

**ALBION-LITTLE RIVER FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS BUSINESS MEETING AGENDA**

BMA rev 081017

Wednesday, Feb. 25, 2009, 7:30 pm, at Station 810, 33900 West Street, Albion, CA

1. **Call to order and determination of a quorum.**
2. **Public communication to the Board.** An opportunity is provided for members of the public to address the Board with respect to matters within the Board's jurisdiction whether on the agenda or not. For action items the public may also address the board at the time the item is presented for action.
3. **Previous Meeting Minutes.** Minutes of the January 28, 2008 regular meeting will be approved and/or revised and approved.
4. **Fire Chief's report, including operational needs.**
 - A) **Incident reports.** The Fire Chief is requested to provide written report on the types of calls to which the Department has responded since the last Board meeting, and to note any trends which would suggest a need for changes to the District's and the Department's planning.
 - B) **Fund raising, gifts and service fees.** Chief's report of current information on fundraising, gifts to the Department, and any calls on which service fees should be levied by the District Board.
 - C) **Fire Department report.** Chief's report on other Department progress.
 - D) **Fire Department operational needs.** Chief's report on Department needs.
 - E) **Vehicle maintenance report.** Chief's report on vehicle maintenance.
5. **Communications to the Board.** Communication to the Board will be presented.
6. **Financial report.** Current financial statements for the District will be presented.
7. **Board Vacancy.** The board will discuss recruitment efforts to find candidates for the current board vacancy and introduce any potential board candidates. The board has until March 27, 2008 to appoint a new board member.
8. **Items for consideration and possible action:**
 - A) Proposal to change budget for Membership 082150 from \$2,500 to \$2,800
 - B) Proposal to change District Bylaws to have Board 'election of officers' be on each December.
 - C) Proposal to reimburse fire department for cost of 10 high pressure SCBAs at a cost of \$43,653.11
 - D) A Fish and Game fee of 1,926.75 will need to be paid per Sec. 711.4 of Fish and Game Code
9. **Committee reports:** Committee reports, if any, will be presented.
 - A) **Station 811 Committee**
 - B) **Vehicle Committee**
10. **Board Directors' Discussion.** Individual Board members may discuss topics including but not limited to insurance, bylaws, a website, and benefits for firefighters.
11. **Next meeting Wednesday Mar 25, 2009 at 7:30pm, Station 810.**
12. **Adjournment.**

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 95410-0634, at least two days before the meeting date.

