



Nevada County Consolidated Fire District

"Excellence in Emergency Service"

11329 McCourtney Road, Grass Valley, CA 95949

(530) 273-3158 FAX (530) 273-1780

nccfire@nccfire.com

www.nccfire.com

BOARD OF DIRECTORS MINUTES SEPTEMBER 29, 2011

Special Meeting held in the Conference Room,
Station 84, 10135 Coyote Street, Nevada City, CA

NCCFD DIRECTORS:

Present: Bass (Treasurer), Grueneberg, Hanson (Chairman), Hitchcock, Knox (Vice Chairman), Rhodes

Absent: Leonard

STAFF:

Present: Chief Fike, Board Sec. Bennett, B.C Newby, B. C. Ray, DFM McMahan, Fin. Mgr. Henthorn HR Admin. LaBarbera

Absent: OSS Long, Curtis (District Counsel)

SPECIAL MEETING: 7:00 p.m.

STANDING ORDERS:

Chairman Hanson called the meeting to order at 7:00 p.m., at Station 84, 10135 Coyote Street, Nevada City, which was the time and place scheduled for the Special Meeting. After the Pledge of Allegiance, Chairman Hanson welcomed everyone in the audience, which included representatives and members of the Local 3800 Union and some of their spouses as well as one member of the public. Asking for and finding no additions or deletions to the agenda, Chairman Hanson moved the meeting on to the Consent Calendar.

CONSENT CALENDAR

1. Acceptance of Minutes – 08/18/11
2. Fund Balances and Check History Reports
3. Treasurer's Report
4. Fire Prevention Bureau Report

Seeing no requests for changes to the Consent Calendar, Director Grueneberg moved to accept the Consent Calendar as presented. Director Bass seconded. **MOTION** unanimously carried.

*PUBLIC COMMENT ON MATTERS NOT ON AGENDA

Local 3800 Union President, Wyatt Howell, distributed [copies of a letter](#) from the Local 3800 Union to the Board and audience. Mr. Howell explained the reason for the letter was due to frustration with this year's concession negotiations despite efforts of following the process in good faith. He noted that the July 8th meeting with the Personnel Committee had gone well. However, he stated that nothing had transpired since that meeting, which the Union felt was a violation of the process, as outlined in the attached letter, and that he was there to watch out for the rights of the Local 3800 members. Therefore, Mr. Howell asked on behalf of the Local 3800 members that the Board not pass the Final Budget until the Union met and conferred as required. He finished by saying the

***PUBLIC COMMENT (cont.)**

impact on the families of the Union Members from the draft Final Budget would be huge and he wanted the Board to understand what the families were going through.

Next NCCFD Captain Jerry Funk addressed the Board stating that the Local 3800 Union had made a concerted effort not to alienate the Board throughout negotiations. He stated that they thought that the Union members would be part of the Final Budget Process. However, he said that they were blindsided by the changes made since the Preliminary Budget. Therefore, the Union would like to meet and confer before the Final Budget was passed.

Captain Jim Turner spoke next stating that the Union has many good ideas and therefore they were asking for an opportunity to let their ideas be heard.

Engineer Pat Sullivan stated that he was unclear about the Fiscal Emergency and wanted to know where the District was regarding pursuing an assessment.

Chairman Hanson replied that their comments would be addressed during the Final Budget agenda item.

COMMITTEE REPORTS

Standing Committees

Finance – Mark Bass, Chair

Operations – Dave Hanson, Chair

Personnel – Bob Rhodes, Chair

Public Relations – Warren Knox, Chair

Ad Hoc Committees

Board Policy and Procedures – Ralph Hitchcock, Chair

Director Bass reported that the Finance Committee had met with Staff regarding the Final Budget and therefore would save his report for that item.

Director Hitchcock reported that he had met with the Board Secretary, they had begun to make progress, and that a staff report of their progress was distributed at the beginning of the meeting. ([see attached](#)).

