

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

MINUTES
August 12, 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 LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. (One potential case).

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Government Code Section 54946.9(a): Five existing matters.

- Loring Winn Williams v. Chino Valley Independent Fire District (four Workers' Compensation claims). EAMS Case Nos: ADJ 2840850; ADJ 786866; 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.

RE-OPEN TO OPEN SESSION

President Marquez reconvened the meeting to Open Session.

There was nothing to report from Closed Session and no action was taken.

INVOCATION

Chaplain Rob DePartee.

FLAG SALUTE

Director Gray.

CHANGES TO THE AGENDA

None.

PRESENTATIONS/ANNOUNCEMENTS

None.

PUBLIC COMMUNICATIONS

Winn Williams, retired Chino Valley Fire Captain, discussed two letters he had received from CalPERS relative to his retirement, and a statement from a ruling by the Worker's Compensation Board of Appeals. He stated that these documents say the effective date of his retirement needs to be changed from November 20, 2002 to January 14, 2003. Winn Williams asserted that if the Fire District didn't either change his retirement date and pay him Labor Code 4850 benefits for that time period, or settle with him for \$8,000 and some change then it was going to cost the District a lot more money because it would then be settled through the court system. Winn Williams expressed his disappointment with the Fire Chief and the Fire Board on handling this issue. He also expressed that he was bothered that other existing litigation pertaining to himself was listed on the agenda during an election.

ASSESSMENT HEARING

RESOLUTION NO. 2009-14 CONFIRMATION AND RECOVERY OF COSTS FOR WEED ABATEMENT SERVICES. Purpose is for the Board of Directors to review, approve and adopt Resolution No. 2009-14 allowing the Fire District to recover costs for weed abatement services for the year 2009.

President Marquez opened the Assessment Hearing.

Deputy Chief Turner provided an overview of the process of recovering costs for weed abatement services for the year 2009.

President Marquez requested any Public comment.

There was no Public comment.

President Marquez closed the Assessment Hearing.

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. 2009-14.

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

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

Bill Kruger, Chino Hills Mayor Pro Tem, reported that the first Council meeting in August was cancelled, therefore he had no report.

Tom Haughey, Chino Council Member, reported that the City of Chino issued 32 new business licenses. Zendejas Mexican Restaurant is opening a new restaurant in the old On The Border building on September 29, 2009. Black Angus Restaurant closed in July of this year. At Chino University Hall, UC Riverside has a variety of classes beginning in September. The City of Chino Farmers Market is open through the end of August. The Kiwanis' last Summer Concert is scheduled for August 13, 2009. A Kiwanis Car Show is scheduled for August 22, 2009, at City Hall. The Chino Day at the Fair is scheduled for September 18, 2009. The Mayor's Ball and Gala is scheduled for October 3, 2009.

CONSENT CALENDAR

1. Minutes

July 8, 2009 – Regular Board Meeting.
July 21, 2009 – Special Board Meeting

2. Monthly District Report

Month of June 2009.

3. Monthly Financial Report

Month of July 2009.

4. Monthly Treasurer's Report

Month of June 2009.

5. Warrants

Expenses as audited, are within budget for warrants #16663 through #16864.

6. Board Meeting/Travel

None.

7. Approve Participation in FY2008 Homeland Security Grant Program (HSGP), Administered through San Bernardino County.

This HSGP grant in the amount of \$34,249 would provide the District, as the lead agency, Emergency Operations Center (EOC) and disaster preparedness training in partnership with the cities of Chino and Chino Hills, the San Bernardino County Sheriff's Department and the Chino Police Department. The training proposal associated with the grant would provide for two eight-hour 100-200 Level "Functions and Processes for the EOC" training classes, two eight-hour 300-400 Level "Interactions and Decisions in the EOC" training classes, as well as two eight-hour EOC tabletop exercises, one in Chino and the other in Chino Hills. The training would also benefit District staff in conjunction with the Board goal associated with the plans for the Department Operations Center. The grant would cover the District's out-of-pocket costs for the training, including the consultant, meeting supplies and participant meals during training.

Vice President DeMonaco requested that item #7 under the Consent Calendar be pulled for discussion.

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

Moved by Director Gray, seconded by Director Revane, carried by a 5-0 voice vote, that the Board of Directors approve 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.

Vice President DeMonaco commented on Consent Calendar Item #7 and stated that he was pleased that the District is partnering with the City of Chino, City of Chino Hills, San Bernardino County Sheriff's and the Chino Police Department for disaster preparedness training.

