



Menlo Park Fire Protection District

170 Middlefield Road • Menlo Park, CA 94025 • Tel: 650-688-8400 • Fax: 650-323-9129

Website: www.menlofire.org • Email: mpfd@menlofire.org

SPECIAL BOARD MEETING

05/14/2019

Open Session, 7:00 PM, Station 1 Classroom
300 Middlefield Road, Menlo Park

*Virginia Chang Kiraly, Board President ~ Robert Jones, Vice President
Chuck Bernstein, Director ~ Jim McLaughlin, Director ~ Robert J. Silano, Director*

AGENDA

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT #1

A fundamental element of democracy is the right of citizens to address their elected representatives. Therefore under Public Comment #1, the public may address the Board on any subject not listed on the Agenda. Each speaker may address the Board for a limit of three minutes. The filing of speaker cards is not mandatory, but is helpful in creating an accurate record. The Board cannot act on items not on the agenda and therefore the Board cannot respond to non-agenda issues brought up under Public Comment other than to provide general information. District policy assures members of the public the opportunity to speak to any regular or special meeting agenda item before final action. This opportunity to speak is during the public discussion of each agenda item and must be related to matters under consideration for that agenda item.

1. Report of the Fire Chief for Discussion and Direction

PUBLIC HEARINGS

2. Conduct a Public Hearing on the Notice to Destroy Weeds Declaring Weeds to be a Public Nuisance
 - a Open Public Hearing
 - b Take Public Comment
 - c Close Public Hearing
3. Consider and Approve a Resolution Authorizing the Fire Chief to Undertake the Removal of Weeds and Abatement of Public Nuisances Following a Public Hearing on Objections and Protests

CONSENT CALENDAR

Items on the Consent Calendar are generally routine in nature and will be acted upon collectively with one motion, unless removed by a member of the Board, Staff, or Public.

4. Accept the Treasurer's Report for the Month Ended March 31, 2019 (Unaudited)
5. Approve a Resolution Accepting the Work by Gonsalves and Stronck Construction Co. Inc. for the Fire Station 6 Capital Improvement Project and Directing the Filing of the Notice of Completion
6. Approve Revised Committee and Liaison Appointments for Calendar Year 2019
7. Approve the FY 2019-20 Proposed Budget and the Full Time Equivalent (FTE) Staffing Level
8. Approve by Resolution the FY2019-20 Budget in the Amount of \$1,037,783 for the Urban Search and Rescue (US&R) California Task Force 3 (CA-TF3) Division
9. Approve a Resolution for the Transfer of Development Contribution Funds to the CIP Funds to Offset the Cost of the Purchase of Truck Two (T2) for Station 2
10. Approve a Resolution to Transfer \$3.55 Million to the PERS Stabilization Reserve and Pay \$4.69 Million Toward the District's Classic Safety CalPERS Unfunded Actuarial Liability

REGULAR AGENDA

The public may address the Board on any subject listed on the Regular Agenda. Each speaker may address the Board once for a limit of three minutes. The filing of speaker cards is not mandatory, but is helpful in creating an accurate record. Each speaker will be called upon to speak by the President when the item is heard.

11. Consider and Approve an Agreement with Rosenbauer International AG Regarding Electrification of Emergency Response Fire Apparatus for Purposes of Enhanced Public Safety Response and Improvement of the Health and Safety of Employees and the Public
12. Review and Discuss Revisions to the Board of Directors' Policies and Procedures Manual
13. Consider and Discuss a Request from the California Special Districts Association (CSDA) to Support Their Positions on Senate Bill No. 13 (SB 13) and Assembly Constitutional Amendment No. 1 (ACA 1)
14. Consider for Approval the Request for Proposals (RFP) for a District Wide Space Needs Assessment
15. Consider and Approve the San Mateo County Pre-Hospital Emergency Medical Services Group Advanced Life Support Paramedic Designation Agreement
16. Consider and Discuss Integration of the Shake Alert System and Area Wide Community Emergency Notification System
17. Discuss and Develop Joint Board Goals and Priorities

REPORTS AND REQUESTS

18. Reports/Requests/Liaison/Committee Reports of Directors
19. President's Report

PUBLIC COMMENT #2

A fundamental element of democracy is the right of citizens to address their elected representatives. Therefore under Public Comment #2, the public may address the Board on any subject not listed on the Agenda. Each speaker may address the Board for a limit of three minutes. The filing of speaker cards is not mandatory, but is helpful in creating an accurate record. The Board cannot act on items not on the agenda and therefore the Board cannot respond to non-agenda issues brought up under Public Comment other than to provide general information. District policy assures members of the public the opportunity to speak to any regular or special meeting agenda item before final action. This opportunity to speak is during the public discussion of each agenda item and must be related to matters under consideration for that agenda item.

UPCOMING EVENTS

20. Station 4 Public Workshop - Wednesday, May 15, 2019, 6:00 p.m. - 7:30 p.m.
21. Station 6 Community Open House - Saturday, June 22, 2019, 10:00 a.m. - 2:00 p.m.

ADJOURNMENT TO NEXT SCHEDULED MEETING OF JUNE 18, 2019

Notice regarding Board of Directors Meetings: The Board of Directors regularly meets on the Third Tuesday of each month at 7:00 PM in the Classroom at Station 1 at 300 Middlefield Road, Menlo Park. The Agenda is available through the Internet at <https://www.menlofire.org/board-agendas-and-minutes> 72 hours prior to the meeting and are also available at the Administration Office located at 170 Middlefield Road, Menlo Park

The Board may take action on any item on the agenda with the exception of Public Comment section. In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in MPFPD Board meeting or if you need a copy of the agenda and/or agenda packet materials in alternative format, please contact the Clerk of the Board during normal working business hours at 650-688-8400 at least 48 hours prior to the meeting so that request can be handled.



Fire Chief's Report – May 14, 2019

Fire Station 4 Community Design Meeting:

In conjunction with the County and our architect, a community meeting is being held at Station Four on May 15, 2019, to seek feedback about the proposed new Fire Station design and replacement.

Firefighter Academy Graduation and End of Probation:

The six new firefighters will graduate from their in-service academy on **June 14, 2019**, and a ceremony will be held at Sacred Heart High School for family and friends starting at 6:30 pm.

The eight “probationary” firefighters will be completing their one year probation on June 24, 2019 if they successfully pass their 12 month written and manipulative exam and hands on evolutions.

Fire Station 6 Dedication Ceremony and Community Open House:

The dedication for the new Fire Station 6 facility is scheduled for **Thursday, June 20, 2019, from 2 – 4 pm** followed by a community open house on **Saturday, June 22, 2019**, from 9 am to 12 pm.

Captains Test and Annual Company Officers Meetings:

A total of ten eligible candidates have completed the Captains testing process and are waiting to be ranked. We currently do not have any openings for Captains.

I have been conducting my annual Company Officers Conferences and shift meetings updating all employees on the current issues and answering questions.

Division Chief Stevens to Retire:

Division Chief of Operations Jim Stevens is scheduled to retire in **July** after serving the Fire District for 37 years. More to come as final details are worked out.

Town of Atherton:

The Fire District supported the Town's annual Easter Egg Hunt on Saturday April 20, and had a Council/Board, Chief/Manager liaison meeting on April 30, 2019, followed up by a Board Special meeting on May 7, 2019, where a list of “Partnership Opportunities” provided by the Town was reviewed.

City of East Palo Alto:

The City of East Palo Alto new City Manager started on May 1, 2019. Jaime Fontes is the former City Manager of Greenfield, a City in Monterey. He is said to have experience in complex

projects related to real estate, waste water treatment and financial ratings. We have not met yet but hope to do so in the near future.

City of Menlo Park:

The Fire District and Firefighters Association helped to host and sponsor the Cities annual Easter Egg Hunt held on Saturday April 20, 2019.

The City Manager and I met and reviewed many of the topics related to the discussions between the Board and Council regarding improving and maintaining emergency response routes and times, modifying non-compliant speed control humps, lumps and bumps, evacuation signaling, the community classroom concept which directly serves individual neighborhoods with a direct customer preparedness focus and a HAWK crossing beacon in front of Station 1 and other issues.

We held a follow-up Council/Board, Chief/Manager liaison meeting on April 30, 2019, followed up by a Board Special meeting on May 7, 2019, where a list of “jointly prioritized items” provided by the City Manager, was reviewed and discussed.

I have a meeting with the Police Chief scheduled for next week.

San Mateo County:

A considerable amount of time has been spent on the review and discussion associated with Emergency Medical Services (EMS) for a new proposed 5 – 10 year private ambulance provider agreement and new compatriot Fire Paramedic First Responder Advanced Life Support (ALS), “Designation” agreement along with the update of the Dispatch and Automatic Aid Agreements.

Due to the evolving nature of this topic, this will be covered as a Board reportable item at the meeting.

San Mateo County Fire Chiefs:

The County Fire Chiefs met on May 1, 2019 and again discussed the new revised draft Paramedic First Response “Designation” agreement that was sent by the EMS JPA on March 15, 2019, from the County EMS Agency. A sub-committee consisting of the field EMS Supervisors and other subject matter experts was formed to address the areas of improvement related to the proposed draft agreement.

Ultimately, the Chiefs proposed:

- Completely abandoning the new 30 page agreement and using the existing 10 page agreement with certain modifications.
- Designating 61 First Response Units (FRU’s) for equipment only purposes and above the designated current contractual 52 FRU’s.

- Allowing all agencies to be represented as their own EMS Manager if desired, at no cost to the EMS JPA, if they desired, based upon the Fire District's specific request to support their existing Managers position and related actual responsibilities and current activities.

Woodside Fire Protection District:

Several of the Chief officers and I attended the change of command ceremony for outgoing Fire Chief Dan Ghiorso and in-coming Chief Robert Linder.

SLAC National Accelerator and Laboratory's:

The District conducted an academy confined space training and an updated operational orientation for the entire campus and site with all front line personnel. I will be meeting with them next week to begin discussions on a contract renewal, which terms out early 2020.

Facebook:

Facebook has proposed working together on the "Great Shakeout Event" scheduled on **October 17, 2019**, the 30th anniversary of the Bay Area's Loma Prieta Earthquake.

Facebook has released their "Willow Campus" proposal for a completely new 59 Acre Campus design. The report can be found on the City of Menlo Park's Council Agenda for May 7, 2019, as agenda item SS-1 – Staff Report 19-084-CC.

The District has received impact fees for Facebook **Building 22** in the amount of **\$345k**, which was applied to the reimbursement for Truck 2. The specific report is included in this packet.

Emergency Radio Communications Evaluation:

I spent most of a day driving a communication engineer around the Fire District and discussing options for radio infrastructure improvements, advancements, redundancy and resiliency.

Board related meetings:

President Kiraly and Vice President Jones:

We met to discuss and establish the May Fire Board Agenda.

END

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

FROM: Fire Marshal Jon Johnston

MEETING DATE: May 14, 2019

PREPARED BY: DFM Blach

APPROVED BY: FM Jon Johnston

ITEM: CONSIDER AND APPROVE A RESOLUTION AUTHORIZING THE FIRE CHIEF TO UNDERTAKE THE REMOVAL OF WEEDS AND ABATEMENT OF PUBLIC NUISANCES FOLLOWING A PUBLIC HEARING ON OBJECTIONS AND PROTESTS

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Approve a resolution authorizing the Fire Chief to abate the public nuisances by the removal of seasonal weeds.

BACKGROUND

In accordance with the action taken at last month's Board Meeting, letters were sent to property owners of parcels with weeds (flammable vegetation) that were visible from the street. The property owners are given until June 1, 2019 to abate the fire hazard, by cutting down, mowing, discing, plowing or any other safe means of removing the weeds.

DISCUSSION

Pursuant to Health & Safety Code Section 14898, time is to be allowed at this meeting for owners of parcels who received a "Notice to Destroy Weeds" letter, to come before the Board during the public hearing and provide any testimony or public objections regarding the Fire District declaring their property(s) a public nuisance created by the seasonal weeds. The Board, after conducting the public hearing, may allow or overrule any and all objections from property owners. Once the Board acts, its decision is final. Upon approval of the attached Resolution, the Fire District will be authorized to proceed with actions that will abate the public nuisance and reduce the fire hazard created by the seasonal weeds, if the property owner has not already done so by June 1, 2019.

FISCAL IMPACT

There is no fiscal impact on the Fire District. If the Fire District is required to abate the public nuisance for the property owner, the Fire District will pass the actual cost of the weed abatement contractor on to the property owner plus an administrative fee for Code Enforcement that is in accordance with the District's fee schedule. Property owners are only charged if the Fire District must correct the public nuisance. Cost recovery is provided through a property tax lien and collected through the San Mateo County Tax Assessor's Office.

ATTACHMENT

A. Resolution

Resolution No. XXXX-2019

RESOLUTION OF THE MENLO PARK FIRE PROTECTION DISTRICT BOARD OF DIRECTORS AUTHORIZING THE FIRE CHIEF TO UNDERTAKE THE REMOVAL OF WEEDS AND ABATEMENT OF PUBLIC NUISANCES

WHEREAS, on April 16, 2019 the District Board adopted Resolution 2003-2019 “Resolution of the Menlo Park Fire Protection District Board of Directors Declaring Seasonal Weeds a Public Nuisance”; and

WHEREAS, pursuant to the Resolution and the provisions of Health & Safety Code Section, 14896, a notice was mailed to all interested persons in the manner required by law, will conduct a public hearing to hear and consider protests or objections, if any, to the District’s intention to abate the nuisance created by the weeds growing upon or in front of the properties identified in the Resolution; and

WHEREAS, on May 14, 2019 the District Board conducted the public hearing in the manner required by law; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Directors for the Menlo Park Fire Protection District hereby accepts the report as submitted approving the following:

1. Except as set forth in Exhibit A annexed to this Resolution, all protests and objections, if any, are disallowed and overruled.
2. The Fire Chief is directed to undertake abatement of the nuisances described in this Resolution and to cause all the weeds to be removed. In doing so, he and his employees and/or contracting agents, and/or the representatives of any of them, are authorized to enter upon the properties referred to in the Resolutions for those purposes. The expense of abatement shall be determined, noticed, heard, reported and decided in accordance with the provisions of Health & Safety Code Sections 14905 et seq., and 14915 et seq. and such other provision of law as may be applicable.
3. To the extent superseded by or inconsistent with this Resolution, the provisions of any antecedent resolutions of the District Board are hereby rescinded.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the Board of Directors of the Menlo Park Fire Protection District at its regular meeting held on the 14th day of May 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Michelle Kneier, Clerk of the Board

Virginia Chang Kiraly, Board President

Exhibit A

All protests and objections:

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors
FROM: Administrative Services

MEETING DATE: May 14, 2019
PREPARED BY: Long Lam
APPROVED BY: Kathleen Jackson

ITEM: ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED MARCH 31, 2019 (UNAUDITED)

RECOMMENDATION

It is recommended that the Board of Directors accept the report as presented.

EXECUTIVE SUMMARY

There were no unusual transactions to report for the month of March 2019. The District's significant cash inflows and outflows for the month of March were:

Significant Cash Inflows:

The notable revenues received for the month of March were for Property Tax Secured in the amount of \$2,152,705, Property Tax SB813 in the amount of \$365,868, and Property Tax Unsecured in the amount of \$19,108.

Significant Cash Outflows:

The significant disbursements in the month of March were for two payrolls and CalPERS related expenditures totaling \$2,792,897.

DISCUSSION

The District's cash balances are distributed among several operating and restricted funds. These funds include the General fund, the Debt Service funds, the Capital Project funds, the FEMA Co-Op funds, and the Other Post-Employment Benefits (OPEB) Trust fund. Note that the Debt Service Funds contain both operating and restricted cash balances.

As of March 31, 2019, the District had a total pooled operating cash balance of \$57,318,117. These funds less the petty cash fund, are deposited at two different fiscal agents. In addition, the District has \$7,216,420 in restricted cash. The bank reconciliations have been completed through March 31, 2019.

The following table provides an overview of the cash accounts:

Agent	Designation	Unaudited Amount	% of Investment/Deposit	% of Total Cash	Yes/No Interest Rate Risk*
Operating Cash:					
LAIF	Investment Account	\$ 31,677,910	55.26%	49.09%	No
Bank of America	General Banking	22,592,840	39.42%	35.01%	No
Bank of America	Compensation and Benefits	1,259,065	2.20%	1.95%	No
Bank of America	Merchant Deposits	1,781,637	3.11%	2.76%	No
Cash with Depository	Philanthropic Venture Foundation	1,015	0.00%	0.00%	No
Petty Cash Funds	Deployment and General Use	5,650	0.01%	0.01%	No
Total Operating Cash Balance***		\$ 57,318,117	100.00%	88.82%	
Agent	Designation	Unaudited Amount	% of Investment/Deposit	% of Total Cash	Interest Rate Risk*
Restricted Cash:					
Bank of New York **	Lease Financing Reserve Fund	\$ 1,107,007	15.33%	1.72%	No
Innovative Claims Solution	Workers' Comp. Trust Fund	33,020	0.46%	0.05%	No
US Bank	Restricted CIP Fund	385,769	5.35%	0.60%	No
PARS/U.S. Bank	OPEB Trust Fund	5,690,624	78.86%	8.81%	Yes
Total Restricted Cash Balance		\$ 7,216,420	100.00%	11.18%	
Grand Total Cash Balance		\$ 64,534,537			

* Based on GASB Statement No. 40, Deposit and Investment Risk Disclosures, governments should disclose information as to how sensitive their investments are to changes in interest rates which can adversely affect the fair value.

** Bank of New York is the District's Bond trustee. However, the bond reserves are deposited in five CD's, at Exchange Bank, GE Capital, Goldman Sachs, Barclays Bank, and Webster Bank. The funds are FDIC insured up to \$250,000 per financial institution.

***The District is in compliance with its investment policy and has adequate cash flow to meet the District's needs for the next six months.

Fund Balances: The following table presents the ending fund balances for the General Fund, the Capital Improvement Projects Funds, and the Debt Service Funds as of March 31, 2019. The total fund balance of \$59,074,523 is the difference between assets and liabilities.

Fund Balance Classifications	General Fund	Capital Improvement Projects	Debt Service	Total
Nonspendable:				
Prepaid Apparatus	\$ 345,650	\$ -	\$ -	\$ 345,650
Total Nonspendable Fund Balances	345,650	-	-	345,650
Restricted for:				
Debt Service	-	-	1,107,007	1,107,007
Total Restricted Fund Balances	-	-	1,107,007	1,107,007
Committed to:				
Budgetary Deficit	18,128,125	-	-	18,128,125
FEMA Deployments	3,000,000	-	-	3,000,000
Apparatus	1,824,231	-	-	1,824,231
Equipment Replacement	2,224,381	-	-	2,224,381
Debt Service	-	-	1,816,875	1,816,875
Development Contribution	-	825,690	-	825,690
Special Operations Warehouse	-	1,296,561	-	1,296,561
Admin/Fire Prevention	-	327,525	-	327,525
Station 1	-	8,392,373	-	8,392,373
Station 2	-	290,232	-	290,232
Station 3	-	525,000	-	525,000
Station 4	-	3,180,295	-	3,180,295
Station 5	-	37,800	-	37,800
Station 6	-	198,716	-	198,716
Station 77	-	488,459	-	488,459
Total Committed Fund Balances	25,176,737	15,562,651	1,816,875	42,556,263
Assigned to:				
Encumbrances (Purchase Orders)	-	-	-	-
PERS-Future PERS Payments	1,145,503	-	-	1,145,503
General Services	1,411,252	-	-	1,411,252
Workers' Compensation	5,335,000	-	-	5,335,000
Compensated Absences	3,174,383	-	-	3,174,383
Total Assigned Fund Balances	11,066,138	-	-	11,066,138
Unassigned to:				
General Fund	3,999,465	-	-	3,999,465
Total Unassigned Fund Balances	3,999,465	-	-	3,999,465
Total Fund Balances (Unaudited)	\$ 40,587,990	\$ 15,562,651	\$ 2,923,882	\$ 59,074,523

Outstanding Debt: On December 1, 2009, the Board of Directors adopted Resolution No. 1347-2009, approving the December 8, 2009 issuance of \$3,055,000 Menlo Park Fire Protection District Certificates of Participation Series 2009A, and \$8,935,000 Certificates of Participation Series 2009B (Build America Bonds) with interest rates between 2.0% - 7.3%. Lease payments (Debt Service payments) are due on August 1st, and February 1st, each fiscal year, which began August 1, 2010, with maturity date of 2039. Series 2009A final maturities, with 5% coupons, due August 1st, 2019, 2020, 2021 and 2022, totaling \$1,270,000 are callable on August 1, 2019 at a price of 100 (par value).

The following table presents the outstanding debt balance of the District as of March 31, 2019. The total debt balance of \$19,152,398 consists of the remaining interest and principle balances.

Debt Service Payment Schedule Summary				
Payment Date	Coupon	Interest	Principal	Balance
8/1/2019-8/1/2039	4.0%-7.288%	\$ 8,947,398	\$ 10,205,000	\$ 19,152,398

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: May 14, 2019

FROM: Administration Division

PREPARED BY: Jon Hitchcock

APPROVED BY: Harold Schapelhouman

ITEM: CONSIDER AND APPROVE A RESOLUTION ACCEPTING THE WORK BY GONSALVES AND STRONCK CONSTRUCTION CO. INC. FOR THE FIRE STATION 6 CAPITAL IMPROVEMENT PROJECT AND DIRECTING THE FILING OF THE NOTICE OF COMPLETION

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Approve a Resolution accepting the work by Gonsalves and Stronck Construction Co. Inc. for the Fire Station 6 Capital Improvement project and directing the filing of the Notice of Completion.

BACKGROUND

The Board of Directors awarded a contract to Gonsalves and Stronck Construction Co., Inc., on October 18, 2016. The Contractor was then issued the Notice to Proceed with a start date of November 14, 2016. Work performed by Gonsalves and Stronck Construction Co., Inc. for the Fire Station #6 project located at 700 Oak Grove Avenue, Menlo Park ("Project") consisted of the demolition of the existing fire station and adjacent residential home, the construction of a new two story fire station and an engine display building, the relocation of the carriage house from fire station 1 as well as other improvements such as an automatic gate, fuel tank and emergency generator.

DISCUSSION

Phase 1 of the Project, construction of the new fire station was completed and occupied in June 2018. Phase 2 of the Project, the construction of the engine display and storage building and relocation of the carriage house was completed in April 2019. The Project was constructed in conformance with the contract documents and both the Fire District and the City Building Department has signed off on the Project. Additionally all punch list work has been completed. Therefore, it is recommended that the work be accepted and the Notice of Completion be filed and recorded with the County of San Mateo.

FISCAL IMPACT

At the October 2016 Board meeting, the Board approved the project budget of \$10,400,000 which excludes the cost to purchase the property located at 1231 Hoover Street. Upon approval of this report and filing of the notice of completion the District will issue final payment to the Contractor and release retention. The Project has been completed under budget by \$372,738. Change orders on the project totaled \$280,350 or 3.71% of the construction contract, of which \$128,305 was due to unforeseen soil conditions. In comparison, Fire Station 2 had change orders totaling 9.15% of its construction contract. The overall reduction in change orders can be associated with the added time spent reviewing the construction documents for errors and omissions prior to permitting. The following table provides a detail of the expenditures in a fiscal year presentation format.

Station 6	Budget Estimate	Prior Years	FY 18-19	Encumbered	Total	Remaining Balance
Design Fees	\$ 842,026	\$ 817,078	\$ 11,875	\$ -	\$ 828,953	\$ 13,073
Plan Check & Environmental Review Fees	261,693	\$ 237,014	787	-	\$ 237,801	\$ 23,891
Project Management Fees	730,916	\$ 642,926	87,990	-	\$ 730,916	\$ 0
Construction Fees	7,547,400	\$ 6,079,766	982,932	100,000	\$ 7,162,698	\$ 384,703
Retention Held	-	\$ -	-	384,703	\$ 384,703	\$ (384,703)
Administration and Legal Fees	78,265	\$ 57,055	74	-	\$ 57,129	\$ 21,136
*Furniture, Equipment, Temp. & Signage	253,728	\$ 216,384	(1,362)	-	\$ 215,021	\$ 38,707
Special Inspection, Engineering and Utility	183,000	\$ 159,855	(30,163)	-	\$ 129,692	\$ 53,308
Change Orders	502,973	\$ 235,084	11,566	33,700	\$ 280,350	\$ 222,623
Subtotal	\$ 10,400,000	\$ 8,445,161	\$ 1,063,699	\$ 518,402	\$ 10,027,262	\$ 372,738
**Building & Land Purchase	1,508,302	\$ 1,508,302	-	-	\$ 1,508,302	\$ -
Grand Total	\$ 11,908,302	\$ 9,953,464	\$ 1,063,699	\$ 518,402	\$ 11,535,565	\$ 372,738

*Includes costs associated with modifications to the Hoover lot. These costs include paving, repairs, alerting system installation, construction of a storage room for turnouts, etc.

**Not included in the budget estimate.

ATTACHMENT

A. Resolution

B. Exhibit 1: Notice of Completion

Resolution No.

RESOLUTION OF THE MENLO PARK FIRE PROTECTION DISTRICT BOARD OF DIRECTORS ACCEPTING THE WORK BY GONSALVES AND STRONCK CONSTRUCTION CO. INC. FOR THE FIRE STATION 6 CAPITAL IMPROVEMENT PROJECT AND DIRECTING THE FILING OF THE NOTICE OF COMPLETION

WHEREAS, the Board of Directors received a report from the Fire Chief requesting that the Board of Directors direct the filing of the Notice of Completion for the Fire Station 6 construction project; and

WHEREAS, the notice to proceed was issued to the General Contractor which directed Gonsalves and Stronck Construction Co., Inc., to start work on November 14, 2016; and

WHEREAS, it appears to the District's Board of Directors and the Fire Chief that said work for the project known as the **Menlo Park FPD – Fire Station No. 6**, located at 700 Oak Grove Avenue, Menlo Park, situated in San Mateo County, California, has been completed and was provided and performed under and pursuant to the contract documents; and

WHEREAS, the Board of Directors accepts the work by Gonsalves and Stronck Construction Co., Inc. for the Fire Station 6 Capital Improvement project and directs the filing of the Notice of Completion; and

WHEREAS, the Board of Directors accepts the report as submitted; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Menlo Park Fire Protection District that:

1. Acceptance of said work subject to reservation of all District's rights arising from any defective workmanship and/or materials not observed during construction being hereafter discovered and becoming known to the District; and
2. The District's Clerk to have notarized and file for record with the County Recorder of the County of San Mateo, the Notice of Completion (Exhibit 1) thereof, as required by law.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the Board of Directors of the Menlo Park Fire Protection District at its meeting held on the 14th day of May 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTESTED:

Michelle Kneier, Clerk of the Board

Virginia Chang Kiraly, Board President

Recorded at Request of and
When Recorded Return to:

Menlo Park Fire Protection District
170 Middlefield Road
Menlo Park, CA 94025

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the owner of the hereinafter described real property.
2. The full name and address of the undersigned owner is:

Menlo Park Fire Protection District
170 Middlefield Road
Menlo Park, CA 94025

3. On the _____ day of May 2019, there was completed and accepted by the Board of Directors of the Menlo Park Fire Protection District upon the hereinafter described real property a work of improvement known as a whole as the **Menlo Park FPD – Fire Station # 6 Rebuild** project located at 700 Oak Grove Avenue, Menlo Park CA. 94025. The work consisted of the demolition and rebuild of Fire Station #6, the construction of an engine display building and the relocation of a carriage house.

4. The name of the General Contractor for the work of improvement as a whole was:

Contractor	Address
Gonsalves and Stronck Construction Company Inc.	1000 Washington Street, San Carlos, CA 94070-5319

5. The real property herein referred to is situated in the City of Menlo Park, County of San Mateo, State of California. The street address of said property is 700 Oak Grove Avenue, Menlo Park CA. 94025.

VERIFICATION

I, the undersigned, say:

I am the Fire Chief of the Menlo Park Fire Protection District, owner of the real property referred to in the Notice of Completion. I have read the Notice of Completion and know the contents thereof. The facts stated therein are true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May _____, 2019 at Menlo Park, California.

Owner: Menlo Park Fire Protection District

By _____

Harold Schapelhouman, Fire Chief

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: May 14, 2019

FROM: Board President

PREPARED BY: Michelle Kneier

**ITEM: APPROVE REVISED COMMITTEE AND LIAISON APPOINTMENTS FOR
CALENDAR YEAR 2019**

RECOMMENDATION

It is recommended that the Board of Directors approve a revision to the Committee and Liaison appointments for calendar year 2019, replacing Director McLaughlin with Director Silano as liaison to County of San Mateo, District 3.

ATTACHMENTS

A. Proposed Committee and Liaison assignments for calendar year 2019 - redline

PROPOSED REVISIONS

COMMITTEE/LIAISON ASSIGNMENTS 2019

<u>COMMITTEE ASSIGNMENTS</u>	
Finance Committee Virginia Chang Kiraly - Chair Chuck Bernstein Resident Representative – Sean Ballard	Emergency Preparedness Robert Jones - Chair Rob Silano Resident Representative - Vacant
Human Resources Committee Robert Jones – Chair Jim McLaughlin Resident Representative - Vacant	Strategic Planning Virginia Chang Kiraly - Chair Jim McLaughlin Resident Representative - Vacant

<u>LIAISON APPOINTMENTS</u>	
Town of Atherton Virginia Chang Kiraly Jim McLaughlin	City of East Palo Alto Virginia Chang Kiraly Robert Jones
City of Menlo Park Virginia Chang Kiraly Chuck Bernstein	County of San Mateo – District 3 Virginia Chang Kiraly Jim McLaughlin <u>Rob Silano</u>
San Mateo Pre-Hospital Emergency Medical JPA Jim McLaughlin	County of San Mateo – District 4 Virginia Chang Kiraly Rob Silano
San Mateo County LAFCo, CSDA Rob Silano	San Francisquito Creek JPA Robert Jones

<u>San Mateo County (Non-Legislative Elected Offices)</u>
District Attorney, Treasurer, Sheriff, Coroner, and Assessor Fire Chief

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors
FROM: Administrative Services

MEETING DATE: May 14, 2019
PREPARED BY: Long Lam
APPROVED BY: Kathleen Jackson

ITEM: APPROVE THE FY 2019-20 PROPOSED BUDGET AND THE FULL TIME EQUIVALENT (FTE) STAFFING LEVEL

RECOMMENDATION

That the Board of Directors:

1. Accept the report as presented; and
2. Approve the FY 2019-20 Proposed Budget and full time equivalent (FTE) staffing level.

FINANCE COMMITTEE RECOMMENDATION

At the Finance Committee meeting held on May 7, 2019, the committee reviewed the FY 2018-19 Proposed Budget and recommended forwarding to the full Board of Directors.

BACKGROUND

The budget establishes a guideline for the anticipated revenues and operating expenditures to ensure that inflows of resources will be adequate to support the delivery of services based on established priorities. It provides a logical structure to organize various program costs, projects and other expenses, as well as a sound system for control of the District's revenues and expenditures. State law requires that the District adopt a budget prior to the beginning of each fiscal year. The budget is prepared in accordance with Generally Accepted Accounting Principles (GAAP) and conforms to Governmental Accounting Standard Board (GASB) guidelines.

DISCUSSION

The District uses fund accounting to ensure and demonstrate compliance with GASB. The District's finances are accounted for within four major fund categories or types: the General Fund, the Capital Improvement Projects (CIP) Fund, the Debt Service Fund, and the Urban Search and Rescue (US&R) Federal Emergency Management Agency (FEMA) Special Revenue Fund.