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Check = DVMS #
for grants

11 calls →
9 med
1 truck
1 power out

Dave B.
8182 Gary
(8173) due in Tom
has quotes
3-4 wks
optimistic

Ronnie
James
No action

LR INV
\$200
convert

- Tom G not done
LR bank
SCBAs

Rec'd 812
rejected

Grants - Rich will investigate further
& talk to
Ronnie
James

**ALBION-LITTLE RIVER FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS BUSINESS MEETING MINUTES**

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1. **Call to order and determination of a quorum.** Called to order at 7:35pm with Directors Rich Riley, Ed Petrykowski, Alan Taeger, and Dan Sitts along with Chief Derek Wilson. Also present were David Ayster, Sam Levine, Diana Wiedemann, Stacey Weil-Dye, Rick McDonald, Nick Pillsbury and Ted Williams.
2. **Public communication to the Board.** Diane Wiedemann had comments about station 811 construction. At 7:42 fire call and then cancelled. Diane commented on softening the façade, scale out of context with neighborhood. Diane proposed community meeting. Rick McDonald, a past Board member, commented on the history of the station 811 project. The elements of station 811 were derived from a 15 year plan for the Protection District. There were concerns at the beginning of the permit process about land location, tax/Budget, septic and parking. Sam Levine commented that proposed doors for station 811 need to be that high for fire truck clearance.
3. **Previous Meeting Minutes.** Minutes of the December 17, 2009 regular meeting were unanimously approved.
4. **Fire Chief's report, including operational needs.**
 - A) **Incident reports.** Chief reports 7 medical calls
 - B) **Fund raising, gifts and service fees.** Nothing to report
 - C) **Fire Department report.** Nothing to report
 - D) **Fire Department operational needs.** Reporting on high pressure SCBAs – Office of Emergency Service has no requirement for them. Other departments in area have upgraded to high pressure and our SCBAs are not interchangeable during mutual aid calls. If 10 unit were purchased know the cost would be \$43,653.11. Chief Derek asked if fire department purchases these 10 units would District reimburse this purchase? Item put on agenda for next meeting.
 - E) **Vehicle maintenance report.** Dave Aster is maintenance officer now. Reported that vehicle 8182 is at Fort Bragg Diesel for repair. Board told Dave that there is a budget for 10 vehicles a year that can be maintained at FBD. Dave will take care of it.
5. **Communications to the Board.**
 - A) Nick Pillsbury presented his resignation as a Board Member on January 27, 2009. A Board Member vacancy will be posted before next regular meeting.
 - B) Alan received an email about Grant Writing training in Ukiah. Rich may attend.
 - C) Alan received an email from Diane Wiedemann about station 811 concerns.
 - D) The District received a letter from State Controller John Chiang with information about the Uniform Public Construction Cost Accounting Act.
6. **Financial report.** Alan presented the current Budget Overview.
7. **Items for consideration and possible action:**
 - A) SCBA - no action taken. Board approved expenditures of new repeaters for Little River, Navarro along with back-up battery for Navarro.
 - B) Nick presented possible officer election process to be added to bylaws. Alan stated the state has mandate and bylaws don't need to be changed. Alan will make proposal to change bylaws to show election of officers to be in December of each year. No action taken.
 - C) Dan will look into duties of officers already laid out in bylaws and present at next meeting. No action taken.
8. **Committee reports:**
 - A) **Station 811 report.** Ed got Negative Declaration report from county. A Fish and Game fee of 1,926.75 will need to be paid per Sec. 711.4 of Fish and Game Code. Put on agenda for next meeting. Dan and Ed will form a committee to bring building addition to the public.
 - B) **Vehicle Committee** None at this time
 - C) **Insurance** None at this time
 - D) **District office** Pursuing a Comcast connection for District computer.
9. **Board Directors' Discussion** None at this time.
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minutes approved 25 Feb 09

