

**CHINO VALLEY INDEPENDENT FIRE DISTRICT**  
*Regular Meeting of the Board of Directors*

**MINUTES**  
*January 14, 2009*

**ROLL CALL**

Board Members Present: Marquez, DeMonaco, Espinosa, Gray and Revane.

Board Members Absent: None.

**OPEN SESSION**

President Marquez called the Open Session to order.

**ADJOURN TO CLOSED SESSION**

President Marquez read the Closed Session items and adjourned to Closed Session.

**CONFERENCE WITH LABOR NEGOTIATORS.** Government Code Section 54957.6, the Board of Directors will meet with the designated Fire District negotiators, President Ray Marquez and Director Ed Gray regarding compensation provisions for Management positions (Deputy Chief, Battalion Chief, Clerk of the Board/Administrative Manager, Finance Manager, and Human Resources Manager).

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.** Government Code Section 54956.9(a): Existing Workers' Compensation claim, Phil Armentrout v. Chino Valley Independent Fire District. EAMS Case No: ADJ 2931617.

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.** Government Code Section 54956.9(a): One Existing Workers' Compensation claim. Phil Armentrout v. Chino Valley Independent Fire District. EAMS Case No: ADJ 2931617.

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.** Government Code Section 54956.9(a): Five existing matters.

- Loring Winn Williams v. Chino Valley Independent Fire District (four Workers' Compensation claims). EAMS Case Nos: ADJ 2840850; AD J786866; ADJ 578906; ADJ 1049807.
- Loring Winn Williams v. Chino Valley Independent Fire District (one 132(a) claim).

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.** Government Code Section 54956.9(a): One existing case. Winn Williams v. Chino Valley Independent Fire District. San Bernardino Superior Court Case No. CIVRS 801732.

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.** Government Code Section 54956.9(a): Carl Ludwig v. Chino Valley Independent Fire District.

**RE-OPEN TO OPEN SESSION**

President Marquez reconvened the meeting to Open Session.

President Marquez reported that there was nothing to report from Closed Session.

**INVOCATION**

Chaplain Rob DePartee.

**FLAG SALUTE**

Clerk of the Board Heney.

**CHANGES TO THE AGENDA**

None.

**PRESENTATIONS/ANNOUNCEMENTS**

None.

**PUBLIC COMMUNICATIONS**

None.

**LIAISON REPORTS TO THE FIRE DISTRICT ( County 4<sup>th</sup> District, City of Chino, City of Chino Hills, Fire Foundation, Fire Safe Council, School District)**

Bill Kruger, Chino Hills Mayor Pro Tem, provided an overview of items discussed at the January 13, 2009, City Council meeting. He also reported that City Manager Doug LaBelle will be retiring in February 2009, and that Lieutenant Smith will be replacing Lieutenant Gonzales at the Chino Hills Sheriff's Department.

Roman Nava, County 4<sup>th</sup> District, reported that Supervisor Gary Ovitt has been appointed as Chair and Josie Gonzales, 5th District County Supervisor, has been appointed Vice Chair. Roman Nava also presented a video prepared by the Hidden Trails Elementary School thanking the firefighters for saving their school during the November fires. He stated that the DVD was provided to him by Grace Hagman.

**CONSENT CALENDAR**

1. Minutes

December 10, 2008 – Regular Board Meeting.

2. Monthly District Report

Month of November 2008.

3. Monthly Financial Report

Month of December 2008.

4. Monthly Treasurer's Report

Month of November 2008.

5. Warrants

Expenses as audited, are within budget for warrants #15103 through # 15304.

6. Board Meeting/Travel

FDAC Annual Conference, San Diego  
April 16-18, 2009

Fire Rescue Med, Las Vegas  
May 4-6, 2009

RECOMMENDATION: Approve Consent Calendar items #1 through #6 as presented.

**Moved by Director Revane, seconded by Vice President DeMonaco, carried by a 5-0 voice vote, that the Board of Directors approve the Consent Calendar Items #1 through #6 as presented.**

**AYES: BOARD MEMBERS: Marquez, DeMonaco, Espinosa, Gray and Revane**

**NOES: BOARD MEMBERS: None**

**ABSTAIN: BOARD MEMBERS: None**

**ABSENT: BOARD MEMBERS: None**

**BOARD COMMITTEE REPORTS**

Director Revane reported that she attended a Human Resources Committee meeting. She reported that Director Espinosa substituted for her at a Finance Committee meeting held on January 8, 2009.

Director Gray reported that he attended the Chino Council meetings.

Director Espinosa reported that he attended a Finance Committee meeting, on behalf of Director Revane, and also attended the Chino Hills Council meetings.

Vice President DeMonaco reported that Sylvia Orozco is now the President of the School Board and School District Board Member Bill Klein will be the liaison to the Chino Valley Fire District.

President Marquez reported that he attended a CSDA Legislative Committee meeting in Sacramento and reported on pending legislation and current State budget concerns. He also reported that CSDA is anticipating and discussing the possibility of Proposition 1A being addressed again.

President Marquez reported that John Mura, from City of Chino Hills, was present at a Fire Safe Council meeting and provided the Carbon Canyon residents with an overview of the upcoming water improvements in the canyon to include improved water flow.