The purpose of each major fund is described below:

- **General Fund** – The General Fund is the general operating fund of the District. It is used to account for all financial resources of the District except those required to be accounted for in another fund.
- **Capital Improvement Projects Fund (CIP)** - The CIP Fund is used for acquisition of property, renovation or complete rebuild of the District’s seven Fire Stations, Administration and Fire Prevention Offices, Annex Building, Special Operations Warehouse, and properties on 28 Almendral Ave., 2110 Valparaiso and 1457 Chilco. Included in the CIP funds is a separate fund, “**Development Contributions.**” This fund was created and is used specifically to account for monies received for the impact on District services associated with new developments. This fund is committed to being spent on impact mitigation, which may include fire station rebuild/improvements, additional apparatus and/or equipment, or other non-personnel requirements due to developments within the District boundaries.
- **Debt Service Fund** – The Debt Service Fund is used to account for accumulation of resources and payments made for the principal and interest on the District’s long-term debt.
- **US&R (FEMA) Special Revenue Fund** –US&R (FEMA) Special Revenue Fund is used to account separately for Federal Emergency Management Agency (FEMA) grant funds received and disbursed for the Urban Search and Rescue, California Task Force 3 (CA-TF3).

This staff report will focus on FY 2019-20 proposed budgets for the General Fund, the Capital Improvement Projects Fund, and the Debt Service Fund. The US&R Special Revenue Fund’s FY 2019-20 Proposed Budget will not be discussed in this report as it is presented in a separate report to the Board by the US&R Management team.

The Board approved a conservative estimated growth rate of four percent (4%) for secured property tax revenue in FY 2019-20. Total property tax represents approximately eighty-seven (87%) percent of the District’s overall revenues.

EXECUTIVE SUMMARY

The table below provides a summary of the FY 2019-20 proposed budget for all fund groups. The District is projecting a beginning fund balance of \$59.5 million and estimated ending fund balance of \$58.2 million for FY 2019-20. The net fiscal impact is an estimated decrease in the year-end fund balance of \$1.2 million.

Menlo Park Fire Protection District						
Fiscal Year 2019-20 Proposed Budget Summary						
	Estimated Fund Balance as of 7/1/2019	Estimated Unaudited Revenues	Estimated Unaudited Expenditures	Apparatus Reserve and Equipment Reserve Transfer In / (Out)	Operating Transfer In / (Out)	Estimated Unaudited Fund Balance @ 6/30/20
General Fund	\$ -	\$60,265,046	\$(57,564,946)	\$ 1,750,000	\$(4,450,100)	\$ -
GF Fund Balance*	36,263,596	-	-	(1,750,000)	-	34,513,596
Debt Service	3,027,278	227,000	(1,001,210)	-	950,100	3,203,168
Capital Improvement Projects	20,172,122	-	(3,157,800)	-	3,500,000	20,514,322
Total	\$ 59,462,996	\$60,492,046	\$(61,723,956)	\$ -	\$ -	\$ 58,231,086

***Note:** The GF Fund Balance is projected to decrease by \$1.75 million in reserve. This is due to FY 2019-20 usage of \$1.0 million from the Apparatus Reserve and \$1.0 million from the Equipment Replacement reserve. The General Fund Reserve, transfer is offset by the transfer of \$0.25 million into Apparatus Reserve to offset depreciation experienced on the new Apparatus, and to begin rebuilding the reserves for apparatus replacement as the, now, new engines, etc. need replacement.

FY 2019-20 GENERAL FUND FISCAL ACTIVITY

The General Fund is the District's primary fund and is used to budget and report the results of day-to-day operations and transfers to other funds, as needed. The following table presents the General Fund's budget summary with a multi-year comparison. It provides a summary of the FY 2017-18 audited actual, FY 2018-19 amended budget, FY 2018-19 estimated actual and the FY 2019-20 proposed budget.

General Fund Budget Summary					
Fiscal Year 2019-20 Proposed Budget					
	2017-18 Actual Amount	2018-19 Amended Budget	2018-19 Estimated Actual	2019-20 Proposed Budget	Proposed vs. Est. Actual Increase/(Decrease)
Revenues					
Property Taxes	\$ 46,754,299	\$ 48,447,403	\$ 51,948,977	\$ 52,565,931	\$ 616,954
Other Operating Revenues	6,944,321	5,962,733	7,730,031	7,699,115	(30,917)
Total Revenues	\$ 53,698,620	\$ 54,410,136	\$ 59,679,008	\$ 60,265,046	\$ 586,037
Expenditures					
Wages and Benefits	\$ 30,773,425	\$ 35,790,553	\$ 33,272,015	\$ 41,708,908	\$ 8,436,893
Other Operating Expenditures	8,772,764	14,494,961	12,415,361	12,356,038	(59,323)
Extra-Ordinary Expenditures					
CalPERS (UAL)*	4,423,826	3,550,245	3,500,000	3,500,000	-
Total Expenditures	\$ 43,970,015	\$ 53,835,759	\$ 49,187,376	\$ 57,564,946	\$ 8,377,570
Operating Transfers					
Transfer In : use / (reserve)	\$ (1,149,895)	\$ 4,816,723	\$ 28,610	\$ 1,750,000	\$ 1,721,390
Transfer Out	(8,550,100)	(5,391,100)	(10,520,243)	(4,450,100)	6,070,143
General Fund Total Surplus/ (Deficit)	\$ 28,610	\$ -	\$ -	\$ -	\$ -

***Note:** The CalPERS Unfunded Actuarial Liability (UAL) payment has been presented under "Extra-Ordinary Expenditures" for simplicity and clarity.

The table above shows General Fund estimated revenues of \$60.3 million which includes the property tax revenue estimate of \$52.6 million and other operating revenue estimate of \$7.7 million. In addition, the General Fund operating reserve transfer for FY 2019-20 totals \$1.75 million, which is comprised of \$1.0 million from Apparatus Reserves and \$1.0 from Equipment Replacement Reserves and \$0.25 million "Transfer In" to Apparatus Reserve. The table shows

General Fund proposed expenditures of \$57.6 million, which includes estimated expenditures on wages and benefits of \$41.7 million, other operating expenditure estimates of \$12.4 million, and CalPERS UAL expenditure estimates of \$3.5 million. In addition, the total operating transfer out of \$4.5 million, which comprised of \$950 thousand to the Debt Service Fund and \$3.5 million to CIP Fund. The result is a balanced budget for FY 2019-20.

GENERAL FUND REVENUES

The FY 2019-20 estimated property tax revenue represents approximately eighty-seven percent (87%) of the District's overall revenues and the other operating revenues represent the remaining thirteen percent (13%).

Property Taxes – Per Fire Board direction, staff conservatively budgeted the General Fund's property tax revenues to be approximately \$52.6 million. The increase is roughly \$0.6 million in combined property tax-related revenues over the FY 2018-19 estimated actual.

The FY 2019-20 Proposed Property Tax revenue budget is summarized below:

General Fund Property Tax Revenues Budget Summary Fiscal Year 2019-20 Proposed Budget					
Property Tax Revenues	2017-18 Actual Amount	2018-19 Amended Budget	2018-19 Estimated Actual	2019-20 Proposed Budget	Proposed vs. Est. Actual Increase/(Decrease)
Property Tax Secured	\$ 45,031,743	\$ 46,771,453	\$ 48,848,496	\$ 50,802,436	\$ 1,953,940
Property Tax Unsecured	2,056,988	2,272,713	2,633,473	2,791,481	158,008
Property Tax SB813	1,378,504	1,445,961	1,445,961	1,532,719	86,758
Unitary Tax	280,681	293,733	296,868	314,680	17,812
ERAF Rebate	3,618,237	3,500,000	4,854,007	3,500,000	(1,354,007)
Less ERAF Shift	(5,611,854)	(5,836,457)	(6,129,828)	(6,375,385)	(245,557)
Total Property Tax Revenues	\$ 46,754,299	\$ 48,447,403	\$ 51,948,977	\$ 52,565,931	\$ 616,954

Description of property tax purpose:

- **Secured Property Tax** - Secured taxes are calculated based upon the value of real property, land, and personal property, such as structures, located on real property. Secured property is taxed at a general rate of one percent of the assessed value. These taxes make up the majority, or approximately eighty-five percent (85%) of the District's total property tax revenues each fiscal year. The District receives an incremental portion of these taxes throughout the fiscal year. The revenue growth rate was set by the Finance Committee and approved by the Board at four percent (4%) for FY 2019-20.
- **Unsecured Property Tax** – Unsecured taxes are assessed against movable personal property such as business equipment, boats, and airplanes. The tax is considered unsecured because any tax not paid results in a lien filed against the owner of the property, not the property itself. Staff conservatively projected the revenue growth rate at six percent (6%) for FY 2019-20.

- ***Supplemental Senate Bill 813*** – SB 813, also known as the Hughes-Hart Educational Reform Act of 1983, originally was designed to close a perceived loophole in Proposition 13 and generate much needed additional funding for schools. The new law established a “floating lien date,” and prevented property owners from delaying the taxation of their properties at the higher assessed value. After the first year, the revenue generated by SB 813 is distributed to all local governments that receive property tax revenues. Staff conservatively projected the revenue growth rate at six percent (6%) for FY 2019-20.
- ***Unitary Tax*** - Unitary taxes cover such entities as railroads, electric, gas, telephone, and automobile companies. The State Board of Equalization assesses the value of these companies’ operations and establishes a countywide tax rate system. Staff conservatively projected the revenue growth rate at six percent (6%) for FY 2019-20.
- ***ERAF Rebate*** - In October of 2003, the San Mateo County Controller announced that there would be a refund to local tax receiving agencies from excess funds in the ERAF trust. These refunds are primarily a result of the local tax base increasing at a rate faster than the increase in the funding limits of the schools and community colleges. In FY 2018-19, the District received \$4.8 million in ERAF rebate from San Mateo County. Based on the historical trend of receiving the ERAF rebate, the District factored the projected revenue of \$3.5 million into the FY 2019-20 proposed budget. These funds are budgeted specifically as a transfer to the Capital Improvement Project Fund to help pay for rebuilding Fire Stations.
- ***ERAF Shift*** - One of the most significant fiscal shifts in property tax revenue from the District by legislative action is the ERAF shift. The State passed into law two tax shifts, ERAF I (FY 1992-93) and ERAF II (FY 1993-94), which shifted local AB8 property tax revenues from counties, cities, special districts, and redevelopment agencies to K-12 schools and community colleges. The ERAF shift is projected to be \$6.4 million that the San Mateo County Treasurer-Tax Collector withholds from the District’s property tax revenues (Shift), in FY 2019-20. The FY 2019-20 ERAF Shift projection is based on approximately twelve percent (12%) of property tax revenues including Secured, Unsecured and Homeowner Property Tax Relief.

Other Operating Revenues – The other operating revenue is budgeted at \$7.7 million, which represents approximately 13 percent of the District’s overall FY 2019-20 proposed revenue budget.

The FY 2019-20 proposed other operating revenues budget is summarized below:

General Fund Other Operating Revenues Budget Summary						
Fiscal Year 2019-20 Proposed Budget						
Other Operating Revenues	2017-18 Actual Amount	2018-19 Amended Budget	2018-19 Estimated Actual	2019-20 Proposed Budget	Proposed vs. Est. Actual Increase/(Decrease)	
Licenses and Permits	\$ 1,021,287	\$ 1,198,869	\$ 1,176,006	\$ 1,223,046	\$ 47,040	
Current Service Charges	682,533	684,939	684,452	851,530	167,079	
Use of Money and Property	622,861	628,423	929,017	997,135	68,118	
Intergovernmental	4,463,211	3,322,895	4,702,143	4,379,453	(322,690)	
Other Revenues	154,429	127,607	238,413	247,950	9,537	
Total Other Operating Revenues	\$ 6,944,321	\$ 5,962,733	\$ 7,730,031	\$ 7,699,115	\$ (30,917)	

- **Licenses and Permits** – Licenses and permits revenues are projected at \$1.2 million, which is an increase of approximately \$47 thousand over the FY 2018-19 estimated actual. License and permit fees are collected for services provided by the District's Fire Prevention Bureau for fire code construction plan reviews, fire code inspections, various permits, weed abatement and various licensing fees. In FY 2019-20, staff is projecting that revenue will stabilize and increase slightly over the FY 2018-19 estimated actual due to new developments within the District's jurisdiction.
- **Current Service Charges** – Revenue from current service charges is projected at \$851 thousand, an increase of approximately \$167 thousand over the FY 2018-19 estimated actual. The District entered into contract agreements with a few parties, including SLAC and Facebook, to provide fire services out of the normal scope of the District's public services provided. These fixed fees are collected on a monthly and/or annual basis as stated in formal contract agreements between the parties and the District. The two main revenue sources to current service charges are from contract agreements with SLAC National Accelerator Laboratory (\$420 thousand annually) and Facebook (\$407 thousand annually).

The District entered into a contract agreement with SLAC in FY 2014-15, to provide emergency response services. In FY 2016-17, Facebook's new developments in Menlo Park increased the scope and quantity of work for the Fire District due to inspection and plan check activities for various projects; thus, Facebook agreed to fund 100% of the fully burdened cost of a Safety Fire Inspector and 50% of the fully burdened cost of a Plan Checker for an initial term of two years. In FY 2018-19, Facebook agreed to provide funding in the amount of \$150 thousand for a position of Public Service Emergency Assistant at the Fire District which would provide services to Facebook and the community under the control and direction of the Fire District for a duration of 3 years.

- **Use of Money and Property** – Use of money and property revenues are projected to be \$1.0 million. The projected increase is \$68 thousand more than the FY 2018-19 estimated actual. Use of money and property revenue is generated from interest earnings and rent from District leased properties and cell site rent. The increase is mainly due to the increase in interest earnings and full year of rent for the Special Operations Warehouse and house on Valparaiso Ave. The rental income from Metro Mobile/PCS, cell site rental

on Station One, is the last remaining cell site agreement, which will be ending FY 2020/21.

- **Intergovernmental** – Intergovernmental revenue is projected at \$4.4 million, a decrease of \$323 thousand over the FY 2018-19 estimated actual. The District’s proposed budget for intergovernmental revenues consists of Homeowner’s Property Tax Relief (HOPTR) \$235K, Redevelopment Agency pass-through \$3.9 million, and Joint Power Authority (JPA) paramedic services, \$248K. These three sources of revenues are projected to increase by a combined total of 4 percent over the FY 2018-19 estimated actual.
- **Other Revenue** – Other revenue is projected to be \$248 thousand, an increase of 4 percent over the FY 2018-19 estimated actual. This revenue consists of annual emergency preparedness services provided to San Mateo County and other miscellaneous revenue. Staff conservatively projected a moderate increase from the FY 2018-19 estimated actual based on historical data.

GENERAL FUND EXPENDITURES

The FY 2019-20 General Fund proposed expenditures budget is projected to increase by approximately \$7.9 million over the FY 2018-19 estimated actual.

Wages and Compensation: FY 2019-20 estimated wages and compensation expenditures are projected to increase by approximately \$8.4 million over the FY 2018-19 estimated actual. Wages and benefits expenditures represent approximately seventy-three percent (73%) of total projected expenditures for the FY 2019-20 expenditures budget. FY 2018-19 estimated actual is projected at sixty-eight percent (68%).

The proposed FY 2019-20 wages and benefits expenditures budget is summarized below:

Wages and Compensation Expenditures Budget Summary					
Fiscal Year 2019-20 Proposed Budget					
Wages and Compensation	2017-18 Actual Amount	2018-19 Amended Budget	2018-19 Estimated Actual	2019-20 Proposed Budget	Proposed vs. Est. Actual Increase/(Decrease)
Salaries	\$ 17,563,235	\$ 19,555,767	\$ 18,500,566	\$ 22,001,660	\$ 3,501,094
Stipends	1,661,301	1,823,419	1,788,932	2,137,729	348,797
Time @ 1.5 (Overtime)	4,525,504	4,879,681	4,163,740	5,331,960	1,168,220
Retirement	3,642,752	5,698,327	5,229,729	7,420,825	2,191,096
Benefits	3,380,633	3,833,359	3,589,048	4,816,734	1,227,686
Extra-Ordinary Expenditures					-
CalPERS UAL Payment	4,423,826	3,550,245	3,500,000	3,500,000	-
Total Wages and Compensation Expenditures	\$ 35,197,251	\$ 39,340,798	\$ 36,772,015	\$ 45,208,908	\$ 8,436,893

- **Compensation** – Compensation expenditure represents normal salaries, stipends, and benefits for all District’s personnel. Total compensation is projected at \$29.0 million, an

increase of \$5.1 million over the FY 2018-19 estimated actual. The three new Battalion Chief positions are included in the FY 2019-20 Proposed Budget column.

- **Overtime (Backfill)** – Overtime expenditure is projected at \$5.3 million, an increase of \$1.2 million from the FY 2018-19 estimated actual. Overtime expenditures includes project/program work and backfill of firefighters from factors like family leaves, workers compensation injuries, emergency deployments for wildfire, etc. The District's policy is to keep a daily minimum level of staffing positions for the frontline apparatus which is a mandatory function of staffing. The District's daily minimum staffed positions is 32 personnel including one Battalion Chief. The increase in overtime is mainly due to the additional Paid Time Off (PTO) spot included in the IAFF MOU and the new state mandated class requirement for heavy rescue.
- **Retirement** – Expenditures related to retirement are projected at \$7.4 million, an increase of \$2.2 million over the FY 2018-19 estimated actual. The IAFF Local 2400 MOU includes a 3% cost sharing of the employer's rate to be paid by the employee. The CalPERS employer's contribution rate for the Safety Classic and Safety PEPRA groups are budgeted at their actual normal cost rate of 23.654% and 13.786%, respectively, for FY 2019-20. CalPERS employer's contribution rate for the Miscellaneous Classic and PEPRA groups are budgeted at the actual normal cost rate of 13.182% and 6.985%, respectively, for FY 2019-20. See CalPERS UAL below for additional budgeted funds to be transferred to the District's PERS Reserve Fund and paid towards the District's Unfunded Actuarial Liability (UAL).

In FY 2011-12, CalPERS changed its structure from all participant Agencies in one pool (Safety or Miscellaneous) to each Agency having its own liability with the option to pay down, or off, their liability. The Fire District had already paid its share of the Safety Group Side Fund of \$12.5 million over FY 2009-10 and FY 2010-11. Effective July 1, 2015, CalPERS had changed the employer contribution structure. The annual contribution has been separated into the normal cost and the required annual pay down of the unfunded liability portion. The Fire District has continued to make payments to fund its liability: FY 2014-15 \$12 million, FY 2016-17 \$6.2 million, FY 2017-18 \$3.4 million and another payment anticipated by June 30, 2018 of \$4.69. In FY 2019-20, the unfunded liability portion amounts to \$2.6 million for all four CalPERS groups (Safety and Miscellaneous Classic, and Safety and Miscellaneous PEPRA) to be paid prior to the first payroll of July 2019, which was factored into the FY 2019-20 proposed retirement budget.

- **CalPERS (UAL)** - The annual budgeted CalPERS UAL contribution amount is the difference between the employer's contribution rate for the Safety Classic groups at 41% and Safety PEPRA groups at 16%, and the actual normal cost rate of 23.654% and 13.786%, respectively, for FY 2019-20. The Miscellaneous Classic and PEPRA groups' budgeted CalPERS employer's contribution rate is set at 16%, rather than the actual normal cost rate of 13.182% and 6.985%, respectively, for FY 2019-20. The difference between budgeted and actual CalPERS retirement contribution will be set aside in the District's assigned reserve for Future PERS Payment to be used to pay down the Unfunded Actuarial Liability (UAL). As discussed above the District continues to set

aside funds in reserve to help mitigate the impact to the District's future rate increases and payoff of the District's UAL. Paydowns to date made by the District to fund CalPERS Unfunded Actuarial Liability total \$34,101,696 with an additional amount of \$4.69 million anticipated before the end of FY 2018-19.

Other Operating Expenditures: The other operating expenditures is projected to decrease by \$6.1 million over the FY 2018-19 estimated actual.

The FY 2019-20 proposed other operating expenditures budget is summarized below:

Other Operating Expenditures Budget Summary					
Fiscal Year 2019-20 Proposed Budget					
Other Operating	2017-18 Actual Amount	2018-19 Amended Budget	2018-19 Estimated Actual	2019-20 Proposed Budget	Proposed vs. Est. Actual Increase/(Decrease)
Materials and Supplies	\$ 2,535,520	\$ 3,670,368	\$ 3,027,878	\$ 3,250,325	\$ 222,447
Contract Services	3,988,550	5,123,428	4,333,999	5,245,113	911,114
Fixed Assets	2,248,694	5,701,165	5,053,484	3,860,600	(1,192,884)
Operating Transfer Out	8,550,100	5,391,100	10,520,243	4,450,100	(6,070,143)
Total Other Operating Expenditures	\$ 17,322,864	\$ 19,886,061	\$ 22,935,605	\$ 16,806,138	\$ (6,129,467)

- **Services and Supplies** – Services and supplies expenditures are projected at \$8.5 million, an increase of \$1.1 million over the FY 2018-19 estimated actual. Services and supplies expenditures consist of contract services with outside parties, materials for operational uses, supplies for stations/administration uses, and utilities for all District properties.
- **Equipment / Fixed Assets** – Equipment/fixed assets expenditure is classified as purchases in excess of \$5,000. Equipment/fixed assets is projected at \$3.9 million, a decrease of \$1.2 million from the FY 2018-19 estimated actual. As part of the District's overall apparatus replacement plan, there is a need for the purchase of new fire engines, new training props, and LRAD system to replace existing ones and/or to accommodate existing needs. Other fixed assets expenditures includes Unmanned Aerial System, Information Technology and radios equipment.

Operating Transfers: The FY 2019-20 operating transfer out from the General Fund totaled \$4.5 million.

The FY 2019-20 Operating Transfers proposed budget is summarized below:

Operating Transfers Budget Summary Fiscal Year 2018-19 Proposed Budget						
Operating Transfers	2017-18 Actual Amount	2018-19 Amended Budget	2018-19 Estimated Actual	2019-20 Proposed Budget	Proposed vs. Est. Actual Increase/(Decrease)	
Transfer In:						
Transfer in - Reserve to GF Operating Uses	\$ 1,918,876	\$ 4,816,723	\$ 528,610	\$ 2,000,000		1,471,390
Transfer in - GF to Fund Balance Reserve	3,068,771	-	500,000	(250,000)	\$	(750,000)
Total Operating Transfer In	\$ 4,987,647	\$ 4,816,723	\$ 1,028,610	\$ 1,750,000	\$	721,390
Transfer Out:						
Transfer out - GF to Debt Service	\$ (950,100)	\$ (950,100)	\$ (950,100)	\$ (950,100)	\$	-
Transfer out - GF to CIP	(7,600,000)	(4,441,000)	(9,570,143)	(3,500,000)		6,070,143
Total Operating Transfer Out	\$ (8,550,100)	\$ (5,391,100)	\$ (10,520,243)	\$ (4,450,100)	\$	6,070,143

Transfer in – GF to Fund Balance Reserve: The FY 2019-20 General Fund reserve operating transfer in for operational uses total \$2 million (\$1.0 million from Apparatus and \$1.0 million from Equipment reserves) offset with General Fund transfer out to Apparatus Reserve of \$250 thousand to offset depreciation experienced on the new Apparatus, and to begin rebuilding the reserves for apparatus replacement as the, now, new engines, etc. need replacement after approximately 10 years of service or 100 thousand miles. The net difference is \$1.75 million General reserve transfer in for operational uses.

Transfer out – GF to Debt Service and CIP Fund: The FY 2019-20 operating transfer out to the Capital Improvement Projects Fund and Debt Service Fund are: \$3.5 million to the CIP Fund and \$950K to the Debt Service Fund.

CAPITAL IMPROVEMENT PROJECTS (CIP) FUND

There are currently ten Capital Improvement Project (CIP) funds the District uses for tracking capital improvement projects. These cover seven Fire Stations, the Administration Office, the Annex Building, the Special Operations Warehouse, and properties on Almedral Ave., Valparaiso Ave., and Chilco St. The CIP Funds include the District's Development Contribution Fund (impact fees) which house impact fees from developers for new construction within the District's jurisdiction to mitigate the fiscal impact of development.

The FY 2019-20 CIP Fund proposed budget is summarized below:

Capital Improvement Projects Fund Budget Summary						
Fiscal Year 2019-20 Proposed Budget						
	2017-18	2018-19	2018-19	2019-20	Proposed vs. Est. Actual	
	Actual Amount	Amended Budget	Estimated Actual	Proposed Budget	Increase/(Decrease)	
Fund Balance at Beginning of Year	\$ 25,185,625	\$ 12,946,025	\$ 12,946,025	\$ 20,172,122	\$ 7,226,097	
Revenues						
Other Financing Sources	\$ 1,067	\$ -	\$ 546,000	\$ -	\$ (546,000)	
Total Revenues	\$ 1,067	\$ -	\$ 546,000	\$ -	\$ (546,000)	
Expenditures						
Land & Building	\$ 14,861,284	\$ 941,000	\$ 945,158	\$ -	\$ (945,158)	
Construction	4,840,906	1,504,257	1,250,433	2,667,800	1,417,367	
Other Improvements	138,477	1,208,000	443,930	490,000	46,070	
Total Expenditures	\$ 19,840,667	\$ 3,653,257	\$ 2,639,521	\$ 3,157,800	\$ 518,279	
Transfers						
Transfer In - General Fund	\$ 7,600,000	\$ 4,441,000	\$ 9,511,143	\$ 3,500,000	\$ (6,011,143)	
Transfers In/Out - Between CIP	-	541,889	(191,525)	-	191,525	
Total Transfers	\$ 7,600,000	\$ 4,982,889	\$ 9,319,618	\$ 3,500,000	\$ (5,819,618)	
CIP Fund Balance at End of Year	\$ 12,946,025	\$ 14,275,657	\$ 20,172,122	\$ 20,514,322	\$ 342,200	

The FY 2019-20 CIP proposed expenditures budget is projected to be \$3.2 million, which includes \$2.7 million for construction expenditures, including Station 1 and Station 4 architect and design projects, and \$490 thousand in other improvements (Station 2: driveway ramps, Station 3: miscellaneous projects to property on Almendral Ave, and Special Operations Warehouse: structural improvement projects). Operating transfer in from the General Fund is projected to be \$3.5 million.

DEBT SERVICE FUND

In December 2009, authorized by Resolution #1347-2009, the District issued Certificates of Participation Series A and B bonds bearing interest rates between two and seven percent. The Series B bonds were issued as "Build America Bonds" pursuant to the American Recovery Reinvestment Act of 2009. The Series B bonds are not tax-exempt and 35 percent of the interest payable is refundable from the United States Treasury. The annual General Fund transfer of \$950,100 is based on the average annual debt service payment, less two payments which are part of the reserve balance requirement.

FY 2019-20 Debt Service Fund proposed budget is summarized below:

Debt Service Fund Budget Summary Fiscal Year 2019-20 Proposed Budget						
	2017-18 Actual Amount	2018-19 Amended Budget	2018-19 Estimated Actual	2019-20 Proposed Budget	Proposed vs. Est. Actual Increase/(Decrease)	
Fund Balance at Beginning of Year	\$ 2,687,252	\$ 2,853,371	\$ 2,853,371	\$ 3,027,278	\$ 173,907	
Revenues						
Intergovernmental (IRS Interest Exp. Refunds)	\$ 211,127	\$ 212,000	\$ 211,522	\$ 212,000	\$ 478	
Interest - COPS Series A & B	7,627	10,000	12,770	15,000	2,230	
Total Revenues	\$ 218,754	\$ 222,000	\$ 224,292	\$ 227,000	\$ 2,708	
Expenditures						
Fees	\$ 2,950	\$ 3,000	\$ 3,100	\$ 3,200	\$ 100	
Debt Service:						
Principal Payments - COPS Series A & B	270,000	280,000	280,000	295,000	15,000	
Interest - COPS Series A & B	729,785	717,385	717,385	703,010	(14,375)	
Total Expenditures	\$ 1,002,735	\$ 1,000,385	\$ 1,000,485	\$ 1,001,210	\$ 725	
Transfers						
Transfer in COPS Series A	\$ 328,400	\$ 328,400	\$ 328,400	\$ 328,400	\$ -	
Transfer in COPS Series B	621,700	621,700	621,700	621,700	-	
Total Transfers	\$ 950,100	\$ 950,100	\$ 950,100	\$ 950,100	\$ -	
DSF Fund Balance at End of Year	\$ 2,853,371	\$ 3,025,086	\$ 3,027,278	\$ 3,203,168	\$ 175,890	

The FY 2019-20 proposed revenue budget is projected to be \$227K (\$212K from IRS rebate and \$15K from interest earned by the investment of the reserve funds held by the Fiscal Agent). In addition, there is an annual transfer in of \$950K to be used specially to offset the Debt Service payment for FY 2019-20. The proposed expenditures budget is projected at \$1 million which is mainly due to principal (\$295K) and interest (\$703K) payments.

ATTACHMENT

A. Full-Time Employees Listing



Menlo Park Fire Protection District

Fiscal Year 2019-20 FTE Listing

Positions	Group	2018-19	2019-20	Change
		Positions	Proposed FTE	
Fire Chief	Unrep	1.00	1.00	-
Deputy Chief	Unrep	1.00	1.00	-
Division Chief	Unrep	3.90	3.90	-
Battalion Chief	Unrep	3.00	6.00	3.00
Fire Marshal	Unrep	1.00	1.00	-
Administrative Services Manager	Unrep	1.00	1.00	-
Emergency Medical Services Manager	Unrep	1.00	1.00	-
Disaster Response Manager	Unrep	1.00	1.00	-
Human Resources Manager	Unrep	1.00	1.00	-
Information Technology Manager	Unrep	1.00	1.00	-
Clerk of the Board	Unrep	1.00	1.00	-
Senior Accountant	Unrep	1.00	1.00	-
Senior Human Resources Analyst	Unrep	1.00	1.00	-
Senior Information Technology Analyst	Unrep	1.00	1.00	-
Senior Management Analyst	Unrep	2.00	2.00	-
Senior Payroll Analyst	Unrep	1.00	1.00	-
Accounting Technician	Unrep	2.00	2.00	-
Information Technology Specialist	Unrep	1.00	1.00	-
Public Service Assistant III	Unrep	1.00	1.00	-
Fire Prevention Coordinator	AFSCME	1.00	1.00	-
Risk Reduction Officer	AFSCME	2.00	2.00	-
Emergency Services Specialist	AFSCME	1.00	1.00	-
Fleet Supervisor	AFSCME	1.00	1.00	-
Mechanic	AFSCME	1.00	1.00	-
Plan Examiner	AFSCME	1.00	1.00	-
Administrative Assistant - Suppression Training	AFSCME	1.00	1.00	-
Administrative Specialist - Fire Prevention	AFSCME	1.00	1.00	-
Captain	IAFF	27.00	27.00	-
Captain - Training	IAFF	1.00	1.00	-
Engineer	IAFF	58.00	58.00	-
Firefighter	IAFF	17.00	17.00	-
Deputy Fire Marshall	IAFF	1.00	1.00	-
Fire Inspector I/II	IAFF	4.00	4.00	-
Total FTE		142.90	145.90	3.00
Grant Funded FTE				
Division Chief	Unrep	0.10	0.10	-
Sr. Management Analyst	AFSCME	1.00	1.00	-
Administrative Services Analyst	AFSCME	1.00	1.00	-
Logistics Specialist	AFSCME	1.00	1.00	-
Total Grant Funded FTE		3.10	3.10	-

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors
FROM: California Task Force 3

MEETING DATE: May 14, 2019
PREPARED BY: Amy Kraska
APPROVED BY: Ben Marra

ITEM: APPROVE BY RESOLUTION THE FY2019-20 BUDGET IN THE AMOUNT OF \$1,037,783 FOR THE URBAN SEARCH AND RESCUE (US&R) CALIFORNIA TASK FORCE 3 (CA-TF3) DIVISION

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Approve a resolution for the FY 2019-20 Proposed US&R Special Revenue Fund Budget.