There were no other committee items to report.

OLD BUSINESS

- 5. *DISCUSSION CONCERNING FOR ~~REQUESTING BIDS FOR~~ A PROPOSED NEW ENGINEERED FIRE SUPPRESSION SPECIAL BENEFIT ASSESSMENT OR A SPECIAL TAX TO PROVIDE FUNDING FOR THE DISTRICT TO MAINTAIN ITS LEVEL OF SERVICE.**

(Note: Chief Fike noted the error in the Agenda Item's description, as highlighted above.)

Chief Fike reported that the Finance Committee, he, and staff had met with representatives from SCI Consulting Group regarding funding avenues available to the District. He stated that SCI urged the District to pursue a Special Tax rather than an Assessment. SCI provided possible

PROPOSED NEW ENGINEERED FIRE SUPPRESSION SPECIAL BENEFIT ASSESSMENT (cont.)

dates to mail out ballots that included a general overview of the process. The ballot would be mailed to all registered voters within the District.

Chief Fike reported that a Special Benefit Assessment would be kept open as an option, but depended on a court ruling change. In response to a question by Director Rhodes, Chief Fike replied that the background work would be similar for either process.

Director Hitchcock stated that he thought it would be a waste of taxpayer's money, \$59,000, since a Special Tax required a two-thirds approval rating, which is very difficult to obtain and it gives opponents an unfair advantage, in his opinion. Chief Fike replied that Penn Valley FPD was able to pass their Special Tax. Chairman Hanson commented that PVFPD is a little different as they offer a paramedic program and the demographic is different.

Director Knox explained that the court case was made by the circuit court that covers the District's area and that, unless that court case is overturned, the District's only option is to go for a Special Tax. He finished by saying that pursuing a Special Benefit Assessment would go against current law.

Chief Fike stated that the District would face certain layoffs if it gives up on a Special Tax. Chairman Hanson asked how many would be laid off. Chief Fike replied that it depended on the amount of the shortfall. He noted that the proposed Final Budget is still short by \$50,000. Chief Fike stated that every individual in the District has given up something to try to lower the deficit.

Chairman Hanson asked questions about the contract with SCI regarding lack of an arbitration clause and a confidentiality statement. He noted that the Scope of Work had no timeline included and suggested that it should have a minimum of five years. He suggested adding an addendum.

Discussion then turned to proposing a county-wide "public safety" sales tax, the short term solution to a long term problem, and more concerns about losing a two-thirds vote especially with the economy and since the state imposed the new fee by CAL FIRE. Chief Fike noted that we needed to pass something by June in order to get through until December 2012. Going for a sales tax would take too long.

Director Rhodes expressed concerns of returning to the consultants to renegotiate the agreement and stated that the numbers could change. Director Hitchcock expressed concern about how long a county-wide public safety sales tax would take. Chief Fike noted that it would still take a two-thirds vote to pass a sales tax.

More discussion ensued regarding what elements created the deficit, and continued questions regarding a county-wide sales tax. Director Knox asked, as a Board, what do they want the District to look like in five years and what the long term goals were? Chief Fike noted that we had a plan of 3-0 staffing on all the engines for the last assessment, which passed and that the long range plan is the same. Chairman Hanson wanted to make sure everyone in the room understood what the plan is and what needs to be done to do the plan.

After further discussion, Director Bass stated that he was done with this item because all of it had been discussed before; the Board had already decided to go this direction; and the agreement with the consultants had already been signed. He agreed that the District could back out of the agreement, but he stated that everyone knows what would happen if the Board does not move forward. This item is old business and only a discussion item and that it was time to move onto new business, which was the Final Budget.

PROPOSED NEW ENGINEERED FIRE SUPPRESSION SPECIAL BENEFIT ASSESSMENT (cont.)

Director Grueneberg recommended adding a side letter to the agreement with SCI including a mediation clause and confidentiality statement. Chairman Hanson asked staff to do so with the direction of the Board.