Moved by Vice President DeMonaco, seconded by Director Gray, carried by a 5-0 voice vote, that the Board of Directors approve Consent Calendar item #7 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

Vice President DeMonaco attended a Finance Committee meeting and two City of Chino Hills Council meetings.

Director Espinosa also attended a Finance Committee meeting and two City of Chino Council meetings.

OLD BUSINESS

None.

NEW BUSINESS

8. **FOURTH OF JULY FIREWORKS.** Purpose is to provide the Board of Directors with information pertaining to recent fireworks related activity.

Deputy Chief Turner provided a PowerPoint Presentation, which included the Fireworks statistics for 2009. He provided an overview of the confiscations, citations, and injuries. He added that the use of fireworks in the City of Chino Hills is illegal.

Deputy Chief Turner reported that the City of Chino and the City of Chino Hills takes a firm stand against illegal fireworks. He added that those who use illegal fireworks or misuse legal fireworks can receive a \$1000 fine.

Deputy Chief Turner stated that public information was distributed in various ways in the City of Chino, regarding the use of fireworks. He added that fireworks booths were inspected three times a day, and the booth operators were required to attend a meeting at the Fire District, which provided an overview of safety regulations.

Deputy Chief Turner reported that the Chino Police Department organized a collection area behind Station 61 for the illegal fireworks that were confiscated. Illegal fireworks are photographed, properly documented and stored for court purposes.

Deputy Chief Turner reported that this year a total of 3,428 illegal fireworks were collected in the City of Chino. In addition, there was one injury, three arrests in Chino Hills, 40 arrests in Chino, and 39 citations for illegal fireworks in the City of Chino.

RECOMMENDATION: It is recommended that the Board of Directors receive and file this information and provide any staff direction.

9. **CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) BOARD ELECTION.** Purpose is for the Board of Directors to confirm the Fire District's desire to participate in the current CSDA Board Election for 2009 and cast a vote for a candidate for Seat "A" in Region 5.

Fire Chief Benson reported that the Fire District has received an official voting ballot from CSDA for a current vacancy on the Board of Directors in Region 5. He also reported that CSDA's Board of Directors is made up of six regional divisions. Each regional division has three seats represented and elected by the CSDA membership. Chino Valley Fire District is included in Region 5.

Fire Chief Benson reported that the Fire District is a current member of CSDA. The CSDA Board of Directors is the governing body responsible for all policy decisions effecting CSDA's member services and legislative programs. He also reported that an important function of the CSDA Board is directing CSDA's Legislative Advocacy in Sacramento. In addition, CSDA Board Members are involved in responding to pending legislation and other public policy documents that may impact the operation of special districts.

Fire Chief Benson reported that at the Regular Board Meeting held on June 10, 2009, the Fire District Board of Directors voted to nominate Fire District Vice President John DeMonaco as a candidate for election to the CSDA Board of Directors. Vice President John DeMonaco's nomination was accepted and he is listed as a candidate on the CSDA election ballot.

Fire Chief Benson reported that any independent special district, with current membership in CSDA, is eligible to cast a vote. The ballot is due to CSDA by 5:00 p.m. on September 16, 2009.

The Board of Directors approved the recommendation confirming the Fire District's desire to participate in the current CSDA Board Election for 2009, and modified the motion to give the Board President the authority to cast a vote for Vice President DeMonaco for Seat "A" in Region 5.

RECOMMENDATION: It is recommended that the Board of Directors confirm the Fire District's desire to participate in the current CSDA Board Election for 2009 and cast a vote for a candidate for Seat "A" in Region 5.

Moved by Director Espinosa, seconded by Director Revane, carried by a 5-0 voice vote, that the Board President cast a vote for Vice President DeMonaco for the 2009 CSDA Board of Directors Seat "A" in Region 5.

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

NOES: BOARD MEMBERS: None.

ABSTAIN: BOARD MEMBERS: None.

ABSENT: BOARD MEMBERS: None.

10. RESOLUTION NO. 2009-15, SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) BOARD ELECTION PARTICIPATION. Purpose is for the Board of Directors to review, approve and adopt Resolution No. 2009-15 confirming the Fire District's desire to participate in the current SDRMA Board of Directors Election for 2009; and cast a vote for up to four (4) of the eight (8) candidates on the ballot.