FINANCE COMMITTEE RECOMMENDATION

At the Finance Committee meeting held on May 7, 2019, the committee reviewed the FY 2019-20 US&R CA-TF3 Budget and recommended it be forwarded to the Board for consideration.

BACKGROUND

The US&R Budget covers the Cooperative Agreements between the Department of Homeland Security, Federal Emergency Management Agency (FEMA), and the Menlo Park Fire Protection District, which is the sponsoring agency for Urban Search and Rescue, California Task Force 3. Each Cooperative Agreement, which is a reimbursement based grant, has four program areas: Administration, Training, Equipment, and Storage/Maintenance. In addition to the District's US&R staff, District administration staff also support this program.

DISCUSSION

FY 2018 (EMW-2018-CA-00009) Cooperative Agreement award was in the amount of \$1,147,990. The period of performance for this grant is September 1, 2018 through August 31, 2021. The FY 2018-19 budgeted, reimbursable expenditures were set at \$1,147,990. It is anticipated that at the fiscal year end the total estimated reimbursable expenditures will be \$439,400. This estimate is based on three months actual expenditures and an average monthly cost to cover the months of May, June and accruals through August 2019. The remaining funds, \$708,590, will be carried forward to FY 2019-20 budget year.

FY 2017 (EMW-2017-CA-00021) Cooperative Agreement award was in the amount of \$1,161,013. The period of performance for this grant is September 1, 2017 through August 31, 2020. The FY 2018-19 budgeted, reimbursable expenditures were set at \$608,525. It is anticipated that at the fiscal year end the total estimated reimbursable expenditures will be \$490,836. The remaining funds, \$117,689, will be carried forward to FY 2019-20 budget year.

FY 2016 B (EMW-2016-CA-0008B) Cooperative Agreement Supplemental award was in the amount of \$70,010. The period of performance for this grant is September 1, 2016 to August 31, 2019. The FY 2018-19 budgeted, reimbursable expenditures were set at \$70,010. It is anticipated that at the fiscal year end the total estimated reimbursable expenditures will be \$0. The remaining funds, \$70,010, will be carried forward to FY 2019-20 budget year. This grant is a supplemental award to EMW-2016-CA-0008 and the funding is to be used for specific communications equipment.

FY 2016 A (EMW-2016-CA-0008A) Cooperative Agreement Supplemental award was in the amount of \$46,901. The period of performance for this grant is September 1, 2016 to August 31, 2019. The FY 2018-19 budgeted, reimbursable expenditures were set at \$46,901. It is anticipated that at the fiscal year end the total estimated reimbursable expenditures will be \$0. The remaining funds, \$46,901, will be carried forward to FY 2019-20 budget year. This grant is a supplemental award to EMW-2016-CA-0008 and the funding is to be used for specific communications equipment.

FY 2016 (EMW-2016-CA-K00008-S01) Cooperative Agreement award was in the amount of \$1,158,582. The period of performance for this grant is September 1, 2016 to August 31, 2019. The FY 2018-19 budgeted, reimbursable expenditures were set at \$258,473. It is anticipated that at the fiscal year end the total estimated reimbursable expenditures will be \$198,031. The remaining funds, \$60,442, will be carried forward to FY 2019-20 budget year.

FY 2015 (EMW-2015-CA-K00004A) Cooperative Agreement award was in the amount of \$49,151. The period of performance for this grant has received a Blanket Extension from the FEMA Program Office to October 1, 2015 to September 30, 2019 per US&R Program Directive – 2018-004. The FY 2018-19 budgeted, reimbursable expenditures were set at \$49,151. It is anticipated that at fiscal year end the total estimated reimbursable expenditures will be \$35,000. The remaining funds, \$14,151, will be carried forward to FY 2019-20. This grant is a supplemental award to EMW-2015-CA-K00004 and the funding is to be used for specific communications equipment.

FY 2015 (EMW-2015-CA-K00004-S01) Cooperative Agreement award was in the amount of \$1,159,082. The period of performance for this grant has received a Blanket Extension from the FEMA Program Office to October 1, 2015 to September 30, 2019 per US&R Program Directive – 2018-004. The FY 2018-19 budgeted, reimbursable expenditures were set at \$185,954. It is anticipated that at the fiscal year end the total estimated reimbursable expenditures will be \$165,954. The remaining funds, \$20,000, will be carried forward to FY 2019-20 budget year.

FEMA Cooperative Agreements - Budget Summary Fiscal Year 2019-20 Proposed Budget						
	Cumulative Actual Amount Up to FY17-18	2018-19 Amended Budget	2018-19 Estimated Actual	2019-20 Proposed Budget	Grant Totals	
Source of Funds:						
Co-Op Agreement 2018	\$ -	\$ 1,147,990	\$ 439,400	\$ 708,590	\$ 1,147,990	
Co-Op Agreement 2017	569,996	608,525	490,836	117,689	1,178,521	
Co-Op Agreement 2016B	-	70,010	-	70,010	70,010	
Co-Op Agreement 2016A	-	46,901	-	46,901	46,901	
Co-Op Agreement 2016	900,109	258,473	198,031	60,442	1,158,582	
Co-Op Agreement 2015A	-	49,151	35,000	14,151	49,151	
Co-Op Agreement 2015	973,128	185,954	165,954	20,000	1,159,082	
Co-Op Agreement 2014	1,048,244	118,387	118,387	-	1,166,631	
Total Source of Funds	\$ 3,491,477	\$ 2,485,391	\$ 1,447,608	\$ 1,037,783	\$ 5,976,868	
	Cumulative Actual Amount Up to FY17-18	2018-19 Amended Budget	2018-19 Estimated Actual	2019-20 Proposed Budget	Grant Totals	
Use of Funds By Program:						
Administration (Program 7000)	\$ 2,101,558	\$ 1,185,245	\$ 699,089	\$ 486,155	\$ 3,286,803	
Equipment (Program 7010)	352,627	693,217	382,303	310,914	1,045,844	
Storage/Maintenance (Program 7020)	328,246	303,491	188,667	114,824	631,737	
Training (Program 7030)	709,046	303,439	177,549	125,890	1,012,485	
Total Use of Funds By Program	\$ 3,491,477	\$ 2,485,391	\$ 1,447,608	\$ 1,037,783	\$ 5,976,868	

FISCAL IMPACT

The FY 2019-120 proposed budget is balanced. Reimbursable expenditures are budgeted in the amount of \$1,037,783. There are seven Cooperative Agreements, EMW-2018-CA-00009, EMW-2017-CA-00021, EMW-2016-CA-0008B, EMW-2016-CA-0008A, EMW-2016-CA-K00008, EMW-2015-CA-K00004A, and EMW-2015-CA-K00004-S01. Funds will be carried forward from the previous fiscal year.

ATTACHMENT

A. Resolution

Resolution No. XXXX-2019

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MENLO PARK FIRE PROTECTION DISTRICT APPROVING THE FY2019-20 BUDGET, IN THE AMOUNT OF \$1,037,783, FOR THE URBAN SEARCH AND RESCUE (US&R) CALIFORNIA TASK FORCE 3 (CA-TF3)

WHEREAS, the Board of Directors received a report from the Division Chief of Operations summarizing the FY2019-20 budget for the EMW-2015-CA-K00004-S01, EMW-2015-CA-K00004A, EMW-2016-CA-00008, EMW-2016-CA-00008A, EMW-2016-CA-00008B, EMW-2017-CA-K00021, EMW-2018-CA-00009 Cooperative Agreements; and

WHEREAS, the Board of Directors accepts the report as submitted; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Menlo Park Fire Protection District that:

1. The Board of Directors adopts the FY2019-20 budget as follows:

FEMA Cooperative Agreements - Budget Summary Fiscal Year 2019-20 Proposed Budget						
Source of Funds	Cumulative Actual Amount Up to FY17-18	2018-19 Amended Budget	2018-19 Estimated Actual	2019-20 Proposed Budget	Grant Totals	
Source of Funds:						
Co-Op Agreement 2018	\$ -	\$ 1,147,990	\$ 439,400	\$ 708,590	\$ 1,147,990	
Co-Op Agreement 2017	569,996	608,525	490,836	117,689	1,178,521	
Co-Op Agreement 2016B	-	70,010	-	70,010	70,010	
Co-Op Agreement 2016A	-	46,901	-	46,901	46,901	
Co-Op Agreement 2016	900,109	258,473	198,031	60,442	1,158,582	
Co-Op Agreement 2015A	-	49,151	35,000	14,151	49,151	
Co-Op Agreement 2015	973,128	185,954	165,954	20,000	1,159,082	
Co-Op Agreement 2014	1,048,244	118,387	118,387	-	1,166,631	
Total Source of Funds	\$ 3,491,477	\$ 2,485,391	\$ 1,447,608	\$ 1,037,783	\$ 5,976,868	

NOW, THEREFORE, BE IT RESOLVED that the Senior Accountant is directed to record these changes into the District's fiscal records in accordance with the appropriate accounting practices.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the Board of Directors of the Menlo Park Fire Protection District at its regular meeting held on the 14th day of May, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTESTED:

Michelle Kneier, Clerk of the Board

Virginia Chang Kiraly, Board President

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors
FROM: Administrative Services

MEETING DATE: May 14, 2019
PREPARED BY: Kathleen Jackson
APPROVED BY: Chief Schapelhouman

ITEM: APPROVE A RESOLUTION FOR THE TRANSFER OF DEVELOPMENT CONTRIBUTION FUNDS TO THE CIP FUNDS TO OFFSET THE COST OF THE PURCHASE OF TRUCK TWO (T2) FOR STATION 2

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Adopt a resolution authorizing the transfer of funds held in the Development Contributions Fund to offset the cost of Truck 2 purchased due to the impact of development in the eastern side of the Fire District.

BACKGROUND

In 1973, the construction of Menlo Towers, a nine story residential high rise structure located at 1330 University Drive in downtown Menlo Park resulted in a city wide building height cap of three stories.

In June of 2009, Developer David Bohannon proposed to build seven new multi-story structures with one being eleven stories creating one million square feet of office and commercial space. Named the ‘Gateway Project’ it proposed to build the tallest structure in the Fire District in the commercially zoned M2 area of Eastern Menlo Park near Marsh Road, Highway 101 and Bayfront Expressway.

In order to be able to accommodate that intensity of development, the City agreed to change the areas existing height cap from three to eleven stories in M2 and support the resulting density needed for the floor area ratio (FAR) from 41.5% to 137.5%, which created the largest and most densely designed multi-story project in the history of the City, at the time.

The Gateway Project pushed the District into a new era of taller, more intense land use with new potential resultant fire service impacts. Chief Schapelhouman retained the services of Citygate Consultants who examined these proposed dramatic changes which they determined would create “a tipping point” for the Fire District.

In April of 2010, Citygate determined “The District clearly cannot be served by one ladder truck and has no reserve ladder truck. Thus, if the Gateway Project is approved, the District will clearly have passed the threshold of needing a second ladder truck. Given the proximity to the Gateway Project and other likely high-rise development, I would recommend, again based on the District’s current station configurations, that the second ladder truck be located at a station east of Highway 101 (e.g., Station 2 or Station 77). If the Gateway Project were approved, I also would recommend that the District consider relocating the existing ladder truck from Station 1 to Station 4 or Station 6 to better cover the western areas of the District”.

The Fire District eventually worked out an agreement with the City and developer to jointly create a Nexus or Impact Fee Study, recommended by the City of Menlo Park. \$100,000 was set aside in the development agreement and finally paid to the District when actual construction started in 2015 and a formal study was done.

On February 16, 2016, the Fire District Board adopted by resolution the Emergency Service and Fire Protection Impact Fee Nexus Study along with the Impact Fee Schedule and the Fee Waiver/Credit Policy. The District sent requests to the local jurisdictions within the Fire District to set forth to their Council and Board for adoption in order for the impact fee to be administered. The Cities and County Jurisdictions continue to prolong the process and have not approved the District’s Impact Fee Schedule.

Impact fees are charges assessed by local government agencies against new development projects to help pay for new or expanded public facilities, apparatus and equipment that will directly address the increase in demand created by that new development. Impact fees are restricted in nature and the funds must be earmarked and retained in a separate, interest-bearing account, and accounted for in a separate accounting Fund to track and monitor the source and amounts of revenue, as well as the improvements financed with the revenue. Revenues received from impact fees can only be used for capital facilities, equipment and apparatus that will directly benefit the new development and cannot be used for personnel costs.

Thus, on July 19, 2016, the Fire Board authorized the Fire Chief to enter in to negotiations relating to the collection of Development Fees based on the proposed Impact Fee Schedule, and on October 18, 2016, the Fire Board approved by resolution the addition of a separate Fund for Development Contributions.

DISCUSSION

Since the approval, on July 19, 2016, to enter into negotiations relating to the collection of development fees based on the proposed Impact Fee Schedule, the District has collected funds in the Development Contribution Fund that total \$825,690, as of March 30, 2019, plus \$200,000 from the 500 El Camino Real project by Stanford received at the end of April bringing the total received Development Contributions to \$1,025,690 to help mitigate the impact costs from the new developments.

Due to the Impact of growth, the Board of Directors approved the purchase of one Pierce Arrow XT Tiller Ladder Truck to be kept on the East side of the Fire District, at Station 2, in East Palo

Alto. The new Tiller Ladder Truck was put into service in January of 2019. The cost of the Tiller Ladder Truck expensed in January 2019, was \$1,347,908. Staff recommends the all funds in the Development Contribution Fund be transferred to the CIP Funds Station 4 to offset the purchase cost of Truck 2.

FISCAL IMPACT

Funds budgeted in FY2016-17 for the prepayment of the Tiller Ladder Truck, were used from the Apparatus Reserve. The prepayment allowed the District a discount of approximately five percent (5%) or \$69,350. Funds in the Apparatus Reserve were set aside for the replacement of Engines on the Apparatus replacement schedule based on years of service, mileage and wear. Per GASB rules funds are expensed in the fiscal year the apparatus is put in service, in this case January of 2019.

The District has a deficit in the CIP Fund that is needed for Station replacement. These funds will be set aside in the CIP Fund for Station replacement.

ATTACHMENT

A. Resolution

Resolution No. XXXX-2019

RESOLUTION OF THE MENLO PARK FIRE PROTECTION DISTRICT BOARD OF DIRECTORS TO TRANSFER FUNDS FROM THE DEVELOPMENT CONTRIBUTION FUND TO OFFSET THE COST OF THE TILLER LADDER TRUCK

WHEREAS, the Board of Directors received a report from the Administrative Services Manager; and

WHEREAS, the Board of Directors accepts the report as submitted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Menlo Park Fire Protection District that the Board of Directors authorizes the transfer of \$1,025,690 from the District's Development Contribution Fund to the Capital Improvement Funds.

BE IT FURTHER RESOLVED that the Senior Accountant is directed to record these changes into the District's fiscal records in accordance with the appropriate accounting practices.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the Board of Directors of the Menlo Park Fire Protection District at its regular meeting held on the 14th day of May, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTESTED:

APPROVED:

Michelle Kneier, Clerk of the Board

Virginia Chang Kiraly, Board President

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: May 14, 2019

FROM: Administrative Services

PREPARED BY: Kathleen Jackson

APPROVED BY: Fire Chief Schapelhouman

ITEM: APPROVE A RESOLUTION TO TRANSFER \$3.55 MILLION TO THE PERS STABILIZATION RESERVE AND PAY \$4.69 MILLION TOWARD THE DISTRICT'S CLASSIC SAFETY CALPERS UNFUNDED ACTUARIAL LIABILITY

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Approve a resolution to transfer \$3.55 million to the PERS Stabilization Reserve for FY 18-19; and authorize a payment to CalPERS of \$4.69 million towards the District's Safety Classic Unfunded Actuarial Liability (UAL).

BACKGROUND

Beginning in FY 2007-08 District staff with Board approval began a process of moving excess unanticipated revenues and lower than anticipated expenditures to a reserve fund (then called Internal Services Fund).

In the FY 2008-09 budget process the District recognized that investment losses within CalPERS portfolio experienced due to the Recession beginning in 2008 may have an impact on future employer contribution rates. By May 1, 2009, CalPERS had recognized a 25% portfolio loss.

In response to future increases in its CalPERS obligation, The District set up the PERS Rate Stabilization Fund as a reserve to be used to mitigate the future impact of changes in the employer contribution rate/unfunded liabilities. In addition, the District's Board had implemented a budget philosophy that sets the annual employer contribution rate for safety employees at 41%. The actual contribution rates are applied during the course of each fiscal year and any savings that results from the difference in the budget and the actual rates is set aside for future use.

Employer contribution rates for FY 2009-10 through the current fiscal year remained stable due to CalPERS offering the option of making a "Side Fund" payment. The district made the decision to pay \$12.5 million in Side Fund payments between 2009 and 2011 using reserve funds, which has allowed the District to experience significant savings.

In 2013, CalPERS had to reevaluate actuarial calculations. One of the changes CalPERS made was the pool's UAL is now allocated to each individual plan rather than by individual payroll. This gives each organization the ability to track their own unfunded liability and pay it down faster if they choose.

At the Board meeting held on February 17, 2015, Doug Pryor, Vice President of Bartel Associates, LLC, made a presentation to educate the Board on the CalPERS actuarial issues and the estimated impact of the District's partial paydown using the PERS Rate Stabilization Fund towards the outstanding estimated UAL of \$26 million. On March 17th, 2015, the Board approved by Resolution a \$12 million paydown from the PERS Rate Stabilization Fund Reserve.

On March 24, 2015, the District made a payment of \$12 million toward paydown of the UAL. This decreased the annual UAL payment to CalPERS as well as decreased the normal cost paid by the District with the semi-monthly payroll.

Over the next two fiscal years, CalPERS portfolio yields had been much lower than anticipated which in turn increased the UAL significantly in FY15-16. The District's unfunded liability was estimated to be \$43.4 million at fiscal yearend, June 30, 2016.

Through strategic, methodical, financially sound budget development, and fiscal discipline, the District had continued to build the PERS rate stabilization reserve to a balance of \$5,756,233 million. In addition, \$456,066 had been set aside in a reserve using IAFF employee 3% cost sharing funds initiated at the inception of the IAFF Local 2400 MOU of July 9, 2014 through CalPERS adoption of the District's new contract with PERS Safety Classic members in agreement to participate in cost sharing of 3% of the Employer paid PERS contributions.

At the Board meeting on November 15, 2016, staff proposed the District use \$6.2 million of the PERS Rate Stabilization Fund Reserve and Employees 3% Contribution to PERS Reserve, both specifically set aside for this purpose, to further pay down the District's remaining unfunded actuarial liability. The Board discussed the proposal and decided to table the discussion of the UAL payment of \$6.2 million to allow time to research the correlation, if any, of the timing of a UAL payment, market interest rates and CalPERS portfolio yield, to determine if adjusting the paydown timing may affect a favorable value to the UAL.

On May 21, 2017, after research was concluded the Board approved a payment of \$6.2 million to CalPERS towards the District's Safety Classic UAL; and on June 19, 2018, the Board of Directors approved a payment of \$3.4 million to CalPERS.

DISCUSSION

CalPERS Actuarial Valuation is done with a two year lag. The Safety Classic Plan's Funded Status as of June 30, 2017 was 80.7%. Due to the pay downs made by the District the Employer Normal Cost Rate has remained comparatively low for a Classic Safety group. For Fiscal Year 2019-20, the Employer Normal Cost Rate is 23.654%, less the Safety Classic members contribution of three percent (3%) brings the total employer required rate to 20.654%.

For the current year, FY 2018-19, due to the Board's budget philosophy of budgeting 41% of Safety Classic PERS employer portion instead of the actual rate, the District is able to transfer an additional \$3.55 million to the PERS Stabilization Reserve, bringing the total balance in the Reserve to approximately \$4.69 million.

Staff recommends wiring \$4.69 million to CalPERS this month, May 2019, to make an additional payment towards the paydown of the District's PERS Safety Classic UAL.

The table below presents the payments made to date including the FY2018-19 payment recommended on this report:

PAYMENT PURPOSE	FY PAID	APPROXIMATE DATE PAID	PERS Group	PERS GROUP ID	AMOUNT PAID	TOTAL SIDE FUND/UAL PAYMENTS	TOTAL SAFETY GROUP LIABILITY PAYMENTS
Payment towards Safety Group Side Fund	2009-10	3/16/2010	Safety Classic	#32	\$ 7,000,000	\$ 12,501,696	
Payment towards Safety Group Side Fund	2009-10	6/21/2010	Safety Classic	#32	\$ 3,500,000		
Payment towards Safety Group Side Fund	2010-11	1/2/2011	Safety Classic	#32	\$ 2,001,696		
UAL Payment towards Safety Classic UAL	14-15	3/26/2017	Safety Classic	#32	\$ 12,000,000	\$ 26,290,000	
UAL Payment towards Safety Classic UAL	16-17	5/31/2017	Safety Classic	#32	\$ 6,200,000		
UAL Payment towards Safety Classic UAL	17-18	7/1/2018	Safety Classic	#32	\$ 3,400,000		
UAL Payment towards Safety Classic UAL	18-19	6/30/2019	Safety Classic	#32	\$ 4,690,000		
TOTAL PAYMENTS TO CALPERS FOR UNFUNDED LIABILITY-SAFETY CLASSIC MEMBERS						\$ 38,791,696	

FISCAL IMPACT

The payment to CalPERS will decrease the PERS Stabilization Reserve by \$4.69 million, leaving an estimated balance of approximately \$6 K. This paydown will decrease the Districts FY 2019-20 Employer's Payment of Unfunded Liability and decrease the District's overall unfunded liability for the Classic Safety Group.

ATTACHMENT

A. Resolution

Resolution No. XXXX-2019

RESOLUTION OF THE MENLO PARK FIRE PROTECTION DISTRICT BOARD OF DIRECTORS TO TRANSFER \$3.55 MILLION TO THE PERS STABILIZATION RESERVE AND PAY \$4.69 MILLION TO CALPERS TO PAY DOWN A PORTION OF THE DISTRICT'S CLASSIC SAFETY CALPERS UNFUNDED ACTUARIAL LIABILITY

WHEREAS, the Board of Directors received a report, from the Administrative Services Manager recommending the transfer of \$3.55 million to the PERS Stabilization Reserve and a payment of \$4.69 million towards the pay down of a portion of the Menlo Park Fire Protection District's Classic Safety CalPERS unfunded liability; and

WHEREAS, funds were budgeted in the FY 2018-19 Retirement Budget in excess of actual to be set aside in the PERS Stabilization Reserve for this purpose; and

WHEREAS, the Board of Directors accepts the report as submitted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Menlo Park Fire Protection District that it approves a \$3.55 million transfer to the PERS Rate Stabilization Reserve and a \$4.69 million payment to CalPERS to decrease the outstanding unfunded liability of the District.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the Board of Directors of the Menlo Park Fire Protection District at its regular meeting held on the 14th day of May 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTESTED:

APPROVED:

Michelle Kneier, Clerk of the Board

Virginia Chang Kiraly, Board President

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: May 14, 2019

FROM: Harold Schapelhouman, Fire Chief

ITEM: CONSIDER AND APPROVE AN AGREEMENT WITH ROSENBAUER INTERNATIONAL AG REGARDING ELECTRIFICATION OF EMERGENCY RESPONSE FIRE APPARATUS FOR PURPOSES OF ENHANCED PUBLIC SAFETY RESPONSE AND IMPROVEMENT OF THE HEALTH AND SAFETY OF EMPLOYEES AND THE PUBLIC

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Consider and approve an agreement with Rosenbauer International AG regarding electrification of Emergency Response Fire Apparatus for purposes of enhanced public safety response and improvement of health and safety of employees and the public.

BACKGROUND

Over the last several years a small group of members from fleet services and apparatus design and equipment have occasionally met, or communicated with representatives from Rosenbauer Fire Equipment to discuss what “all electric” or a “Concept Fire Truck” (CFT) could look like.

Rosenbauer is the largest manufacturer of fire apparatus in the world. Headquartered in Austria and parent to Rosenbauer America the CFT represents a five year effort to design the fire truck of the future with lower emissions, a revolutionary suspension system and driveline, fully enclosed equipment storage area, seating for eight and powered by four electric motors, one at each wheel and a diesel powered auxiliary engine for the pump but can also be used to rapidly recharge the apparatus batteries if needed.

DISCUSSION

This unique collaboration and the CFT Pilot project is ready to move forward. Two key Menlo Fire personnel, Mechanic Rudy Torres and Captain Jeff Hendrix have been selected to travel to Austria and see the factory and assembly line at no external costs (Travel, lodging, food, etc.) to the Fire District for two days on site June 25 and 26, at an estimated cost to the Fire District of \$7,500.

These individuals will have the valuable opportunity to see these units being developed, talking with engineers as subject matter experts and help to influence the final specifications for practical use and application of modern and revolutionary fire apparatus here in the United States.

In return, a first pre-production prototype unit will arrive in late 2019 with a driver/trainer for a limited period of time and used as an experimental training and testing, non-response unit.

This will give us the unique opportunity to both influence and experiment with this unique and revolutionary piece of fire equipment so we can better leverage and comprehend the purchase of new modern electric fire apparatus, which clearly will replace Diesel powered units over the next several decades.

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: May 14, 2019

PREPARED BY: Michelle Kneier

**ITEM: REVIEW AND DISCUSS REVISIONS TO THE BOARD OF DIRECTORS'
POLICIES AND PROCEDURES MANUAL**

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Consider and discuss updates to the Board of Directors' Policy and Procedures Manual and provide direction to staff.

BACKGROUND

According to the Board Policies and Procedures, the Board is to review the Policy and Procedures Manual each year in the month of May. The last update of the Board Manual was on July 24, 2018.

ATTACHMENT

- A. Board of Directors' Policy and Procedures Manual

MENLO PARK FIRE PROTECTION DISTRICT



Approved and Adopted:
Date: May 20, 2003

Updated:
January 30, 2008
October 19, 2010
October 18, 2011
February 28, 2012
August 21, 2012
March 19, 2013
November 19, 2013
February 18, 2014
August 19, 2014
June 16, 2015
July 18, 2017
July 24, 2018

**BOARD OF DIRECTORS'
POLICY AND PROCEDURES MANUAL**

CONTENTS

ARTICLE 1: THE FIRE DISTRICT BOARD	7
1.1 Fire District Governing Authority	7
1.2 Policy Adopting Governing By Policy	7
1.3 Fire District Board Policies.....	7
ARTICLE 2: FIRE DISTRICT BOARD OF DIRECTORS	9
2.1 Basis of Authority	9
2.2 Job Description	9
2.3 Attendance at Meetings.....	10
2.4 Attendance at Committee Meetings	10
2.5 Attendance at Meetings via Teleconference	10
ARTICLE 3: MEMBERSHIP OF THE FIRE DISTRICT BOARD.....	12
3.1 Board Orientation.....	12
Board Candidate Orientation	12
New Board Member Orientation	12
Additional Orientation	12
3.2 Training, Education and Conferences.....	13
External Training	13
Internal District Training	14
3.3 Directors' Compensation and Reimbursement	14
3.4 Directors' Apparel and Equipment	15
3.5 Board Vacancies	16
Filling Board Vacancies.....	16
Process for Board Appointments	16
Eligibility for Appointment.....	17
3.6 Board Elections	17
ARTICLE 4: OFFICERS AND COMMITTEES OF THE FIRE DISTRICT BOARD	18
4.1 Board Officers.....	18
4.2 President Duties	18
4.3 Vice President Duties.....	18
4.4 Board Committees and Liaisons	18
ARTICLE 5: POWERS AND DUTIES OF THE FIRE DISTRICT BOARD	21
5.1 Board Responsibilities and Duties of Fire Chief	21
5.2 Code of Ethics.....	21

5.3 Board Members Meeting Participation	21
5.4 Board Members Decorum.....	21
5.5 Board Members Responsibility to Constituents	22
5.6 Board Members Action and Service	22
5.7 Board Members Memberships and Continuing Education	22
5.8 Board Members Conduct and Responsibilities.....	22
Conduct	22
Responsibilities	24
5.9 Board Member Discipline.....	25
5.10 Board and District Public Communication	25
5.11 Board Philosophy for Fire District Reserves	25
5.12 Fire Board Employee Compensation Policy	26
5.13 Collective Bargaining Agreement.....	27
5.14 Sunshine Policy.....	28
ARTICLE 6: DELEGATION OF BOARD AUTHORITY	29
6.1 Board Approval of Fire Chief Position.....	29
6.2 Responsibilities of Fire Chief to the Board.....	29
6.3 Fire Chief Evaluation	29
6.4 Fire Chief Delegation.....	30
6.5 Fire Chief Administrative Actions.....	30
6.6 Fire Chief Reporting Process – Fire Fatalities	30
ARTICLE 7: METHODS OF OPERATION OF FIRE DISTRICT BOARD MEETINGS.....	31
7.1 Meeting Location	31
7.2 Regular Meetings	31
7.3 Special Meetings	31
7.4 Emergency Meetings	32
7.5 Standing Committees	32
7.6 Ad-Hoc Committees	32
7.7 Study Sessions	32
7.8 Agendas.....	33
Agenda Item Requests - Board Members	33
Agenda Item Requests - Members of the Public	33
Consent Agenda	34
Committee Meeting Agendas	34

Directors' Communications on Agenda Items.....	34
7.9 Closed Sessions.....	34
7.10 Quorum	35
7.11 Public Comments	35
Public Comment #1.....	35
Public Comment for Agenda Items.....	36
Public Comment #2.....	36
7.12 Presiding Board Meeting	36
ARTICLE 8: MEETING MINUTES, PUBLIC RECORDS	37
8.1 Board Meeting Minutes	37
8.2 Board Clerk.....	37
8.3 Board Meeting Minutes-Public Record	37
8.4 Public Records Process	37
8.5 Board Electronic Communications Policy.....	39
Use of E-mail	39
ARTICLE 9: RULES OF ORDER DURING MEETINGS.....	40
9.1 Points of Order	40
9.2 Decorum and Order - Board Members	40
9.3 Decorum and Order - Employees	40
9.4 Conflict of Interest	41
9.5 Limitation of Debate	41
9.6 Dissents, Protests, and Comments	41
9.7 Rulings of Chair Final Unless Overruled.....	41
9.8 Actions Not Invalidated	41
9.9 Actions	41
9.10 Processing of Motions.....	42
9.11 Motions Out of Order.....	42
9.12 Division of Question	42
9.13 Precedence of Motions.....	42
9.14 Tie Votes	44
ARTICLE 10: PROCEDURE FOR ADOPTING A RESOLUTION	45
ARTICLE 11: PROCEDURE FOR ADOPTING AN ORDINANCE	46
ARTICLE 12: FIRE DISTRICT LEGAL COUNSEL.....	47
APPENDIX A - ELECTRONIC COMMUNICATION POLICY AND	
INFORMATION SECURITY PROCEDURES	48
Electronic Communication Policy	48

Information Security Procedures	54
APPENDIX B - ADDITIONAL ORIENTATION AND ACCESSORIES	57
APPENDIX C - COMMITTEE AND LIAISON ASSIGNMENTS – 2018	58
APPENDIX D – FIRE CHIEF EVALUATION.....	59
APPENDIX E - BOARD STANDING CALENDAR GUIDELINE.....	65
APPENDIX F – FEE WAIVER POLICY	66
APPENDIX G - DISTRICT DISCRIMINATION AND HARASSMENT POLICY	67
APPENDIX H - LABOR RELATIONS POLICY AND PLAN.....	76
APPENDIX I - LABOR RELATIONS COMMUNICATIONS POLICY	80

ARTICLE 1: THE FIRE DISTRICT BOARD

1.1 Fire District Governing Authority

The Fire District was established January 3, 1916 by the San Mateo County Board of Supervisors. The Fire District is a California Special District (Independent) as a local government agency with taxation authority as established on June 27, 1916.

