

**ALBION-LITTLE RIVER FIRE PROTECTION DISTRICT
MEETING MINUTES
BOARD OF DIRECTORS BUSINESS MEETING**

Wednesday, October 30, 2007, 7:30 p.m.

Location: Station 810, 32601 Albion Ridge Road, Albion, California

1. Call to order and determination of a quorum: at 7:31 p.m.; attending were Board Members Shock, Taeger, Vogelgesang, and Latkin; one board seat remains vacant due to the resignation of Sam Levine. Others attending included Board bookkeeper Carolyn Latkin; members of the public Ted Williams and Ed Petrykowski; and members of the public who are also members of the Department Ron Stark, Erica Geer, Terence Weil-Dye, Stacey Weil-Dye, John Oakley, Jonathan Peakall, Bruce Jenkins, Sam Levine, Rick Kruse, Rob Marcello and Oliver Seeler, the last of whom stated he was attending as a member of the public and not as Fire Chief due to circumstances described at length in his October 22, 2007 e-mail communication to the Board Secretary and members of the ALRVFD, a copy of which is available upon request (as are any public records of the District, which include under Gov. Code § 54957.5 any writing distributed to all or a majority of the Board by any person in connection with a matter subject to discussion) to Board Secretary Laura Vogelgesang at [HYPERLINK "mailto:LauraALRFPD@comcast.net"](mailto:LauraALRFPD@comcast.net)
LauraALRFPD@comcast.net.

2. Public communication to the Board: Sam Levine stated we need comity. Jonathan Peakall stated that there are problems with the qualifications for the fire chief in the job description for the fire chief which was sent by e-mail to the members of the Department (the e-mail had been sent to members of the Department by Laura Vogelgesang as Board Secretary with copies of portions of the District's "Bylaws, Policies and Procedures" which relate to the fire chief and to procedures for amendments of the policies and procedures, the job description for the ALRVFD chief adopted by the District Board on January 25, 2006, and the agenda for the October 2007 District Board meeting) and that the best candidate to be the next chief of the Department could not meet those qualifications and that closed meetings don't instill confidence and do foment suspicion and distrust, and he questioned why changes are coming down and asked if the District Board was not happy and stated his support of Chief Seeler and his sorrow that Chief Seeler is stepping down. Oliver Seeler, stating that he spoke as a member of the public, read a statement regarding the general relationship between the District Board and the Department and his observations and suggestions regarding the relationship and stated that he, or he and some members of the Department, wished to have a formal written agreement with respect to roles and responsibilities; a copy of the statement was not furnished to the District Board. Sam Levine requested that agenda item 11 be moved forward on the agenda because some in attendance had children at home.

The District Board determined that there was no objection to moving to agenda

item 11 immediately, and did so. It is set forth below, in order; immediately subsequent to the discussion in connection with agenda item 11, all of the Department members left the meeting.

3.#1. Introduction of Candidates for District Board. Mr. Petrykowski appeared to indicate his willingness to serve on the District Board, and was appointed by the Board to fill the vacancy created by Sam Levine's resignation.

3.#2. Fire Chief's Report, including operational needs:

A) Incident reports. Chief Seeler's written report stated that there had been "one significant call since the last Board meeting, a solo traffic accident on Albion Ridge with one victim, helicoptered out, and with power lines down."

B) Fund raising, gifts and service fees. Chief Seeler's written report contained no information on this issue; please see item 9.B. below regarding the lack of a grant request to Mendocino Rotary by the Department in 2007.

C) Fire Department report. Chief Seeler's written report stated "We had a very successful open house. Sorry more of you could not attend." It further stated, "We continue find people expressing interest in joining the department. At the last Business Meeting, Diana Garcia was voted into full membership." It finally stated, "Bruce Jenkins has now been appointed Maintenance Officer."

D) Fire Department operational needs. None were noted in Chief Seeler's written report.

