



AGENDA

CRESCENT FIRE PROTECTION DISTRICT BOARD OF DIRECTORS

**REGULAR MEETING
HELD
MONDAY, NOVEMBER 8, 2021
AT 5:00 P.M.**

Submit comments via ccfire@crescentcity.org; or submit a written comment by filing it with the Administrative Assistant at 255 W Washington Blvd, Crescent City, California 95531 prior to 5:00 pm, November 8, 2021. If you require a special accommodation, please contact Administrative Assistant, Vanessa Duncan at 464-2421.

1. ROLL CALL

- 1.1 CALL TO ORDER**
- 1.2 FLAG SALUTE**

2. PUBLIC PARTICIPATION

Any member of the audience is invited to address the Board on any matter that is within the jurisdiction of the Crescent Fire Protection District. Comments of public interest or on matters appearing on the agenda are accepted. Note, however, that the Board is not able to undertake extended discussion or act on non-agendized items. Such items can be referred to staff for appropriate action, which may include placement on a future agenda. All comments shall be directed toward the entire Board. After receiving recognition from the Chairman, please state your name and city or county residency for the record. Public comment is limited to three (3) minutes. The public is additionally allotted five minutes each in which to speak on any item on the agenda prior to any action taken by the Board.

3. CONSENT CALENDAR

- 3.1 APPROVE MINUTES OF THE REGULAR MEETING OF OCTOBER 11, 2021**
- 3.2 APPROVAL OF WARRANT CLAIMS FOR PERIOD COVERED OCTOBER 2021**

4. NEW BUSINESS

Take action as necessary and appropriate.

- 4.1** CONDUCT A PUBLIC HEARING FOR ORDINANCE NO. 21-2002, AN ORDINANCE OF THE CRESCENT FIRE PROTECTION DISTRICT AMENDING ORDINANCE NO. 21-001, LEVYING A FIRE SUPPRESSION ASSESSMENT, BEGINNING IN FISCAL YEAR 2021/22

RECOMMENDATION

1. Receive staff report
2. Open the Public Hearing
3. Take public comment
4. Close Public Hearing
5. Board Discussion

- 4.2** CONSIDER AND ADOPT ORDINANCE NO. 21-002, AN ORDINANCE OF THE CRESCENT FIRE PROTECTION DISTRICT AMENDING ORDINANCE NO. 21-001, LEVYING A FIRE SUPPRESSION ASSESSMENT, BEGINNING IN FISCAL YEAR 2021/22

RECOMMENDATION

1. Receive staff report and presentation
2. Take public comment
3. Board Discussion
4. Review and waive full reading, read by title only, and re-introduce ORDINANCE NO. 21-002, AN ORDINANCE OF THE CRESCENT FIRE PROTECTION DISTRICT AMENDING ORDINANCE NO. 21-001, LEVYING A FIRE SUPPRESSION ASSESSMENT, BEGINNING IN FISCAL YEAR 2021/22

- 4.3** APPOINT MEMBERS FOR THE FIRE DEPARTMENT 2X2 COMMITTEE

RECOMMENDATION

1. Receive staff report and presentation
2. Take public comment
3. Board Discussion
4. Appoint two Board Members to the Fire Department 2 x 2 Committee and direct staff to request a meeting of the committee.

- 4.4** CONSIDER AND ADOPT RESOLUTION NO. 21-005; A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CRESCENT FIRE PROTECTION DISTRICT AUTHORIZING EARLIER PAYMENT TO FIREFIGHTERS WHO PARTICIPATED IN CALFIRE AND CAL-OES ASSIGNMENTS

RECOMMENDATION

1. Receive staff report
2. Take public comment
3. Board Discussion
4. Review and Waive full reading, read by title only and ADOPT RESOLUTION NO. 21-005; A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CRESCENT FIRE PROTECTION DISTRICT AUTHORIZING EARLIER PAYMENT TO FIREFIGHTERS WHO PARTICIPATED IN CALFIRE AND CAL-OES ASSIGNMENTS

4.5 CONSIDER SURPLUS AND SALE OR DONATION OF DISTRICT VEHICLES

RECOMMENDATION

1. Receive staff report
2. Take public comment
3. Board Discussion
4. Consider declaring Water Tender 5158 (T-28), Engine 5137, Engine 5114 (E-24), and Fire Boat as surplus and allow staff to pursue options for sale or donation

4.6 REVIEW AND APPROVE BUDGET TRANSFER REQUEST

RECOMMENDATION

1. Receive staff report and presentation
2. Take public comment
3. Board Discussion
4. Review and APPROVE BUDGET TRANSFER REQUEST TOTALING \$500 FOR DMV CHARGES ON NEWLY PURCHASED ENGINES

4.7 REVIEW AND APPROVE ATTORNEY-CLIENT FEE AGREEMENT FOR LEGAL SERVICES PROVIDED BY RYAN PLOTZ WITH THE MITCHELL LAW FIRM, LLP

RECOMMENDATION

1. Receive staff report and presentation
2. Take public comment
3. Board Discussion
4. Review and APPROVE CONTRACT FOR GENERAL COUNSEL WORK WITH RYAN PLOTZ WITH THE MITCHELL LAW FIRM, LLP

5. OLD BUSINESS

Take action as necessary and appropriate.

5.1 REVIEW AND DISCUSS AMENDMENT TO TOWER AND GROUND SPACE LEASE FROM NEW CINGULAR WIRELESS & AT&T

RECOMMENDATION

1. Receive staff report

2. Take public comment
3. Board Discussion
4. Consider and PROVIDE STAFF DIRECTION REGARDING TOWER AND GROUND SPACE LEASE OPTIONS FROM NEW CINGULAR WIRELESS & ATT&T

6. CHIEFS REPORT

Take action as necessary and appropriate.

UPDATE ON CURRENT MATTERS AND THOSE IN PROGRESS

6.1 RESPONSES OCCURRED BETWEEN: 10/01 – 10/31/2021

7. BOARD COMMENTS

THIS AGENDA ITEM ALLOWS BOARD MEMBERS THE OPPORTUNITY TO DISCUSS ITEMS OF GENERAL INTEREST, PROVIDE A REFERENCE OR OTHER RESOURCE TO STAFF, ASK FOR CLARIFICATION OR REQUEST STAFF TO REPORT TO THE BOARD ON A CERTAIN MATTER

8. ADJOURNMENT

ADJOURN TO THE NEXT REGULARLY SCHEDULED MEETING ON MONDAY, DECEMBER 13, 2021 AT 5:00 PM

POSTED:

11/05/2021

/s/ Vanessa Duncan

Administrative Assistant

Notice Regarding Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact the Administrative Assistant's office at (707)464-2421. Notification 48 hours before the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II] For TTYDD use for speech and hearing impaired, please dial 711. A full agenda packet may be reviewed at Crescent City Fire & Rescue, 255 W Washington Blvd, during business hours, 8:00 a.m. - 5:00 p.m., or on-line at cfpd.crescentcity.org



CRESCENT FIRE PROTECTION DISTRICT

255 W. WASHINGTON BLVD. CRESCENT CITY, CA 95531
office: 707- 464-2421

MINUTES OF THE CRESCENT FIRE PROTECTION DISTRICT BOARD OF DIRECTORS

REGULAR MEETING HELD OCTOBER 11, 2021 AT 5:00 P.M.

DIRECTORS PRESENT:

Chairman Jim Nelson Director
Vice Chairman Dave Short
Director Jim Erler
Director Rick Kelley

ABSENT:

Director Joe Gregorio

OTHERS PRESENT:

Bill Gillespie, Fire Chief
Vanessa Duncan, Clerk of the Board
Nancy Diamond, Legal Counsel

ROLL CALL:

Chairman Nelson called the meeting to order at 5:00 PM. The Pledge of Allegiance was led by Vice Chair Short.

PUBLIC PARTICIPATION

Thomas Barnes tried to make a public comment, but his microphone was not working at the time. He sent a message that stated he would try to fix the issue and comment later in the meeting.

CONSENT CALENDAR

3.1 APPROVE MINUTES OF THE REGULAR MEETING OF AUGUST 9, 2021 AND THE MINUTES OF THE SPECIAL MEETING OF SEPTEMBER 29, 2021

3.2 APPROVAL OF WARRANT CLAIMS FOR PERIOD COVERED AUGUST AND SEPTEMBER 2021

On a motion by Vice Chair Short, seconded by Director Eler, motion carried 4/0/1 with Director Gregorio being absent; the Board of Directors approved the Consent Calendar.

NEW BUSINESS

Take action as necessary and appropriate.

4.1 WAIVE FULL READING, READ BY TITLE ONLY AND INTRODUCE ORDINANCE NO. 21-002, AN ORDINANCE OF THE CRESCENT FIRE PROTECTION DISTRICT AMENDING ORDINANCE NO. 21-001, LEVYING A FIRE SUPPRESSION ASSESSMENT, BEGINNING IN FISCAL YEAR 2021/22

RECOMMENDATION

1. Receive staff report
2. Take public comment
3. Board Discussion
4. Review and waive full reading, read by title only, and introduce ORDINANCE NO. 21-002, AN ORDINANCE OF THE CRESCENT FIRE PROTECTION DISTRICT AMENDING ORDINANCE NO. 21-001, LEVYING A FIRE SUPPRESSION ASSESSMENT, BEGINNING IN FISCAL YEAR 2021/22

Chief Gillespie briefed the Board, stating that through input from the public and Board discussion, the District desires to expand eligibility for a maximum assessment levy and to clarify qualifying exemptions from the assessment by amending Ordinance No. 21-001. The original Ordinance No. 21-001 exempted vacant or undeveloped land from the assessment. The original ordinance also set a maximum assessment levy per parcel for developed parcels containing multiple structures and were capped at 13.5 EBU's or \$1,000 per parcel.

The amended Ordinance No. 21-002 for consideration and introduction expands Ordinance No. 21-001 to include the original exemptions, and to establish an exemption for parcels which are held under identical ownership within the same customer class (i.e. residential, commercial, government) may, upon approval of an application by the owner(s) thereof to the District, be treated as a single parcel for purposes of applying the maximum assessment fee not to exceed \$1,000 per parcel. The owner(s) of such parcels seeking exemption shall submit an application to the District, in a format approved by the District, providing the owner(s) name and address, property maps, and deed and title information that sufficiently demonstrate that the applicant is the owner of record or trustee of the owner of record with Power of Attorney for the owner of record for all the qualifying property, Specific Policy and Procedures to carry out this exemption and to approve and otherwise revise the application form as required, shall be adopted by Resolution by the District, following a public meeting. For each year the exemption is claimed, the District may request ownership information necessary to sufficiently demonstrate that the applicant is the owner of record for all the qualifying property.

Chief Gillespie also noted that under Ordinance No. 21-001, Commercial/Industrial parcel class had each building on a parcel assigned 1.1 EBU per equivalent single-family home, per 2,500 square feet, but with some parcels having limited data available, the EBU assignment for individual Commercial and Industrial parcels under Ordinance No. 21-002 will default to the benefit units assigned per the 1987 assessment for any parcels that data was not available.

The following citizen addressed the Board:

Thomas Barnes: Questioned where he will be able to pick up an application for parcel exemption, he also thanked the Board Members for their time and consideration in making the benefit assessment fair to the community.

On a motion by Director Erler, seconded by Vice Chair Short motion carried 4/0/1 with Director Gregorio being absent; the Board of Directors INTRODUCED ORDINANCE NO. 21-002, AN ORDINANCE OF THE CRESCENT FIRE PROTECTION DISTRICT AMENDING ORDINANCE NO. 21-001, LEVYING A FIRE SUPPRESSION ASSESSMENT, BEGINNING IN FISCAL YEAR 2021/22

PASSED AND ADOPTED by the Board Members of the
CRESCENT FIRE PROTECTION DISTRICT

This 8th day of MARCH 2021, by the following polled vote:

YES: 4, Chairman Nelson, Vice Chair Short, Director Erler, Director Kelley

NOES: 0

ABSENT: 1, Director Gregorio

4.2 REVIEW AND DISCUSS AMENDMENT TO TOWER AND GROUND SPACE LEASE FROM NEW CINGULAR WIRELESS & AT&T

RECOMMENDATION

1. Receive staff report
2. Take public comment
3. Board Discussion
4. Consider and PROVIDE STAFF DIRECTION REGARDING TOWER AND GROUND SPACE LEASE OPTIONS FROM NEW CINGULAR WIRELESS & ATT&T

Chief Gillespie noted that after he brought the Board's proposal to New Cingular Wireless representative, Frank Schabarum, it was stated that to keep the monthly rent as low as possible to get the project approved by AT&T Management, and they may be able to utilize capital improvement funding options in the project after it had been relayed to New Cingular Wireless the issues with security and the need for fencing the facility. Two options have been provided by New Cingular Wireless for Board consideration:

1. Lease AT&T an approximately 10' x 16' lease area for installation of the generator surrounded by a new chain link fence adjacent to the existing

southerly communications tower (west side in lawn) for a one-time payment of \$20,000 which the District can use as it sees fit. There would be no increase in monthly rent. This would place the generator out of vehicle travel areas. It would require Board approval of trenching the rear driveway/lot/yard to allow generator power line access from the tower to the generator and would be subject to no utility easements that would have to be crossed.

OR

2. Allow AT&T to install the originally proposed 3' x 18' bump out on the east side of the existing cell tower compound (north compound) into the parking area and install a full-length security fence from the southeast corner of the fire department building to the south tower compound and then east to the edge of the property at the hedge. This would include a manual gate across the driveway. AT&T would be responsible for the cost of the new fencing and manual gate and would pay a monthly increase to rent of \$100.