1.2 Policy Adopting Governing By Policy

The policy of the District Board recognizes that one of its major functions is to serve as the policy-making body of the Fire District, and to govern the activities and shape the future of the Fire District. At the same time, the Board preserves for the Fire Chief and the professional staff the responsibility of the day-to-day administration and operations of the District in a manner consistent with the policies and rules of the Board of Directors.

It is therefore the intent of the Board of Directors of this Fire District to set forth a series of policies and board meeting procedural rules to govern the conduct and deliberations of the business conducted by the Board and to serve as a guide for the professional staff in carrying out the daily functions of the Fire District.

In addition these policies are intended to:

- Reflect the Board's commitment to order, consistency, responsiveness and transparency in its actions;
- Make clear and readily available to the residents of the District all relevant information about the operations of the Board.

In keeping with these principles, a current copy of the Board of Director's Policy and Procedures Manual is posted on the District's website.

1.3 Fire District Board Policies

It is the intent of the Fire District Board to be governed by a set of policies. The policies shall be adopted by the Board and made available as public documents. The Board is also governed by a set of Rules of Order for conducting meetings as noted in Article 9.

The policies of the District Board shall be drafted, adopted and amended with full consideration for the Board's desire to provide fire and life safety protection of the best obtainable quality for the residents of the District within the limitations of the District's ability to support it.

The Board of Directors, as the governing body representing the people of the District, determines all questions of policy to be employed in the operation of the

Fire District

In the event that a Board Policy is found to be in conflict with state or federal law or the rules of a higher authority, that portion of such policy is automatically null and void without Board action and shall be deleted from the accumulated body of policies and rules.

If disagreement over the application, extent, or interpretation of a policy arises, the resolution of the conflict will be based on the majority opinion of the Board. If such an interpretation is deemed to have future significance, an amendment to the applicable policy shall clearly specify the intent of the Board in interpreting the policy.

Policy Adoption, Changes, Deletions, Additions and Review: In its deliberations leading to the establishment or amendment of Board Policy, the Board's central concern will be for increased efficiency and effectiveness in carrying out the legally mandated tasks and general policies in the interest of the public good.

The District recognizes that all Board policies shall remain flexible and be subject to review and change. Such review shall take place as necessary and at least annually at a regularly scheduled Fire District Board meeting in May and shall appear as an agenda item.

Proposals regarding the adoption of District policy or changes, deletions, additions, or repeal may originate from any interested person.

In order to provide consistency, stability and integrity to Board Policies, changes in policies, except in the case of emergency, shall be executed in a precise manner without undue haste.

Adoption, changes, additions to and deletions from or repeal of the established policies shall be accomplished by a majority vote of the Board of Directors in the course of a single meeting.

The assembled policies of the Fire District Board of Directors, known collectively as the Board Policy and Procedures Manual, shall be the reference instrument for conducting the business of the Fire District Board. Appendices to the Policy and Procedures Manual that are not in themselves policies such as Committee Assignments, Board Calendar, Issuances, and Brown Act Summary and other factual listings may be changed as necessary to provide up to date information.

ARTICLE 2: FIRE DISTRICT BOARD OF DIRECTORS

2.1 Basis of Authority

The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, expenditure, or give individual direction to the Fire Chief, Staff, or the District's Legal Counsel.

Directors do not represent any fractional segment of the community, but are rather, a part of the body which represents and acts for the community as a whole.

2.2 Job Description

The **primary** responsibility of the Board of Directors is the **formulation and evaluation of policy**. *Routine matters concerning the operational aspects of the District are delegated to professional staff members of the District.* The members of the Board of Directors have ultimate responsibility to ensure the lawful and efficient operations of the District. They are the supervisory body for the Fire Chief. It is their responsibility to ratify all annual budgets and expenditures, and to participate in and/or ratify annual salaries, wages and benefits.

The majority of the members of the Board of Directors set the official policy of the District. Said policies are to be mindful of the legal and constitutional rights of all employees and are to be set with care and in accordance with the law.

The Board is entitled to enter into all contracts on behalf of the District within the scope of its authority and in the line of duty.

Board members are expected to be familiar with the rules of the Ralph M. Brown Act ("Brown Act") regarding open meetings, required notice therefore, and the requirements for entering into closed session. All Board members should be aware of any issue of self-dealing and should abstain from voting on any issues in which the member is interested, or on those involving issues which could somehow affect their tenure or benefits. Board members are required to file Fair Political Practices Commission, Form 700, Statement of Economic Interests, upon assuming or leaving office and annually with the Clerk of the Board. The Menlo Park Fire Protection District is defined in accordance with the provisions of California Statutes. The Fire District includes geographical areas lying in Atherton, East Palo Alto, Menlo Park and certain unincorporated areas of San Mateo County. The Fire District Board, by policy, shall carry out its responsibilities and the will of the people of the District in keeping with State and Federal constitutions, statutes, and rules, interpretations of the courts, and all the powers and responsibilities they provide.

2.3 Attendance at Meetings

Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence. This shall include all Committee meetings to which the Director has been assigned.

2.4 Attendance at Committee Meetings

Board members assigned to committees may teleconference if appropriate. Board members NOT assigned to a specific committee may, as private citizens, attend those specific committee meetings. However, they are members of the public and may not speak, comment or otherwise participate in those Committee meetings as this would be in violation of the Brown Act. While in attendance at such Committee meetings as members of the public, the Board member may NOT attend the closed sessions of such Committees.

2.5 Attendance at Meetings via Teleconference

A Board member may attend meetings via Teleconference if the following requirements are met. If a Board Member determines that any or all of these requirements cannot be met, he/she shall not participate in the meeting via teleconference.

The following are the approved Teleconference guidelines for Board Members:

- 1) As soon as practical but before the deadline for publication of the Agenda for that meeting, written notice must be given by the Board Member to the Clerk; the notice must include the address at which the teleconference meeting will occur, the address the Board packet should be mailed to, who is to initiate the phone call to establish the teleconference connection and the phone number of the teleconference location.
- 2) The meeting agenda identifies the teleconference location and is posted at that location in an area that is accessible and visible 24 hours a day for the same amount of time required for a normal Agenda. This is usually 72 hours for regular meetings of all types and 24 hours for special and emergency meetings. The Board Member is responsible for posting the notice in the remote location, or having the Agenda posted by somebody at the location and confirming that it has been posted the required number of hours in advance of the meeting.
- 3) The teleconference location is open and fully accessible to the public, and fully accessible under ADA throughout the entire meeting. These requirements apply to private residences, hotel rooms and similar facilities, all of which must remain open and accessible throughout the meeting, without required identification or registration. The teleconference technology used is open and fully accessible to all members of the public. Persons with disabilities requesting accommodations in the technology used at the teleconference location must provide their request to the District at least 24 hours before the

start of the meeting. Members of the public who attend the meeting at teleconference locations have the same opportunity to address the Board from the remote location that they would if they were present in the Board Meeting location. The teleconference location must not require an admission fee or any payment for attendance.

- 4) After the initial calling of the roll, the Clerk of the Board shall ask the Board Member(s) participating by teleconference to state for the record that posting requirements have been met.
- 5) All votes taken during those meetings shall be by roll call vote.
- 6) During the teleconference meeting, at least a quorum of the Board must participate from locations within the District's boundaries.

ARTICLE 3: MEMBERSHIP OF THE FIRE DISTRICT BOARD

The Board of Directors of Menlo Park Fire Protection District shall consist of five (5) members serving four-year, staggered terms. By state law, a resident of the District who is a registered voter over 18 years of age shall be eligible to serve as a Board member. The election of the Board members shall be conducted as provided by California Law.

3.1 Board Orientation

Board Candidate Orientation

The Fire Chief and the Board President (or designee should the current Board President be a candidate for a re-election) are responsible for appropriate orientation of candidates who have filed for the Board in an election year. Candidates should be invited to attend this orientation as scheduled by the Fire District.

New Board Member Orientation

The Fire Chief in cooperation with the Board President (or designee) shall be responsible for the appropriate orientation and training of new Board members prior to taking their seat on the Board.

The orientation and training session for new Board members shall be for information purposes only to acquaint them with the facilities, equipment, and personnel of the Fire District and provide an overview and/or copies (if requested) of:

1. Fire Board Policies and Procedures (this Manual)
2. District territory and boundaries
3. Labor and other major contracts
4. Brown Act Summary
5. Other Matters Concerning Conflict of Interest
6. The current Fire District budget
7. Board Resolutions
8. District Ordinances
9. Any other important issues
10. After taking office, the new Board Member will be provided with additional orientation and issued certain accessories. See APPENDIX B for the complete list.

Additional Orientation

Additional post-orientation training requests should be submitted to the Fire Chief

for approval. However, Board members may be invited by the Fire Chief to observe training exercises and are encouraged to participate.

3.2 Training, Education and Conferences

Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operation. Board members may also attend or observe certain District training classes as approved by the Fire Chief. The internal training calendar will be provided to the Board members. Directors are encouraged to minimize expense to the District by using on-line courses where possible.

External Training

It is the policy of the District to encourage Board development and excellence of performance by reimbursing expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. Notification should be provided to the Board of Directors for meetings, travel and conferences outside of the District. **Prior approval for the expenses necessary will be made by the Board President or his/her designee in consultation with Fire Chief.** The Board Clerk is responsible for making arrangements for Directors for conference and registration expenses, and for per diem (at Fire District mandated per diem allowance.) Per Diem, when appropriate, shall include reimbursement of expenses for meals, lodging and travel. All expenses for which reimbursement is requested by Directors or which are billed to the District by Directors shall be submitted to the Board Clerk, together with validated receipts. Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth by the Fire Chief and by the adopted budget amounts.

- A. Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates, Directors traveling together whenever feasible and economically beneficial, and requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.
- B. A Director shall not attend a conference or training event for which there is an expense to the District if it occurs after they have announced their pending resignation, or if it occurs after an election in which it has been determined that they will not retain their seat on the Board.

Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the sessions that will be of benefit to the District. Materials from the sessions may be delivered to the District office to be included in the District library for the future use of other

Directors and staff.

Internal District Training

Board members are encouraged to observe fire ground and disaster training events, to foster a better understanding of the knowledge, skills and abilities required of Command Staff and Line personnel in performing their duties. Request for attendance shall be submitted to the Fire Chief in advance of the training for approval.

3.3 Directors' Compensation and Reimbursement

The Fire District shall reimburse Board members at the rate of \$100.00 per meeting for all regularly scheduled Board Meetings, Special Meetings, and Committee Meetings when approved by the Board of Directors and when in response to subpoenas or legal actions to a maximum of \$400.00 per month.

The Board shall reimburse District Board members for reasonable expenses actually incurred while on Fire District business. Such reimbursement shall extend only to the bona fide expenses of District Board members, and shall not include recompense for a spouse's or companion's costs. Each Board member shall present a statement, supported by appropriate documentation, before reimbursement is made.

Board members are not eligible for health or dental members unless they were elected prior to January 1, 2012. Any Board member elected or appointed before January 1, 2012, will continue to receive the named benefits until such time as s/he leaves the Board, unless that benefit was waived by the Board member, in which case, the waiver is permanent. Any Board member who is eligible to receive the named benefits because s/he was elected or appointed before January 1, 2012, will be able to continue to receive the benefits if elected to a consecutive term on the Board. Any Board member who leaves the Board and is then later re-elected or appointed will not be eligible for these benefits. Board members are encouraged to decline health and dental benefits if they have other coverage.

For benefit eligible board members, as described above, he or she may elect to participate in the appropriate district provided health insurance plan for themselves and their dependents not to exceed seven hundred fifty (\$750.00) per month. The remainder of the costs will be provided by the Director.

For benefit eligible board members, as describe above, he or she may participate in the District Dental Program for Directors. The District currently contributes for each Board member \$122.00 per month to the District's self-funded dental plan. The dental plan year starts November 1 and concludes on October 31 of the following year. Dental claims are to be submitted to the Dental plan administrator (TLC) no later than 5:00 pm on October 31. Claims will be paid up to \$5,000.00 per director and their dependents and orthodontic claims up to \$1,500.00 per participant. (See plan documents for eligible expenses and pay out criteria.) Based on funding

limitations if the total claims exceed the fund balance then claims will be paid out on a percentage basis with a guaranteed amount of \$1,464.00 per employee (as long as their approved claim is equal to or greater than the \$1,464.00).

Any Board member newly elected or appointed on or after January 1, 2012, will not receive the medical or dental stipend.

Director compensation can be modified by vote of the Board per Health and Safety Code Section 13857.

3.4 Directors' Apparel and Equipment

- A. The district shall provide a district "Director" official badge (flat, wallet style), Menlo Park Fire District plastic laminated photo identification with lanyard, a 3/4" gold colored name plate with black letters, with their name and position "Director" below. All of the above items should be displayed only while conducting official District business).
- B. Directors will be issued caps and jackets with district logo identifying them as Directors. All items must be labeled with the title "Director" or the name tag must be used. Board members shall not be issued, or wear safety equipment unless required or requested to do so by the Chief.
- C. If requested, the district shall provide a district owned lap top computer, netbook tablet or similar device for conducting fire district business.
- D. If requested, the district shall provide internet service or *stipend for cost* (if Director does not already have).
- E. Board members may request emergency radio frequencies to be programmed into their own one-way radio (scanner) for listening to various incidents. Board members shall not be issued, pagers, radios or any device that is capable of two-way communication on local, county, state or federal emergency frequencies or channels. For safety reasons, Board members shall not use two-way communications devices on emergency frequencies or channels without proper license, training and authorization from the Chief
- F. Badge, I.D., name plate, laptop, issued cap and jacket are to be returned to Fire District upon completion of service. (Note: Certain items (but not the laptop) may be returned to the retiring Director with the approval of the Chief and the Board President.)
- G. Care of equipment and apparel is the responsibility of the Board member. Should any of the apparel or equipment issued by the District be lost or stolen it may be the Board members' responsibility to pay for any replacements. The Board member should file a written notice with the Fire Chief if a loss occurs and discuss replacement options.

See APPENDIX B for the full list of apparel and equipment.

3.5 Board Vacancies

Pursuant to California State Law, a vacancy on the Board shall occur if any member ceases to discharge the duty of his/her office for the period of three (3) consecutive months except as authorized by the Board of Directors or any of the following:

1. The death of the incumbent.
2. An adjudication pursuant to a quo warrantor proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident that the incumbent would not be able to perform the duties of his or her office.
3. His/her resignation.
4. His/her removal from office.
5. Place of residence outside the District.
6. A conviction of a felony or any offense involving a violation of his/her official duties.
7. Refusal or neglect to file his or her required oath or bond within the time prescribed.
8. The decision of a competent tribunal declaring voids his/her election or appointment.
9. His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

Filling Board Vacancies

Filling vacancies in the office of Director shall be in accordance with California Law. Generally, vacancies may be filled by appointment (by the current Board) or by special election.

Process for Board Appointments

The Board shall fill unexpected vacancies by appointment rather than utilize a special election. As soon as practically possible after the Board learns of the vacancy, the vacancy and application process shall be posted in three or more conspicuous places in the District and on the District's website for at least fifteen (15) days, and in compliance with state law. Applicants will be required to submit a resume, complete an application and sign a statement confirming they do not have a criminal history that would preclude them from service in the position. The Board shall set a deadline for the receipt of applications. As soon as practically possible after the application window has closed, the Board will meet in open

session to interview the candidates. Board members will then be able to nominate eligible candidates and the Board will vote on the nominees until a majority is reached on one candidate. Upon selection of a candidate, the Board shall announce the vacancy has been filled and the Board Clerk will register the candidate as a Board Member with the appropriate authorities.

Any portion of this section may be modified by a vote of the majority of the Board of Directors, including but not limited to the method for filling the vacancy (special election versus appointment) or the voting procedure.

Eligibility for Appointment

To be eligible to be appointed to a Board vacancy, the candidate must:

1. Be a resident of the District who is a registered voter in San Mateo County.
2. Not been convicted of a felony in this state or convicted of a felony under the laws of any other state, the United States, or any foreign government or country of a crime that, if committed in this state, would be a felony, including but not limited to a felony involving accepting or giving or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes.

3.6 Board Elections

When a District election is to be held for the purpose of electing members to the District Board, the elections officer shall cause the following information to be published in accordance with California Law:

1. The date of the election;
2. The Board positions to be voted upon;
3. The latest date candidates may file for office.

The County Clerk, serving as elections officer, has total responsibility for the conduct and administration of District elections.

ARTICLE 4: OFFICERS AND COMMITTEES OF THE FIRE DISTRICT BOARD

It shall be a policy of the Fire District Board to elect officers of the Board during the month of December.

4.1 Board Officers

The Board shall hold annual elections at its December meeting for President and Vice President. The terms for President and Vice President shall commence on first day of January and end on the thirty-first day of December. The President and Vice President shall be elected for a one year term with no officer serving more than two consecutive terms in any one position. The Vice President shall become president upon the death, incapacitation, resignation, or removal of the President. In the case that the Vice President succeeds to the Presidency, the Board shall elect a new Vice President at its next meeting. In extraordinary situations, the Board may extend the limit on consecutive terms for an officer from two years to three years by a “super-majority” vote of the Board. Greater than 79 percent of the current Board members must approve such an extension.

4.2 President Duties

The President shall be the presiding officer of the Board, shall collaborate with the Fire Chief to establish the agenda for the meeting, shall sign all documents on behalf of the Board and District that may be required, and shall have the same rights and responsibilities as other Directors to participate in and vote at Board meetings. The President-elect, with the approval of the Board, shall designate, no later than the January regular Board meeting, Directors who will serve on the various committees, boards, liaison positions for the upcoming year. The President may, at any time, change committees, boards and liaison positions with the approval of the Board.

4.3 Vice President Duties

The Vice President shall serve as acting president in the absence or temporary disability of the President. The Vice President shall become president upon the death, resignation, or removal of the President.

4.4 Board Committees and Liaisons

The Board President or designee shall outline the duties and responsibilities of a Board member on a committee at the time of appointment. Two Board members shall serve on all standing and ad hoc committees. Appointments of Board Members to standing committees shall be made in accordance with Section 4.2.

Standing Committees:

- **Emergency Preparedness** – Shall work with the jurisdictions on policy guidance and planning to ensure readiness in the event of an emergency.
- **Finance** – Shall oversee and provide direction on all matters related to the financial management including but not limited to the budget, policies, audit and expenditure reviews.
- **Human Resources** – Shall oversee and provide policy direction on matters related but not limited to personnel risk management, overall compensation and benefits, negotiations, and general welfare of departmental personnel.
- **Strategic Planning** – Shall oversee and provide policy and direction on matters related to departmental strategic planning including facilities, apparatus, real property, equipment, alliances and service area extensions, major acquisitions and operations.

Ad Hoc Committees

Ad hoc committees shall be considered dissolved upon submission of the final report, unless their standing is continued by a vote of the majority of the Board Members.

Resident Representatives

Individuals who reside within District boundaries (but not employed by the District) may serve on board committees (standing or ad-hoc) as non-voting members. In addition to being District residents, in order to be eligible to serve, resident representatives must be registered to vote in San Mateo County.

Vacant resident representative positions shall be advertised in local publications at least fifteen (15) days prior to making an appointment. Candidates shall be required to fill out a District application and submit a resume. The Board shall set a deadline for the receipt of applications. Once the application window has closed, the Board will review all applications and invite eligible applicants to attend a regular Board Meeting to answer questions from members of the Board of Directors. Selection of resident representatives will be made by nomination and a vote of the Board of Directors.

Resident representatives will serve two year terms. They serve at the pleasure of the Board of Directors and may be terminated at any time.

Alternate Standing Committee Members

The Board may designate an “alternate” standing committee member to attend meetings when a regularly appointed member is unable to attend. The alternate may participate fully in the meeting and vote on agenda items. However, if an alternate member attends a standing committee meeting, he or she shall not engage in any “fact-finding” with the standing committee member who is unable to attend the meeting, to determine the member’s opinions on a given action item. In addition, he or she shall not discuss committee business with any other Board Member, other than as permitted during regularly scheduled meetings of the full Board.

Board Liaisons

The Fire District Board shall appoint the following Board Members liaisons/representatives:

- Town of Atherton, City of East Palo Alto, City of Menlo Park, County of San Mateo Board of Supervisors, Local Area Formation Commission (LAFCO)
- San Mateo Pre-Hospital Emergency Medical Group (JPA)

From time to time, the Board will establish other liaisons as appropriate

ARTICLE 5: POWERS AND DUTIES OF THE FIRE DISTRICT BOARD

It is the policy of the Fire District Board to exercise those powers granted to it by California Law and to carry out those duties assigned to it as may best meet the fire and life-safety needs of the District.

5.1 Board Responsibilities and Duties of Fire Chief

Important activities of the Fire Board are the formulation of policies and rules regarding Fire District programs and services. In carrying out its legislative and policy-making responsibility, the **Board shall delegate the administrative, personnel and executive functions to the Fire Chief.**

5.2 Code of Ethics

The Board of Directors of the Menlo Park Fire Protection District is committed to providing excellence in legislative leadership that will result in the highest quality of services to its constituents. Pursuant to AB 1234, Ethics Training for Local Officials, passed by the California Legislature on October 7, 2005, requires that all local agencies that provide compensation, salary or stipend to, or reimburses the expenses of, members of a legislative body must provide ethics training to local agency officials every two years. There are numerous training options available including an on-line program that will allow local officials to satisfy the requirement of AB 1234 on a cost-free basis.

5.3 Board Members Meeting Participation

The basic manner in which members fulfill their office must be at a regular, special, committee, or workshop meeting, and will be a matter of public record. The method of participation is discussion, deliberation, debate and voting. All members, including the President, are expected to participate fully in deliberation and voting.

5.4 Board Members Decorum

It is understood that Board Members will not always agree. Board members have the right to maintain and express differing viewpoints, styles, opinions and values. Nonetheless, Board members should aspire to respect the dignity of their office and to observe common standards of decorum to the extent possible.

In order to assist in the governing of the behavior between and among members of the Board of Directors, the following rules shall be observed:

- The dignity, style, values and opinions of each Director shall be respected.
- Responsiveness and attentive listening in communication is encouraged.
- The needs of the District's constituents should be the priority of the Board of Directors.

Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

5.5 Board Members Responsibility to Constituents

Board Members, individually and collectively, act as representatives of the citizens of the Fire District in maintaining and promoting fire and life-safety needs of the District.

5.6 Board Members Action and Service

Board Members' decisions and actions shall best serve the needs of District citizens in light of available resources and information available to the Board at the time such decisions or actions are made.

5.7 Board Members Memberships and Continuing Education

The Fire District Board encourages members to participate in organizations such as the Fire District Association of California and others with similar benefit to the District. Membership fees shall be paid by the Fire District and reasonable expenses incurred in attending meetings, seminars, and training sessions shall be paid by the Fire District.

5.8 Board Members Conduct and Responsibilities

Conduct

The Fire District Board Members shall observe the following code of conduct designed to guide their actions in carrying out their responsibilities. A Fire District Board Member should strive to: Understand that his/her basic function is "policy" and not "administration";

1. Refuse to make commitments on any matter which should come before the Board as a whole;
2. Whenever possible, utilize the "Reports and Requests" Section of meeting agendas to educate Board Members about information obtained outside of scheduled meetings (either during one-on-one or while in attendance at public or other meetings) that may be relevant to the District;
3. Recognize that he/she has no legal status to act for the Board outside of official meetings;
4. Respect the rights of Fire District constituents to be heard at official meetings within established parameters and guidelines for public

testimony;

5. Make decisions only after available facts bearing on a question have been presented and discussed;
6. Accept the principle of "majority rule" in Board decisions;
7. Recognize that the Fire Chief should have full administrative authority for properly discharging duties within the limits of established Board policies;
8. Recognize that the Fire Chief or designee is the technical advisor to the Board;
9. Present personal criticisms, complaints or problems regarding Fire District operation directly to the Fire Chief and discuss them at a regular meeting only after failure of an administrative solution;
10. Declare conflicts of interest into the public record;
11. Conduct all Fire District business in an ethical manner;
12. Refuse to use his/her position on the Fire Board in any way, whatsoever, for personal gain;
13. If observing Fire District personnel while they are engaged in emergency or disaster operations, a Director shall not distract or engage personnel in any way. Directors shall position themselves so as not to interfere with emergency operations or become a distraction to Command or staff
14. If assigned to the Emergency Operations Center (EOC) during an emergency or disaster operation, a Board member not assigned to specific duty shall observe the chain of command under the direction of the Fire Chief or his authorized designee Incident Command System (ICS)
15. The District has policy and procedures governing harassment, discrimination and retaliation in the workplace. It is the policy of the District to establish and maintain a work environment free of all forms of harassment, discrimination and retaliation. Such behaviors are unacceptable and will not be condoned or tolerated on the part of any employee. All Directors must be familiar with and in compliance of the District's Policy prohibiting such behaviors. All new Directors shall participate in Harassment, Discrimination and Retaliation Training within one year of joining the Board if they have not already done so. All Directors should take Harassment training at least once every two years. The Clerk of the Board shall maintain records of such. See APPENDIX H for the full District Policy.
16. Give staff and contemporaries the respect and consideration due skilled professional personnel.

Responsibilities

Directors are responsible for monitoring the Fire Chief's progress in attaining District goals and objectives, while pursuing its mission.

Directors shall practice the following procedures:

- In seeking clarification on informational items, Directors may directly approach the Fire Chief or appropriate staff to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- In handling complaints from residents and property owners of the District, said complaints shall be referred directly to the Fire Chief.
- In handling items related to safety, concerns for safety, or hazards shall be reported to the following:
 - 1) Fire Chief or
 - 2) Deputy Fire Chief or
 - 3) Division Chief or
 - 4) Duty Chief

Chain of Command is dependent upon Executive Staff availability.

Emergency situations shall be dealt with immediately by seeking appropriate assistance.

In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finance, and programming, said concerns shall be referred directly to the Fire Chief or the ranking officer available.

When approached by District personnel concerning specific District policy, Directors shall direct inquiries to the appropriate staff supervisor if known. The Fire Chief shall also be made aware of personnel concerns. The chain of command shall be followed. A Joint Labor Management Committee (JLMC) was established in 2009 to facilitate the resolution of issues and improve communication between Management and Labor.

The work of the District is a team effort. All individuals shall work together in the collaborative process, assisting each other in conducting the affairs of the District. When responding to constituent requests and concerns, Directors shall be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

Directors function as a part of the whole. As such, issues shall be brought to the attention of the Board as a whole, rather than to individual members selectively.

Directors shall be expected to serve on standing and ad hoc committees as established. These committee assignments are two (2) member fact finding committees established for the purpose of making recommendations to the full Board on modifications to current policies and related Fire District business.

5.9 Board Member Discipline

Censure: The Board reserves the right to censure, criticize, disapprove, or condemn actions taken by individual Board members if their actions exceed the grounds of authority conferred upon Board members by the law or, if by their actions, they fail to fulfill their fiduciary duty to the District.

The right to censure a fellow elected official is established by case law. Censure is a disciplinary matter and, as such, the person who is proposed for censure has a right to due process (i.e. hearing on the charges). Boards may also pass resolutions criticizing, disapproving, or condemning a Board member for his/her conduct and that does not require a process hearing beforehand.

5.10 Board and District Public Communication

The Fire Chief, or his designee, is the spokesperson for the District when dealing with the media. In the course of normal events, Board members should refer inquiries to the Fire Chief. The Fire Chief and the Board should strive to be in agreement regarding the public posture of the District. Where possible it is desirable for the Board to have a unified position (e.g. “Board position”) that may be communicated to the public through the media. If it is necessary for the Board to make a separate statement to the media, that responsibility should rest with the Board President or his/her designee.

Internal District information should not be distributed to the media without the permission of the Fire Chief.

However, Board members as elected officials have all of the rights and privileges of any private citizen to speak with the media. If a Board member finds it necessary to speak to the media regarding the Fire District, that member should be clear that he/she is speaking as an individual Board member and not as a spokesperson for the Board. In order to speak for the Board, any individual Board member must be authorized by the Board.

5.11 Board Philosophy for Fire District Reserves

The Fire District’s Reserve Policy has been developed to ensure adequate ongoing funding for operating expenses and liabilities to maintain funds for specific purposes and future uncertainties and to uphold the district’s investment grade bond ratings. In addition, the District is to maintain a minimum fund balance of at least 50 percent of the operating revenues in the General Fund at Fiscal Year-End. The policy also

ensures that the District's fiscal management adheres to all related Government Accounting Standards with proper classifications applied to all Reserve Funds. Specifically, the District maintains classified Reserve funds for:

- Cash Flow Management (Committed)
- Federal Emergency Management Agency (FEMA) Deployments (Committed)
- Budgetary Deficit (Committed)
- Public Employees Retirement System (PERS) Rate Stabilization (Assigned)

5.12 Fire Board Employee Compensation Policy

The Fire Board values its represented and unrepresented employees and seeks to provide equitable compensation for each group and classification. The District's Board of Directors may observe this policy when adopting compensation plans and contracts covering District employees.

Principle No. 1 – Recruitment and Retention: Compensation should, when economically feasible, be set at a level sufficient to recruit and retain employees who are qualified and committed to provide high quality services to the community. One critical measure of whether compensation meets this criterion is whether there are a sufficient number of qualified applicants for advertised job openings.

Principle No. 2 – Fairness: The Board may strive to ensure its compensation program is fair and equitable from all legitimate perspectives, including the perspectives of the community, labor and management. The District may choose to survey public and private employers to evaluate the appropriateness and fairness of its compensation program. The Board is directly accountable to the District's constituents, and the Board accordingly retains the discretion to determine the fairness of all compensation programs.

Principle No. 3 – Transparency: Compensation for all District employees should be 100% transparent – i.e., the public should be able to see all pay elements, including the cost of all health, pension and welfare benefits, applicable to each employee. District pay packages should be simple and easily understood. Safeguards must be in place to prevent abuses such as pension spiking and maximizing overtime through manipulation.

Principle No. 4 – Fiscal Sustainability: All compensation commitments must be made consistent with principles of fiscal sustainability and to ensure the District's long term success in achieving its mission. Compensation adjustments must not compromise the District's ability to successfully meet its ongoing and future financial commitments. The Board may observe its Labor Relations Policy and Plan.

Principle No. 5 – Accountability: All compensation commitments must be expressly delineated and are subject to formal approval by the Board of Directors. The Board will not abide “implied” or unwritten contracts, or unspecified “past practices,” that purport to require employee compensation.

Principle No. 6 – Performance Based Pay: Whenever reasonably possible, compensation may be tied to merit and performance. The District may not permit pay increases based merely on the length of employment.

Principle No. 7 – Economic Climate: The District may consider the overall economic climate and condition affecting the District and its constituents when setting compensation levels, including regional economic indicators such as the rate of unemployment, inflation, current and projected revenues, and the District’s anticipated ability to pay in the long term.

Principle No. 8 – Legal Compliance: The District will ensure that its pay practices comport with the Fair Labor Standards Act and, to the extent legally applicable, State law. The District renews its commitment to negotiate in good faith with labor pursuant to the Meyers-Milias-Brown Act (“MMBA”), and to abide by all requirements of the MMBA.

Principle No. 9 – Flexibility: The District may strive to remain flexible and innovative in light of changing conditions and improving technologies, and may continually re-evaluate its pay practices to ensure they are consistent with best practices.

5.13 Collective Bargaining Agreement

It is the policy of the District Board to engage in discussions for the purpose of reaching agreements with recognized employee groups (Represented Safety, Represented Miscellaneous, Unrepresented Safety, Unrepresented Confidential and Chief Officers), as required in the Meyers Milas-Brown Act. The District Board should not directly engage in negotiations itself but reserves the right to delegate to:

- (1) The Fire Chief
- (2) A contract negotiator
- (3) A designee

the responsibility of negotiating with employee groups. During contract negotiations a Board member should limit communication with the bargaining group on matters pertaining to the negotiation. Board members shall not negotiate directly with represented labor groups and cannot agree to anything as an individual or on behalf of the Board while bargaining is underway.