**OLD BUSINESS**

7. REVIEW OF 2008 FIRE DISTRICT GOALS, ACTIVITIES AND ACCOMPLISHMENTS. Purpose is to update the Board of Directors on the status of the 2008 Fire District Goals, activities and accomplishments.

Fire Chief Benson provided a PowerPoint presentation highlighting the 2008 Fire District Goals and accomplishments and other staff activities and projects. He highlighted the tremendous amount of work that staff accomplished in 2008.

RECOMMENDATION: It is recommended that the Board of Directors review the 2008 Fire District Goals, activities and accomplishments and receive and file.

**NEW BUSINESS**

8. 2009 COMMUNITY LIAISONS AND STANDING COMMITTEE MEMBER ASSIGNMENTS. Purpose is to appoint community liaisons for the San Bernardino County, City of Chino, City of Chino Hills, CVPAC, Fire Safe Council, and Chino Valley School District; and to appoint the Standing Committee Members for the 2009 Fire District's Finance, Planning, Human Resources, and EMS Committees.

President Marquez opened the discussion for community liaisons and standing committee member assignments for 2009, and appointed representatives as follows:

EMS Committee	-	President Marquez Director Espinosa
Finance Committee	-	Vice President DeMonaco Director Espinosa
Human Resources Committee	-	Director Gray President Marquez
Planning Committee	-	Director Gray Director Revane

CVPAC	-	Director Gray Director Revane
City of Chino	-	Director Espinosa
City of Chino Hills	-	Vice President DeMonaco
Chino Valley Unified School District	-	Director Revane
Fire Safe Council	-	President Marquez
County Board of Supervisors	-	Vice President DeMonaco

RECOMMENDATION: It is recommended that the President appoint community liaisons for the San Bernardino County, City of Chino, City of Chino Hills, CVPAC, Fire Safe Council, and Chino Valley School District; and to appoint the Standing Committee Members for the 2009 Fire District's Finance, Planning, Human Resources, and EMS Committees.

9. 2008-2009 MID-YEAR BUDGET AMENDMENTS. Purpose is to review and recommend approval by the Board of Directors of the proposed mid-year amendments to the 2008-2009 Budget.

Finance Manager Heide reported that the Board of Directors annually review and amend the annual budget at mid-year to reflect budget variances occurring during the first half of the fiscal year and to make necessary adjustments to address changes proposed in the budget for the remainder of the fiscal year.

Finance Manager Heide reported that the recommended budget amendments are reflected in Attachments A through D: Fund Balance, Budget Summary, Revenue History and Expenditure History, respectively. He also reported that for comparison purposes, both the current 2008-2009 budget (designated as "Final Budget") and proposed budget revisions (reflected in the "Final Budget, As Amended at Mid-Year") are included in the Budget Summary, Revenue History and Expenditure History reports.

Finance Manager Heide reported that the total proposed mid-year budget adjustments are summarized as follows:

Revenue increase (decrease)	\$	(87,944)
Expenditure increase (decrease)		<u>(1,454,866)*</u>
Net increase (decrease) in expenditure	\$	(1,366,922)

\*\$49,450 of this amount has been previously approved from undesignated fund balance by the Board.

Finance Manager Heide provided an overview of the proposed mid-year budget revisions in detail as follows:

**Revenue - \$(87,944)**

- ❖ ***Contract: City of Chino*** – \$(42,944). This revenue account is associated with the District's contract with the City of Chino. The contract amount has been updated for the 2008-2009 changes in assessed value on property within Chino.
- ❖ ***Interest Revenue*** – \$(175,000). Decrease to reflect projected returns on investable funds over the balance of fiscal year.
- ❖ ***Mutual Aid Recoveries*** – \$130,000. Increase to reflect projected reimbursements for the remainder of the fiscal year for rendering of mutual aid.

**Expense - \$(1,454,866)**

**Budget Requests - \$65,962**

- ❖ ***Freedom Trainer Weight Machines (4)*** – \$12,650. Weight machines approved by Wellness Committee. One of these types of units is currently in service at Sta. 3. Costs may be recovered through Cal-JAC Fund.
- ❖ ***Gas Atmospheric Monitor (4)*** – \$19,800. Monitors will allow for better detection of toxic gasses in post fire atmosphere. Will enhance firefighter safety and allow for sooner occupancy of structures by the public.
- ❖ ***Electric Powered Ventilation Fans (5)*** – \$13,700. Use of electrical fans will significantly reduce carbon monoxide (CO) production in overhaul phase of structure fires. Will reduce CO exposure to firefighters and residents, and allows for earlier re-occupation of structures.
- ❖ ***LED Battery Powered Scene Lights (10)*** - \$7,150. Will replace gasoline powered lights currently in use, thereby reducing CO production in structures during overhaul phase of fires.
- ❖ ***Funds for Maintenance of Firefighting Saws, Blowers and Generators, and Hurst Tools*** - \$7,500. Repair and replacement funds.
- ❖ ***Adobe Software*** - \$5,162. Purchase of necessary desktop software.

