

**San Miguel Consolidated Fire Protection District
Regular Meeting of the Board of Directors
Wednesday, July 12, 2023, 5:30 pm**

MINUTES

President Robles called the meeting to order at 5:30 pm.

BOARD MEMBERS PRESENT Directors McKenna, Nelson, Pierce, Raddatz, Robles, and Woodruff.

BOARD MEMBERS ABSENT Director Muns

STAFF PRESENT Fire Chief Brainard, Division Chief Lawler, Battalion Chief Christiansen, Deputy Fire Marshal Newman, Administrative Officer/Finance Officer Harris, and Executive Assistant/Board Clerk Rians.

Director Pierce led the Pledge of Allegiance

President Robles called for a Moment of Silence for Lakeside's Retired Fire Chief, Mark Baker, who passed away on July 10, 2023. Director Raddatz led the Ringing of the Bell in memory of Chief Baker.

APPROVAL OF AGENDA

By Board Consensus, the agenda was approved.

The Agenda for the Regular Meeting of July 12, 2023, was posted at District Headquarters on Friday, July 7, 2023, at 5:00 pm.

PUBLIC COMMENT

Spring Valley resident Glenn Harris spoke to the Board regarding weed abatement. LAFCO Representative Barry Willis addressed the Board regarding upcoming goals as a LAFCO Representative.

SPECIAL PRESENTATION

BSA Scout Troop 355 presented a Flag Box for properly disposing of worn American flags. This box will reside at Station 15, and Troop 355 will empty it and conduct ceremonies to retire the flags.

INFORMATIONAL AGENDA ITEMS

1. The Board of Directors heard from Crystal Lynn, Director, Investment Services of California Cooperative Liquid Assets Securities System ("CLASS"), who presented information on the CLASS Joint Powers Authority Investment Pool.

CONSENT AGENDA ITEMS

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

2. Approve the Minutes
Regular Meeting of June 14, 2023
Special Meeting (Financial Workshop) of June 28, 2023

3. Approve Board Member Stipend Payments.

ACTION AGENDA ITEMS

4. Approve the Weed Abatement Fixed Special Assessments (Fire Prevention Services) for Fiscal Year 2023/2024.

Deputy Fire Marshal Newman presented the list of Special Assessments, ensuring the Board it had been reviewed for accuracy. Ken Osborn of Fire Prevention Services, Inc. answered questions from the Board.

Upon a motion by Director Robles, second by Director Nelson, and vote (unanimously in favor with Director Muns absent), the Weed Abatement Fixed Special Assessments (Fire Prevention Services) for Fiscal Year 2023/2024 were approved.

5. Approve Resolution 23-16 – A Resolution of the Board of Directors of the San Miguel Consolidated Fire Protection District to Adopt the Board of Directors Policy Manual with Amendments outlined, including changes to the Financial Management and Investment Policies.

Director McKenna provided the following comments and requested their inclusion in the minutes verbatim:

I am enormously grateful and appreciative for the amount of time and work that has gone into the proposed updates of this Policy and want to give a shout out to Director Robles and Admin/Finance Officer Leah Harris for doing all the heavy lifting.

That said, as I expressed at the Workshop, I cannot support a policy that attempts to constrain future Boards by invoking a mandate for a Supermajority Vote. In fact, a comment made by a Finance Committee member was along the lines of invoking a Supermajority mandate with the specific intent of preventing future Boards from making decisions not in line with those of this Board.

I am referencing Section 8.3 -- Financial Manage Policy Changes which, as proposed requires "an affirmative vote by a supermajority of the Board" in order to change the Financial Management Policy in the future. It defines Supermajority as a "5-2 final vote". Section 8.10 also references the Supermajority vote.

I see this as a terrible precedent to set with potentially unintended consequences. Who are we to write policy to tie the hands of any future Board? Are we so narcissistic to think future Boards are so incompetent that they should not be given the latitude to work under a Simple Majority vote? Three points to consider:

1. *Requiring a Supermajority Vote can slow down the decision-making process which can lead to delays in implementing necessary financial decisions.*
2. *Limits Flexibility. Financial decisions often require quick and adaptable responses to changing economic conditions. Requiring a Supermajority can restrict the ability to respond swiftly to emerging financial challenges, limiting the effectiveness of policy interventions. Disagreements and conflicts may arise, making it difficult to reach a consensus and causing deadlock.*
3. *Supermajority requirements may undermine the principle of democratic representation. Requiring a Supermajority can result in the dilution of the voice of Board members who represent the People in their Division.*

While requiring a Supermajority in some instances may be warranted, as Director Muns eluded to at our workshop, I do not believe invoking a Supermajority Vote, especially when it relates to taking action during a Fiscal Economic Crisis, is in the best interest of our constituents.

Finally, might I remind everyone that had such a Supermajority-type policy been in place and controlling decisions of the Board in 2016, this District never would have been able to return to a stand-alone agency.

It's a dangerous precedent. Even the Heartland JPA Agreement Amendment before us under Item 7 states that that Agreement may only be amended by "simple majority vote of all the Member Agencies." We're set to vote on an 8-year, multi-million-dollar contract, and all that's needed for that amendment is a simple majority.

I would ask my fellow Board members give this Supermajority concept some very serious consideration before agreeing to set such a dangerous precedent.

Finally, would anyone on this Board want your hands tied by a prior Board that told you how to do business? I'd say, "No."

I do not support this concept, and I move that any reference to a Supermajority Vote be stricken from Policies 8.3 and 8.10 and anywhere else it is noted in the draft policy and that the Policy be adopted with those changes. Thank you.

