

**Stanislaus County Fire Authority
Special Meeting Minutes
June 15, 2006**

Chief Skiles called the meeting to order at 0910 hrs. The flag was saluted.

The following agency representatives were present:

Chief Les Alderson	Burbank Paradise Fire District
Chief Steve Barrett	CDF-SCU
Chief Dan Davis	City of Ceres
Chief Karl Curnow	Denair Fire District
Chief Henry Benavides	Keyes Fire District
Chief Jim Miguel	City of Modesto
Chief Kevin Blount	Mountain View Fire District
Chief Mel Souza	City of Newman
Chief Michael Wilkinson	City of Oakdale
Chief Rob Hoyer	Oakdale Rural Fire
Chief Bill Kinnear	City of Patterson
Chief Dale Skiles	Salida Fire District
Chief Steve Mayotte	Stanislaus Consolidated Fire
Chief Gary Hinshaw	Stanislaus County Fire Warden's Office
Chief Steve Williams	Turlock Rural Fire District
Chief John Barindelli	Westport Fire District
Director Steve Pedrazzi	West Stanislaus Fire District
Chief Mike Passalacqua	Woodland Ave. Fire District

Also present were: Joe Mello, Rachel Beutter, Erik Newman, Stanislaus County Sheriff's Office; Mike Kraus, Tom Brennan, Modesto Fire; Randall Kelley, Doug Humphreys, Hughson Fire; Ken Moore, City of Hughson; Bill Houk, Stanislaus County Board of Supervisors Office; Jack Doering, Stanislaus County Counsel, Dennis Wister, County Public Works; Ray Jackson, Mimi DeSimoni, Stanislaus County Fire Warden's Office; Ron Keyes, Shirley Koelmans, Carrie Silveira, Shawn Ehrenberg, Paul Spani, John Silveira, Mike Anderson, Derek Nichols, Dave Wason, and Buck Condit, Stanislaus Consolidated Fire District.

Public Comment Period: None

Agenda Items:

- a. Update on Fire Prevention transition: Chief Hinshaw gave an update on the Board of Supervisors action on June 13, 2006 that authorized the fire prevention services to be brought back to the County under the Fire Warden's Office. With the passage of that item, the CEO's office assigned their team to start an analysis of the current positions within the prevention department and how the County could transition them over in the most fair and equitable manner. They have not completed their report yet but by next week they should be prepared to offer positions of employment. It is the intent of the County to be reasonable and fair. Chief Mayotte wanted to stress the point that job offers had not yet been made, and that he wanted to make sure their years of service and vacation accruals were taken into consideration.
- b. Fire Investigation Report- The Fire Investigation Report was sent out electronically for review and comments. Those comments that were received and contained verifiable information were incorporated into the report. A final draft was sent out for consideration. Chief Barrett wanted any revisions in the future to be highlighted or struck out. The revisions clarified requirements with respect to law enforcement and fire investigators. Chief Curnow made a motion to adopt the 6/15/06 draft of the Fire Investigation Report; Chief Barindelli seconded the motion. Further discussion included comments from Matt Criswell from

Consolidated Fire. He reported that the Fire Investigators also act as safety officers for Consolidated Fire and that he would hate to lose the Fire Investigators from his organization because they fill an important role for them. A roll call vote reflected the following:

YES- 13:

Chief Alderson
Chief Curnow
Chief Benavides
Chief Miguel
Chief Sousa
Chief Wilkinson
Chief Hoyer
Chief Skiles
Chief Hinshaw
Chief Williams
Chief Barindelli
Chief Passalacqua
Director Pedrazzi

NO-1:

Chief Mayotte
*Doug Humphreys

Abstention-3:

Chief Davis
Chief Barrett
Chief Kinnear

The motion was passed.

- c. Consideration and possible action on Fire Investigation Proposals: Chief Mayotte, Stanislaus Consolidated Fire, presented a proposal for Fire Investigation Services that would keep the staffing, work schedule and expected duties at the current level. The bid was for a one-year contract. Chief Mayotte said that his agency will take a loss on this contract for one year, but he was willing to do that because he felt that the fact that he was able to use the investigators in other capacities, such as safety officer, helped his organization. The total cost for the one-year is \$485,252. A copy of the proposal is attached (not provided electronically).

Chief Miguel, Modesto Fire, presented a power point presentation outlining the background, operations, response and criteria training, funding, supervision, personnel, and contract issues for his plan for providing Fire Investigation services. He requested a five-year contract due to the personnel supported by the contract. The total cost of the contract for the first year is \$469,546. A copy of the proposal is attached (not provided electronically).