**Previously Approved Budget Items - \$49,450**

- ❖ *Compensation Adjustments for SBPEA members, confidential and part-time staff - \$49,450.*

**Budget Adjustments - \$(1,570,278)**

- ❖ *Water Tender Replacement - \$(334,598).* Purchase price was less than original approved budget, in combination with receipt of unbudgeted insurance proceeds.
- ❖ *Deferral of Fire Engine Expenditure until 2009/2010 - \$(1,235,680).* Although Board approved this fiscal year and funds have been placed on deposit with vendor to secure order, for budgetary purposes, funds will not be deemed expended until units are received in District, which will be in 2009/2010.

RECOMMENDATION: It is recommended that the Board of Directors review and approve the proposed mid-year amendments to the 2008-2009 Budget.

**Moved by Director Gray, seconded by Director Revane, carried by a 5-0 voice vote, that the Board of Directors approve the proposed mid-year amendments to the 2008-2009 Budget.**

**AYES: BOARD MEMBERS: Marquez, DeMonaco, Espinosa, Gray and Revane**  
**NOES: BOARD MEMBERS: None**  
**ABSTAIN: BOARD MEMBERS: None**  
**ABSENT: BOARD MEMBERS: None**

10. **RENEWAL OF COMPUTER PURCHASE PROGRAM.** Purpose is to review and approve the proposed renewal and modification of the District's Computer Purchase Program for staff and Board Members.

Finance Manager Heide reported that in January of 2004, a computer purchase program was offered by the District to staff and Board Members in an effort to promote computer literacy. He also reported that the two-year loan program was renewed twice since then, most recently in December, 2007, and that renewal and modification of the program is proposed at this time. He stated that in the past, the window of opportunity for eligible purchases under the program was limited to a specific period of time, typically about 60 days after announcement of the program, and that anyone wishing to participate in the program after the closure of the purchasing window would have to wait until the renewal of the program at some future date, to be determined. Finance Manager Heide stated that the current proposal would allow the purchasing window to remain open continuously, subject to certain terms and conditions, as outlined below.

Finance Manager Heide reported that the program will be open to all full-time non-probationary employees and Board Members, as well as to part-time staff with at least one year of service with the District. He also reported that participants in the program will be provided

the opportunity to purchase computers and peripherals, funded through District payroll deductions. Finance Manager Heide reported that the District will provide an interest free loan for the subject purchase to each participant for a period not to exceed 52 pay periods (26 monthly pay periods for board members). He added that repayments will be made via payroll deductions in the amount of \$50 (\$100 for board members) per pay period until the loan is repaid. The maximum amount of the purchase, including tax and shipping, if applicable, will be \$2,600. Participants may have no more than one loan outstanding at any given time.

Finance Manager Heide stated that in the event that a participant separates from the District during the loan repayment period, the terms of the agreement call for the loan balance to be deducted from the participant's final paycheck. He added that the Computer Purchase Program will commence January 15, 2009.

Director Revane commented that this program has increased our employee's computer literacy, which in turn benefits the District.

RECOMMENDATION: It is recommended that the Board of Directors review and approve the Computer Purchase Program.

**Moved by Director Revane, seconded by Vice President DeMonaco, carried by a 5-0 voice vote, that the Board of Directors approve the Computer Purchase Program.**

**AYES: BOARD MEMBERS: Marquez, DeMonaco, Espinosa, Gray and Revane**  
**NOES: BOARD MEMBERS: None**  
**ABSTAIN: BOARD MEMBERS: None**  
**ABSENT: BOARD MEMBERS: None**

11. DISPOSITION OF SURPLUS PROPERTY. Purpose is to review the proposed disposition of the Fire District's surplus property.

Finance Manager Heide reported that District personnel have conducted a property survey and collected those items that are deemed to be obsolete, worn out, or otherwise considered surplus and of no functional use to the District. These items have been gathered and are currently being stored at either Fire Station 61, the Training Center or at the District's old administrative offices.

Finance Manager Heide reported that in accordance with District policy for sale of surplus property, bids will be solicited for items designated for sale, which will then be sold to the highest bidder. Any items not receiving a bid will be disposed of as directed by the Fire Chief.

Finance Manager Heide reported that included in the surplus property inventory are one fire engine, two automobiles, old office computers, as well as office equipment and furnishings from the old administrative offices. He stated that after the District's recent move to the new administrative headquarters, all usable equipment and furnishings from the old administrative offices which could be used by station personnel were transferred out to fire stations. Finance Manager Heide provided a complete listing of the surplus property to each Board Member.

Finance Manager Heide reported that if approved by the Board, the District's designated surplus property will be sold at a surplus sale at the District's old administrative offices, with a tentative sale date of Saturday, January 24. He added that the surplus sale will generate an unknown amount of revenue to the District.

Finance Manager Heide reported that in the past, the District has made donations of surplus apparatus to the City of Aguascalientes, Mexico. He also reported that District firefighting personnel have seen the first-hand need for firefighting resources in Aguascalientes through their participation in a Firefighter Exchange Program, and Board Members and the Fire Chief have also visited the City and witnessed District donated apparatus in use by firefighting personnel in Aguascalientes. Finance Manager Heide reported that the Finance Committee recommended that the 1990 Reserve Pierce Fire Engine be donated to Aguascalientes. Alternatively, in the event that the apparatus is not needed in Aguascalientes, then the Finance Committee is recommending that the District donate the apparatus to another fire agency in need.

