



Bolinas Fire Protection District

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February 23, 2009

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

Pres. Binley asked if anyone had any additions or changes to the agenda before proceeding. Chief Brown decided she would add discussion about the agenda format during her Chief's Report. Dir. Kimball added an Action Item regarding Board approval of a letter under Board Member Report. Chief Brown proceeded with the Chief's Report.

MSC, Kimball/O'Donnell (unan with one absence) to approve revised agenda.

CHIEF'S REPORT

MERA – No update.

Prevention – Chief Brown reported that she has scheduled business inspections during the month of March with the help of Stinson Beach Fire Chief Stevens.

Planning – Plan review for 56 Horseshoe Hill Road.

Apparatus – E265 is currently at Diego Truck Repair for an annual service. The engine committee consisting of Asst. Chief Marcotte, Capt. Phillips, Capt. Smith and Capt. Martinelli has met to begin preliminary discussions regarding the replacement of E283. Chief Brown asked if any Board member would like to join the committee. Pres. Binley announced that he would and asked to be included in communications via e-mail. Chief Brown agreed to add him to the e-mail list.

Disaster Council – Chief Brown reported that West Marin Disaster Council meeting was held on January 29th in Point Reyes Station. She attended and reported that CERT re-certification standard, recruiting for classes, and Shelter Management training were addressed for all areas. The next CERT class is scheduled for March 14th and 15th.

Building and Grounds – Chief Brown reported that Cummins West performed the annual maintenance on the emergency generator. No problems were reported. John Severson and Chief Brown have been working on the maintenance agreement portion of the lease. They determined that the parking lot would need resurfacing in approximately five years at a potential cost of \$1,000 and repaving in approximately ten years at a potential cost of \$7,000. Under the current lease, the CHA is required to place \$300 per month in an account for Common

Area Maintenance. The CAM includes the parking lot, landscaping and drainage. Chief Brown stated that the monthly payment by CHA might be reduced to \$150 per month.

Pres. Binley inquired about the shelter for the generator. Chief Brown reported that the monies set aside for construction will not expire at the end of the fiscal year and will remain available. An architect is needed to submit plans to the County of the building due to the commercial status of the fire department. Chief Brown will speak with an architect who has offered to help as no one locally has been found.

General Operations/Administration- Chief Brown suggested that the agenda be changed to a more flexible format. Instead of bolding separate action items, Chief Brown suggested that every item be listed for potential action in order to create built in flexibility to the agenda. She mentioned the format that the BCPUD uses as an example. Dir. Kimball agreed the change would be useful. Pres. Binley asked Chief Brown to present an alternate agenda for the next regular meeting. Chief Brown agreed.

Personnel- Chief Brown stated that she would like the Personnel Committee to meet in the next two weeks to begin to discuss the process for replacing Capt. Phillips as he is leaving his position in the end of June. Dir. Kilkenny asked for comparative salaries for similar positions in other Districts. Chief Brown agreed to send e-mails to Dir. Kilkenny and Dir. O'Donnell to arrange a meeting.

GENERAL BUSINESS

1. Discussion: Meeting Room Insurance Policy – Chief Brown reviewed her communication with Northwest insurance and Jennifer Vuillermet from Marin County Council. She inquired as to whether the District could provide a waiver of liability form to users of the meeting room who could not provide an insurance rider for use of the room. She found out that if a person/group utilized the waiver of liability instead of getting an insurance rider, and they do not have the financial means to cover a possible claim, the District would be responsible for the claim without coverage from its insurance company. The insurance company clearly stated they would deny any claim if a waiver of liability had been utilized resulting in the District paying for any claim costs out of pocket. It was determined that the only way to ensure that a user has the financial means to cover a claim would be to request an insurance rider.

Dir. O'Donnell suggested that the District apologize to the public because during construction of the new firehouse, the meeting room was advertised as a room to be used by all of the community whether they had insurance or not. Everyone involved thought open usage of the room would be possible until more was learned about standard insurance policies.

Dir. Kimball asked if renters' insurance would cover the use of the room. Chief Brown answered that if they could acquire an insurance rider from their company yes, but highly doubtful.

Dir. Kimball stated that the District's funds are intended to protect the health and safety of our community. Risking loss of money due to lawsuits associated with the use of the meeting room is not worth it or in accordance with the District's original mission.

Dir. Buchanan and Don Smith suggested pursuing insurance options further as surely a group of adults meeting in the room is low risk and should be allowed. Dir. Buchanan suggested that Chief Brown look into the policies at the BCPUD regarding these issues. He suggested looking in the "Events Policy" binder in the BCPUD office. The Board agreed to keep the topic as an open item of discussion on the next regular meeting agenda in March.

2. Discussion: Terrace Avenue repair.

Chief Brown began with an overview of a recent meeting held at the County that included BCPUD, Supervisor Steve Kinsey and other DPW officials regarding Terrace Avenue. Don Smith, who attended the meeting, reported that the DPW has no funds to spend on the project during this fiscal year, but that some general funds may become available in the next fiscal year. Sup. Steve Kinsey stated that DPW has estimated it would cost \$50,000 to pursue the engineered analysis for stabilizing Surfer's Overlook. He further stated that he may be able to fund half of the cost from the County and that the BCPUD and the BFPD fund the other \$25,000. Don reiterated the County's statement that their only obligation is to maintain access to the homes along Terrace, but not keep the road open for flow through traffic. The County stated that they would work to maintain the top of the road but would let Surfer's Overlook go in the case of a collapse. Don reviewed the reasons to keep the road open including emergency access and egress, the BCPUD sewer and water lines that run underneath the road that would be very expensive to move, coastal access and the aesthetic value of the road to all residents and visitors. Unfortunately, as Don stated, funding for the actual repair may fall to locals via new taxes and bond payments.