Director McKenna moved that any reference to a Supermajority Vote be stricken from Policies 8.3 and 8.10 and anywhere else it is noted in the draft policy and that the Policy be adopted with those changes. Director Pierce seconded the motion, and a vote followed with Directors McKenna, Pierce, and Robles voting in favor, Directors Nelson, Raddatz, and Woodruff opposed, and Director Muns absent. The motion failed.

Director Nelson made a motion to approve Resolution 23-16 as written. Director Raddatz seconded the motion, and a vote followed with Directors Nelson, Raddatz, Robles, and Woodruff voting in favor, Directors McKenna and Pierce opposed, and Director Muns absent. Motion passed; Resolution 23-16 was approved as written.

Legal Counsel advised that a supermajority vote was not needed to pass Resolution 23-16 after being asked for clarification by the Board of Directors. Director Nelson stated that it had been discussed with Legal Counsel while the Finance Committee reviewed the policy.

6. Public Hearing – Public Hearing #2 to Receive Public Comment on Proposed Fire Prevention Fee Schedule. The Board may discuss and take action on adopting Ordinance 2023-2 with the adoption of the revised Fiscal Year 2023-2024 Fee Schedule.

Director Robles opened the public hearing at 6:46 pm. With no members of the public wishing to speak, **Director Robles closed the public hearing at 6:46.**

Upon a motion by Director Pierce, second by Director Nelson, and vote (unanimously in favor with Director Muns absent), the Ordinance 2023-2 and the revised Fire Prevention Fee Schedule were approved.

7. Heartland Communications Facility Authority JPA Agreement Amendment – The Board of Directors may take action to approve agreement changes.

Upon a motion by Director Robles, second by Director Raddatz, and vote (unanimously in favor with Director Muns absent), the HCFA JPA Agreement Amendment was approved.

REPORTS

8. Committee Reports

Director Pierce shared that the Government Affairs Committee will meet with Senator Padilla at Station 18 on July 19th.

Director Robles discussed the Board Finance Workshop and echoed Director Pierce regarding the meeting with Senator Padilla at Station 18.

9. Directors' Reports

Directors Woodruff and Pierce thanked Chief Brainard for notifying them of a fire fatality and passing of Chief Baker.

10. Chief's Report

Action Plan Recap from June 14, 2023, Board Meeting

- Staff to review Wellness program – **In progress**
- Master Planning Workshop – **Scheduled for August 16, 2023, at 5:30 pm**

Action Plan Recap from June 28, 2023, Special Board Workshop – None

July 12, 2023, is our 6th Anniversary Returning to Stand Alone Fire District

Coronavirus Aid Relief and Economic Security Act (CARES Act) \$2.1M

- CARES Act audit came back with No Findings or Variances

Station 14 Property Perimeter Wall Emergency Repair

- Immediate collapse danger mitigated
- Potential for subrogation back to the adjacent property owner

Truck 15 Warranty Issues

- Sending to South Coast for potential warranty issues to be evaluated

Significant Incidents

- June 13 – Paradise Valley Rd 1-acre vegetation fire threatened six homes/evacuated
- June 20 – La Crests Grade vehicle fire over the side, spread to vegetation
- July 7 – Jamacha Rd/Cuyamaca - Fatal MCI with three trauma patients & one FF injury
- July 8 – 9100 Edgewood – 2nd alarm fatal structure fire – cause under investigation
- July 9 – 3600 Steel Canyon – solo vehicle into high voltage power pole, vehicle fire, one injury

11. Association of San Miguel Chief Officers Communications
Battalion Chief Christiansen shared that his transition to Training and Nava's promotion to B-shift Battalion Chief is going smoothly. Five internal candidates from San Miguel attended an Engineer's Orientation. Six new Firefighter Paramedics begin their Academy on July 20th.
12. Association of San Miguel Firefighters Communications
Captain Mike Hays shared that Local 1434 will reimburse the cost of the flag box to BSA Troop 355. The Local has reached out to Lakeside's Union President, offering support following Chief Baker's passing. Hays shared that Chaplain Helewa and 1434 supplied gift cards to the family that suffered a fatal house fire. Nearly 100 people attended the annual Padres game rooftop event, and a little over 100 people attended the annual 4th of July potluck. There has been an outpouring of support following Battalion Chief Durrell's daughter receiving a cancer diagnosis – there is a GoFundMe and other fundraising events being planned.
13. Correspondence
None

CLOSED SESSION AGENDA ITEMS

President Robles adjourned the meeting to Closed Session at 7:05 pm

14. Closed Session – Performance Evaluation pursuant to Government Code 54957
Position: Fire Chief
15. Closed Session – Conference with Labor Negotiator (§54957.6)
Agency Negotiators: Attorney Joseph Sanchez
Title: Fire Chief
16. Closed Session – Public Employment pursuant to Government Code Section 54957
Position: Fire Chief
17. Closed Session - Conference with Labor Negotiator (Government Code §54957.6)
Agency Negotiators: Directors McKenna, Muns, Robles, & Attorney Joseph Sanchez
Unrepresented Employees: Division Chief

President Robles reconvened the meeting to Open Session at 9:13 pm

ACTION PLAN RECAP

- AO/FO Harris to provide recommendations for investments
- Staff to upload the Board of Directors Policy Manual with Amendments outlined, including changes to the Financial Management and Investment Policies into the Policy Management System
- Post Ordinance 2023-2 in accordance with law

*The next Board Meeting will be a Regular Meeting on **August 9, 2023, at 5:30 pm**, District Headquarters*

President Robles adjourned the meeting at 9:14 pm

Prepared and submitted by:
Shayna Rians
Board Clerk