

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

Monday, November 26, 2007, 7:30 pm, at Station 810, 32601 Albion Ridge Road, Albion, CA

PLEASE NOTE the changed date of this meeting

1. **Call to order and determination of a quorum.**
2. **Public communication to the Board.** An opportunity is provided for members of the public to address the Board with respect to matters within the Board's jurisdiction whether on the agenda or not. For action items the public may also address the board at the time the item is presented for action.
3. **Fire Chief's report, including operational needs.**
A) **Incident reports.** The Fire Chief is requested to report on the types of calls to which the Department has responded since the last Board meeting, with an emphasis on any trends which would suggest a need for changes to the District's and the Department's planning.
B) **Fund raising, gifts and service fees.** The Fire Chief will report current information on fundraising, gifts to the Department, and any calls on which service fees should be levied by the District Board.
C) **Fire Department report.** The Fire Chief will report on other Department progress.
D) **Fire Department operational needs.** The Fire Chief will report on Department needs.
9/17/07 - @ Ft Bragg Road Fire Chief's Report
4. **Treasurer's report.** Current financial statements for the District will be presented by the District's bookkeeper, and Alan Taeger as Treasurer will make any necessary explanations.
5. **Secretary's report.**
A) **Communications to the Board will be presented.**
B) **Minutes.** Minutes of the October 30, 2007, which have not been approved, will be approved or revised and approved.
6. **Update on Station 811 Project:** There will be an update on progress on this project.
7. **Items for consideration and possible action:**
A) **Special Districts Group Health Insurance.** Alan Taeger will report on his research with respect to group health insurance offered to members of the boards of directors of special districts.
B) **Fence on Andersen Family Property Near Station 810.** The Board will consider whether or not it should proceed to arrange for repair of the fencing between Station 810 and Highway One, and advise the Department that it is proceeding to do so; Earl Latham had requested of the Board that the fence be repaired, and shortly thereafter made a request of Chief Seeler that it be repaired and Chief Seeler in his report furnished to the Board at its September meeting stated that he planned to have it repaired and to submit the bill to the District, and this has not occurred.
C) **Purchasing Policies.** The Board will consider formulating and adopting a policy with respect to which entity, as between the District and the Department, should purchase various types of equipment or materials and guidelines for consideration and approval of purchases.
D) **Policy Regarding Number of and Length of Board Meetings.** The Board will consider whether meetings should be held more frequently and/or be limited in their length in order to accomplish necessary business without undue burden.
E) **Approval of Audit Proposal by Mr. Celentano.** The Board will consider whether or not it will approve Mr. Celentano's proposal for a four-year contract to audit the District Board's accounts every two years at a cost of \$3,500 for each audit.
F) **Acquisition of Employer Identification Number.** The Board will consider whether or not it should acquire an employer identification number, separate from the EIN (the number for Mendocino County) now used in connection with its bank accounts, to allow the District to furnish information to donors regarding deductibility of donations to the District.
G) **Upcoming Board Vacancies.** The Board will discuss the most recent advice from Marsha Wharff's office with respect to Board vacancies, and determine how best to address the issues raised.
H) **County Counsel Opinion Response.** The Board will present or formulate a plan to respond to any interpretation which has been received from County Counsel in response to its request for an opinion as to whether or not the Fire Chief or members of the Department are employees for purposes of the Brown Act's provisions with respect to closed sessions which may be held with respect to certain issues.
I) **Action Plan for Job Description for Fire Chief.** The Board will present or formulate a plan to address the issues which have been raised with respect to the "job description," adopted in 1999, for the Department's Chief.
Yes
8. **Land, buildings and equipment.**
A) **Power to 815.** There will be a report on progress.
B) **Roof of 810.** There will be a report on progress of the project of painting the façade which ties the building into the new roof.
9. **Committee reports:** Committee reports, if any, will be presented.
A) **Real Estate (may include Station 811, Station 810, and Possible Other Sites)**
B) **Grants**
C) **Insurance**
D) **Requirements**
E) **Web Site**
F) **Ordinance (may include report on difference between resolution and ordinance and procedures for each, Service fees, Fire Protection Mitigation Fees, Dive Safety/Use of Dive Flags, and Wildland Interface)**
at my
10. **Board Directors' reports.** Individual Board members may report on topics including but not limited to insurance, bylaws, a website, and benefits for firefighters. The Board may schedule a session so that the Board may be trained on its responsibilities in relationship to the Department and on financial matters.
11. **Long-Range Planning.** The Board will review a composite document and memorandum reflecting the status of its work on review of the Long-Range Plan.
12. **Welcome to Derek Wilson as Nominee for Fire Chief.** The Board will welcome Derek Wilson, who has been nominated by the Albion-Little River Fire Department, Inc., as Chief, will review his qualifications with him and answer any questions he may have for the Board, and determine whether to accept or reject his nomination in accordance with the provision, adopted in 1999, of its Bylaws, Policies and Procedures entitled "Appointment of Fire Chief by Board of Directors."
13. **Closed Session.** The Board will have a closed session to consider personnel matters involving employment and evaluation of the Chief of the Albion-Little River Volunteer Fire Department, Inc.
14. **Next meeting date and agenda.**
15. **Adjournment.**
Dec 19, 7:30