NEW BUSINESS

6. PUBLIC HEARING REGARDING THE FISCAL YEAR 2011/2012 FINAL BUDGET WITH DISCUSSION AND POSSIBLE ACTION CONCERNING:

- **RESOLUTION R11-12, A RESOLUTION ESTABLISHING THE FINAL BUDGET FOR FISCAL YEAR 2011/2012 FOR THE NEVADA COUNTY CONSOLIDATED FIRE DISTRICT; AND**
- **RESOLUTION R11-13, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2011/2012.**

Director Bass stated that the Chief had mentioned a \$50,000 hole. He wanted to point out other looming holes in the Budget. Referring everyone to page 1 of the Budget, he reminded everyone that the Fire Season did not turn out as anticipated. Therefore, the \$50,000 budgeted for Fire Reimbursement would probably not materialize, creating a bigger possible deficit.

Next, Director Bass pointed to \$20,000 budgeted based on the possibility of selling a surplus water-tender. Replying to Director Bass request for an update on this potential sale, B. C. Newby stated that the sales person was in the process of negotiating a sale and seemed confident that it would be sold before the end of the year. Director Bass conceded that this might not increase the deficit.

Another variable revenue source, Director Bass pointed out, was in the Cost Recovery account where \$16,000 was estimated. He thought Chief Fike had told him that the CHP was making it difficult to gather the insurance information and that this revenue might disappear. Chief Fike replied that he didn't think it would disappear, but it might be reduced.

Referring to page 2 of the Budget under Permanent Salaries, 2nd item, Battalion Chiefs, Director Bass asked if he was right in assuming that B. C. Newby was planning to retire and that the District would bring him back as a retired annuitant. Chief Newby replied that he had not made that decision yet. Chief Fike confirmed that the concept of that possibility was added to the Budget. Director Bass asked if that number would increase if Chief Newby doesn't retire. Staff confirmed that it would. Director Bass concluded that this too would add more to the deficit.

Director Bass turned the discussion to the proposed Health Benefit Plan Provider changes, wanting to understand potential impacts on the Budget. HR Administrator LaBarbera explained that she was still negotiating through the consultants with Health Net and Blue Shield. Either plan would cause out-of-pocket expenses to increase for some employees, depending on several variables, including age of the employee, number of dependants, and individual plans selected. As far as the impact on the budget, she reported that, there would be an increase of savings of \$4,000 in premiums with Health Net.

FINAL BUDGET (cont.)

Director Bass continued paging through the Budget asking questions about the impact caused by cuts to various accounts, including PPEs and EMS supplies. Chief Fike replied that he confirmed with those responsible for collateral duties that these cuts would not impact firefighter safety. Director Bass asked about savings indicated in the Workers Comp account on page 4. HR Administrator LaBarbera replied that the savings were due to the proposed concessions on Holiday Pay.

Director Rhodes asked for confirmation that there would still a \$50,000 deficit after the points made in the discussion above. Director Bass stated that, although a few people had recently gone on strike teams, the fire season would probably end in the next week, at which time the District would have a better actual number in the Fire Reimbursement account. However, he didn't anticipate it to be anywhere near \$50,000. Chief Newby thought it would be about \$20,000. Based on that, Director Bass surmised the deficit would be at least \$80,000. He summed up that the District was getting to the point where there would be no more money available.

Director Hitchcock asked about the reduction in the Maintenance of structures and if it meant deferred maintenance. Chief Fike confirmed that there would be no paint, nor blacktop for potholes, etc. Director Hitchcock also asked about the decrease in Training. Chief Fike confirmed that it reflected cuts to all outside training except mandatory re-certifications.

Next Director Hitchcock asked about the cost of the SCI contract. Chief Fike replied that part of the \$59,550 cost would be divided over two fiscal years. Therefore only \$30,000 cost is included in the current budget. However, another part of the equation, Chief Fike explained, depended on whether an assessment or a tax is pursued. If an assessment is pursued and is successful, then part of the consultants' cost would be covered by it, as well as their annual maintenance cost. However, if a tax is pursued there is no need for the consultants to continue to maintain the tax.

