



# ***SHASTA LAKE FIRE PROTECTION DISTRICT***

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## **Board of Directors Meeting February 9, 2009**

**Members Present:** Stephen Morgan, Chairman  
Jack Ferguson, Vice-Chairman  
Ted Chase, Director  
Daniel Emry, Director  
Lori Chapman-Sifers, Director

**Staff Present:** Adrian Rogers, Fire Chief  
Sharyn Toso, Administrative Assistant

**1.0 CALL TO ORDER:** The meeting was called to order by Chairman Morgan at 7:01 pm.

**2.0 PUBLIC COMMENT PERIOD:**

Former District board member Gary Nicholls of 14009 Lake Blvd., Shasta Lake, CA distributed and read a printed statement (printed below) from him addressing the board on the Districts Benefit Assessment Fee and the legal implication he feels it's facing. Mr. Nicholls also submitted the following case study for the boards review:

- In the Supreme Court of California – Apartment Association of Los Angeles County, Inc., et al., Plaintiffs and Appellants, v. City of Los Angeles, Defendant and Respondent. L.A. County Super. Ct. # BC195216 & Dissenting Opinion by Brown, J.

Mr. Nicholls statement as read:  
February 9, 2009

Ladies and gentlemen of the Board, I am going to read my initial remarks to you tonight So there will be no quibbling in the future about what I said.

I am providing to the Board, a copy of a recent California Supreme Court Decision dated July 14, 2008.

In this decision, the Court effectively cancelled a voter approved Special Assessment 7 years after enactment.

The result is about 28 million dollars will now have to be returned to the affected property owners. This is potentially devastating to the local government agency that approved the Special assessment.

The Court cited the failure of this Special Assessment to adequately comply with the provisions of Proposition 218 for their decision.

All lower Courts must now apply the principals contained in this decision to future litigation.

For the record, this case is:

Silicon Valley Taxpayers Association VS Santa Clara County Open Space Authority.

When you and your legal council review the decision, you will note appropriate application to the Special Assessment you approved in July 2008

I found this particular item noteworthy. I will quote it here:

“An assessment calculation that works backward by starting with an amount taxpayers are likely to pay, and then determines an annual spending budget based thereon, does not comply with the law governing assessments, either before or after Proposition 218”

Very sobering indeed.

So, it would appear that now would be a good time to have the District commission a legal review of the Special Assessment for replacement of Apparatus and Equipment.

Do it before you expend funds that will have to be returned to the property owners.

Save the District the humiliation and cost of having the local Superior Court overturn the Special Assessment.

And develop some contingency for acquiring needed funds, such as a voter approved tax or fee.

I am not bringing this to your attention to say “I told you so”.

You have an illegal assessment here, and that is not my opinion. It is a fact.

And if the District does not take action to correct the problem, The financial implications alone could seriously impair public safety in the community.

And stop directing your anger toward me. I did not create the problem you are facing. I did not create the laws you must follow. Nor am I the court that enforces them.

As you recall, I tried to help you avoid this nightmare before you approved the measures.

And as always, if I may be of some assistance to the Board or your Legal council, contact me.

**3.0 APPROVAL OF AGENDA:** No changes made to the agenda.

**4.0 CONSENT CALENDAR:**

4.1 The minutes of the 1/12/09 board meeting were presented for approval, accepted as presented.

4.2 The January warrants for \$27,571.06 were presented for approval, accepted as presented.

A motion was made by Jack Ferguson to approve 4.1 and 4.2 as presented, seconded by Lori Chapman-Sifers, passed unanimously.

**5.0 COMMUNICATIONS:**

5.1 The Chairman of the Board had no comments.

5.2 The board reviewed the 2008-2009 Statement of Economic Interest Form (Form 700). There was no further comment.

5.3 The board reviewed the article “District Keeps Autonomy, Seeks Funds”. There was no further comment.

- 5.4 The board reviewed the flyer from the City of Shasta Lake regarding the State of the City luncheon March 18, 2009. Chairman Morgan, Director Chapman-Sifers and Chief Rogers confirmed their attendance, Director Emry will check his schedule to see if he can attend and Director's Ferguson and Chase will not attend.
- 5.5 The board reviewed the article "Fire Safety and the Future". There was no further comment.
- 5.6 The board reviewed and discussed the newsletter from Merrill Lynch, Total Merrill & You. Vice Chair Ferguson was very concerned with the announcement of Merrill Lynch and the Bank of America merging and how the merger may impact the District's retirement fund. Director Chase stated that he spoke to Mr. Chad Wolcott from Merrill Lynch regarding the District's Post Retirement Fund and Mr. Wolcott stated that the merger has nothing to do with the retirement fund and that the fund is FDIC insured as well.

**6.0 SPOKESPERSON FOR THE DEPARTMENT**

- 6.1 The Fire Chief's report for January 2009 was given to the board for review. Chief Rogers stated that the fence project at Station 2 has been delayed due to the repairs on the apparatus that staff has been working on.
- 6.2 The Fire Marshal's report for January 2009 was given to the board for review. BC Dahlen stated that he did make contact with the Shasta County Older Adult Policy Council regarding forming an alliance with the group, but only one person has responded to him with an invite to attend another council meeting in Butte County. The board further discussed different possibilities for assisting seniors with fire clearance.
- 6.3 The Training Officer's report for January 2009 was given to the board for review. BC Beck further discussed equipment repairs and the All-Risk program. One of the biggest issues the Forest Service has with the All-Risk program is the portal to portal reimbursement, so until the Forest Service reaches an agreement, no other All-Risk members will be added to the program for this summer.
- 6.4 The paid staff meeting minutes for January 2009 was given to the board for review, accepted as presented.
- 6.5 The Shasta Lake Firefighter's Association minutes for February 2009 was presented to the board for review, accepted as presented.