Chief Gillespie requested the Board to review the two options, determine which it supports, and staff will provide this direction back to New Cingular Wireless who will provide an updated contract with that proposal once approved by AT&T.

After Board discussion, it was requested by Chairman Nelson that staff research what other facilities are charging for rent and to bring the findings to the next Board Meeting.

No action taken at this time.

4.3 CONSIDER AND APPROVE AUTHORIZATION #2 FOR PROFESSIONAL SERVICES, ASSESSMENT FOLLOW-UP AND REPORTING WITH PLANWEST PARTNERS

RECOMMENDATION

1. Receive staff report and presentation
2. Take public comment
3. Board Discussion
4. Consider and APPROVE AUTHORIZATION #2 FOR PROFESSIONAL SERVICES, ASSESSMENT FOLLOW-UP AND REPORTING WITH PLANWEST PARTNERS

Chief Gillespie stated the District has requested additional assistance with assessment follow-up and reporting, beyond what was previously authorized. This Authorization #2 includes Planwest staff time associated with Recount Proceedings, drafting ordinance amendments, and providing related District coordination and follow-up to implement the assessment. Assistance with the current ordinance

amendment and with the current lawsuit filed against the District has also accounted for time.

The cost for Tasks 7a and 7b will be on a time and materials basis, not to exceed \$6,164.00, without prior mutual agreement.

Task 7a (Ordinance, Coordination and Follow-up) = \$1,725 (15 hours @ \$115/hour)

Task 7b (Recount Proceedings) = \$4,439 (Invoice #21-257-04)

Chief Gillespie also stated that Task 7 b (Recount Proceedings) has already been invoiced to the District but is included in this agreement for tracking purposes.

On a motion by Director Kelley, seconded by Director Erler, motion carried 4/0/1 with Director Gregorio being absent; the Board of Directors APPROVED AUTHORIZATION #2 FOR PROFESSIONAL SERVICES, ASSESSMENT FOLLOW-UP AND REPORTING WITH PLANWEST PARTNERS

4.4 REVIEW ASSESSMENT OVERSIGHT COMMITTEE APPLICATION

RECOMMENDATION

1. Receive staff report and presentation
2. Take public comment
3. Board Discussion
4. Review Assessment Oversight Committee Application, and direct staff to open application process

Chief Gillespie reported to the Board that Section 7 of Ordinance No. 21-001 provides for the appointment of an Oversight Committee for the Assessment. This seven-member committee will be created to meet annually to review and publicly report on the expenditure of revenues generated by the tax imposed by the Ordinance. The committee will include five residents of the District, Resident members of the committee will be appointed to two-year terms by the Board Chair and confirmed by the District Board. The Fire Chief or designee and a representative from the Volunteer Fire Association or designee will serve as non-voting members of the committee.

Staff has included a draft application for review and approval by the Board. If approved, the application period would be opened to the committee, with applications due back to the District the first week of November, with member recommendations and appointment by the Board Chair to be reviewed and confirmed by the Board at a regular meeting.

Chief Gillespie also stated that any member of the Board can attend the Oversight Committee meetings as a member of the public.

The following citizen addressed the Board:

Thomas Barnes: Messaged via zoom and stated that he was thankful for the Board's actions and commented that a steering committee with input from the public would be helpful.

Director Erler questioned what will happen if there are not enough applicants to fill the five positions; Chief Gillespie noted that the District will need to continue to advertise for the committee positions until filled.

OLD BUSINESS - None

CHIEF'S REPORT

Take action as necessary and appropriate.

UPDATE ON CURRENT MATTERS AND THOSE IN PROGRESS.

6.1 RESPONSES OCCURRED BETWEEN: 08/01 – 09/30/2021

Chief Gillespie reported the total number of calls in the City and the District, he also reported the approximate year to date calls being 1,300.

6.2 WILDLAND FIRE VOLUNTEER PAYMENT

Chief Gillespie stated he will have more information on this item at the next Board Meeting.

BOARD COMMENTS

Director Kelley would like the Board to have a closed session in January regarding the transition to a new Fire Chief following Chief Gillespie's retirement.

Director Kelley also requested that staff send an email with all future Association Meetings and events.

ADJOURNMENT

There being no further business to come before the Board, Vice Chair Short adjourned the meeting at 5:55 pm of the Crescent Fire Protection District Board of Directors to the next regularly scheduled meeting on November 11, 2021 at 5:00PM.

CFPD CLAIMS LIST OCTOBER FY 21/22

CLAIM ID	CLAIM DATE	VENDOR NAME	CLAIM AMOUNT	ACCOUNT	DESCRIPTION	GRAND TOTAL
361-2639	10/1/21	PLANWEST PARTNERS, INC	\$ 4,969.00	20230	CFPD PROP 218 ASSESSMENT #2 -	\$ 4,969.00
361-2640	10/1/21	CHARTER COMMUNICATION	\$ 396.98	20120	CABLE/INTERNET WASHINGTON	\$ 396.98
361-2641	10/1/21	RECOLOGY DEL NORTE	\$ 67.33	20140	TRASH FEE - SEPTEMBER	\$ 67.33
TOTAL						\$ 5,433.31
362-2643	10/12/21	LAW OFFICES OF NANCY DIAMC	\$ 1,000.00	20230	REVIEW EMAILS, PHONE CALLS, AT	\$ 1,000.00
362-2644	10/12/21	CITY OF CRESCENT CITY	\$ 7,115.00	20234	4TH QRT SERVICES - FINAL #2	\$ 7,115.00
362-2645	10/12/21	CRESCENT CITY WATER	\$ 62.09	20302	WATER - HUMBOLDT	\$ 62.09
362-2646	10/12/21	DN SOLID WASTE MANAGEMEN	\$ 8.00	20140	TRASH FEE - SEPTEMBER	\$ 8.00
362-2646	10/12/21	U.S. BANK	\$ 37.83	20173	AUTOZONE - SUPPLIES FOR NEW EI	\$ 37.83
362-2646	10/12/21	U.S. BANK	\$ 76.60	20173	HOME DEPOT - SUPPLIES FOR NEW	\$ 76.60
362-2646	10/12/21	U.S. BANK	\$ 147.41	20173	AUTOZONE - SUPPLIES FOR NEW EI	\$ 147.41
362-2646	10/12/21	U.S. BANK	\$ 38.95	20271	AUTOZONE - SUPPLIES FOR NEW EI	\$ 38.95
362-2646	10/12/21	U.S. BANK	\$ 4.93	20271	CA DMV - NEW ENGINES	\$ 4.93
362-2646	10/12/21	U.S. BANK	\$ 23.00	20271	CA DMV - NEW ENGINES	\$ 23.00
362-2646	10/12/21	U.S. BANK	\$ 214.00	20271	CA DMV - NEW ENGINES	\$ 214.00
362-2646	10/12/21	U.S. BANK	\$ 0.53	20271	CA DMV - NEW ENGINES	\$ 0.53
362-2646	10/12/21	U.S. BANK	\$ 228.73	20290	STAYBRIDGE - NEW ENGINES TRAV	\$ 228.73
362-2646	10/12/21	U.S. BANK	\$ 13.29	20290	POPEYES - NEW ENGINES TRAVEL	\$ 13.29
362-2646	10/12/21	U.S. BANK	\$ 125.00	20290	SHELL OIL - NEW ENGINES TRAVEL	\$ 125.00
362-2646	10/12/21	U.S. BANK	\$ 125.00	20290	SHELL OIL - NEW ENGINES TRAVEL	\$ 125.00
362-2646	10/12/21	U.S. BANK	\$ 125.00	20290	SHELL OIL - NEW ENGINES TRAVEL	\$ 125.00
362-2646	10/12/21	U.S. BANK	\$ 129.36	20290	CATTLEMEN'S - NEW ENGINES TRA'	\$ 129.36
362-2646	10/12/21	U.S. BANK	\$ 228.73	20290	STAYBRIDGE - NEW ENGINES TRAV	\$ 228.73
362-2646	10/12/21	U.S. BANK	\$ 228.73	20290	STAYBRIDGE - NEW ENGINES TRAV	\$ 228.73
362-2646	10/12/21	U.S. BANK	\$ 448.00	40621	CA DMV - NEW ENGINES	\$ 448.00
362-2646	10/12/21	U.S. BANK	\$ 10.31	40621	CA DMV - NEW ENGINES	\$ 10.31
TOTAL						\$ 10,390.49
363-2647	10/21/21	CRESCENT CITY WATER	\$ 235.80	20302	WATER - WASHINGTON	\$ 235.80
363-2647	10/21/21	CRESCENT CITY WATER	\$ 22.49	20302	WATER - COOPER	\$ 22.49
363-2648	10/21/21	PACIFIC POWER & LIGHT CO.	\$ 95.27	20300	POWER - HUMBOLDT	\$ 95.27
363-2648	10/21/21	PACIFIC POWER & LIGHT CO.	\$ 711.21	20300	POWER - WASHINGTON	\$ 711.21
363-2648	10/21/21	PACIFIC POWER & LIGHT CO.	\$ 96.26	20300	POWER - COOPER	\$ 96.26
363-2649	10/21/21	CANON FINANCIAL SERVICES	\$ 192.48	20260	COPIER LEASE PAYMENT	\$ 192.48
363-2650	10/21/21	GOLDEN STATE EMERGENCY V	\$ 293.80	20173	2.5" COMPOSITE BALL REPAIR KIT 5	\$ 293.80
TOTAL						\$ 1,647.31
364-2651	10/29/21	ROSS JANITORIAL	\$ 340.00	20230	JANITORIAL SERVICES - OCT	\$ 340.00
364-2652	10/29/21	CRESCENT ACE HARDWARE	\$ 23.41	20173	POLISH AND HEADLIGHT CLEANER	\$ 23.41
364-2653	10/29/21	CRESCENT CITY WATER	\$ 62.12	20302	WATER - HUMBOLDT	\$ 62.12
364-2654	10/29/21	RECOLOGY DEL NORTE	\$ 67.33	20140	TRASH FEE - OCTOBER	\$ 67.33
TOTAL						\$ 492.86

PO#258822

PO# 25882:

PO# 25882:

STAFF REPORT – CONDUCT A PUBLIC HEARING ON ORDINANCE NO. 21-002, AN ORDINANCE OF THE CRESCENT FIRE PROTECTION DISTRICT AMENDING ORDINANCE NO. 21-001, LEVYING A FIRE SUPPRESSION ASSESSMENT, BEGINNING IN FISCAL YEAR 2021/22

RECOMMENDATION

1. Receive staff report and presentation
2. Open the Public Hearing
3. Take public comment
4. Close Public Hearing
5. Board Discussion

BACKGROUND

A public hearing is required prior to the adoption of Ordinance No. 21-002, an ordinance of the Crescent Fire Protection District amending Ordinance No. 21-001, levying a fire suppression assessment, beginning in Fiscal Year 2021/22.

On July 12, 2021, the District adopted Ordinance No. 21-001 Levying a Fire Suppression Assessment, beginning in fiscal year 2021/22.

Through input from the public and Board discussion, the District desires to expand eligibility for a maximum assessment levy and to clarify qualifying exemptions from the assessment by amending Ordinance No. 21-001. The original Ordinance No. 21-001 exempted vacant or undeveloped land from the assessment. The original ordinance also set a maximum assessment levy per parcel for developed parcels containing multiple structures and were capped at 13.5 EBU's or \$1,000 per parcel.

The amended ordinance for consideration and adoption expands the ordinance to include the original exemptions, and to establish an exemption for parcels which are held under identical ownership within the same customer class (i.e. residential, commercial, government) may, upon approval of an application by the owner(s) thereof to the District, be treated as a single parcel for purposes of applying the maximum assessment fee not to exceed \$1,000 per parcel. The owner(s) of such parcels seeking exemption shall submit an application to the District, in a format approved by the District, providing the owner(s) name and address, property maps, and deed and title information that sufficiently demonstrate that the applicant is the owner of record or trustee of the owner of record with Power of Attorney for the owner of record for all the qualifying property, Specific Policy and Procedures to carry out this exemption and to approve and otherwise revise the application form as required, shall be adopted by Resolution by the District, following a public meeting. For each year the exemption is claimed, the District may request ownership information necessary to sufficiently demonstrate that the applicant is the owner of record for all the qualifying property.

Unsecured property such as boat slips of other unsecured (personal) property that is not on the County Assessor's secured tax roll is not subject to the assessment levy and is exempt from this assessment.

Under Ordinance 21-001, Commercial/Industrial parcel class had each building on a parcel assigned 1.1 EBU per equivalent single-family home, per 2,500 square feet. Since limited parcel data is available, the EBU assignment for individual Commercial and Industrial parcels under Ordinance 21-002 will default to the benefit units assigned per the 1987 assessment until such time when updated square foot information is available for any individual Commercial or Industrial parcel.

The amendments to Ordinance No. 21-001 do not constitute a new or increased assessment over the maximum amount imposed, and therefore do not trigger or require new majority protest balloting proceedings in accordance with Proposition 218 (Gov Code Section 53753).

Ordinance No. 21-002, amending Ordinance No. 21-001 was introduced at the regular October 11, 2021 meeting by the Crescent Fire Protection District Board.

A Public Hearing at the November 8, 2021, regular meeting regarding Ordinance No. 21-002, an ordinance of the Crescent Fire Protection District amending Ordinance No. 21-001, levying a fire suppression assessment, beginning in fiscal year 2021/22.