The Memorandum of Understanding (MOU) is entered into by and between the MENLO PARK FIRE PROTECTION DISTRICT (District), a California Special District and the MENLO PARK FIREFIGHTERS DISTRICT 10 OF THE

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2400 (Union), and the AMERICAN FEDERATION OF STATE, COUNTY, MUNICIPAL EMPLOYEES LOCAL 829 (Union), pursuant to Government Code 3500, et seq.

The MOUs, including side letters to such, is of no force or in effect in regard to matters within the authority of the District Board of Directors until such matters are submitted to, and accepted by, the District Board of Directors.

5.14 Sunshine Policy

It is Board Policy to be open and transparent in accordance with the law. Accordingly, any collectively bargained labor agreement between the District and a recognized employee association shall be made publicly available for thirty (30) days before the meeting at which the agreement will be acted on by the Board of Directors.

ARTICLE 6: DELEGATION OF BOARD AUTHORITY

The Fire District Board has primary responsibility for the approval of District plans and procedures and for the appraisal of the ways in which these decisions are implemented and results obtained. The Board recognizes its authority to delegate specific responsibilities to the Fire Chief for the implementation of the programs and services of the District.

6.1 Board Approval of Fire Chief Position

The Board will approve a position description for the Fire Chief as per District Policy. The Board will negotiate and enter into a contract with the Fire Chief which specifies the terms and conditions of employment.

6.2 Responsibilities of Fire Chief to the Board

The Fire Chief shall serve as the Executive Officer of the Fire District. Responsibilities of the Fire Chief may include:

1. Preparing the agenda in collaboration with the Board President for each meeting, attending all Board meetings, unless excused, and participating in deliberations of the Board as required.
2. Bringing to the attention of the Board matters requiring its consideration.
3. Reporting periodically to the Board on the progress of the programs in the District.
4. Addressing personnel, financial and capital improvement matters under the direction of the Board.
5. Reporting to the Board, appointments, demotions, transfers, and dismissals in accordance with the policies of the Board as applicable.
6. Provide for succession planning for management and personnel within the District, as needed, to ensure that the District's long term goals and objectives are met. The Fire Chief will provide the District Board with updates on succession planning activities as part of fiscal year end reporting. All such reports shall be made no later than the regularly scheduled Board meeting in July of each year.

6.3 Fire Chief Evaluation

The Board shall establish a process for evaluating the Fire Chief and establish an ad-hoc committee to carry out the evaluation process. The evaluation process is

reviewed at the regular December Board meeting for any modifications prior to beginning the actual review process. See Appendix D for details.

6.4 Fire Chief Delegation

The Fire District Board delegates to the Fire Chief the function of specifying the required actions and designing the detailed arrangements under which the Fire District will be operated. Such administrative policies and procedures will detail the operations of the Fire District.

6.5 Fire Chief Administrative Actions

When action must be taken within the Fire District where the Board has provided no guidelines for administrative action, the Fire Chief shall have the power to act, but the decisions shall be subject to review by the Board at its next regular meeting. It shall be the duty of the Fire Chief to inform the Board promptly of such action and of the possible need for policy or rule.

6.6 Fire Chief Reporting Process – Fire Fatalities

Whenever a fire fatality occurs in the Fire District the Fire Chief shall conduct an investigation of the incident and prepare a written report to the Board.

ARTICLE 7: METHODS OF OPERATION OF FIRE DISTRICT BOARD MEETINGS

It is the policy of the Fire District Board that all meetings shall be conducted in accordance with California and Federal statutes and rules, including the Brown Act, the decisions of the courts, and with proper regard to "due process" procedures. In so doing, the Board will seek information from staff and other sources, as appropriate, before decisions are made on policy and procedural matters.

7.1 Meeting Location

Regular meetings of the Fire District Board shall be held at the Menlo Park Fire District, 300 Middlefield Road, Menlo Park on the third Tuesday of each month at 7:00 p.m., unless by specific action of the Board a different meeting place or time is selected.

The President and the Fire Chief shall insure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

7.2 Regular Meetings

At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the Menlo Park Fire Protection District Administration Office and are open to the public, except as provided for Closed Sessions. Notice of all meetings and a copy of the proposed agenda shall be sent to all persons making request in writing, and will be made available to the news media prior to the date of the meeting in accordance with the Brown Act, an additional posting of the agenda to the Menlo Fire Website, as well as the agenda packet on SIRE, which is linked on the website.

A nominal fee may be charged for copies of public records in accordance with rules established by the Board of Directors.

It shall be the policy of the Fire District Board to recognize itself as a policy-making body that deliberates at regularly scheduled meetings and each Board member shall make a diligent effort to be present and participate fully.

It is the intent of the Fire District Board to encourage attendance and participation at Board meetings by all interested persons and residents of the District.

Meetings may include a closed session as necessary.

7.3 Special Meetings

The Presiding Officer of the Board or a majority of the legislative body may call a

Special Meeting. A majority may meet without providing notice to the public in order to call a Special Meeting and prepare the agenda; however, only discussion of the actual agenda items may occur. Notice of a Special Meeting must be provided 24 hours in advance of the meeting to all of the legislative body members and to all media outlets who have requested notification. The notice also must be posted at least 24 hours prior to the meeting in a location freely accessible to the public. Notice is required even if the meeting is conducted in closed session. Minutes are required for Special Meetings.

7.4 Emergency Meetings

An Emergency Meeting may be called by the District Board if a work stoppage, crippling activity, or other activity severely impairs public health or safety. Alternatively, the legal body may determine a dire emergency exists, such as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses immediate and significant peril. All of the special meeting provisions apply to emergency meetings, except for the 24-hour notice requirement.

7.5 Standing Committees

Standing Committees may meet monthly or as necessary with regard to their respective responsibilities and/or duties. Agendas shall be noticed and published in the same manner as Regular meetings. Reports, findings, and recommendations may be forwarded to the full Board for its consideration. Meetings may include closed session as necessary.

7.6 Ad-Hoc Committees

Ad hoc committees shall meet as necessary in accordance with their specific mission and purpose. An Ad hoc committee generally has a limited purpose and/or a limited span or time frame. These committees exist as long as necessary to accomplish their goal after which they are disbanded. There are no notice or agenda requirements for ad-hoc committees. As with all Committees, the maximum number of directors that may be on an ad hoc committee is two. No minutes are required from an ad-hoc committee.

7.7 Study Sessions

Study sessions may be scheduled from time to time to allow the Board to focus closely on a particular subject. The notice and agenda requirements for a Study Session are the same as those for a regular Board meeting. A Study Session may be a closed meeting if it meets the requirements. No minutes are required for a Study Session. No action may be taken at a Study Session except providing direction to staff.

7.8 Agendas

Agendas for respective meetings shall be determined in the following manner and shall comply with appropriate noticing and publishing.

Agenda Item Requests - Board Members

As stated in Policy 4.2, the Fire Chief in collaboration with the Board President and/or Vice President shall prepare an agenda for each regular, committee and special meeting of the Board of Directors. Any Board member may request the placement of any item related to District business on the agenda of an upcoming scheduled regular Board Meeting in one of four ways:

1. By voicing a request during the open session of a Board Meeting that an item be placed on the agenda for the following meeting;
2. By submitting a request, outside of a Board Meeting, to the Board President or the Fire Chief with a copy to the Clerk of the Board;
3. By submitting a request, outside of a Board Meeting, to the Fire Chief.
4. By the Board member adding agenda items directly by submitting a form.

The Agenda Item request from Board members will be placed under the “Proposed Agenda Items” section of the agenda. If the Board approves the Agenda Item request, that item will be placed on the upcoming regularly scheduled Board Meeting and the requestor will work with staff to provide necessary reports and/or attachments for the Board Meeting packet.

All requests for agenda items are subject to the requirements and limitations of the open meeting laws of the State of California, must be within the subject matter jurisdiction of the Board and shall be consistent with these rules governing Board roles and responsibilities. Issues in this regard will be resolved by the Board President. Barring emergencies or other exigent circumstances, all agenda requests shall be made at least two weeks prior to the Board meeting at issue. The Fire Chief and the Board President shall honor all agenda requests that meet the requirements of this policy and state law. Agendas should be finalized and sent to the Clerk of the Board 14 days prior to the scheduled regular meeting, whenever possible. If appropriate, requested agenda items may be combined with one another or other items of similar subject matter for purposes of parliamentary convenience.

Agenda Item Requests - Members of the Public

Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors. The request may be made during the public comment portion of any Board meeting, but unless the requirements of the Brown Act can be met, the agenda item may only be added to a future meeting agenda as a “Proposed Agenda Item”. If the request is made outside of a Board meeting, the procedure is as follows:

1. The request must be submitted, in writing, to the Fire Chief at least one week prior to the Board meeting, and

2. The Board President, upon consultation with the Fire Chief, will determine whether the public request is a "matter directly related to the District Business" and if so, it may be placed on the Board's next scheduled meeting as a "Proposed Agenda Item" agenda.
3. The Agenda Item request from the public will be placed under the "Proposed Agenda Items" section of the agenda. If the Board approves the Agenda Item request, that item will be placed on the upcoming regularly scheduled Board Meeting and the requestor will provide staff to provide necessary reports and/or attachments for the Board Meeting packet.

Consent Agenda

Items of recurring nature may be included for consideration. These items will be determined during agenda setting meetings between the President and Fire Chief.

Committee Meeting Agendas

Agendas for standing Committee Meetings shall be established by items forwarded by majority vote of the Board; by recurring items from prior Committee Meetings; by designated nature of the item which would require committee action prior to Board consideration; or by items submitted by the Fire Chief in consultation with the President.

Directors' Communications on Agenda Items

Directors are invited, after receiving the draft agenda for an upcoming Board meeting, to submit comments for publication regarding a particular agenda item in advance of the meeting by submitting any such comments to the Clerk of the Board prior to the time the Agenda Packet for the meeting is finalized and distributed. Comments shall be submitted via e-mail to the Clerk of the Board, and shall clearly indicate the agenda item to which the comments pertain. Questions regarding when an Agenda Packet will be finalized for a particular meeting should be directed to the Clerk of the Board. Board member comments received by the Clerk of the Board prior to the finalization and distribution of the Agenda Packet shall be published as part of the Agenda Packet under the appropriate agenda item. Comments shall not be distributed to or shared with any other Board member, except by the Clerk of the Board, as noted above, and Board members shall not discuss any published comments outside of a publicly agendized meeting. In the event the Clerk of the Board has any question or concern regarding whether or not a particular comment is suitable for publication, he or she shall contact District Counsel for assistance.

7.9 Closed Sessions

A Closed Session is a part of a meeting where no member of the public may be present. Only the following topics are grounds for calling a closed session Government Code Section 54953 (b) (3):

- Personnel Matters: Appoint, employ, evaluate performance, discipline, dismiss or release an employee

- Pending or Anticipated Litigation
- Labor Negotiations
- Real Property Negotiations
- Public Security
- License Application by persons with criminal record
- Liability Claims
- Trade Secrets
- Charges or complaints involving information protected by federal law
- Conference involving Joint Powers Agency
- Audit by Bureau of State Audits

The Brown Act states that the legislative body of any local agency shall publicly report actions taken in closed session as well as the vote or abstention on that action of every member present, when the body acts to do one of the following:

1. Approve an agreement concluding real estate negotiations.
2. Grant legal counsel permission to defend litigation.
3. Grant legal counsel permission regarding settlement of litigation.
4. Act to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee.
5. Act to approve an agreement concluding labor negotiations.
6. Make a decision regarding a pension fund investment transaction.

7.10 Quorum

A quorum is the minimum number of members of a deliberative body necessary to conduct the business of the Fire District Board. Three members of the five- member Board must be physically present within the District to conduct Fire District business.

7.11 Public Comments

Public comment is encouraged at all Board meetings. Any person requesting to speak is advised to fill out a speaker request card, but is not required to do so. Public comment is limited to three minutes per speaker, which may be waived or modified by the Board President.

The agenda will emphasize the right to public comment by including the following phrase as a preamble to the public comment section: “A fundamental element of democracy is the right of citizens to address their elected representatives, therefore...”

There are three opportunities for public comment:

Public Comment #1 - Under “Public Comment #1”, the public may address the Board on any subject NOT listed on the agenda. Each speaker may address the

Board once under Public Comment for a limit of three minutes. Speakers will be asked (but are not required) to clearly state their name and address or political jurisdiction where they live. The Board cannot act on items that are not listed on the agenda and, therefore, the Board cannot respond to non-agenda items brought up under Public Comment other than provide general information. This will generally take place before the consideration of the Consent Calendar.

Public Comment for Agenda Items - District policy assures members of the public the opportunity to speak to any regular or special meeting agenda item before final action. This opportunity to speak is during the public discussion portion of each agenda item and must be related to matters under consideration for that agenda item.

Public Comment #2 - Under Public Comment #2, the public may address the Board if they were unable to do so during Public Comment #1. The same caveats apply.

7.12 Presiding Board Meeting

The Board President shall normally preside at meetings of the Board. In the absence of the Board President, the Board Vice-president shall preside. In the absence of both the President and the Vice-president, the first order of business at the Board meeting shall be the appointment, by the Board members present, of a presiding Board member to chair the meeting.

ARTICLE 8: MEETING MINUTES, PUBLIC RECORDS

8.1 Board Meeting Minutes

The minutes of the meetings of the Fire District Board shall be maintained in the Administration Office of the District and shall provide for information as required by law and Board policies. For convenience, an additional posting of the Board Minutes may be found on the Menlo Fire Website. The meeting agenda packets may be found on the SIRE system, which is linked on the website.

8.2 Board Clerk

The Board Clerk performs various administrative and managerial duties such as, preparation of the Board agenda, facilitation of the execution of official and legislative processes, which includes administering provisions of the Political Reform Act of 1974, attesting to the passing of resolutions and ordinances, and participating in the Fire District Board Meetings.

The Board Clerk also records official actions and legislation of the District, documenting the proceedings of meetings and retaining other legal and historical records. Records are maintained while providing appropriate public access to District business. The Board Clerk manages the proper maintenance and disposition of District records and information according to the Retention Schedule and helps to preserve District history.

8.3 Board Meeting Minutes-Public Record

The official minutes of Board meetings, including supporting documents, shall be open to inspection by the public at the office of the Fire Chief during regular business hours.

8.4 Public Records Process

The Fire District recognizes the right of any member of the public to inspect nonexempt public records, limited only by rules of reasonableness, and in accordance with guidelines established by California State Law. When access to District records is granted, examination will be made in the presence of the record custodian regularly responsible for maintenance of the files or by a staff member designated by the Fire Chief. In accordance with the Public Records Act, certain records, including personnel records, are not included in the category of records to which the right of access may be granted by the Fire District.

The Clerk of the Board of Directors shall keep minutes of all regular and special meetings and standing committees of the Board, but minutes shall not be taken of Closed Sessions or Study Sessions.

Copies of said minutes shall be made for distribution to Directors with the agenda

for the next regular Board Meeting.

The official records of the meetings are the approved typed minutes. The official typed minutes of the regular and special meetings and standing committees of the Board shall be kept in a secured office with easy access for the public review during normal business hours.

Motions, resolutions or ordinances shall be recorded as having passed or failed and individual votes will be recorded unless the action was unanimous.

All resolutions and ordinances adopted by the Board shall be numbered consecutively starting new at the beginning of each calendar year.

The minutes of Board meetings shall be maintained as hereinafter outlined:

1. Date, place and type of each meeting;
2. Directors present and absent by name;
3. Call to order;
4. Arrival of tardy Directors by name;
5. Pre-adjournment departure of Directors by name, or if absence takes place when any agenda items are acted upon; adjournment of the meeting; record of written notice of special meetings; and, record of items to be considered at special meetings.
6. Complete information as to each subject of the Board's deliberation; Approval or amended approval of the minutes of preceding meetings;
7. Complete information as to each subject including the record of the vote on a motion if not unanimous;
8. All Board resolutions and ordinances in complete context, numbered serially for each fiscal year;
9. A record of all contracts entered into;
10. A record of all bid procedures, including calls for bids authorized, bids received and other action taken;
11. Adoption of the annual budget;
12. Financial reports, including collections received and deposited and sales of District property shall be presented to the Board every month;
13. A record of all important correspondence;
14. A record of the Fire Chief's report to the Board;
15. Approval of all policies and Board-adopted regulations; and
16. A record of all visitors and delegations appearing before the Board.

8.5 Board Electronic Communications Policy

The District has established an Electronic Communication Policy and an Information Security Procedures to which users are expected to adhere. The purpose of these policies is to ensure the proper use of the District technologies. This policy is included here for information purposes and should be familiar to Board members.

The Electronic Communication Policy covers such items as Personal Use, Protocol for Use, Unauthorized Purposes, Authorized Hardware and Software Configurations, Data Backup, Security, Internet Use, Shared Resources, the Public Records Act, Confidentiality, Privacy and Misuse.

The Information Security Procedures includes such items as Passwords and the Use of the District Network with Non-District Equipment.

Complete copies of these policies can be found in APPENDIX A.

Use of E-mail

Each member of the District's Board of Directors will be provided with an e-mail account on the District's server. The District's website provides the public with a link to these e-mail accounts and the business cards of each Board member includes the District e-mail account/address. Members of the Board of Directors should use only their District e-mail accounts for all District business and should not use their personal or business e-mail accounts for this purpose.

The District will retain all incoming and outgoing e-mail messages from the Board of Directors e-mail accounts on the District's server for two years. These e-mail messages are public records and are subject to disclosure through the provisions of the Public Records Act, with rare exception.

ARTICLE 9: RULES OF ORDER DURING MEETINGS

The Board President is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Board President and all questions and remarks shall be addressed to the President.

9.1 Points of Order

The Board President shall determine all Points of Order subject to the right of any member to appeal to the entire Board. If any appeal is taken, the question shall be, "Shall the decision of the Board President be sustained?" In which event a majority vote shall govern and conclusively determine such question of order.

9.2 Decorum and Order - Board Members

Any Board Member desiring to speak shall address the President and, upon recognition by the President, shall confine himself/herself to the question under debate.

- A. A Board Member desiring to question the staff shall address his/her question to the Fire Chief who shall either answer the inquiry himself or to designate some member of his staff for that purpose.
- B. A Board Member, once recognized, shall not be interrupted while speaking unless called to order by the President, unless a Point of Order is raised by another Board Member, or unless the speaker chooses to yield to questions from another Board Member.
- C. Any Board Member called to order while he is speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, he shall be permitted to proceed. If ruled to be not in order, he shall remain silent or shall alter his remarks so as to comply with rules of the Board.
- D. Directors shall at all times conduct themselves with courtesy to each other to staff and to members of the audience present at Board meetings and public sessions.
- E. Any Board member may invite any members of the Public to speak at a Board meeting during the period reserved for public comment.

9.3 Decorum and Order - Employees

Members of the administrative staff and employees of the District shall observe the same rules of procedure and decorum applicable to Board Members.

9.4 Conflict of Interest

All Board Members are subject to all provisions of California law relative to conflicts of interest and to conflict of interest codes adopted by the Board. Any Board Member prevented from voting because of a conflict of interest shall state the basis for the conflict, recuse him/herself and leave the room for the duration of the debate and vote on the item.

9.5 Limitation of Debate

No Board Member normally should speak more than once upon any one subject until every other member choosing to speak thereon has spoken. No member shall speak for a longer time than five (5) minutes each time he has the floor, without the approval of a majority vote of the Board.

9.6 Dissents, Protests, and Comments

Any member shall have the right to express dissent from, protest to or comment upon any action of the Board and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reason. . . "

Should any member choose to express the reasons for his or her dissenting vote for the record, then any board member voting in favor of the action shall also have the opportunity to state his or her reasoning and have the reason entered in the minutes.

9.7 Rulings of Chair Final Unless Overruled

In presiding over meetings, the Board President, Vice President or temporary President shall decide all questions or interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Board Members present and voting, and shall be binding and legally effective (even though clearly erroneous) for purposes of the matter under consideration.

9.8 Actions Not Invalidated

Failure to strictly comply with these Rules of Procedure shall not invalidate any action taken by the District Board.

9.9 Actions

The Board may act only by ordinance, resolution or motion. For example: Board actions setting rules for long-term application are taken by ordinance, whereas more

routine business and administrative matters (usually more temporary in nature) are accomplished by "resolutions."

The "motion" (assuming it was one which passed) is a Board action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it (unless a minute order is requested).

9.10 Processing of Motions

When a motion is made and seconded, it shall be stated by the Board President before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

9.11 Motions Out of Order

The Board President may at any time, by majority consent of the Board, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.

9.12 Division of Question

If the question contains two or more divisional propositions, the Board Chair shall, upon request of a member, divide the same.

9.13 Precedence of Motions

When a motion is before the Board, no motion shall be entertained except the following, which shall have precedence in the following order:

- A Adjourn
- B. Fix hour of adjournment
- C Table
- D. Limit or terminate discussion
- E. Substitute
- F. Reconsider
- G. Amend
- H. Postpone

A. Motion to Adjourn - Not debatable

A motion to adjourn shall be in order at any time, except as follows:

- a. When repeated without intervening business or discussion
- b. When made as an interruption of a Member
- c. When discussion has been ended and vote on motion is pending
- d. When a vote is being taken a motion to adjourn "to another time" shall be debatable only as to the time to which the meeting is adjourned.

B. Motion to Fix Hour of Adjournment - Not debatable

Such a motion shall be to set a definite time at which to adjourn and shall not be debatable and amendable except by unanimous vote.

C. Motion to Table - Not Debatable

A motion to table shall be used to temporarily by-pass the subject. A motion to table shall not be debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

D. Motion to Limit or Terminate Discussion - Not Debatable

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall not be debatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

E. Motion to Amend - Debatable

A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted first, then the main motion as amended.

F. Motion to Continue - Debatable

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

G. Reconsideration - Debatable

Any Board Member who voted with the majority may move a reconsideration of any action at the same or next meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent to the Board.

H. Voting Procedure

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Board Member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The order of voting shall be alphabetical with the Board President voting last. The Clerk shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond 'aye' or 'no' or 'abstain.' Any Board Member not audibly and clearly responding 'no' or 'abstain' or otherwise registering an objection shall have his vote recorded as 'aye.'

9.14 Tie Votes

Tie votes shall be considered a no vote or denial.

ARTICLE 10: PROCEDURE FOR ADOPTING A RESOLUTION

Actions of the Board on matters of policy or procedure of a less formal nature than the subject of an ordinance are taken by resolution, which are effective upon adoption. Ordinarily, resolutions should be prepared in advance. The procedure for adoption is:

- A. Motion
- B. Second
- C. Discussion
- D. Vote, pursuant to the methods set out for motions
- E. Result declared

When a resolution has not been prepared in advance the Board may adopt the resolution by title. In that case, the general counsel or staff shall prepare the form of the resolution for presentation at the next meeting.

ARTICLE 11: PROCEDURE FOR ADOPTING AN ORDINANCE

Ordinances of the District shall be adopted by the Board pursuant to Government code Sections 25120 et seq.

All ordinances shall be placed on the agenda for regular meetings by title and a brief description of content. (An exception is an urgency ordinance which may be adopted at a special meeting.) The procedure for adoption is:

- A. Discussion
- B. First Reading/Introduce the Ordinance

Motion to waive reading of entire ordinance and read by title and number only, must be carried by a majority.

Reading by title by the Clerk of the Board
Motion to introduce.

- a) Moved by:
- b) Seconded:
- c) Carried by:

- C. Adoption/ Second Reading, in general, must occur at least five (5) days after first reading.

Second Reading/Adopt the Ordinance. Except as specified by law, ordinances become effective 30 days after final passage providing the ordinance has been published one time in a newspaper of general circulation published in the District.

ARTICLE 12: FIRE DISTRICT LEGAL COUNSEL

It shall be the responsibility of the District Board to select legal counsel to represent the legal needs of the District. The Board shall recognize its responsibility to seek the advice of legal counsel whenever it is unclear regarding legal questions or whenever an action being considered by the Board may result in placing the District in legal jeopardy.

Legal counsel for the Fire District shall be in attendance for Regular Fire Board Meetings when legal advice, contract consultation and/or Closed Session interactions deem it necessary by the Board President or the Fire Chief.

In keeping with District Policy and fiscal responsibility, all legal counsel contact shall have prior approval by the Board President and/or Fire Chief for matters requiring a legal interpretation.

APPENDIX A - ELECTRONIC COMMUNICATION POLICY AND INFORMATION SECURITY PROCEDURES

Electronic Communication Policy

Section 1 – Purpose

The purpose of this policy is to ensure the proper use of Menlo Park Fire District (referred to as “District”) technology. The District’s Electronic Communication Policy allows the District to protect data and confidential information. This policy is applicable to all Users of the District’s electronic communications systems.

The District’s e-mail system is the exclusive property of the District and is provided to Users for creating and transmitting District business-related information.

Violations of this policy can result in immediate revocation of the User’s access to the District’s network.

Section 2 – Definitions

1. User – Board Members
2. Computer Equipment and Related Tools - includes but not limited to equipment such as desktop personal computers, laptops, servers, printers, scanners, modems, PDAs, storage devices, Internet access, e-mail, and the software that makes each tool functional.
3. Communication Equipment and Related Tools – includes but not limited to equipment such as telephones, cellular phones, voice-mail, and fax machines.

DISCLAIMER

The District cannot completely protect individuals against the existence or receipt of material that may be offensive to them. As such, those who make use of electronic resources and communications are warned that they may come across or be recipients of material they find offensive. Creating, discussing, forwarding or printing offensive e-mail or internet materials, however, can constitute a violation of this and other District policies.

Section 3 – Policy Specifics

- A. Personal use – Personal use of telephones, computer equipment, Internet access and e-mail during working hours is discouraged. If personal use is made of District equipment, Users should not expect the data to be protected from review, preservation or deletion. Accordingly, Users should not use the District’s systems to create or transmit information they wish to keep private.

The District shall be reimbursed for any charges generated as a result of personal use of the District’s equipment.

- B. Protocols for Electronic Communications. E-mail by nature represents and reflects upon the District’s public image and integrity. Users should ensure their messages are respectful, professional, and consistent with District policies.

- 1) Forwarding business-related e-mails from District e-mail accounts to a personal e-mail account is discouraged.

- 2) ***Personal e-mail accounts should not be used to conduct District business.***

- C. Public Records Act. District records, whether paper or electronic, are governed by public disclosure requirements of the Public Records Act. Disclosure may be required regardless of who sends or receives a communication or document. In the event the District receives a public records request that includes e-mail, Users responsible for the requested records must use their best efforts to preserve e-mail covered by the request until it is determined whether the e-mail must be disclosed. District Counsel and the Clerk of the Board must be contacted concerning any request for disclosure of District records applicable to e-mail or other electronic records of any User subject to this policy.

- 1) The 2017 *City of San Jose v. Superior Court* California Supreme Court case deals with the California Public Records Act implications of public employee and public official’s use of private accounts and devices. **The case holds that communications found on personal devices and in private accounts can qualify as public records if their contents “relate in some substantive way” to the conduct of public business.**
- 2) It may be difficult to draw the line between public records and private communications. The Court suggested several factors that may be used in such determinations: (1) the content of the communication; (2) the context or purpose for the communication; (3) the person to whom the communication was directed; and (4) whether the communication was prepared or received by an individual within the scope of his or her agency duties.

- 3) In order to comply with the Public Records Act, the District does not need to have direct access to the private device or account. It can leave it to “properly trained” public officials and employees to search their own records.

D. Retention of mails. E-mail is intended as a temporary medium of transmission of communication and should not be used for permanent storage of records.

- 1) E-mail is to be read on a regular basis and promptly deleted by both sender and recipient, unless 1) a law or directive expressly requires such communication to be kept; or 2) preservation of such communication is necessary or convenient to the discharge of the User’s duties, and the information is being retained for the purpose of preserving its informational content for future District use or reference
- 2) While records existing on a private device or in a private account at the time a public records request is received must be disclosed, Users do not need to retain most communications found on private devices or in private accounts. The records subject to retention policies are only those “made or retained for the purpose of preserving its informational content for future reference.” (64 Ops. Cal. Atty. Gen. 317 (1981).) For individual correspondence, Users can make the determination of whether particular correspondence needs to be retained for future reference or not. In other words, Users may delete e-mails and text messages so long as you do not believe they are necessary to preserve for future reference.
- 3) If a User determines the information received by e-mail needs to be retained, the information should be printed as a hard copy and then deleted or transferred to an electronic file located on the District's network specifically designated for this purpose. Routine backup of the District's e-mail system is for disaster recovery only, which does not allow individual e-mails to be restored.

E. Unauthorized purposes -- District equipment shall not be used for any commercial promotional purpose, to conduct personal business affairs, or to communicate any material of a political, religious, obscene or derogatory nature that would conflict with the District’s personnel policies.

F. Authorized Hardware and Software Configurations -- Computer hardware and software will be installed, configured and supported by the District. Hardware and software is allowed to be installed on District computers only if it is purchased and licensed by the District.

G. Data Backup -- Files stored on the District's computer networks shall be backed up periodically according to the District's network backup policies. Users shall

utilize network resources to store their data files to the fullest extent possible to protect the District's data resources. Users are responsible for ensuring that critical data is always stored on network servers. No data should be stored on desktop computer hard drives, except during network outage problems. District data should be copied back to network servers as soon as possible and deleted from desktop computer hard drives, laptops, or District-provided storage devices.

- H. Security – The District's Information Security Procedures are listed in Attachment A and are included as part of this Policy to which all Users are expected to adhere.

Computers shall not be left unattended in a state that affords inappropriate access to records of the District or otherwise compromises security. (e.g., lock workstation or logoff). At any time a User's access to computer, communication equipment and network resources may be limited due to necessary security policies to protect the District's network. The District employs monitoring software and will, at District's discretion, prevent unauthorized use. Security of District electronic information systems and data on those systems, including data posted or downloaded by Users, is a District priority. Users must help the District protect its systems and materials stored on those systems by immediately notifying the District about security problems, including: vandalism; unauthorized access or use; the downloading, uploading, or creation of computer viruses; and theft or misuse of District hardware or software or of materials and data created by Users.

- I. Internet -- All Internet Users are expected to be responsible "cybercitizens," which means knowing the tools, rules and etiquette and behaving accordingly. Violations of this policy will result in removal of Internet privileges.
- Material posted to Internet newsgroups or bulletin boards should not reflect negatively on the District, its employees or violate any trust or copyright laws.
 - Internet access is to be used only for District business during working hours. Personal use is to be limited in accordance with Section 3-A. The District may restrict access to authorized Users.
 - Users are reminded all other District employment policies (e.g., workplace harassment, discrimination and retaliation policies) can affect Internet use. The District does use software tools to restrict access to sites and e-mails deemed inappropriate for the workplace. The District also utilizes tools to track Internet usage.
- J. Shared Resources - Users may not encroach on others use of computer resources. Such encroachment would include, but is not limited to, tying up computer and network resources for illegally or legally downloading or sharing music, movies,

software or other files, or other non-District related applications; sending harassing messages; sending frivolous or excessive messages, including chain letters, junk mail, spam, and other types of broadcast messages, either locally or over the Internet; using excessive amounts of storage; launching attacks or probes, or otherwise attempting to subvert the security of any system or network at the District or on the Internet; intentionally or irresponsibly introducing any computer viruses, worms, Trojan Horses, spy ware, or other rogue programs to hardware, software, systems or networks at the District or on the Internet; or physically damaging systems.

- K. Confidentiality - California law requires that certain information be treated as confidential and not be distributed to others inside or outside the District who do not have authorization to view such information. Users may occasionally receive confidential electronic information. Some examples of confidential information are: personnel records, internal investigations, information relating to litigation or potential litigation, attorney-client communication, information related to labor negotiations, or information related to confidential real estate negotiations. When Users send confidential information, it should be marked 'Confidential Information' so recipients are alerted to the nature of the information.