Any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Board in writing at P.O. Box 634, Albion, CA 95410-0634, at least two days before the meeting date.

Itemized Categories for Monthly Meeting:54
 10/31/2007 through 11/25/2007 (Cash Basis)

11/25/2007

Page 1

Date	Account	Num	Description	Memo	Amount
EXPENSES					-7,259.00
86-2050-CLOTHING					-709.22
11/8/2007	District Che...	2487	Gall's Inc.	#590743170...	-31.69
11/12/2007	District Che...	2492	...Albion-Little River Fire Depart...		-677.53
86-2060-COMMUNICATIONS					-165.18
11/18/2007	District Che...	2495	AT&T	030153 8359...	-35.68
11/18/2007	District Che...	2496	AT&T	4 phone lines	-129.50
86-2120-MAINTENANCE EQ					-333.06
11/8/2007	District Che...	2486	ACME AUTOMOTIVE	#1070	-249.25
11/8/2007	District Che...	2488	...VILLAGE HARDWARE		-23.81
11/12/2007	District Che...	2491	Fort Bragg Rent-All	#010200	-60.00
86-2130-MAINTENANCE STRUCTURES					-3,428.93
11/19/2007	County	13957	Goforth Designs	AFP #6304 I...	-1,563.00
11/19/2007	County	1368...	ALBION LITTLE RIVER FIRE ...		-1,845.00
11/8/2007	District Che...	2488	...VILLAGE HARDWARE		-20.93
86-2140-MED SUPPLIES					-690.77
11/12/2007	District Che...	2492	...Albion-Little River Fire Depart...		-597.78
11/18/2007	District Che...	2494	Aeris	#10095	-92.99
86-2187-ED AND TRAINING					-391.88
11/19/2007	County	1368...	ALBION LITTLE RIVER FIRE ...		-245.00
11/8/2007	District Che...	2489	ZO OFFICE SUPPLY	Training man...	-146.88
86-2220-SM TOOLS					-196.02
11/8/2007	District Che...	2488	...VILLAGE HARDWARE		-119.96
11/12/2007	District Che...	2492	...Albion-Little River Fire Depart...		-76.06
86-2250-TRANSPORTATION					-1,210.00
11/19/2007	County	14491	WALSH OIL CO.	AFP 6305 #1...	-989.26
11/12/2007	District Che...	2493	Albion K Incorporated	#146 October	-220.74
86-2260-UTILITIES					-133.94
11/8/2007	District Che...	2485	Empire Waste Management	0016147-25...	-22.16
11/12/2007	District Che...	2490	PG&E	#021009510...	-111.78
OVERALL TOTAL					-7,259.00

ALRFPD Actual / Budget Report - Current Year:4
7/1/2007 through 6/30/2008 Using Budget 2007-2008

