

**NOTICE AGENDA OF THE FAIRA ANNUAL MEETING OF THE BOARD AND  
EXECUTIVE BOARD  
JUNE 8, 2009 at 10:30 a.m.**

**To be posted by all Districts in accordance with the Ralph M. Brown Act, California  
Government Code Section 54950, et seq.**

The Fire Agencies Insurance Risk Authority ("FAIRA" or the "Authority") will hold the Board and the Executive Board Meeting on Monday, June 8, 2009 at 10:30 a.m. in the offices of MARSH, Public Entity Division, 345 California Street, San Francisco, CA 94111. Mount Whitney Conference Room, 13<sup>th</sup> Floor. Telephone 1-415-743-7748.

The Agenda for the Annual Board and Executive Board Meeting of FAIRA is:

- 1. Call to order and determination of a Quorum.**
- 2. Confirmation of Agenda.**
- 3. Oral Communications to the Board, opportunity for public comment with respect to matters not on the Agenda.**

This portion of the Agenda may be utilized by any person to address the Board of Directors on any matter within the jurisdiction of FAIRA. However, depending on the subject matter, the Board may be unable to respond at this time or until the specific item is placed on the Agenda for a future meeting, as provided for by the Brown Act.

- 4. Approval of the Minutes of the March 9, 2009 Board Meeting of the Board and Executive Board Meeting.**
- 5. General Manager's Report.**
  - 5.1 Wells Fargo Bank, Investments Update and Performance by Mr. Erik Sorensen. **Receive and File.**
  - 5.2 Review of Accountant's Financial Statements as of April 30, 2009. **Receive and File.**
  - 5.3 Actuarial Study. **Consideration and Possible Action.**
  - 5.4 2009/2010 Final Budget. **Consideration and Possible Action.**
  - 5.5 Report on Application Process.
  - 5.6 2009 Board of Directors Election Report and Ratification **Resolution No. 2009-1.**
  - 5.7 Director Ghio will Report and Provide Nominations from Nominating Committee for the Election of Board Officers. **Consideration and Possible Adoption.**
- 6. Brokers Report.**
  - 6.1 Presentation to the Board on FAIRA's Insurance Program Renewal. **Consideration and Possible Action.**

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7. **Possible FDAC Presentation. Consideration and Possible Action.**
8. **Closed Session Conference with Legal Counsel. The Board may enter into closed session at this time.**

- 8.1 Potential Litigation. (Government Code § 54956.9(b).  
8.2 Pending Litigation. (Government Code § 54956.9(a).  
8.3 FAIRA and Third Party Claims Administration Report.  
(1) FAIRA Claims and Loss Run Reports.

The above matters described on the agenda may be held in closed session as a conference with counsel under the provisions of Government Code Sections 54956.9 (a) and (b). If closed sessions are held, a report of actions subject to disclosure will be made by the Authority's Counsel upon return to open session respectively.

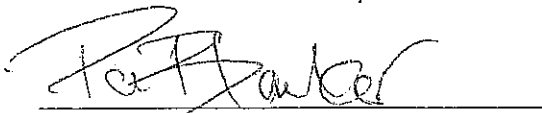
9. **Presentation by Danielle Pappas, Branch Claims Manager, Glatfelter Claims.**
10. **Presentation By KCM, Investment Advisors LLC. Consideration and Possible Action.**
11. **Other Business.**

Other business as necessary so that FAIRA can perform its functions as authorized by law and which has arisen within seventy-two (72) hours prior to the initiation of this meeting and may be considered under the Brown Act.

12. **Correspondence and Informational Items.**
- 12.1 Letter from General Counsel Regarding filing of 5th Amended Joint Powers Agreement in the State of Nevada.
- 12.2 Letter from General Counsel regarding filing of Conflict of Interest Code for FAIRA. Board Resolution of Conflict of Interest Code. **Informational.**

13. **Adjournment.**

I certify that this Authority Agenda was posted and sent by First Class United States Mail to all members of the Authority 72 hours before the noted meeting.



Richard Blacker  
General Manager

Date: May 28, 2009

FAIRA, in complying with the Americans with Disabilities Act (ADA), requests individuals who require specific accommodations to access, attend or participate in the Board Meeting, due to disability, to please contact the General Manager at 415-898-6800 at least two (2) business days prior to the scheduled meeting to ensure that the Authority may assist you. Others with questions concerning this Agenda please contact the General Manager at 415-898-6800.