Director Hitchcock asked about the \$10,000 cut to the Paid Call Firefighter (PCF) account, wondering if the reason for this cut is because the District had lost volunteers. Chief Fike replied to the negative, stating that the PCFs, in the past, the District had an open-door policy for a Second (or third or forth)-Person Ride-Along, where PCFs could go to a station 2 days a month to do a shift with one of the crews. The intent of the program was to keep their skills up, do some training, and go to some calls. Chief Fike continued by reporting that the PCFs had agreed to defer the program up for one-year. They continue to do the projects where expenses are reimbursable, i.e. providing EMT coverage at the Fairgrounds during annual, large events, when the requestor agrees to cover the costs of the coverage.

Director Hitchcock finished by stating that, going through the Budget, one can see where the District is being hurt by the cuts and that it will hurt Operations. Chief Fike agreed and added that the cuts are being made in all areas.

Requesting for, but receiving no more questions from the Board, Chairman Hanson opened the Public Hearing for public comment.

FINAL BUDGET (cont.)

Captain Jerry Funk commented that, going through the whole process, he understood that everyone was in this together. He wanted to assure the Board that the employees were not at the meeting standing with their hands out, and, as stated in their letter that night, they need to be part of the process and want the outcome to be successful for everyone. He continued by saying that the District needed to do this cumulatively but that it had not been done that way up until now. He noted that Director Bass had talked about the shortfalls possibly being larger than they appear in the Final Budget and that he thought there were many options available that had not been explored yet. He finished by saying that the good ideas aren't any good until they are allowed as a group to be bring them to the table.

Captain Sullivan, referring to his question at the beginning of the meeting about the Fiscal Emergency, as it appeared that the District was nearing the financial edge, he questioned whether everything had been looked at, meaning everything that could possibly be sold in order to maintain staffing.

Chairman Hanson replied, in fact, that the Board had done that and, as an example had recently refinanced Station 84, to lower the costs and to push out the term of the financing. Chairman Hanson agreed that the District had other assets like land, but could not be sold due to the current market. He added that a surplus water-tender was being sold off and that all of that had been looked at already.

Captain Sullivan replied that, perhaps \$50,000 could not be gotten for the land, but given the direness of the situation, waiting for a better market would not mean anything if firefighters are out of a job in the meantime. He summed up by saying that if the Fiscal Emergency is this bad, than selling assets like that now should be put into the equation to prevent firefighter layoffs. He felt that the public needed to be informed of stations with old apparatus sitting in it that should be sold off.

B. C. Newby commented that selling government-owned land was not like selling privately-owned real estate. The District is required by state law to offer real estate to other government agencies for 120 or so days before it can be put up for sale to the public. After that, rezoning and other issues delay the public sale. He assured the audience that Chief Fike and he had discussed the sale of District-owned properties many times during the last few months but they were hindered by the cumbersome process required.

Captain Sullivan responded that, even so, the District needed to make sure it had squeezed everything out of the budget before ever considering layoffs. Chairman Hanson replied that he understood that all of the line items had been squeezed by everyone individual employee already.

Director Rhodes interjected that he had sat in on the concession meetings, where he was very impressed with what was put forward, and that he saw those items included in the budget. He stated that he had the assumption that the firefighters at those meetings were representing the other firefighters but that, frankly, he was surprised to arrive at the Board meeting to find, not the large turnout, but the expression of the inconsistency that is apparent to somebody between what the budget represents and what was discussed at the meetings. He stated that he was even more surprised that firefighters in this audience did not know what was discussed by the group of firefighters who were at those meetings.

FINAL BUDGET (cont.)