In conclusion, staff recommends that the District Board read by title only and adopt Ordinance No. 21-002, an ordinance of the Crescent Fire Protection District amending Ordinance No. 21-001, levying a fire suppression assessment, beginning in fiscal year 2021/22.

FISCAL IMPACT

The amendments to Ordinance No. 21-001 do not constitute a new or increased assessment over the maximum amount imposed, and therefore do not trigger or require new majority protest balloting proceedings in accordance with Proposition 218 (Gov Code Section 53753). Implementation of Ordinance 21-002 would reduce the estimated fiscal year 2021-22 assessment revenue from \$421,404 to approximately \$414,071, or a \$7,333 reduction. This would not affect the proposed assessment rate of \$74.00 per single-family equivalent benefit unit (EBU) for fiscal year 2021-22.

ATTACHMENTS

1. Ordinance No. 21-002



CRESCENT FIRE PROTECTION DISTRICT

255 W. WASHINGTON BLVD. CRESCENT CITY, CA 95531
office: 707- 464-2421

ORDINANCE NO. 21-002

AN ORDINANCE OF THE CRESCENT FIRE PROTECTION DISTRICT AMENDING ORDINANCE NO. 21-001, LEVYING A FIRE SUPPRESSION ASSESSMENT, BEGINNING IN FISCAL YEAR 2021/22

The Board of Directors of the Crescent Fire Protection District hereby ordains as follows:

SECTION 1. FINDINGS

The Board finds and declares as follows:

- (a) On July 12, 2021, the District adopted Ordinance No. 21-001 Levying a Fire Suppression Assessment, Beginning in Fiscal Year 2021/22.
- (b) The District desires to expand eligibility for a maximum assessment levy, to clarify qualifying exemptions from the assessment, and to provide additional language clarification by amending Ordinance No. 21-001.
- (c) Said amendments to Ordinance No. 21-001 do not constitute a new or increased assessment over the maximum amount imposed, and therefore do not trigger or require new majority protest balloting proceedings in accordance with Proposition 218 (Gov Code Section 53753).

SECTION 2. ORDINANCE AMENDMENT

Section 5., Assessment Rate, of Ordinance No. 21-001 is hereby amended as shown by the following strikethrough for deleted text and underscore for new text:

"SECTION 5. ASSESSMENT RATE

The Board hereby levies an annual assessment within the Benefit Assessment District. The estimated fiscal year 2021-22 cost of providing the Services is \$434,310. This cost results in an assessment rate of \$74.00 per single-family equivalent benefit unit (EBU) for fiscal year 2021-22. Fire EBUs are assigned to each parcel as follows:

- Single Family – All residential single-family homes are equal to 1.0 EBU

- Multi-Family – All multi-family, mobile home, manufactured homes, duplexes, and condos are allocated 0.8 EBUs per unit.
- Commercial/Industrial – All Commercial and Industrial parcels ~~Each building~~ are assigned 1.1 EBUs per ~~equivalent single family home, approximately~~ 2,500 square foot, with a minimum of 1 EBU. Unless, parcel data was unavailable at assessment approval, EBU assignment for individual Commercial and Industrial parcels will default to the benefit units assigned per the 1987 assessment but not to exceed the amount identified on a specific official ballot for this assessment.
- Government/Institutional - Improved Government land is subject to the assessment levy on the same basis as privately owned parcels with the same land use description.
- Vacant/Undeveloped Land – Vacant and undeveloped land is not subject to the assessment levy and is otherwise exempt from this assessment.
- Bulk/Hazard – Any parcel which presents an extraordinary hazard to the District will be independently evaluated by the District Fire Chief and assigned an EBU that reflects the actual benefit received by the individual parcel.
- Per Parcel Assessment Maximum - All parcels will be held to a maximum assessment fee not to exceed \$1,000 per parcel.
- Multi-parcel Identical Ownership Maximum, Exemption - Parcels which are held under identical ownership within the same customer class (i.e., residential, commercial, government) may, upon approval of an application by the owner(s) thereof to the District be treated as a single parcel for purposes of applying the maximum assessment fee not to exceed \$1,000 per parcel. The owner(s) of such parcels seeking an exemption for amounts in excess of \$1000 shall submit an application to the District, in a format approved by the District, providing the owner(s) name and address, property maps, and deed and title information that sufficiently demonstrate that the applicant is the owner of record or trustee of the owner of record with Power of Attorney for the owner of record for all the qualifying property. Specific Policy and Procedures to carry out this exemption and to approve and otherwise revise the application form as required, shall be adopted by Resolution by the District, following a public meeting. For each year the exemption is claimed, the District may request ownership information necessary to sufficiently demonstrate that the applicant is the owner of record for all the qualifying property.
- Unsecured Property - Boat slips or other unsecured (personal) property that is not on the County Assessor's secured tax roll is not subject to the assessment levy and is exempt from this assessment.

SECTION 3. AMENDMENTS INCORPORATED INTO ORDINANCE NO. 2021-001.

These amendments are incorporated into previously adopted Ordinance No. 2021-001 and shown in Exhibit A, attached hereto.

INTRODUCED at a regular meeting of the Board of Directors of the Crescent Fire Protection District held on the 11th day of October, 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

Jim Nelson, Chair

ATTEST:

Vanessa Duncan, District Clerk



CRESCENT FIRE PROTECTION DISTRICT

255 W. WASHINGTON BLVD. CRESCENT CITY, CA 95531
office: 707- 464-2421

ORDINANCE NO. 21-001

AN ORDINANCE OF THE CRESCENT FIRE PROTECTION DISTRICT LEVYING A FIRE SUPPRESSION ASSESSMENT, BEGINNING IN FISCAL YEAR 2021/22

The Board of Directors of the Crescent Fire Protection District hereby ordains as follows:

SECTION 1. PURPOSE

Pursuant to direction from the Board, Bartle Wells Associates (the "Engineer of Work") prepared an Assessment Engineer's Report (the "Engineer's Report") pursuant to Title 5, Division 1, Part 1, Chapter 1, Article 3.6 of the California Government Code, "Fire Suppression Assessments", beginning with Section 50078 and Article XIIIID of the California Constitution ("Proposition 218"). The Engineer's Report presents a benefit analysis for the imposition of an assessment to fund fire expenses. The Engineer's Report has been made, filed with the District Clerk, and approved by the Board.

On March 8, 2021, the Board duly adopted Resolution 21-001, A Resolution of the Board of Directors of the Crescent Fire Protection District Initiating Proceedings, Declaring Intention to Levy Assessments, Approve Engineer's Report, and Provide for Notice of Hearing and the Mailing of Assessment Ballots. After hearing held June 14, 2021, the Board concluded that ballots weighted according to the financial obligation of the affected parcel submitted in favor of the assessment were equal to or exceeded the weighted ballots submitted in opposition to the assessment. It is now the intent of the Board to levy and collect an annual assessment for fire suppression services which shall be called the "2021-22 Crescent Fire Protection District Fire Suppression Benefit Assessment" (hereinafter the "Benefit Assessment") to include all properties within the existing boundaries of the Crescent Fire Protection District (hereinafter the "Benefit Assessment District").

SECTION 2. DESCRIPTION OF THE SERVICES

Within the Benefit Assessment District, the proposed fire services and equipment to be funded by the assessments ("Services") are generally described as including, but not limited to the following: obtaining, furnishing, operating, and maintaining fire suppression, protection and emergency fire-suppression-related services equipment and

apparatus; paying salaries, benefits and other compensation for firefighting and fire suppression personnel; training and administration of personnel performing said fire suppression, protection and emergency fire-suppression-related services; community fire prevention education and fire inspection.

SECTION 3. REFERENCE TO ENGINEER'S REPORT

Reference is hereby made to the Engineer's Report for a full and detailed description of the Benefit Assessment, including District parcels, expenses, and individual parcel assessments to be assessed beginning in Fiscal Year 2021/22. Reference is hereby made to the official Parcel Maps of the County of Del Norte for a description of the lines and dimensions of parcels within the Benefit Assessment District. Fire expenses include budget and financial planning documents provided by the District. An assessment benefit was allocated to each parcel according to the Del Norte County Assessor's 2019-20 Assessor Parcel listings and associated land use codes within the Benefit Assessment District.

SECTION 4. REPORT OF THE ASSESSMENT ENGINEER OF WORK

The Engineer's Report is available for public review at the Washington Station, 255 West Washington Boulevard, Crescent City, CA 95531, and is hereby incorporated by reference. The Engineer's Report includes:

- A. A description of each lot or parcel of property proposed to be subject to the assessment;
- B. The amount of the assessment for each lot or parcel for the initial fiscal year;
- C. The maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year;
- D. The duration of the assessment;
- E. The basis of the assessment;
- F. The schedule of the assessment; and,
- G. A description of the protest and hearing requirements applicable to the assessment.

SECTION 5. ASSESSMENT RATE

The Board hereby levies an annual assessment within the Benefit Assessment District. The estimated fiscal year 2021-22 cost of providing the Services is \$434,310. This cost results in an assessment rate of \$74.00 per single-family equivalent benefit unit (EBU) for fiscal year 2021-22. Fire EBUs are assigned to each parcel as follows:

- Single Family – All residential single-family homes are equal to 1.0 EBU
- Multi-Family – All multi-family, mobile home, manufactured homes, duplexes, and condos are allocated 0.8 EBUs per unit.
- Commercial/Industrial – All Commercial and Industrial parcels are assigned 1.1 EBUs per 2,500 square foot, with a minimum of 1 EBU. Unless, parcel data was unavailable at assessment approval, EBU assignment for individual Commercial and Industrial parcels will default to the benefit units assigned per the 1987 assessment but not to exceed the amount identified on a specific official ballot for this assessment.
- Government/Institutional - Improved Government land is subject to the assessment levy on the same basis as privately owned parcels with the same land use description.
- Vacant/Undeveloped Land – Vacant and undeveloped land is not subject to the assessment levy and is otherwise exempt from this assessment.
- Bulk/Hazard – Any parcel which presents an extraordinary hazard to the District will be independently evaluated by the District Fire Chief and assigned an EBU that reflects the actual benefit received by the individual parcel.
- Per Parcel Assessment Maximum - All parcels will be held to a maximum assessment fee not to exceed \$1,000 per parcel.
- Multi-parcel Identical Ownership Maximum, Exemption - Parcels which are held under identical ownership within the same customer class (i.e., residential, commercial, government) may, upon approval of an application by the owner(s) thereof to the District be treated as a single parcel for purposes of applying the maximum assessment fee not to exceed \$1,000 per parcel. The owner(s) of such parcels seeking an exemption for amounts in excess of \$1000 shall submit an application to the District, in a format approved by the District, providing the owner(s) name and address, property maps, and deed and title information that sufficiently demonstrate that the applicant is the owner of record or trustee of the owner of record with Power of Attorney for the owner of record for all the qualifying property. Specific Policy and Procedures to carry out this exemption and to approve and otherwise revise the application form as required, shall be adopted by Resolution by the District, following a public meeting. For each year the exemption is claimed, the District may request ownership information necessary to sufficiently demonstrate that the applicant is the owner of record for all the qualifying property.
- Unsecured Property - Boat slips or other unsecured (personal) property that is not on the County Assessor's secured tax roll is not subject to the assessment levy and is exempt from this assessment.

SECTION 6. ANNUAL ASSESSMENTS

The assessments will be levied annually for an indefinite term. In each subsequent year, the District Board may choose to adopt an inflation adjustment factor by an amount equal to the annual change in the Consumer Price Index for All Urban Consumers in the West Region, not to exceed 2% (two percent) per year without a further vote or balloting process. This factor may be applied annually to account for normal cost of living increases in providing fire services. This factor is the maximum that the assessment could be raised in a fiscal year. The District Board can adopt a lower adjustment factor or forgo the adjustment at the Board's discretion. The records of the County Assessor shall be used to determine the number and type of improved properties for the purpose of the assessment pursuant to this Ordinance.

SECTION 7. OVERSIGHT COMMITTEE

A seven-member oversight committee will be created to meet annually to review and publicly report on the expenditure of revenues generated by the tax imposed by this Ordinance. The committee will include the Fire Chief or designee, a representative from the Volunteer Fire Association or designee, and five residents of the District. Resident members of the committee will be appointed to two-year terms by the Board Chair and confirmed by the District Board. The Fire Chief and Volunteer Fire Association Representative will serve as non-voting members of the committee.

SECTION 8. INDEPENDENT ANNUAL AUDIT

The proceeds of the assessment imposed by this Ordinance, as well as the expenditures thereof, will be audited annually by an independent accounting firm.

SECTION 9. METHOD OF COLLECTION

The assessment shall be collected in the same manner and subject to the same penalty as, or with, other taxes fixed and collected by Del Norte County on behalf of the Crescent Fire Protection District. The County of Del Norte may deduct reasonable expenses incurred for such service before remitting the balance to the District.

SECTION 10. CARRYOVER OF REMAINING FUNDS

Any unexpended funds raised by the assessment, remaining at the end of any fiscal year shall be carried over for use by the Crescent Fire Protection District to the next succeeding year to fund fire suppression services within the Benefit Assessment District.

SECTION 11. APPEALS PROCESS FOR ASSESSMENT

Any property owner may appeal any determination by the Fire Chief concerning the nature of the use of the property or the calculation of the amount of the assessment by filing a written appeal with the District. Any such appeal shall be filed by December 1st of the calendar year for which the tax is levied. The appeal shall contain a statement by the property owner as to the nature and basis for the appeal in accordance with the District's appeal procedure. The District will provide guidelines for an appeals process for any property owner subject to the assessment. The guidelines for appeal shall be adopted by the Board by resolution and will be filed with the District Board Clerk.

