



**San Miguel Consolidated Fire Protection District**  
**Regular Meeting of the Board of Directors**  
**2850 Via Orange Way, Spring Valley, CA 91978**

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**AGENDA**

**Wednesday, April 10, 2024 - 5:30 p.m.**

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**MEETINGS** - The Board meets regularly on the second Wednesday of each month at 5:30 p.m. The District reserves the 4th Wednesday of each month for an additional Regular Meeting if needed.

**AGENDA** - Agenda items shall be addressed in the published order unless a member of the Board or a member of the public requests a specific item to be taken out of order, and the Board agrees to do so.

**COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (US CODE TITLE 42)** - If you need accommodation to participate in the meeting, please call or email and Board Clerk Shayna Rians will coordinate arrangements: (619) 670-0500 or [info@sanmiguelfire.org](mailto:info@sanmiguelfire.org)

**PUBLIC COMMENT** - The public may attend meetings in person, complete a speaker slip, and bring an item not on the agenda forward; however, the Board will not be able to take any action at this meeting. If appropriate, the item will be referred to the Board and/or Fire Chief to determine if the item will be placed on a future Board agenda. The Board may not discuss items from Board members or Staff, but, if appropriate, will be placed on a future Board agenda. A three (3) minute period shall be allotted to each person addressing the Board to facilitate business proceedings.

**MEETING MATERIALS (GOVERNMENT CODE §54957.5 AND AB 2647)** - Documents provided to members of a Brown Act body in the 72 hours before a meeting (i.e., after the agenda is typically posted) are available to the public at the same time they are provided to the board members. The agenda and supporting documents are available online at <https://www.sanmiguelfire.org/board-meetings>

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**CALL TO ORDER AND ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**PUBLIC COMMENT**

**1. CONSENT AGENDA ITEMS**

- 1.1 Approval of the Minutes - Regular Meeting of March 13, 2024.
- 1.2 Approval of Board Member Stipends.
- 1.3 Review the Quarterly Information Technology Access Log.
- 1.4 Resolution 24-05 – The Board of Directors will consider adopting Resolution 24-05, Authorizing the Liquidation of Surplus Equipment (Apparatus 1111, 1119 and 1121).
- 1.5 Resolution 24-06 – The Board of Directors will consider adopting Resolution 24-06, Amending and Adopting Local Guidelines for Implementing the California Environmental Quality Act.

**2. INFORMATIONAL AGENDA ITEMS**

- 2.1 Station 18 Update – Division Chief Quinlan will provide an update on the progress of new Station 18.

**3. REPORTS**

- 3.1 Committee Reports
- 3.2 Directors' Reports
- 3.3 Chief's Report
- 3.4 Association of San Miguel Chief Officers Communications
- 3.5 Association of San Miguel Firefighters Communications
- 3.6 Correspondence

**4. CLOSED SESSION**

- 4.1 Fire Chief's Performance Evaluation (GOV §54957)
- 4.2 Liability Claim (GOV §54956.95) – Brian Komp
- 4.3 Conference with Legal Counsel – Existing Litigation (GOV §54956.9(b))
  - 1 Case (Case Number 21-157174)
- 4.4 Conference with Labor Negotiator (GOV §54957.6)
  - Agency Negotiators: Directors McKenna, Robles, & Attorney Joseph Sanchez
  - Employee Organization: Association of San Miguel Firefighters IAFF Local 1434
- 4.5 Conference with Labor Negotiator (GOV §54957.6)
  - Agency Negotiators: Directors McKenna, Robles, & Attorney Joseph Sanchez
  - Employee Organization: Chief Officer's Association of San Miguel
- 4.6 Conference with Labor Negotiator (GOV §54957.6)
  - Agency Negotiators: Directors McKenna, Muns, Robles, & Attorney Joseph Sanchez
  - Unrepresented Employees: Division Chief, Deputy Fire Marshal, Administrative Officer/Finance Officer, Administrative Analyst, Human Resources Specialist, Accounting Specialist, Administrative Assistant, Fire Inspector(s), Fire Services Officer

**5. ACTION AGENDA ITEMS**

- 5.1 Resolution 24-07 – The Board of Directors will consider adopting Resolution 24-07 pertaining to the Industrial Disability Retirement of Brian Komp.

**ACTION PLAN RECAP**

**NEXT MEETING** – Regular Meeting, May 8, 2024, 5:30 p.m., District Headquarters

**ADJOURNMENT**

**CERTIFICATION OF POSTING** I certify that on April 5, 2024, a copy of the foregoing agenda was posted on the District's website and near the meeting place of the Board of Directors of the San Miguel Consolidated Fire Protection District, said time being at least 72 hours in advance of the Board of Directors meeting (Government Code §54954.2). Executed at Spring Valley, California on April 5, 2024

/s/ Shayna Rians Shayna Rians, Board Clerk

# San Miguel Consolidated Fire Protection District

## Regular Meeting of the Board of Directors

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### MINUTES

Wednesday, March 13, 2024 - 5:30 p.m.