Fire Chief Benson reported that the Fire District is a current member of the Special District Risk Management Authority (SDRMA), which is a Joint Powers Authority formed under California Government Code Section 6500 et seq., for the purpose of providing risk management and risk financing for California special districts and other local government agencies. He also reported that SDRMA is governed by a seven member Board of Directors nominated and elected from members with a current operative agreement. He added that the SDRMA policy specifies that member agencies desiring to participate in the balloting and election of candidates to serve on the Board of Directors must adopt a resolution by the member agency's governing body and submit the resolution to SDRMA by the specified deadline.

Fire Chief Benson reported that at the Regular Board Meeting held on May 13, 2009, the Fire District Board of Directors adopted Resolution No. 2009-09 designating and nominating Fire District Director Ed Gray as a candidate for election to the SDRMA Board of Directors. Director Ed Gray's nomination was accepted and he is listed as a candidate on the SDRMA election ballot.

Fire Chief Benson reported that there are currently four (4) open seats on the SDRMA Board of Director and eight (8) candidates on the ballot. He also reported that the deadline for submitting the ballot resolution is Friday, September 10, 2009, at 5:00 p.m. The term for the successful candidates will be for four years beginning on January 1, 2010, and terminating on December 31, 2013.

The Board of Directors approved the recommendation confirming the Fire District's desire to participate in the current SDRMA Board Election for 2009, and for the Board President to cast a vote for Director Gray for the seat on the SDRMA Board of Directors and up to four (4) of the eight (8) candidates on the ballot.

RECOMMENDATION: It is recommended that the Fire District Board of Directors review, approve and adopt Resolution No. 2009-15 confirming the Fire District's desire to participate in the current SDRMA Board of Directors Election for 2009 and cast a vote for up to four (4) of the eight (8) candidates on the ballot.

Moved by Vice President DeMonaco, seconded by Director Revane, carried by a 5-0 voice vote, that the Fire District Board of Directors approve and adopt Resolution No. 2009-15 confirming the Fire District's desire to participate in the current SDRMA Board of Directors Election for 2009 and for the Board President to cast a vote for Director Gray and up to four (4) of the eight (8) candidates on the ballot to participate in the current SDRMA Board of Directors Election for 2009.

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

NOES: BOARD MEMBERS: None.

ABSTAIN: BOARD MEMBERS: None.

ABSENT: BOARD MEMBERS: None.

11. MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE CARBON CANYON VEGETATION REDUCTION PROJECT. Purpose is to issue a mitigated negative declaration under the California Environmental Quality Act to allow the Fire District to proceed with the Carbon Canyon Vegetation Reduction Project.

Deputy Chief Turner reported that the Chino Valley Fire District has created an Initial Environmental Study for the Carbon Canyon Vegetation Reduction Project, which has completed the State Clearinghouse process, thus nearly completing all of California's environmental requirements prior to commencing the project. The final steps under the California Environmental Quality Act (CEQA) are as follows:

1. Adopt a Mitigated Negative Declaration for the Carbon Canyon Vegetation Reduction Project.
2. Cause the Mitigated Negative Declaration to be filed with the San Bernardino County Clerk within 5 days of the date of adoption of the Mitigated Negative Declaration.
3. Issue a check to the Clerk of the Board of the County of San Bernardino in the amount of \$2,043. \$50 of this is for the filing fee of the Clerk, and \$1,993 is a mandated fee that the Clerk will forward to the California Department of Fish and Game.

Deputy Chief Turner reported that the County Clerk will then post the Mitigated Negative Declaration for 30 days. He added that that period also starts a 30-day statute of limitations on court challenges of the approval under CEQA. After that period of time, the Carbon Canyon Vegetation Reduction Project can commence work.

Deputy Chief Turner reported that the Chino Valley Fire District applied for and was granted a nearly \$540,000 grant from the Federal Emergency Management Agency (FEMA) to conduct a strategic vegetation reduction project in Carbon Canyon. The Fire District worked with FEMA to meet all of the federal environmental requirements for the project. Compliance with the State environmental procedures will have been achieved with the completion of the steps listed above.

RECOMMENDATION: It is recommended that the Board of Directors review and approve the Mitigated Negative Declaration for the Carbon Canyon Vegetation Reduction Project.

Moved by Director Revane, seconded by Vice President DeMonaco, carried by a 5-0 voice vote, that the Fire District Board of Directors approve the Mitigated Negative Declaration for the Carbon Canyon Vegetation Reduction Project.

