

**MINUTES OF A REGULAR MEETING OF THE
LOS ALTOS HILLS COUNTY FIRE DISTRICT BOARD OF COMMISSIONERS
HELD ON TUESDAY, SEPTEMBER 15, 2020, BEGINNING AT 7:00 P.M.
VIA VIDEOCONFERENCE: <https://lahcfd-org.zoom.us/j/93207178725>; PASSWORD: 222037,
AND TELECONFERENCE: (602) 333-2017 OR
(888) 204-5987 (US TOLL FREE); ACCESS CODE: 473402#**

President Warren called the meeting to order at 7:07 p.m.

Remote Meeting Participation: All members of the District's Board of Commissioners, District Staff, District Contractors, and members of the public participated by videoconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to remote meetings. The meeting was conducted in compliance with the Governor's Executive Order N-25-20 issued on Mar. 12, 2020, and supplemental Executive Order N-29-20 issued on Mar. 17, 2020, allowing for deviation of remote meeting rules required by the Brown Act. The purpose of this is to provide the safest environment for officials, staff, meeting participants and the public while allowing for public participation.

1. Roll Call:

PRESENT: Commissioners Warren, Vaughn, Tyson, Price, Spreen, Carr, Kearney

ABSENT: None

ALSO PRESENT: Assistant Fire Chief Brian Glass, Emergency Services Manager Captain Denise Gluhan (Ret.), General Manager J. Logan, District Legal Counsel Dan Siegel, Assistant County Counsel Rob Coelho, Special Projects Services Consultant Sarah Henricks, Technical Services Consultant Victoria Bebee, Financial Consultant & District Clerk Cori Vargas

2. Public Comment:

There was no public comment on items not on the agenda.

3. Commission President Remarks:

Commission President Warren noted Commissioner Kearney is currently assisting with the fires in Oregon and his connection might drop. He mentioned it is currently Fire Season, and thanked District Commissioners and Staff for their continued efforts in keeping the District's proactive fire-prevention programs running while working remotely.

President Warren received the Commission's agreement to move Agenda Item 6 up for discussion.

6. Los Altos Hills County Fire District (LAHCFD) Management Audit Update:

General Manager Logan welcomed 5th District Santa Clara County (County) Supervisor S. Joseph Simitian to discuss the County Board of Supervisors (BOS) review of the LAHCFD Management Audit. Simitian noted the Management Audit Report was presented to the County Finance and Government Operations Committee (FGOC) on August 27, and will be discussed by the County Housing, Land Use, Environment, and Transportation Committee (HLUET) on September 17. The Management Audit Report presents seven recommended actions to the BOS. LAHCFD agrees/partially agrees with all recommendations except Recommendation 1.2 to suspend delegation of authority to the Fire Commission. There was discussion at the FGOC meeting to consolidate LAHCFD with the South County Fire District (SCFD) and the Santa Clara County Central Fire District (SCCCFD). The Management Audit and consolidation of Fire Districts is expected to be brought before the BOS for discussion and possible action at the BOS Regular Meeting on October 6.

Price noted the Town of Los Altos Hills (Town) sent mailers to the Town residents about the consolidation, but did not include residents in the unincorporated area of the District. She asked Simitian's opinion about mailing notices to all residents of the District. Simitian stated communications with residents explaining the situation and how they can participate is beneficial in his opinion, provided mailers be reviewed by Legal Counsel first. Tyson mentioned the Town City Council will be discussing the issue at its Regular Meeting on September 17.