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**President Robles called the meeting to order at 5:31 p.m.**

**BOARD MEMBERS PRESENT** Directors McKenna, Muns, Nelson, Pierce, Robles, and Woodruff

**BOARD MEMBERS ABSENT** Director Raddatz

**STAFF PRESENT** Fire Chief Lawler, Division Chiefs Durrell and Quinlan, Administrative Officer/Finance Officer Harris, and Executive Assistant/Board Clerk Rians.

**Director Woodruff led the Pledge of Allegiance**

#### APPROVAL OF AGENDA

**By Board Consensus, the agenda was approved.**

*The Agenda for the Regular Meeting of March 13, 2024, was posted at District Headquarters on Friday, March 8, 2024, at 5:00 p.m.*

#### PUBLIC COMMENT

Denis Amyot, a resident of Spring Valley, addressed the Board regarding Fire Prevention Services, Inc. and the weed abatement process.

**President Robles adjourned the meeting to Closed Session at 5:45 p.m.**

#### 1. CLOSED SESSION

- 1.1 Conference with Legal Counsel – Existing Litigation  
Case Number 37-2023-00002425 (GOV §54956.9 (b))  
Number of Cases: 1

**President Robles reconvened the meeting to Open Session at 6:01 p.m.**

#### 2. SPECIAL PRESENTATION

Paul Kaymark, Audit Services Partner with Nigro & Nigro PC, presented an audit overview.

#### 3. CONSENT AGENDA ITEMS

**Upon a motion by Director Muns, second by Director Woodruff, and vote (unanimously in favor with Director Raddatz absent), the Consent Agenda was approved.**

- 3.1 Approval of the Minutes - Regular Meeting of February 14, 2024.
- 3.2 Approval of Board Member Stipends.
- 3.3 Receive and File Quarterly Investment Report in Accordance with California Government Code.

- 3.4 Credit Card Expenditures Review – The Board of Directors will review the credit card expenditures of the Fire Chief and Administrative Officer/Finance Officer.
- 3.5 Review Quarterly Employee Reimbursement Report.
- 3.6 CFD Annual Report Review.

#### 4. INFORMATIONAL AGENDA ITEMS

- 4.1 Station 18 Update – Division Chief Quinlan shared that we are beginning Phase 2 of the tear-down/rebuild of Station 18. The modular unit is slated for delivery April 1.
- 4.2 Quarterly Financial Update – Administrative Officer/Finance Officer presented the 2nd Quarter Financials to the Board.

#### 5. ACTION AGENDA ITEMS

- 5.1 California Special Districts Association, Elections and Bylaws Committee – Call for Nominations.  
*The Board opted not to submit any nominations.*
- 5.2 Audit Report Fiscal Year Ended (FYE) June 30, 2023 – The Board of Directors will receive and file the District's FYE 2023 Audit Report in Accordance with the California Government Code.  
*Upon a motion by Director Pierce, second by Director Nelson, and vote (unanimously in favor with Director Raddatz absent), the audit report will be filed in accordance with the California Government Code.*
- 5.3 Station 16 Roof Replacement – The Board of Directors may take action based on a recommendation to award the contract for roof replacement on Station 16.  
*Upon a motion by Director McKenna, second by Director Muns, and vote (unanimously in favor with Director Raddatz absent), the Station 16 roof replacement was approved contingent upon performance and payment bond stipulations and the contractor's address being added to the contract.*
- 5.4 Solar on Fire Stations – The Board of Directors may take action based on a recommendation to award the contract for solar installation on Stations 14, 16, 22, and 23.  
*Upon a motion by Director McKenna, second by Director Woodruff, and vote (unanimously in favor with Director Raddatz absent), awarding the solar contract was approved.*
- 5.5 HVAC Control System & Boiler at Headquarters/Station 15 – The Board of Directors may take action based on a recommendation to replace HVAC software and equipment at Headquarters/Station 15.  
*Upon a motion by Director Pierce, second by Director Nelson, and vote (unanimously in favor with Director Raddatz absent), HVAC work at Headquarters/Station 15 was approved.*

#### 6. REPORTS

##### 6.1 Committee Reports

None

##### 6.2 Directors' Reports

Director Nelson shared that the annual St. Patrick's Day Parade will take place this coming Saturday. Director Pierce commended San Miguel personnel who fought a recent commercial structure fire near his home.

Director McKenna discussed the possibility of a staff appreciation lunch/picnic. With Board consensus, planning will be coordinated.

Director Robles shared that the FEMA Disaster Recovery Center is running at the Spring Valley Library. He also noted Director Pierce's work with the Spring Valley Community Alliance and extended his appreciation to everyone else who has assisted in community efforts following the storm and flooding of January 22, 2024.

### **6.3 Chief's Report**

Chief Lawler shared that the District was awarded a grant from the San Diego Regional Fire Foundation, which provides \$429,305 towards a new Type 3 apparatus. Per Operations Division Chief Durrell, Type 3s only take about 6 months for delivery.