11/25/2007

Page 1

Category Description	7/1/2007 Actual	- Budget	6/30/2008 Difference
INFLOWS			
82-1110 CURRENT SECURED TAX	0.00	67,469.00	-67,469.00
82-1120-CURRENT UNSECURED TAX	0.00	2,053.00	-2,053.00
82-1130-SB813 SUPPLEMENTAL TAX	178.57	2,834.00	-2,655.43
82-1210-PRIOR SECURED TAX	0.00	0.00	0.00
82-1220-PRIOR UNSECURED TAX	0.00	106.00	-106.00
82-1300-SPECIAL TAX	0.00	75,000.00	-75,000.00
82-1600-TIMBER TAX	0.00	486.00	-486.00
82-4100-INTEREST INCOME	0.00	9,000.00	-9,000.00
82-5481-HOMEOWNER PROPERTY TAX RE...	0.00	809.00	-809.00
82-7700-OTHER	0.00	0.00	0.00
TOTAL INFLOWS	178.57	157,757.00	-157,578.43
OUTFLOWS			
86-1035-WORKMAN'S COMP	0.00	6,000.00	6,000.00
86-2050-CLOTHING	4,352.81	6,000.00	1,647.19
86-2060-COMMUNICATIONS	5,937.92	5,000.00	-937.92
86-2101-INSURANCE	0.00	6,000.00	6,000.00
86-2120-MAINTENANCE EQ	1,414.73	12,000.00	10,585.27
86-2130-MAINTENANCE STRUCTURES	4,799.59	10,000.00	5,200.41
86-2140-MED SUPPLIES	3,068.67	3,000.00	-68.67
86-2150-MEMBERSHIPS	1,720.00	500.00	-1,220.00
86-2170-OFFICE SUP	97.10	200.00	102.90
86-2181-AUDITS	345.00	5,000.00	4,655.00
86-2184-ARCH ENG	0.00	2,000.00	2,000.00
86-2185-MED AND DENTAL	0.00	1,000.00	1,000.00
86-2187-ED AND TRAINING	2,564.14	10,000.00	7,435.86
86-2189-PROF AND SPEC	0.00	1,500.00	1,500.00
86-2220-SM TOOLS	787.20	2,000.00	1,212.80
86-2231-ELECTION SUP	0.00	0.00	0.00
86-2250-TRANSPORTATION	1,818.47	20,000.00	18,181.53
86-2260-UTILITIES	954.65	3,000.00	2,045.35
86-3113-PAYMNTS TO GOVT AGENCIES	0.00	300.00	300.00
86-4360-BUILDINGS AND IMPROVEMENTS	5,809.14	5,000.00	-809.14
86-4370-EQUIPMENT	2,818.09	5,000.00	2,181.91
TOTAL OUTFLOWS	36,487.51	103,500.00	67,012.49
OVERALL TOTAL	-36,308.94	54,257.00	-90,565.94

Jim Shock
Chairman of the Board
Board of Directors
Albion Littleriver Fire Department

From: Bruce Jenkins
Fire Fighter/Maintenance Officer
Albion Littleriver Fire Department
P.O.BOX 101
Albion, CA 95410

This letter is to bring to your attention a very serious act of slander, defamation of character to just plain child like behavior by one of your Board members, Josh Latkin.

John Oakley Asst. Chief/EMT of Albion Littleriver Fire Department on 11-16-07 made me aware Josh Latkin has been telling people I was accused of elderly abuse at the Woods in Little River.

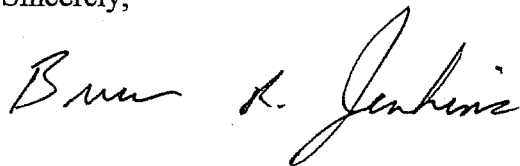
This is such a serious lie, slander, and just childlike behavior that it's hard to believe a member of the Board of Directors for the Fire Department is making an active attempt to spread such rumors.

It is serious enough that Josh Latkin needs to be expelled from the Board of Directors and needs some serious help in dealing with his issues on actively attacking someone's good moral standings in the Community.

Its not tolerable behavior.

I expect swift action to take care of this problem and will be happy to meet with you to discuss this matter.

Sincerely,



Bruce R. Jenkins
Fire Fighter/Maintenance Officer
Albion Littleriver Fire Department

11-16-07

1st draft Not approved at 11/26/07
Bd Mtg

**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 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.

197

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 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

DRAFT

**ALBION-LITTLE RIVER FIRE PROTECTION DISTRICT
MEETING MINUTES**

BOARD OF DIRECTORS BUSINESS MEETING

Monday, November 26, 2007, 7:30 p.m.

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

Agenda Item No. 1 - Call to order and determination of a quorum

The Board of Directors of the Albion-Little River Fire Protection District held a regular monthly meeting on Wednesday, November 26, 2007 beginning at 7:31 p.m.

The following members were present: Jim Shock, Alan Taeger, Laura Vogelgesang, Josh Latkin and Ed Petrykowski. Chair Shock presiding.

Also Present Board bookkeeper Carolyn Latkin, Derek Wilson, and Bruce Jenkins.

Chair Shock stated that the meeting would be ended by 9:00 p.m. and that he would move the agenda forward to that end.