Public Comment

- Los Altos Hills resident Dru Anderson expressed concern that consolidation will negatively affect the local CERT, emergency response times, and community involvement.
- Los Altos Hills resident Neil Mielke asked what the implications of consolidation will be on the District's budget and financial reserves. Simitian stated there is no way of knowing until a formal proposal for consolidation is created. He said questions and issues regarding fire protection, money, and control need to be addressed by the BOS before any action is taken.
- Los Altos Hills resident Dave Stewart wrote-in to ask what citizens of the District can do to express their concerns effectively. Simitian suggested residents provide public comment at the upcoming HLUET and BOS meetings. He also encouraged residents to reach out to the other Supervisors.
- Los Altos Hills resident Allan Epstein asked what the process will be if the BOS vote to consolidate. Simitian answered there was no way of knowing until a formal proposal is created. If delegation of authority is revoked to LAHCFD or SCFD, then their service areas become a "County District" de facto. Epstein asked if the delegation is revoked, can LAHCFD funds be used in other areas of the County. Simitian said he believed so, but County Counsel will need to provide a definite answer.
- Former Santa Clara County Fire Department (SCCFD) Captain Bob Hagg questioned why consolidation and possible loss of LAHCFD's fire-preventative programs is being considered after the spate of destructive wildfires in Northern California. Simitian replied he cannot answer the question as consolidation was proposed by the FGOC. He suggested Hagg participate in public comment at the BOS meeting to provide his perspective as a former firefighter.

Supervisor Simitian left the videoconference at 7:52 p.m.

Warren asked for a motion to oppose action by the County BOS to suspend or remove the delegation of authority to the LAHCFD, to oppose consolidation, and to direct the Board President to send a letter to the BOS stating this action. Spreen asked if the recommendation to oppose delegation of authority and the recommendation to oppose consolidation should be separate motions. Legal Counsel Siegel stated it is a policy decision whether to combine or separate, but either method is legally appropriate. Tyson opined it was more impactful to keep them together.

Action: Motion by Tyson to oppose action by the Santa Clara County Board of Supervisors to suspend or remove the delegation of authority to the LAHCFD and to oppose consolidation of the LAHCFD, and to direct the Board President to send a letter to the County Board of Supervisors stating this action; seconded by Price.

Roll Call Vote: All in Favor: Warren, Vaughn, Tyson, Price, Spreen, Carr, Kearney.

Opposed: None. **Absent:** None.

MOTION PASSED 7-0

Warren asked for a motion to authorize the LAHCFD Commission Ad Hoc Management Audit Subcommittee to engage with Supervisor Simitian and the County. Logan reminded the Commission that the Subcommittee was appointed by the Commissioners at the September 18, 2019 meeting. Approval of

this motion will renew the Subcommittee's authorization for wider conversation, ensure public engagement, collaboration, and a process for discussion of fire protection in the District boundaries and within the County.

Action: Motion by Vaughn to approve authorizing the LAHCFD Commission Ad Hoc Management Audit Subcommittee to engage with Supervisor Simitian and the County in a wider conversation and a path forward to ensure public engagement, collaboration, and a process for discussion of fire protection in the District boundaries and within the County; seconded by Spreen.

Roll Call Vote: All in Favor: Warren, Vaughn, Tyson, Price, Spreen, Carr, Kearney.

Opposed: None. **Absent:** None.

MOTION PASSED 7-0

President Warren moved back to Agenda Items 4 and 5.

4. **Essential Governmental Functions Update:**

General Manager Logan reported that she, Emergency Services Manager (ESM) Gluhan, and Special Projects Consultant Henricks participate in weekly County-wide Public Information conference calls for COVID-19 status reports and discussion on Wildfires and other emergency conditions. She presented informational slides from the County Office of Emergency Services (OES) and Public Health Departments, and stated links with more information are posted on the District's website.

5. **Presentation and Approval of Draft Financial Audit Report FY2019/2020:**

Financial Consultant Vargas presented a draft of the FY2019/2020 Financial Audit Report. She outlined three corrections to be made: 1) on page 2, 31 is changed to 29; 2) on page 3, under 2nd bullet "capital outlay" changed to "projects and programs"; 3) on page 8 the word "delay" is removed. Any other changes will be forwarded to the financial auditors, and the final report will be approved at October's meeting. Ahmad Gharaibeh of Eide Bailly LLC presented the audit, and stated no adjustments, performance difficulties, or deficiencies in internal controls were noted by the financial auditors.

Action: Motion by Spreen to approve the draft of the FY2019/2020 Draft Financial Report (*motion modified to add "with the three corrections outlined"*) to be brought back for final approval at the October meeting; seconded by Price.

Roll Call Vote: All in Favor: Warren, Vaughn, Tyson, Price, Spreen, Carr, Kearney.