Vice President DeMonaco made a motion with the modification to stipulate that any computers not sold be donated, and that the donation of the Fire Engine be left to the discretion of the Fire Chief.

RECOMMENDATION: It is recommended that the Board of Directors review and approve the disposition of the Fire District's surplus property as identified on the attached listing. It is further recommended that the District donate the surplus fire engine to Aguascalientes or to another fire agency in need.

**Moved by Vice President DeMonaco, seconded by Director Espinosa, carried by a 5-0 voice vote, that the Board of Directors approve the disposition of the Fire District's surplus property as identified on the attached listing with the stipulation that any computers remaining after the surplus sale be donated to a charitable foundation and the District donate the surplus fire engine to Aguascalientes or to another fire agency in need at the discretion of the Fire Chief.**

**AYES: BOARD MEMBERS: Marquez, DeMonaco, Espinosa, Gray, and Revane**

**NOES: BOARD MEMBERS: None**

**ABSTAIN: BOARD MEMBERS: None**

**ABSENT: BOARD MEMBERS: None**

12. CONTRACT FOR SERVICE WITH CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE). Purpose is to review the contract for service with the California Department of Forestry and Fire Protection (Cal Fire) from July 1, 2008 through June 30, 2009.

Finance Manager Heide reported that since FY 97-98, the Fire District has maintained a contract with Cal Fire for supplemental wildland fire protection of designated Hazardous Fire Areas in Chino Hills, including the Carbon Canyon area. Through this contract, Cal Fire

assumes the primary financial responsibility for preventing and suppressing wildland fires within, or threatening, the contract area.

Finance Manager Heide reported that Contract #3CA000553 between Cal Fire and the District is proposed to cover 12,257 acres at a total cost of \$246,564. He also reported that this expenditure is not anticipated to be made until well into next fiscal year, the budgetary impact of the contract should not be realized until '09-10. The cost for the proposed contract is substantially higher than last year's contract by about \$100,000, for two reasons. First, the proposed contract will cover approximately 2,100 acres more than last year's agreement, and second, the State's cost has risen from \$13.22 per acre (plus an administrative charge) last year, to \$18.18 an acre in the current year, which is an increase of about 38%.

Finance Manager Heide reported that at the request of the City of Chino Hills, the contract includes coverage of wildland in the area of the State Park, not previously covered under contract. He added that the City has agreed to reimburse the District for the contract costs associated with this additional covered acreage of 4,027, at a total cost of \$81,008, bringing the District's net cost to \$165,556.

RECOMMENDATION: It is recommended that the Board of Directors review and approve the 2008-2009 contract with Cal Fire.

**Moved by Director Revane, seconded by Director Gray, carried by a 5-0 voice vote, that the Board of Directors approve the 2008-2009 contract with Cal Fire.**

**AYES: BOARD MEMBERS: Marquez, DeMonaco, Espinosa, Gray and Revane**

**NOES: BOARD MEMBERS: None**

**ABSTAIN: BOARD MEMBERS: None**

**ABSENT: BOARD MEMBERS: None**

13. DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES. Purpose is to review the proposed resolution for Designation of Applicant's Agent Resolution for Non-State Agencies.

Finance Manager Heide reported that the proposed Designation for Applicant's Agent Resolution for Non-State Agencies, designates by title, District staff that are authorized to execute for and in the behalf of the District, applications for federal financial assistance under the Stafford Act of 1988, and/or state financial assistance under the California Disaster Assistance Act. He added that this resolution is required for the District's application for federal financial assistance under the federal Fire Management Assistance Subgrant (FMAG) declaration for the recent Freeway Fire in Chino Hills. He stated that it will also be required for the pending Hazard Mitigation Grant.

RECOMMENDATION: It is recommended that the Board of Directors review, approve and adopt Resolution No. 2009-01 for the Designation of Applicant's Agent Resolution for Non-State Agencies.

**Moved by Director Revane, seconded by Vice President DeMonaco, carried by a 5-0 voice vote, that the Board of Directors approve and adopt Resolution No. 2009-01 for the Designation of Applicant's Agent Resolution for Non-State Agencies.**

**AYES: BOARD MEMBERS: Marquez, DeMonaco, Espinosa, Gray and Revane**

**NOES: BOARD MEMBERS: None**

**ABSTAIN: BOARD MEMBERS: None**

**ABSENT: BOARD MEMBERS: None**

14. CLASSIFICATION STUDY – HUMAN RESOURCES SPECIALIST. Purpose is to review the findings of a classification and compensation study completed on the Administrative Secretary position assigned to Human Resources and recommend reclassification of this position.

Human Resources Manager Nelson reported that the District currently has an Administrative Secretary position assigned to support Human Resources and Risk Management functions. She also reported that this position was added in 2004 as an initial step in the long term staffing projection identified in the 2003 Long Range Personnel Plan, which includes one Office Technician and one Personnel Technician.