Agenda Item No. 2. Public communication to the Board: Derek Wilson stated that he was present to represent Chief Seeler would not be there. There were no other public communications.

Agenda Item No. 3. Fire Chief's Report, including operational needs:

Derek Wilson presented the following on behalf of Chief Seeler.

A) **Incident reports.** There was no report.

B) **Fund raising, gifts and service fees.** There was no report.

C) **Fire Department report.** Derek Wilson reported that he had been told that sixty disaster service workers from the North Coast were sworn in, and that there are two more interns. Laura Vogelgesang commented on the fact that no one other than Department members, and members of the Auxiliary under certain circumstances, are covered by insurance provided by the District Board, so that there is no misapprehension on this point, in light of the fact that there had been some suggestion at a Department meeting that those sworn in as disaster service workers could participate in Department trainings.

D) **Fire Department operational needs.** Derek Wilson reported that an estimate is being obtained for needed repairs to water tender 8191 which is out of service and at Fort Bragg Diesel.

Agenda Item No. 4. Treasurer's report. The budget report had been distributed by Carolyn Latkin, and it was accepted. Alan Taeger as Treasurer reported that due to increased personnel the Department's spending is over budget on smaller items.

Agenda Item No. 5. Secretary's report.

A) **Communications to the Board.** Laura Vogelgesang as Secretary reported that County Counsel had not been able to formulate an opinion in time for the meeting in response to the request for an opinion on the status of the Department's chief and firefighters as employees for purposes of the Brown Act's provisions.

B) **Minutes.** The minutes of the October 30, 2007 regular meeting were deemed by Chair Shock and Treasurer Taeger to include too much detail; the Secretary explained her position in preparation of detailed minutes but offered to prepare revised minutes of the October 30, 2007 meeting for consideration at the December meeting, and was instructed to "achieve more brevity somehow." The Secretary had distributed copies of the draft minutes of the October 30, 2007 meeting to those present, and had pointed out that the law provides that any writing which is distributed by any person to a majority of the members of the Board becomes a part of the public record.

Agenda Item No. 6. Update on Station 811 Project. Laura Vogelgesang reported that revisions had been made to the title page to the site plan and other plans prepared by LSN

Architects, and revisions had been requested to the report of WRA, Inc. (the environmental consultants) which will form a part of the Use Permit and Coastal Development Permit applications, which will be presented in final draft form to the Planning Department on Tuesday, December 4. In response to Laura Vogelgesang's request that the Board make tentative decisions with respect to colors for the main portions of the new proposed building and its trim and roof based on chips she had obtained and which have been placed at Station 810 for the Department's review and input, the Board declined and instructed the Real Estate Committee to make this initial determination.

Agenda Item No. 7. Items for consideration and possible action:

- A) **Special Districts Group Health Insurance.** No report or action.
- B) **Fence on Anderson Family Property Near Station 810.** Laura Vogelgesang asked that the Board approve repair of the fence since the owner of the property has requested this of both the Board and the Chief of the ALRVFD and nothing has been done, and that both the Chief and the owner be advised that this will be done. After discussion the Board determined unanimously that there must be a policy as to who has responsibility for building maintenance and asked that the Department either accomplish this repair or instruct the Board as to its wishes, and stated that any request for money must be forwarded to the Secretary so that it can be placed on the agenda for approval as the action of the District Board.
- C) **Purchasing Policies.** No proposed policy had been prepared because of the multitude of issues involved, some of which were described. The Board understands that it is the belief of some if not all of the members of the Department that the only job or responsibility of the District Board is to approve the expenditure of money by the Department, and that correcting this incorrect belief is a long-term issue. The current Procurement Policy, which is a part of the Bylaws, Policies and Procedures, was read and discussed. The Board instructed Laura Vogelgesang to prepare a draft policy describing a step-by-step process for expenditures on materials, equipment and services for tentative approval at the December meeting, which can then be presented to the Department and its comments solicited.
- D) **Policy Regarding Number and Length of Board Meetings.** Laura Vogelgesang proposed that there be two meetings in odd-numbered months. After discussion in which various individuals described their preferences, and Laura Vogelgesang's clarification of her proposal as being that the Department chief might then attend just one shorter meeting in each odd-numbered month to minimize the burden on his or her time, the Board determined unanimously that there will be no change now so that the Board can see how meetings proceed after the Department's election in December, but that the Board's Bylaws, Policies and Procedures should be changed so that a regular meeting of the Board does not become a special meeting solely because its date is changed.
- E) **Approval of Audit Proposal by Mr. Celentano.** It was approved unanimously.
- F) **Acquisition of Employer Identification Number.** Laura Vogelgesang was instructed to obtain an EIN to allow the District to provide a letter to any donor, with respect to deductibility of contributions.
- G) **Upcoming Board Vacancies.** The position of the Mendocino County Clerk, set forth in a letter from Assistant Registrar of Voters Bartolomie to the Board Secretary and confirmed in a telephone conversation between Chair Shock, County Clerk Wharff and Assistant Registrar of Voters Bartolomie is that Ed Petrykowski's appointment to fill a term which expires on December 7 at noon is invalid and that there are now two vacancies on the Board and that those vacancies cannot be filled either by the Board members who will take office on December 7 at noon or by the Board of Supervisors and that there can be no filling of these two vacancies until the election in 2009, all

