

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

MINUTES
September 9, 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.

LIABILITY CLAIM. One claim filed against Chino Valley Independent Fire District by City of Brea.

CONFERENCE WITH LEGAL COUNSEL – Anticipated litigation. Significant exposure to litigation pursuant to Government Code Section 54956.9 (e). Purpose is to meet with legal counsel over a potential claim against the law firm of Best, Best & Krieger.

RE-OPEN TO OPEN SESSION

President Marquez reconvened the meeting to Open Session.

President Marquez reported that the Board of Directors rejected the claim filed against Chino Valley Independent Fire District by City of Brea and voted 5-0 in favor of rejecting the claim.

President Marquez reported that there was no reportable action from Closed Session on the item pertaining to Conference with Legal Council.

INVOCATION

Chaplain Rob DePartee.

FLAG SALUTE

Director Gray.

CHANGES TO THE AGENDA

Clerk of the Board Heney requested a correction to the Presentations and stated that CIW Riots should be corrected to read CIM Riots. She requested to pull the Hazardous Materials Response Unit item from the agenda. She also stated that an amended attachment to New Business Item #7 had been submitted to the Board of Directors.

PRESENTATIONS/ANNOUNCEMENTS

Proclamation – Firefighter Day of Remembrance

Clerk of the Board Heney read the proclamation.

Fire Prevention Week Proclamation

Clerk of the Board Heney read the proclamation.

Receptionist Promotion – Rosie Yotti

President Marquez congratulated Rosie on her promotion and then read her biography.

Fire District Response to CIM Riot

Deputy Chief Summers provided an overview and PowerPoint of the Fire District's response to the CIM Riot.

PUBLIC HEARING

ADOPTION OF THE 2009/10 FINAL BUDGET RESOLUTION NO. 2009-17. Purpose is to present the 2009/2010 Final Budget, which includes recommended changes from the 2009/2010 Preliminary Budget, to the Board of Directors for consideration and adoption, and to provide for public input.

President Marquez opened the Public Hearing.

Finance Manager Heide provided an overview of the proposed changes in the 2009/2010 Final Budget.

President Marquez requested any Public comment.

There was no Public comment.

President Marquez closed the Public Hearing.

Vice President DeMonaco stated that he would like to modify the recommendation and make a motion to add the deferred purchase of a new fire engine back to the budget, since there may be a potential cost savings if the engine is purchased this fiscal year. He added that the recommendation should also give Chief Benson the authority to determine if the purchase of the new engine in this fiscal year is a cost savings to the Fire District, and move forward with the purchase.

Fire Chief Benson stated that while the fund balance difference between the Preliminary Budget and the proposed Final Budget reflects a \$2 million increase in the fund balance at the end of this fiscal year, it still represents a \$1.3 million reduction in what the fund balance was at the end of last fiscal year. He stated that the District is proposing to use the reserve funds to maintain the District's operating level.

RECOMMENDATION: It is recommended that the Board of Directors approve the 2009/2010 Final Budget, which includes the changes to the Preliminary Budget, by reviewing, approving and adopting Resolution No. 2009-17.

Moved by Vice President DeMonaco, seconded by Director Espinosa, carried by a 5-0 voice vote, that the Board of Directors add \$700,000 for the purchase of a new fire engine to the 2009/2010 Final Budget, and give Fire Chief Benson authority to determine the feasibility to proceed with the purchase of the fire engine; and approve the 2009/2010 Final Budget, which includes the changes to the Preliminary Budget by reviewing, approving and adopting Resolution 2009-17.

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

PUBLIC COMMUNICATIONS

Larry Walters, resident of Chino, voiced his concern about Fire personnel receiving workers compensation retirement benefits for skin cancer.

Fire Chief Benson provided clarification regarding workers compensation claims and skin cancer.

Human Resources Nelson stated that this is predicted by State statute, and there are a number of injuries and illnesses such as cancer and skin cancer that are considered presumptive. Unless there is an overriding reason or other causes that are determined, it is considered by law, to be presumptive to be occupational in nature.

Director Gray stated that the individual who Mr. Walters was referring to regarding the workers compensation retirement, may not have been retired strictly for his skin cancer.

Peter Patel, BAPS, was present to extend an invitation to the Career Fair at the BAPS Cultural Center on September 12, 2009, and to a Diabetes Walk-a-thon scheduled for September 19, 2009.

Bobbie Griffith stated that she was involved in the Habitat for Humanity and currently working on fundraising for a home being built in Los Serranos for a family. On October 4, 2009, BJ's Brewery is hosting a fundraiser in support of Habitat for Humanity and 15% of the proceeds will be donated to help with the building of this home. She encouraged everyone to support and participate in this event.