A motion was made by Jack Ferguson to accept 6.1 – 6.5 all district reports as presented, seconded by Daniel Emry, passed unanimously.

**7.0 OLD BUSINESS:** None

**8.0 ACTION ITEMS:**

- 8.1 The board discussed appointing Mr. Dennis Hargrave as the District's primary legal council and Mr. David Huscher as secondary both from Laughlin, Falbo, Levy and Moresi LLP. Director Chapman-Sifers had some concerns regarding conflicts of interest because Mr. Hargrave sits on the board for another district. The board agreed to have the Chairman of the Board meet with both Mr. Hargrave and Mr. Huscher to further discuss

Mr. Hargrave's experience and if he is the right person to represent the District. -  
TABLED.

- 8.2 The board reviewed and discussed the Engineers job announcement. Chief Rogers stated that the current engineers list has expired and the District needs to create a new eligibility list. A motion was made by Daniel Emry to accept the Engineers job announcement as presented, seconded by Jack Ferguson, passed unanimously.
- 8.3 Chairman Morgan stated that approving the testing of the station sirens monthly should be removed from the agenda because under Policy & Procedure's 100, 101 and 104 pages one and two indicates that the Fire Chief can perform tasks that he feels is necessary to complete his mission. The testing of the sirens falls within policy and the duties of the Fire Chief. Chairman Morgan also suggested that an announcement be placed in the local paper alerting the citizens of the testing. No action was taken and item was removed from the agenda.
- 8.4 The board reviewed Policy & Procedure 203 Board Meeting Conduct revising paragraph seven, second sentence change Policy 902 to Policy 530 and Policy 903 to Policy 111. A motion was made by Jack Ferguson to approve Policy & Procedure 203 as revised, seconded by Daniel Emry, passed unanimously.
- 8.5 The board reviewed Resolution 09-04 Budget Transfer – Out of District Response. Accepted as presented. A motion was made by Lori Chapman-Sifers to approve Resolution 09-04 as presented, seconded by Jack Ferguson, passed unanimously.
- 8.6 The board discussed and reviewed the letters of interest from Mr. Don Spurgeon & Mrs. Brandy Smutz. The board agreed to table the letters of interest until more letters have been received. TABLED
- 8.7 The board reviewed Resolution 09-05 Budget Transfer of \$3,200 from 792553 Contribution Shasta Regional Community Foundation to 065000 Fixed Assets. A motion was made by Jack Ferguson to approve Resolution 09-05 as presented, seconded by Lori Chapman-Sifers, passed unanimously.
- 8.8 The board reviewed and discussed the Professional Service Agreement between Parker Engineering and the District. The Board has concern whether the District has the funds to pay for the engineers report at this time. The board requested Chief Rogers to contact Shasta County Assessor's Office to see where the District stands with their revenue and if Parker Engineering will extend the agreement until next budget year. TABLED
- 8.9 The board discussed reimbursement for required training for the All-Risk team members. BC Beck stated that the members are required to attend an annual refresher meeting which is a two day class in Reno and a day of travel. Chief Rogers stated that funds from the admin fee monies collected from the All-Risk member's time on incidents can be applied towards the training reimbursement. A motion was made Jack Ferguson to approve the reimbursement of the All-Risk team members for the required training with a maximum of \$700, seconded by Daniel Emry, passed unanimously.
- 8.10 The board discussed the possibility of allowing alcoholic beverages at the 2009 Employee Awards banquet. The board agreed that only soft liquor, beer and wine, will be allowed. A motion was made by Ted Chase to allow beer and wine only at the 2009 Employee Awards Banquet, seconded by Jack Ferguson, passed unanimously.

8.11 The board reviewed and discussed the Shasta LAFCO Municipal Services Review (MSR). Accepted as presented. A motion was made by Jack Ferguson to accept the Municipal Services Review as presented, seconded by Ted Chase, passed unanimously.

**9.0 NEW BUSINESS:**

9.1 The board reviewed the letter from SCI Consulting regarding the Benefit Assessment Fee 2009-2010 Levy Timeline. The board was satisfied with the timeline, no further discussion.

**Closed Session**

Chairman Morgan announced that the board will be entering into closed session at 8:14 pm to discuss the Fire Chief’s contract pursuant to Government Code 54957 and potential real estate acquisition pursuant to Government Code Section 54956.8.

Open session reconvened at 8:49 pm. Chairman Morgan reported that the draft copy of the Fire Chief’s contract needs to be reviewed by the Planning & Finance committee, the District’s legal council and the Union Negotiations committee. The board also discussed real estate acquisition.

**10.0 DIRECTORS COMMENTS:**

Vice Chairman Ferguson requested that a copy of Mr. Gary Nicholls correspondence be forwarded to the District’s legal council and to Mrs. Susan Barnes from SCI Consulting.

Director Chase presented the District with a reimbursement check for the damages that he caused to the paid staff’s stove during the Veterans Day breakfast for a total of \$379.26.

**11.0 ADJOURNMENT**

A motion for adjournment was made by Stephan Morgan, seconded by Jack Ferguson, passed unanimously. Chairman Morgan brought the meeting to a close at 8:52 pm.

Submitted by:

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Sharyn Toso, District Secretary

\_\_\_\_\_  
Date

Approved by:

\_\_\_\_\_  
Stephen Morgan, Chairman

\_\_\_\_\_  
Date