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approved as corr 25 Feb 09

ALBION LITTLE RIVER FIRE PROTECTION DISTRICT
BUDGET REVISION WORKSHEET
February, 2009

UPDATED/	Feb 08-09	Feb 08-09	2005-2006	PER 6/30/06	2006-2007	PER 6/30/07	2007-2008	PER 6/30/08	2008-2009	PER 2/23/09
CODE #	REVISION 1	REVISION 2	ESTIMATED	ACTUAL	ESTIMATED	ACTUAL	ESTIMATED	ACTUAL	ESTIMATED	ACTUAL
DESCRIPTION										
REVENUE										
821110 CURRENT SECURED TAX	\$72,104.00	\$72,104.00	\$55,772.00	\$56,893.88	\$61,117.00	\$63,486.74	\$67,469.00	\$68,341.10	\$72,104.00	\$72,104.00
821120 CURRENT UNSECURED TAX	\$2,074.00	\$2,074.00	\$1,849.00	\$1,985.33	\$1,916.00	\$2,127.35	\$2,053.00	\$2,120.79	\$2,074.00	\$2,207.25
821130 SB 813 SUPPLEMENTAL TAX	\$2,288.00	\$2,288.00	\$2,189.00	\$2,269.46	\$2,237.00	\$2,985.03	\$2,834.00	\$2,516.55	\$2,288.00	\$672.60
821210 PRIOR SECURED PROPERTY TAX			\$0.00	\$3.84	\$0.00	(\$70.95)	\$0.00	\$331.97		
821220 PRIOR UNSECURED PROPERTY TAX	\$34.00	\$34.00	\$110.00	\$110.27	\$103.00	\$129.57	\$106.00	\$32.41	\$34.00	\$42.98
821300 SPECIAL TAX (FIRE ASSESSMENTS)	\$75,000.00	\$75,000.00	\$77,032.00	\$77,550.00	\$77,550.00	\$77,710.00	\$75,000.00	\$77,550.00	\$75,000.00	\$42,630.50
821600 TIMBER YIELD TAX	\$374.00	\$374.00	\$322.00	\$494.49	\$397.00	\$448.29	\$486.00	\$383.82	\$374.00	\$279.74
821700 HIGHWAY PROPERTY RENTAL			\$0.00	\$0.00	\$0.00	\$0.39	\$0.00			
824100 INTEREST	\$10,000.00	\$10,000.00	\$966.00	\$7,084.69	\$3,000.00	\$13,154.55	\$9,000.00	\$13,581.82	\$10,000.00	\$4,042.32
825480 HOMEOWNER PROPERTY TAX RELIEF	\$803.00	\$803.00	\$917.00	\$806.26	\$806.00	\$809.12	\$809.00	\$802.76	\$803.00	\$393.77
825490 STATE OTHER			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
826140 ELECTION SERVICES			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
827500 SALE OF FIXED ASSETS			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
827700 OTHER	\$76,583.50	\$76,583.50	\$6,000.00	\$461.00	\$0.00	\$0.00	\$0.00	\$15,394.00		\$76,583.50
827702 INSURANCE PAYMENT			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
TOTAL REVENUE	\$239,260.50	\$239,260.50	\$145,057.00	\$147,659.22	\$147,126.00	\$160,780.09	\$157,757.00	\$181,055.22	\$162,677.00	\$166,114.31
FUND BALANCE CARRIED FORWARD					\$290,000.00		\$341,617.00	\$347,520.83		
APPROPRIATIONS										
861035 WORKERS COMPENSATION INSURANCE	\$6,000.00	\$6,000.00	\$9,000.00	\$5,458.00	\$6,000.00	\$6,208.00	\$6,000.00	\$4,960.00	\$6,000.00	\$373.00
862050 CLOTHING & PERSONAL ITEMS	\$6,000.00	\$6,000.00	\$4,000.00	\$3,939.97	\$4,000.00	\$5,575.14	\$6,000.00	\$8,722.14	\$6,000.00	\$3,272.63
862080 COMMUNICATIONS	\$10,000.00	\$10,000.00	\$12,000.00	\$10,659.45	\$5,000.00	\$5,947.31	\$10,000.00	\$9,157.86	\$10,000.00	\$9,775.15
862090 HOUSEHOLD EXPENSE			\$200.00	\$0.00	\$200.00	\$0.00	\$0.00			
862101 INSURANCE - GENERAL	\$6,000.00	\$6,000.00	\$9,000.00	\$5,880.00	\$6,000.00	\$5,980.00	\$6,000.00	\$5,640.00	\$6,000.00	\$0.00