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, provided an update on the Tehachapi project. He also reported that the City of Chino Hills City Council presented a Proclamation acknowledging September as National Disaster Preparedness Month. He also reported that an Emergency Preparedness fair is scheduled for September 26, 2009, and will be held in the Lowes parking lot in Chino Hills. He reported that the Chino Hills City Council recognized the Canyon Hills Senior Division baseball team. A presentation was also provided by the interim Warden at CIM, on the recent CIM riot. The City of Chino Hills will be participating in the BAPS Career Fair scheduled for September 12, 2009, and the Diabetes walk-a-thon scheduled for September 19, 2009. The City of Chino Hills will be selling old bottles on September 19, 2009, at the old Chino Hills City Hall. Mayor Pro Tem Kruger encouraged everyone to display their American flag on Friday, September 11, 2009. He stated that he has flags and will deliver them to anyone that needs one.

Charles E. Dickie, Board Member for the Chino Valley Unified School District, reported that he is the new liaison for the School District, replacing Bill Klein. He thanked the Fire District for making him feel welcomed.

Jeff Heringer, Chino Valley Fire Foundation President, announced the Firefighters Muster on September 27, 2009, from 10 a.m. to 4 p.m. at the Chino Fairgrounds.

CONSENT CALENDAR

1. Minutes

August 12, 2009 – Regular Board Meeting.
July 21, 2009 – Special Board Meeting

2. Monthly District Report

Month of July 2009.

3. Monthly Financial Report

Month of August 2009.

4. Monthly Treasurer's Report

Month of June 2009.

5. Warrants

Expenses as audited, are within budget for warrants #16865 through #17066.

6. Board Meetings/Travel

None.

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.

BOARD COMMITTEE REPORTS

Director Revane attended a CVPAC meeting, and thanked Deputy Chief Turner for his presentation regarding the recent CIM Riot. She also reported that she attended a School Board meeting. The School Board is considering finding other sources of funding for an Emergency Preparedness Program.

Director Gray attended a Chino Hills Council Meeting and a Chino Council Meeting. He reported that the City of Chino was awarded a grant to hire police officers. He also reported that he attended the CVPAC meeting. He commented that he is proud of the working relationship that the Fire District has had with the other agencies involved during the CIM riot. He thanked everyone involved for a job well done.

Director Espinosa reported that he attended a Finance Committee meeting.

Vice President DeMonaco attended a Finance Committee meeting, a School District Board meeting, and the Fire Rescue International Conference in Dallas, Texas.

President Marquez attended a CSDA Legislative Committee meeting via teleconference, and a Fire Safe Council meeting.

OLD BUSINESS

None.

NEW BUSINESS

7. RESOLUTION NO. 2009-18 PROPERTIES DECLARED FOR WEED ABATEMENT. Purpose is for the Board of Directors to review, approve and adopt Resolution No. 2009-18 identifying properties declared for weed abatement within the Fire District.

Deputy Chief Turner reported that the Weed Abatement Unit has conducted inspections of the Fire District for properties where a fire hazard or potential fire hazard exists from weeds. He added that this includes predominately tumbleweeds and also areas of weed regrowth.

Deputy Chief Turner reported that the property owners who have property that are declared for weed abatement will be mailed notices indicating that the weeds need to be abated.

Deputy Chief Turner reported that a Public Hearing will be held at the regular Board of Directors meeting on October 14, 2009, for property owners wishing to address the Board on this matter, and that a reinspection of these properties will be conducted after the Public Hearing to determine which properties have been abated and which will need abating. The Fire District will begin utilizing private contractors for weed abatement commencing on October 15, 2009.

RECOMMENDATION: It is recommended that the Board of Directors review, approve and adopt Resolution No. 2009-18 regarding the declaring and noticing of property owners for weed abatement.

Moved by Director Revane, seconded by Director Gray, carried by a 5-0 voice vote, that the Board of Directors approve and adopt Resolution No. 2009-18, regarding the declaring and noticing of property owners for weed abatement.

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

8. APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009/2010. Purpose is to establish the method for computing the Fire District's appropriations limit and to adopt the established limit by resolution.

Finance Manager Heide reported that Pursuant to Article XIII-B of the California State Constitution, the Fire Board must choose a method for the computation of the District's annual appropriations limit and adopt the limit by resolution.

Finance Manager Heide recommended that the Fire Board select that method of computation that uses a factor comprised of the annual change in population for Chino/Chino Hills, combined with the change in California personal income. He also stated that this method results in the highest increase in the Fire District's appropriations limit.

RECOMMENDATION: It is recommended that the Board of Directors review the method for computing the Fire District's appropriations limit and review, approve and adopt Resolution No. 2009-19, setting the annual appropriations limit for fiscal year 2009/2010.