Local 3800 President Howell asked for and was given the floor to reply to Director Rhodes's comments. He stated that he was a little offended because he said that the firefighters, at those meetings, had made it very clear that what they were offering was a proposal. He continued by saying that they did not have the right to negotiate and give up all of those things on behalf of the firefighters, especially not knowing, first, how much money they had to come up with and, secondly, what the terms would be. He reiterated that they do not negotiate MOUs without knowing the language and the terms. The representatives have to take the proposal back to their group to allow them to vote on it. The reason behind the letter was, because they lacked an opportunity to bring a proposal with the terms back to their group, they needed to inform the Board that their group was not allowed the opportunity to meet and confer. He thought they had been very clear that what they were doing was only beginning the process, showing their willingness to start the process.

Director Rhodes apologized for the misunderstanding, as he had made the assumption that things had continued to progress from those meetings. However, sometime ago the Board made the decision that the chief would be responsible as the executive and would work with people and it had only been in the prior week or so he heard that there were some issues. Director Rhodes acknowledged receiving an email from President Howell. But with the letter that night, it appeared to him that the Union did not want to talk with the chief now but wanted to talk with the Board. He had no problem with it, but it was a change from what he thought they had agreed to do. He assumed that, after the concession meetings, discussions had continued, and agreement had been made since those concessions were reflected in the budget. Thus the email and the letter were both a surprise to him. And there was a tension in the room that he did not expect at all.

President Howell explained the tension was caused by the hit on their pocketbooks and whether or not they were going to be able to pay their bills. He continued, however, that in June, he had met with the chief and Chairman Hanson to suggest making a change in negotiators. He thought that it might be better to negotiate with the Board instead of the chief. The reason for this proposed change was because he was concerned about affect on day-to-day interactions with the chief and firefighters, especially since difficult decisions would be needed and he wanted to avoid the possibility of things being taken personally. He thought everyone had been informed of that change, but conceded that it appeared that Director Rhodes was not aware of the change in negotiators. However, he also knew that Chairman Hanson had appointed Director Grueneberg to the Personnel Committee at that time.

Director Grueneberg replied that there should have been some follow-up, and some memorializing of what had taken place at that meeting including what was authorized and approved by the Board. Then Wyatt could have taken that back to his group and gotten final approval from them. Director Grueneberg summed up by saying that it appeared that a few steps were missing which explained where the confusion started.

Director Rhodes recalled that the list of items from those meetings was presented to the Board in subsequent meetings. Director Grueneberg replied that, although that was true, there should have been some formalization of the meet-and-confer process, which was part of the missing steps that created this confusion; Wyatt needed something to take back to his membership for them to discuss and vote on.

FINAL BUDGET (cont.)

Chief Fike interjected that, on the other hand, one of his hesitations in making negotiations final before the Final Budget was approved by the Board, was that, if the Board was not happy with the current proposed cuts, then their only choice would be not to approve the Budget; then the negotiators would have to go back to personnel to ask for more money.

Captain Funk asked to speak to add some clarification to the discussion. He pointed to a document that he said was a four page document that they had shared at the first meeting. He read one of the bullet points as an example which said that “the group had agreed to negotiate foregoing merit increases for an estimated savings of approximately \$20,000”. This showed that nothing had been handed over at that meeting; it only stated that they were willing to negotiate. There had been no more meetings with the Personnel Committee, he stated, which left the three representatives without anything to return to their union members with to discuss and respond to.

Chairman Hanson agreed that it was a good example, but explained that the chief also had made a good example. He continued that the Board had to squeeze everything they could out of the Budget and decide whether or not to take \$50,000 out of reserve funds after which they might still have to return to the union to request even more concessions. Chief Fike added that the Budget could be amended at any time.

Director Bass reminded everyone that, if the Board doesn't use the concessions, then the deficit grows from \$50,000 to \$200,000. Captain Funk replied that no one was saying that they couldn't use the current concessions, what they were saying was they had not yet met to make that decision. Director Bass agreed that steps had been missed in the process. But, he continued, at some point the Board would have to pull at least 8½% of Permanent Salaries, because personnel costs was the area that needed to be reduced.

