

ALBION LITTLE RIVER FIRE PROTECTION DISTRICT BUSINESS MEETING AGENDA

Wednesday December 9, 2015, 6:15 PM

Albion School, 30400 Albion Ridge Road, Albion Ca.

1. Board of Directors Meeting

a. Call to order and roll call

2. Closed Session: Conference with Legal Counsel: Possible litigation regarding Measure M, Government Code 54956.9(d)(2)

a. The Public may address the Board regarding Closed Session item before adjournment to Closed Session

3. 7:00 PM Reconvene to Open Session

a. Call to order and roll call

b. Closed Session disclosure. Any reportable action taken during the session will be reported at this time.

c. Approval of agenda

4. Approval of minutes. Review and correct, if necessary, minutes from the Special Meeting of November 7, 2015 and Business Meeting of November 11, 2015

5. Public Comment. The public may address the Board on any matter within the Board's jurisdiction, whether on the agenda or not. For action items the public may address the Board at the time the item is presented.

6. Financial Report. Current financial statements for the District will be presented.

7. Chief's Report

8. Subcommittee Reports

a. Compressed Air Foam System on truck 8162

b. Station 811 Building modifications

c. Critical Incident Counseling

d. Friends of ALRFPD Report: VFA Grant award

e. Measure M Appeals

9. Director's Discussion. Individual Board members may discuss topics of concern to the District.

a. Mendocino County Association of Fire Districts report

b. Station 813 easement status

c. District phone

d. Strategic Plan grant submission

- e. Long term planning for vehicles 8130,8131,8181
- f. Strategic planning priorities
- g. Special Annual Evaluation Session: A special meeting of the Board to critique Board and Fire Department performances of the past year, evaluate the performance of the Chief, and discuss planning strategies for the coming calendar year.
- h. Other topics of concern

10. Items for Board consideration and possible action.

- a. Personnel Bylaws Change: Hiring
- b. Adjustment to budget
- c. Travel Policy
- d. Approval of payment to Burton's: Compressed Air Foam System
- e. Election of officers. The Board will elect officers for the calendar year 2016.

Any individual who requires disability related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Board in writing at P.O. Box 634 Albion Ca 95410 or contact Board President Chris Skyhawk at 707-937-4295 as soon as possible before the meeting.

By-Laws

1190 – PERSONNEL

1. EMPLOYMENT

e. It is the responsibility of the Board to appoint the Chief annually.

2. HIRING

e. The Chief ~~and the Board~~ shall review and approve, reject or postpone the application.

3. EMPLOYEE STATUS

c. A probationary employee's employment may be terminated by the Chief ~~or by a majority vote of the board~~ without cause.

e. A probationary volunteer firefighter is a probationary employee whose employment has been recommended by the chief ~~and approved by a majority vote of the Board~~ who when hired

g. A regular volunteer firefighter is an employee who has been appointed to the position on the recommendation of the Chief ~~and by a majority vote of the Board~~ after completing all requirements for probationary firefighters

h. A probationary volunteer firefighter applicant will be placed on the active duty roster as soon as her/his employment application is accepted by the Chief, ~~subject to confirmation by the board of directors.~~

i. A regular volunteer firefighter must participate may be placed on probationary firefighter status or may be dismissed from employment ~~by the District~~ by the Chief.

j. Any volunteer firefighter must return all equipment at the discretion of the Chief.

k. The Chief shall review all active duty members annually.

l. In the event of an appeal to a dismissal or disciplinary action by the Chief, an employee may solicit the Board for an appeal in writing.

Operations

Volunteer Firefighter Status

3b. Receive a favorable evaluation by the Chief ~~and the board~~.

Duties of Officers

1. Chief

i. Determine and apply all criteria regarding personnel, making decisions that include hiring, firing, and status change.

j. The Chief shall review all active duty members annually.

Personnel

Disciplinary Action

If a volunteer firefighter disagrees with the disciplinary action of the Chief or any change in status, that member may approach the Board in writing through a formal Appeal process. The Appeal must be made in writing and detail the reasons for disagreement with the decision of the Chief. The Appeal must also state whether the firefighter would like to have the Appeal heard publicly or privately.

The Board will review all material presented and conduct a meeting, wherein they will: listen to Appellant state their position, may ask questions of the Appellant, the Chief, and other members. At which time the Board will decide the outcome of the Appeal using the standard voting process.

