



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 NOVEMBER 8, 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
Ryan Plotz, Legal Counsel
Frank Schabarum, AT&T representative
Beau Smith, Fire Captain

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

No public comment at this time.

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

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 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

Chief Gillespie stated 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.

Chairman Nelson opened the Public Hearing at 5:09 PM.

The following citizen addressed the Board:

Captain Beau Smith: questioned if property owners would see an impact from the amended ordinance; Chief Gillespie stated the amended ordinance will be extending the \$1,000 cap to single ownership, multi-parcel owners within the District and there will not be an increase in assessment fees. Captain Beau Smith also questioned how many calls are for vacant properties, and why vacant properties are not subject to the benefit assessment; Chief Gillespie noted that the Board had decided to make all vacant properties exempt at this time.

With no further comments, Chairman Nelson closed the Public Hearing at 5:13 PM.

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

Chief Gillespie noted 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 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.

Chief Gillespie stated that 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.

Chief Gillespie also reported that 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).

On a motion by Director Kelley, seconded by Vice Chair Short, motion carried 4/0/1 with Director Gregorio being absent; the Board of Directors adopts 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 NOVEMBER 2021, by the following polled vote:

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

NOES: 0

ABSENT:1, Director Gregorio

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.

Chief Gillespie requested that the Board select and update two members to serve as the District representatives on the Fire Department 2x2 Committee. He also requested for the Board to provide staff direction to schedule a committee meeting with the City to begin discussion on upcoming Fire Chief recruitment and selection process, volunteer firefighter stipends, and possible discussion of personnel positions.

Chief Gillespie stated that although Director Gregorio is not present, he has requested that the Chief share his interest of being on the 2 x 2 Committee.

The Board appointed Director Gregorio and Director Kelley to represent the District on the 2 x 2 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

Chief Gillespie explained that in the past, employees of the Crescent Fire Protection District, both career and volunteer, have participated 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 Crescent City Fire & Rescue 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.

The District would not decrease 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.

Chairman Nelson questioned the service fee the City will be charging the District when they process the payment to the firefighters; Chief Gillespie noted that they City charges a 7% administrative fee. It was also noted that historically, the City has received the administrative fee from CAL-OES or CALFIRE for processing payroll. Chairman Nelson would like staff to look in to why the City is charging the District administrative fees for personnel.

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

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

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

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

NOES: 0

ABSENT:1, Director Gregorio

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

Chief Gillespie requested 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**

Chief Gillespie noted there is a possible option to shift the fire boat 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.

Chief Gillespie requested 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.

Director Erler questioned if they fire engines would be stripped down before sale or donation; Chief Gillespie noted that they would be sold or donated stripped and emptied.

The Board discussed the value and purpose of the fire boat. The Board also discussed the option to donate the Water Tender to the Del Norte County Fairgrounds.

On a motion by Director Kelley, seconded by Director Erler, motion carried 4/0/1 with Director Gregorio being absent; the Board of Directors granted permission for staff to SURPLUS AND SALE OR DONATION OF DISTRICT VEHICLES.

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

Chief Gillespie reported the 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.

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

Chief Gillespie read the staff report that stated the 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.

Ryan Plotz is introduced and briefed the Board on what he will be able to provide for the District Board.

Vice Chair Short questioned what type of representation general counsel is able to provide for potential litigation; Ryan reported that depending on the litigation the Board would need to consider having general counsel or specialized counsel for representation.

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 approved ATTORNEY-CLIENT FEE AGREEMENT FOR LEGAL SERVICES PROVIDED BY RYAN PLOTZ WITH THE MITCHELL LAW FIRM, LLP.

OLD BUSINESS - None

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

Chief Gillespie briefed the Board stating that 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. 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 also reported that 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.

Frank Schabarum, AT&T representative reported that AT&T had negotiated a lower rent because AT&T installed the monopole at their expense and then gifted it to the Crescent Fire Protection District.

Chairman Nelson reported the Board agrees that they prefer option two but questioned the amount of \$100 increase in rent. Frank Schabarum proposed an increase of \$250 a month plus a 3% annual increase.

Chief Gillespie reported that after AT&T amends the contract with the District they will need to present it to the Board.

No action was taken at this time.

CHIEF'S 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

Chief Gillespie reported the total number of calls in the City and the District.

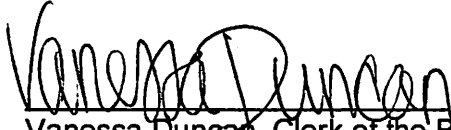
BOARD COMMENTS

Chief Gillespie reported that the first check has been issued from Fire Recovery to the District for traffic collisions.

It was noted that the Board will need to hold a special meeting next week in order to obtain specialized legal counsel for our ongoing litigation with the Harbor District.

ADJOURNMENT

There being no further business to come before the Board, Chairman Nelson adjourned the meeting at 6:36 pm of the Crescent Fire Protection District Board of Directors to the next regularly scheduled meeting on December 13, 2021 at 5:00PM.



Vanessa Duncan, Clerk of the Board
Crescent Fire Protection District