CENTRAL FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS
MINUTES
Tuesday, August 10, 2010 – 7:00 P.M.
Administration Office – 930 17th Avenue, Santa Cruz, CA

1.0 CALL TO ORDER

The members of the Central Fire Protection District Board of Directors met in regular session at the District Administration Building, 930 17th Avenue, Santa Cruz, California. Chair Mitchell called the meeting to order at 7:00 p.m., and requested everyone in attendance join in saluting the flag. In attendance were Directors Rose, Pederson, Miller, Darrough, Howard and Benson. Also present was Chief Maxwell, Chief Sharp, Fire Marshal Devery, Jerry Bowles, and Counsel Phillip Passafuime.

2.0 PRESENTATIONS

There were none.

3.0 CONSENT AGENDA

3.1 Approve Minutes of Regular Board Meeting on July 13, 2010
3.2 Approve Minutes of Special Board Meeting on August 4, 2010
3.3 Approve Expenditures for the Month of July in the amount of $782,249.92
3.4 Approve Payroll for the Month of July in the amount of $476,628.03

Chair Mitchell asked that Item 3.1 be separated from the rest of the Consent Agenda Items.

Director Pederson made a motion to approve Consent Agenda Items 3.2, 3.3, and 3.4. The motion was seconded by Director Miller. Chief Maxwell did a roll call: **the motion passed with 7-Ayes.**

Director Pederson made a motion to approve Consent Agenda Item 3.1. The motion was seconded by Director Miller. Chief Maxwell did a roll call: **the motion passed with 6-Ayes; Chair Mitchell abstained.**

4.0 ORAL COMMUNICATIONS

4.1 Public Oral Communications

There were none.

4.2 Staff Oral Communications

Chief Maxwell advised the Board that there would be an election in November.

Chief Sharp advised that on Saturday, August 7, 2010, the District held the written examination for open Paid Call Firefighter positions; that there were 57 applicants; the District will be filling 15 positions; and, two of the applicants are from the District's Explorer Program.

Chief Sharp advised that the District held an off-road class, with Cal Fire and Aptos La Selva Fire being some of the participants, the class was held in the Demonstration Forest, it went well, and they look forward to holding more of the same classes in the future.

4.3 Board of Directors Oral Communications

Director Darrough made mention of an on-going issue regarding a fire hydrant at Fanmar and Terrace Way, in Capitola. Chief Maxwell advised that the District is actively monitoring and attempting to correct the issue.

5.0 CHIEF'S REPORT

Chief Maxwell thanked staff and Jerry Bowles for all of their hard work on the FSLA issue, as well as the new budget and its issues.

6.0 CORRESPONDENCE

There was none.

7.0 COMMITTEE REPORTS

7.1 Facilities Committee

Director Pederson advised that the Committee had not met.

7.2 Finance Committee

Director Miller advised that the Committee met on August 4, 2010, and they continued to discuss contracts with outside vendors, the Budget for 2010-2011, and that they are continuing to review health benefits.

7.3 Personnel Committee

Director Howard advised that the Committee had not met.

7.4 Strategic Planning Committee

Director Miller advised that the Committee had not met.

7.5 Oversight Committee

Director Rose advised that the Committee had a meeting scheduled for ***September 10, 2010, at 8:30 a.m., at the Administration Building.***

8.0 STAFF REPORTS

8.1 Adoption of the 2010 Fire Code

This Item will be discussed under Item 11.2.

It was not 7:30 p.m. yet, so the Board continued on with other Items on the Agenda.

10.0 OLD BUSINESS

10.1 None

11.0 NEW BUSINESS

11.1 Resolution 2010-11 Notice of Intent to Adopt the International Fire code with Amendments

Fire Marshal Devery gave a brief overview, advising that there had been no substantial changes.

Discussion ensued regarding the City of Capitola and their reaction and acceptance of the state's adoption of the residential sprinkler codes.

Chief Maxwell advised that staff recommended the Board's adoption of the International Fire Code with Amendments.

Director Howard made a motion to approve Resolution 2010-11, Notice of Intent to Adopt the International Fire Code with Amendments. Director Rose seconded the motion. **Chief Maxwell did a roll call: the Motion passed with 7-Ayes**.

11.2 Resolution 2010-12 Notice of Intent Finding Modification of State Housing Law

Chief Maxwell advised that staff recommended the Board adopt Resolution 2010-12, Notice of Intent Finding Modification of State Housing Law.

Director Miller made a motion to approve Resolution 2010-12, Notice of Intent Finding Modification of State Housing Law. The motion was seconded by Director Rose. Chief Maxwell did a roll call: **the motion passed with7-Ayes.**

11.3. Approval to Suspend the First Reading of Ordinance 2010-01

Chief Maxwell advised that staff recommended the Board approve to Suspend the First Reading of Ordinance 2010-01.