5/27/09

# THIS IS A MUST READ. WE ALREADY HAVE HAD 3 CLAIMS FILED AGAINST MEMBERS.

## The Firefighters Bill of Rights By FAIRA's General Counsel Dale Bacigalupi

The purpose of the Firefighter's Procedural Bill of Rights Legislation is to provide Firefighters with rights similar to police officers. All Firefighters are covered by the Act. "Firefighter" means any Firefighter employed by a public agency including, but not limited to, any Firefighter who is a Paramedic or Emergency Medical Technician, irrespective of rank. However, the definition of "Firefighter" does not include Probationary Employees, Volunteers or Inmates who perform firefighting duties or Peace Officers.

Political Activity, Disciplinary Investigations, Imposition of Discipline and Appeal Rights, Personnel Files, Disclosure of Personal Financial Information, and Remedies for Violations of Firefighter's Procedural Bill of Rights are all covered by this legislation.

### Political Activity:

- Except when on duty or in uniform, the City may not prohibit a Firefighter from engaging in political activity.
- The City may not require a Firefighter to engage in political activity.

### Disciplinary Investigations:

- An "Interrogation" is any question or series of questions that could reasonably be construed as calling for an incriminating response.
- Interrogation must be conducted at a reasonable hour and time when the Firefighter is on-duty.
- The Firefighter must be informed of the nature of the investigation.
- No more than two interrogators may question the Firefighter at one time.
- The interrogation session must be for a reasonable amount of time considering the gravity of the alleged misconduct or omission.
- A Firefighter must be allowed the opportunity to take reasonable breaks to attend his or her own personal physical necessities, e.g., use the bathroom.
- The interrogator must not subject the Firefighter to offensive language, threaten with punitive action or make a promise of reward.
- Any statement made under duress, coercion or threat of punitive action is not admissible in any subsequent judicial proceeding.
- This does not preclude the City from using any statement made by Firefighters at a disciplinary hearing.
- If it is contemplated that a firefighter may be charged with a criminal offense, the interrogator must provide the Firefighter with a formal grant of immunity from prosecution before compelling him or her to respond to incriminating questions.
- Additionally, the interrogator must immediately advise him or her of their constitutional rights. Subject to the grant of immunity, a

- firefighter refusing to respond to questions shall be informed that the failure to answer questions may result in punitive action.
- The interrogation session may be recorded by both the City and the Firefighter.
  - A Firefighter has the right to have a representative of his or her choice present during an interrogation.
  - The City may not compel a Firefighter to submit to a lie detector test against his or her will.
  - The City may not search a Firefighter's locker or other storage space except in his or her presence, or with his or her consent, or unless a search warrant has been obtained.

#### Imposition of Discipline and Appeal Rights:

- The City may not subject a non-probationary Firefighter to punitive action without an opportunity for an administrative appeal.
- "Punitive Action" is defined as "any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment."
- A disciplinary investigation must be completed, and a Firefighter must be notified of proposed discipline within one (1) year of the City's discovery of the alleged misconduct.
- The City must notify the Firefighter in writing of a decision to impose discipline within 30 days of the decision, but not less than 48 hours before imposing the discipline.

#### Personnel Files:

- The City may not enter an adverse comment into a Firefighter's personnel file without the Firefighter having first read and signed the instrument.
- A Firefighter has 30 days to prepare a written response to any adverse comment entered in his or her personnel file.
- A Firefighter has the right to inspect his or her personnel file during usual business hours and when the Firefighter is on paid status.
- A Firefighter may request to correct or redact any information he or she believes is incorrect or improperly included in their personnel file.

#### Disclosure of Personal Financial Information

- The City may not require Firefighter to disclose personal financial information unless that information is otherwise required under state law or obtained through a court order.

#### Remedies for Violations of Firefighter's Procedural Bill of Rights:

- If the City violates a Firefighter's rights under FBOR, the City can be subject to injunction, penalties (up to \$25,000 for each malicious violation), and actual damages, if any. An individual cannot be liable for the same act as the agency.
- A Firefighter may be subject to a court imposed fine and/or attorney fees if he or she files a frivolous FBOR action.

THIS LAW IS A MINEFIELD FOR THOSE WHO DO NOT TAKE IT SERIOUSLY.

Regards, Rich Blacker