



Nevada County Consolidated Fire District

"Excellence in Emergency Service"

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BOARD OF DIRECTORS MINUTES NOVEMBER 17, 2011

Regular 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, DFM McMahan, Fin. Mgr. Henthorn, B.C. Newby, HR LaBarbera, OSS Long

Absent: B. C. Ray, Curtis (District Counsel)

REGULAR 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 Regular Meeting. After the Pledge of Allegiance, Chairman Hanson welcomed everyone in the audience, which included members of the public as well as representatives and members of the Local 3800 Union. 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 – 09/29/11, 10/20/11, 10/31/11, & 11/08/11
2. Fund Balances and Check History Reports
3. Treasurer's Report
4. Fire Prevention Bureau Report

Director Hitchcock asked to pull Item 1 from the Consent Calendar. Director Rhodes moved to accept Items 2 through 4 of the Consent Calendar as presented. Director Grueneberg seconded. **MOTION** unanimously carried.

Director Hitchcock, pointing to page 1-13 under the Finance Committee Report, noted that Director Bass had reported a drop in projected tax revenue projections for NCCFD from the county of \$13,400. He continued by pointing out that the revenues were down due to the increase in reassessed properties. Director Hitchcock also noted that the county was receiving between 200 and 300 requests a month and have 1,400 revaluations currently outstanding. Director Hitchcock asked Director Bass if there was someone at the county the District could speak with to find out how much the District is going to lose during the year.

CONSENT CALENDAR (cont.)

Chairman Hanson replied that he had spoken with the Assessor, both the outgoing and the incoming ones, and asked them to give the District better warning and information, explaining to them the inconsistency of the information provided regarding the tax revenue projections over recent years. Director Hitchcock replied that they should be able to predict the impact on us given the known number of requests and the number of those they can process each month. He suggested someone should follow up with them regularly to get these numbers.

Chief Fike replied that they would have to determine which ones were in our district. Discussion ensued about how to follow up with the county to start getting more accurate projections. Director Bass noted that the projections had not been accurate for the last eight years, noting that four years before they were under by \$100,000. Director Bass felt that the \$13,400 decrease in revenue for this fiscal year was probably accurate.

Director Hitchcock asked if it had any chance of getting bigger. Director Hitchcock confirmed with Director Bass that these projection changes were an annual occurrence. Director Bass replied that the projections were usually provided in June each year.

Chief Fike stated that the \$13,400 was only reported to the District after the Final Budget, which already included the lower annual revenue projections for this fiscal year. Chairman Hanson stated that historically the county predicted a 3% drop in revenues but that it had changed to 8% in June for this fiscal year.

When discussion ended, Director Hitchcock moved to accept Consent Calendar Item 1 as presented. Director Grueneberg seconded. **MOTION** unanimously carried.

*PUBLIC COMMENT ON MATTERS NOT ON AGENDA

None

COMMITTEE REPORTS

STANDING COMMITTEES

FINANCE: Bass (Chair), Grueneberg, Knox
OPERATIONS: Hanson (Chair), Grueneberg
PERSONNEL: Rhodes (Chair), Grueneberg, Hitchcock
PUBLIC RELATIONS: Knox (Chair), Hanson

AD HOC COMMITTEES

BOARD POLICY AND PROCEDURES: Hitchcock (Chair), Leonard

LOCAL AGENCY ASSIGNMENTS

NEVADA COUNTY FIRE AGENCY (JPA): Leonard (Rep.), Bass (Alt.)

FINANCE:

Director Bass reported that the Finance Committee had met twice in the last month. The first meeting generated questions that needed to be answered. The second meeting there were several voters who asked questions regarding the proposed Special Tax measure, which were highlighted in the Minutes (see 10/31/11 and 10/31/11 Minutes included in the Consent Calendar). The Committee voted to send the Proposed Special Tax Measure to the NCCFD Board to vote on the measure.

PERSONNEL

Director Rhodes reported that there had been a number of “meet and confer” meetings with the various bargaining units of the NCCFD personnel. He reported that the next meeting was scheduled in the next week, with the actual date yet to be determined.

COMMITTEE REPORTS (cont.)

