

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE  
MONTECITO FIRE PROTECTION DISTRICT

Held at Fire District Headquarters, 595 San Ysidro Road, December 18, 2006. The meeting was called to order by President Jensen at 8:34 a.m. Present were Director Jensen, Director Venable and Director Newquist. Others present at the meeting: E. Hvolboll, J. Langhorne, C. Lim, T. McElwee, E. Skei, G. Simmons, and K. Wallace.

1. There was no public comment.
2. On a motion made by Director Newquist, seconded by Director Venable, the minutes of the November 20, 2006 Adjourned Regular Meeting were unanimously approved. Director Venable commented on item 4 regarding the employee housing landscaping, and suggested that we encourage the residents to continue maintenance of the landscaping. He also commented on item 6 regarding Director Newquist's suggestions to look into different benefit options. He advised that he would recommend against creating our own retirement plan because of the fiduciary responsibility. Director Newquist stated that he agreed, however he was only asking questions because he was not familiar with the PERS system.
3. After a brief explanation of costs associated with the special election and Hugos Auto Detailing, the warrants and claims for the month of November 2006 were unanimously approved on a motion made by Director Venable, seconded by Director Jensen. Director Newquist thanked Charlene Lim for her efforts in preparing the vendor report that he had previously requested showing all expenses paid to every vendor over the past year.
4. On a motion made by Director Newquist, seconded by Director Venable, the Board appointed Roland J. Jensen as President, and John Venable as Secretary for 2007.
5. Director Newquist suggested keeping Director Venable on as negotiator. On a motion made by Director Newquist, seconded by Director Jensen, the Board appointed Director Venable as Board Negotiator for 2007.
6. On a motion made by Director Newquist, seconded by Director Venable, the Board voted to approve Resolution 2006-11 in the matter of setting the time and place for holding regular Board meetings. The motion was adopted by the following roll call vote:

|         |                                      |
|---------|--------------------------------------|
| Ayes:   | R.J. Jensen, J. Venable, D. Newquist |
| Noes:   | None                                 |
| Absent: | None                                 |
7. Chief Wallace explained that we must annually account for district property including lands and airspace. We must assess what we own, and verify that we do not own any property that is in excess of our needs.

On a motion made by Director Newquist, seconded by Director Jensen, the Board approved Resolution 2006-12 concerning inventory of District lands and air space. The motion was adopted by the following roll call vote:

|       |                                      |
|-------|--------------------------------------|
| Ayes: | R.J. Jensen, J. Venable, D. Newquist |
| Noes: | None                                 |

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Absent: None

8. On a motion made by Director Venable, seconded by Director Jensen, the Board approved Resolution 2006-13 revising compensation for its Board of Directors. The motion was adopted by the following roll call vote:

Ayes: R.J. Jensen, J. Venable, D. Newquist  
Noes: None  
Absent: None

9. Chief Wallace explained to the Board that this District has been teaching CPR for many years but not charged the fees that many other CPR providers do. He stated that our CPR Coordinator, Keith Fuggles has requested that the District consider charging a nominal fee to non-residents for Heartsaver CPR. He proposed that we continue to teach Friends & Family CPR for free, but charge a fee for the Heartsaver program for non residents. Chief Wallace then reviewed the statistics that Keith Fuggles had provided indicating that only 28 of the 656 people who have taken CPR classes here since 2002 were actually residents of the District.

Director Newquist advised that he too is an instructor, and is familiar with the costs associated with providing this service. He recommended that the District charge a fee for the Heartsaver CPR, and include charging residents as well as non residents. He advised that the Heartsaver CPR is a certification level CPR that is required for work and many employers reimburse the costs. Chief Wallace explained that in the past, the District has taken pride in not charging Montecito citizens for any services we provide, and he would like to continue with that philosophy.

Mr. Hvolbøll added that in all the years he has represented the Fire District, the Board of Directors have stated many times that they will not charge any fees for the services that the District provides. He added that if the Board chooses to move forward with this, they will have to adopt an ordinance for it.

Director Jensen asked if this meant he would no longer be able to say that this Fire District does not charge its residents any fees for its services. Mr. Hvolbøll stated that it would no longer be a true statement if the Board adopts such a policy. Chief Wallace added that we will continue to offer the Friends and Family CPR course to everyone for free.

On a motion made by Director Newquist, seconded by Director Jensen, the Board directed the Fire Chief to develop an ordinance to charge a fee to all Heartsaver CPR students, to cover costs associated with providing the class, and bring it back to the board for consideration.

10. Chief Wallace reported that a letter was sent to all residents who live in the area of the Sycamore Canyon slide. Director Newquist asked what kind of follow-up is needed for the letter. Mr. Hvolbøll stated that the Fire Chief could go so far as to issue citations, but has decided against that at this time. If the residents do not meet our standards, they will not receive building certificates for any remodeling or construction. This strategy was culminated from many conversations with District Counsel, the past Fire Chief, current Fire Chief, and Fire Marshal. He reminded the Board that it is not taking any action on this topic and the Board must remain unbiased in the event that anyone appeals the decision of the Fire Chief.

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Director Newquist discussed his concern with litigation if someone is hurt because this situation is not fixed. Mr. Hvolbøll advised that anyone could bring a lawsuit against the District, but in this particular instance, the Fire District is not responsible for the natural conditions that exist. This in itself may not prevent anyone from bringing suit, but that in combination with the protections offered to government agencies would make it difficult for them to prevail.

The Board took no action.

11. Chief Langhorne provided the Board with a copy of a map showing the current access at the San Ysidro Ranch. Chief Langhorne reported that the access will probably be reworked several times before their project is complete.

Chief Langhorne reported that the biggest issue that should be addressed regarding access in that area is the erosion under the bridge that San Ysidro Creek has created where E. Mountain Drive connects with Park Lane. This erosion necessitates the need for repair in order to keep the bridge intact. He advised that Santa Barbara County would have responsibility to repair the bridge, but they may be unwilling to address it.

Director Newquist asked if the Board should take any action on this situation. Mr. Hvolbøll reminded the Board that the Fire Chief has the authority to handle this situation. Additionally, because they are the appellate body, as with the situation surrounding the Sycamore Canyon slide area, they should not take action on any item that may be appealed in the future and the Board should remain unbiased.

The Board took no action.

12. Chief Wallace reported that the Fire District has entered into an agreement with KBZ Architects to provide an analysis of the property offered for Station 3 located at East Valley and Ortega Ridge Road before we move forward with any other actions. He also met with Victoria Greene to research land use issues that may come up with this property. One of the concerns that may make this a difficult property to work with is that the 45 acres is currently divided into 2 parcels and the property owners would like it adjusted into additional parcels.

The Board took no action.

13. Fire Chief's Report

Chief Wallace reported on several issues including: letter from the Montecito Association regarding Ty Warner's developments; end of fire season, with the caveat that we will not issue burn permits until we receive more rain; and an update on dispatch improvement project.

14. There were no agenda item requests for the January 16<sup>th</sup>, 2007 Regular Board Meeting.

15. Director Jensen adjourned the meeting at 9:30 a.m.

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Roland J. Jensen

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John Venable