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

NOES: BOARD MEMBERS: None.

ABSTAIN: BOARD MEMBERS: None.

ABSENT: BOARD MEMBERS: None.

12. RESOLUTION NO. 2009-16, ADOPTING FIRE DISTRICT POLICY AND PROCEDURES FOR BOARD OF DIRECTORS. Purpose is for the Board of Directors to review, approve and adopt Resolution No. 2009-16 rescinding Resolution No. 2009-13, making changes to the Policy and Procedures for Board of Directors.

Human Resources Manager Nelson reported that the Planning Committee met on June 30, 2009, to review Policy and Procedures for the Board of Directors and several revisions were identified. These changes were presented at the July Meeting of the Board of Directors and adopted as presented.

Human Resources Manager Nelson reported that two specific areas were identified for further research and potential change. These areas are: Section 1040.1 which specifies how a vacancy on the Board would occur; and, Section 1080.3 which addresses Board Committees. She also reported that further research has been completed, and changes are being proposed in both of these areas as identified in the red-lined copy of the Policy and Procedures attached to Resolution No. 2009-16.

Human Resources Manager Nelson reported that Section 1040.1 is recommended to be eliminated in its entirety as it is not necessary, and currently not in strict compliance with legal requirements. Government Code 1770 identifies how Board vacancies occur, and the District must comply with these provisions. She also reported that legal counsel has indicated that since the District is legally bound to abide by the Government Code, there is no need to include them as part of this policy document.

Human Resources Manager Nelson reported that in regard to Committees, it was the general consensus of the Board that the work of the Emergency Medical Services Committee could easily fit within the work of the Planning Committee. Staff has researched this matter, and found that there is no binding requirement to maintain this as a stand-alone Committee; therefore, changes in sub-section 1080.3 are included to eliminate this Committee and incorporate this area of responsibility with the Planning Committee.

Vice President DeMonaco expressed that he was very pleased with the revisions of the Policy and Procedures for Board of Directors.

RECOMMENDATION: It is recommended that the Board of Directors review, approve and adopt Resolution No. 2009-16 rescinding Resolution No. 2009-13, and adopting the Policy and Procedures for Board of Directors as presented with revisions.

Moved by Vice President DeMonaco, seconded by Director Revane, carried by a 5-0 voice vote, that the Fire District Board of Directors approve and adopt Resolution No. 2009-16 rescinding Resolution No. 2009-13, and adopting the Policy and Procedures for Board of Directors as presented with revisions.

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

13. ACCEPTANCE OF CAL-EMA MEDIUM URBAN SEARCH AND RESCUE EQUIPMENT CACHE AND TRAILER. Purpose is for the Board of Directors to review and approve the proposed transfer of a Cal-EMA Medium Urban Search and Rescue (US&R) equipment cache and trailer to the District, and to authorize the Fire Chief to execute the transfer agreement on the District's behalf.

Deputy Chief Summers reported that Cal-EMA (formerly OES) provides use to local government agencies of specialized firefighting and rescue vehicles and equipment under a transfer agreement. The District now has the opportunity to house an Urban Search and Rescue trailer which carries a "Medium" cache of equipment. This US&R trailer and cache will provide the District depth in the amount of rescue equipment immediately available in a disaster as well as provide the US&R team members the opportunity to respond to disasters statewide. He stated that if approved, ultimately the US&R trailer will be housed with the Rescue unit so that they will compliment each other's response capabilities.

Deputy Chief Summers reported that under the terms of the agreement, the District would be responsible for providing a tow vehicle for the trailer and its cache, and staff is currently researching purchase options for consideration for Final Budget in September. The upper end of the cost range for such a vehicle is estimated at \$85,000, fully equipped with emergency lighting and radios. Lower cost alternatives may also be available.

Deputy Chief Summers reported that staff would propose that the Fire Chief be authorized to execute the agreement on the District's behalf.

Director Revane asked if the District took possession of this equipment, would the District be responsible to respond to the State.

Deputy Chief Summers stated that District staff would be responsible to respond with the unit at the State's request.

Director Espinosa stated that he was not in favor of purchasing this unit at this time.

Vice President DeMonaco stated he had concerns about purchasing this unit, and was not in favor of the purchasing this unit at this time.

Director Revane stated that her concern was removing six suppression personnel from the District in a catastrophic crisis.