Retirees and Local 1434 are working on establishing a dedication to the late Master Mechanic Bob Huston. Chief Lawler has attended recent meetings of the Spring Valley Community Planning Group and noted the importance of continued engagement with the community and elected officials within our District.

The Kiwanis approached Chief Lawler to be the keynote speaker at their Annual First Responders Appreciation Night.

Chief Lawler is in contact with Chairwoman Vargas following the recent flooding and said there has been a discussion about a new service model and delivery for our district.

Chief Lawler attended a FAIRA meeting in Sacramento this past Monday and also attended the "State of San Diego" at Southwestern College along with Director Pierce. Lastly, Chief Lawler provided the Board with an overview of legislative changes that could have an impact on the District. Chief Lawler discussed L1434 challenge coins, with the main intent to engage our partners, and noted Tobin Riley was promoted to Battalion Chief.

### **6.4 Association of San Miguel Chief Officers Communications**

Battalion Chief Christiansen shared that the Captain Assessment, which started with 22 applicants from around the world, has been pared down to 3 candidates with appointment interviews coming up. The recent Firefighter Paramedic recruitment began with 30 applicants, which has narrowed to 5 who will attend a mini academy. There is an injury at the Engineer rank, so the current list will rotate through the vacancy for experience. Lastly, 3 Battalion Chiefs will be away next week attending the 27<sup>th</sup> annual Fresno Training Symposium.

### **6.5 Association of San Miguel Firefighters Communications**

Captain Mike Hays apologized for not providing a report to the Board last month. He shared that Local 1434 continues to work with management on updating policies and procedures and commended Chief Riley for his time and efforts. Three members will travel to Hawaii for an IAFF training event in April. Firefighter Paramedic Arteaga now has a Belgian Malinois trained for search and rescue and cadaver. He can be deployed as part of USAR Task Force 8 but can also be utilized locally in incidents in which we may need help finding a person, like in vehicle accidents with an ejected patient. The Negotiations team has been selected and will start meeting next month.

Captain Hays provided further information on the St. Patrick's Day Parade, with 5:30 am being the start time for everyone to gather at the museum, 10 am breakfast, 10:30 am parade start, and festivities happening afterward.

Santee is holding a Softball tournament in May, and SMG is likely not participating. The L1434 golf tournament is scheduled for May 29 at a course in Poway.

Started a monthly economic update to Local members, educating them on local, state, and federal impacts on the District's finances. April 27 Spring Valley Days, next local meeting.

The wall that Heals is a mobile Vietnam memorial wall and begins on March 19<sup>th</sup> at Skyline to Welles Park, and the breakdown is on March 20<sup>th</sup>. L1434 donated money to it and provided volunteers.

## 6.6 Correspondence

Chief Lawler shared that the County is hosting a Household Hazardous Waste collection event on March 30 at Steele Canyon High School, and also shared that we are holding badge-pinning semi-annually, so there will be a formal ceremony, but wanted to announce Tobin Riley is now the C shift Battalion Chief.

*President Robles adjourned the meeting to Closed Session at 7:16 p.m.*

## 7. CLOSED SESSION

### 7.1 Fire Chief's Performance Evaluation (GOV §54957)

*President Robles reconvened the meeting to Open Session at 8:13 p.m.*

### ACTION PLAN RECAP

- Division Chief Quinlan to follow up on discussion items related to the roof at Station 16:
  - Possible mold
  - Tall trees dropping debris and potentially hindering solar panel energy production

*The next Board Meeting will be a Regular Meeting on **April 10, 2024, at 5:30 p.m.**, District Headquarters.*

*President Robles adjourned the meeting at 8:14 pm.*

Minutes approved at the Regular Meeting of the Board of Directors, San Miguel Consolidated Fire Protection District, on April 10, 2024.

Attest:

\_\_\_\_\_  
**Jesse A. Robles, Board President**

\_\_\_\_\_  
**Shayna Rians, Board Clerk**



# STAFF REPORT

**DATE:** April 10, 2024  
**TO:** Board of Directors  
**FROM:** Shayna Rians, Executive Assistant/Board Clerk  
**SUBJECT:** Board Member Stipends

**BACKGROUND**

Effective January 1, 2015, a formal payment procedure was established to pay board members their monthly meeting stipends. To initiate the payment process, a stipend form for board meetings, training, and local meetings/events will be submitted.

**DISCUSSION**

Meetings attended during the month of March 2024 include:

Meeting	Date	Attended By
EOA/Zone 1 Ad Hoc	03/08/2024	McKenna, Raddatz and Woodruff
Board – Regular	03/13/2024	McKenna, Muns, Nelson, Pierce, Robles and Woodruff

**RECOMMENDATION**

Approve the attached board member monthly meeting stipend forms for meetings that took place during the month of March 2024.