862120 MAINTENANCE - EQUIPMENT	\$40,000.00	\$40,000.00	\$10,000.00	\$11,293.34	\$28,000.00	\$11,873.16	\$12,000.00	\$14,908.90	\$40,000.00	\$7,550.76
862130 MAINTENANCE - STRUCTURES & GROUNDS	\$5,000.00	\$5,000.00	\$6,000.00	\$5,200.92	\$3,000.00	\$9,449.71	\$15,000.00	\$12,062.46	\$5,000.00	\$2,165.98
862140 MEDICAL, DENTAL & LAB SUPPLIES	\$8,000.00	\$8,000.00	\$3,000.00	\$4,742.26	\$4,000.00	\$4,550.15	\$6,500.00	\$6,753.38	\$8,000.00	\$4,600.02
862150 MEMBERSHIPS	\$2,800.00	\$2,800.00	\$0.00	\$0.00	\$0.00	\$459.67	\$2,500.00	\$2,147.00	\$2,500.00	\$2,695.00
862160 MISCELLANEOUS EXPENSE			\$0.00	\$165.00	\$0.00	(\$100.00)	\$0.00			
862170 OFFICE EXPENSE	\$3,000.00	\$3,000.00	\$200.00	\$192.34	\$200.00	\$398.35	\$600.00	\$479.13	\$3,000.00	\$2,867.06
862181 AUDITING & FISCAL SERVICES	\$7,000.00	\$7,000.00	\$5,000.00	\$1,346.20	\$2,000.00	\$4,169.50	\$5,000.00	\$1,625.28	\$5,000.00	\$6,322.71
862184 ARCHITECT & ENGINEERING SERVICES (811)			\$0.00	\$0.00	\$0.00	\$0.00	\$2,000.00			
862185 MEDICAL, DENTAL SERVICES			\$1,000.00	\$0.00	\$0.00	\$0.00	\$1,000.00			
862187 EDUCATION & TRAINING	\$10,000.00	\$10,000.00	\$5,000.00	\$4,505.19	\$10,000.00	\$12,270.50	\$10,000.00	\$7,420.27	\$10,000.00	\$8,337.27
862189 PROFESSIONAL & SPECIAL SERVICES - OTHER	\$1,500.00	\$1,500.00	\$0.00	\$1,555.80	\$500.00	\$1,554.20	\$1,500.00	\$1,551.00	\$1,500.00	
862210 RENTS & LEASES BUILDINGS & GROUNDS			\$0.00	\$0.00	\$0.00	\$4.00	\$0.00			
862220 SMALL TOOLS & INSTRUMENTS	\$3,500.00	\$3,500.00	\$2,000.00	\$2,936.02	\$3,000.00	\$4,294.64	\$3,500.00	\$3,173.66	\$3,500.00	\$2,747.51
862231 ELECTION SUPERVISION & SERVICES			\$0.00	\$225.69	\$0.00	\$0.00	\$0.00			
862250 TRANSPORTATION & TRAVEL	\$26,000.00	\$26,000.00	\$16,000.00	\$13,120.18	\$16,000.00	\$20,212.99	\$25,000.00	\$17,394.64	\$26,000.00	\$21,795.97
862260 UTILITIES	\$5,000.00	\$5,000.00	\$3,000.00	\$2,663.27	\$3,000.00	\$3,340.58	\$3,000.00	\$3,483.86	\$5,000.00	\$2,478.02
863113 PAYMENTS TO OTHER GOVT AGENCIES	\$3,000.00	\$3,000.00	\$300.00	\$1,588.45	\$1,000.00	\$2,380.19	\$3,000.00	\$285.89	\$3,000.00	\$594.49
864350 LAND			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
864360 STRUCTURES & IMPROVEMENTS	\$15,000.00	\$15,000.00	\$0.00	\$15,751.77	\$0.00	\$7,502.14	\$10,000.00	\$6,334.16	\$15,000.00	\$1,503.62
864370 EQUIPMENT	\$160,000.00	\$205,000.00	\$5,000.00	\$1,564.61	\$3,000.00	\$27,304.46	\$5,000.00	\$2,818.09	\$145,000.00	\$151,838.29
TOTAL APPROPRIATIONS	\$317,800.00	\$382,800.00	\$90,700.00	\$92,786.46	\$94,900.00	\$133,274.29	\$133,600.00	\$107,917.72	\$300,500.00	\$227,917.48
TOTAL AVAILABLE FOR APPROPRIATIONS	\$586,781.33	\$586,781.33	\$447,757.00	\$447,757.00	\$447,757.00	\$447,757.00	\$447,757.00	\$447,757.00	\$510,197.83	\$510,197.83
UNAPPROPRIATED FUNDS	\$288,981.33	\$229,981.33					\$314,157.00		\$209,697.83	