Director Knox reported that he first saw the Final Budget, three days before the meeting, in his Meeting packet. He stated that this was the first time he had seen that the District would be \$50,000 short and was therefore probably almost in the same position as the personnel. He said that tonight they, as the Board, needed to decide whether or not they thought this Budget represented what they thought needed to be done to address the District's financial problems, and, at the same time agree that they still needed to complete negotiations. The Board's obligations are fiduciary ones and they have to decide if this is the best that they can do; then they can hand the Budget to the union and complete negotiations.

Union President Howell asked if there was a legal obligation for the Board to pass the Budget at the meeting that night. Director Grueneberg confirmed that it had to be adopted by October 1. Mr. Howell asked what happened if it wasn't passed. Director Grueneberg replied that then the Board would be in violation of the law. However, he continued by saying that the Budget can be passed while negotiations are still in progress and then amend the budget accordingly. Director Grueneberg agreed that there still needed to be a description included that negotiations were ongoing. After further questions about the process, Director Grueneberg concurred that, if those concessions are not correct, then there will be a major deficit in the budget, and other action would have to be taken after the beginning of the year.

Finance Manager, Helen Henthorn, added that the legal requirements of the state do not match up with the actual time that the county forwards the actual revenue numbers to the District. She explained that, the District must pass a final budget before Oct. 1, but the county doesn't forward

FINAL BUDGET (cont.)

actual revenue numbers to the District until as late as the end of November. Added to that, she continued, sometime larger bills come in after the adoption of the Final Budget and making the expense numbers in the Budget no more solid than the revenue numbers. She summed up by saying that the Budget is just a plan and that the District has had to make amendments to the Budget in the last two years. She stated that the county executive's office has been very reluctant to give projected tax revenue numbers; therefore the Final Budget has to remain a flexible document where the numbers are not cast in concrete. Chairman Hanson noted that after the final budget had been passed in the prior year, the county's actual tax revenues came in 7% below projected revenue.

Director Hitchcock asked for everyone's opinion about adding a clause, to the motion adopting the Final Budget, saying that negotiations would continue. After more discussion about how to interpret the Labor Code, as outlined in their letter, Union President Howell stated that each side should take whatever action they deemed necessary to meet their own sides' needs.

More discussion followed, reviewing again other cuts that might be made in order to plan for growing deficits. Layoffs were discussed as being the last resort. Captain Funk stated that the Budget should not be balanced on the backs of the firefighters and layoffs and/or more cuts should include administrative staff. Chief Fike stated that, should layoffs be necessary, all job positions would be examined. Chairman Hanson concurred that firefighters weren't the only ones taking cuts in the proposed budget and the same would be true should layoffs have to be considered. Captain Jim Turner asked if it would be feasible to remove the union's concessions from the Budget before passing it. Director Knox replied that the Board had a responsibility to reduce costs and that the Budget would be voted upon either with the current concessions or by replacing the concessions with layoffs. Captain Turner asked if the line items could remain even though they had not been negotiated. Director Rhodes replied that they could not pass a Budget with a \$200,000 deficit.

Other questions and discussion included whether or not there would be a gap in insurance when the current plan ended at the end of November, to which the HR Administrator replied that there would not. In answer to a question by Director Grueneberg about what salary decrease there were, Chief Fike noted that there were no cuts to base salary. However, he added, the areas that would affect all personnel's income were the reduction to overtime pay and the freezing of step-increases and holiday pay. The hope for future budgets would be that the workers compensation premiums would be reduced in three years if new, large on-the-job claims did not increase.