4. Treasurer's report. The budget report had been distributed by Carolyn Latkin, and it was accepted. Alan Taeger as Treasurer reported that an audit proposal had been received from Michael A. Celentano, C.P.A., proposing a four-year contract for \$3,500 for each two-year audit, and that this cost was more than the previous two-year audit by Mr. Celentano; the Board considered whether the Board should consider requesting additional proposals from others, and determined that since Mr. Celentano prepares audits for a number of fire protection districts and has prepared the ALRFPD audit for several periods, it is unlikely that comparable work at less cost could be found.

Alan Taeger noted that only \$1,000 remains approved for future payments to WRA Environmental Consultants, which have been working on the report for the Station 811 project, but that there may not be very much work remaining to be completed in light of the report which has been prepared for submission to the Planning Department and to the Coastal Commission

Alan Taeger reported that a committee on county investment oversight is being re-formed, and that one of its members is to be an individual elected by the presiding officers of the county's special districts.

5. Secretary's report.

A) Communications to the Board. Laura Vogelgesang as Secretary reported that there had been no communications.

B) Minutes. The minutes of the September 26, 2007 regular meeting were approved.

C) Communications to Department. The Board discussed how best to convey information to the Department with respect to decisions made at Board meetings; in 2007 Chief Seeler was absent for all or a part of meetings in April, May, June, August, September (special meeting), September (regular meeting), and October meetings and had not delegated anyone to attend on behalf of or communicate Board actions to the Department and it was unclear whether or not he had reviewed the minutes of the meetings or had conveyed information of interest to the Department to its members from the meetings he had attended, and clear that some information has not been conveyed to the members of the Department. This discussion occurred after the discussion described in 11. below. The Board expressed its wish that the normal avenue of communications be the Fire Chief and that this should be made to work; Laura Vogelgesang was asked by the Board to request an invitation to the next meeting of officers of the Department in order to ask whether agendas and minutes of ALRFPD board meetings should be sent as a matter of course to Department members and interns, and for any other suggestions with respect to how communications between the District Board and the Department could be improved.

6. Update on Station 811 Project. Laura Vogelgesang and Alan Taeger reported that they had met with Ron Stark to review the WRA report containing the analysis of proposed use of the property based on a reduced buffer, and the draft of the revised Use Permit, and that revised plans will be ready for the next meeting of this group on November 12. Ed Petrykowski asked if he could be of assistance and was added to the Real Estate Committee; since it consists of three Board members, notice of the meeting will be posted and it will be held in the District.

7. Items for consideration and possible action:

A) COLA Adjustment to Partial Reimbursement to Firefighters. Laura Vogelgesang had brought for distribution a Cost of Living Calculator page from the American Institute for Economic Research showing that \$600 (the

amount determined to be paid as partial reimbursement to firefighters beginning in 2002) is equal to \$686.05 in 2007; the page states that the calculator uses the Consumer Price Index for the conversion and that the source for the data is the Bureau of Labor Statistics. Laura Vogelgesang noted her questions about the partial reimbursement payments, including: Who actually writes the checks for these payments and how are they delivered to the members of the Department? Is each year's payment pro-rated based upon the number of months in the calendar year that a Department member is an active member? Are payments, pro-rated or not, made to former Department members who have retired from the Department during the calendar year? Ms. Vogelgesang was asked to request an invitation to the next meeting of officers of the Department in order to ask whether or not the Department would request a COLA adjustment and to delineate the policy issues which must be resolved, so that the response might be brought back by her to the District Board for action.

At this point, which followed discussion of agenda item 11., Ms. Vogelgesang was asked to let the Department's officers know that the District Board needs to get input on a listing of qualifications or traits or attributes for the Department's chief and to ask whether the officers would take this job to the Department for its input or if the officers themselves and without further input from other Department members would undertake to prepare this listing.

B) Emergency Response Services Fees. This item will be reagendaized for December 2007.