# San Miguel Consolidated Fire Protection District

## Board Member Monthly Meeting Stipend Form

Name: Theresa McKenna

Month/Year: March 2024

### Section I - Board/Committee Meetings

Date	Board/Committee Meeting Attended	Meeting Stipend \$173.25	Check box (x) if you do <i>not</i> want to be paid Stipend
03/08/24	EOA/Zone 1 Ad Hoc Committee	\$100.00	x
03/13/24	Regular Board Meeting	\$173.25	x
<b>TOTAL MEETING STIPEND</b>		<b>\$0.00</b>	

### Section II - Training and Local Meetings/Events

Date	Training/Local Meeting Attended	Days	Mileage (0.56 / Mile)	Amount
<b>TOTAL MILES</b>			<b>0</b>	<b>\$0.00</b>

### Section III - Expense Claim Summary (Expense Report Form must be attached)

Date	Description	Amount

### Section IV - Summary

<p><b>Signature:</b> _____</p> <p><b>Date:</b> _____</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;"><b>Total Stipend Paid:</b></td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;"><b>Total Expense Claim:</b></td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;"><b>Total Mileage:</b></td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;"><b>Total Amount Due:</b></td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> </table>	<b>Total Stipend Paid:</b>	\$0.00	<b>Total Expense Claim:</b>	\$0.00	<b>Total Mileage:</b>	\$0.00	<b>Total Amount Due:</b>	\$0.00
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<b>Total Mileage:</b>	\$0.00								
<b>Total Amount Due:</b>	\$0.00								
<p>Approved at Board Meeting on: 4/10/2024</p> <p>_____</p>									

**MAXIMUM OF 4 MEETINGS PAID PER MONTH**

Forms are due the 1st of each month

Please submit to Shayna Rians

[srians@sanmiquelfire.org](mailto:srians@sanmiquelfire.org)



# San Miguel Consolidated Fire Protection District

## Board Member Monthly Meeting Stipend Form

Name: Harry Muns

Month/Year: March 2024

### Section I - Board/Committee Meetings

Date	Board/Committee Meeting Attended	Meeting Stipend \$173.25	Check box (x) if you do <i>not</i> want to be paid Stipend
03/13/24	Regular Board Meeting	\$173.25	x
<b>TOTAL MEETING STIPEND</b>		<b>\$0.00</b>	

### Section II - Training and Local Meetings/Events

Date	Training/Local Meeting Attended	Days	Mileage (0.56 / Mile)	Amount
<b>TOTAL MILES</b>			<b>0</b>	<b>\$0.00</b>

### Section III - Expense Claim Summary (Expense Report Form must be attached)

Date	Description	Amount

### Section IV - Summary

Signature: _____	Total Stipend Paid: \$0.00
Date: _____	Total Expense Claim: \$0.00
	Total Mileage: \$0.00
	Total Amount Due: \$0.00
Approved at Board Meeting on: 4/10/2024 _____	

**MAXIMUM OF 4 MEETINGS PAID PER MONTH**

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Please submit to Shayna Rians

[srians@sanmiquelfire.org](mailto:srians@sanmiquelfire.org)

# San Miguel Consolidated Fire Protection District

## Board Member Monthly Meeting Stipend Form

Name: Jeff Nelson

Month/Year: March 2024

### Section I - Board/Committee Meetings

Date	Board/Committee Meeting Attended	Meeting Stipend \$173.25	Check box (x) if you do <u>not</u> want to be paid Stipend
03/13/24	Regular Board Meeting	\$173.25	
<b>TOTAL MEETING STIPEND</b>		<b>\$173.25</b>	

### Section II - Training and Local Meetings/Events

Date	Training/Local Meeting Attended	Days	Mileage (0.56 / Mile)	Amount
<b>TOTAL MILES</b>			<b>0</b>	<b>\$0.00</b>

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Approved at Board Meeting on: 4/10/2024 _____									

**MAXIMUM OF 4 MEETINGS PAID PER MONTH**

Forms are due the 1st of each month

Please submit to Shayna Rians

[srians@sanmiquelfire.org](mailto:srians@sanmiquelfire.org)

# San Miguel Consolidated Fire Protection District

## Board Member Monthly Meeting Stipend Form

Name: Christopher Pierce

Month/Year: March 2024

### Section I - Board/Committee Meetings

Date	Board/Committee Meeting Attended	Meeting Stipend \$173.25	Check box (x) if you do <u>not</u> want to be paid Stipend
03/13/24	Regular Board Meeting	\$173.25	
<b>TOTAL MEETING STIPEND</b>		<b>\$173.25</b>	

### Section II - Training and Local Meetings/Events

Date	Training/Local Meeting Attended	Days	Mileage (0.56 / Mile)	Amount
<b>TOTAL MILES</b>			<b>0</b>	<b>\$0.00</b>

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Approved at Board Meeting on: 4/10/2024 _____									

**MAXIMUM OF 4 MEETINGS PAID PER MONTH**

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Please submit to Shayna Rians

[srians@sanmiquelfire.org](mailto:srians@sanmiquelfire.org)