SECTION 12. CORRECTIONS, CANCELLATIONS AND REFUND

The Board of Directors may order the assessment levied herein on any particular improved property to be corrected, cancelled or refunded consistent with and in order to effectuate the provisions of this Ordinance.

SECTION 13. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, then the remainder of the Ordinance and the application of such provision to other persons or circumstances will not be affected thereby.

SECTION 14. CERTIFICATION

The District Clerk shall certify to the passage and adoption of this Ordinance and shall cause a copy of the full text of the Ordinance to be posted.

RE-INTRODUCED at a regular meeting of the Board of Directors of the Crescent Fire Protection District held on the 14th day of June, 2021.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Crescent Fire Protection District held on the 12th day of July, 2021 by the following polled vote:

AYES:4, Chairman Nelson, Vice Chair Short, Director Kelley, Director Gregorio

NOES:1, Director Erler

ABSENT:0

ABSTAIN:0

Jim Nelson, Chair

ATTEST:

Vanessa Duncan, District Clerk

STAFF REPORT – WAIVE FULL READING, READ BY TITLE ONLY AND ADOPT ORDINANCE NO. 21-002, AN ORDINANCE OF THE CRESCENT FIRE PROTECTION DISTRICT AMENDING ORDINANCE NO. 21-001, LEVYING A FIRE SUPPRESSION ASSESSMENT, BEGINNING IN FISCAL YEAR 2021/22

RECOMMENDATION

1. Receive staff report and presentation
2. Take public comment
3. Board Discussion
4. Review and waive full reading, read by title only, and ADOPT ORDINANCE NO. 21-002, AN ORDINANCE OF THE CRESCENT FIRE PROTECTION DISTRICT AMENDING ORDINANCE NO. 21-001, LEVYING A FIRE SUPPRESSION ASSESSMENT, BEGINNING IN FISCAL YEAR 2021/22

BACKGROUND

On July 12, 2021, the District adopted Ordinance No. 21-001 Levying a Fire Suppression Assessment, beginning in fiscal year 2021/22.

Through input from the public and Board discussion, the District desires to expand eligibility for a maximum assessment levy and to clarify qualifying exemptions from the assessment by amending Ordinance No. 21-001. The original Ordinance No. 21-001 exempted vacant or undeveloped land from the assessment. The original ordinance also set a maximum assessment levy per parcel for developed parcels containing multiple structures and were capped at 13.5 EBU's or \$1,000 per parcel.

The amended ordinance for consideration and adoption expands the ordinance to include the original exemptions, and to establish an exemption for parcels which are held under identical ownership within the same customer class (i.e. residential, commercial, government) may, upon approval of an application by the owner(s) thereof to the District, be treated as a single parcel for purposes of applying the maximum assessment fee not to exceed \$1,000 per parcel. The owner(s) of such parcels seeking exemption shall submit an application to the District, in a format approved by the District, providing the owner(s) name and address, property maps, and deed and title information that sufficiently demonstrate that the applicant is the owner of record or trustee of the owner of record with Power of Attorney for the owner of record for all the qualifying property, Specific Policy and Procedures to carry out this exemption and to approve and otherwise revise the application form as required, shall be adopted by Resolution by the District, following a public meeting. For each year the exemption is claimed, the District may request ownership information necessary to sufficiently demonstrate that the applicant is the owner of record for all the qualifying property.

Unsecured property such as boat slips of other unsecured (personal) property that is not on the County Assessor's secured tax roll is not subject to the assessment levy and is exempt from this assessment.

Under Ordinance 21-001, Commercial/Industrial parcel class had each building on a parcel assigned 1.1 EBU per equivalent single-family home, per 2,500 square feet. Since limited parcel data is available, the EBU assignment for individual Commercial and Industrial parcels under Ordinance 21-002 will default to the benefit units assigned per the 1987 assessment until such time when updated square foot information is available for any individual Commercial or Industrial parcel.

The amendments to Ordinance No. 21-001 do not constitute a new or increased assessment over the maximum amount imposed, and therefore do not trigger or require new majority protest balloting proceedings in accordance with Proposition 218 (Gov Code Section 53753).

Ordinance No. 21-002, amending Ordinance No. 21-001 was introduced at the regular October 11, 2021 meeting by the Crescent Fire Protection District Board.

A Public Hearing at the November 8, 2021, regular meeting regarding Ordinance No. 21-002, an ordinance of the Crescent Fire Protection District amending Ordinance No. 21-001, levying a fire suppression assessment, beginning in fiscal year 2021/22.

In conclusion, staff recommends that the District Board read by title only and adopt Ordinance No. 21-002, an ordinance of the Crescent Fire Protection District amending Ordinance No. 21-001, levying a fire suppression assessment, beginning in fiscal year 2021/22.

FISCAL IMPACT

The amendments to Ordinance No. 21-001 do not constitute a new or increased assessment over the maximum amount imposed, and therefore do not trigger or require new majority protest balloting proceedings in accordance with Proposition 218 (Gov Code Section 53753). Implementation of Ordinance 21-002 would reduce the estimated fiscal year 2021-22 assessment revenue from \$421,404 to approximately \$414,071, or a \$7,333 reduction. This would not affect the proposed assessment rate of \$74.00 per single-family equivalent benefit unit (EBU) for fiscal year 2021-22.

ATTACHMENTS

1. Ordinance No. 21-002



CRESCENT FIRE PROTECTION DISTRICT

255 W. WASHINGTON BLVD. CRESCENT CITY, CA 95531
office: 707- 464-2421

ORDINANCE NO. 21-002

AN ORDINANCE OF THE CRESCENT FIRE PROTECTION DISTRICT AMENDING ORDINANCE NO. 21-001, LEVYING A FIRE SUPPRESSION ASSESSMENT, BEGINNING IN FISCAL YEAR 2021/22

The Board of Directors of the Crescent Fire Protection District hereby ordains as follows:

SECTION 1. FINDINGS

The Board finds and declares as follows:

- (a) On July 12, 2021, the District adopted Ordinance No. 21-001 Levying a Fire Suppression Assessment, Beginning in Fiscal Year 2021/22.
- (b) The District desires to expand eligibility for a maximum assessment levy, to clarify qualifying exemptions from the assessment, and to provide additional language clarification by amending Ordinance No. 21-001.
- (c) Said amendments to Ordinance No. 21-001 do not constitute a new or increased assessment over the maximum amount imposed, and therefore do not trigger or require new majority protest balloting proceedings in accordance with Proposition 218 (Gov Code Section 53753).

SECTION 2. ORDINANCE AMENDMENT

Section 5., Assessment Rate, of Ordinance No. 21-001 is hereby amended as shown by the following strikethrough for deleted text and underscore for new text:

"SECTION 5. ASSESSMENT RATE

The Board hereby levies an annual assessment within the Benefit Assessment District. The estimated fiscal year 2021-22 cost of providing the Services is \$434,310. This cost results in an assessment rate of \$74.00 per single-family equivalent benefit unit (EBU) for fiscal year 2021-22. Fire EBUs are assigned to each parcel as follows:

- Single Family – All residential single-family homes are equal to 1.0 EBU

- Multi-Family – All multi-family, mobile home, manufactured homes, duplexes, and condos are allocated 0.8 EBUs per unit.
- Commercial/Industrial – All Commercial and Industrial parcels ~~Each building~~ are assigned 1.1 EBUs per ~~equivalent single family home, approximately~~ 2,500 square foot, with a minimum of 1 EBU. Unless, parcel data was unavailable at assessment approval, EBU assignment for individual Commercial and Industrial parcels will default to the benefit units assigned per the 1987 assessment but not to exceed the amount identified on a specific official ballot for this assessment.
- Government/Institutional - Improved Government land is subject to the assessment levy on the same basis as privately owned parcels with the same land use description.
- Vacant/Undeveloped Land – Vacant and undeveloped land is not subject to the assessment levy and is otherwise exempt from this assessment.
- Bulk/Hazard – Any parcel which presents an extraordinary hazard to the District will be independently evaluated by the District Fire Chief and assigned an EBU that reflects the actual benefit received by the individual parcel.
- Per Parcel Assessment Maximum - All parcels will be held to a maximum assessment fee not to exceed \$1,000 per parcel.
- Multi-parcel Identical Ownership Maximum, Exemption - Parcels which are held under identical ownership within the same customer class (i.e., residential, commercial, government) may, upon approval of an application by the owner(s) thereof to the District be treated as a single parcel for purposes of applying the maximum assessment fee not to exceed \$1,000 per parcel. The owner(s) of such parcels seeking an exemption for amounts in excess of \$1000 shall submit an application to the District, in a format approved by the District, providing the owner(s) name and address, property maps, and deed and title information that sufficiently demonstrate that the applicant is the owner of record or trustee of the owner of record with Power of Attorney for the owner of record for all the qualifying property. Specific Policy and Procedures to carry out this exemption and to approve and otherwise revise the application form as required, shall be adopted by Resolution by the District, following a public meeting. For each year the exemption is claimed, the District may request ownership information necessary to sufficiently demonstrate that the applicant is the owner of record for all the qualifying property.
- Unsecured Property - Boat slips or other unsecured (personal) property that is not on the County Assessor's secured tax roll is not subject to the assessment levy and is exempt from this assessment.

SECTION 3. AMENDMENTS INCORPORATED INTO ORDINANCE NO. 2021-001.

These amendments are incorporated into previously adopted Ordinance No. 2021-001 and shown in Exhibit A, attached hereto.

INTRODUCED at a regular meeting of the Board of Directors of the Crescent Fire Protection District held on the 11th day of October, 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

Jim Nelson, Chair

ATTEST:

Vanessa Duncan, District Clerk



CRESCENT FIRE PROTECTION DISTRICT

255 W. WASHINGTON BLVD. CRESCENT CITY, CA 95531
office: 707- 464-2421

ORDINANCE NO. 21-001

AN ORDINANCE OF THE CRESCENT FIRE PROTECTION DISTRICT LEVYING A FIRE SUPPRESSION ASSESSMENT, BEGINNING IN FISCAL YEAR 2021/22

The Board of Directors of the Crescent Fire Protection District hereby ordains as follows:

SECTION 1. PURPOSE

Pursuant to direction from the Board, Bartle Wells Associates (the "Engineer of Work") prepared an Assessment Engineer's Report (the "Engineer's Report") pursuant to Title 5, Division 1, Part 1, Chapter 1, Article 3.6 of the California Government Code, "Fire Suppression Assessments", beginning with Section 50078 and Article XIIIID of the California Constitution ("Proposition 218"). The Engineer's Report presents a benefit analysis for the imposition of an assessment to fund fire expenses. The Engineer's Report has been made, filed with the District Clerk, and approved by the Board.

On March 8, 2021, the Board duly adopted Resolution 21-001, A Resolution of the Board of Directors of the Crescent Fire Protection District Initiating Proceedings, Declaring Intention to Levy Assessments, Approve Engineer's Report, and Provide for Notice of Hearing and the Mailing of Assessment Ballots. After hearing held June 14, 2021, the Board concluded that ballots weighted according to the financial obligation of the affected parcel submitted in favor of the assessment were equal to or exceeded the weighted ballots submitted in opposition to the assessment. It is now the intent of the Board to levy and collect an annual assessment for fire suppression services which shall be called the "2021-22 Crescent Fire Protection District Fire Suppression Benefit Assessment" (hereinafter the "Benefit Assessment") to include all properties within the existing boundaries of the Crescent Fire Protection District (hereinafter the "Benefit Assessment District").

SECTION 2. DESCRIPTION OF THE SERVICES

Within the Benefit Assessment District, the proposed fire services and equipment to be funded by the assessments ("Services") are generally described as including, but not limited to the following: obtaining, furnishing, operating, and maintaining fire suppression, protection and emergency fire-suppression-related services equipment and

apparatus; paying salaries, benefits and other compensation for firefighting and fire suppression personnel; training and administration of personnel performing said fire suppression, protection and emergency fire-suppression-related services; community fire prevention education and fire inspection.

SECTION 3. REFERENCE TO ENGINEER'S REPORT

Reference is hereby made to the Engineer's Report for a full and detailed description of the Benefit Assessment, including District parcels, expenses, and individual parcel assessments to be assessed beginning in Fiscal Year 2021/22. Reference is hereby made to the official Parcel Maps of the County of Del Norte for a description of the lines and dimensions of parcels within the Benefit Assessment District. Fire expenses include budget and financial planning documents provided by the District. An assessment benefit was allocated to each parcel according to the Del Norte County Assessor's 2019-20 Assessor Parcel listings and associated land use codes within the Benefit Assessment District.

SECTION 4. REPORT OF THE ASSESSMENT ENGINEER OF WORK

The Engineer's Report is available for public review at the Washington Station, 255 West Washington Boulevard, Crescent City, CA 95531, and is hereby incorporated by reference. The Engineer's Report includes:

- A. A description of each lot or parcel of property proposed to be subject to the assessment;
- B. The amount of the assessment for each lot or parcel for the initial fiscal year;
- C. The maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year;
- D. The duration of the assessment;
- E. The basis of the assessment;
- F. The schedule of the assessment; and,
- G. A description of the protest and hearing requirements applicable to the assessment.