Minutes

Mendocino County Association of Fire Districts

10:00am Wednesday November 18, 2015

at the Anderson Valley CSD, Boonville

NOTE: Minutes combine/summarize discussions and topics

MEETING - Introductions and Attendees:

Kathleen McKenna (AVCSD), Steven Day (Leggett FPD), Michael Schaeffer (Comptche CSD), Claudia Hillary (RCFPD), John Bartlett (UVFA/HFPD), David Roderick (HFPD), Don Dale (RVCFPD), Linda Talso (RVCFPD), Jennifer O'Brien (BTCSD), Tony Orth (BTCSD), Denise Rose (BTCSD), Bill Knapp (WVFD), Andres Avila (AVCSD), Michael Issel (ALRFPD), Alan Taeger (ALRFPD), Lucien Long (ECSD), Ben MacMillan (ECSD) + local Boonville resident (no sign-in)

Unable to attend: Emily Strachan (MFPD), Gerry Gonzales (LLFPD)

REPORTS (task groups) and discussions:

1. Kathleen M reported that 18 Districts/agencies are participating directly or indirectly in the MCAFD (82%). Additional attempts to reach out to Piercy, Laytonville, Covelo, and Potter Valley will be made ... hopefully to reach 100% participation
2. Denise R noted that 7 Districts have responded to the data collection survey requests. A few districts indicated they're still in the process of completion. Further contacts will be made to gather more information.
3. Legislation enabling insurance billing by Districts was apparently not signed by Gov Brown. Another legislative attempt will be made during the next session.
4. At this point, there is no need for MCAFD to have legal status with LAFCO provided it is not the group officially filing to put the funding initiative on the ballot. A small group of individuals can do this. Because of the political nature of the ballot initiative, legal questions about district participation in the process will be investigated.
5. Alan T proposed to carryover the discussion of revisions to the draft Mission statement to the next meeting due to time constraints.
6. Ben M gave a brief update about the liaison with the Fire Chief's Association. That group was generally supportive of this group's goals and objectives. Some questions/suggestions/discussion about alternative funding sources (1/2 sales tax) and the relationship of individual Districts to the Association were brought forth. While a 1/2% sales tax might bring in increased revenue, it would face direct competition from other such increases already being researched and image problems due to new SRA fees and failure to allocate Prop 172 funding. Potter Valley had concerns relating to the independence of individual Districts if they participated in the Association.
As re-affirmed in today's meeting, each member District remains autonomous and not bound by any action of the MCAFD. However, because of the democratic nature of the MCAFD, it is felt that Association actions would represent the majority's interests in any recommended action or stance.
7. Dave R gave a presentation to the County BoS yesterday and routed the document. While abbreviated for the presentation, the document will be modified to become the Op Ed piece for publication. Group wordsmithing led to several changes for clarification and consistency.
The BoS is creating Ad Hoc committee to look into fire funding and related issues within the County. While a very positive action, the Association will proceed with the ballot measure. This will put pressure on the County to either act, or at least be prepared to deal with the financial impact when the measure passes.
8. The BALLOT MEASURE. After almost two months of work by the group and members of the Ballot Committee, today a final version of the ballot initiative was approved for final circulation. Starting with three draft versions of our initiative, the title of the measure was changed to reflect "local fire agencies" rather than "fire districts." Next, a lengthy and inclusive discussion took place which brought into focus the need for simplicity in language and with the funding source. Clearly,

seeking only Prop 172 funds was straight forward and clear, while going after “public safety” funding wasn’t so easily identifiable or explainable. Next it was agreed that the mostly boilerplate language in the opening and closing paragraphs was acceptable.

To maximize the measure’s financial results, while still wanting to present a “sell-able” package, the 30% option was selected. The issue of allocations to districts was then tackled. A number of funding formulas and minimum distributions were put forward. Bottom line, a higher minimum distribution to all agencies was agreed upon. Rather than the initial proposal’s \$20,000 figure, a 2% allocation per district was chosen. After the minimum distribution occurs, the remainder of the funding would be apportioned based upon population of each district’s service area. In other words, of the 30% portion of the Prop 172 monies going to local fire agencies, a minimum of 2% of that number would go to each district. This results in a higher minimum base amount for all agencies and a movable target which would likely increase over time.

The source of population numbers in District service areas was re-identified to be California census data. This change was made to ensure ready availability of data to the public. This data source can be attribute population numbers to service areas more easily than US census. In addition, the California estimates are updated annually.