Director Pederson made a motion to approve to Suspend the First Reading of Ordinance 2010-01. the motion was seconded by Director Howard. Chief Maxwell did a roll call: **the motion passed with 7-Ayes.**

11.4 Approval of Escrow Wire Transfer for Acquisition of Property, 410 Kennedy Drive, Capitola

Chief Maxwell gave a brief overview and advised that escrow was due to close on August 19, 2010, and the wire transfer to be made will be $651,052.54.

Discussion ensued, to include the fact that the date on the place holder for the proposed escrow closing financial information reads "Wednesday, August 12, 2010", and the date on the First American Title Company escrow closing financial information references a closing date of "August 25, 2010".

Additionally, Counsel Passafuime advised that in a conversation with Sharon Oster, the escrow agent at First American Title Company, he was advised that (1) a Certificate of Acceptance was going to need to be signed by the Board Chair, as it must be attached to the Grant Deed for recording with the Santa Cruz County Recorder, (2) that the four separate property owners, who are taking back a note on the property, would need to be named as additional insured on the District's insurance policies relating to the property, and (3) that an easement agreement for use of the shed/storage area on the property and a road maintenance agreement were going to need to be prepared and signed by all parties prior to the close of escrow. Counsel Passafuime advised that it was his understanding that the realtor, Randy Parker, was handling the preparation of the easement agreement and road maintenance agreement.

At 7:35 p.m., Chair Mitchell advised that discussion regarding Item 11.4 would be continued later in the meeting, and he moved the meeting to open session for the public hearing.

9.0 PUBLIC HEARINGS

9.1 **7:30 p.m. Public Hearing** to Review Final Operating Budget for FY 2010/2011

There was no comment from the public. Chair Mitchell closed the open session at 7:37 p.m.

Chief Maxwell gave a brief overview and discussion ensued.

9.2 Approval of Resolution 2010-10 Resolution Adopting Final Operating Budget for FY 2010-2011

Director Howard made a motion to approve Resolution 2010-10 Adopting Final Operating Budget FY 2010/2011. The motion was seconded by Director Darrough. Chief Maxwell did a roll call: **the motion passed with 7-Ayes.**

9.3 **Public Hearing** to Review Final Capital Outlay Budget FY 2010-2011

Chair Mitchell moved the meeting to open session for public hearing at 7:40 p.m. There was no comment from the public. Chair Mitchell closed the open session at 7:40 p.m.

Jerry Bowles advised that there had been a very slight change in the expense area under professional services, but the overall total amount remained the same.

9.4 Approval of Resolution 2010-13 Resolution Adopting Final Capital Outlay Budget for FY 2010-2011

. Director Miller made a motion to approve Resolution 2010-13 Resolution Adopting Final Capital Outlay Budget for FY 2010/2011. The motion was seconded by Director Howard. Chief Maxwell did a roll call: **the motion passed with 7-Ayes.**

Discussion resumed regarding Agenda Item 11.4.

Director Miller made a motion to approve the wire transfer in the amount of $651,052.54 for the purchase of 10 Kennedy Drive. The motion was seconded by Director Pederson. Chief Maxwell did a roll call: **the motion passed with 7-Ayes.**

11.5 Government Code Section 54956.5, Emergency Action by the Board

Chief Maxwell advised that under Government Code Section 54956.5, the Board was going to take emergency action regarding a need to pass a resolution appointing the Chair to sign a Certificate of Acceptance on behalf of the District with regard to the 410 Kennedy Drive property purchase, (1) since escrow is due to close August 19, 2010, (2) due to the fact that calling a special meeting to accomplish same would be difficult at such a late date, and (3) the next regularly scheduled Board meeting is in September, and well after the proposed closing date.

Discussion ensued regarding the need for the Board to take immediate action regarding a resolution to appoint the Chair to sign the Certificate of Acceptance on behalf of the District.

Director Pederson made a motion to move forward with the Emergency Action, as stated by the Chief. The motion was seconded by Director Howard. Chief Maxwell did a roll call: **the motion passed with 7-Ayes.**

11.6 Resolution 2010-14 Authorizing Central Fire Protection District to Authorize Chair Michael Mitchell of the Central Fire Protection District of Santa Cruz County Board of Directors on Behalf of the District to Accept and Consent to Transfer of Grant Deed, and Certificate of Acceptance of Deed for Property

Counsel Passafuime read Resolution 2010-14, as well as the Certificate of Acceptance.

Director Pederson made a motion to adopt Resolution 2010-14, and waved a re-reading of the Resolution. The motion was seconded by Director Miller. Chief Maxwell did a roll call: **the motion passed with 7-Ayes.**

12.0 ADJOURNMENT The meeting was adjourned at 8:10 p.m.

This is to certify that the foregoing is a true copy of discussions during the Central Fire Protection District Regular Board of Directors Meeting, held on August 10, 2010, as prepared by me.

_____ Dated: August _____, 2010

Donna J. Steward
Recording Secretary

ATTEST: _____