SECTION 5. ASSESSMENT RATE

The Board hereby levies an annual assessment within the Benefit Assessment District. The estimated fiscal year 2021-22 cost of providing the Services is \$434,310. This cost results in an assessment rate of \$74.00 per single-family equivalent benefit unit (EBU) for fiscal year 2021-22. Fire EBUs are assigned to each parcel as follows:

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- Multi-Family – All multi-family, mobile home, manufactured homes, duplexes, and condos are allocated 0.8 EBUs per unit.
- Commercial/Industrial – All Commercial and Industrial parcels are assigned 1.1 EBUs per 2,500 square foot, with a minimum of 1 EBU. Unless, parcel data was unavailable at assessment approval, EBU assignment for individual Commercial and Industrial parcels will default to the benefit units assigned per the 1987 assessment but not to exceed the amount identified on a specific official ballot for this assessment.
- Government/Institutional - Improved Government land is subject to the assessment levy on the same basis as privately owned parcels with the same land use description.
- Vacant/Undeveloped Land – Vacant and undeveloped land is not subject to the assessment levy and is otherwise exempt from this assessment.
- Bulk/Hazard – Any parcel which presents an extraordinary hazard to the District will be independently evaluated by the District Fire Chief and assigned an EBU that reflects the actual benefit received by the individual parcel.
- Per Parcel Assessment Maximum - All parcels will be held to a maximum assessment fee not to exceed \$1,000 per parcel.
- Multi-parcel Identical Ownership Maximum, Exemption - Parcels which are held under identical ownership within the same customer class (i.e., residential, commercial, government) may, upon approval of an application by the owner(s) thereof to the District be treated as a single parcel for purposes of applying the maximum assessment fee not to exceed \$1,000 per parcel. The owner(s) of such parcels seeking an exemption for amounts in excess of \$1000 shall submit an application to the District, in a format approved by the District, providing the owner(s) name and address, property maps, and deed and title information that sufficiently demonstrate that the applicant is the owner of record or trustee of the owner of record with Power of Attorney for the owner of record for all the qualifying property. Specific Policy and Procedures to carry out this exemption and to approve and otherwise revise the application form as required, shall be adopted by Resolution by the District, following a public meeting. For each year the exemption is claimed, the District may request ownership information necessary to sufficiently demonstrate that the applicant is the owner of record for all the qualifying property.
- Unsecured Property - Boat slips or other unsecured (personal) property that is not on the County Assessor's secured tax roll is not subject to the assessment levy and is exempt from this assessment.

SECTION 6. ANNUAL ASSESSMENTS

The assessments will be levied annually for an indefinite term. In each subsequent year, the District Board may choose to adopt an inflation adjustment factor by an amount equal to the annual change in the Consumer Price Index for All Urban Consumers in the West Region, not to exceed 2% (two percent) per year without a further vote or balloting process. This factor may be applied annually to account for normal cost of living increases in providing fire services. This factor is the maximum that the assessment could be raised in a fiscal year. The District Board can adopt a lower adjustment factor or forgo the adjustment at the Board's discretion. The records of the County Assessor shall be used to determine the number and type of improved properties for the purpose of the assessment pursuant to this Ordinance.

SECTION 7. OVERSIGHT COMMITTEE

A seven-member oversight committee will be created to meet annually to review and publicly report on the expenditure of revenues generated by the tax imposed by this Ordinance. The committee will include the Fire Chief or designee, a representative from the Volunteer Fire Association or designee, and five residents of the District. Resident members of the committee will be appointed to two-year terms by the Board Chair and confirmed by the District Board. The Fire Chief and Volunteer Fire Association Representative will serve as non-voting members of the committee.

SECTION 8. INDEPENDENT ANNUAL AUDIT

The proceeds of the assessment imposed by this Ordinance, as well as the expenditures thereof, will be audited annually by an independent accounting firm.

SECTION 9. METHOD OF COLLECTION

The assessment shall be collected in the same manner and subject to the same penalty as, or with, other taxes fixed and collected by Del Norte County on behalf of the Crescent Fire Protection District. The County of Del Norte may deduct reasonable expenses incurred for such service before remitting the balance to the District.

SECTION 10. CARRYOVER OF REMAINING FUNDS

Any unexpended funds raised by the assessment, remaining at the end of any fiscal year shall be carried over for use by the Crescent Fire Protection District to the next succeeding year to fund fire suppression services within the Benefit Assessment District.

SECTION 11. APPEALS PROCESS FOR ASSESSMENT

Any property owner may appeal any determination by the Fire Chief concerning the nature of the use of the property or the calculation of the amount of the assessment by filing a written appeal with the District. Any such appeal shall be filed by December 1st of the calendar year for which the tax is levied. The appeal shall contain a statement by the property owner as to the nature and basis for the appeal in accordance with the District's appeal procedure. The District will provide guidelines for an appeals process for any property owner subject to the assessment. The guidelines for appeal shall be adopted by the Board by resolution and will be filed with the District Board Clerk.

SECTION 12. CORRECTIONS, CANCELLATIONS AND REFUND

The Board of Directors may order the assessment levied herein on any particular improved property to be corrected, cancelled or refunded consistent with and in order to effectuate the provisions of this Ordinance.

SECTION 13. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, then the remainder of the Ordinance and the application of such provision to other persons or circumstances will not be affected thereby.

SECTION 14. CERTIFICATION

The District Clerk shall certify to the passage and adoption of this Ordinance and shall cause a copy of the full text of the Ordinance to be posted.

RE-INTRODUCED at a regular meeting of the Board of Directors of the Crescent Fire Protection District held on the 14th day of June, 2021.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Crescent Fire Protection District held on the 12th day of July, 2021 by the following polled vote:

AYES:4, Chairman Nelson, Vice Chair Short, Director Kelley, Director Gregorio

NOES:1, Director Erler

ABSENT:0

ABSTAIN:0

Jim Nelson, Chair

ATTEST:

Vanessa Duncan, District Clerk

STAFF REPORT – SELECTION OF FIRE DEPARTMENT 2 X 2 COMMITTEE MEMBERS

RECOMMENDATION

1. Receive staff report and presentation
2. Take public comment
3. Board Discussion
4. Appoint two Board Members to the Fire Department 2 x 2 Committee and direct staff to request a meeting of the committee.

BACKGROUND

The Crescent Fire Protection District and City of Crescent City have a long history of working together under various collaborative agreements. In 2015, both agencies came together through an operational merger of their respective volunteer firefighter associations and entered into a joint exercised of powers agreement, the Emergency and Fire Response Services Agreement (the “Agreement”). This partnership provides cost effective and seamless services to the greater Crescent City area. The Agreement provides for the sharing of costs between the two agencies for a variety of services, including personnel and equipment shared costs. The Agreement was last amended in February 2021.

Contained within the agreement under section 15.03 Committees, the District and City may establish ad hoc committees of the respective bodies to review and consider any matter of mutual concern or interest. Any such committee shall be made up of two District Board Members and two City Council Members. The standing ad hoc committee has historically been referred to as the “Fire Department 2x2 Committee.” Currently there is a need to bring the Fire Department 2x2 Committee together to meet and discuss matters of mutual concern or interest, including:

- Discussion of upcoming Fire Chief recruitment and selection process
- Discussion of volunteer firefighter stipends
- Possible discussion of personnel positions

Staff requests that the Board select and update two members to serve as the District representatives on the Fire Department 2x2 Committee. Request for the Board to provide staff direction to schedule a committee meeting with the City to begin discussion.

FISCAL IMPACT

Appointment of District Fire Department 2x2 Committee representatives has no negative fiscal impact. Establishing a meeting has no negative impact.

ATTACHMENTS

None

STAFF REPORT – AUTHORIZE EARLIER FIREFIGHTER PAYMENTS FOR
CALFIRE AND CAL-OES ASSIGNMENTS

RECOMMENDATION

1. Receive staff report and presentation
2. Take public comment
3. Board Discussion

Review and Waive full reading, read by title only and ADOPT RESOLUTION NO. 21-005; A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CRESCENT FIRE PROTECTION DISTRICT AUTHORIZING EARLIER PAYMENT TO FIREFIGHTERS WHO PARTICIPATED IN CALFIRE AND CAL-OES ASSIGNMENTS

BACKGROUND

Employees of the Crescent Fire Protection District, both career and volunteer, have participated in the past in station coverage assignments and on fire assignments in the State Responsibility Areas for CALFIRE. There is also potential to participate in fire assignments as a local government resource through CALOES; this occurred in September 2020 on the Slater Fire that burned from Happy Camp to Gasquet overnight where personnel were deployed for multiple days engaged in structure protection and fire attack. This situation has also occurred this year as a member of the department has been out on incident command team assignments from the District. In these assignments, personnel costs are generated and received that pay the firefighters, apparatus costs are generated and received to which the District retains payment, and an administrative fee is generated from Staff processing.

Past practice has been to pay the participating firefighters upon receipt of payment to the District from either CALFIRE or CAL-OES. There have been numerous times with both agencies where payment was not received by the District for up to one year after the assignment. For individuals signing up for coverage or fire assignments, this has created significant financial hardship, as some have taken unpaid time off from work to help provide coverage or direct fire attack. For some, they decided not to sign up for future assignments, which has limited the ability to staff apparatus for future assignments. In the case of overhead assignments, the individual may use a District owned pickup or SUV while on assignment, but to this point they have paid for fuel, food, and lodging while in route to and from the incident, or lodging at the incident if authorized, then had to wait for reimbursement.

As an example, currently the District is awaiting payment on five out of jurisdiction assignments for overhead positions. The firefighter utilized a District pickup for part of the assignments, and an SUV for the other assignments. As an example, four of those assignments are as follows:

Sky Incident (6/29/21-7/1/21)

- Personnel total \$2,830.95 (Firefighter)
- Support Vehicle \$ 672.00 (District)
- Admin Surcharge \$ 350.30 (District)

IMT Staging (7/1/21 - 7/3/21)

- Personnel Total \$2,935.80 (Firefighter)
- Support Vehicle \$ 448.00 (District)
- Admin Surcharge \$ 338.38 (District)
- Travel Expenses \$ 416.03 (Firefighter)

Beckworth (7/10/21 – 7/22/21)

- Personnel Total \$12,208.35 (Firefighter)
- Support Vehicle \$ 2,912.00 (District)
- Admin Surcharge \$ 1,512.04 (District)
- Travel Expenses \$ 479.05 (Firefighter)

Lick Creek (7/25/21 – 8/8/21)

- Personnel Total \$14,189.18 (Firefighter)
- Support Vehicle \$ 2,910.00 (District)
- Admin Surcharge \$ 1,709.92 (District)
- Travel Expenses \$ 259.23 (Firefighter)

The personnel total paid goes to the firefighter, and gets processed through the City for payroll services and workers comp, with the amount added to the quarterly payment that is invoiced to the District. The travel expenses are owed to the firefighter, as he covered those costs for fuel, food and lodging out of pocket because the District does not currently have a travel card that could cover these expenses. The District receives the revenue on the vehicle and the admin surcharge. These reflect a single overhead position (paid hourly) and a pickup or SUV (Pickup \$135 or SUV \$194 paid daily). This revenue has the potential to increase significantly with an engine out on a fire or covering a station with personnel and engine (Engine \$126.50 paid hourly).

The District does not lose revenue by paying firefighters early, as the final payment the District receives from CALFIRE or CAL-OES contains the full personnel, apparatus, and administrative fee. At the time of invoice packet submittal to CALFIRE or CAL-OES, Staff will also generate a payment spreadsheet to submit to the City for payment of participating personnel. The amount of the early wildland personnel payments will be included in the quarterly billing from the City to the District for payroll services. Workers Comp Insurance is maintained by the City for the firefighters participating as per the joint Emergency and Fire Services Agreement.

If approved, Staff will work with the Auditor-Controller's Office to select the most appropriate line within the District budget to provide early payments as necessary.

FISCAL IMPACT

There is no negative fiscal impact from adoption of Resolution 21-005 authorizing earlier payments on fire personnel participating in CALFIRE and CAL-OES wildland assignments. Adoption will authorize payment to firefighters prior to receipt of payment by the District through the City to the firefighters, with that amount added to the current quarterly payment billed to the District. The District will be reimbursed for the amount of the early payment upon receipt of payment from CALFIRE or CAL-OES.

ATTACHMENTS

1. Resolution 21-005



CRESCENT FIRE PROTECTION DISTRICT

255 W. WASHINGTON BLVD. CRESCENT CITY, CA 95531
office: 707- 464-2421

RESOLUTION NO. 21-005

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CRESCENT FIRE PROTECTION DISTRICT AUTHORIZING EARLIER PAYMENT TO FIREFIGHTERS WHO PARTICIPATED IN CALFIRE AND CAL-OES ASSIGNMENTS

WHEREAS, the Crescent Fire Protection District is a public agency located in the County of Del Norte, State of California, and

WHEREAS, it is the Crescent Fire Protection District Board of Directors desire to provide fair and legal payment to all of its employees for time worked; and

WHEREAS, the Crescent Fire Protection District has in its employ, Fire department response personnel including: Fire Chief, Deputy Chief, Assistant Chief, Division Chief, Battalion Chief, Fire Captain, Company Operator, Lieutenant, Engineer, Apparatus Operator and Firefighter; and

WHEREAS, the Crescent Fire Protection District will compensate its employees portal to portal while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response; and

WHEREAS, the Crescent Fire Protection District will compensate its employees overtime in accordance with their current Memorandum of Understanding while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response.