After the Board concurred that meet-and-confer meetings would continue despite the passing of the Final Budget as presented, Director Rhodes moved to adopt Resolution R11-12, A Resolution Establishing the Final Budget for Fiscal Year 2011/2012 for the Nevada County Consolidated Fire District, with Operations Fund 722 in the amount of \$4,593,361; Fund 733 in the amount of \$348,990; and with Fund 758 in the amount of \$319,031; and authorizing, should it be necessary, a fund transfer an amount not to exceed \$52,309 from Reserves Fund 758 (Contingency) to Operations Fund 722 prior to the end of FY 2011/2012; adding to this motion confirmation that the Personnel Committee would continue Meet-and-Confer Meetings with representatives from the Local 3800 Professional Firefighters Union and other bargaining units and would amend the Final Budget in the future should it be necessary after negotiations were completed. Director Bass seconded. **MOTION** carried after a roll call vote with all six directors present voting for the motion and with one director (Leonard) absent.

FINAL BUDGET (cont.)

Director Grueneberg made a correction in the wording of Resolution R11-12, saying that it was the Health and Safety Code Section 7910, not of the Government Code, that required the setting of than appropriations limit. Board Secretary Bennett agreed to make the correction.

Next Director Rhodes moved to adopt Resolution R11-13, Establishing the Appropriations Limit for Fiscal Year 2011/2012 in the amount of \$3,081,452. Director Hitchcock seconded. **MOTION** carried after a roll call vote with all six directors present voting for the motion and with one director (Leonard) absent.

After further discussion with apologies all around for the miscommunication and discussion about how the negotiation process would continue, Chief Fike thanked Finance Manager Henthorn for her extra work on the Budget due to the moving target of the numbers. Chief Fike also thanked all District personnel for concessions being made, was sorry if any of the miscommunication was his fault, stating that it seemed to be a questions of the cart before the horse or the other way around.

7. DISCUSSION AND POSSIBLE ACTION CONCERNING RESOLUTION R11-14, APPROVING A MEMORANDUM OF UNDERSTANDING REGARDING ACCESS EASEMENT FOR A PROPOSED CHP FACILITY ON A PARCEL ADJACENT TO A DISTRICT-OWNED PARCEL AND DESIGNATING AN AGENT TO SIGN THE DOCUMENTS ON BEHALF OF THE DISTRICT.

Chief Fike explained that the local office of the CHP was in the process of leasing the parcel next to Station 91 and were considering sharing the District's driveway (aka Gene's Road) to use for ingress to their personnel's parking lot. He explained where the public parking entrance would off of Old Auburn Road and another entrance on McCourtney Road. The attached MOU explained the details and how the District would benefit with repaving and widening of its driveway, and making it safer for our ingress/egress. He then answered detailed questions about the project from the Board.

When discussion finished, Director Knox moved to adopt Resolution R11-14, Approving a Memorandum of Understanding Regarding Access Easement for a Proposed CHP Facility on a Parcel Adjacent to a District-owned Parcel and Designating an Agent to Sign the Documents on Behalf of the District. Director Grueneberg seconded. **MOTION** carried after a roll call vote with five directors voting for the motion, one director (Bass) abstaining, and one director (Leonard) absent.

CHIEF'S MONTHLY REPORT

The chief read and reviewed his written report, which is made part of the minutes package

***BOARD DISCUSSION**

Chairman Hanson commented that he wanted to be actively involved with the funding campaign, whether it is for a tax or an assessment.

ADJOURNMENT

There were no closed sessions or further Board discussion. The next Regular Board Meeting was confirmed for Thursday, October 20, 2011, to be held at 7:00 p.m. at 10135 Coyote Street, Nevada City. The meeting adjourned at 9:15 p.m.

Attest:

Approved by:

Signature on file _____

Darlene E. Bennett
District & Board Secretary

Signature on file _____

David S. Hanson
Chairman of the Board



Nevada County Professional Firefighters · Local 3800

P.O. Box 2012 · Grass Valley, California 95945

September 29, 2011

Mr. David Hansen, Chair
Board of Directors
Nevada County Consolidated Fire District

Mr. Hansen:

On September 26, 2011, I made a request in writing to the Fire Chief and the Personnel Committee of Nevada County Consolidated Fire District requesting to meet and confer on wages, hours, and conditions of our employment pertaining to the District's 2011/12 budget. This action came after numerous verbal requests to sit down and discuss the language and terms of the 2011 MOU. To this date, I have received no response. This lack of action by the District violates Section 3509 of the Meyers-Milias-Brown Act (MMB) and as such, constitutes an unfair labor practice.