Confidential information should not be sent or forwarded to Users, individuals or entities not authorized to receive and view that information.

Users shall exercise caution in sending confidential information by e-mail as compared to written memoranda, letters or phone calls because of the ease with which such information can lose confidentiality by inadvertent or intentional diversion or retransmission of others.

The District Counsel should be contacted concerning any questions about whether a communication is confidential.

- L. No Expectation of Privacy for Computer and Communication Equipment

The tools provided by the District in accordance with this policy remain the property of the District and are to be used for business communications. Accordingly, the District retains the right to review Users' usage of such equipment. Users shall have no expectation of privacy for voice, electronic mail (e-mail) communications and all other uses of computer and communication equipment. Examples of when the District might need to review Users' messages, sent or received, include but are not limited to:

- Attempting to retrieve lost messages;
- Recovering from system failures or monitoring system performance;
- Complying with various internal and external investigations such as grievances, workplace harassment claims, or suspected criminal acts;

- Ensuring that District systems are being used for business purposes and policies.

Section 4 - Compliance with this Policy

It is the responsibility of all Users to insure that they are in compliance with this Policy.

A. Privacy

Users shall have no expectation of privacy when sending, storing, posting, creating, or receiving information on District electronic information systems. Information created or stored on a District system is backed up on other parts of the system. The District cannot and will not guarantee Users that others will not deliberately or inadvertently view information created or stored on District systems. Materials and data stored on District electronic information systems are the property of the District and shall be stored with no expectation that the materials or data are personal or private.

Users should not make information about themselves or others available on the Internet. The District cannot protect Users from invasions of privacy, identity theft and other possible dangers that could result from distribution of personal information.

B. Misuse

The use of the District's computers and electronic information systems is a privilege, not a right, and misuse of those systems or of District workspace may result in a withdrawal of that privilege.

Examples of misuse include, but are not limited to:

- 1) Using District electronic information systems for purposes unrelated to District business;
- 2) Soliciting, sending, posting, publishing, storing or accessing harmful matter or material that is threatening, obscene, pornographic, sexually explicit, or disruptive, or that could be construed as harassment or disparagement of others on the basis of race, national origin, sex, sexual orientation, age, religion, disability, marital status or veteran status;
- 3) Using, promoting or authorizing commercial activities on behalf of for-profit or not-for-profit institutions, without District authorization;
- 4) Advertising products;
- 5) Urging the support or defeat of any ballot measure or candidate;
- 6) Reading, copying, completing, modifying, destroying, forging or deleting another User's material or mail on the electronic information systems, without the User's permission;

- 7) Transmitting any material in violation of any federal or state laws, including but not limited to copyrighted material;
- 8) Using, downloading, or disseminating copyrighted material on District information systems without the copyright holder's permission, or without giving copyright credit if use is for academic purposes;
- 9) Creating, downloading, or uploading computer viruses;
- 10) Encouraging the use of drugs, alcohol, tobacco, or promoting any activity prohibited by District policy or by law;
- 11) Attempting to harm or vandalize any part of the District's electronic information systems or its computers; and
- 12) Engaging in any conduct that would constitute a crime or violate California Penal Code Section 502, including knowingly and without permission accessing or damaging any computer system, network, or program or any User's data, accounts or access.

C. Consequences of Misuse

Violations of this Policy may, at the District's sole discretion, result in:

- Loss of the User's privilege to use District electronic information systems and/or computers;
- Disciplinary action, up to and including termination;
- Referral to police authorities if the conduct may constitute a crime.

Section 5 - Review Cycle

This policy will be periodically reviewed and updated as appropriate.

Information Security Procedures

Section 1 – Purpose

The District shall establish information security procedures to which Users are expected to adhere. These procedures are applicable to all Users.

The District reserves the right to change the policies and procedures set forth in this policy at any time.

Section 2 – Definitions

1. User - Board members

Section 3 – Policy Specifics

A. Passwords

Passwords are an important aspect of computer security. They are the frontline of protection for User accounts. Passwords are used for various purposes at the District. Some of the more common uses include: network accounts, web accounts, e-mail accounts, screen saver protection, division specific applications and voice-mail access.

A poorly chosen password may result in the compromise of the District's network. As such, all Users are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

The District requires the following:

Network

Length:	6
Complexity:	letters and numbers
Remember last password:	2 previous passwords
Require Password Change:	180 days

No User may share any of their User id or passwords with any other District employees or non-district employees. This includes logging a person in and allowing that person to perform work under a User id and password that does not belong to that individual. Authority and access to all information is based on User id. If a person needs additional authority or access, should contact IT to set it up.

All passwords are to be treated as sensitive and confidential.

- Do not reveal a password over the phone to ANYONE
- Do not reveal a password in an e-mail message
- Do not reveal a password to any co-worker
- Do not talk about a password in front of others
- Do not hint at the format of a password (e.g., "my family name")
- Do not reveal a password on questionnaires or security forms
- Do not share a password with family members

B. Use of District Network with Non-District Computer Equipment

At no time may a User attach to the District's internal network using their personal devices including mobile devices, tablets, and laptop computers.

As used in this section, attaching to the District's Internal Network means gaining access to internal resources such as software, databases, shared folders and files with the ability to see and communicate with all other district computers and devices. This does not include connecting to the District's wifi network, which is permitted.

Any User who wishes to attach a consultant, vendor or contractor worker's personal computer equipment (including laptops) will agree to follow all the

policies set forth in the District's Information Technology Use Policy when attaching computer equipment to the District's network at any District facility.

In addition, all personal devices shall be inspected by IT staff prior to use on the District's network to determine that an appropriate level of virus protection software and operating system security updates have been installed. Previously inspected systems need to be re-inspected if it has exceeded one month or longer since the last inspection.

District staff will inform non-District employees of the inspection requirements and, when possible, provide advance notice to IT through e-mail to schedule the inspection.

The District will attempt to maintain the privacy of the User's equipment, but once attached to the District's network, the District retains the right to inspect the computer equipment in accordance with the Information Technology Equipment Use Policy.

APPENDIX B - ADDITIONAL ORIENTATION AND ACCESSORIES

(Policy Manual Update: August 2011)

- Tour of the District facilities
- Roster and Phone Lists
- Shift Calendar
- Shift Rosters
- District Map
- Ethics Training Materials
- District Harassment Policy Acknowledgement
- District Information Security Acknowledgement
- Gold colored name badge stating name and “Director”
- Metal Director badge in wallet case
- Laminated plastic photo identification/ access badge
- Lanyard for photo identification badge
- Laptop or equivalent and/or necessary software for existing computer
- Home internet access if not already available to the Director
- Clothing to be worn when on scene at an incident:
 - Baseball style hat with the Menlo Park Fire Protection District logo and the word Director prominently displayed
 - Jacket with the Menlo Park Fire Protection District logo and the word Director prominently displayed front and back
 - Lightweight jacket with the Menlo Park Fire Protection District logo and the name and position prominently displayed on the front and the words “Menlo Park Fire” embroidered on the rear of the jacket
 - Short sleeve polo with the Menlo Park Fire Protection District logo and the name and position prominently displayed on the front

APPENDIX C - COMMITTEE AND LIAISON ASSIGNMENTS – 2018

(Policy Manual Update: July 2018)

- Finance Committee: Director Carpenter - Chair; Director Bernstein; Resident Representative, Tom Prussing
- Human Resources Committee: Director Kiraly - Chair; Director Jones
- Strategic Planning Committee: Director Bernstein - Chair; Director Carpenter; Resident Representative, Sean Ballard
- Emergency Preparedness Committee: Director Jones - Chair; Director Silano; Resident Representative, Vacant
- Audit Committee Representative: Finance Committee
- Liaison to Town of Atherton: Director Kiraly
- Liaison to City of East Palo Alto: Director Carpenter
- Liaison to City of Menlo Park: Director Jones
- Liaison to San Mateo County – District 3: Director Silano
- Liaison to San Mateo County – District 4: Director Silano
- Liaison to Joint Powers Agreement (JPA) for Pre-Hospital Emergency Group: Director Jones
- Liaison to Local Areas Formation Commission (LAFCO): Director Carpenter
- Liaison to San Francisquito Creek JPA: Director Jones

Note: Liaisons or representatives to other jurisdictions such as Local Area Formation Commission (LAFCO), Palo Alto, Woodside Fire Protection, Redwood City, City of Fremont, Coastside Fire Protections, etc. will be assigned as necessary. In the absence of an assigned liaison, necessary matters may be brought to the Ad-Hoc Efficiencies Committee.

APPENDIX D – FIRE CHIEF EVALUATION

(REVISED November 2013)
Menlo Park Fire Protection District
Fire Chief Performance Evaluation
For the 2013 Calendar Year

Name: _____ Date: _____

Please circle to indicate to which group you belong:

Board Member	Safety Management Staff	Administrative Staff	Other
--------------	----------------------------	-------------------------	-------

Instructions: Names are required to monitor receipt of evaluations; all feedback will be transcribed by an independent third party and possibly restated to provide some degree of anonymity.

On the following pages, please consider the Fire Chief's performance over the previous calendar year; check a rating standard for each based upon your assessment of the Chief's performance. Then please provide areas where you consider the Chief has strengths and/or areas where you believe the Chief and the District could benefit from additional development. Where possible please be specific and use examples. If filling this in as a Word document, the areas for input will expand to allow as many comments as you like. If you are filling this in by hand, feel free to add additional sheets of paper as necessary.

Rating Definitions

5 = Exceptional	Far exceeds my expectations for this competency
4 = Highly Successful	Exceeds my expectations for this competency
3 = Successful	Meets my expectations for this competency
2 = Needs Improvement	Achieves some of my expectations, but requires development to achieve others for this competency
1 = Does Not Meet	Does not meet my expectations for this competency

Please return the completed document by **mm/dd/yy** to:

You may also e-mail the completed document to: **XXXXXX@YYYYY.com**

1. Leadership & Managerial Qualities

Is a self-starter, setting high personal standards, and pursuing goals with a high level of personal drive and energy; responds appropriately to unanticipated or difficult situations and challenges. Sets and pursues aggressive staff goals; drives for results as set by the board; and manages to ensure that staff goals are achieved.

Rating

Exceptional	Highly Successful	Successful	Needs Improvement	Does Not Meet
5	4	3	2	1

Strengths/Accomplishments:

Areas for Development/Improvement:

2. Knowledge & Skills

Demonstrates thorough knowledge of and provides suitable oversight for the provision and implementation of high quality programs and service.

Rating

Exceptional	Highly Successful	Successful	Needs Improvement	Does Not Meet
5	4	3	2	1

Strengths/Accomplishments:

Areas for Development/Improvement:

--

3. Board Relations

Works effectively with the Board: provides all relevant information at and between meetings; makes recommendations based on thorough study, analysis and sound principles; frames significant questions and complex issues in ways that facilitate Board dialogue and action; and develops collegial, professional relationships with all members.

Rating

Exceptional	Highly Successful	Successful	Needs Improvement	Does Not Meet
5	4	3	2	1

Strengths/Accomplishments:
Areas for Development/Improvement:

4. Community Relations/Political Effectiveness

Cultivates a positive, professional reputation in the local community and effective relationships with other public officials, constituents, and relevant community organizations; serves as the District's chief spokesperson and acts as an advocate for issues relevant to the District.

Rating

Exceptional	Highly Successful	Successful	Needs Improvement	Does Not Meet
5	4	3	2	1

Strengths/Accomplishments:

Areas for Development/Improvement:

5. *Strategic Planning*

Encourages and promotes comprehensive and long-range planning; balances development of long-term strategic objectives, annual budgeting and forecasting with day-to-day operational imperatives.

Rating

Exceptional	Highly Successful	Successful	Needs Improvement	Does Not Meet
5	4	3	2	1

Strengths/Accomplishments:

Areas for Development/Improvement:

6. *Financial and Resource Management*

Establishes and achieves appropriate annual and long-term financial objectives. Successfully manages costs and manages resources for effective utilization of money, technology, human resources and time.

Rating

Exceptional	Highly Successful	Successful	Needs Improvement	Does Not Meet
5	4	3	2	1

Strengths/Accomplishments:

Areas for Development/Improvement:

7. Staff Relations

Promotes, encourages, and facilitates cohesiveness and team-building among all District personnel by encouraging participation of appropriate personnel in planning, decision-making and District operations, and by delegating appropriate levels of authority to staff. Develops appropriate organization structure and maintains employee development processes throughout the organization. Empowers people to implement strategies/projects to achieve results by working collaboratively with appropriate staff. Giving and receiving constructive feedback for strategies/projects. Recognizes staff successes.

Rating

Exceptional	Highly Successful	Successful	Needs Improvement	Does Not Meet
5	4	3	2	1

Strengths/Accomplishments:

Areas for Development/Improvement:

Overall Rating and Additional Comments:

Please indicate your overall rating for the Chief. Feel free to provide any additional comments.

Overall Rating

Exceptional	Highly Successful	Successful	Needs Improvement	Does Not Meet
5	4	3	2	1

Additional Comments:

VI. GOAL ACHIEVEMENT

	59.	Projects agreed upon in advance were completed within the given time frame with appropriate concern for costs
--	-----	---

The following categories, when taken as a whole, contribute to making a good government.

How would you rate the Fire Chief as a leader in these areas?

	60.	Responsive to disasters and/or emergencies
	61.	Quality core services at low per capita costs
	62.	Safe neighborhoods
	63.	Planning, designing, financing and maintaining good infrastructure
	64.	Customer/user satisfaction
	65.	Fiscal wellness
	66.	A greater sense of ownership by citizens of their governments
	67.	Employees who have pride in their work
	68.	An ethical and non-corrupt government
	69.	Fostering public confidence in government

VII. COMMUNITY AND INTERGOVERNMENTAL RELATIONS

	70.	Represents the District well to the public and to other organizations & agencies
	71.	Gained the trust and confidence of the public
	72.	Fostered cooperation among other jurisdictions

VIII. NARRATIVE SECTION

1. What are you **most pleased with** in the Fire Chief's performance during past year?
2. What are the **areas of improvement** for the Fire Chief from past year?
3. What **goals** do you have for the Fire Chief to accomplish next year?
4. What **other comments** do you have about the Fire Chief's performance?

APPENDIX E - BOARD STANDING CALENDAR GUIDELINE

(Policy Manual Update: October 2010)

Annual/Semi Annual Board Agenda Items			
Month	Item	Type	Time Period
January	Mid Year Budget Revisions	Consent	
January	Board Goals	Regular	
January	Recognize the Outgoing President	Presentation	
February	Succession Planning	Regular	
February	Proposed Revenue Budget	Regular	
March	Adopt Fee Schedule	Public Hearing	
April	Approve US&R Budget	Consent	
April	Approve Weed Abatement Program	Consent	
April	Proposed Internal Service Funds and Reserves	Regular	
April	Adopt Fee Schedule	Consent	
May	Abatement Objections and Protests to Proposed Removal of Weeds and Abatement	Public Hearing	
May	Policy Manual Review	Public Hearing	
May	Approve Proposed Budget	Public Hearing	
June	Renew expiring Contracts	Consent	
June	Declare Election	Regular	biennial
June	Appropriations Limit	Regular	
June	Investment Policy	Regular	
June	Approve Budget	Consent	
July	Recover Costs for Weed Abatement	Consent	
July	US&R Co-Op Extension	Consent	
September	Chief's Mid-Year Evaluation	Closed Session	Semi ann
September	Carry Forward Funds	Consent	
October	Year End Budget Revisions	Consent	
October	Conflict of Interest Biennial Update	Regular	
November	Ceremony for Outgoing Board Members	Before the MTG	biennial
December	Nomination and Election of President and Vice President	Board Reorganization	
December	Swearing in and Presentation of Certificates to Newly Elected Board Members and Re-elected Board Members	Board Reorganization	biennial
December	Certify the Election	Regular	biennial
December	Chief's Review	Closed Session	

APPENDIX F – FEE WAIVER POLICY

Menlo Park Fire Protection District Board

It is Board Policy to strive for 100% cost recovery for District services that are provided to Applicants as identified in the District's Fee Schedule. Per the California Government Code 13919, "a District Board may waive payment of a fee authorized pursuant to Section 13916 when it determines that payment would not be in the public interest." To that end, the Board has adopted this fee waiver policy to identify the Board's procedures of how to administer fee waivers when appropriate.

The District authorizes Staff to automatically waive fees for the following instances:

- False Alarms that occur at Schools, Federal, State, and Local Government Facilities
- Event Permits conducted by Non-Profits
- Events Permits and annual assembly permits conducted by Churches for charity purposes
- Residential, Institutional and Day Care Licensing and Occupancy fees for Government Facilities (Does not include sub-leased facilities on Government land)
- Reports and Documents for Government Agencies

Applicants that fall within this category are required to provide the Board with documentation in order to obtain their approval for having their fees waived.

- All Fees that are for Documented Charities or for Charity Events in which a true public good or humanitarian effort is being undertaken
- Event Permit Fees for organizations that provide reciprocity to the Fire District
- For purposes consistent with the long range goals of the Fire District.

Any Applicant that does not meet the above criteria may still request a fee waiver from the Fire District Board of Directors by following the subsequent procedure. Applicants shall submit their request for a fee waiver at a Board meeting during the public comment section of the agenda. The Board shall consider the request and then have Staff prepare a response to be reported out at the following meeting. The Board's decision is final.

APPENDIX G - DISTRICT DISCRIMINATION AND HARASSMENT POLICY

(Policy Manual Update: October 2010)

PURPOSE:

The purpose of this policy is to establish a strong commitment on the part of the District to refrain from, prohibit and prevent all forms of workplace, discrimination, harassment and retaliation, to define those terms, to establish management and employee responsibility regarding workplace discrimination, harassment, and retaliation and to set forth a procedure for investigating and resolving internal complaints of workplace discrimination harassment and retaliation.

The District encourages all covered individuals to report any conduct, action or practice that is believed to violate this Policy as soon as possible.

SCOPE:

This policy applies to all managers, supervisors, employees, applicants, volunteers, or individuals providing services pursuant to a contract. This policy applies to elected officials of the District.

This policy covers discrimination or harassment because of: (1) an individual's protected classification; (2) the perception that the individual has a protected classification; or (3) an individual's association with another individual who has or appears to have a protected classification. This policy also covers retaliation against any individual who has filed a complaint or participated in a complaint resolution process under this policy.

This policy applies to all terms and conditions of employment including, but not limited to: hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, training opportunities and daily work environment.

POLICY:

It is the policy of the District to provide an employment environment free from discrimination, harassment or retaliation as defined by this policy and federal and state statutes such as Title VII of the Civil Rights Act of 1964, Equal Employment Opportunity Commission (EEOC) Regulations, California Government Code section 12940(h), and Department of Fair Employment & Housing (DFEH) Regulations.

Accordingly, discrimination, harassment and retaliation against an applicant, employee, individual providing services pursuant to a contract or volunteer on the basis of that individual's actual or perceived sex, gender, sexual orientation (including heterosexuality, homosexuality, and bisexuality), race, color, religion, national origin, ancestry, citizenship status, uniformed service member status, age, marital status, pregnancy, medical condition, genetic characteristics, and physical or mental disability is prohibited and will not be tolerated.

Any retaliation against an individual for filing a complaint under this policy or for participating in a complaint resolution process is also prohibited and will not be tolerated.

The District has zero tolerance for any conduct, action or practice that violates this policy. Conduct need not rise to a level of violation of the law in order to violate this policy. Instead, a single act, if substantiated can violate this policy and provide grounds for discipline or other appropriate sanctions.

Employees who feel they have been harassed or discriminated against in any manner or retaliated against in violation of this policy should immediately report such incidents following the procedure described below in section VIII. Confidentiality will be maintained to the extent permitted by the circumstances.

Where violation of this policy has been substantiated, appropriate action to remedy the violation will be taken. Managers, supervisors or employees found responsible for the violation will be subject to disciplinary action or other appropriate sanction, up to and including termination.

DEFINITIONS

Protected Classifications: This policy prohibits discrimination or harassment because of an individual's protected classification. "Protected Classification" means an individual's race, religion, color, sex, gender, sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition, genetic characteristics, and physical or mental disability.

Discrimination: Discrimination means treating individuals differently because of their protected classification as defined by this policy.

Harassment: Harassment may include, but is not limited to, the following types of conduct that is taken because of an individual's protected classification.

Harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit, or even specifically directed at the victim. Sexually harassing conduct can occur between individuals of the same or different genders.

Harassment is not limited to conduct taken only by District employees. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, individuals providing services under contracts, volunteers, or even members of the public.

Harassment includes, but is not limited to, the following misconduct:

Verbal Harassment – For example, epithets, derogatory comments or slurs on the basis of actual or perceived race, religious creed, color, national origin, ancestry, physical handicap, medical condition, age, marital status, sex, sexual orientation, political opinions or affiliations, or lawful employee organization activities. Verbal harassment may also include sexual remarks, well-intentioned compliments about an individual's clothing, body, or sexual activities, or race oriented stories or jokes.

Physical Harassment – For example, assault, unwelcome touching, impeding or blocking movement and/or any physical interference with normal work or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, age, marital status, sex, sexual orientation, political opinions or affiliations, or lawful employee organization activities. This includes, but is not limited to, kissing, punching, grabbing, patting, propositioning, leering, looking an individual's up and down, blocking an individual's path, or making explicit or implicit job threats or promises in return for submission to physical acts.

Visual Forms of Harassment – For example, derogatory posters, notices, bulletins, cartoons, drawings or other advertisements on the basis of actual or perceived race, religious creed, color, national origin, ancestry, physical handicap, medical condition, age, marital status, sex, sexual preference, political opinions or affiliations, or lawful employee organization activities. This includes, but is not limited to posters, cartoons, graffiti, magazines, videos, computer graphics, Internet sites or other electronic media.

4. Sexual Harassment – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonable interfere with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Conduct that seems innocent or trivial to one individual may constitute harassment to another individual.

D. Retaliation: Any adverse conduct taken because an individual has reported discrimination or harassment or has participated in the complaint and investigation process described in this policy. "Adverse conduct" includes, but is not limited to: taking sides because an individual has reported discrimination or harassment, shunning and avoiding an individual who reports discrimination or harassment or real or implied threats of intimidation to prevent an individual from reporting discrimination or harassment.

GUIDELINES FOR IDENTIFYING HARASSMENT

To help clarify what constitutes harassment in violation of this policy, the following guidelines are provided:

Harassment includes any conduct which would be “unwelcome” to an individual of the recipient’s same protected classification and which is taken because of the recipient’s protected classification.

It is no defense that the recipient appears to have voluntarily “consented” to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.

Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

Even visual, verbal and/or physical conduct between two employees who appear to welcome it can constitute harassment of a third applicant, officer, official, employee or contractor who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.

Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. Even well intentioned conduct can violate this policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient’s same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).

VI. RESPONSIBILITIES

It is the responsibility of all managers, supervisors, employees and contractors of the District to comply with the provisions of this policy. Further responsibility for the policy is delegated as follows:

Managers and supervisors are responsible for:

1. Informing employees of this policy;
2. Modeling appropriate behavior; specifically refraining from discrimination, harassment or retaliation.
3. Taking all steps necessary to prevent discrimination, harassment or retaliation from occurring;
4. Receiving complaints in a fair and serious manner, documenting steps taken to resolve complaints and taking such steps in a timely manner.
5. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting

inappropriate language or revising any practice that may result in discrimination, harassment or retaliation.

6. Following up with those who have complained to ensure that the practice or behavior has stopped and that there are no reprisals;
7. Informing those who complain of discrimination, harassment or retaliation of his or her option to contact the EEOC or DFEH regarding alleged policy violations;
8. Assisting, advising, or consulting with employees and the Human Resources Manager regarding this policy and the complaint procedure;
9. Assisting in the investigation of complaints involving employees, and if the complaint is substantiated, recommending appropriate change in practice, corrective or disciplinary action or other sanction in accordance with District policies, up to and including termination;
10. Implementing appropriate disciplinary and remedial actions;
11. Reporting potential violations of this policy of which he or she becomes aware, regardless of whether a complaint has been submitted to the Deputy Chief or Human Resources Manager; and
12. Participate in periodic training and scheduling employees for training.

All employees, elected and volunteers and contractors are responsible for:

1. Treating all individuals with respect and consideration;
2. Modeling appropriate behavior;
3. Participating in periodic training;
4. Fully cooperating with any District investigation by responding fully and truthfully to all questions posed during the investigation;
5. Maintaining the confidentiality of any investigation that the employer conducts by not disclosing the substance of any investigatory interview, except with their union or legal counsel and as directed by the Deputy Chief or Human Resources Manager; and
6. Reporting any act he or she believes in good faith constitutes discrimination, harassment or retaliation as defined by this policy to his or her immediate supervisor, the Deputy Chief or the Human Resources Manager.

VII. DISSEMINATION OF POLICY

A copy of this policy shall be provided to all managers, supervisors, employees and individuals providing services pursuant to a contract, elected officials, and volunteers of the District upon adoption and as provided below. Managers, supervisors, employees of the District shall receive periodic training on this policy. The policy may be updated from time to time and redistributed.

Each individual identified in paragraph one above will be asked to sign a statement that he or she has received this policy. This policy and statement will also be provided by the Human Resources Manager upon hire, when District trainings are provided on this topic and when the policy is updated.

VIII. COMPLAINT PROCESS AND PROCEDURES

To accommodate the unique and sensitive nature of discrimination, harassment and retaliation complaints, a separate process is provided for the primary purpose of resolving these complaints at the earliest possible date. This process is described below:

A. An employee, job applicant, contractor, or volunteer who believes he or she has been discriminated against harassed or retaliated against in violation of this policy should immediately make a complaint orally or in writing with any of the following individuals.

1. Employee's supervisor;
2. Any supervisor or manager of the District;
3. Human Resources Manager;
4. Deputy Chief; and/or
5. Fire Chief.

There is no need or requirement to follow the chain of command. Oral complaints must be followed up in writing and submitted within seven (7) business days after the original verbal complaint. The supervisor or manager receiving a complaint is responsible for doing all of the following:

Accurately and fully complete a Complaint Control Form. (See APPENDIX A to this Policy).

Collect and preserve any physical evidence that is readily available or may be time or weather sensitive.

Obtain a preliminary statement from the complainant and any immediately available witnesses.

Provide notice of the receipt of a complaint to the Battalion Chief or manager on duty. In providing notice, the supervisor shall forward the Complaint Control Form to the Deputy Chief via the Battalion Chief or manager on duty and shall

immediately advise the Deputy Chief or Fire Chief should the complaint involve serious misconduct of a criminal nature.

Provide a copy of the Complaint Control Form to the complainant if the complaint is made in person.

COMPLAINT INVESTIGATION:

The Deputy Chief will be responsible for the assignment of the complaint for investigation. The Deputy Chief shall retain the original Complaint Control Form for tracking purposes. A copy of the Complaint Control Form will be forwarded to the investigator assigned to investigate the complaint. The investigator(s) may be chosen from internal or external sources. If a written investigation report is requested by the Deputy Chief, the investigator shall issue findings on each allegation in the complaint as provided under this policy.

Allegations that a District employee violated a criminal law (felony or misdemeanor) in connection with the same issues raised in a complaint of discrimination, harassment or retaliation shall be investigated by the Menlo Park Police Department or the appropriate outside law enforcement agency. An internal administrative investigation may also be conducted concurrently with or after the completion of the criminal investigation, at the discretion of the Fire Chief or his/her designee.

Supervisors who become aware that a District employee is the subject of a criminal investigation which involves alleged discrimination, harassment or retaliation prohibitive by this policy are required to immediately complete a Complaint Control Form and route it to the Deputy Chief through the on-duty Battalion Chief or manager.

Investigations will include an interview process. Employees whose conduct is the focus of the investigation will be presented with a "Notice of Interview" letter. The letter will include the following:

A statement of the nature of the investigation including the allegation of misconduct. This statement will include the date(s) of actions under investigation, if known.

A listing of any statutes and/or rules and policies or orders that may have been violated.

The name and rank of the officer, manager or contract investigator in charge of an interrogation, the interrogating officer(s), and all persons to be present during the investigation.

A statement advising the employee of the right to have a representative who is not subject to the investigation present at his/her own cost.

Specify the date, time and location of interview.

Notice that the meeting will be recorded and advise the employee of the right to bring his/her own recording device.

A sample Notice of Interview letter is attached as APPENDIX B. Individuals who are interviewed as witnesses, and whose conduct is not the subject of the investigation will receive a witness notification. A sample witness notification is attached as APPENDIX C.

At the beginning of any interview of an employee who has been accused of misconduct, the investigator shall provide that employee with an admonition. This admonition shall be read aloud to the employee and provided in writing. A sample admonition is attached as APPENDIX D.

Should the complaint involve the investigation of a safety employee, the investigation shall be conducted in accordance with the Firefighter Procedural Bill of Rights Act, if applicable.

The District takes a proactive approach to potential policy violations and will conduct an investigation if its officers, supervisors or managers become aware that discrimination, harassment or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

An individual has the option to report discrimination, harassment or retaliation to the EEOC or the DFEH. These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the telephone book or employee can check the posters that are located on employer bulletin boards for office locations and telephone numbers. General information can also be found on the EEOC and DFEH websites, located at www.eeoc.gov and www.dfeh.ca.gov.

X Upon notification of a complaint alleging a violation of this Policy, the Fire Chief or designee shall:

1. Review the factual information gathered through the investigation to determine whether the alleged conduct action or practice constitutes discrimination, harassment, or retaliation, giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct and the context in which the alleged incidents occurred.

3. Report a summary of the determination as to whether discrimination, harassment, or retaliation occurred, and whether/what action should be taken to remedy or redress such occurrence. Report same to appropriate individuals, including the Fire Chief, the complainant, the accused, and other personnel determined to be relevant except, however that if discipline or other appropriate sanction is imposed on a manager, supervisor or employee, the discipline or other sanction will not be communicated to the complainant. Such report will be

made available to the complainant with due diligence from when the complaint was filed.

4. If conduct, action or practice in violation of this policy occurred, take and/or recommend to the appointing authority prompt and effective remedial action. Any disciplinary action or other appropriate sanction is taken will be commensurate with the severity of the offense and will comply with any applicable disciplinary procedures.

5. Take reasonable steps to protect the complainant from further discrimination, harassment, or retaliation.

6. Take reasonable steps to protect the complainant from any retaliation as a result of communicating the complaint.

XI. CONFIDENTIALITY

Every possible effort will be made to assure the confidentiality of complaints made under this policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview except with his/her union or legal representative and as otherwise directed by a supervisor or the Human Resources Manager. Any individual who discusses the content of an investigatory interview except with his/her union or legal representative will be subject to discipline. The employer will not disclose a completed investigation report, except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in an adversarial proceeding, or to comply with the law or a court order.

OTHER

Romantic or sexual relationships between supervisors and subordinate employees are strongly discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

APPENDIX H - LABOR RELATIONS POLICY AND PLAN

MENLO PARK FIRE PROTECTION DISTRICT

Introduction

This nine point Action Plan is intended to serve as a policy blueprint for the District's labor relations program covering all employees.

Issues and Action Plan Principles

Issue No. 1 – **Bargaining in Good Faith:** The District is subject to the Meyers-Milias-Brown Act ("MMBA"), which requires the District to bargain in good faith with all recognized labor organizations.

Action Plan Principle No. 1: The District renews its ongoing commitment to abide by the Meyers-Milias-Brown Act ("MMBA"). The District will continue to negotiate in good faith, seeking partnerships whenever reasonably possible with labor.

Issue No. 2 – **Transparency / Hidden Costs:**

The District embraces transparency in its mission. Contracts containing cost commitments should not contain embedded costs and obligations that are difficult for citizens to identify or understand.