Human Resources Manager Nelson reported that in June 2008 it was reported to the Human Resources Committee that a classification and compensation study was being completed on this position. She also reported that this study was initiated for two primary reasons. The first was an incremental change in the types of duties and increasing level of responsibility already assigned to the position, and the second was the need to assign additional higher level duties in keeping with the needs of the District, and the long range personnel plan.

Human Resources Manager Nelson reported that the study was completed at the beginning of July with a recommendation that the higher level duties planned for transition be immediately assigned and maintained for six months. She added that it was further recommended that at the conclusion of the six month period, the District reevaluate the position and make appropriate changes.

Human Resources Manager Nelson reported that in keeping with the recommendations of the study, the additional higher level duties were assigned in June and have been performed since that time. Examples of these duties include:

- Reviewing and screening employment applications for minimum qualifications
- Drafting job advertisements and job announcements
- Tracking and maintaining work-related injury and illness reports including responsibility for OSHA 300 log
- Handling follow-up with third party administrator
- Assisting with insurance renewal process and claims processing

Human Resources Manager Nelson stated that a job description was developed for the Human Resources Specialist and a salary survey with the District's comparable agencies was

completed as part of the study. She added that the salary survey was updated, resulting in a salary range 3% higher than the Administrative Secretary salary range. The additional cost for one year would be \$2,065 and sufficient funds are available in this year's budget to provide for this cost.

Human Resources Manager Nelson reported that the Human Resources Committee reviewed this matter again at the meeting held on January 7, and added that staff is recommending the reclassification of this position at this time.

**RECOMMENDATION:** It is recommended that the Board of Directors approve the reclassification of the Administrative Secretary position assigned to Human Resources to Human Resources Specialist; review and approve the classification specification for the position; and approve the salary range of \$3,896.52 to \$4,735.47.

**Moved by Director Gray, seconded by Vice President DeMonaco, carried by a 5-0 voice vote, that the Board of Directors approve the reclassification of the Administrative Secretary position assigned to Human Resources to Specialist; review and approve the classification specification for the position; and approve the salary range of \$3,896.52 to \$4,735.47.**

**AYES: BOARD MEMBERS: Marquez, DeMonaco, Espinosa, Gray and Revane**

**NOES: BOARD MEMBERS: None**

**ABSTAIN: BOARD MEMBERS: None**

**ABSENT: BOARD MEMBERS: None**

15. RESOLUTION NO. 2009-02, 2009-03, AND 2009-04 PERTAINING TO UNREPRESENTED EMPLOYEE COMPENSATION. Purpose is to present for consideration changes to the terms and conditions of employment for unrepresented employees including management, confidential and part-time.

Human Resources Manager Nelson reported that the District has three categories of employees that are not represented by a collective bargaining agreement. These three categories are: Management; Confidential; and Part-Time. She also reported that the terms and conditions of employment for these employees are not governed by a formally negotiated memorandum of understanding, but are implemented by Board action. She added that this report addresses compensation issues for each of these groups.

Human Resources Manager Nelson reported that on November 12, the Board appointed President Gray and Vice President Marquez to represent the Board in discussions with management representatives regarding potential changes in compensation. She stated that since that time meetings have taken place, and a tentative agreement has been reached to include the following:

- Salary adjustment of 4% in keeping with the represented bargaining groups
- Remaining 1% of CalPERS Employer Paid Member Contribution paid by District for three non-safety management positions in the Miscellaneous Plan

- Amend CalPERS contract to provide for Section 21623.5 - \$5,000 Retired Death Benefit for both Safety and Miscellaneous Plans
- Approve up to \$5,000 per budget year for tuition reimbursement as structured for the represented bargaining groups with an \$800 per term limit.
- Clarify that sick leave conversion be administered in keeping with Chino Valley Professional Firefighters MOU Article 10. Section 2. (F)

Human Resources Manager Nelson reported that the cost to implement these changes for the remainder of this fiscal year is \$45,250. She added that Resolution No. 2009-02 will formalize these changes once adopted.

Human Resources Manager Nelson reported that the District has three confidential employees that have historically been given the same salary and benefit changes negotiated for the San Bernardino Public Employees Association. She also reported that these employees do not have a voice in the salary and benefit changes being requested, nor do they enjoy the other benefits afforded a collective bargaining group member. She added that these three confidential employees are excluded from participation in this group because their official duties include unrestricted access to highly confidential and sensitive information, which is incompatible with association membership.

Human Resources Manager Nelson reported that due to the lack of employee representation, and the additional burdens that go along with having unrestricted access to highly confidential and sensitive information, a separate compensation resolution is being proposed for confidential classifications. She added that the resolution would clarify the extension of compensation elements negotiated for the SBPEA group, and identify distinct elements of compensation applicable to confidential employees.

Human Resources Manager Nelson reported that confidential classifications within the District's comparable agencies are treated in a variety of ways with some agencies grouping confidential employees with management employees, and others providing a salary differential and/or additional benefit. She also reported that given the size and nature of the District, and in light of the restrictions and burdens applicable to confidential classifications, it is suggested that the following be considered: a salary differential of 2.5%; addition of ½ day holiday that can either be taken as compensation or time off; and, increase life insurance coverage by \$100,000.