Passed

ALRFPD Actual / Budget Report - Current Year:4

7/1/2008 through 6/30/2009 Using Budget 2008-2009

2/23/2009

Page 1

Category Description	7/1/2008 Actual	- Budget	6/30/2009 Difference
INFLOWS			
82-1110 CURRENT SECURED TAX	39,061.65	72,104.00	-33,042.35
82-1120-CURRENT UNSECURED TAX	2,207.25	2,074.00	133.25
82-1130-SB813 SUPPLEMENTAL TAX	511.55	2,288.00	-1,776.45
82-1220-PRIOR UNSECURED TAX	42.98	34.00	8.98
82-1300-SPECIAL TAX	42,630.50	75,000.00	-32,369.50
82-1600-TIMBER TAX	279.74	374.00	-94.26
82-4100-INTEREST INCOME	2,515.10	10,000.00	-7,484.90
82-5481-HOMEOWNER PROPERTY TAX REL...	0.00	803.00	-803.00
82-7700-OTHER	76,583.50	0.00	76,583.50
TOTAL INFLOWS	163,832.27	162,677.00	1,155.27
OUTFLOWS			
86-1035-WORKMAN'S COMP	373.00	6,000.00	5,627.00
86-2050-CLOTHING	3,272.63	6,000.00	2,727.37
86-2060-COMMUNICATIONS	9,775.15	10,000.00	224.85
86-2061-COMM-LEASE LINES	0.00	0.00	0.00
86-2101-INSURANCE	0.00	6,000.00	6,000.00
86-2120-MAINTENANCE EQ	7,550.76	40,000.00	32,449.24
86-2130-MAINTENANCE STRUCTURES	2,165.98	5,000.00	2,834.02
86-2140-MED SUPPLIES	4,600.02	8,000.00	3,399.98
86-2150-MEMBERSHIPS	2,695.00	2,500.00	-195.00
86-2170-OFFICE SUP	2,867.06	3,000.00	132.94
86-2181-AUDITS	5,322.71	5,000.00	-322.71
86-2187-ED AND TRAINING	8,337.27	10,000.00	1,662.73
86-2189-PROF AND SPEC	0.00	1,500.00	1,500.00
86-2220-SM TOOLS	2,747.51	3,500.00	752.49
86-2250-TRANSPORTATION	21,795.97	26,000.00	4,204.03
86-2260-UTILITIES	2,478.02	5,000.00	2,521.98
86-3113-PAYMNTS TO GOVT AGENCIES	594.49	3,000.00	2,405.51
86-4360-BUILDINGS AND IMPROVEMENTS	1,503.62	15,000.00	13,496.38
86-4370-EQUIPMENT	151,838.29	145,000.00	-6,838.29
TOTAL OUTFLOWS	227,917.48	300,500.00	72,582.52
OVERALL TOTAL	-64,085.21	-137,823.00	73,737.79

Itemized Categories

1/28/2009 through 2/24/2009 (Cash Basis)

2/23/2009

Page 1

Date	Account	Num	Description	Memo	Amount
EXPENSES					-10,621.79
86-2060-COMMUNICATIONS					-7,175.97
2/19/2009	County	4022758	BearCom	radio repeaters ...	-6,903.20
2/9/2009	District Checki...	2759	Comcast	Enginerring fee	-80.00
2/14/2009	District Checki...	2762	AT&T	0301538359001	-33.46
2/21/2009	District Checki...	2766	AT&T	96075541735558	-159.31
86-2120-MAINTENANCE EQ					-153.59
1/30/2009	District Checki...	2753	Rhoades Auto Parts	#1130 Inv. 333...	-71.10
2/8/2009	District Checki...	2758	ACME AUTOMOTIVE	#1070 Inv. 821...	-82.49
86-2130-MAINTENANCE STRUCTURES					-885.00
2/21/2009	District Checki...	2765	Vision Construction	roof 812	-885.00
86-2140-MED SUPPLIES					-163.25
2/12/2009	District Checki...	2760	Aeris	#10095 Inv. 10...	-110.20
2/14/2009	District Checki...	2763	Eureka Oxygen Co.	#79610 & DMO...	-53.05
86-2170-OFFICE SUP					-16.80
1/30/2009	District Checki...	2755	S Katsiaryna Gregonis		-16.80
86-2181-AUDITS					-1,439.00
2/2/2009	County	4020650	Michael A. Celentano	#3517 AFP 6373	-1,250.00
1/30/2009	District Checki...	2755	S Katsiaryna Gregonis		-189.00
86-2187-ED AND TRAINING					-511.88
1/30/2009	District Checki...	2754	Para Life Medical Ser...	Inv # 152	-125.00
2/21/2009	District Checki...	2767	Fire Protection Public...	Inv. #559646	-386.88
86-2220-SM TOOLS					-43.89
2/12/2009	District Checki...	2761	VillaGE HARDWARE	#113	-43.89
86-2260-UTILITIES					-232.41
2/2/2009	District Checki...	2756	PG&E	0210095100-9	-163.65
2/2/2009	District Checki...	2757	Waste Management	0020209-2561-2	-23.76
2/14/2009	District Checki...	2764	Thompson's Porta S...	#11774	-45.00
TRANSFERS					0.00
District Checking					-1,394.84
2/2/2009	County Transf...	4020564	County Check	AFP 6374	-1,394.84
County Transfers					1,394.84
2/2/2009	District Checki...	DEP	County Check	AFP 6374	1,394.84
OVERALL TOTAL					-10,621.79