Moved by Vice President DeMonaco, seconded by Director Gray, carried by a 5-0 voice vote, that the Board of Directors adopt Resolution No. 2009-19, setting the annual appropriations limit for fiscal year 2009/2010.

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

NOES: BOARD MEMBERS: None.

ABSTAIN: BOARD MEMBERS: None.

ABSENT: BOARD MEMBERS: None.

9. RESOLUTION NO. 2009-20, NAMING "DESIGNATED PERSON(S)" TO DETERMINE THE TIMELINESS AND/OR SUFFICIENCY OF CLAIMS FILED AGAINST THE DISTRICT AND RESCINDING RESOLUTION NO. 99-09. Purpose is for the Board of Directors to review, approve and adopt Resolution No. 2009-20 designating and authorizing person(s) to determine timeliness and sufficiency of claims filed against the District.

Human Resources Manager Nelson reported that the California Government Tort Claims Act established the procedures by which claims for damages must be filed against public agencies, and it further specifies time frames for responding to claims once they have been filed.

Human Resources Manager Nelson reported that determinations such as whether the claim has been filed within the timeframe prescribed by law, and whether it is sufficiently presented are made by the elected body of the municipality either directly or by designation via Resolution to specific person(s)/position(s) within the organization. She also reported that because these determinations are generally administrative in nature and are very time sensitive, the Board adopted Resolution No. 99-09 designating Fire Chief Al Grams, and Administrative Services Officer Beth Gomez as the persons authorized to make these determinations on the District's behalf.

Human Resources Manager Nelson reported that since both Al Grams, and Beth Gomez are no longer with the District, and the position of Administrative Services Officer no longer exists it is appropriate to update this Resolution. She stated that Resolution No. 2009-20 is presented for Board approval. This Resolution designates the positions of Fire Chief and Human Resources Manager as those designated to make determinations as to the timeliness and sufficiency of claims, and to make the appropriate notifications once the determination has been made.

RECOMMENDATION: It is recommended that the Board of Directors review, approve and adopt Resolution No. 2009-20 designating and authorizing person(s) to determine timeliness and sufficiency of claims filed against the District, and rescinding Resolution No. 99-09.

Moved by Director Espinosa, seconded by Vice President DeMonaco, carried by a 5-0 voice vote, that the Fire District Board of Directors approve and adopt Resolution No. 2009-20 designating and authorizing person(s) to determine timeliness and sufficiency of claims filed against the District, and rescinding Resolution No. 99-09.

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

10. CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) COMMITTEE APPOINTMENTS. Purpose is for the Board of Directors to discuss Board Member participation in CSDA Committees for the Year 2010.

Fire Chief Benson reported that the Fire District is a current member of CSDA. CSDA is a governing body responsible for all policy decisions effecting CSDA's member services and legislative programs. Fire Chief Benson also reported that in addition to the governing body, CSDA has eight (8) active committees. The Fire District has received a 2010 Committee and Volunteer Interest Form from CSDA soliciting interest and participation on the various CSDA committees. He added that current CSDA appointed committee members must submit an interest form expressing interest to continue on a committee and be considered for reappointment.

Fire Chief Benson reported that CSDA is encouraging its members to become involved and share their expertise in addressing issues of mutual concern to California Special Districts and contribute to the success of CSDA's activities and policy development. He also reported that committee schedules vary, but most meet at least two times a year. To keep travel costs to a minimum, committees handle a significant amount of committee work through conference calls, fax and email. He also reported that CSDA does not reimburse any expenses incurred from participation.

Fire Chief Benson reported that if the Fire District is interested in participating, CSDA is requesting that an interest form be submitted for each individual interested in serving. He also reported that interest forms are due to CSDA by 5:00 p.m. on Friday, October 9, 2009. The form must be signed by either the Fire Chief or the Board President.

The Board Members discussed and concurred that the Fire District should continue participation by the Board of Directors on CSDA 2010 Committees and submit interest forms.

RECOMMENDATION: It is recommended that the Board of Directors review the information pertaining to the CSDA 2010 Committees and consider participation.

Moved by Director Gray, seconded by Vice President DeMonaco, carried by a 5-0 voice vote, that the Fire District Board of Directors continue participating on CSDA 2010 Committees and submit interest forms.

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 Fire District Board Members toured the Chino Institute for Women on August 20, 2009.

The Fire Rescue International Conference was held August 25-29, 2009, in Dallas, Texas, and Vice President DeMonaco attended.

The Secretary of the State Department of Corrections held a press conference on August 27, 2009, in Sacramento, announcing a plan to convert the Heman G. Stark Youth Correctional Facility to an adult facility. The target date for the conversion is 2011.