NOW THEREFORE BE IT RESOLVED by the Crescent Fire Protection District Board of Directors that:

1. Personnel shall be compensated according to Memorandum of Understanding (MOU), Personnel Rules and Regulations, and /or other directives that identifies personnel compensation in the workplace.
2. The Crescent Fire Protection District will maintain a current salary survey or acknowledgment of acceptance of the “base rate” on file with the California Governor’s Office of Emergency Services, Fire Rescue Division or response assistance for hire agreement with CALFIRE.
3. Personnel will be compensated (portal to portal) beginning at the time of dispatch to the return to jurisdiction when equipment and personnel are in service and available for agency response.
4. Fire department response personnel include: Fire Chief, Deputy Chief, Assistant Chief, Division Chief, Battalion Chief, Fire Captain/Company Officer, Lieutenant, Engineer/Apparatus Operator, and Firefighter.
5. Fire Department response personnel shall be paid following submittal of the billing invoice packet to the paying agency (CALFIRE or CAL-OES) through normal personnel payment process utilized by the District for personnel costs, and check request for out of pocket travel and lodging expenses with receipts.

PASSED, APPROVED AND ADOPTED this 8th day of November, 2021

Jim Nelson, Chair

ATTEST:

I, Vanessa Duncan, Board Clerk of Crescent Fire Protection District hereby certify that the foregoing resolution was duly passed at a meeting of the Crescent Fire Protection District Board held on the 8th day of November, 2021 by the following vote on roll call:

AYES:
NOES:
ABSENT:
ABSTAIN:

Vanessa Duncan, Board Clerk

STAFF REPORT – CONSIDER SURPLUS AND SALE OR DONATION OF DISTRICT VEHICLES

RECOMMENDATION

1. Receive staff report
2. Take public comment
3. Board Discussion
4. Consider declaring Water Tender 5158 (T-28), Engine 5137, Engine 5114 (E-24), and Fire Boat as surplus and allow staff to pursue options for sale or donation

BACKGROUND

Staff are requesting Board consideration in declaring the following District vehicles as surplus for purposes of removal from the roster and sale or donation. The units are:

- Water Tender 5158 (T-28)
- Engine 5137
- Engine 5114 (E-24)
- Fire Rescue Boat

Water Tender 5158, previously numbered T-28 is a 1977 White Gunnland water tender with a 3,200-gallon tank. The unit is stored at Cooper Station and has responded to an incident once in the last 4-5 years. The unit has an air driven starter which can be challenging for many of our drivers, and no power steering. The condition of the unit was listed as “Poor” in the Master Plan. The Master Plan identified replacement in the year 2020. Numerous members of the department have told me that very few people can safely drive the unit. If declared surplus, the District will still have two large water tenders in service; 5159 and 5150. Currently there would be no plan to replace 5158 with another unit.

Engine 5137 is a 1982 International Type III engine used for wildland response. The engine was refurbished in 2017. While listed as “Good” condition in the Master Plan, the unit has begun to experience wear issues. The unit utilizes a diesel main drive engine of low power, and a gasoline pump engine. The main engine significantly lacks power, and any hill that must be climbed in a response rapidly slows the engine; Highway 101 climbing Crescent Hill south of town sees a speed of 18 MPH. The pump engine (460 Ford) is blowing an increasing amount of smoke when pumping. Per our certified fire mechanic, repair parts for the older units are becoming very hard to find. Engine 5137 has leaking seals on the front four-wheel drive axle. The cab is a single cab configuration and is very tight for a three-person crew when responding.

Engine 5114 (E-24) is a 1991 Westates Type I engine. The condition of the unit was listed as poor in the Master Plan, with a recommendation of replacement in 2020. While there is one Type I engine that is older in the fleet currently serving as a reserve engine (1988 Spartan Hughes 5115), the reserve engine is in better operating condition and is used more frequently by the firefighters

due to its better maneuverability and ease of use. With the purchase of the two former CALFIRE Type III engines, one of these can be placed at Bertsch Station to provide an engine at that location.

The fire rescue boat is a 2005 Extreme Jet two-person jet ski with pump. The unit has operated once in the last 3.5 years, and it was challenging to start and keep running then. In addition to being unreliable, this unit is poorly suited to response for our area. The unit sunk in the past while in use in the harbor area, dumping two of our firefighters into the cold water. There is a possible option to shift this unit to the National Park Service at Whiskeytown Lake in trade for a Type-6 wildland unit. Such a trade would place the rescue boat in a location near jet ski service shops, and on a lake environment where the unit can be used safely. Trading for a Type-6 wildland unit would give the capability for firefighters who are approved to drive pickups but not an engine to still get water on scene for beach fires, small trash fires, etc.

Staff is requesting permission to pursue the sale or donation of these units to entities who could use them. The water tender and fire engines could either go to a fire department in California, or out of state due to California Air Resources Board requirements. They may be able to go to another governmental entity for off road use, but that has yet to be researched. If declared surplus, these units could be placed on the online auction site GOVDeals.com.

FISCAL IMPACT

There is no foreseeable fiscal impact through declaring surplus and selling or donating the above-mentioned units to another entity. The District may be able to gain some funding should the units sell at auction. Disposal of the units prior to further mechanical failure cuts the repair cost for these units in the future as repair parts become harder to find.

ATTACHMENTS

1. Ten-Year Financial Master Plan Appendix C.
2. Water Tender 5158 Photo
3. Engine 5137 Photo
4. Engine 5114
5. Fire Rescue Boat

APPENDIX C

Apparatus/Vehicle Replacement Schedule

	Owner	Unit Number	Station	Class/Rotation	Type	Make	Current Age (2019)	General Condition	General Lifespan (years)	Target Replacement Year (move to reserve status)	Estimated Replacement Cost	Annual Set Aside	Comments		
Engines	City	5111	Wash	Front	Engine	2016 Ferrara	3	Excellent	30	2044	\$ 1,297,516	\$ 43,251	Purchase new every 8 years		
	District	5112	Cooper	Front	Engine	2007 Pierce Contender	12	Good	30	2036	\$ 911,617	\$ 30,387			
	City	5110	City	Front	Engine	1999 Flynn 410	20	Fair	30	2028	\$ 666,110	\$ 22,204			
	District	5114	BOV	Front	Engine	1991 Spartan Westates	28	Poor	30	2020	\$ 486,720	\$ 16,224			
	District	5115	Wash	Reserve	Engine	1988 Spartan Hughes	31	Poor	30-40	Reserve	Rotational	Rotational			
	District	Offline	Wash	Offline	Engine	1977 International	42	-	-	-	-	-		-	No replacement/surplus
	Total											\$ 112,065.44			
Tenders	District	5159	Wash	Front	Tender/Pumper	2007 Pierce Contender	12	Good	30	2040	\$ 506,454	\$ 16,882	Purchase new every 10 years		
	District	5150	City	Front	Tender/Pumper	1991 Spartan	28	Fair	30	2030	\$ 270,400	\$ 9,013			
	District	5158	Cooper	Front	Tender/Pumper	1977 White Gunnland	42	Poor	30	2020	\$ 250,000	\$ 8,333			
	Total											\$ 34,228.47			
Specialty Vehicles	District	5172	Wash	n/a	Rescue/Pumper	2007 Pierce	12	Good	20	2027	\$ 500,000	\$ 25,000			
	District	5137	Cooper	n/a	Wildland (Type III)	1982 International	37*	Good	20	2032-2037	\$ 400,000	\$ 20,000		*Refurbished 2017	
	City	5181	City	n/a	Ladder Truck	2005 Ferrara	14	Good	25	2030	\$ 1,000,000	\$ 40,000			
	District	n/a	City	n/a	Rescue Boat	2005 Extreme Jet	14	Good	30	2035	\$ 100,000	\$ 3,333.33			
	City	5199	Wash	n/a	Rehab Vehicle	1981 Ford E350	38	Poor	40	2030	\$ 60,000	\$ 1,500		CERT	
Total											\$ 89,833				
Support Vehicles	City	5100	City	n/a	Command	2015 Ford F250	4	Excellent	10	2025	\$ 60,000	\$ 6,000	Chief's duty		
	City	5102	City	n/a	Command	2018 Ford F250	1	Excellent	10	2028	\$ 60,000	\$ 6,000			
	City	5175	City	n/a	Utility	2009 Ford F250	10	Good	15	2024	\$ 60,000	\$ 4,000			
	District	5176	Wash	n/a	Utility	2008 Ford F250	11	Good	15	2023	\$ 60,000	\$ 4,000			
	City	5177	Cooper	n/a	Squad	2006 Chevrolet Suburban	13	Fair	15	2021	\$ 60,000	\$ 4,000			
	District	5173	BOV	n/a	Squad	2004 Dodge	15	Fair	15	2020	\$ 60,000	\$ 4,000			
	District	5174	Wash	n/a	Squad	2003 Ford E350	16	Fair	20	2023	\$ 60,000	\$ 3,000		Ambulance	
Total											\$ 31,000				

Total Annual Set Aside	\$ 267,127	30% allotment
District Share	\$140,173	\$42,052
City Share	\$126,954	\$38,086



WHITE

ROAD BOSS 2

CRESWELL FIRE PROTECTION DISTRICT

SUPER TANKER

28

3200 GALLONS

California 061929

T-28



CRESCENT CITY

FIRE RESCUE

5137

VANITY

WIDE
ECONOMY



CRESCENT FIRE
E-5114
PROTECTION DIST.

**A COMMUNITY SERVICE
WITH PRIDE AND ECONOMY**

**FDNY
IN MEMORY**



CF 4682 XC

pepsi

PEPSI
ATHLETIC
IMPROVIZATION
BOARD

Firefighting gear on a rack, including jackets and helmets.

STAFF REPORT – BUDGET TRANSFER REQUEST

RECOMMENDATION

1. Receive staff report and presentation
2. Take public comment
3. Board Discussion
Review and APPROVE BUDGET TRANSFER REQUEST TOTALING \$500
FOR DMV CHARGES ON NEWLY PURCHASED ENGINES

BACKGROUND

Crescent Fire Protection District recently purchased two fire engines, one of which was considered a capital asset and was purchased using the District's "Truck" line 409-065-40621. The Board had previously approved the budget transfer to cover the costs of the engines without knowledge of the associated DMV costs. The District will need to transfer \$500 from the "Department Allotment" line 409-065-30500 to the "Truck" line 409-065-40621 in order to cover all DMV expenses that were incurred.

FISCAL IMPACT

We are requesting Board approval to move \$500 from the Department Allotment to the current 2021-22 fiscal budget for the cost of the DMV fees associated with the 1997 Type III Engine.

ATTACHMENTS

1. Del Norte County Budget Transfer Sheet
2. Memo for Budget Transfer Request

Del Norte County Budget Transfer Request

Department Name	Fund	Dept.	Line Item	Description	Budget Transfer Amount(s)	
					Reduce Expenditures or Increase Revenue	Increase Expenditures or Reduce Revenue
CRESCENT FIRE PROTECTION	409	065	40621	TRUCK		\$ 500
CRESCENT FIRE PROTECTION	409	065	30500	DEPARTMENT ALLOTMENT	\$ 500	
Total Amounts					\$ 500	\$ 500

Department complete and send to Aitor's Office for transfer number before sending to CAO. Round amounts up to whole dollars.

Department Justification - Include cover letter that addresses the following: 1) Reason for request; 2) Why sufficient balances exist to finance transfer; 3) Why request can't be delayed to next budget year.

_____ Department Head Signature	_____ Date
Auditor's Office: Sufficient balances exist per above (Under \$100 Auditor's Office approves)	County Administrative Officer: (Under \$1000 - CAO approves)
Deputy Auditor-Controller _____ Date _____	Recommendation: Approve _____ Deny _____ Submit for Board approval _____
TR No. _____ Budget Revision No. _____ _____ Includes Revenue Appropriation _____ Requires 4/5ths Vote	_____ County Administrative Officer Date

Passed by Board of Directors Crescent Fire Protection District on _ 11/8/2021

Ayes:

Noes:

Absent:

Attest: Clerk of the Board

By: _____

 Chairman
 Crescent Fire Protection Board of Directors



CRESCENT FIRE PROTECTION DISTRICT

255 W. WASHINGTON BLVD. CRESCENT CITY, CA 95531
office: 707- 464-2421

MEMO

DATE: November 8, 2021

TO: Auditor's Office

FROM: Vanessa Duncan, Crescent Fire Protection District

RE: **Budget Transfer Request**

Reason for request: Crescent Fire Protection District recently purchased two fire engines, one of which was considered a capital asset and was purchased using the District's "Truck" line 409-065-40621. The Board had previously approved the budget transfer to cover the costs of the engines without knowledge of the associated DMV costs. The District will need to transfer \$500 from the "Department Allotment" line 409-065-30500 to the "Truck" line 409-065-40621 in order to cover all DMV expenses that were incurred.

Why sufficient balances exist to finance transfer: Crescent Fire Protection District has a reserve account (Department Allotment) with a sufficient balance for the transfer that is being requested.

Why request can't be delayed to next budget year: It is important that the DMV costs are paid in full in the same fiscal year as the purchase of the fire engine.

STAFF REPORT – REVIEW AND APPROVE ATTORNEY-CLIENT FEE AGREEMENT FOR LEGAL SERVICES PROVIDED BY RYAN PLOTZ WITH THE MITCHELL LAW FIRM, LLP

RECOMMENDATION

1. Receive staff report and presentation
2. Take public comment
3. Board Discussion
4. REVIEW AND APPROVE ATTORNEY-CLIENT FEE AGREEMENT FOR LEGAL SERVICES PROVIDED BY RYAN PLOTZ WITH THE MITCHELL LAW FIRM, LLP

BACKGROUND

Crescent Fire Protection District had a contract with The Law Offices of Nancy Diamond to obtain legal counsel during the District's benefit assessment. After the benefit assessment passed, the District's contract with The Law Offices of Nancy Diamond came to an end and their firm is unable to provide general counsel work at this time. The District will now need to obtain new legal counsel. Upon recommendation, staff has reached out to The Mitchell Law Firm, LLP who has provided a letter of interest and an attorney-client fee agreement.