As the President of the Local 3800 and the representative for the NCCFD Professional Firefighters, I am submitting in writing a request that our bargaining unit have the opportunity to meet and confer in good faith over 2011 concessions. On multiple occasions during the past three months, our bargaining unit has observed the MMB being violated and have observed our right to meet and confer totally disregarded by the District.

The Local 3800 hereby requests that the Board of Directors, Nevada County Consolidated Fire District take immediate action to afford us the right to meet and confer in good faith. We also ask that the Board defer passage of the final budget until our bargaining unit has the opportunity to meet and confer to avoid violating the MMB, California Labor Code Section 3505. Section 3505 states, "Meet and confer in good faith means that a public agency, or such representatives as it may designate, and representatives of recognized employee organizations, shall have the mutual obligation to personally meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation prior to the adoption by the public agency of its final budget for the ensuing years. The process should include adequate time for the resolution of impasses where specific procedures for such resolution are contained in local rule, regulation, or ordinance, or when such procedures are utilized by mutual consent."

Affiliated with International Association of Fire Fighters · California Professional Firefighters · AFL-CIO · California Labor Federation





Nevada County Professional Firefighters · Local 3800

P.O. Box 2012 · Grass Valley, California 95945

The California Government Code Sections 3500-3510 also defines specifically in Section 3509, an unfair labor practice to mean, "A complaint alleging any violation of any of the rules and regulations adopted by a public agency to Section 3507 or 3507.5 shall be processed as an unfair practice charge by the board". In addition, the NCCFD Personnel Code policy (1.15.3) states, "The Board shall, prior to adoption of any amendments that affect the terms and conditions of employment of District employees, meet and confer with all designated representatives of recognized bargaining units, in conformance with the Meyers-Milias-Brown Act".

Thank you for your time and attention to this urgent matter. I will await your response.

Respectfully,

Wyatt Howell, President
Nevada County Professional Firefighters
IAFF Local 3800

cc: Richard A. Reed
Reed and Associates



[Attachment #2](#)

Notes from Policy & Procedures Committee
September 27, 2011 Meeting
By Ralph Hitchcock, Chair

Committee members, Ralph Hitchcock, Chair and Darlene Bennett, Board Secretary, met on September 27, 2011.

We discussed a plan of action to complete the Board Policy and Procedures Manual.

We reviewed District Counsel Jim Curtis' comments and analysis of revisions returned to the committee in May 2010 and what draft policies pertaining only to the Board had already been reviewed and approved by the Board.

We determined that we should follow District Counsels' recommendations regarding the Bylaws. We will make revisions in the Bylaws where needed.

We decided that it wasn't enough to list the date the Bylaws were amended on the front cover only, as has been done in the past. Instead, we will update the Bylaws, indicating within the document, at the end of the last sentence in the changed section, the date when the change was approved by the Board. (i.e. "The principal business office of the District shall be located at 136 Tammy Way, Grass Valley California 95949, unless otherwise changed by the Board. The principal address of the District is now located at 11329 McCourtney Road, Grass Valley, CA 95949. (09/26/2011).")

We will create an appendix that outlines the history of individuals that have filled each "Seat" on the Board with the purpose of helping current and future Board members to understand which "Seat" they occupy and, therefore, how their terms are determined. This will require updating at least every two years after the General Elections, and more often should there be appointments to fill vacancies in between General Elections.

After the Bylaws are completed, the Committee will then focus on the "Procedures" and completing the organization of the Board Policies and Procedures Manual.