There was considerable discussion. Some of the concerns that were brought up included:

- Chief Mayotte said that the fire investigation program was not funded appropriately when the workgroup met, he feels the program will suffer because of the one stop permitting plan.
- Chief Wilkinson: Prop. 172 money should be brought to the table if law enforcement and the District Attorney's Office want fire investigation done.
- Chief Hinshaw: Other funding may be available from the Board of Supervisors in the future if we show a need in this program area
- Chief Hoyer: A plan needs to be in place before 4th of July
- How much could Modesto's annual increase be?
- Hughson believes that Modesto is not a proven plan; would they come if called?
- Chief Mayotte wanted financing worked out before a multi-year contract is given
- Chief Davis: There was concern about using the money carried over in the budget for operations in the 06-07 year
- Chief Alderson wanted clarification on an interim plan
- Chief Mayotte said there would be no extension of the current contract
- Doug Humphreys, of Hughson, said he needed to talk to his lawyer to make sure he wasn't going to be liable for investigations

- A question was asked regarding the Sheriff's Department participation. Detective Joe Mello said that they would continue to participate no matter who the provider was. He noted that he has had difficulties with receiving reporting information from Consolidated Fire.

There was lengthy discussion regarding the ability to finance either option. The business plan has \$310,000 allocated for fire investigations and both proposals exceed that. Options were discussed including using a portion of the funds carried over from the 05-06 year, or revising the business plan and cutting other services out until the funding is increased either through increases in the Less Than County Wide tax or additional funding from fee increases or additional general fund contributions. It was suggested that the group move forward on the fire investigation and make the necessary revisions to the funding of the business plan programs at the next regular meeting.

Chief Miguel said that he could not take the contract to his board until the 2nd week in July or first Tuesday in August. He said that until that time, he is prepared to provide services for time and materials. That cost had not been fully worked out yet. Chief Miguel also noted that although he was not precluded from voting by the Conflict of Interest code, he would not be voting on the proposals.

Chief Alderson said that he thought Modesto had the best plan, but there were some unanswered questions.

Chief Alderson made a motion to Contract with Stanislaus Consolidated Fire for Fire Investigations for one year as proposed, with negotiations to start for the next contract year in January.

*Doug Humphreys seconded the motion.

A roll call vote reflected the following:

YES

Chief Alderson
 Chief Barrett
 Chief Benavides
 Chief Wilkinson
 Chief Hoyer
 Chief Skiles
 Chief Mayotte
 Steve Williams
 Chief Barindelli

NO

Chief Curnow
 Chief Sousa
 Chief Kinnear
 Chief Hinshaw
 Director Pedrazzi
 Chief Passalaqua

ABSTAIN

Chief Miguel

*Doug Humphreys

Please see the attached memo regarding the vote totals

- d. Fee Study- Chief Skiles said that we are ready with a proposal from Maximus to begin the process to contract for a fire prevention fee study. We were directed to bring this back to the board before any funds were committed. Chief Hoyer made a motion to advise the county to allocate up to \$20,000 in Less Than County Wide taxes to complete a fee study; Director Pedrazzi seconded the motion. The motion was passed unanimously.

The meeting was adjourned at 11:50 am.

Mimi DeSimoni
 Clerk of the Fire Authority

* It was determined that this representative's agency had not designated them as a voting representative therefore those votes were not valid.

Stanislaus County Fire Authority
3705 Oakdale Road
Modesto, CA

June 16, 2006

To: All Stanislaus County Fire Authority Members

From: Mimi DeSimoni, Clerk of the Board

It has come to our attention in reviewing the minutes from yesterday's Stanislaus County Fire Authority meeting that under section 4.7 of the Joint Powers Agreement which states, "A two-thirds majority of those Member Agencies present shall be required to approve all fiscal matters, including the allocation and use of the Less Than County-wide Fire Tax.," that we did not achieve that majority which would indicate that the motion failed to pass. The vote was 10 for the motion, 6 against the motion, and one abstention. A total of 12 votes for the motion were required to achieve a two-thirds majority. I have addressed this question to County Counsel and it is his opinion that as an organization we must abide by the procedures set forth in the Joint Powers Agreement signed by all of the members of the Fire Authority.

In addition, one representative voted at the meeting that did not have the proper authority to vote by being designated by their agency. As a reminder, we need every agency to either designate their alternate, or advise the Chairman or Clerk 24 hours prior to the meeting as required in Section 4.5 of the Joint Powers Agreement.

I apologize that this procedural error was not caught at the meeting, and that it occurred at a meeting where such an important decision was being discussed. In order to maintain the integrity of our process and abide by our Agreement, we need to validate the vote. Therefore we are requesting that a special emergency meeting be held directly following the Stanislaus County Fire Chief's Association meeting that is scheduled for Thursday, June 22, 2006 at the RFTC.