PUBLIC RELATIONS:

Director Knox reported the Director Hanson and he had met to discuss what information packages would be needed for the Special Tax Campaign. He stated that they would talk more about it as the program moved forward. Director Hanson stated that they had also discussed the need to get the message out to the District's constituents about the current financial state of the District; something they realized had not been done as the fiscal crisis was developing. He continued noting that it was going to take the whole team to work together to get the message to the community about what the District's alternatives would be, without having to make drastic changes in District Operations. They will continue to look for input for everyone including members of the community.

NEVADA COUNTY FIRE AGENCY (JPA):

Director Bass, reporting on behalf of Director Leonard, asked Chief Fike if he had received an email from the JPA recently. Chief Fike asked if it was the one about the CAL FIRE Dispatch cost increase. The chief replied that he had read it but was unclear as to what they were trying to do. Director Bass stated that he was at their last meeting and that CAL FIRE wanted to amend the wording of the Dispatch agreement.

After an explanation to the public about what the purpose of the JPA was, discussion ensued regarding what would happen should any single agency in the JPA not be able to pay their portion of the Dispatch bill and what wording CAL FIRE wanted to add to cover such an event. Director Bass said that he thought there was no increase in cost, just a change in wording and that they want to hold the JPA liable. Chief Fike confirmed that they do want to hold the JPA liable, but said that he had a call into CAL FIRE to confirm whether or not there was also a costs increase.

Director Grueneberg asked what the cost per call was. Chief Fike replied it was around \$45. Director Grueneberg asked to confirm that cost per call would increase should one member of the agency was unable to pay their costs. Chief Fike, noting that the District currently pays the highest portion of the dispatch bill since we have the most calls, confirmed that costs would increase proportionally in such a scenario. He finished by saying the change was being driven at the state level due to other JPA's that had members go bankrupt in the recent past.

The other Committee Chairs had nothing new to report.

OLD BUSINESS

None

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION CONCERNING RESOLUTION R11-16, RESOLUTION TO ENACT THE NEVADA COUNTY CONSOLIDATED FIRE DISTRICT SPECIAL TAX ON ALL TAXABLE REAL PROPERTY FOR THE PURPOSE OF PROVIDING FIRE PROTECTION AND EMERGENCY MEDICAL RESPONSE SERVICES, INCLUDING FIRE PREVENTION AND SUPPRESSION, RESCUE AND OTHER SERVICES; TO APPROVE AN INCREASE IN THE DISTRICT'S SPENDING LIMIT; AND TO CALL AN ELECTION THEREON.

Chairman Hanson reviewed the rules on Public Comment and explained how the Board would hold discussion with Staff on the item first, after which the Public would be allowed their opportunity to speak and ask questions about the current agenda item.

Chief Fike then distributed an updated copy of his staff report (see copy attached to these minutes) and summarized the staff report orally. The Staff Report outlined the causes of the District's current fiscal crisis and recommendations to the Board for a Special Tax to remedy the situation.

RESOLUTION TO ENACT THE NCCFD SPECIAL TAX (cont.)

Director Knox also distributed his Personal Statement from his perspective from being on the committee that forwarded Resolution R11-16 to the Board of Directors. He asked the Board Secretary to include his statement as part of the minutes. His statement read:

“As part of the committee that has forwarded Resolution, R-11-16 to the full Board of Directors of the Nevada County Consolidated Fire District (NCCFD), I fully support this proposal. However, it is important that I make clear my personal assessment of this measure, and enter it into the public record.

“This Board has had several discussions about the long term vision of a quality emergency services organization that would better meet broad National standards here in Nevada County. Several years ago, we were beginning to address such a vision, but although we have an excellent team of fire fighters and other staff, that quality program cannot be achieved with just the existing current, reduced staff alone; additional resources would be needed. The proposed tax increase will not fully repair the damage caused by the employees we have lost over the past three years by attrition.

“The Resolution does not represent a gold-plated Fire Department, but rather one that can barely exist as is, without regard to classically experienced Inflation. Possible Increases in required NCCFD increase to pension funds in the next four to five years will ensure the continued pressure on staffing levels and District wide service delivery. Finally, the inability to raise staffing levels means that we will likely have to continue expensive and unhealthy use of overtime to manage employee training time, sick time and vacation time.