C) Benefits for Firefighters. Laura Vogelgesang reported that at the October Department meeting, she had asked whether or not the Department would like to have reimbursement for the cost of flu shots for firefighters as a benefit and had stated to the Department that if it would she would bring the issue to the District Board, and that the response was that Chief Seeler moved, and it was seconded and the motion carried, that the Department pay the cost of flu shots for firefighters.

8. Land, buildings and equipment:

A) Power to 815: Chief Seeler's written report stated as follows: "It appears that the power to Station 815 is getting closer and closer; Bruce Jenkins has been doing a great job on this project and can fill you in." Firefighter Jenkins had left the meeting earlier, at the conclusion of consideration of agenda item 11., so the Board received no information on this item.

B) Roof of 810: Josh Latkin reported that the final work on the façade of Station 810 had been completed but that it had not yet been painted.

9. Committee Reports:

A) Real Estate. This committee will meet on November 12 to consider issues related to Station 811.

B) Grants. The Board noted that the Department made no application

for a Rotary Club grant despite the fact, reported in an earlier meeting by Laura Vogelgesang, that she had obtained information about the grant application process and forwarded it to Chief Seeler by mail after receiving no indication from him that he had received e-mailed information sent by her to him which included the information that the typical "maximum" amount of such a grant is \$2,000, and despite Mr. Shock's e-mailed reminder to him after the grant period had expired with a suggestion that a late application could be made with an explanation of why the application was late..

C) Insurance. No report.

D) Requirements. No report

E) Web Site. No report.

F) Ordinances. No report.

10. Long-Range Planning. Laura Vogelgesang reported that she had had no response whatsoever to her e-mail to Department and Auxiliary members on September 27, 2007 requesting additional input by October 18 and including a redrafted document, and informing the recipients that the Board expected to plan a public meeting with respect to the plan document for the week of November 12. In light of the lack of response from the Department and the District Board's hope that communication will improve in the future, the District Board determined to postpone any future action with respect to the Department's Long-Range plan until after the beginning of the new year.

11. Procedures and Considerations with Respect to Fire Chief. Laura Vogelgesang distributed copies of the following (all of which are available upon request to Board Secretary Laura Vogelgesang at [HYPERLINK "mailto:LauraALRDPD@comcast.net" LauraALRDPD@comcast.net](mailto:LauraALRDPD@comcast.net)), briefly reviewed the contents of the documents and her understanding based upon conversations with previous members of the Board that the job description had been worked on over a period of years without any input from the Department although input had been requested, described her concern with the process based in part on her perception of the difficulties faced by the Department, and expressed her hope that these documents and explanation would allow the Department members to understand the basis upon which the District Board proceeds and the reason for its current agenda item with respect to the procedures and considerations with respect to the fire chief, including the job description for the Fire Chief, the procedure for its appointment of the Fire Chief, and its holding of closed sessions in order to consider the appointment, employment, and evaluation of the Fire Chief:

the Mission Statement of the District;

the District's Bylaws, Policies and Procedures provision entitled "Appointment of Fire Chief by Board of Directors," adopted by the District Board on August 11, 1999;

the Job Description for the Fire Chief of the Albion-Little River Volunteer Fire Department, Inc., adopted by the District Board on January 25, 2006; pages 3.9 and 3.10 describing "Basic Roles and Responsibilities of the