Action Plan Principle No. 2: The District shall minimize "additional pay" categories that have no articulated and rational justification. The District shall ensure that all compensation packages are fully, accurately and simply costed out, with total costs displayed to the public so that all citizens can understand and evaluate the pay at issue. Unless there are exigent circumstances as determined by

the Board of Directors, labor agreements shall be publicized and made available at least fifteen calendar days prior to adoption.

Issue No. 3 – Transparency / Side Letters: The District is aware of certain “side agreements” or other informal memoranda memorializing understandings between the District and labor unions, but which have not been approved by the District’s Board of Directors. Such “side agreements” are inappropriate because they may impact costs, and they detract from the overall principle that the public has a right to know the contractual arrangements and obligations affecting public employees.

Action Plan Principle No. 3: No side agreements shall be binding on the District unless the agreement is formally adopted in public by the Board of Directors.

Issue No. 4 – Rational and Reasonable Compensation: The District greatly values the public service of its employees. However, the District is mindful that the District serves the community, and that District funding is premised on taxes.

Action Plan Principle No. 4: The District shall establish a compensation policy that is rational and reasonable, and consistent with community values.

Issue No. 5 - Work Rules: The labor contracts, and informal and formal department policies, contain work rules that decrease management discretion and decrease efficiencies.

Action Plan Principle No. 5: The District shall maintain its management rights to supervise, manage and direct its workforce. The District shall not enter into labor contracts that contain unreasonable restrictions on the District’s management rights.

Issue No. 6 – Transparency / Simplicity: In the past, the District’s labor agreements have included complicated provisions that are difficult to understand and administer. These provisions have led to grievances and misunderstandings about terms in the labor agreements. The District should strive to ensure that its agreements are simple to understand, by the public as well as District personnel.

Action Plan Principle No. 6: All labor agreements shall be organized in a simple, clear and straightforward manner, using plain language.

Issue No. 7 – Salary Formulae: The District should avoid obligating itself to long term agreements premised on salary formulae.

Action Plan Principle No. 7: The District shall seek to avoid labor agreements that contain automatic wage adjustments that are premised on formulae that do not allow the District to predict and account for costs.

Issue No. 8 – Contribution to Health and Welfare Benefits: As a matter of policy and fairness, the District desires that its employees contribute to their pension, health and welfare benefits. The District also wants to ensure that its pension plans are fair, and consistent with community values.

Action Plan Principle No. 8: The District may require its employees to contribute toward pension, health, and other post-employment benefits. The District shall seek to negotiate to establish a second tier pension benefit for new employees entering the workforce, costing less than the current plans and reducing overall District costs over the long run.

Issue No. 9 – Premium Pay: “Premium Pay” refers to pay elements added to base pay, for “specialty” services or as “incentives.” The District’s labor agreements and compensation plans contain a variety of “premium” pays that are in

addition to base pay. These pay premiums have questionable value to the District and its constituents. Further, the pay premiums detract from the District's policy regarding transparency because it is difficult to determine the actual pay of District employees.

Action Plan Principle No. 9: The District shall review the need for “premium pays,” and shall eliminate them unless there is a demonstrable need for such separate pay categories.

2825868.1

APPENDIX I - LABOR RELATIONS COMMUNICATIONS POLICY

REVISED (4/24/12)

MENLO PARK FIRE PROTECTION DISTRICT

PURPOSE

The purpose of this policy is to set guidelines for the Board of Directors and District staff, in the interest of promoting fairness and integrity in the process, to avoid actions that would circumvent the District's designated bargaining terms to ensure that labor negotiations are conducted in good faith.

STATEMENT OF POLICY

It is the policy of the Board of Directors that all of its members and District staff shall abide by the following guiding principles during any period when labor negotiations are occurring between the District and any District bargaining group.

1. All labor negotiations will be conducted by designated representatives at the bargaining table. All District representatives operate upon the direction of the Board of Directors.
2. No individual Board member will individually negotiate with any bargaining group member.
3. District representatives commit to keeping the Board full informed and advising them of all substantive proposals.
4. Each Board Member shall inform the Fire Chief at their earliest convenience and disclose in the next closed session the general substance of any communications he or she has had with any District bargaining group member(s) that has any reference to any labor negotiations with the District.
5. Consistent with Government Code section 54963, confidentiality of closed session discussions will be maintained.

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: May 14, 2019

PREPARED BY: Michelle Kneier

ITEM: CONSIDER AND DISCUSS A REQUEST FROM THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) TO SUPPORT THEIR POSITIONS ON SENATE BILL NO. 13 (SB 13) AND ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 1 (ACA 1)

RECOMMENDATION

It is recommended that the Board of Directors consider and discuss a request from CSDA to support their positions on SB 13 and ACA 1.

BACKGROUND

On April 10, 2019, Colleen Haley, Bay Area Public Affairs Field Coordinator with CSDA emailed the Fire Chief requesting the District consider taking a position on SB 13 and ACA 1, and provided the following information:

SB 13 (CSDA Opposes):

Would prohibit impact fees on accessory dwelling units (ADUs) smaller than 750 square feet and significantly limit the impact fees that can be charged for larger ADUs. Given that revenue for local governments is tightly restricted by the California Constitution, fees are one of the few ways special districts can offset the indirect costs of growth. Impact fees are critical for park, fire protection, and other types of districts trying to recoup their costs for providing infrastructure and services to new ADU developments.

New restrictions on impact fees could not come at a more critical time for the bottom line of fire services already stretched thin by California's ever more dangerous fire season. Impact fees pay for increasing firefighting capacity, acquiring new personnel, facilities, vehicles, and equipment to maintain service levels and protect the lives and property within new structures, including ADUs. With substantial increases in neighborhood density, comes the need to increase crews and purchase additional fire response apparatus.

Recreation and park districts are also dependent on impact fees to establish new parks as neighborhoods grow. Park fees were implemented during the post war boom to ensure that all

California neighborhoods would have access to parks and open space. Some park districts report being dependent on Quimby and park development fees for up to three quarters of all their revenue.

ACA 1 (CSDA Supports):

Currently, the California Constitution requires a two-thirds vote at the local level for both General Obligation (G.O.) bonds and special taxes, regardless of how the city, county, or special district proposes to use the funds. ACA 1 creates a new constitutional vote threshold of 55 percent for both G.O. bonds and special taxes, when proposed specifically for the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, or the acquisition or lease of real property for those purposes. The bill also specifies requirements for voter protection, public notice, and financial accountability.

ATTACHMENTS

- A. Email from Colleen Haley
- B. SB 13 Text
- C. SB 13 Sample Letter
- D. ACA 1 Text
- E. ACA 1 Sample Letter

From: [Schapelhouman, Harold](#)
To: [Kneier, Michelle](#)
Subject: FW: CSDA Fire District Letter Requests
Date: Thursday, May 09, 2019 6:07:22 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[SB_13_Oppose_Letter_Individual_District_.docx](#)
[ACA_1_Sample_Letter.docx](#)

From: Colleen Haley [mailto:colleenh@csda.net]
Sent: Wednesday, April 10, 2019 11:53 AM
To: Schapelhouman, Harold <harolds@menlofire.org>
Subject: CSDA Fire District Letter Requests

Chief Schapelhouman:

I apologize for all the letter requests lately, but there have been many bills impacting special districts, especially fire districts this year. *Would your district consider taking a position on these bills (below) at your next board meeting?* The bills will be heard in committees soon, so we would need the letters in as soon as possible to make a difference in the legislature.

NOTE: If your district doesn't have [a policy for adopting positions on legislation](#), you may find one [here](#).

SB 13 – OPPOSE

Would prohibit impact fees on accessory dwelling units (ADUs) smaller than 750 square feet and significantly limit the impact fees that can be charged for larger ADUs. Given that revenue for local governments is tightly restricted by the California Constitution, fees are one of the few ways special districts can offset the indirect costs of growth. Impact fees are critical for park, fire protection, and other types of districts trying to recoup their costs for providing infrastructure and services to new ADU developments.

New restrictions on impact fees could not come at a more critical time for the bottom line of fire services already stretched thin by California's ever more dangerous fire season. Impact fees pay for increasing firefighting capacity, acquiring new personnel, facilities, vehicles, and equipment to maintain service levels and protect the lives and property within new structures, including ADUs. With substantial increases in neighborhood density, comes the need to increase crews and purchase additional fire response apparatus.

Recreation and park districts are also dependent on impact fees to establish new parks as neighborhoods grow. Park fees were implemented during the post war boom to ensure that all California neighborhoods would have access to parks and open space. Some park districts

report being dependent on Quimby and park development fees for up to three quarters of all their revenue.

Please see more about this bill on CSDA's [Take Action page](#). Please submit a letter in opposition of the bill. Attached is a sample opposition letter.

Please send opposition letter to advocacy@csda.net.

ACA 1 – SUPPORT

Currently, the California Constitution requires a two-thirds vote at the local level for both General Obligation (G.O.) bonds and special taxes, regardless of how the city, county, or special district proposes to use the funds. ACA 1 creates a new constitutional vote threshold of 55 percent for both G.O. bonds and special taxes, when proposed specifically for the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, or the acquisition or lease of real property for those purposes. The bill also specifies requirements for voter protection, public notice, and financial accountability.

Please see more about this bill on CSDA's [Take Action page](#). Please submit a letter in support of the bill. Attached is a sample support letter.

Please send support letter to advocacy@csda.net.

Colleen Haley

Bay Area Public Affairs Field Coordinator

Celebrating 50 Years of Service: 1969-2019

California Special Districts Association
1112 I Street, Suite 200
Sacramento, CA 95814
www.csda.net
530.902.3932 cell

A Proud California Special Districts Alliance Partner
California Special Districts Association
Special District Risk Management Authority
CSDA Finance Corporation



AMENDED IN SENATE APRIL 23, 2019

AMENDED IN SENATE APRIL 4, 2019

AMENDED IN SENATE MARCH 11, 2019

SENATE BILL

No. 13

Introduced by Senator Wieckowski

(Principal coauthors: Senators ~~Beall and Hertzberg~~ *Beall, Hertzberg, and Wiener*)

(Principal coauthors: Assembly Members Gloria and Quirk-Silva)

(Coauthors: Senators Nielsen and Skinner)

(Coauthors: Assembly Members Levine and Patterson)

December 3, 2018

An act to amend Sections 65585 and 65852.2 of the Government Code, and to add and repeal Section 17980.12 of the Health and Safety Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 13, as amended, Wieckowski. Accessory dwelling units.

(1) The Planning and Zoning Law authorizes a local agency, by ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, to provide for the creation of accessory dwelling units in single-family and multifamily residential zones. Existing law requires accessory dwelling units to comply with specified standards, including that the accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling or detached if located within the same lot, and that it does not exceed a specified amount of total area of floor space.

This bill would, instead, authorize the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling use.

The bill would also revise the requirements for an accessory dwelling unit by providing *that* the accessory dwelling unit may be attached to, or located within, an attached garage, storage area, or other structure, and that it does not exceed a specified amount of total floor area.

(2) Existing law generally authorizes a local agency to include in the ordinance parking standards upon accessory dwelling units, including authorizing a local agency to require the replacement of parking spaces if a garage, carport, or covered parking is demolished to construct an accessory dwelling unit. Existing law also prohibits a local agency from imposing parking standards on an accessory dwelling unit if it is located within one-half mile of public transit.

This bill would, instead, prohibit *a* local agency from requiring the replacement of parking spaces if a garage, carport, or covered parking is demolished to construct an accessory dwelling unit. The bill would also prohibit a local agency from imposing parking standards on an accessory dwelling unit that is located within a traversable distance of one-half mile of public transit, and would define the term “public transit” for those purposes.

(3) Existing law authorizes a local agency to establish minimum and maximum square-foot limitations on accessory dwelling units, provided that the ordinance permits an 800 square-foot accessory dwelling unit to be constructed in compliance with local development standards.

This bill would instead require that ordinance to permit an 850 square-foot accessory dwelling unit and, if the unit consists of more than one bedroom, a 1,000 square-foot accessory dwelling unit to be constructed in compliance with local development standards.

(4) Existing law authorizes a local agency to include in an ordinance governing accessory dwelling units a requirement that a permit applicant be an owner-occupant, and authorizes a local agency, as a part of a ministerial approval process for accessory dwelling units, to require owner occupancy for either the primary or the accessory dwelling unit created by that process.

This bill would, instead, prohibit a local agency from requiring occupancy of either the primary or the accessory dwelling unit.

(5) Existing law requires a local agency that has not adopted an ordinance governing accessory dwelling units to approve or disapprove the application ministerially and without discretionary review within 120 days after receiving the application.

The bill would require a local agency, whether or not it has adopted an ordinance, to consider and approve an application, ministerially and

without discretionary review, within 60 days after receiving the application. The bill would also provide that, if a local agency does not act on the application within that time period, the application shall be deemed approved.

(6) Existing law requires fees for an accessory dwelling unit to be determined in accordance with the Mitigation Fee Act. Existing law also requires the connection fee or capacity charge for an accessory dwelling unit requiring a new or separate utility connection to be based on either the accessory dwelling unit's size or the number of its plumbing fixtures.

This bill would prohibit a local agency, special district, or water corporation from imposing any impact fee upon the development of an accessory dwelling unit if that fee, in the aggregate, exceeds specified requirements depending on the size of the unit. The bill would revise the basis for calculating the connection fee or capacity charge specified above to either the accessory dwelling unit's square feet or the number of its drainage fixture unit values, as specified.

(7) Existing law, for purposes of these provisions, defines "accessory structure" as an existing, habitable or nonattached or detached fixed structure, which includes a garage, studio, pool house, or other similar structure.

This bill would redefine "accessory structure" to mean a structure that is accessory and incidental to a dwelling located on the same lot.

(8) Existing law requires a local agency to submit a copy of the adopted ordinance to the Department of Housing and Community Development and authorizes the department to review and comment on the ordinance.

This bill would instead authorize the department to submit written findings to the local agency as to whether the ordinance complies with the statute authorizing the creation of an accessory dwelling unit, and, if the department finds that the local agency's ordinance does not comply with those provisions, would require the department to notify the local agency and would authorize the department to notify the Attorney General that the local agency is in violation of state law. The bill would authorize the department to adopt guidelines to implement uniform standards or criteria to supplement or clarify the provisions authorizing accessory dwelling units.

(9) Existing law requires the planning agency of each city and county to adopt a general plan that includes a housing element that identifies adequate sites for housing. Existing law authorizes the department to

allow a city or county to do so by a variety of methods and also authorizes the department to allow a city or county to identify sites for accessory dwelling units, as specified.

This bill would state that a local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing in accordance with those provisions.

(10) Existing law, the State Housing Law, a violation of which is a crime, establishes statewide construction and occupancy standards for buildings used for human habitation. Existing law requires, for those purposes, that any building, including any dwelling unit, be deemed to be a substandard building when a health officer determines that any one of specified listed conditions exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the public or its occupants.

This bill would authorize the owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances to request that the enforcement of the violation be delayed for 10 years if correcting the violation is not necessary to protect health and safety, as determined by the enforcement agency, subject to specified requirements. The bill would make conforming and other changes relating to the creation of accessory dwelling units.

By increasing the duties of local agencies with respect to land use regulations, and because the bill would expand the scope of a crime under the State Housing Law, the bill would impose a state-mandated local program.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65585 of the Government Code is
- 2 amended to read:
- 3 65585. (a) In the preparation of its housing element, each city
- 4 and county shall consider the guidelines adopted by the department
- 5 pursuant to Section 50459 of the Health and Safety Code. Those

1 guidelines shall be advisory to each city or county in the
2 preparation of its housing element.

3 (b) (1) At least 90 days prior to adoption of its housing element,
4 or at least 60 days prior to the adoption of an amendment to this
5 element, the planning agency shall submit a draft element or draft
6 amendment to the department.

7 (2) The planning agency staff shall collect and compile the
8 public comments regarding the housing element received by the
9 city, county, or city and county, and provide these comments to
10 each member of the legislative body before it adopts the housing
11 element.

12 (3) The department shall review the draft and report its written
13 findings to the planning agency within 90 days of its receipt of the
14 draft in the case of an adoption or within 60 days of its receipt in
15 the case of a draft amendment.

16 (c) In the preparation of its findings, the department may consult
17 with any public agency, group, or person. The department shall
18 receive and consider any written comments from any public
19 agency, group, or person regarding the draft or adopted element
20 or amendment under review.

21 (d) In its written findings, the department shall determine
22 whether the draft element or draft amendment substantially
23 complies with this article.

24 (e) Prior to the adoption of its draft element or draft amendment,
25 the legislative body shall consider the findings made by the
26 department. If the department's findings are not available within
27 the time limits set by this section, the legislative body may act
28 without them.

29 (f) If the department finds that the draft element or draft
30 amendment does not substantially comply with this article, the
31 legislative body shall take one of the following actions:

32 (1) Change the draft element or draft amendment to substantially
33 comply with this article.

34 (2) Adopt the draft element or draft amendment without changes.
35 The legislative body shall include in its resolution of adoption
36 written findings which explain the reasons the legislative body
37 believes that the draft element or draft amendment substantially
38 complies with this article despite the findings of the department.

1 (g) Promptly following the adoption of its element or
2 amendment, the planning agency shall submit a copy to the
3 department.

4 (h) The department shall, within 90 days, review adopted
5 housing elements or amendments and report its findings to the
6 planning agency.

7 (i) (1) (A) The department shall review any action or failure
8 to act by the city, county, or city and county that it determines is
9 inconsistent with an adopted housing element or Section 65583,
10 including any failure to implement any program actions included
11 in the housing element pursuant to Section 65583. The department
12 shall issue written findings to the city, county, or city and county
13 as to whether the action or failure to act substantially complies
14 with this article, and provide a reasonable time no longer than 30
15 days for the city, county, or city and county to respond to the
16 findings before taking any other action authorized by this section,
17 including the action authorized by subparagraph (B).

18 (B) If the department finds that the action or failure to act by
19 the city, county, or city and county does not substantially comply
20 with this article, and if it has issued findings pursuant to this section
21 that an amendment to the housing element substantially complies
22 with this article, the department may revoke its findings until it
23 determines that the city, county, or city and county has come into
24 compliance with this article.

25 (2) The department may consult with any local government,
26 public agency, group, or person, and shall receive and consider
27 any written comments from any public agency, group, or person,
28 regarding the action or failure to act by the city, county, or city
29 and county described in paragraph (1), in determining whether the
30 housing element substantially complies with this article.

31 (j) The department shall notify the city, county, or city and
32 county and may notify the office of the Attorney General that the
33 city, county, or city and county is in violation of state law if the
34 department finds that the housing element or an amendment to this
35 element, or any action or failure to act described in subdivision
36 (i), does not substantially comply with this article or that any local
37 government has taken an action in violation of the following:

38 (1) Housing Accountability Act (Section 65589.5).

39 (2) Section 65863.

(3) Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7.

(4) Section 65008.

(5) Section 65852.2.

SEC. 2. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic ~~Places~~.
Resources.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary

1 dwelling and located on the same lot as the proposed or existing
2 primary dwelling.

3 (iv) The total floor area of an attached accessory dwelling unit
4 shall not exceed 50 percent of the proposed or existing primary
5 dwelling living area or 1,200 square feet.

6 (v) The total floor area for a detached accessory dwelling unit
7 shall not exceed 1,200 square feet.

8 (vi) No passageway shall be required in conjunction with the
9 construction of an accessory dwelling unit.

10 (vii) No setback shall be required for an existing garage that is
11 converted to an accessory dwelling unit or to a portion of an
12 accessory dwelling unit, and a setback of no more than five feet
13 from the side and rear lot lines shall be required for an accessory
14 dwelling unit that is constructed above a garage.

15 (viii) Local building code requirements that apply to detached
16 dwellings, as appropriate.

17 (ix) Approval by the local health officer where a private sewage
18 disposal system is being used, if required.

19 (x) (I) Parking requirements for accessory dwelling units shall
20 not exceed one parking space per unit or per bedroom, whichever
21 is less. These spaces may be provided as tandem parking on a
22 driveway.

23 (II) Offstreet parking shall be permitted in setback areas in
24 locations determined by the local agency or through tandem
25 parking, unless specific findings are made that parking in setback
26 areas or tandem parking is not feasible based upon specific site or
27 regional topographical or fire and life safety conditions.

28 (III) This clause shall not apply to a unit that is described in
29 subdivision (d).

30 (xi) When a garage, carport, or covered parking structure is
31 demolished in conjunction with the construction of an accessory
32 dwelling unit or converted to an accessory dwelling unit, a local
33 agency shall not require that those offstreet parking spaces be
34 replaced.

35 (xii) *Accessory dwelling units shall not be required to provide*
36 *fire sprinklers if they are not required for the primary residence.*

37 (2) The ordinance shall not be considered in the application of
38 any local ordinance, policy, or program to limit residential growth.

39 (3) A permit application for an accessory dwelling unit shall be
40 considered and approved ministerially without discretionary review

1 or a hearing, notwithstanding Section 65901 or 65906 or any local
2 ordinance regulating the issuance of variances or special use
3 permits, within 60 days after receiving the application. If the local
4 agency has not acted upon the submitted application within 60
5 days, the application shall be deemed approved. A local agency
6 may charge a fee to reimburse it for costs incurred to implement
7 this paragraph, including the costs of adopting or amending any
8 ordinance that provides for the creation of an accessory dwelling
9 unit.

10 (4) An existing ordinance governing the creation of an accessory
11 dwelling unit by a local agency or an accessory dwelling ordinance
12 adopted by a local agency shall provide an approval process that
13 includes only ministerial provisions for the approval of accessory
14 dwelling units and shall not include any discretionary processes,
15 provisions, or requirements for those units, except as otherwise
16 provided in this subdivision. In the event that a local agency has
17 an existing accessory dwelling unit ordinance that fails to meet
18 the requirements of this subdivision, that ordinance shall be null
19 and void and that agency shall thereafter apply the standards
20 established in this subdivision for the approval of accessory
21 dwelling units, unless and until the agency adopts an ordinance
22 that complies with this section.

23 (5) No other local ordinance, policy, or regulation shall be the
24 basis for the delay or denial of a building permit or a use permit
25 under this subdivision.

26 (6) This subdivision establishes the maximum standards that
27 local agencies shall use to evaluate a proposed accessory dwelling
28 unit on a lot that includes a proposed or existing single-family
29 dwelling. No additional standards, other than those provided in
30 this subdivision, shall be utilized or imposed, except that a local
31 agency may require that the property be used for rentals of terms
32 longer than 30 days.

33 (7) A local agency may amend its zoning ordinance or general
34 plan to incorporate the policies, procedures, or other provisions
35 applicable to the creation of an accessory dwelling unit if these
36 provisions are consistent with the limitations of this subdivision.

37 (8) An accessory dwelling unit that conforms to this subdivision
38 shall be deemed to be an accessory use or an accessory building
39 and shall not be considered to exceed the allowable density for the
40 lot upon which it is located, and shall be deemed to be a residential

1 use that is consistent with the existing general plan and zoning
2 designations for the lot. The accessory dwelling unit shall not be
3 considered in the application of any local ordinance, policy, or
4 program to limit residential growth.

5 (b) When a local agency that has not adopted an ordinance
6 governing accessory dwelling units in accordance with subdivision
7 (a) receives an application for a permit to create an accessory
8 dwelling unit pursuant to this subdivision, the local agency shall
9 approve or disapprove the application ministerially without
10 discretionary review pursuant to subdivision (a) within 60 days
11 after receiving the application. If the local agency has not acted
12 upon the submitted application within 60 days, the application
13 shall be deemed approved.

14 (c) A local agency may establish minimum and maximum unit
15 size requirements for both attached and detached accessory
16 dwelling units. No minimum or maximum size for an accessory
17 dwelling unit, or size based upon a percentage of the proposed or
18 existing primary dwelling, shall be established by ordinance for
19 either attached or detached dwellings that does not permit either
20 of the following to be constructed in compliance with local
21 development standards:

- 22 (1) An 850 square-foot accessory dwelling unit.
23 (2) A 1,000 square-foot accessory dwelling unit, if the unit
24 provides more than one bedroom.

25 (d) Notwithstanding any other law, a local agency, whether or
26 not it has adopted an ordinance governing accessory dwelling units
27 in accordance with subdivision (a), shall not impose parking
28 standards for an accessory dwelling unit in any of the following
29 instances:

- 30 (1) The accessory dwelling unit is located within a traversable
31 distance of one-half mile of public transit.
32 (2) The accessory dwelling unit is located within an
33 architecturally and historically significant historic district.
34 (3) The accessory dwelling unit is part of the proposed or
35 existing primary residence or an accessory structure.
36 (4) When on-street parking permits are required but not offered
37 to the occupant of the accessory dwelling unit.
38 (5) When there is a car share vehicle located within one block
39 of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create one accessory dwelling unit per lot if the unit is substantially contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. ~~Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~

(f) A local agency shall not require owner occupancy for either the primary or the accessory dwelling unit. An agreement with a local agency to maintain owner occupancy as a condition of issuance of a building permit for an accessory dwelling unit shall be void and unenforceable.

(g) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(3) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit if that fee, in the aggregate, exceeds the following:

(A) An accessory dwelling unit less than 750 square feet will be charged zero impact fees.

(B) An accessory dwelling unit 750 or more square feet shall be charged 25 percent of the impact fees otherwise charged for a new single-family dwelling on the same lot.

(4) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(5) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or

1 capacity charge that shall be proportionate to the burden of the
2 proposed accessory dwelling unit, based upon either its square feet
3 or the number of its drainage fixture unit (DFU) values, as defined
4 in the Uniform Plumbing Code adopted and published by the
5 International Association of Plumbing and Mechanical Officials
6 upon the water or sewer system. This fee or charge shall not exceed
7 the reasonable cost of providing this service.

8 (h) This section does not limit the authority of local agencies
9 to adopt less restrictive requirements for the creation of an
10 accessory dwelling unit.

11 (i) (1) A local agency shall submit a copy of the ordinance
12 adopted pursuant to subdivision (a) to the Department of Housing
13 and Community Development within 60 days after adoption. After
14 adoption of an ordinance, the department may submit written
15 findings to the local agency as to whether the ordinance complies
16 with the section.

17 (2) If the department finds that the local agency's ordinance
18 does not comply with this section, the department shall notify the
19 local agency and may notify the office of the Attorney General
20 that the local agency is in violation of state law.

21 (3) The local agency shall consider findings made by the
22 department pursuant to paragraph (2) and may change the ordinance
23 to comply with this section or adopt the ordinance without changes.
24 The local agency shall include findings in its resolution adopting
25 the ordinance that explain the reasons the local agency believes
26 that the ordinance complies with this section despite the findings
27 of the department.

28 (j) The department may review, adopt, amend, or repeal
29 guidelines to implement uniform standards or criteria that
30 supplement or clarify the terms, references, and standards set forth
31 in this section. The guidelines adopted pursuant to this subdivision
32 are not subject to Chapter 3.5 (commencing with Section 11340)
33 of Part 1 of Division 3 of Title 2.

34 (k) As used in this section, the following terms mean:

35 (1) "Accessory structure" means a structure that is accessory
36 and incidental to a dwelling located on the same lot.

37 (2) "Living area" means the interior habitable area of a dwelling
38 unit including basements and attics but does not include a garage
39 or any accessory structure.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(4) “Neighborhood” has the same meaning as set forth in Section 65589.5.

(5) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(6) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(7) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(8) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards for an accessory dwelling unit pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a

1 building standard, subject to compliance with Section 17980.12
2 of the Health and Safety Code.

3 SEC. 3. Section 17980.12 is added to the Health and Safety
4 Code, immediately following Section 17980.11, to read:

5 17980.12. (a) (1) An enforcement agency, until January 1,
6 2030, that issues to an owner of an accessory dwelling unit a notice
7 to correct a violation of any provision of any building standard
8 pursuant to this part shall include in that notice a statement that
9 the owner of the unit has a right to request a delay in enforcement
10 pursuant to this subdivision.

11 (2) The owner of an accessory dwelling unit that receives a
12 notice to correct violations or abate nuisances as described in
13 paragraph (1) may, in the form and manner prescribed by the
14 enforcement agency, submit an application to the enforcement
15 agency requesting that enforcement of the violation be delayed for
16 10 years on the basis that correcting the violation is not necessary
17 to protect health and safety.

18 (3) The enforcement agency shall grant an application described
19 in paragraph (2) if the enforcement determines that correcting the
20 violation is not necessary to protect health and safety. In making
21 this determination, the enforcement agency shall consult with the
22 entity responsible for enforcement of building standards and other
23 regulations of the State Fire Marshal pursuant to Section 13146.

24 (4) The enforcement agency shall not approve any applications
25 pursuant to this section on or after January 1, 2030. However, any
26 delay that was approved by the enforcement agency before January
27 1, 2030, shall be valid for the full term of the delay that was
28 approved at the time of the initial approval of the application
29 pursuant to paragraph (3).

30 (b) For purposes of this section, “accessory dwelling unit” has
31 the same meaning as defined in Section 65852.2.

32 (c) This section shall remain in effect only until January 1, 2040,
33 and as of that date is repealed.

34 SEC. 4. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 a local agency or school district has the authority to levy service
37 charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

O

[Agency letterhead]

[Date]

The Honorable Bob Wieckowski
California State Assembly
State Capitol
Sacramento, CA 95814

RE: Senate Bill 13 (Wieckowski) – Oppose [As Amended April 23, 2019]

Dear Senator Wieckowski:

The [District name] is respectfully opposed to Senate Bill 13. SB 13 prohibits impact fees on Accessory Dwelling Units (ADUs) smaller than 750 square feet and significantly limits the impact fees that may be charged to larger ADUs. [Include a brief description of your district]

Given that revenue for local governments is tightly restricted by the California Constitution, fees are one of the few ways that special districts can offset the indirect costs of growth. Impact fees are critical for park, fire protection, and other types of districts trying to recoup their costs for providing infrastructure and services to new accessory dwelling unit developments.

[Include if fire district:] SB 13's restrictions on impact fees could not come at a more critical time for the bottom line of fire services already stretched thin by California's ever more dangerous fire season. Impact fees pay for increasing firefighting capacity, acquiring new personnel, facilities, vehicles and equipment to maintain service levels and protect the lives property within new structures, including ADUs. With substantial increases in neighborhood density, comes the need to purchase and crew additional fire response apparatus.

[Include if park district:] Recreation and park districts depend on impact fees to establish new parks as neighborhoods grow. Park fees were implemented during the post war boom to ensure that all California neighborhoods would have access to parks and open space. For our district, Quimby and park development fees make up [XX%] of our total annual revenue.

[Provide a brief explanation of how the proposed legislation will negatively impact your community and region specifically. Would your district lose existing or future revenue from the proposed caps on impact fees? Please explicitly describe what infrastructure, equipment, or services the fees pay for and the potential consequences the loss of it may have on your community.]

Impact fees are an important tool for special districts to provide services, infrastructure, and quality of life for local communities. The impact fee caps in SB 13 will reduce local government funding for public safety and quality of life investments. For these reasons, [name of district] respectfully opposes SB 13 unless it is amended.

Sincerely,

[Your name, Title]
[Name of your district]

CC: Francisco Montes, Office of Senator Bob Wieckowski [francisco.montes@sen.ca.gov]
[Your Assembly Member]

[Your Senator]

Rylan Gervase, Legislative Representative, California Special Districts Association
[advocacy@cda.net]

AMENDED IN ASSEMBLY MARCH 18, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

Assembly Constitutional Amendment

No. 1

Introduced by Assembly Member Aguiar-Curry

(Principal coauthor: Assembly Member Chiu)

(Principal coauthor: Senator Wiener)

(Coauthors: Assembly Members ~~Chiu~~, Berman, Bloom, Bonta, Burke, Cooper, Daly, Eggman, Frazier, Eduardo Garcia, Gipson, Gloria, Gonzalez, Grayson, Holden, Jones-Sawyer, Kalra, Levine, Low, McCarty, Mullin, Nazarian, Quirk, Luz Rivas, Robert Rivas, Blanca Rubio, Santiago, and Ting Mark Stone, Ting, Weber, Wicks, Wood, and Chu)

(Coauthors: Senators Beall, Hill, and Skinner)

December 3, 2018

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1 and 4 of Article XIII A thereof, by amending Section 2 of, and by adding Section 2.5 to, Article XIII C thereof, by amending Section 3 of Article XIII D thereof, and by amending Section 18 of Article XVI thereof, relating to local finance.