Following these changes, Jennifer O’Brien (BTCSO attorney) indicated she would rewrite the draft initiative so it could be circulated to the MCAFD distribution list. Because of the short time frame needed to file the initiative with the County BoS, each recipient will be asked to respond within 72 hours of routing. This will allow enough time for any potential critical last minute changes to be made ... although the group believed no significant changes would be necessary after our lengthy creation process. A question about the effective date of the measure is yet to be resolved.

Dave R and Tony O volunteered to carry the ballot measure forward and officially file it with the County BoS on Wednesday November 25, 2015. Once that is complete, there will be time to deal with the specifics of the total initiative process. A new “initiative committee” will be needed to guide the measure through the process ... to be selected in the next meeting. (There is a minuscule chance that the BoS could adopt the initiative and put it into force without the need for voter approval.)

During this discussion process concerns voiced by Emily S about sources of funding and ballot language were considered. In addition, LLFPD’s concern with competing ballot measures (new firehouse vs MCAFD initiative) was also considered (identified by Gerry Gonzales).

Side discussions during the adoption process included functions/payments that the County (and State) had performed in years past and which have ceased, thus forcing greater expenses on local Districts: e.g. insurance coverage, Fire Training officer services, annual audits, LAFCO annual fees, etc. These, coupled with increasing unfunded mandates for training and response requirements, further strain district budgets and impact volunteer willingness/capabilities.

OTHER Business:

1. John B described the Chief’s Association response to the County’s announced early termination of its 911 dispatch contract with CalFire at Howard Forest. This termination is to be effective

6/30/16.

The Chief’s have identified that it is impossible to comply with legal requirements to put this contract out to bid, evaluate the bids, respond to them and implement a changeover in the time remaining. Therefore the Chief’s are creating a resolution calling upon the County to rescind its notice of cancellation letter to CalFire and to allow the dispatch contract to remain in place until its expiration in June 2018. This would enable sufficient time to properly engage in a bid and evaluation process. Once this resolution is in hand, it will be circulated to our Districts where each will have the opportunity to add their support to the continuation of the CalFire dispatch contract.

It appears that the Coastal Valleys EMS contractor utilized by the County is a player in the relatively sudden desire to shift away from the CalFire dispatch.

2. John B also gave a brief presentation on new EMS protocols that have been announced by Coastal Valleys EMS. While there is nothing for our group to do at this point, these protocols could pose serious problems for our responder personnel involved in critical care CPR situations. These protocol changes are based upon operations in Santa Barbara County and could require first responders to remain on scene until a coroner arrives. Conditions in Mendocino county would

- likely involve many extra hours while waiting for a coroner to arrive. More to follow ...
3. Debbi W's training issues/items - carryover to next meeting
 4. Communications - in general, MCAFD members would like to be copied on items of potential interest, not just MCAFD specific items.
 5. MCAFD meetings to continue in Boonville by consensus, with thanks to the AV CSD

FOLLOW-UP Assignments:

1. Contact remaining districts - Ben MacMillan & Kathleen McKenna
2. Follow-up district info questionnaires - Ben MacMillan (send reminders)
3. Rework Op-Ed document following discussion - Dave Roderick

Agenda Items for next meeting:

1. Initiative committee selection, time-frame, plan - group
2. Mission Statement - revisions to draft - Alan Taeger
3. Training issues/items - Debbi Wolf
4. Legal issues about District participation in the ballot process
5. District fee schedules for services - data collection update
- 6.

Next Meeting:

10:00am Wednesday
December 16, 2015
Anderson Valley CSD

Adjourned: 1:25pm

**An Ordinance Requiring Allocation to Local Fire Agencies of
Funds Transferred to the County from the Local Public Safety Fund**

The Board of Supervisors of the County of Mendocino ordains as follows:

- (a) The County receives disbursements from the State of California from the Local Public Safety Fund for public safety services in the County pursuant to the Local Public Safety Protection and Improvement Act of 1993, also commonly and popularly referred to as "Proposition 172."
- (b) The local agencies providing first responder fire protection services throughout the County of Mendocino ("Fire First Responder Agencies") are essential public safety providers which are currently underfunded.
- (c) Effective Fiscal Year 2016-2017, and each year thereafter, the Board of Supervisors shall allocate to Local Fire First Responder Agencies in the County a minimum of THIRTY (30%) PERCENT of the funds received from the State of California Local Public Safety Fund to fund public safety services. The foregoing described funds shall be distributed to the local first responder agencies as follows: (1) each agency shall receive a minimum distribution equal to two percent (2%) of the total funds allocated to the Local Fire First Responder Public Agencies; (2) the remaining funds shall be distributed to each Local Fire First Responder Public Agency pursuant to the ratio of population in each such Local Fire First Responder Agency's service area divided by the total population of the unincorporated area of the County of Mendocino. Population shall be determined by reference to the most recent State of California census data.
- (d) The allocation required herein shall be supplemental to any additional appropriation of discretionary funds made by the Board of Supervisors for fire protection, which additional appropriations shall be identified each year in a separate budget line item to promote transparency.
- (e) This ordinance shall be deemed to be severable and would have been passed irrespective of whether the operation of any part is held by any court of competent jurisdiction to violate any statute or constitutional provision.

Nov. 18, 2015 2:00 Draft

Alan Taeger

From: MacMillan <macs@mcn.org>
Sent: Tuesday, December 01, 2015 10:16 AM
To: MCAFD List
Subject: MCAFD - BALLOT MEASURE to be Filed
Attachments: MCAFD Fire Funding Ordinance.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning,

Significant State constitutional issues forced a tactical change in our effort to mandate funding for Mendocino County local Fire Agencies. The ballot measure adopted in our 11/18/15 meeting would almost certainly not survive a California Constitutional challenge. Thus, the measure was re-written to incorporate the fundamentals of the adopted measure ... but changed from mandate to request. Additional language was added calling for specific budgeted line items and tracking. Further, if requested funding is not to be included in the County's annual budget, then public BoS meetings must be held in each supervisorial district before the budget is adopted. Because of its inclusion on the November 2016 ballot, this rewording required the measure to become effective FY 2017-2018 and tweaking of the title language.

While this isn't quite the required result we were pushing for, this revised ballot measure should provide enough political pressure to make our objectives painful to ignore.

Cheers,
Ben
Elk

An Ordinance Requiring Inclusion of Local Fire Agencies in Allocation of Funds Transferred to the County from the Local Public Safety Fund

The Board of Supervisors of the County of Mendocino ordains as follows:

- (a) The County receives disbursements from the State of California from the Local Public Safety Fund for public safety services in the County pursuant to the Local Public Safety Protection and Improvement Act of 1993, also commonly and popularly referred to as "Proposition 172."
- (b) The local agencies providing first responder fire protection services throughout the County of Mendocino ("Local Fire Agencies") are essential public safety providers which are currently underfunded.
- (c) Effective Fiscal Year 2017-2018, and each year thereafter, the Board of Supervisors, for purposes of transparency, shall include in its proposed and final adopted budget an accounting of all Proposition 172 funds received and distributed, which accounting shall include a line item for funds to be distributed to Local Fire Agencies;
- (d) Effective Fiscal Year 2017-2018, and each year thereafter, the following shall be considered as an official budget request pursuant to California Government Code Section 29040: an allocation to Local Fire Agencies in the County a minimum of THIRTY PERCENT (30%) of the funds received from the State of California Local Public Safety Fund to fund public safety services, and distributing the foregoing described funds to the Local Fire Agencies as follows:
 - (1) each agency shall receive a minimum distribution equal to two percent (2%) of the total funds allocated to the Local Fire Agencies;
 - (2) the remaining funds shall be distributed to each Local Fire Agency pursuant to the ratio of population in each such Local Fire Agency's service area, divided by the total population of the unincorporated area of the County of Mendocino. Population shall be determined by reference to the most recent data available from the State of California Controller.
- (e) The Board of Supervisors shall give notice to all Local Fire Agencies of any reductions or revisions to the official budget request, as well as including notification of the intention to reduce or revise the budget request of the Local First Agencies in the public notice pursuant to Government Code Section 29080.
- (f) In addition to the public hearing on the budget pursuant to Government Code Section 29080, the Board shall hold a minimum of five additional public hearings on the reduction or revision of the official budget request of the Local Fire Agencies, one to be held in each supervisorial district to ensure population and geographical representation.
- (g) The allocation required herein shall be supplemental to any additional appropriation of discretionary funds made by the Board of Supervisors for fire protection, which additional

appropriations shall be identified each year in a separate budget line item to promote transparency.

(h) This Ordinance shall be deemed to be severable and would have been passed irrespective of whether the operation of any part is held by a court of competent jurisdiction to violate any statute or constitutional provision.

Dec 1, 2015 Ballot Measure - Fire Funding Ordinance