FISCAL IMPACT

From section 5 of the Attorney-Client Fee Agreement "Client agrees to pay by the hour at Attorney's prevailing rates for all time spent on Client's matter by Attorney's legal personnel. Current hourly rates for legal personnel are as follows:

Partners	\$225/hour
Associates	\$195/hour
Paralegals	\$100/hour

The rates on this schedule are subject to change on 30 days written notice to client. If Client declines to pay any increased rates, Attorney will have the right to withdraw as Attorney for Client.

The time charged will include the time Attorney spends on telephone calls relating to Client's matter, including calls with Client, witnesses, opposing counsel or court personnel. The legal personnel assigned to Client's matter may confer among themselves about the matter, as required and appropriate. When they do confer, each person will charge for the time expended, as long as the work done is reasonably necessary and not duplicative. Likewise, if more than one of the legal personnel attends a meeting, court hearing or other proceeding, each will charge for the time spent. Attorney will charge for waiting time in court and elsewhere and for travel time,

both local and out of town.

Time is charged in minimum units of one tenth (.1) of an hour."

For additional fees, please see section 6 of the Attorney-Client Fee Agreement titled Cost and Other Charges.

ATTACHMENTS

1. Letter of Interest re: General Counsel Services
2. Attorney-Client Fee Agreement



THE MITCHELL LAW FIRM, LLP

CLIFFORD B. MITCHELL (1927 - 2010)

PAUL A. BRISSE*
NANCY K. DELANEY*
WILLIAM F. MITCHELL
RUSSELL S. GANS
NICHOLAS R. KLOEPPPEL
RYAN T. PLOTZ
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JOHN M. VRIEZE (Retired)
EMERY F. MITCHELL (1896 - 1991)
WALTER J. CARTER (1949 - 1993)
R.C. DEDEKAM (1929 - 2011)

* Of Counsel

November 5, 2021

Board of Directors
Crescent Fire Protection District
Attn: Vanessa Duncan
255 W. Washington Blvd.
Crescent City, CA 95531

Re: Letter of Interest re: General Counsel Services

Dear Directors:

On behalf of The Mitchell Law Firm, LLP, we write to express our interest in providing General Counsel Services to the Crescent Fire Protection District. If selected Ryan T. Plotz would constitute the primary responsible attorney for providing services to the District with associate attorney Edwin Aguilar providing additional support as needed. Information about our firm is provided below.

1. Office Location, Hours of Operation, Contact Information and Year Organized

Our law office is located at 426 First Street, in Eureka, California. Our offices are open Monday through Friday, from 8:30 A.M. through 5:00 P.M. We can be contacted by mail, telephone: (707) 443-5643 or e-mail. The e-mail address for Ryan Plotz is: rplotz@mitchelllawfirm.com.

Our law office was established in 1945. Ryan Plotz has been with the law firm since 2014. Edwin Aguilar joined the firm on February 1, 2021, after passing the California Bar Exam.

2. **Qualifications and Capabilities**

We believe that one of our law firm's strengths is the quality and depth of our attorneys and support staff. While having a primary attorney to interact with the Commission and its Staff would provide continuity, this depth and diversification would allow us to direct a particular issue to an attorney with specific and specialized experience when applicable. It would also provide immediate response to emergency issues when the primary attorney is not available.

a. **Ryan T. Plotz**

Ryan Plotz graduated *cum laude* from San Jose State University in 2009 and received his law degree from UC Davis School of Law, graduating in the top 25% of his class. During law school, Ryan received numerous academic awards, including awards for excellence in Property Law, Legal Writing and Research, Civil Procedure, and Criminal Law. Ryan focused his law school curriculum on municipal law, receiving a public law certificate. Prior to joining The Mitchell Law Firm, Ryan worked as a legal intern for the San Francisco City Attorney's Office, gaining valuable experience and knowledge on many issues pertinent to California municipalities.

Since joining The Mitchell Law Firm in January of 2014, Ryan has focused his practice on representing public entities, both in an advisory capacity and in the defense of legal claims. Ryan serves as counsel for the Humboldt LAFCo, and serves as City Attorney for Fortuna and Ferndale, and regularly advises the cities of Rio Dell, Trinidad, and Blue Lake. Ryan also serves as District Counsel to other public entity clients, such as the Humboldt Bay Harbor Recreation and Conservation District, the Humboldt Bay Municipal Water District, the Humboldt Community Services District, the Arcata Fire Protection District, and the Smith River Community Services District.

b. **Edwin Aguilar**

Born and raised in Del Norte County, Edwin Aguilar joined The Mitchell Law Firm on February 1, 2021, after graduating from Santa Clara Law School in 2020 and following completion of his bachelor's degree in History at University of California, Santa Cruz in June of 2015. While in law school he interned at the Equal Employment Opportunity Commission, gaining valuable experience in employment law matters. He also volunteered at his law schools law center which provides legal services for low-income members of the community.

c. Municipal Law Background and Relevant Experience

Our law firm has substantial experience in municipal and public entity law and litigation. Our law firm currently serves as general counsel for multiple public entities, including: the Humboldt LAFCo; Humboldt Bay Harbor Recreation and Conservation District; the McKinleyville Community Services District; the Humboldt Community Services District; the City of Rio Dell; the City of Ferndale; the City of Fortuna; the City of Blue Lake; the City of Trinidad; the Garberville Sanitary District (on an assignment basis); the Manila Community Services District; the Loleta Community Services District (on an assignment basis); the Arcata Fire Protection District; and the Smith River Community Services District.

Additionally, our law firm regularly represents the Cities of Eureka and Arcata, among others, in various legal matters and litigation. Likewise, our firm has regularly represented the Counties of Humboldt and Del Norte, and at times Mendocino and Siskiyou. Our law firm has successfully defended these public and municipal entities in litigation in both state and federal courts arising out of claims for dangerous conditions on public property, excessive force claims against law enforcement, and legal challenges to various public policy determinations. We also serve many of these entities in non-litigation matters when county counsel or the city attorney has a conflict of interest or is otherwise unable to represent the entity.

Our consultations with public entities on non-litigation matters have included public works project bid procedures; Brown Act and Public Records Act inquiries; ordinance preparation and enactment procedure; conflict of interest, personnel matters, public entity tort claim procedures; condemnation and eminent domain procedures; and public entity immunities.

3. Client References

Individual references (all in the public entity context) familiar with the work of The Mitchell Law Firm, LLP, and Russ Gans and Ryan Plotz include:

- (1) Justin McDonald, Chief, Arcata Fire Protection District, (707) 825-2000.
- (2) Merritt Perry, City Manager, City of Fortuna, 621 11th Street Fortuna, CA 95540, (707) 725-1410.

- (3) Amanda (“Mandy”) Mager, City Manager, City of Blue Lake, 111 Greenwood Ave., Blue Lake, CA 95525 (707) 668-5655.
- (4) Larry Oetker, Executive Director, Humboldt Bay Harbor, Recreation and Conservation District, 601 Startare Drive, Eureka (707) 443-0801.

4. Potential Conflict of Interest Assessment

As noted, our law firm represented the County of Del Norte in civil litigation matters which has the potential to create a conflict of interest for any direct agreements or disputes between the District and the County. Although this representation may have the potential for creating a conflict of interest in limited circumstances, we have been successful in obtaining conflict waivers where the other public entity is being represented by their staff counsel (such as County Counsel).

Although our private practice and client base is diverse, we do not believe that our law office has worked on any matters for any private entity which would present a conflict of interest in representing the Commission.

5. Fee Structure

We propose providing legal services on an hourly rate basis, billed monthly. Our rates for Ryan T. Plotz would be \$225.00 per hour. Rates for associates would be \$195 per hour. Paralegals would be billed at \$95 per hour.

We do not foresee the need for much, if any, out-of-town travel. However, if necessary, out-of-town travel costs are charged at actual air travel, hotels, etc. cost incurred without markup. Use of private automobiles for out-of-area travel is charged at the IRS rate. If travel time and actual legal representation results in a day in excess of 8 hours, we generally make an equitable adjustment to the hours billed. (For example, if an attorney spends a 12-hour day in combined travel and representation, the hours billed may be reduced to 10.) If expert consultants are required (primarily in litigation matters) we work with the client in selecting the expert and contracting for the service, and usually have the expert directly bill the client.

All telephone (including long distance), fax, clerical assistance, computer legal research on-line charges, etc., are considered general overhead and are not charged in addition to the hourly rates.

6. Additional Information

We take pride in the tradition and history of our firm. We have several clients (including the County of Humboldt) who have been clients for 30-40 years or more. Each attorney with the firm has started their private practice career here and has remained. One of our younger partners, William Mitchell, is the grandson of firm founder Emery Mitchell and son of our late partner Cliff Mitchell. We have had members of our support staff who worked for us for over 30 years.

We want long-term client relationships. We realize the best way to establish and maintain these relationships is by providing quality legal representation in a manner that is cost-effective for the client. We attempt to bring a practical and common-sense approach to our work, and discuss with the client not only the “legal rights” of the client but whether the client considers the legal product or objective to be cost-effective. We work with the client as a team to ensure that the legal work makes common sense as well as legal sense.

Our billing format provides detailed information on each legal activity performed and the amount of time expended for that activity. We encourage clients to contact us to discuss any questions about legal activities or the amounts of billings.

Although we are obviously biased, we sincerely believe that there is no law firm in Humboldt or Del Norte County that has our firm’s depth of legal talent, quality of support staff, background and experience in public entity work. We would very much appreciate the opportunity to discuss this proposal, your legal needs, and the services we can provide with you in more detail.

Thank you for your consideration of our firm.

Very truly yours,

THE MITCHELL LAW FIRM, LLP

A handwritten signature in blue ink, appearing to read 'R. Plotz', written over a horizontal line.

Ryan T. Plotz

ATTORNEY-CLIENT FEE AGREEMENT

THE MITCHELL LAW FIRM, LLP (“Attorney”) and **CRESCENT FIRE PROTECTION DISTRICT** (“Client”) hereby agree that Attorney will provide legal services to Client on the terms set forth below.

1. **CONDITIONS.** This Agreement will not take effect, and Attorney will have no obligation to provide legal services, until Client returns a signed copy of this Agreement.

2. **SCOPE OF SERVICES.** Client hires Attorney to provide legal services in the following matter: general counsel. Attorney will provide those legal services reasonably required to represent Client. Attorney will take reasonable steps to keep Client informed of progress and to respond to Client's inquiries. If a court action is filed, Attorney will represent Client through trial and post-trial motions. This Agreement does not cover representation on appeal or in execution proceedings after judgment. Separate arrangements must be agreed to for those services. Services in any matter not described above will require a separate written Agreement.

3. **CLIENTS DUTIES.** Client agrees to be truthful with Attorney, to cooperate, to keep Attorney informed of any information or developments which may come to Client's attention, to abide by this Agreement, to pay Attorney's bills on time and to keep Attorney advised of Client's address, telephone number and whereabouts. Client will assist Attorney in providing necessary information and documents and will appear when necessary at legal proceedings.

4. **DEPOSIT.** No deposit shall be required at this time.

5. **LEGAL FEES AND BILLING PRACTICES.** Client agrees to pay by the hour at Attorney's prevailing rates for all time spent on Client's matter by Attorney's legal personnel. Current hourly rates for legal personnel are as follows:

Partners \$225/hour

Associates \$195/hour

Paralegals \$100/hour

The rates on this schedule are subject to change on 30 days written notice to client. If Client declines to pay any increased rates, Attorney will have the right to withdraw as Attorney for Client.

The time charged will include the time Attorney spends on telephone calls relating to Client's matter, including calls with Client, witnesses, opposing counsel or court personnel. The legal personnel assigned to Client's matter may confer among themselves about the matter, as required and appropriate. When they do confer, each person will charge for the time expended, as long as the work done is reasonably necessary and not duplicative. Likewise, if more than one of the legal personnel attends a meeting, court hearing or other proceeding, each will charge for the time spent. Attorney will charge for waiting time in court and elsewhere and for travel time,

both local and out of town.

Time is charged in minimum units of one tenth (.1) of an hour.

6. COSTS AND OTHER CHARGES.

(a) Attorney will incur various costs and expenses in performing legal services under this Agreement. Client agrees to pay for all costs, disbursements and expenses in addition to the hourly fees. The costs and expenses commonly include, service of process charges, filing fees, court and deposition reporters' fees, jury fees, notary fees, deposition costs, long distance telephone charges, messenger and other delivery fees, postage, photocopying and other reproduction costs, travel costs including parking, mileage, transportation, meals and hotel costs, investigation expenses, consultants' fees, expert witness, professional, mediator, arbitrator and/or special master fees and other similar items. Except for the items listed below, all costs and expenses will be charged at Attorney's cost.

Mileage \$0.58/mile

(b) Out of town travel. Client agrees to pay transportation, meals, lodging and all other costs of any necessary out-of-town travel by Attorney's personnel. Client will also be charged the hourly rates for the time legal personnel spend traveling.