Fire Chief Benson stated that the advantage of having this unit would be the redundancy of this resource in the District. In the event of a catastrophic incident, the District would have the ability to dispatch this resource. Once committed to an incident, the State would not be able to

redirect it to another location. He stated that the biggest advantage of having the extra resource was its use in the event of a serious earthquake.

Vice President DeMonaco stated that he had concerns with the liabilities in the contract that are placed on the District.

Director Espinosa thanked Deputy Chief Summers for his work and research on this unit; however, he thought it was not the right timing.

Director Gray stated that he was concerned with the costs of purchasing a tow vehicle.

President Marquez thanked Deputy Chief Summers for his hard work to present the District with this option.

Recommendation was modified to not approve the proposed transfer of a Cal-EMA Medium Urban Search and Rescue (US&R) equipment cache and trailer.

RECOMMENDATION: It is recommended that the Board review and approve the proposed transfer of a Cal-EMA Medium Urban Search and Rescue (US&R) equipment cache and trailer to the District, and authorize the Fire Chief to execute the transfer agreement on the District's behalf.

Moved by Director Revane, seconded by Director Espinosa, carried by a 5-0 voice vote, that the Fire District Board of Directors DO NOT approve the proposed transfer of a Cal-EMA Medium Urban Search and Rescue (US&R) equipment cache and trailer to the District.

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

NOES: BOARD MEMBERS: None.

ABSTAIN: BOARD MEMBERS: None.

ABSENT: BOARD MEMBERS: None.

CHIEF'S COMMENTS

The District has been participating in the Concerts in the Parks for both the cities of Chino and Chino Hills.

On August 4, the District participated in the National Night Out with both the Chino Police Department and the Chino Hills Police Department. Firefighters and police officers shared fire and pool safety information with the communities participating in this event.

The part-time Receptionist position previously held by Rosie Yotti, has been offered to Kristin Graves. Kristin will start on Friday, August 14, 2009.

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CalPERS conducted an on-site audit during the week of July 13, 2009, and the preliminary results are expected within the next 60 days. This audit was routine and the District was selected by random sampling.

District staff conducted a mandatory job walkthrough for the Station 64 remodel project on Monday, August 3, 2009. Forty-four (44) potential bidders signed in at the walkthrough. Sealed bids for the project are due to the District by Monday, August 24, 2009, at 5:00 p.m. This project is not currently funded in the Preliminary Budget. Staff will evaluate the bids received and review with the Finance Committee for further direction.

Chino Valley Fire responded to the riot at CIM on August 8. All personnel did an outstanding job and were instrumental in efficiently treating and transporting injured inmates as well as suppressing fires started during the riot. Staff will give an overview presentation of the incident at the September Board meeting.

Upcoming Events

The Board Members will be touring Chino Institute for Women on August 20, 2009 at 4:00 p.m.

The Fire Rescue International Conference is scheduled for August 25-29, 2009, in Dallas, Texas.

The CSDA Annual Conference is scheduled for September 21-24, 2009, at Indian Wells.

BOARD COMMENTS

Director Revane thanked Fire District staff and Fire Chief Benson for keeping the Board of Directors informed during the recent CIM riot.

Director Gray suggested having a presentation of the overview of the CIM riot at the next CVPAC meeting scheduled for September 2, 2009.

Director Espinosa commented that staff and the firefighters did a great job during the CIM riot. He also commented that he attended the Relay for Life and it was a great event. The Firefighters provided breakfast for the participants.

Vice President DeMonaco also extended his appreciation to staff and Firefighters for a great job during the CIM riot. He thanked Deputy Chief Summers for all the hard work he did researching the Urban Search and Rescue unit, and for providing the District an opportunity for considering it. He offered his condolences to PIO Massiel DeGuevara and Finance Manager Steve Heide on the passing of their fathers.

President Marquez thanked B.C. Gaul and the District Chaplains for attending the vigil for Katie Jacobson on July 28, 2009.

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President Marquez expressed his appreciation for Fire Chief Benson and for the wonderful job he does.

ADJOURNMENT

President Marquez adjourned the meeting at 7:18 p.m. in the memory of Leo Heide, Alfonso Jose DeGuevara, and Katie Jacobson, to a Regular Board Meeting scheduled for Wednesday, September 9, 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 9th DAY OF SEPTEMBER 2009.

Sandra Heney, Clerk of the Board

Ray Marquez, President