Human Resources Manager Nelson reported that in addition, an equity adjustment of 5% is being recommended for the position of Payroll and Benefits Coordinator, based on a salary survey that was recently completed. She added that this position was not surveyed with the SBPEA classifications due to the designation of this position as Confidential approximately one year ago and removal from this bargaining group.

Human Resources Manager Nelson reported that the projected cost for the remainder of this fiscal year is \$5,420, and sufficient funds are budgeted for this fiscal year, and that Resolution No. 2009-03 will implement these changes upon adoption.

Human Resources Manager Nelson reported that part-time employees are the final group of unrepresented employees. She added that these classifications have also, historically, been given salary increases at the same time and to the same level as those given to SBPEA. She also reported that additionally, retirement benefits are provided for those working a regular ongoing schedule of 20 hours per week or more that have reached the CalPERS mandatory retirement threshold; however, no other benefits are provided.

Human Resources Manager Nelson reported that the District currently has five employees working on a part-time basis and all of these employees have significant tenure. She stated that on average, they have six years of service, with the minimum years of service being 1 and the maximum being 10.

Human Resources Manager Nelson reported that given the District's dependence upon these part-time positions, and the tenure of the staff, she suggested that consideration be given to adding a sick, holiday and vacation leave benefit. She added that this proposal includes the following parameters: District employment for a minimum of one year; ongoing work schedule of 20 or more hours per week; provision of a partial accrual for sick, vacation and holiday leaves based on SBPEA accrual rates with a 50% benefit to employees working 20 or more hours per week, and a 75% benefit to employees working 30 or more hours per week. Human Resources Manager Nelson reported that staff is recommending that the leave accruals for part-time staff be calculated on a per pay period basis, meaning that eligible part-time employees working more than 40 hours in a two-week pay period will receive the 50% leave benefit accrual for that pay period, while employees working at least 60 hours in a two-week pay period will receive the higher 75% leave benefit accrual for that pay period.

Human Resources Manager Nelson reported that Resolution No. 2009-04 will implement this benefit change and will update the District's ongoing payment of the employer paid member contribution to CalPERS to 8% in keeping with other Miscellaneous Plan members.

**RECOMMENDED:** It is recommended that the Board of Directors review, approve and adopt Resolution Nos. 2009-02, 2009-03, and 2009-04, approving and ratifying the compensation changes for unrepresented employees including management, confidential and part-time; and appropriate \$45,250 from the Unreserved Fund Balance.

**Moved by Director Revane, seconded by Vice President DeMonaco, carried by a 5-0 voice vote, that the Board of Directors approve and adopt Resolution Nos. 2009-02, 2009-03, and 2009-04, approving and ratifying the compensation changes for unrepresented employees including management, confidential and part-time; and appropriate \$45,250 from the Unreserved Fund Balance.**

**AYES: BOARD MEMBERS: Marquez, DeMonaco, Espinosa, Gray and Revane**  
**NOES: BOARD MEMBERS: None**  
**ABSTAIN: BOARD MEMBERS: None**  
**ABSENT: BOARD MEMBERS: None**

16. RESOLUTION NO. 2009-05 RESCINDING AND REPLACING RESOLUTION NOS. 2008-17 AND 2008-18 PERTAINING TO PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO CALPERS. Purpose is to present for approval a Resolution that updates the District's agreed upon payment of employer paid member contributions to CalPERS for specific employee groups.

Human Resources Manager Nelson reported that last month the District adopted a series of Resolutions as required by CalPERS to reflect the percentages of employer paid member contributions paid by the District on behalf of employees based on employee group. She also reported that this update was required for compliance with recent IRS regulations, and as a result of a change in the contribution rate negotiated as part of the SBPEA MOU.

Human Resources Manager Nelson reported that a proposal to change the percentage of employer paid member contributions for part-time employees and for non-safety management employees is included as an action item on the agenda for this meeting. She added that approval of these changes precipitates the need to rescind two of the Resolutions adopted in December and to replace them with one Resolution, and that the two remaining Resolutions adopted in December will remain in effect.

Human Resources Manager Nelson reported that staff has prepared Resolution No. 2009-05 to maintain compliance with CalPERS.

RECOMMENDATION: It is recommended that the Board of Directors review, approve and adopt Resolution No. 2009-05, rescinding and replacing Resolution Nos. 2008-17 and 2008-18, approving and ratifying the percentage of employer paid member contributions paid to CalPERS by the District on behalf of specific employee groups.

**Moved by Director Espinosa, seconded by Vice President DeMonaco, carried by a 5-0 voice vote, that the Board of Directors approve and adopt Resolution No. 2009-05, rescinding and replacing Resolution Nos. 2008-17 and 2008-18, approving and ratifying the percentage of employer paid member contributions paid to CalPERS by the District on behalf of specific employee groups.**

**AYES: BOARD MEMBERS: Marquez, DeMonaco, Espinosa, Gray and Revane**  
**NOES: BOARD MEMBERS: None**  
**ABSTAIN: BOARD MEMBERS: None**  
**ABSENT: BOARD MEMBERS: None**

17. RESOLUTION NO. 2009-06, DETERMINATION ON INDUSTRIAL DISABILITY RETIREMENT APPLICATION OF KYLE SYMMES. Purpose is for the Board of Directors to make a determination pertaining to a disability retirement application.