# San Miguel Consolidated Fire Protection District

## Board Member Monthly Meeting Stipend Form

Name: Kim Raddatz

Month/Year: March 2024

### Section I - Board/Committee Meetings

Date	Board/Committee Meeting Attended	Meeting Stipend \$173.25	Check box (x) if you do <u>not</u> want to be paid Stipend
03/08/24	EOA/Zone 1 Ad Hoc Committee	\$100.00	
03/13/24	Regular Board Meeting	\$173.25	
<b>TOTAL MEETING STIPEND</b>		<b>\$273.25</b>	

### Section II - Training and Local Meetings/Events

Date	Training/Local Meeting Attended	Days	Mileage (0.56 / Mile)	Amount
<b>TOTAL MILES</b>			<b>0</b>	<b>\$0.00</b>

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[srians@sanmiquelfire.org](mailto:srians@sanmiquelfire.org)

# San Miguel Consolidated Fire Protection District

## Board Member Monthly Meeting Stipend Form

Name: Jesse A. Robles

Month/Year: March 2024

### Section I - Board/Committee Meetings

Date	Board/Committee Meeting Attended	Meeting Stipend \$173.25	Check box (x) if you do <u>not</u> want to be paid Stipend
03/13/24	Regular Board Meeting	\$173.25	
<b>TOTAL MEETING STIPEND</b>		<b>\$173.25</b>	

### Section II - Training and Local Meetings/Events

Date	Training/Local Meeting Attended	Days	Mileage (0.56 / Mile)	Amount
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[srians@sanmiquelfire.org](mailto:srians@sanmiquelfire.org)

# San Miguel Consolidated Fire Protection District

## Board Member Monthly Meeting Stipend Form

Name: Ed Woodruff

Month/Year: March 2024

### Section I - Board/Committee Meetings

Date	Board/Committee Meeting Attended	Meeting Stipend \$173.25	Check box (x) if you do <u>not</u> want to be paid Stipend
03/08/24	EOA/Zone 1 Ad Hoc Committee	\$100.00	
03/13/24	Regular Board Meeting	\$173.25	
<b>TOTAL MEETING STIPEND</b>		<b>\$273.25</b>	

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<b>Total Expense Claim:</b>	\$0.00								
<b>Total Mileage:</b>	\$0.00								
<b>Total Amount Due:</b>	\$273.25								
Approved at Board Meeting on: <u>4/10/2024</u>									

**MAXIMUM OF 4 MEETINGS PAID PER MONTH**

Forms are due the 1st of each month

Please submit to Shayna Rians

[srians@sanmiquelfire.org](mailto:srians@sanmiquelfire.org)

**I.T. INSPECTION/REVIEW LOG**

FY23/24, Q3 (January 1, 2024 - March 31, 2024)

In accordance with **Board Policy Manual § 13.10 Inspection or Review**, Executive Staff or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on the cause. The District shall notify impacted Board Members, in writing and by phone, at the time these rights are exercised upon them by the District, Executive Staff, or the Authorized Designee. An Access Log must be kept by the District to record every time these rights are exercised upon a Board Member by the District, Executive Staff, or the Authorized Designee. The Access Log shall record at least; the date of access, the name of the Board Member(s) affected, the purpose for access, and the names and signatures of at least two District Executives involved with the exertion of this right. The District shall provide this Access Log to the Board of Directors on a quarterly basis.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the District involving one of its Board Members or a Board Member's duties, an alleged or suspected violation of any district policy, a request for disclosure of data, or a need to perform or provide a service.

An IT contractor or District designee may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the District computer system when requested by Executive Staff or during the course of regular duties that require such information. Impacted Board Members shall be notified when such information is requested from or by the District, its Executive Staff, Authorized Designees, or IT Contractors. All such activities shall also be recorded in the Access Log and part of the quarterly update to the Board of Directors.

DATE OF ACCESS	BOARD MEMBER(S) AFFECTED	PURPOSE FOR ACCESS	DISTRICT EXECUTIVE 1 NAME	DISTRICT EXECUTIVE 1 SIGNATURE	DISTRICT EXECUTIVE 2 NAME	DISTRICT EXECUTIVE 2 SIGNATURE	NOTIFICATION IN WRITING	NOTIFICATION BY PHONE
<p><b>NO I.T. INSPECTION/REVIEW FOR THIS QUARTER</b></p> <p>Certified by <u>[Signature]</u> on <u>4/2/24</u></p> <p>Certified by <u>[Signature]</u> on <u>04/02/2024</u></p>								



## STAFF REPORT

**DATE:** April 10, 2024  
**TO:** Board of Directors  
**FROM:** Rich Durrell, Operations Division Chief  
**SUBJECT:** Resolution 24-05 – Surplus of Vehicles

### BACKGROUND

Vehicle 1111 (VIN # 1HTSDAANIVH368454) is a 1996 Type 3 Navistar Engine currently utilized as Reserve BR46. Although the apparatus has a relatively low mileage of 32,118, its age exceeds the 17-year service life replacement cycle. Annual maintenance costs have become extensive, with replacement parts becoming more difficult to find. Additionally, the apparatus lacks modern in-cab safety features, and rollover protection is substandard.