Dir. Kilkenny cautioned that \$50,000 is only the beginning of the costs, and that the District should consider spending on the project carefully so as not to create a precedent for future costs beyond the District's means.

Don Smith suggested other forms of funding sources including grants and bonds. He stated that BCPUD should at least be willing to spend the money that would be required to move all of the pipelines if the road were closed. He encouraged the Board to move forward with the partnership on order to expedite the process of repair.

Dir. Kimball pointed out that the \$50,000 may only include the cost of creating an engineered design in order to obtain a construction permit, and likewise may not include Coastal Commission permit and construction costs. He suggested the Board determine an amount that they are willing to pay and a "not to exceed" limit to spending on the project. He also suggested that we request the engineer of our choice as opposed to letting the County determine the engineer.

Pres. Binley stated that the repair is a Public Works project, not a Fire Department one and that perhaps the BCPUD should bear the burden as they are under pressure to move the water and sewer lines underneath the road.

Chief Brown stated that it is a Fire Department issue also to maintain safety access and egress to all houses along Terrace and all residents and visitor's to the area including the Big Mesa and southern parklands. She stated that it is without setting any precedents for further spending.

Dir. O'Donnell stated that the District should pursue the public County records, as there may be something useful in determining if the County is fiscally responsible for the repair. She stated that it is politically a mistake not to do so.

VP Buchanan stated that unified agencies are important and that since the same residents paying taxes fund both agencies, perhaps the BCPUD should supply the \$25,000 since the Fire Department generally does not fund road repairs.

Discussion continued with varied viewpoints expressed. Dir. Kimball made the following motion:

MSC, Kimball/Buchanan (four ayes and Dir. O'Donnell abstained) to allocate \$5,000 as part of the draft 2009/2010 budget, to an engineered study and construction permit for Terrace Avenue repair of Surfer's Overlook contingent upon public discussion and approval. The spending is not to exceed \$5,000 and requires no further financial obligation.

The Board agreed to write a joint letter to the County with the BCPUD that emphasized no further financial obligations from either agency involved. The Board agreed to review a draft of the letter before sending it.

3. **Action Item #3:** Approve Cellular site Lease Amendment with Crown Castle/Verizon was tabled until the next regular March Board meeting as no communication has yet been received from Crown Castle.

4. **Action Item #4:** Election for Marin Local Agency Formation Commission Special District member.

MSC, Buchanan/Kilkenny (unan) to nominate candidates in the following order of preference:

1. Einar Asbo – Homestead Valley Sanitary District
2. Peter Sullivan – Sanitary district #1 (Ross Valley)
3. Craig Murray – Las Gallinas Sanitary District

5. **Action Item #5:** Approve Underwriting contract with KWMR

MSC, O'Donnell/Kilkenny (unan) approve underwriting contract with KWMR paying \$590 annually for three segments per week of Fire District announcements.

6. Update on Project Finances:

Chief Brown described the recent payments that are part of the final settlement of the Firehouse and Clinic Project accounting. The Coastal Health Alliance was disbursed \$32,000 on January 19th and the Bolinas Fire Protection District \$183,000 on February 16th. These funds were disbursed from the joint checking account that receives donations for the Project. The Fire District funds have been deposited into the Construction Bond Proceeds Fund and will be used to pay off short-term bonds. These payments bring into alignment the previously agreed upon project budget.

7. **Action Item #6:** Approve Jacob Tacherra as probationary Firefighter.

MSC, Buchanan/O'Donnell (unan) to approve of Jacob Tacherra as probationary Firefighter.

CONSENT CALENDAR

MSC, Buchanan/Kimball (unan) to approve the Consent Calendar including the Minutes from the January 26, 2009 regular meeting, the Warrant List from January 21, 2009 – February 17, 2009, the financial reports from December 2008 and the transfer of \$110,000 from the Operating Account to the Investment Account.

PUBLIC EXPRESSION

None.

COMMITTEE REPORTS

None.

BOARD MEMBER REPORT

At this point in the meeting, Dir. Kimball added an action item to the agenda to approve and sign a letter of support from the Board to participate in the Marin Renewable Energy Secure Communities (RESCO) program. The program addresses the critical issues necessary for integrating and optimizing local renewable generation, demand response, energy efficiency and energy storage into

the distribution grid. By sending the letter, the Board is agreeing to allow access to the solar electric system at the station for site assessments, installation of instrumentation and other hardware for monitoring, field tests, and participation in renewable energy, energy efficiency, demand response, energy storage and pilot pricing tests. Safety and reliability of the solar facilities is ensured. Dir. Kimball stated that the participation of the District directly supports Disaster Council efforts.

MSC, Kimball/Binley (unan) to approve of district participation in the Marin Renewable Energy secure Communities program. Pres. Binley signed the letter presented by Dir. Kimball that records the District's willingness to participate in the program.

PERSONNEL MATTERS

None.

ANNOUNCEMENT

None.

GOOD OF THE ORDER

Pres. Binley applauded the careful thoughtfulness and consideration made by the Board members present during the discussion about the Terrace Avenue repair.

ADJOURNMENT

MSC, Kilkenny/Buchanan (unan) to adjourn the meeting at 9:20PM.

Respectfully submitted,

Molly Brown
District Secretary