Human Resources Manager Nelson reported that Kyle Symmes began his employment in the Chino Valley as a Firefighter/Paramedic in 1977 and had been continuously employed with the District until he retired at the rank of Captain in January of 2008.

Human Resources Manager Nelson reported that Captain Symmes retired following an absence due to an injury and filed for an industrial disability retirement through California Public Employees Retirement System (CalPERS). She also reported that the District depends upon the evaluation of Captain Symmes' doctor in order to make a finding as to whether he is disabled and, if so, if the disability is industrial. The doctor has just forwarded the necessary information, and does find that Captain Symmes is incapacitated from performing the duties of a Captain due to an orthopedic medical condition, and that his condition can be attributed to his employment. Human Resources Manager Nelson reported that based on this evaluation, an industrial disability retirement is appropriate.

Human Resources Manager Nelson reported that in order for CalPERS to process Captain Symmes' disability retirement application, the District's Board of Directors must approve Resolution No. 2009-06 which authorizes a finding of industrial disability.

RECOMMENDATION: It is recommended that the Board of Directors review, approve and adopt Resolution No. 2009-06 authorizing an industrial disability retirement for retiree Kyle Symmes.

**Moved by Director Gray, seconded by Director Espinosa, carried by a 5-0 voice vote, that the Board of Directors approve and adopt Resolution No. 2009-06 authorizing an industrial disability retirement for retiree Kyle Symmes.**

**AYES: BOARD MEMBERS: Marquez, DeMonaco, Espinosa, Gray and Revane  
NOES: BOARD MEMBERS: None  
ABSTAIN: BOARD MEMBERS: None  
ABSENT: BOARD MEMBERS: None**

18. FIRE DISTRICTS ASSOCIATION OF CALIFORNIA (FDAC) VACANT BOARD OF DIRECTOR SEATS. Purpose is for the Board of Directors to discuss seeking appointment to the FDAC Board of Directors for an unexpired term in Zone 6.

Fire Chief Benson reported that the Fire District has received notification from FDAC of a Board of Director vacant seat for an unexpired term in Zone 6. He stated that the FDAC Board of Directors is the governing body responsible for all policy decisions effecting FDAC's member services and legislative programs. He added that the individual appointed to the vacant seat will serve an unexpired term through 2010. In addition, FDAC anticipates one or more possible upcoming vacancies for At-Large seats.

Fire Chief Benson reported that the Fire District is a current member of FDAC, and that FDAC's Board of Directors is made up of six regional divisions or zones. He added that each zone has two seats elected by the FDAC membership. Four seats are At-Large. Fire Chief Benson reported that Chino Valley Fire District is included in Region 6.

Fire Chief Benson reported that FDAC bylaws allow the FDAC Board of Directors to appoint members to vacant seats for unexpired terms. He added that any independent fire district, with current membership in FDAC, is eligible to designate one person, such as a board member or fire chief and submit a letter of interest. He also reported that the members appointed by FDAC to fill the vacancies should be available to travel to Sacramento for all Board Meetings, which are held at minimum four times a year. He added that FDAC provides reimbursement to Directors for most related travel expenses as outline in the FDAC Board Policies, and that FDAC would like to fill the vacancies as quickly as possible.

RECOMMENDATION: It is recommended that the Board of Directors review this information and designate a Board Member to submit a letter of interest for appointment to the current Zone 6 vacancy and/or to any upcoming At-Large seat vacancies on the FDAC Board of Directors.

There was a consensus by the Board that the Fire Chief send a letter of interest to FDAC identifying Director James S. Espinosa as a candidate for appointment to the vacant seat in Zone 6.

19. BOARD OF DIRECTOR'S OFFICE FURNITURE AND ACCESSORIES. Purpose is for the Board of Directors to review and approve an expenditure of up to \$15,000 from the undesignated fund balance to purchase furniture and accessories for the Board office in Fire Administration.

Finance Manager Heide reported that an Assistant Chief's office (2<sup>nd</sup> in Command position) was designed into the new Fire Administration building. He added that this position will likely remain unfilled for an indefinite period of time and the Fire Chief is proposing that the office space be used as an office designated for Board of Director work and use. He added that if the Board Members approve, the office will need to be furnished as an executive staff office.

RECOMMENDATION: It is recommended that the Board of Directors review and approve the request for authorization for an expenditure of up to \$15,000 from undesignated fund balance to purchase furniture and accessories for the Board office in Fire Administration.

**Moved by Director Espinosa, seconded by Director Gray, carried by a 5-0 voice vote, that the Board of Directors review and approve the request for authorization for an expenditure of up to \$15,000 from undesignated fund balance to purchase furniture and accessories for the Board office in Fire Administration.**

**AYES: BOARD MEMBERS: Marquez, DeMonaco, Espinosa, Gray and Revane**

**NOES: BOARD MEMBERS: None**

**ABSTAIN: BOARD MEMBERS: None**

**ABSENT: BOARD MEMBERS: None**

20. STATUS OF THE CARBON CANYON HAZARD MITIGATION GRANT. Purpose of this report is to update the Board of Directors on the status of the OES/FEMA Hazard Mitigation Grant for vegetation reduction in Carbon Canyon.