September is National Disaster Preparedness Month. PIO DeGuevara will be working with the media to distribute various safety messages.

The Fire District has updated the employee identification cards and new cards are being issued to all employees this week. The new cards are similar in size and material to a credit card and will replace the laminated cards currently in use.

Fire District staff will attend the SDRMA Safety Claims Education seminars held in conjunction with the CSDA Conference at the end of September. Attendance at these seminars results in a reduction in the cost of liability insurance premiums for next year.

Finance Manager Heide will be participating in a webinar tomorrow morning for additional information on the California Communities Prop 1A Securitization Program.

The Fire Station 64 Remodel Project request for bids closed on August 31, 2009. A total of 13 sealed bids were received, with bids ranging from just under \$119,000 to about \$176,500. Staff is in the process of analyzing the bids and anticipates bringing forth a recommendation to the Board in the near future.

The new Fire District liaison from the School District is Charles E. Dickie.

Firefighter/Paramedic Rob Wyatt was recognized on FDNNTV.com for winning seven medals during his first appearance at the World Police and Fire Games held in Canada from July 31-August 9, 2009. An article in the Chino Champion and the Daily Bulletin will be printed with Firefighter/Paramedic Wyatt's accomplishments. (FDNNTV.com covers fire departments nationwide and is viewed by various agencies, departments and the public).

Effective October 1, 2009, the hours of operation for Administration will be changed to 8 a.m. to 5 p.m. Monday through Friday.

Upcoming Events

A Memorial Event for the Firefighters who lost their lives on September 11, 2001, is scheduled for Friday, September 11, 2009, at 10:00 a.m. at Station 66.

Also in remembrance of September 11, the CVFD Honor Guard will be posting colors, accompanied by a bagpiper and drummer, at a service at Calvary Chapel Chino Hills at 7:00 p.m. on Friday, September 11, 2009.

On September 17, 2009, an Open House is scheduled for Supervisor Ovitt and Assemblyman Hagman's offices at the Chino Hills Government Center.

On September 17, 2009, a Grand Opening/Open House is scheduled for Senator Gloria Negrete McLeod in Claremont.

The L.A. County Fair has designated Friday, September 18, 2009, as Chino Day at the Fair, and Friday, September 25, 2009, as Chino Hills Day at the Fair. The District will have a booth on September 25, and will provide various safety messages.

The CSDA Annual Conference is scheduled for September 21-24, 2009, in Indian Wells. Fire Chief Benson and Board Members will be attending.

The Fire Foundation's 15th Annual Firefighter's Fun Muster & Chili Cook-Off will be held on Sunday, September 27, 2009, from 10:00 a.m. to 4:00 p.m. at the Chino Fairgrounds.

The 8th Annual Blue Mass is scheduled for September 29, 2009, at Holy Name of Jesus Parish in Redlands.

The California Fire Chief Association Conference is scheduled for September 28-30, 2009, at the Mission Inn in Riverside. Fire Chief Benson, Deputy Chief Summers, B.C. Shackelford, Captain Atkinson, and Captain Ault will be attending.

BOARD COMMENTS

Director Revane congratulated and thanked the citizens for voting and re-electing Director Espinosa and Director Gray to the Fire Board.

Director Gray reported that he attended the CIW tour. He also toured the CIM prison after the riot. He congratulated Firefighter/Paramedic Rob Wyatt for winning seven medals in swimming. He congratulated Mr. and Mrs. Roman Nava on the birth of their son. He thanked everyone for the support in the re-election of himself and Director Espinosa.

Director Espinosa thanked everyone who helped in the support of his re-election.

Vice President DeMonaco congratulated Director Espinosa and Director Gray on their re-election to the Fire Board. He also reported that he attended the CIW tour. He stated his concern for CIM occupying the Hemen G. Stark facility. He complimented Fire District personnel for the great job they did during the CIM riot. He also complimented Finance Manager Heide for a great job preparing the Budget.

President Marquez again congratulated Director Gray and Director Espinosa on their re-election. He reported that continuing future elections for the Fire District by all-mail elections was also on the ballot and passed. Therefore, all future elections for the Fire District will continue as all-mail ballot elections. He also stated that he was thankful to Captain Hudson, Engineer Flores, Firefighter/Paramedic Williams, and Firefighter/Paramedic Morales, for the care of his wife during a recent emergency.

ADJOURNMENT

President Marquez adjourned the meeting at 7:50 p.m. in memory of Captain Ted Hall and Captain Arnie Quinones, who died in the Station Fire, and in memory of Evelyn Castaneda, Captain Dave Castaneda's mother. The next Regular Board Meeting is scheduled for Wednesday, October 14, 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 14th DAY OF OCTOBER 2009.

Sandra Heney, Clerk of the Board

Ray Marquez, President