Opposed: None. **Absent:** None.

MOTION PASSED 7-0

Ahmad Gharaibeh left the videoconference at 8:11 p.m.

7. **Santa Clara County Fire Chief Report:**

Assistant Fire Chief Glass introduced Dave Snow, SCCFD Support Services Manager, who presented slides on possible capital improvement projects for the El Monte Fire Station. Improvements include removal of carpet and installation of luxury vinyl tile, interior painting, renovation of restrooms to gender-neutral pods, and adding a wall between offices 202 and 203.

He requested direction from the Commission to approve procurement of an architect, not to exceed \$50,000, and return to the Commission with cost proposals for all proposed projects. Alternately, he can return with just a cost proposal for flooring and painting. Warren said the more than 20-year-old station

is due for recapitalization, and asked Snow to look for other areas that can be improved or modernized. Vaughn suggested seeing if space will allow for Battalion Chief private quarters. Warren asked Legal Counsel if a motion can be made to expend funds for procurement of an architect. Assistant County Counsel Coelho recommended adding the item to a future agenda in order to make the proposed expenditure of funds transparent to the public. The Commission was in consensus to bring a proposal back for discussion and action at the October meeting.

Public Comment

Allan Epstein stated that his interpretation of §6.2.8 of the contract with SCCFD is that SCCFD should pay for remodeling or expansion of the fire station. Coelho said he will research and provide legal analysis and response at the October meeting.

Glass reviewed the monthly report for July 2020, and said there were three small incidents resulting in approximately \$15,000 worth of damage. He reviewed the August 2020 report and stated there was one small kitchen fire which resulted in approximately \$3,150 in damage. He said the lightning storms and CZU Fire caused an uptick in service calls in August. SCCFD received funds to secure the Zonehaven regional evacuation platform, which will notify first responders and residents of evacuations, and provide up-to-the-minute mapping of safe ingress and egress routes. He noted he will work with the Town and stakeholders to establish evacuation zones throughout the District.

Public Comment

Dru Anderson asked if the evacuation zones will match the zones defined by the Community Emergency Response Team (CERT). Glass answered evacuation zoning will be independent from CERT zoning, and is based on Geographical Information System (GIS) Mapping and Zonehaven prediction software. Dave Stewart asked if Zonehaven was similar to the ArcGIS system used by Midpeninsula Regional Open Space District. Glass stated he was not familiar with Midpeninsula's system, but SCCFD uses ArcGIS for hosting so it is accessible across multiple platforms.

Assistant Fire Chief Glass and Dave Snow left the videoconference at 8:55 p.m.

8. General Manager Report:

Henricks reviewed revisions to the District's website, including addition of an information banner at the top of the webpage and a Strategic Planning page.

Cost estimates for the printing and mailing of OK Cards were presented. Logan asked for direction on whether the cards should be printed and mailed or posted on the website. The Commission was in consensus to use both options. Expenditure of funds, whether by General Manager spending authority or action by the Commission at October's meeting, and procurement of a vendor will be reviewed by Legal Counsel.

Price discussed a September 8 Community Presentation by Commissioner Kearney and ESM Gluhan, and noted a recording of the presentation is posted on the District's website.

Logan mentioned that September is "National Emergency Preparedness Month," and encouraged listeners to share the County OES toolkits posted on the District's social media platforms.

9. Emergency Services Manager Report:

Gluhan reviewed events and activities, including an orientation for Town Council candidates. A neighborhood evacuation drill was performed in the Saddle Mountain area on September 13.

Gluhan stated CERT members were continuing revitalization of the ARK Emergency Hub after work had been postponed due to inclement weather and smoke. Technical Services Consultant Bebee reviewed CERT activities and updates, including discussion of new reconnaissance procedures due to COVID-19.

Henricks reported staff met with Lynx Technologies to discuss updating the proposal for GIS services presented at the July Commission Meeting. She will be reaching out to Los Altos Hills resident Neil Katin for input as was directed by the Commission in July. A scope and service agreement will be brought before the Commissioners at either the October or November meeting.

Public Comment

Dave Stewart volunteered to provide his input on GIS due to the limited availability of Neil Katin.