“I will vote for this resolution, not because it is the right thing to do, but because it is the only thing to do. If we are to preserve anything resembling a viable Fire Service for our District this is only the minimum that we can ask our constituents to provide. Passing this tax initiate is absolutely necessary. If it does not pass, we will not have the resources to adequately serve and protect our District. Change prompted by concerns of business man.”

After Director Knox completed his statement, Chairman Hanson opened the meeting to the public.

Three members of the Public addressed the Board with their questions and concerns: Julie Ramey, Ric Cameron, and Jeff Heilmann.

Mrs. Ramey asked questions about fire agency operations, including why firefighters respond to medical aids.

Mr. Ric Cameron had sent an email to the fire chief with his concerns outlined. He also read them at the Board Meeting. The following is a copy:

“I have several concerns regarding proposed resolution R011-16 (special tax) draft copy--

“It’s my understanding this tax is required because property values are down and therefore the current tax revenues are also down

“Section 1 states that this tax will be in effect until repealed by the board or the voters---

“We all know that is very unlikely to occur and this tax will be there forever---I believe that you would be more likely to get support if there was a sunset date, 2-3 years out, (when the property values may rise) & this tax would automatically expire. Then, if it was still required, bring it back to the voters at that time---this way you could promote it as a “temporary” tax

“Section 2 states that a “special” “mail in” election will be held March 6, 2012---

RESOLUTION TO ENACT THE NCCFD SPECIAL TAX (cont.)

“First, if money is the issue, why hold this election at all. We’ll have a general primary election in June of 2012---it seems there would a better turn out and the costs to hold the election wouldn’t be nearly as high, if any---if it passes, it shouldn’t be difficult to get the new assessment on the 2012-2013 tax bill, as it wouldn’t be due for 5- 6 months

“I really don’t like the “mail-in” format. When I’m being asked to approve / reject funding for a critical service, having everyone (the fire district) know how I voted, in this or any election, isn’t my idea of an unbiased / un-coerced / secret ballot. I would hope it would not affect services to the folks who voted no, but a cloud of uncertainty exists---if you “roll” this vote into the general primary election, this perception disappears---

“Section 2 paragraph 2 appears to have no public participation in the counting / verification of the results. If this is correct, I think that transparency is important & should be addressed by adding some public, non-“District” people into the process

“Section 3 appears to be a “blank” check for the district to increase spending to match revenues if this passes & doesn’t discuss a “reserve” account. Why is this? Wouldn’t a reserve account be prudent?

“The 6th “where-as” on page one & the 3rd to last line in section 2 state that this election will be held “as nearly as is practicable in conformity with...” specific election code sections. Why aren’t you holding this election in “TOTAL CONFORMITY“ to the code sections?

“Thank you for this opportunity to express my thoughts on this topic. Hopefully these ideas and concerns can be incorporated into the final resolution, as I believe they will have a positive impact in helping this ballot measure pass”

Again, Chief Fike and the Board responded to Mr. Cameron’s concerns by giving background information that explained why they had decided to address the District’s fiscal problems this way, including legal restrictions, historical facts, and limited avenues available to special districts to provide funding for this vital service.

Mr. Jeff Heilmann, a business owner within the District but not a resident of the District, was very concerned about not being able to vote on a special tax that affected his business costs. After reviewing his experience with NCCFD’s past assessments when he was able to vote as a property owner, he wondered why there was no discount for Sprinklered buildings as there was in the prior assessment.

This prompted a discussion by the Board suggesting adding a discounted rate to the proposed tax for Sprinklered buildings. After estimating the reduction in revenue by adding a Sprinklered rate, Director Grueneberg moved to reduce the proposed Commercial rate in half for Sprinklered properties with Sprinklered buildings, making that rate \$.02 per square foot. Director Rhodes seconded. **MOTION** carried with all voting yes except Director Bass who abstained due to a possible conflict of interest.

Also, discussed to address concerns about the voting process, was having a CPA firm oversee the voting by the League of Women Voters. Director Grueneberg so moved. Director Rhodes seconded. **MOTION** carried with 4 yes and 2 no votes.

Chairman Hanson proposed a break while the Board Secretary and consultants made changes to the Resolution and Tax Measure that were suggested by the Board during the meeting and due to the prior two motions.

RESOLUTION TO ENACT THE NCCFD SPECIAL TAX (cont.)