1002 - Board Makeup and Employment of Bookkeeper

1002.10

The Board of Directors of the Albion-Little River Fire Protection District consists of five (5) members. Board members are elected by voters of the District in accordance with California Election Code 10500-10556 "Uniform District Election Law". In accordance with California Health and Safety Code Section 13853, the officers of the Board are its president, its vice-president, and its secretary. Officers of the Board shall be elected annually by the Board members at the December business meeting. All officers shall serve without pay or compensation unless otherwise determined by resolution of the Board in accordance with law. Any reference in these Bylaws, Policies and Procedures to the "Chairman" is to the President. Any reference in these Bylaws, Policies and Procedures to the "Treasurer" is to the President

1002.20

The President of the Board of Directors will preside at all Board meetings. He or she will have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

1002.30

The President shall designate an interim chair-person to serve as President during his or her absence. If no Interim President is appointed, the Vice-President of the Board of Directors will serve as Interim President. If the President and Vice-President of the Board are both absent, the Secretary of the Board will serve as chairman of the meeting.

1002.40

It will be the duty of the Secretary to see that all minutes for all meetings are properly prepared.

1002.50

The President, with the assistance of the other members of the Board, will ensure that the budget is developed each year and will also be responsible for seeing that the budget is complied with, and will oversee all income and expense items. The Board may employ a bookkeeper from time to time to assist in fulfillment of these obligations, and to draw checks in accordance with 1002.60 below.

1002.60

In accordance with California Health and Safety Code Section 13854, the Mendocino County Treasurer acts as the district treasurer. However, the Board maintains a checking account or accounts and hereby authorizes any bookkeeper employed by the Board from time to time in accordance with California Health and Safety Code Section 13854 to draw checks on any checking account maintained by the Board which shall be signed by two persons, one of whom may be the bookkeeper and the other of whom shall in that event be a member of the Board who is not related to the bookkeeper, or shall be signed by two members of the Board.

APPOINTMENT AND REMOVAL OF FIRE CHIEF

Procedure for appointment of Fire Chief by Board of Directors:

1. Department submits names of candidates to Board of Directors at the meeting prior to annual department election.
2. Board accepts or rejects candidate(s) based on criteria of qualifications.
Qualifications for Fire Chief:
 - Experience in department activities
 - Ability to perform duties
 - Desire to fill position
3. If all candidates are rejected with cause, this process shall be repeated until candidate(s) acceptable to the Board of Directors are approved.
4. After the department elects a Fire Chief, he or she shall be officially appointed by the Board of Directors at the following regular Board meeting. It is understood that the Fire Chief is serving with the consent of the Board in the interim.
5. The Fire Chief shall serve until the next annual Department election.

In order for the Board of Directors to Remove the Fire Chief, at least one of the following conditions must exist::

1. There must be a petition of a majority of regular Department members to the Board of Directors at a regular meeting.
2. The Board must be informed, in writing, of a serious misapplication of the policies, regulations, rules. or procedures of the Albion-Little River Fire District or Department..

If either of the above conditions exist, the Board shall call a special meeting to discuss the allegations with the Fire Chief. If after this discussion, a majority of Board members feels that removal of the Fire Chief should be considered, ~~the meeting shall become a closed session~~ **the Board may call a properly noticed and agendized special closed session to discuss the removal in accordance with Govt. Code 54957(b)(2) "As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in open session rather than closed session..."**).

It shall require a 4/5 majority of the Board of Directors to dismiss the Fire Chief.