(c) Experts, Consultants and Investigators. To aid in the preparation or presentation of Client's case, it may become necessary to hire expert witnesses, consultants or investigators. Client agrees to pay such fees and charges. Attorney will select any expert witnesses, consultants or investigators to be hired, and Client will be informed of persons chosen and their charges.

Additionally, Client understands that if the matter proceeds to court action or arbitration, Client may be required to pay fees and/or costs to other parties in the action. Any such payment will be entirely the responsibility of Client.

7. BILLING STATEMENTS. Attorney will send Client periodic statements for fees and costs incurred. Each statement will be payable within 30 days of its mailing date. Client may request a statement at intervals of no less than 30 days. If Client so requests, Attorney will provide one within 10 days. The statements shall include the amount, rate, basis of calculation or other method of determination of the fees and costs, which costs will be clearly identified by item and amount.

8. DISCHARGE AND WITHDRAWAL. Client may discharge Attorney at any time. Attorney may withdraw with Client's consent or for good cause. Good cause includes Client's breach of this Agreement, refusal to cooperate or to follow Attorney's advice on a material matter or any fact or circumstance that would render Attorney's continuing representation unlawful or unethical. When Attorney's services conclude, all unpaid charges will immediately become due and payable. After services conclude, Attorney will, upon Client's request, deliver Client's file and property in Attorney's possession, whether or not Client has paid for all services.

9. DISCLAIMER OF GUARANTEE AND ESTIMATES. Nothing in this Agreement and

nothing in Attorney's statements to Client will be construed as a promise or guarantee about the outcome of the matter. Attorney makes no such promises or guarantees. Attorney's comments about the outcome of the matter are expressions of opinion only. Any estimate of fees given by Attorney shall not be a guarantee. Actual fees may vary from estimates given.

10. ENTIRE AGREEMENT AND MODIFICATION BY SUBSEQUENT AGREEMENT. This Agreement contains the entire agreement of the parties. No other agreement, statement, or promise made on or before the effective date of this Agreement will be binding of the parties. This Agreement may be modified by subsequent Agreement of the parties only by an instrument in writing signed by both of them or an oral agreement only to the extent that the parties carry it out.

11. SEVERABILITY IN EVENT OF PARTIAL INVALIDITY. If any provision of this Agreement is held in whole or in part to be unenforceable for any reason, the remainder of that provision and of the entire Agreement will be severable and remain in effect.

12. EFFECTIVE DATE AND EXECUTION. This Agreement will govern all legal services performed by Attorney on behalf of Client commencing with the date Attorney first performed services. The date at the beginning of this Agreement is for reference only. Even if this Agreement does not take effect, Client will be obligated to pay Attorney the reasonable value of any services Attorney may have performed for Client. This Agreement may be executed in counterparts, the parts of which shall be taken to constitute one whole. Electronic scan signatures and/or facsimile signatures shall be deemed to constitute originals.

13. FILE RETENTION. This law office generally maintains a client's file for a period of five (5) years following the completion of an attorney's work on a case, after which the file is shredded and discarded without further notice.

In the following cases, however, files will be retained for a longer period, but normally not more than 10 years unless cause exists to keep a file for a longer time period: (1) cases involving a minor child or otherwise in which the statute of limitations in bringing a legal action is tolled; (2) wills and unexecuted estate plans; (3) unperformed agreements; (4) cases involving items required to be retained by law; and (5) outstanding judgments and orders.

This office fully complies with California law on the return of "client papers and property," as defined in California Rules of Professional Conduct 3-700(D). At a client's request, all such papers and property will be returned to the client, absent a nondisclosure agreement or protective order, provided that the request is made in writing within the file retention period stated in this document, or as otherwise agreed to in writing by the attorney and client.

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THE PARTIES HAVE READ AND UNDERSTOOD THE FOREGOING TERMS AND AGREE TO THEM AS OF THE DATE ATTORNEY FIRST PROVIDED SERVICES. IF MORE THAN ONE CLIENT SIGNS BELOW, EACH AGREES TO BE LIABLE, JOINTLY AND SEVERALLY, FOR ALL OBLGATIONS UNDER THIS AGREEMENT. CLIENT SHALL RECEIVE A FULLY EXECUTED DUPLICATE OF THIS AGREEMENT.

DATED _____

THE MITCHELL LAW FIRM, LLP

Ryan T. Plotz

DATED: _____

James Nelson, Chairman of the Crescent Fire
Protection District Board

MEDIATION DISCLOSURE NOTIFICATION AND ACKNOWLEDGMENT

To promote communication in mediation, California law generally makes mediation a confidential process. California’s mediation confidentiality laws are laid out in Sections 703.5 and 1115 to 1129, inclusive, of the Evidence Code. Those laws established the confidentiality of mediation and limit the disclosure, admissibility, and a court’s consideration of communications, writings, and conduct in connection with a mediation. In general, those laws mean the following:

- All communications, negotiations, or settlement offers in the course of a mediation must remain confidential.
- Statements made and writings prepared in connection with a mediation are not admissible or subject to discovery or compelled disclosure in noncriminal proceedings.
- A mediator’s report, opinion, recommendation, or finding about what occurred in a mediation may not be submitted to or considered by a court or another adjudicative body.
- A mediator cannot testify in any subsequent civil proceeding about any communication or conduct occurring at, or in connection with, a mediation.

This means that all communications between you and your attorney made in preparation for a mediation, or during a mediation, are confidential and cannot be disclosed or used (except in extremely limited circumstances), even if you later decide to sue your attorney for malpractice because of something that happens during the mediation.

I understand that, unless all participants agree otherwise, no oral or written communication made during a mediation, or in preparation for a mediation, including communications between me and my attorney, can be used as evidence in any subsequent noncriminal legal action including an action against my attorney for malpractice or an ethical violation.

NOTE: This disclosure and acknowledgment does not limit your attorney’s potential liability to you for professional malpractice, or prevent you from (1) reporting any professional misconduct by your attorney to the State Bar of California, or (2) cooperating with any disciplinary investigation or criminal prosecution of your attorney.

THE MITCHELL LAW FIRM, LLP

DATED _____

Ryan T. Plotz

DATED: _____

James Nelson, Chairman of the Crescent Fire
Protection District Board

STAFF REPORT – REVIEW AND DISCUSS AMENDMENT TO TOWER AND GROUND SPACE LEASE FROM NEW CINGULAR WIRELESS & AT&T

RECOMMENDATION

1. Receive staff report
2. Take public comment
3. Board Discussion
4. Consider and PROVIDE STAFF DIRECTION REGARDING TOWER AND GROUND SPACE LEASE OPTIONS FROM NEW CINGULAR WIRELESS & ATT&T

BACKGROUND

Crescent Fire Protection District was contacted by New Cingular Wireless to place a generator on the east side of the precast concrete equipment shelter (housing another carrier's equipment) and carry lines to the AT&T prefab equipment shelter on the west side of the fenced area. To accomplish installation, it was proposed by the contractor to move the east fence further east into the asphalt lot and adding an area measuring 3' by 18' to the current fenced enclosure. New Cingular Wireless had proposed an increase to the current lease of \$100 per month. After discussion at the August Board meeting, Staff were directed to contact New Cingular Wireless with the request of a security fence be installed along the east side of the rear lot, and \$500 per month added to the monthly rent.

Per representative Frank Schabarum for New Cingular Wireless, they must try to keep the monthly rent as low as possible to get the project approved by AT&T Management, and they may be able to utilize capital improvement funding options in the project after it had been relayed to New Cingular Wireless the issues with security and the need for fencing the facility. Two options have been provided by New Cingular Wireless for Board consideration:

1. Lease AT&T an approximately 10' x 16' lease area for installation of the generator surrounded by a new chain link fence adjacent to the existing southerly communications tower (west side in lawn) for a one-time payment of \$20,000 which the District can use as it sees fit. There would be no increase in monthly rent. This would place the generator out of vehicle travel areas. It would require Board approval of trenching the rear driveway/lot/yard to allow generator power line access from the tower to the generator and would be subject to no utility easements that would have to be crossed.

OR

2. Allow AT&T to install the originally proposed 3' x 18' bump out on the east side of the existing cell tower compound (north compound) into the parking area and install a full-length security fence from the southeast corner of the fire department building to the south tower compound and then east to the edge of the property at the hedge. This would include

a manual gate across the driveway. AT&T would be responsible for the cost of the new fencing and manual gate and would pay a monthly increase to rent of \$100.

At the October 11, 2021 meeting, the Board requested staff attempt to determine what other cell sites received in rent. Staff was able to confirm another tower site in the 900 block of 10th Street, the City Public Works Yard. That location currently receives \$1,500 monthly from the cell company (District receives \$1,106.58 monthly with an annual 3% increase). They are in negotiations on a generator at that site but trying to have the cell provider install a generator large enough to run both the tower and the yard buildings.

The Board is requested to review the two options, determine which it supports, and staff will provide this direction back to New Cingular Wireless who will provide an updated contract with that proposal once approved by AT&T. It should be noted that if the Board does opt for a monthly rental fee for the generator install, it should be added directly to the current lease to be included under the 3% annual modifier.

FISCAL IMPACT

Revenue from option 1 would be a one-time payment of \$20,000 to the District, and if a security fence was desired by the District, the cost would be on the District.

Revenue from option 2 would be \$1,200 annually (\$100 monthly) if District approves option 2, and the construction of a new security fence at a cost to AT&T.

ATTACHMENTS

None

Crescent City Fire & Rescue

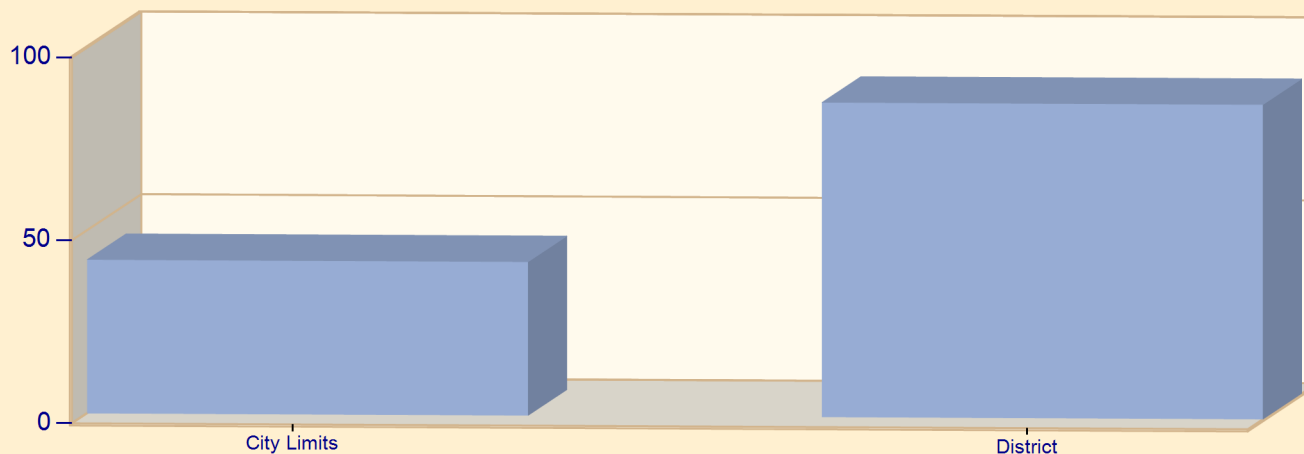
Crescent City, CA

This report was generated on 11/4/2021 9:51:03 AM



Incident Type Count per Zone for Date Range

Start Date: 10/01/2021 | End Date: 10/31/2021



ZONES	INCIDENT TYPE	COUNT
City Limits - City Limits		
	311 - Medical assist, assist EMS crew	21
	320 - Emergency medical service, other	2
	322 - Motor vehicle accident with injuries	1
	323 - Motor vehicle/pedestrian accident (MV Ped)	1
	444 - Power line down	1
	445 - Arcing, shorted electrical equipment	1
	531 - Smoke or odor removal	2
	561 - Unauthorized burning	5
	611 - Dispatched & cancelled en route	2
	622 - No incident found on arrival at dispatch address	2
	631 - Authorized controlled burning	2
	733 - Smoke detector activation due to malfunction	1
	745 - Alarm system activation, no fire - unintentional	1
	<i>Total Incidents for City Limits - City Limits:</i>	42
District - District		
	111 - Building fire	1
	121 - Fire in mobile home used as fixed residence	1
	151 - Outside rubbish, trash or waste fire	2
	311 - Medical assist, assist EMS crew	43
	320 - Emergency medical service, other	3

Zone information is defined on the Basic Info 3 screen of an incident.
Only REVIEWED incidents included.



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ZONES	INCIDENT TYPE	COUNT
	322 - Motor vehicle accident with injuries	3
	323 - Motor vehicle/pedestrian accident (MV Ped)	1
	324 - Motor vehicle accident with no injuries.	4
	440 - Electrical wiring/equipment problem, other	1
	444 - Power line down	2
	542 - Animal rescue	1
	553 - Public service	1
	561 - Unauthorized burning	7
	611 - Dispatched & cancelled en route	9
	622 - No incident found on arrival at dispatch address	1
	631 - Authorized controlled burning	1
	651 - Smoke scare, odor of smoke	1
	714 - Central station, malicious false alarm	1
	733 - Smoke detector activation due to malfunction	2
	745 - Alarm system activation, no fire - unintentional	1
	<i>Total Incidents for District - District:</i>	86
Total Count for all Zone:		128

Zone information is defined on the Basic Info 3 screen of an incident.
Only REVIEWED incidents included.

