize himself with the Department, and visa versa.

MSC, Buchanan/O'Donnell (unan) to accept Evan Thatcher as a probationary firefighter. Chief Brown reported that Evan lives in Fairfax, speaks fluent Spanish and is enrolled in paramedic school. He has been attending drills and his presence is appreciated.

Chief Brown reported that FF Kira Martinelli has asked for a leave of absence. Due to the economy pressures, she is leaving the area to find work as a nurse.

Dir. Kilkenny asked how many volunteer firefighters there are currently and how many is ideal. Chief Brown answered that there are now sixteen volunteers, however, twenty is ideal. She remarked that the sixteen now enrolled are solid and responsive.

BFPD/BCPUD Shared Personnel: Chief Brown and GM Blackman of the BCPUD are scheduled to meet on September 2nd to discuss the next steps for moving forward with the shared personnel plan. The expectation is that any BCPUD employee that would like to serve with the BFPD would participate in specialized trainings and would officially be a volunteer firefighter. They would be offered scheduled trainings during the week that would cover engine and pump operations. They would not be required to attend Tuesday night trainings but are invited to do so. They are expected to respond to fires and possible vehicle accidents within the district, but not to medical aids or out of district requests. So far, all four regular BCPUD employees have expressed interest in participating.

Apparatus – Update under Engine Committee report.

Disaster Council – Chief Brown reported that she attended two West Marin Disaster Council meetings on August 27th. The first was a communications meeting discussing the viability of increasing the capacity of the DC communications system to encompass Nicasio and Throckmorton Station areas. Richard Dillman, “resident radio genius”, confirmed for the group that the system could be expanded without overloading it by placing equipment on Mt. Tam and Barnaby. The next steps will be to determine costs for the expanding system, identifying potential funding sources and securing formal approval for placing equipment. Dir. Kimball remarked that he would be more comfortable if Richard Dillman had a back up to share his knowledge of the Disaster Council radio system.

The second meeting was to discuss the upcoming CERT classes to be held on November 14th and 15th, in January, March and May. The November and March classes will be recertification classes. Chief Brown reported that she is part of a three-member committee to determine the curriculum for the class. She is hoping to recertify all of our CERT members with a half-day class. There are thirty to thirty five people who have been certified in the community, but only two are current. Presently, in the event of a disaster, Chief Brown could deputize to work under her direction and be covered by Workers' Comp.

Chief Brown reported that the Bolinas Disaster Council has received more FRS radios as part of a grant written by Jannell Myhre at the OES office in Marin County. Chief Brown reported that she would like to call a meeting to touch base with Bolinas DC members, pass out radios and conduct radio training. Dir. O'Donnell agreed that a DC meeting would be useful and is needed.

Dir. Kimball described the Bolinas Disaster Council communication system to be used in an emergency as it currently stands:

The plan is that neighborhood liaisons will have walkie/talkies that they would use to report to the Area Coordinators. The Area Coordinators have ICOM radios that can send and receive messages across Bolinas and would be used to report to the E.O.C. at the Bolinas Fire Station.

Building and Grounds – Chief Brown reported that the plans for the emergency generator shelter have been submitted to the County. So far, the District has invested \$1,920.00 towards architect and engineering costs and \$398.00 in permit application fees. The CDBG grant approved for the project will reimburse the District

for these costs. Chief Brown said as soon as she is notified by the County as to who the planner is, she will impress upon them the need to complete the project before the rainy season.

General Operations/Administration – Chief Brown reported that Secretary Brown has been working with bookkeeper Amanda Pal and Vanessa Marcotte on the upcoming audit. Vanessa is volunteering her time once again.

Surfer's Overlook/Terrace Avenue:

No update as there has been no contact from Sup. Kinsey's office regarding this issue. Chief Brown stated that she plans on discussing how to help the BCPUD to keep this issue in the forefront with Sup. Kinsey. Dir. Kimball suggested that either Chief Brown and/or GM Blackman send an e-mail to the County to push the issue. Chief Brown offered to call Lisa Cross directly to address the issue. She remarked that an El Nino year is expected and that heavy rains could be in order. The top of Terrace was discussed but Chief Brown reiterated that in terms of encouraging the County to address Terrace Avenue, Surfer's Overlook is the only area addressed with Sup. Kinsey at this time.