1018
SPECIAL ANNUAL ~~CLOSED~~ EVALUATION SESSION

1017

The Albion-Little Fire Protection District shall hold a special ~~closed~~ meeting on the third Wednesday of January to critique board performance of the past year, evaluate the performance of the Fire Chief, and discuss planning strategies for the coming calendar year.

(Page 3 – Proposed Bylaws Revision 2/25/09)

JEANINE B. NADEL
COUNTY COUNSEL

FRANK ZOTTER, JR.
CHIEF DEPUTY

DEPUTY COUNTY COUNSELS

SANDRA L. APFLEGATE
JULIE S. WERBEL
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ADMINISTRATION CENTER
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TELEPHONE:
(707) 463-4446

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(707) 463-4592

CYNTHIA T. MONTESONTI
LEGAL SERVICES MANAGER

December 17, 2007

TO: Albion Little River Fire Protection District
Board of Directors

FROM: Jeanine B. Nadel, County Counsel

RE: Op. #07-1204 Request for Opinion - Employee Issue

You have asked for an opinion regarding the following question:

QUESTION:

Are the volunteers and Fire Chief "employees" for purposes of the Brown Act closed session exemption?

ANSWER:

Yes as to the Fire Chief. No as to the volunteers unless the District Board appoints and supervises the volunteers.

ANALYSIS:

As you know, fire districts are governed by the Fire Protection District Law of 1987. (Health and Safety Code § 13800 et. Seq.)

Section 13802 defines employee for purpose of the act as "any personnel of a district, including regular or on call firefighter hired and paid on a full-time or part-time basis, or any volunteer firefighter."

Section 13861, subdivision (d) states that among the Board's powers are to "appoint necessary employees, to define their qualifications and duties and to provide a pay schedule for performance of their duties."

December 17, 2007

Page 2

The District Board as the appointing authority, has adopted a procedure for the appointment and removal of the Fire Chief. Both decisions can be made in appropriately noticed and agendized closed session discussions.

Government Code § 54957(4) allows the "local agency to hold closed session hearings, regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session."

FIRE CHIEF:

The Fire Chief is considered an employee for purposes of this section (See 54957(b)(4).

The proper way to agendized the closed session item is as follows:

CLOSED SESSION Govt. Code § 54954.5(e)
PUBLIC EMPLOYMENT: Title - Fire Chief
EVALUATION: Title - Fire Chief
DISCIPLINE/DISMISSAL RELEASE

The portion of your procedures relating to removal of the Fire Chief that states the meeting "becomes a closed session" once you discuss removal, is improper under the law. I recommend that you delete that section, and instead, state that the Board will convene in a properly noticed and agendized closed session to discuss the removal.

I also have concerns with #2 of the removal condition as it implies that another volunteer or member of the public can make a complaint or inform the Board in writing of a serious misapplication of the policies, regulations or rules. If this is the case, then the Chief would have the right to request that the discussion be held in open session. (See Govt. Code § 54957(b)(2). "As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in open session rather than closed session...")

VOLUNTEERS:

While the volunteers are considered employees for purposes of the Fire District Act, the District's policies require the Chief to recruit, train, supervise and evaluate them. Therefore, the District Board would not have a basis to discuss the "employment status of any volunteer," as the board is not the appointing or supervising authority. The District Board can, as part of its evaluation of the Chief, discuss his/her recruitment, training and supervision of the volunteers.

December 17, 2007

Page 3

Finally, I have reviewed all of the District's Policies and Procedures and note that § 1017 "Special Annual Closed Session" is also slightly flawed. The District Board cannot hold a closed session to "critique board performance."

I will be happy to schedule a Brown Act, Public Records Act and Ethics training with your Board at a location and time convenient to the Board. The training is free and takes approximately two hours. Please contact Cyndi Montesonti to schedule the training.

If you have any other questions, please do not hesitate to contact me.

JBN/ctm

cc: Laura J. Vogelgesang, Board Secretary

**Albion Little River Fire Protection District
P. O. Box 634
Albion, CA 95410**

February 3, 2009

Katrina Bartolomie
Assistant Registrar of Voters
County of Mendocino
501 Low Gap Road, Room 1020
Ukiah, CA 95482

Dear Katrina,

Please find enclosed copy of Nick Pillsbury's letter of resignation from the Albion Little River Fire Protection District Board of Directors. His resignation was effective January 27, 2009.