contrary to advice given to the Board earlier by the Clerk's office and contrary to the Board's own review of the law. Because the Board believes the Clerk is mistaken, and if it does not proceed in accordance with the law as it is understood by the Board, the Board determined unanimously to be certain to memorialize all votes and treat Ed Petrykowski as a member of the Board, but proceed to request action by the Board of Supervisors (by requesting the Board of Supervisors to make appointments although the Clerk advised Chair Shock that she would recommend that the Board of Supervisors not take this action); Laura Vogelgesang was instructed to post two vacancies as of December 7 at noon.

- H) **County Counsel Opinion Response.** There is no opinion to date; please see 5.a. above.

I) **Action Plan for Job Description.** Laura Vogelgesang was requested to ask the Department at its December business meeting for its input on how to formulate a job description for the fire chief.

Agenda Item No. 8. Land, buildings and equipment:

A) **Power to 815:** Derek Wilson reported that he is told that power should be supplied within 30 days.

B) **Roof of 810:** Josh Latkin reported that final work on the façade of Station 810 has been completed but it has not yet been painted, and that he and Ed Petrykowski plan to do the painting.

Agenda Item No. 9. Committee Reports:

A) **Real Estate.** No report.

B) **Grants.** No report. When asked who makes grant requests, the Board explained that ordinarily the Department's chief makes the requests but that this Board had determined that it would assist the Department in this regard by formulating requests for major grants such as those offered through FEMA and that it understands that this is the procedure also followed by Mendocino; the ALRVFD Chief has wished to retain responsibility for requesting smaller grants with less complex procedures.

C) **Insurance.** No report.

D) **Requirements.** No report; a Department representative to this committee will be solicited at some point.

E) **Web Site.** No report.

F) **Ordinances.** No report.

Agenda Item No. 10. Board Directors' Reports: Chair Shock reported that he had received a letter via certified mail from Bruce Jenkins, a copy of which was distributed to those in attendance. The letter makes a complaint against Board Member Josh Latkin and demands action by the Board. The Board reviewed the provisions of its Bylaws, Policies and Procedures with respect to Public Complaints and determined unanimously that the activity complained of, even if the allegations of the letter were true, is not related to the Board's responsibilities and is not a "Public Complaint" but is rather a civil matter which could be pursued by Mr. Jenkins if he chooses and that the Board will take no action because it is neither the business of the District Board nor the business of the District Board vis à vis the Department. The Board determined unanimously that Chair Shock will compose a letter from the Board to Mr. Jenkins relaying this and will review it with Secretary Vogelgesang before it is sent and copies will be sent to the members of the Board; the Board does not know whether or not the activity complained of is a matter within the purview of the Department's chief and determined unanimously that no copy would be sent to the Department's chief.

Agenda Item No. 11. Long-Range Planning. This item was included on the agenda by mistake and there was no discussion or action.

Agenda Item No. 12. Welcome to Derek Wilson as Nominee for Fire Chief. After a discussion centering on the concept that two-way communication is key to success of the missions of the District and the Department and to service to the community, the Board unanimously approved and ratified the Department's nomination of Derek Wilson to be chief of the Albion-Little River Volunteer Fire Department.

Agenda Item No. 13. Closed Session. The Board determined unanimously that no closed session was needed.

Agenda Item No. 14. Next meeting date and agenda: The next regular meeting will be on Wednesday, December 19 at 7:30 p.m. at Station 810.

Agenda Item No. 16. Adjournment: at 9:18 p.m.

Laura J. Vogelgesang, Secretary