10. Fire Hydrant Report:

The District's engineering consultant Jeff Tarantino, of Freyer & Laureta Inc., reviewed the report on soil erosion caused by a damaged fire hydrant on Horseshoe Lane. Next steps include preparing a final slope grading plan and securing a grading permit from the Town. A progress report and request to start competitive bidding on the project will be brought before the Commission at October's meeting. Vaughn asked what the anticipated cost will be; Tarantino said the report provided a probable project cost of \$62,400. Vaughn asked if there were any cons in not proceeding with the project; Tarantino replied significantly greater damage can occur over time due to the proximity of the unstable soil to the road and trees. Logan reminded the Commission that the cost of repairs caused by the damaged hydrant should be reimbursed by the responsible party's insurance.

Tarantino reviewed diagrams and photos to explain the process of raising and restoring hydrant valves as part of the Town's Repaving Project. Logan noted the hydrants, laterals under the pavement, gate valves, and covers as depicted in the photos are owned by the District.

Jeff Tarantino left the videoconference at 9:28 p.m.

11. Hazardous Fuel Reduction Report:

Henricks reviewed a cost summary and operations data for the Brush Chipping Pilot Program. Some issues reported by the District's oversight consultant FireSafe Counsel (FSC) include lack of contact information or inability to access the properties of some residents. The District secured a Business Reply Mail permit to save on postage charges on the returned chipping sign-up cards.

Logan explained that in the event of unexpected circumstances such as fallen limbs, residents can contact the District and arrangements can be made to fit them into the next available chipping cycle. She reviewed the contractor's standards for brush chipping, including requiring a spotter on each crew for backing-up maneuvers, and surveying each residence to ensure nothing is damaged or left behind.

Logan said the brush chipping contract with FSC provides a not-to-exceed monthly spending limit of \$30,000. The next invoice to be received from FSC is expected to exceed \$30,000 due to increased services in July, and the contract allows for written authorization for approval of payment over the limit. The Commission consensus was to approve payment of the next invoices exceeding the limit. An amendment to the service agreement will be presented at October's meeting, with possible options being an increase to the monthly limit or changing the period to a quarterly basis.

Gluhan reviewed slides on the Home Ignition Zone (HIZ) Program, and introduced Eddie Sanchez from FSC who provides contracted oversight services for the Program. All 60 of the HIZ inspections paid for by the District have been completed; an amendment to the agreement increasing funding for additional inspections will be brought before the Commission at the October meeting.

Sanchez spoke about Phase II of the Shaded Fuel Break along Page Mill Road, which will extend from Altamont Circle to Via Ventana Way. He is currently planning and sending out bids to contractors, and will provide an update at the next meeting.

Gluhan stated she and FSC walked the District lot to identify fuel reduction opportunities which will be demonstrated in an upcoming vegetation management educational video. Sanchez estimated the cost for fuel reduction on the lot to be between \$4,000-\$6,000.

12. Adopt Resolution 20-29 of the Los Altos Hills County Fire District Authorizing Execution of an Agreement between the County of Santa Clara and the Los Altos Hills County Fire District for Exclusive Legal Services:

Logan reviewed the memorandum report, which outlines the District's desire to comply with the Management Audit's recommendation to discontinue legal representation by private counsel, and to use County Counsel for exclusive legal services. Spreen asked whether there will be a conflict if the District require legal direction relating to the possible proposal for consolidation. Assistant County Counsel Rob Coelho clarified that it is within the legal rights of the BOS to suspend authority or consolidate the fire districts and is therefore a political issue rather than a legal issue. In instances of potential for conflict of interest, such as the contract with SCCFD, an ethical wall will be setup so the District will receive clear and unbiased legal representation. Spreen asked about Coelho's availability to the District; Coelho answered he provides advise to multiple County departments but is not assigned to any particular department. He stated he is available to the District at any time, and that County Counsel James Williams is working on assigning at least one additional Deputy to assist the District.