GENERAL BUSINESS

1. **Action Item #1:** Approve lease renewal with California Department of Parks and Recreation for an additional five-year term. Chief Brown reported that she passed the lease to Attorney Larry Baskin for review. He changed the terms slightly in one paragraph then advised signing the lease. Chief Brown recommended that the Board approve the amended lease.

MSC, Kilkenny/Kimball (unan) to approve lease renewal with California Department of Parks and Recreation for an additional five-year term.

2. Secretary Brown reviewed issues regarding the CalPers Employer Paid Member Contributions. After contacting Vanessa Marcotte and Joe Bunker about tax concerns, it was determined that the District can pay for Chief Brown's member CalPers Employee contributions directly without being taxed through payroll. The Board agreed to proceed as previously decided with Resolution #151 to pay Chief Brown's CalPers member contributions.

3. Update: Terrace Avenue/Downtown parking issue.

Chief Brown reported that she met with Lt. Don Wick with Dir. O'Donnell and Dir. Kimball in attendance on August 26th. They outlined the parking problems that impact emergency access/egress along Terrace Avenue and in downtown areas. Chief Brown remarked that Lt. Don Wick was very receptive and that many solutions were discussed including posting more "no parking" signs, increasing parking ticket charges, and assigning a parking enforcement officer on the weekends, especially to the downtown area. The Board discussed the various options. Chief Brown reported that Lt. Wick agreed to contact John Nevel, Traffic Engineer at the County to inquire about posting more "no parking" signs in critical areas of Terrace Ave.

3. **Action Item #2:** Repeal Resolution #153-2009: Establishing a date for election, adopting intended ballot language, requesting the consolidation of said election and requesting services by the Marin County Registrar of Voters. Chief Brown reported that due to legal issues that developed, the BCPUD will be proceeding with the ballot issue on their own.

MSC, Kimball/Buchanan (unan) to Repeal Resolution #153-2009.

4. **Action Item #3:** Approve and sign contract with Hi-Tech E.V.S., Inc. for purchase of Type 1 Engine. At this point in the meeting, Chief Brown gave the Engine Committee Report, which was originally placed further down on the agenda. She reported that upon direction from the Board at the August 12th Special meeting, she spoke with County Counsel regarding the bid process pursued by the District for construction of the new fire engine. Jennifer at County Counsel responded that the District bid process was completely acceptable as it is an equipment purchase and not a public works project. She stated that the District is governed by the Fire Protection District Law of 1987. Jennifer at County Counsel also have her opinion of the contract with was favorable. Jennifer asked that several standard paragraphs be added which Hi-Tech willingly did. Chief Brown then contacted Hi-Tech with the intent to award them the contract. She sent them communication requesting that they take the necessary steps to acquire the cab and chassis as outlined by the engine committee. Chief Brown and AC Marcotte then met with Steve Fiske of Hi-Tech for four hours to detail the specifications for the cab and chassis. Chief Brown is expecting to receive those details this week.

Dir. Kimball inquired about the details of the performance bond in the contract. He would like to know what the bond covers and under what conditions and when the bond is effective. Chief Brown stated that Hi-Tech will not be paid until the engine is complete and therefore inquired as to what and how they would repay the District if the performance bond was broken. Dir. Kimball listed the risks for the District inherent in the contract including increased risk with the continued use of E283 and lost time should the contract take longer than expected or be broken completely.

Pres. Binley reminded the Board that the District has bought three engines from Hi-Tech previously without any problems or delays.

Chief Brown noted that a performance bond was not required when E265 was built and purchased but she is unclear as to why.

Chief Brown asked the Board if they wanted to delay signing the contract until the Performance Bond was better defined and reviewed. She also requested that in the future any unanswered questions that would delay action listed on an agenda be put forth before the meeting instead of at the meeting to prevent unnecessary delays of Board action.

Chief Brown stated that Hi-Tech is required to provide a performance bond within 30 days of receiving a signed contract and that the bond insures fulfillment of the contract.