Board” (and with the statement “Develop a list of qualifications, job description and evaluation process for the Fire Chief” highlighted for ease of reference) and “Basic Roles and Responsibilities of the Fire Chief” (and with the statement “Failure to establish an effective leadership team can sometimes be traced to fire chiefs who: . . . Don’t ask for ongoing evaluations of performance and expectations”” highlighted for ease of reference) from the Fire Districts Association of California Fire Administration Handbook (first completed in September of 1997 by a committee of five individuals including the Chiefs of the Salida, Ross Valley, and Ebbetts Pass Fire Protection Districts and Directors from the Penn Valley and Forestville Fire Protection Districts); excerpts from the Brown Act (Gov. Code §§ 54957 and 54957.1 authorizing the holding of a closed session “to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee” and defining the term “employee” to include “an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors;” Health and Safety Code §13802 (a portion of the Fire Protection District Law of 1987) with subsection (e) highlighted for ease of reference, in which the law provides ““Employee” means any personnel of a district, including any regular or call firefighter hired and paid on a full-time or part-time basis, or any volunteer firefighter. “Employee” also includes any person who assists in the provision of any authorized emergency duty or service at the request of a person who has been authorized by the district board to request this assistance from other persons.

A lengthy discussion ensued, some of the highlights of which are as follows. The ability of non-firefighters (that is, members of the District Board) to formulate a job description for a fire chief was questioned, and the status of the Chief of the Department and members of the Department as “employees” was questioned. Oliver Seeler disputed the length of time over which input from the Department with respect to the job description was requested and stated he had personally found it something he could not take part in, and expressed his belief that because one director had apparently not been sworn in as a Director at the time of adoption of the job description that no actions of the Board were “legal.” Various members of the Department expressed their belief that there will be “resentment” if the Board “stands on” the job description, that choice of a fire chief is none of the business of the District Board until a chief is presented to it; that a volunteer firefighter should not be an “employee,” that the Board is urged to revisit the job description, and the question was raised (and answered by the Board in the affirmative) whether the idea is to produce communication with the Chief and there has not been communication. The Board explained that an employee may request that an item otherwise scheduled for a closed session be conducted in open session; Oliver Seeler stated that his position is that he is not an employee in connection with closed sessions allowed under the Brown Act and if he were to request that any discussion otherwise on the agenda be conducted in open session, he would be validating the position of the District

Board that he is an employee with respect to whose position closed sessions should be conducted, and that having an agenda posted on which evaluation of his position is scheduled as a closed session makes him feel "like sh**," stated that he has attended District Board meetings "faithfully" and has never received a telephone call asking him "what's up" and stated that no one from the District Board apart from one member was at the Department's Open House. The Board made clear that it believes it has proceeded correctly in accordance with the Brown Act with respect to closed sessions, but in response to a suggestion that getting an interpretation would resolve the question, the Board determined to request an opinion from County Counsel on this issue. The Board further advised the assembly that it is trying to work through these issues, which is why the matter was placed on the agenda; that the job of being Fire Chief is daunting and that that is reflected by the listing in the job description; that there has been little input on the job description to date but that the Board will attempt to get the Department's input now; that it cannot put its work on hold but must follow its procedures and move forward with the ratification and appointment of the Fire Chief; that any changes which may be made will not be made in connection with the selection process in 2007 but that the District Board will make its decision based on consensus; that the District Board needs clarity with respect to how it can relate to the Chief and the Department; and that its agenda for November will include the presentation or formulation of a plan to respond to any interpretation of the County Counsel, and an action plan regarding the "job description" for the Fire Chief.

12. Board Directors' Reports: There were none.

13. Closed Session. The Board determined that no closed session was needed.

14. Scheduling of Special Meetings. The Board determined that no special meeting to consider appointment of a new Board member was required, and that a special meeting to discuss the update/review of the long-range planning document with the Department's new chief should be scheduled after the beginning of the New Year.

15. Next meeting date and agenda: The next regular meeting will be on Tuesday, November 27, 2007 at 7:30 p.m. at Station 810. The December 2007 regular meeting will take place after Jim Shock's term on the Board has expired so that scheduling to accommodate his teaching schedule may be unnecessary; however, since the regular meeting would normally be held on December 26, the Board determined to reschedule the December regular meeting for Wednesday, December 19 at 7:30 p.m. at Station 810.

16. Adjournment: at 9:53 p.m.

Laura J. Vogelgesang, Secretary

Albion-Little River Fire Protection District Board
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