Vehicle 1119 (VIN # 1HTSDADN51H372092) is a 2000 International Type 3 currently utilized as BR18. At 24 years old with 45,917 miles, the apparatus exceeds the 17-year service life replacement cycle. Extensive annual maintenance costs, an inoperable and non-repairable CAFS system, outdated in-cab safety features and rollover protection, and diminished reliability contribute to the necessity of declaring this vehicle surplus.



Vehicle 1121 (VIN # 1F95142274H140274) is a 2003 Ferrara Inferno Type 1. At 21 years old with 119,778 miles, this apparatus exceeds the 17-year service life replacement cycle but has been retained in Reserve status. This engine is now out of service due to an outdated ECM issue, extensive annual maintenance costs, difficulty finding replacement parts, outdated in-cab safety features and rollover protection, and diminished reliability.



### DISCUSSION

Considering the apparatus's age and high costs for maintenance and repairs, it is recommended to surplus Vehicles 1119 and 1121.

With Board approval, the District would like to donate Vehicle 1111 to a non-profit organization. Speedway will be able to utilize the apparatus, whereas we will likely have difficulty finding a buyer who would pay a competitive price due to age and repair costs.



All apparatus will have San Miguel decals and identifiers removed, and any useful equipment that can be repurposed will be removed and evaluated for future use.

**FISCAL IMPACT**

Surplus all vehicles listed in this report, with 1111 being donated to Speedway Fire and 1119 and 1121 being sold for the best offered price.

**ATTACHMENTS**

- A. Resolution 24-05

**RECOMMENDATION**

Approve Resolution 24-05.

**Resolution 24-05**

**A Resolution of the Board of Directors of the  
San Miguel Consolidated Fire Protection District  
Authorizing the Liquidation of Surplus Equipment**

**WHEREAS**, The San Miguel Consolidated Fire Protection District (hereinafter referred to as District) owns and operates motor vehicles that facilitate the provision of services and conduct of business; and

**WHEREAS**, From time to time, through normal use, some vehicles become obsolete, unreliable, and excessively costly to maintain; and

**WHEREAS**, District staff has identified the following as being obsolete, unreliable, and/or excessively costly to maintain:

1996 Type 3 Navistar Engine (VIN # 1HTSDAANIVH368454)

2000 International Type 3 Engine (VIN # 1HTSDADN51H372092)

2003 Ferrara Inferno Type 1 (VIN # 1F95142274H140274)

**NOW, THEREFORE, BE IT RESOLVED**, That the Board of Directors finds the vehicles listed above to be no longer needed by the District and, therefore, are deemed surplus; and

**BE IT FURTHER RESOLVED** That the Board of Directors authorizes staff to liquidate said vehicles in an appropriate manner.

**PASSED AND ADOPTED** by the Board of Directors of the San Miguel Consolidated Fire Protection District this 10<sup>th</sup> day of April 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Shayna Rians, Board Clerk

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Jesse A. Robles, Board President



## STAFF REPORT

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**DATE:** April 10, 2024  
**TO:** Board of Directors  
**FROM:** Leah Harris, Administrative Officer/Finance Officer  
**SUBJECT:** Adoption of CEQA Guidelines – Resolution 24-06

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### BACKGROUND

The California Environmental Quality Act (“CEQA”), codified in Public Resources Code section 21000 et seq., is California’s most comprehensive environmental law. It generally requires public agencies to evaluate the environmental effects of their actions before they are taken. CEQA also aims to prevent significant environmental effects from occurring as a result of agency actions by requiring agencies to avoid or reduce, when feasible, the significant environmental impacts of their decisions.

To this end, CEQA requires public agencies to adopt specific objectives, criteria, and procedures for evaluating public and private projects undertaken or approved by such agencies.

### DISCUSSION

The San Miguel Consolidated Fire Protection District has prepared a proposed updated set of Local CEQA Guidelines for 2022 in compliance with CEQA’s requirements. These Guidelines reflect recent changes in the State CEQA Guidelines and relevant court opinions. These Local CEQA Guidelines also provide instructions and forms for preparing all environmental documents required under CEQA. BB&K has provided an explanatory memorandum, which is attached.

### FISCAL IMPACT

No fiscal impact is anticipated from the adoption of the Local CEQA Guidelines.

### ENVIRONMENTAL IMPACT

No environmental impact is anticipated from amending the Local CEQA Guidelines. The San Miguel Consolidated Fire Protection District adoption of the attached Resolution is not a project under State CEQA Guidelines section 15378(b)(5) because it involves an administrative activity involving process only and would not result in any environmental impacts.