The District Board has posted a notice of vacancy and intends to fill this vacancy by appointment in accordance with Health and Safety Code 13852 and Government Code 1780.

Please contact me if you have any questions.

Thank you,



Alan Taeger, President of the Board of Directors
ataeger@mcn.org
707 937 0154 home/office
707 489 3052 mobile

enclosure

January 27, 2009

I hereby resign from my position as Member of the Board of Directors of the Albion Little River Fire Protection District, effective today, January 27, 2009.

I feel that I would be better able to serve the public interest as a private citizen.

A handwritten signature in cursive script that reads "Nick Pillsbury". The signature is written in black ink and is positioned to the left of the printed name.

Nick Pillsbury

January 27, 2009

I hereby resign from my position as Member of the Board of Directors of the Albion Little River Fire Protection District, effective today, January 27, 2009.

I feel that I would be better able to serve the public interest as a private citizen.

A handwritten signature in black ink that reads "Nick Pillsbury". The signature is written in a cursive style with a large, sweeping initial "N".

Nick Pillsbury

**ALBION-LITTLE RIVER FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS BUSINESS MEETING MINUTES**

Wednesday, Feb. 25, 2009 7:30 pm, at Station 810, 33900 West Street, Albion, CA

1. **Call to order and determination of a quorum.** Called to order at 7:30pm with Directors Rich Riley, Ed Petrykowski, Alan Taeger, and Dan Sitts along Chief Derek Wilson and Nick Pillsbury, Dave Aster and Ted Williams.
2. **Public communication to the Board.** None
3. **Previous Meeting Minutes.** Minutes of January 25, 2009 Regular Meeting were unanimously approved with correction.
4. **Fire Chief's report, including operational needs.**
 - A) **Incident reports.** Chief reports 1 traffic accidents, 9 medical calls and 1 power line down incident.
 - B) **Fund raising, gifts and service fees.** \$200 donation to FD from Little River Inn benefit concert.
 - C) **Fire Department report.** Tom Goncharoff no longer volunteering to tend bar for LR Inn events for the benefit of the FD. Repairs made to roof of Station 812.
 - D) **Fire Department operational needs.** Still need high pressure SCBAs and 8182 repaired.
 - E) **Vehicle Maintenance report.** Dave Aster reports that Fort Bragg Diesel has quotes for steering repair. Optimistic estimate is three to four weeks to get 8182 back in service. Will take 8173 to FBD for regular maintenance.
5. **Communication to the Board.** 700 forms came from county for Board members and retired Board members.
6. **Financial report.** Alan presented current Budget Overview Worksheet along with revision columns in report showing possible budget increase scenarios.
7. **Board vacancy.** Position is still vacant. Board will continue search for Board replacement. Dan will contact Stella Salo.
8. **Items for consideration and possible action**
 - A) Alan made a motion to increase budget allocations in budget category - Membership 082150 - from \$2,500 to \$2,800 and in budget category - Auditing and Fiscal Services 082181 - from \$5,000 to \$7,000. Motion passed unanimously.
 - B) Alan presented proposed changes to District Bylaws. Board members will review for a vote at the March regular business meeting.
 - C) Ed made a motion to increase budget allocation in budget category - Equipment 864370 - to \$205,000 to accommodate previous allocations for apparatus and to provide for acquisition of 10 high pressure SCBAs at a cost of \$43,653.11. After discussion the motion was unanimously approved.
 - D) Fish and Game Fee. None required at this time. No action taken.
9. **Committee reports:**
 - A) **Station 811 report.** Committee meeting to be held next week at site. Board would like public meeting on station 811 project after county planning meeting.
 - B) **Vehicle Committee.** Rich went to grant writing meeting. Will do more grant research for possible vehicle or equipment grants.
11. **Board Directors' reports.** None at this time
12. **Next Meeting.** March 25, 2009 at 7:30pm, Station 810.
11. **Adjournment.** 9:35 pm

Minutes approved by unanimous vote of the board of directors at April 8, 2009 rescheduled business meeting.