After more discussion among the Board, Vice Pres. Buchanan formulated a draft of the following motion:

MSC, O'Donnell/Kilkenny to authorize Chief Brown to sign the contract with Hi Tech E.V.S., Inc. contingent on information received from County Counsel's office regarding the performance bond.

Before everyone voted, there was further discussion. Vice Pres. Buchanan asked how a dispute about the contract would be resolved. Would binding arbitration or dispute resolution be acted on? Vice Pres. Buchanan suggested that details of the performance bond might determine how future disputes would be resolved.

Dir. Kimball stated that if the District did not approve of the performance bond as advised by County Counsel, the District would then contact the bond insurers, not Hi-Tech.

At this point, everyone voted unanimously for the motion written above.

5. Discussion: Proposition 1A Suspension.

Chief Brown explained that under Proposition 1A Suspension, the State of California has the authority to withhold 8% of general property tax revenues from the Special Districts. This is a one time only

withholding that affects the FY09/10 only. The State has up to three years to repay the Districts with interest. There is a loan option the State is offering to the Districts if their budgets cannot sustain the temporary loss of revenues. Pres. Binley asked how much exactly would be borrowed from our budget. Chief Brown answered that it would likely amount to \$25,000.00 based on the last fiscal year budget. Dir. O'Donnell expressed caution as the District may lose additional revenues resulting from property reassessments. Dir. Kimball stated that the budget for 09/10 assumes a \$24,000 loss of revenue already, and therefore advised against borrowing money from the State. Everyone agreed.

CONSENT CALENDAR

MSC, Buchanan/Kilkenny (unan) to approve the Consent Calendar including the Minutes from the July 27, 2009 regular meeting, the August 3rd and 12th Special meetings, the warrant lists from July 22 – August 25, 2009, and the financial reports for June 2009.

Dir. Kimball requested several wording changes to the regular and special meeting minutes. Pres. Binley inquired about the accumulative differences in the income/expense graph.

PUBLIC EXPRESSION

None.

COMMITTEE REPORTS

The Engine Committee Report was made above by Chief Brown.

Discussion continued as follows:

Chief Brown asked who is to sign the contract with Hi-Tech.

Dir. Kimball and Chief Brown agreed to formulate an e-mail to Jennifer at County Counsel asking for review of the performance bond and asking what is the procedure if a dispute with Hi-Tech should occur.

Pres. Binley expressed his concern about delaying signing the contract with Hi-Tech as emission standards are changing which could affect the use of E283.

BOARD MEMBER REPORT

None.

PERSONNEL MATTERS

The Board decided there was no need for a closed session at this time.

Chief Brown reported that she spoke with FF Phil Wall about his Employment Agreement. He has stated that he is declining dental and medical coverage benefits offered by the District, but would like compensation for declining via an increased hourly wage. Chief Brown stated that the District has never been posed with this question before, along with other issues such as paying overtime. Dir. Kimball suggested that the District require proof of health insurance coverage if an employee refuses coverage by the District. Discussion ensued as to how to compensate FF Wall and how to word the Employment Agreement. All agreed to change Item #8 of the Employment Agreement to read as follows:

The Employee shall be entitled to medical coverage through the District's group medical insurance plan paid for by the District. Employee shall be responsible for 50% of any medical insurance coverage increases. Employee shall be responsible for all costs above and beyond plan coverage. *If Employee opts to decline benefits, employee shall receive cash payment in lieu of benefit subject to applicable state and federal taxes. Cash benefit shall be paid out over course of regular payroll periods contingent upon employee providing proof of current and active medical coverage which must be maintained throughout term of employment.*

MSC, Buchanan/Kilkenny (unan) to approve Employment Agreement with Phil Wall with the above stated amendment to Item #8 of the Agreement.

ANNOUNCEMENT

None.

GOOD OF THE ORDER

Dir. O'Donnell thanked everyone present for their hard work.

Chief Brown asked the Board members to please contact her with issues regarding action items on the agenda before the meeting in order to avoid delaying timely action.

ADJOURNMENT

MSC, Kilkenny/Buchanan (unan) to adjourn the meeting at 9:50 PM.

Respectfully submitted,

Molly Brown
District Secretary

+NOTE: All minutes to all Board meetings are available for review at the Bolinas Library.