### ATTACHMENTS

- A. BB&K memorandum: *Summary of Changes to Local CEQA Guidelines*
- B. Resolution 24-06

### RECOMMENDATION

Adopt Resolution 24-06 regarding the adoption of the 2024 Local Guidelines for Implementing the California Environmental Quality Act.

## Memorandum

**TO:** Project 5 District Client  
**FROM:** Best Best & Krieger LLP  
**DATE:** March 22, 2024  
**RE:** Summary of Changes to Local CEQA Guidelines

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In 2023, the California Legislature revised the California Environmental Quality Act (“CEQA”) to exempt certain affordable housing projects, expand the circumstances in which Notices of Determination and Notices of Exemption must be filed with the State Clearinghouse, and provide public agencies with increased control over the preparation of the administrative record in litigation. We have revised the District’s Local Guidelines for Implementing CEQA (“Local Guidelines”) to account for these CEQA developments. This memorandum summarizes the substantive amendments to the District’s Local Guidelines.

The Local Guidelines and this memorandum are designed to help the District comply with CEQA when considering a project subject to CEQA. We still recommend, however, that you consult with an attorney when you have specific questions on major, controversial, or unusual projects or activities.

The Local Guidelines, the related CEQA forms, and other important legal alerts may be accessed via the Best Best & Krieger CEQA client portal. For technical support, please contact Tammy Ingram at [tammy.ingram@bbklaw.com](mailto:tammy.ingram@bbklaw.com).

### REVISIONS TO LOCAL GUIDELINES

**1. SECTIONS 3.04, 6.20, & 7.39 – NOTICES OF DETERMINATION & NOTICES OF EXEMPTION**

Public Resources Code section 21152 has been amended to require a local agency to file a Notice of Determination (“NOD”) with both the County Clerk and the State Clearinghouse in the Office of Planning and Research (“OPR”) within five working days of the agency approving a project subject to CEQA. The Legislature further amended Section 21152 to provide that when a local agency files a Notice of Exemption (“NOE”), the agency should file the NOE with both the County Clerk and the State Clearinghouse.

We have revised Sections 3.04, 6.20, and 7.39 of the Local Guidelines to account for the expanded circumstances in which an agency must file an NOD or NOE with the State Clearinghouse.

**2. SECTION 9.10 – EXEMPTION FOR A RESPONSIBLE AGENCY’S PROVISION OF FINANCIAL ASSISTANCE FOR THE DEVELOPMENT OF AFFORDABLE HOUSING**

Public Resources Code section 21080.10(b) has been amended to exempt action taken by a local agency not acting as the lead agency to provide financial assistance or insurance for the

development and construction of residential housing for persons and families of low- or moderate-income, if the project at issue will be reviewed pursuant to CEQA by another public agency.

We have added Section 9.10 to the Local Guidelines to account for this exemption.

**3. SECTION 9.11 – EXEMPTION FOR SPECIFIED AFFORDABLE HOUSING PROJECTS**

The Legislature has added Section 21080.40 to the Public Resources Code, which includes a new statutory exemption under CEQA for affordable housing projects that meet the section’s specified requirements. The section exempts from CEQA certain actions taken by lead agencies relating to 100 percent affordable housing projects (as defined), including (i) the issuance of an entitlement by a public agency for an affordable housing project, (ii) an action to lease, convey, or encumber land owned by a public agency for an affordable housing project, (iii) an action to facilitate the lease, conveyance, or encumbrance of land owned or to be purchased by a public agency for an affordable housing project; (iv) rezoning, specific plan amendments, or general plan amendments required specifically and exclusively to allow the construction of an affordable housing project, or (iv) an action to provide financial assistance in furtherance of implementing an affordable housing project.

We have added Section 9.11 to the Local Guidelines to account for this exemption.

**4. SECTION 9.12 – EXEMPTION FOR HOUSING DEVELOPMENTS ON LAND OWNED BY INSTITUTIONS OF HIGHER EDUCATION AND RELIGIOUS INSTITUTIONS**

The Legislature has added Section 65913.16 to the Government Code, which provides for the ministerial approval of a “housing development project” (meeting specified requirements) located on land owned on or before January 1, 2024 by an independent institution of higher education or a religious institution.

We have added Section 9.12 to the Local Guidelines to account for this exemption.

**5. SECTION 10.03 – ADMINISTRATIVE RECORDS**

Public Resources Code section 21167.6 has been amended to provide public agencies with increased control over preparation of the administrative record during litigation. In particular, a public agency may now deny a petitioner’s request to prepare the administrative record, provided that it issues the denial within five business days of receiving the petitioner’s request to prepare the administrative record.

Public Resources Code section 21167.6 has further been amended to clarify that an administrative record need not include (1) communications and emails of a logistical nature, such as meeting invitations or scheduling communications; or (2) documents subject to a privilege or exemption set forth in the California Public Records Act.

We have revised Section 10.03 of the Local Guidelines to be consistent with Public Resources Code section 10.03, as amended.