After the break and incorporating the input from the public, staff, and Board Members, Chairman Hanson announced that the following changes had been made to the proposed resolution:

A. Inserted the following paragraph on page 1 of the resolution, between paragraphs 3 and 4:

“**WHEREAS**, the Board has also determined that the interests of the voters are best served by a transparently impartial tabulation of the returned verified ballots, the signatures on the returned ballots shall be verified by the Elections Office of the County of Nevada and tabulated by the Nevada County League of Women Voters. The tabulation process shall be overseen by an independent CPA firm retained specifically for that purpose; and”

B. Changed the “Text of the Ballot Measure” on page 5 of the document:

“To maintain prompt local fire protection and emergency medical response services within Nevada County Consolidated Fire District, to maintain current fire station staffing, and to prevent the immediate layoff of personnel so that firefighters are available to respond to all emergencies; do you support an annual special tax, with all revenue staying in our community, for local fire protection and emergency medical response services?”

C. Adding similar language, changed the second paragraph on page 6, entitled “Full Text of Special Tax Measure Nevada County Consolidated Fire District Parcel Tax for Fire Suppression, Protection and Emergency Medical Response Services”:

“In order to maintain prompt local fire protection and emergency medical response services within Nevada County Consolidated Fire District, to maintain current fire station staffing, and to prevent the immediate layoff of personnel so that firefighters are available to respond to all emergencies, to keep property insurance rates manageable, and to adequately train and equip firefighters, the District proposes to levy a special tax on each taxable parcel of land within the District at the following annual rates:”

D. Added to the rate table also on page 6:

Sprinklered Commercial, Industrial, Office, Recreational Property	\$0.02 per square foot of building area
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Chairman Hanson asked for further questions or comments from both the public and the Board. Seeing none, he asked for action from the Board. Director Knox moved to waive the reading of the entire resolution and measure and to adopt Resolution R11-16, Resolution to Enact the Nevada County Consolidated Fire District Special Tax on all Taxable Real Property for the Purpose of Providing Fire Protection and Emergency Medical Response Services, including Fire Prevention and Suppression, Rescue and Other Services; to Approve an Increase in the District’s Spending Limit; and to Call an Election Thereon. Director Hitchcock seconded. After a roll call vote, **MOTION** unanimously carried.

CHIEF’S MONTHLY REPORT

The Chief thanked everyone for working on the proposed Special Tax and thanked the Board for passing the Resolution.

He reported that much of his time in the last month had been working on continuing labor negotiations.

CHIEF'S MONTHLY REPORT (cont.)

Chief Fike also reported on his Firescope Meeting which he sponsored at Station 84 after only a week's notice. He stated that there were 10 attendees and they had a good meeting. He also reported that the FOG had been delayed one more season. He said he also got agency reports from around the state and nationally and described some of the major cutbacks in funding at every level.

***BOARD DISCUSSION**

Director Knox stated that, for the next Board meeting, he would be building FAQs for the website regarding the Special Tax.

The Board went into Closed Session at 9:12 p.m.

CLOSED SESSION

Pursuant to Government Code Section 54957.6:

Conference with Labor Negotiators

NCCFD Negotiators:

Directors Grueneberg, Hitchcock and Rhodes, Personnel Committee Members

Employee Organizations and Unrepresented Employees :

- Local Firefighters Union 3800 representing the Non-Management Safety Employees
- Non-Management Administrative Employees Bargaining Unit
- Safety Management Employees Bargaining Unit
- Management Administrative Employee

REPORT OUT OF CLOSED SESSION AND ADJOURNMENT

The Board met in Closed Session pursuant to Government Code Section 54954.6 to meet with Personnel Committee Members, Directors Grueneberg, Hitchcock, and Rhodes, the designated NCCFD negotiators, regarding Labor Negotiations with all employee bargaining units. Chairman Hanson reported out of closed session that the Board received an update regarding negotiations from the Personnel Committee and that negotiations would continue with a meet and confer meeting the following week at a time to be determined.

There were no closed sessions or further Board discussion. The next Regular Board Meeting was confirmed for Thursday, December 15, 2011, to be held at 7:00 p.m. at 10135 Coyote Street, Nevada City. The meeting adjourned at 9:43 p.m.

Attest:

Approved by:

Signature on File

Darlene E. Bennett
District & Board Secretary

Signature on File

David S. Hanson
Chairman of the Board