Fire Chief Benson reported that the Hazard Mitigation Grant has been approved for funding by the Federal Emergency Management Agency (FEMA) for a total of \$539,601, with 75% reimbursement by FEMA. He also reported that the vegetation reduction program will take place over a three year period from November 6, 2008 through November 5, 2011, with quarterly reimbursements. He added that a total of 268 acres will be involved, with about 40 acres treated by mastication, and 228 acres by hand cutting.

Fire Chief Benson reported that steps left to complete before starting vegetation reduction include:

1. Provide OES and FEMA with the resolution designating an agent for the Fire District, and submission of the Subgrantee Assurances within 30 days of receipt of their approval of funding, as required by Federal regulation. This date is no later than January 23, 2009.
2. Completing any California Environmental Quality Act (CEQA) processes that have not already been met through the National Environmental Protection Act study and negative declaration prepared by the FEMA contractors who studied the area for our hazard mitigation. We will work with the California Department of Fish and Game and other State agencies on this process, and hope to have all completed within 60 days.
3. Obtain renewed approval from the landowners to reduce the vegetation on their parcels.
4. Meet with Carbon Canyon residents to explain the project and obtain input.
5. Meet with the Fire Safe Council to explain the project and obtain input.
6. Establish a contract for vegetation reduction services in the grant area, to take effect after the hearings adoption of the proposed CEQA action (EIR, Negative Declaration, or Mitigated Negative Action).

Fire Chief Benson also reported that steps 3 through 6 can be completed concurrently with Step 2.

RECOMMENDATION: It is recommended that the Board of Directors receive and file.

#### CHIEF'S COMMENTS

Board Members and Fire Chief attended Mayor Curt Hagman's Celebration of Service on December 11 at the City of Chino Hills.

Board Members and Fire Chief participated in the Chino Christmas Parade on December 13.

The Chino "Senior Delivery" Luncheon was held on December 18 at the Chino Senior Citizens Center.

The Hillview Acres "Special Delivery" was held on December 21.

Chino United Methodist Church invited the Fire District to their service on Sunday, January 11 to thank our firefighters for their efforts during an August 25, 2007 fire in their sanctuary.

The 2008/2009 Risk Watch Program year has begun. This program year marks the 10-Year Anniversary of the Fire District's school age Fire and Life Safety Program. The Fire District has updated the curriculum to new "Ready for Risk Watch" condensed workbooks. The new workbooks still cover all eight areas of "risk" with fun, educational and interactive work pages.

Effective January 1, 2009, all designated employee positions listed in our Fire District Conflict of Interest Code will be required to take Ethics Training. A training session is scheduled through our membership with Liebert Cassidy Whitmore Consortium on January 22, 2009.

### Upcoming Events

The Fire Foundation Installation Breakfast is scheduled for Tuesday, January 20 at 8:30 a.m. at Los Serranos Golf and Country Club.

The Salute to Public Safety is scheduled for Thursday, January 29 at 11:30 a.m. at Los Serranos Golf and Country Club.

The 3<sup>rd</sup> Annual Battle of the Badges is scheduled for Thursday January 29, 2009 from 10 a.m. to 4 p.m. at the Carolyn Owens Building, 13201 Central Avenue in the Nellie Gird Room #203, in Chino. This event is being put on by the American Red Cross and is intended to encourage all employees of the Chino Valley Independent Fire District to join Chino and Chino Hills law enforcement as well as city employees of Chino and Chino Hills to donate blood.

### BOARD COMMENTS

Director Revane thanked staff for the electronic copy of the agenda. She also thanked the District's PIO, Massiel DeGuevara, for the ongoing improvements and updates to the District website. She mentioned that she would like people to be aware that donor cards do not include donations of skin.

Director Gray reported that he attended the Chino United Methodist Church event on January 11, 2009. The church expressed their gratitude for the wonderful efforts provided by the Chino Valley Firefighters during the fire at the church on August 25, 2007.

Director Espinosa also attended the Chino United Methodist Church event. He expressed his condolences to Fire Chief Benson for the passing of his mother-in-law, Milly Molina.

Vice President DeMonaco reported that FDAC magazine had a full page on the District of Distinction Award and the Chino Valley Fire District receiving this award.

President Marquez thanked everyone and adjourned the meeting.

Regular Board Meeting

January 14, 2009

Page 20

ADJOURNMENT

President Marquez adjourned the meeting at 8:40 p.m., in memory of Milly Molina, to a Regular Board Meeting scheduled for Wednesday, February 11, 2009, at 6:00 p.m. The meeting will be held at the District Headquarters Office located at 14011 City Center Drive, Chino Hills, CA

APPROVED AND ADOPTED THIS 11th DAY OF FEBRUARY 2009.

---

Sandra Heney, Clerk of the Board

---

Ray Marquez, President