### **Other Changes**

Effective January 1, 2024, the Department of Fish and Wildlife has increased its fees. For a Negative Declaration or a Mitigated Negative Declaration, the new filing fee is \$2,916.75; for an EIR, the new filing fee is \$4,051.25; and for an environmental document prepared pursuant to a Certified Regulatory Program, the filing fee has been increased to \$1,377.25.

### **Conclusion**

As always, CEQA remains complicated and, at times, challenging to apply. The only constant in this area of law is how quickly the rules change. Should you have questions about any of the provisions discussed above, please contact a BB&K attorney for assistance.

**BEST BEST & KRIEGER LLP**

**Resolution 24-06**

**A Resolution of the Board of Directors of the  
San Miguel Consolidated Fire Protection District  
Amending and Adopting Local Guidelines for Implementing the  
California Environmental Quality Act  
(Public Resources Code § 21000 et seq)**

**WHEREAS**, the California Legislature has amended the California Environmental Quality Act (“CEQA”) (Pub. Resources Code § 21000 et seq.), the Natural Resources Agency has amended portions of the State CEQA Guidelines (Cal. Code Regs, tit. 14, § 15000 et seq.), and the California courts have interpreted specific provisions of CEQA and the State CEQA Guidelines; and

**WHEREAS**, Public Resources Code section 21082 requires all public agencies to adopt objectives, criteria and procedures for (1) the evaluation of public and private projects undertaken or approved by such public agencies, and (2) the preparation, if required, of environmental impact reports and negative declarations in connection with that evaluation; and

**WHEREAS**, the San Miguel Consolidated Fire Protection District must revise its local guidelines for implementing CEQA to make them consistent with the current provisions and interpretations of CEQA and the State CEQA Guidelines.

**NOW, THEREFORE**, the San Miguel Consolidated Fire Protection District (“District”) hereby resolves as follows:

**SECTION 1.** The District hereby adopts the “2024 Local Guidelines for Implementing the California Environmental Quality Act,” a copy of which is on file at the offices of the District and is available for inspection by the public.

**SECTION 2.** All prior actions of the District enacting earlier guidelines are hereby repealed.

**PASSED AND ADOPTED** by the Board of Directors of the San Miguel Consolidated Fire Protection District this 10<sup>th</sup> day of April 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Shayna Rians, Board Clerk

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Jesse A. Robles, Board President

## ***Resolution 24-07***

### **A Resolution of the Board of Directors of the San Miguel Consolidated Fire Protection District Relating to the Industrial Disability Retirement of Fire Captain Brian Komp (Government Code §21156)**

**WHEREAS**, the San Miguel Consolidated Fire Protection District (hereinafter referred to as the District) is a contracting agency of the Public Employees' Retirement System;

**WHEREAS**, the California Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he is classified as a local safety member, is disabled for purposes of the California Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such law;

**WHEREAS**, an application for industrial disability retirement of Brian Komp employed by the District in the position of Fire Captain, has been filed with the California Public Employees' Retirement System and was received by the District on or about October 13, 2023; and

**WHEREAS**, the Board of Directors has reviewed the medical and other evidence relevant to such alleged disability at the Board meeting conducted on April 10, 2024.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors finds and determines that Brian Komp is incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his usual duties in the position of Fire Captain effective March 26, 2023.

**BE IT FURTHER RESOLVED** that the Board of Directors finds and determines that such disability is a result of injury or disease arising out of and in the course of employment as a local safety member.

**BE IT FURTHER RESOLVED** that neither Komp nor the District has applied to the Workers' Compensation Appeals Board for a determination pursuant to Government Code section 21166 whether such disability is industrial.

**BE IT FURTHER RESOLVED** that the member was last on paid status on December 7, 2023, in a temporary light duty capacity. Komp received Labor Code 4850 benefits. There is no dispute as to the expiration of his rights under Government Code section 21164. Komp remains on approved leave from the District in an unpaid status.

**BE IT FURTHER RESOLVED** that there is not a possibility of third-party liability.

**BE IT FURTHER RESOLVED** that the District is not aware of Komp pursuing any claim against any person or entity for the same injuries that also entitle Komp to a disability retirement from CalPERS.

**BE IT FURTHER RESOLVED** that Advance Disability Pension Payments will not be made.

**BE IT FURTHER RESOLVED** that the District certifies under penalty of perjury that this determination was based on competent medical opinion.

**Be it Further Resolved** that there is competent medical opinion certifying that the disability is expected to be permanent.



**Be it Further Resolved** that the District certifies under penalty of perjury that this determination was not used as a substitute for the disciplinary process.

**Be it Further Resolved** that Komp has filed a workers' compensation claim for his disabling condition and the claim was accepted by the insurance carrier.

**Be it Further Resolved** that Komp is competent to act on his own behalf in legally binding retirement matters.

**PASSED AND ADOPTED** by the Board of Directors of the San Miguel Consolidated Fire Protection District this 10<sup>th</sup> day of April 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Shayna Rians, Board Clerk

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Jesse A. Robles, Board President