Public Comment

Allan Epstein asked if County Counsel participated in the Management Audit, which defined some District actions as illegal, and whether there will be any follow-up. Coelho replied County Counsel did not participate in the audit process, but will provide a legal analysis. Epstein asked if the County Local Agency Formation Commission (LAFCO) will have a role in consolidation of the District; Coelho said he can research if a proposal for consolidation is received. Epstein questioned why the SCCCFD Fire Chief is consulted by the BOS about other Fire Districts; Coelho recommended the question is better addressed to the BOS as for their reasoning.

Action: Motion by Price to adopt Resolution 20-29 authorizing execution of an agreement with the County of Santa Clara for exclusive legal services; seconded by Tyson.

Roll Call Vote: All in Favor: Warren, Vaughn, Tyson, Price, Spreen, Carr, Kearney.

Opposed: None. **Absent:** None.

MOTION PASSED 7-0

13. Adopt Resolution 20-30 Authorizing Notice to Terminate the Agreement for Legal Services between the Los Altos Hills County Fire District and Jorgenson, Siegel, McClure & Flegel, LLP:

Logan explained that the passing of Resolution 20-29 requires notice and termination of the current Agreement for Legal Services with Jorgenson, Siegel, McClure & Flegel (JSMF). The process is explained in Resolution 20-30, and the notice of termination is included as Exhibit 1. The Commissioners expressed their appreciation to JSMF for providing many years of exceptional legal service to the District.

Action: Motion by Spreen to adopt Resolution 20-30 authorizing notice to terminate the agreement for legal services with Jorgenson, Siegel, McClure & Flegel, LLP; seconded by Vaughn.

Roll Call Vote: All in Favor: Warren, Vaughn, Tyson, Price, Spreen, Carr, Kearney.

Opposed: None. **Absent:** None.

MOTION PASSED 7-0

14. Financial Consultant Report:

Vargas reviewed the memorandum report, and noted the request to form an "Ad Hoc Budget Subcommittee" for FY2021/2022 has been revised to formation of a "Brown Act Standing Budget

Subcommittee”. The Commission appointed Spreen, Vaughn, and Carr to the Budget Subcommittee. Coelho stated, per Brown Act rules, a majority of two or more members cannot discuss the Budget outside of agenda public meetings.

Vargas reviewed the two professional services agreements that were approved by the General Manager between meetings. The agreement with O’Grady Paving for adjustment to hydrant valve boxes had a not to exceed limit of \$8,450. The agreement with Municipal Resource Group (MRG) for strategic planning had a not to exceed limit of \$5,000. The two agreements did not exceed the General Manager’s authorized spending limit of \$15,000 in between meetings.

15. Adopt Resolution 20-31 Resolution of the Los Altos Hills County Fire District Authorizing Execution of Amendment No. 1 to the Professional Services Agreement between the Los Altos Hills County Fire District and Municipal Resource Group for Strategic Planning Services:

Logan introduced Marcie Scott for MRG who reviewed the memorandum report which recommends contracting with MRG for Phase II of the Strategic Plan process. She recommends the Commission schedule a Special Meeting on October 1 devoted solely to discussion of the Strategic Plan.

Action: Motion by Spreen to adopt Resolution 20-31 authorizing execution amendment no. 1 to the professional services agreement with Municipal Resource Group for strategic planning services; seconded by Tyson.

Roll Call Vote: All in Favor: Warren, Vaughn, Tyson, Price, Spreen, Carr.

Opposed: None. **Absent:** Kearney. (*Kearney’s connection dropped sometime after Agenda Item 13*)

MOTION PASSED 6-0, 1 Absent

16. Consent Calendar:

Warren asked for a motion to approve “16.A. Approval of Draft Minutes of July 28, 2020 Regular Meeting”, “16.B. Receive Period Report 1, July 2020”, and “16.C. Receive Period Report 2, August 2020”.

Roll Call Vote: All in Favor: Warren, Vaughn, Tyson, Price, Spreen, Carr.

Opposed: None. **Absent:** Kearney.

MOTION PASSED 6-0, 1 Absent

17. Receive Disbursements:

Vargas reported there were no updates.

18. Commission Member Reports:

There were no Commission member reports.

19. Adjournment

Warren adjourned the meeting at 10:32 p.m. The next regular meeting will be held via videoconference on October 20, 2020.

Prepared by,

Cori Vargas
District Clerk