LEGISLATIVE COUNSEL’S DIGEST

ACA 1, as amended, Aguiar-Curry. Local government financing: affordable housing and public infrastructure: voter approval.

(1) The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions.

This measure would create an additional exception to the 1% limit that would authorize a city, county, ~~or city and county~~ *city and county*,

or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure.

(2) The California Constitution conditions the imposition of a special tax by a local government upon the approval of $\frac{2}{3}$ of the voters of the local government voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property.

This measure would authorize a local government to impose, extend, or increase a sales and use tax or transactions and use tax imposed in accordance with specified law or a parcel tax, as defined, for the purposes of funding the construction, rehabilitation, or replacement of public infrastructure or infrastructure, affordable housing, or permanent supportive housing if the proposition proposing that tax is approved by 55% of its voters voting on the proposition and the proposition includes specified accountability requirements. This measure would also make conforming changes to related provisions. *The measure would specify that these provisions apply to any local measure imposing, extending, or increasing a sales and use tax, transactions and use tax, or parcel tax for these purposes that is submitted at the same election as this measure.*

(3) The California Constitution prohibits specified local government agencies from incurring any indebtedness exceeding in any year the income and revenue provided in that year, without the assent of $\frac{2}{3}$ of the voters and subject to other conditions. In the case of a school district, community college district, or county office of education, the California Constitution permits a proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, to be adopted

upon the approval of 55% of the voters of the district or county, as appropriate, voting on the proposition at an election.

This measure would *expressly prohibit a special district, other than a board of education or school district, from incurring any indebtedness or liability exceeding any applicable statutory limit, as prescribed by the statutes governing the special district. The measure would also similarly lower to 55% the voter approval threshold for a require the approval of 55% of the voters of the city, county, or city and county city and county, or special district, as applicable, to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds issued to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or infrastructure, affordable housing housing, or permanent supportive housing projects, if the proposition proposing that bond includes specified accountability requirements. The measure would specify that this 55% threshold applies to any proposition for the incurrence of indebtedness by a city, county, city and county, or special district for these purposes that is submitted at the same election as this measure.*

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring,* That the
- 2 Legislature of the State of California at its ~~2017-18~~ 2019-20
- 3 Regular Session commencing on the ~~fifth~~ *third* day of December
- 4 ~~2016, 2018,~~ two-thirds of the membership of each house
- 5 concurring, hereby proposes to the people of the State of California,
- 6 that the Constitution of the State be amended as follows:
- 7 First—That Section 1 of Article XIII A thereof is amended to
- 8 read:
- 9 SECTION 1. (a) The maximum amount of any ad valorem
- 10 tax on real property shall not exceed 1 percent of the full cash
- 11 value of that property. The 1 percent tax shall be collected by the
- 12 counties and apportioned according to law to the districts within
- 13 the counties.
- 14 (b) The limitation provided for in subdivision (a) shall not apply
- 15 to ad valorem taxes or special assessments to pay the interest and
- 16 redemption charges on any of the following:
- 17 (1) Indebtedness approved by the voters before July 1, 1978.

(2) Bonded indebtedness to fund the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.

(3) Bonded indebtedness incurred by a school district, community college district, or county office of education for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, approved by 55 percent of the voters of the district or county, as appropriate, voting on the proposition on or after November 8, 2000. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in this paragraph, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) A list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has evaluated safety, class size reduction, and information technology needs in developing that list.

(C) A requirement that the school district board, community college board, or county office of education conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

(D) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

(4) (A) Bonded indebtedness incurred by a city, county, ~~or city and county~~ *city and county, or special district* for the construction, reconstruction, rehabilitation, or replacement of public ~~infrastructure or infrastructure~~, affordable housing, *or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness*, or the acquisition or lease of real property for public ~~infrastructure or infrastructure~~, affordable housing, *or permanent supportive housing for persons*

1 *at risk of chronic homelessness, including persons with mental*
2 *illness, approved by 55 percent of the voters of the city, county,*
3 ~~*or city and county*~~ *city and county, or special district,* as
4 appropriate, voting on the proposition on or after the effective date
5 of the measure adding this paragraph. This paragraph shall apply
6 only if the proposition approved by the voters and resulting in the
7 bonded indebtedness includes all of the following accountability
8 requirements:

9 (i) A requirement that the proceeds from the sale of the bonds
10 be used only for the purposes specified in this paragraph, and not
11 for any other purpose, including city, county, ~~or city and county~~
12 *city and county, or special district* employee salaries and other
13 operating expenses.

14 (ii) A list of the specific projects to be funded, and a certification
15 that the city, county, ~~or city and county~~ *city and county, or special*
16 *district* has evaluated alternative funding sources.

17 (iii) A requirement that the city, county, ~~or city and county~~ *city*
18 *and county, or special district* conduct an annual, independent
19 performance audit to ensure that the funds have been expended
20 only on the specific projects listed.

21 (iv) A requirement that the city, county, ~~or city and county~~ *city*
22 *and county, or special district* conduct an annual, independent
23 financial audit of the proceeds from the sale of the bonds until all
24 of those proceeds have been expended for the public infrastructure
25 or affordable housing projects, as applicable.

26 (v) A requirement that the city, county, ~~or city and county~~ *city*
27 *and county, or special district* post the audits required by clauses
28 (iii) and (iv) in a manner that is easily accessible to the public.

29 (vi) A requirement that the city, county, ~~or city and county~~ *city*
30 *and county, or special district* appoint a citizens' oversight
31 committee to ensure that bond proceeds are expended only for the
32 purposes described in the measure approved by the voters.

33 (B) For purposes of this paragraph, ~~"affordable paragraph:~~

34 (i) "Affordable housing" shall include housing developments,
35 or portions of housing developments, that provide workforce
36 housing affordable to households earning up to 150 percent of
37 countywide median income, and housing developments, or portions
38 of housing developments, that provide housing affordable to lower,
39 low-, or very low income households, as those terms are defined
40 in state law.

(ii) *“At risk of chronic homelessness” includes, but is not limited to, persons who are at high risk of long-term or intermittent homelessness, including persons with mental illness exiting institutionalized settings, including, but not limited to, jail and mental health facilities, who were homeless prior to admission, transition age youth experiencing homelessness or with significant barriers to housing stability, and others, as defined in program guidelines.*

(iii) *“Permanent supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. “Permanent supportive housing” includes associated facilities, if those facilities are used to provide services to housing residents.*

~~(C) For purposes of this paragraph, “public~~

(iv) *“Public infrastructure” shall include, but is not limited to, projects that provide any of the following:*

~~(i)~~

(I) *Water or protect water quality.*

~~(ii)~~

(II) *Sanitary sewer.*

~~(iii)~~

(III) *Treatment of wastewater or reduction of pollution from stormwater runoff.*

~~(iv)~~

(IV) *Protection of property from impacts of sea level rise.*

~~(v) Parks.~~

(V) *Parks and recreation facilities.*

~~(vi)~~

(VI) ~~Open space and recreation facilities:~~ *space.*

~~(vii)~~

(VII) *Improvements to transit and streets and highways.*

~~(viii)~~

(VIII) *Flood control.*

~~(ix)~~

(IX) ~~Broadband-Internet~~ *internet* access service expansion in underserved areas.

~~(x)~~

1 (X) Local hospital construction.

2 (XI) *Public safety buildings or facilities, equipment related to*
3 *fire suppression, emergency response equipment, or interoperable*
4 *communications equipment for direct and exclusive use by fire,*
5 *emergency response, police or sheriff personnel.*

6 (XII) *Public library facilities.*

7 (v) *“Special district” has the same meaning as provided in*
8 *subdivision (c) of Section 1 of Article XIII C and specifically*
9 *includes a transit district, except that “special district” does not*
10 *include a school district, redevelopment agency, or successor*
11 *agency to a dissolved redevelopment agency.*

12 (C) *This paragraph shall apply to any city, county, city and*
13 *county, or special district measure imposing an ad valorem tax to*
14 *pay the interest and redemption charges on bonded indebtedness*
15 *for those purposes described in this paragraph that is submitted*
16 *at the same election as the measure adding this paragraph.*

17 (c) (1) Notwithstanding any other provisions of law or of this
18 Constitution, a school district, community college district, or
19 county office of education may levy a ~~55-percent~~ 55-percent vote
20 ad valorem tax pursuant to paragraph (3) of subdivision (b).

21 (2) Notwithstanding any other provisions of law or this
22 Constitution, a city, county, ~~or city and county~~ city and county, or
23 special district may levy a ~~55-percent~~ 55-percent vote ad valorem
24 tax pursuant to paragraph (4) of subdivision (b).

25 ~~Second—That Section 4 of Article XIII A thereof is amended~~
26 ~~to read:~~

27 ~~SEC. 4. Except as provided by Section 2.5 of Article XIII C,~~
28 ~~a city, county, or special district, by a two-thirds vote of its voters~~
29 ~~voting on the proposition, may impose a special tax within that~~
30 ~~city, county, or special district, except an ad valorem tax on real~~
31 ~~property or a transactions tax or sales tax on the sale of real~~
32 ~~property within that city, county, or special district.~~

33 ~~Second—That Section 4 of Article XIII A thereof is amended to~~
34 ~~read:~~

35 ~~Section 4.~~

36 ~~SEC. 4. Cities, Counties and special districts, Except as~~
37 ~~provided by Section 2.5 of Article XIII C, a city, county, or special~~
38 ~~district, by a two-thirds vote of the qualified electors of such~~
39 ~~district, its voters voting on the proposition, may impose special~~
40 ~~taxes on such district, a special tax within that city, county, or~~

1 *special district*, except *an ad valorem-taxes tax* on real property
2 or a ~~transaction~~ *transactions* tax or sales tax on the sale of real
3 property within ~~such City, County~~ *that city, county*, or special
4 district.

5 Third—That Section 2 of Article XIII C thereof is amended to
6 read:

7 SEC. 2. Notwithstanding any other provision of this
8 Constitution:

9 (a) Any tax imposed by a local government is either a general
10 tax or a special tax. A special district or agency, including a school
11 district, has no authority to levy a general tax.

12 (b) A local government may not impose, extend, or increase
13 any general tax unless and until that tax is submitted to the
14 electorate and approved by a majority vote. A general tax is not
15 deemed to have been increased if it is imposed at a rate not higher
16 than the maximum rate so approved. The election required by this
17 subdivision shall be consolidated with a regularly scheduled general
18 election for members of the governing body of the local
19 government, except in cases of emergency declared by a unanimous
20 vote of the governing body.

21 (c) Any general tax imposed, extended, or increased, without
22 voter approval, by any local government on or after January 1,
23 1995, and before the effective date of this article, may continue to
24 be imposed only if that general tax is approved by a majority vote
25 of the voters voting in an election on the issue of the imposition,
26 which election shall be held no later than November 6, 1996, and
27 in compliance with subdivision (b).

28 (d) Except as provided by Section 2.5, a local government may
29 not impose, extend, or increase any special tax unless and until
30 that tax is submitted to the electorate and approved by a two-thirds
31 vote. A special tax is not deemed to have been increased if it is
32 imposed at a rate not higher than the maximum rate so approved.

33 Fourth—That Section 2.5 is added to Article XIII C thereof, to
34 read:

35 SEC. 2.5. (a) The imposition, extension, or increase of a sales
36 and use tax imposed in accordance with the Bradley-Burns Uniform
37 Local Sales and Use Tax Law (Part 1.5 (commencing with Section
38 7200) of Division 2 of the Revenue and Taxation Code) or a
39 successor law, a transactions and use tax imposed in accordance
40 with the Transactions and Use Tax Law (Part 1.6 (commencing

with Section 7251) of Division 2 of the Revenue and Taxation Code) or a successor law, or a parcel tax imposed by a local government for the purpose of funding the construction, reconstruction, rehabilitation, or replacement of public ~~infrastructure or infrastructure~~, affordable housing, *or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness*, or the acquisition or lease of real property for public ~~infrastructure or infrastructure~~, affordable housing, *or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness*, is subject to approval by 55 percent of the voters in the local government voting on the proposition, if both of the following conditions are met:

(1) The proposition is approved by a majority vote of the membership of the governing board of the local government.

(2) The proposition contains all of the following accountability requirements:

(A) A requirement that the proceeds of the tax only be used for the purposes specified in the proposition, and not for any other purpose, including general employee salaries and other operating expenses of the local government.

(B) A list of the specific projects that are to be funded by the tax, and a certification that the local government has evaluated alternative funding sources.

(C) A requirement that the local government conduct an annual, independent performance audit to ensure that the proceeds of the special tax have been expended only on the specific projects listed in the proposition.

(D) A requirement that the local government conduct an annual, independent financial audit of the proceeds from the tax during the lifetime of that tax.

(E) A requirement that the local government post the audits required by subparagraphs (C) and (D) in a manner that is easily accessible to the public.

(F) A requirement that the local government appoint a citizens' oversight committee to ensure the proceeds of the special tax are expended only for the purposes described in the measure approved by the voters.

(b) For purposes of this section, the following terms have the following meanings:

(1) “Affordable housing” shall include housing developments, or portions of housing developments, that provide workforce housing affordable to households earning up to 150 percent of countywide median income, and housing developments, or portions of housing developments, that provide housing affordable to lower, low-, or very low income households, as those terms are defined in state law.

(2) *“At risk of chronic homelessness” includes, but is not limited to, persons who are at high risk of long-term or intermittent homelessness, including persons with mental illness exiting institutionalized settings, including, but not limited to, jail and mental health facilities, who were homeless prior to admission, transition age youth experiencing homelessness or with significant barriers to housing stability, and others, as defined in program guidelines.*

~~(2)~~
(3) “Parcel tax” means a special tax imposed upon a parcel of real property at a rate that is determined without regard to that property’s value and that applies uniformly to all taxpayers or all real property within the jurisdiction of the local government. “Parcel tax” does not include a tax imposed on a particular class of property or taxpayers.

(4) *“Permanent supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. “Permanent supportive housing” includes associated facilities, if those facilities are used to provide services to housing residents.*

~~(3)~~
(5) “Public infrastructure” shall include, but is not limited to, the projects that provide any of the following:

- (A) Water or protect water quality.
- (B) Sanitary sewer.
- (C) Treatment of wastewater or reduction of pollution from stormwater runoff.
- (D) Protection of property from impacts of sea level rise.
- ~~(E) Parks.~~
- (E) *Parks and recreation facilities.*

1 (F) ~~Open-space and recreation facilities.~~ *space.*

2 (G) Improvements to transit and streets and highways.

3 (H) Flood control.

4 (I) ~~Broadband-Internet~~ *internet* access service expansion in
5 underserved areas.

6 (J) Local hospital construction.

7 (K) *Public safety buildings or facilities, equipment related to*
8 *fire suppression, emergency response equipment, or interoperable*
9 *communications equipment for direct and exclusive use by fire,*
10 *emergency response, policy or sheriff personnel.*

11 (L) *Public library facilities.*

12 (c) *This section shall apply to any local measure imposing,*
13 *extending, or increasing a sales and use tax imposed pursuant to*
14 *the Bradley-Burns Uniform Local Sales and Use Tax Law, a*
15 *transactions and use tax imposed in accordance with the*
16 *Transactions and Use Tax Law, or a parcel tax imposed by a local*
17 *government for those purposes described in subdivision (a) that*
18 *is submitted at the same election as the measure adding this*
19 *section.*

20 Fifth—That Section 3 of Article XIII D thereof is amended to
21 read:

22 SEC. 3. (a) An agency shall not assess a tax, assessment, fee,
23 or charge upon any parcel of property or upon any person as an
24 incident of property ownership except:

25 (1) The ad valorem property tax imposed pursuant to Article
26 XIII and Article XIII A.

27 (2) Any special tax receiving a two-thirds vote pursuant to
28 Section 4 of Article XIII A or *receiving a 55-percent approval*
29 *pursuant to* Section 2.5 of Article XIII C.

30 (3) Assessments as provided by this article.

31 (4) Fees or charges for property-related services as provided by
32 this article.

33 (b) For purposes of this article, fees for the provision of electrical
34 or gas service are not deemed charges or fees imposed as an
35 incident of property ownership.

36 Sixth—That Section 18 of Article XVI thereof is amended to
37 read:

38 SEC. 18. (a) A county, city, town, township, board of
39 education, or school district, shall not incur any indebtedness or
40 liability in any manner or for any purpose exceeding in any year

1 the income and revenue provided for that year, without the assent
2 of two-thirds of the voters of the public entity voting at an election
3 to be held for that purpose, except that with respect to any such
4 public entity ~~which~~ *that* is authorized to incur indebtedness for
5 public school purposes, any proposition for the incurrence of
6 indebtedness in the form of general obligation bonds for the
7 purpose of repairing, ~~reconstructing~~ *reconstructing*, or replacing
8 public school buildings determined, in the manner prescribed by
9 law, to be structurally unsafe for school use, shall be adopted upon
10 the approval of a majority of the voters of the public entity voting
11 on the proposition at ~~such~~ *the* election; nor unless before or at the
12 time of incurring such indebtedness provision shall be made for
13 the collection of an annual tax sufficient to pay the interest on such
14 indebtedness as it falls due, and to provide for a sinking fund for
15 the payment of the principal thereof, on or before maturity, which
16 shall not exceed forty years from the time of contracting the
17 indebtedness. *A special district, other than a board of education
18 or school district, shall not incur any indebtedness or liability
19 exceeding any applicable statutory limit, as prescribed by the
20 statutes governing the special district as they currently read or
21 may thereafter be amended by the Legislature.*

22 (b) (1) Notwithstanding subdivision (a), any proposition for
23 the incurrence of indebtedness in the form of general obligation
24 bonds for the purposes described in paragraph (3) or (4) of
25 subdivision (b) of Section 1 of Article XIII A shall be adopted
26 upon the approval of 55 percent of the voters of the school district,
27 community college district, county office of education, city, county,
28 ~~or city and county~~, *city and county, or other special district*, as
29 appropriate, voting on the proposition at an election. This
30 subdivision shall apply to a proposition for the incurrence of
31 indebtedness in the form of general obligation bonds for the
32 purposes specified in this subdivision only if the proposition meets
33 all of the accountability requirements of paragraph (3) or (4) of
34 subdivision (b), as appropriate, of Section 1 of Article XIII A.

35 (2) *The amendments made to this subdivision by the measure
36 adding this paragraph shall apply to any proposition for the
37 incurrence of indebtedness in the form of general obligation bonds
38 pursuant to this subdivision for the purposes described in
39 paragraph (4) of subdivision (b) of Section 1 of Article XIII A that*

1 *is submitted at the same election as the measure adding this*
2 *paragraph.*

3 (c) When two or more propositions for incurring any
4 indebtedness or liability are submitted at the same election, the
5 votes cast for and against each proposition shall be counted
6 separately, and if two-thirds or a majority or 55 percent of the
7 voters, as the case may be, voting on any one of those propositions,
8 vote in favor thereof, the proposition shall be deemed adopted.

9

10

11 **REVISIONS:**

12 **Heading—Lines 5 and 9.**

13

O

(Your Agency's Letterhead)

[Date]

The Honorable [Your Legislator's Name]
California State [Senate/Assembly]
State Capitol
Sacramento, CA 95814

Re: ACA 1 (Aguiar-Curry) – Local Government Financing - SUPPORT

Dear Assembly Member/Senator [Your Legislator's Last Name]:

On behalf of the [Name of your district], I am writing to support ACA 1 (Aguiar- Curry), which will create a new voter approved mechanism with a vote threshold of 55% to approve local general obligation (G.O.) bonds and special taxes for certain affordable housing and public infrastructure projects. [Include a brief description of your district].

ACA 1 targets the urgent needs of local communities. This measure gives local governments a more realistic financing option to fund an increase in the supply of affordable housing, and to address the numerous local public infrastructure challenges cities, counties, and special districts are facing. The California Constitution currently requires a two-thirds vote at the local level for both G.O. bonds and special taxes, regardless of the purpose a city, county, or special district is seeking those funds.

ACA 1 will provide mechanisms for cities, counties, and special districts to have a viable financing tool to help address important community needs for affordable housing and public infrastructure. Local voters would still need to overwhelmingly support a bond or special tax (with 55%) in order for it to be approved, thus protecting voters' control over how their tax dollars are spent. The bill also provides specific requirements for voter protection, public notice, and financial accountability.

[Be sure to explain how the proposed legislation will help your community and the constituents you share with the legislator.]

If approved by the Legislature, ACA 1 would then have to achieve voter approval during a statewide election. This would further solidify the fact that voters support this change.

Californians want to have an impact on their communities, because they know best what their families and neighbors need.

For these reasons, [District Name] is pleased to support Assembly Constitutional Amendment 1. Please feel free to contact me if you have any questions.

Sincerely,

[Your name, Title]

[Name of your district]

cc: Anthony Tannehill, Legislative Representative, California Special Districts Association
[advocacy@cda.net]

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: May 14, 2019

FROM: Administration Division

PREPARED BY: Jon Hitchcock

APPROVED BY: Harold Schapelhouman

**ITEM: CONSIDER FOR APPROVAL THE REQUEST FOR PROPOSALS (RFP) FOR
A DISTRICT WIDE SPACE NEEDS ASSESSMENT**

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Consider for approval the Request for Proposal (RFP) for a District wide space needs assessment.

BACKGROUND

At the March 19, 2019, Board meeting the Board of Directors directed the Fire Chief to develop a Space Needs Assessment. Working with staff, a Request for Proposals (RFP) for a District wide space needs assessment has been developed for the preparation of a space needs assessment to identify existing and future needs, efficiencies and potential deficiencies of the District's facilities through the collective evaluation of each of the District's properties and structures. The scope includes headcount projections, space requirements, and adjacencies.

1. Headcount Projections for both safety and non-safety employees are included. Projections shall be ten years into the future.
2. Space Requirements - Documentation of existing conditions and determining the space needs for each department and program through the review of existing plan documents, site evaluations and meetings with involved District employees and managers.
 - a. The Consultant shall include data collection sheets for each program and District function. The data sheets will include the number of personnel in each department/program, where they are located, current square footage allocated for both personnel, their workstations and for storage, amount of square footage currently needed, and the amount of square footage needed to address potential future growth.
 - b. In addition to the data collection sheets, Consultant shall present the data in a program format. A program shall be developed for each site and location.

3. Adjacencies - Documentation of the department/program relationships and indications of which departments/programs should be located together for efficiency and practicality.
 - a. The consultant shall identify in the report the locations of each Department/Programs (personnel and storage) and recommend proposed locations to address deficiencies and inefficiencies. Consultant shall consider site requirements such as parking when proposing relocation of personnel.
 - b. Consultant shall identify by modifying the site and floor plans to show the existing locations of each department's and program's personnel, equipment and supply storage.
 - c. Consultant shall identify by modifying the site and floor plans to show the optimum proposed locations of each department's and program's personnel, equipment and supply storage.

The consultant shall provide findings on deficiencies as well as for opportunities of increased efficiencies by drafting site and floor plans as well as programs to show the existing uses and then modifying those plan documents to demonstrate the proposed uses.

The consultant shall evaluate and recommend alternatives to address each finding. In doing so the consultant shall look at: lease/rent space, real property acquisition, relocation, renovation and new construction. The consultant shall provide the capital costs, operational and maintenance costs, and staffing support needed for each of their recommendations.

The consultant will also evaluate current zoning, building and fire code to verify that the proposed improvements are feasible. Included in the scope of work is a presentation to the Board of Directors at a public meeting in which they will present their findings and recommendations.

DISCUSSION

Does the Fire Board agree with the RFP language and wish for the Chief and Staff to proceed forward with this space needs assessment? The assessment bids and timelines will be presented for approval once completed.

FISCAL IMPACT

Upon completion of the RFP and direction from the Board, the Chief and staff will solicit vendors to provide the requested services.

ATTACHMENT

A. Draft Space Needs Assessment RFP



Menlo Park Fire Protection District Request for Proposals for Space Needs Assessment

Section 1: Background

The Menlo Park Fire Protection District (District) is located in the southernmost part of San Mateo County. It covers approximately 33 square miles, reaching into San Francisco Bay. The District provides emergency services for the communities of Atherton, Menlo Park and East Palo Alto, plus some of the unincorporated areas of San Mateo County. The District responds to approximately 8,500 emergencies a year, with about 60% of them being emergency medical incidents. In addition to providing emergency services the District has a fire prevention office which is in charge of plan review and inspection, an in-house mechanical division, and performs both district and community disaster preparedness. The District has seven stations, two administration offices, a mechanic shop, a warehouse and three residential single family home properties. Attachment A includes a listing of each of the District's facilities.

Section 2: Scope of Work

The District is soliciting proposals for the preparation of a space needs assessment to identify existing and future deficiencies of the District's facilities through the evaluation of each of the District's properties and structures. The assessment will be used as a planning mechanism for developing a site or re-purposing an outdated structure into a building that supports the District's mission and objectives.

Kick off Meeting

The District staff will meet with the selected Consultant at the District's Administration Office for purposes of reviewing the refined scope of work, providing the Consultant with complete copies of all pertinent District documents, as well as with materials and technical studies developed by the District to date. The team will review the project schedule and milestones, as well as identifying the role that each will play during the effort.

Following a review of all materials and technical studies, the Consultant will provide the District with a technical memorandum of any additional materials or information needed, as well as any peer review that may be appropriate for the Assessment. At this time, any necessary refinement to the scope of work must be made.

Level of Analysis

The selected consultant shall be tasked with the evaluation of the follow items:

1. Headcount Projections for both safety and non-safety employees - Projections of future headcount for planning purposes shall be based on the 2015 standards of coverage report (Attachment B), meetings with upper management and historical trends. Projections shall be 10 years into the future. Attachment C provides the FTEs and a list of District programs for the District.
 - a. The report shall include a summary of the current FTE's and the projected FTE's with a narrative explaining the projected growth.
2. Space Requirements - Documentation of existing conditions and determining the space needs for each department and program through the review of existing plan documents, site evaluations and meetings with District employees. The space requirements will be developed by studying the kind of work done by each department/program, gaining an understanding of the spaces that they need to support their work, and analyzing best practice metrics in public and private sector organizations. Attachment A provides a list of each of the District facilities and identifies what plan documents the District has available for the Consultant to use during their evaluation. Additionally the District conducted a facility condition assessment in 2012 (Attachment D) which can be used to assist in the evaluation of the space needs assessment. The Consultant is not tasked with evaluation of fire station and fire apparatus placement.
 - a. Consultant shall include in the report, data collection sheets for each department and program. The data sheets will include the number of personnel in each department/program, where they are located, current square footage allocated for both personnel and their workstations as well as for storage, amount of square footage currently needed, amount of square footage needed to address future growth as identified in the headcount projections. Consultant shall include in the analysis each department's and program's vehicle and apparatus needs. An example of the data collection sheet is provided in Attachment E.

- b. In addition to the data collection sheets, Consultant shall present the data collected in subsection 2a in a program format. A program shall be developed for each site. An example of the program is provided in Attachment F.
3. Adjacencies - Documentation of the department/program relationships and indications of which departments/programs should be located together.
 - a. The Consultant shall identify in the report the locations of each Department/Programs (personnel and storage) and recommend proposed locations to address deficiencies and inefficiencies. Consultant shall consider site requirements such as parking when proposing relocation of personnel.
 - b. Consultant shall identify by modifying the existing site and floor plans to show the existing locations of each department's and program's personnel, equipment and supply storage.
 - c. Consultant shall identify by modifying the existing site and floor plans to show the proposed locations of each department's and program's personnel, equipment and supply storage.

Findings and Recommendations

The assessment shall provide findings on deficiencies as well as for opportunities of increased efficiencies. The Consultant shall evaluate and recommend alternatives to address each finding. In doing so the Consultant shall look at: lease/rent space, real property acquisition, relocation, renovation and new construction.

The Consultant shall provide the capital costs, operational and maintenance costs, and staffing support needed for each of their recommendations. The Consultant will also evaluate current zoning, building and fire code to verify that the proposed improvements are feasible.

Report and Presentation

The Consultant shall develop and provide a comprehensive report that includes an executive summary, an analysis of the District space needs and a summary of the findings and recommendations. The Consultant shall provide working draft documents at specified intervals for District staff to review and comment. Upon completion of the report as accepted by Staff, the Consultant shall create the finalized document and provide a digital copy in both word and pdf format. The consultant shall provide one bound, hard copy of the report and appendices.

The Consultant shall attend one public meeting in which they will present their findings and recommendations to the Board of Directors.

Section 3: Proposal Content

Introduction

Provide your general qualifications and an executive summary of your approach to the requested work. The description should convey the size, stability, and capacity of your firm. This section should also indicate the length of time for which the proposal is effective.

Work Program

Your proposal should describe your understanding of the project's purpose, your firm's approach, and any assumptions with regard to the District's role. Your proposal should include a detailed scope of work that identifies the major work elements, products to be delivered, a timeframe/schedule for completion of major work elements, a discussion of your organization's management approach, and a proposed budget.

Firms should submit their proposal in sufficient detail to allow for a thorough evaluation and comparative analysis. The proposal will not be judged by the volume of material presented and therefore should be as brief and concise as possible without sacrificing the clarity of the intended concept.

The work program should outline the anticipated work elements and the work tasks to be conducted in detail along with a brief description of the methodology to be employed.

Schedule

The proposal shall include a preliminary project schedule that identifies milestone and completion dates by task. The schedule and milestones will be finalized during the kick-off meeting with District staff.

Cost Proposal

The Consultant should provide a fee estimate on a task-by-task basis. The type and number of field investigations proposed or anticipated should be identified in the proposal. The proposal shall include a spreadsheet identifying personnel, their project responsibilities and estimated amount of time expected for each task, expressed in person-hours. Include actual hourly rates; administrative and associated overhead expenses, including indirect expenses for graphics, printing, postage, etc. Milestones for key products should be noted. The proposed budget is to be presented as not-to-exceed, with all overhead/expenses included in the figure. The Consultant should outline the terms of payment, based on monthly billings to the District.

The method of payment upon negotiation of a contract shall be not more than once monthly and will be based upon satisfactory progress and the submission of a detailed invoice, outlining the specific number of hours worked by each person and products in progress and/or completed.

Qualifications

Key Personnel

The Consultant is requested to provide a set of qualifications included with their proposal. The qualifications statement should contain the following:

Management and Organization: The proposal shall provide complete information on management and technical personnel to be assigned to the project and identify the role of each individual. All subconsultants shall be identified and information provided for each subconsultants in the same manner as for your firm. The office location of key personnel must be specified. Please also provide resumes for key personnel expected to expend significant effort on this project. The proposal shall include an organizational chart and discussion to explain how your firm would manage work on this project. The proposal must clearly identify and discuss the commitment of the Project Manager and key personnel to this project to ensure timely completion, including identification of any other major contract commitments to other project within the same time frame. Please note that a change in the Project Manager during the course of completing this scope of work will require prior notification to and approval by the District.

Subconsultant Qualifications: Please provide references and resumes for any subconsultants you intend to use. The District reserves the right to request that the prime Consultant considers other subconsultants (including those on other proposing teams) if, in the District's view, a better overall product would result.

A minimum of three (3) current references, along with the name, title, agency, email address, and phone number. Each reference offered by the Consultant/subconsultants should note the project worked on with a reference to the year of completion of that project (or if it is still in progress).

Relevant Experience

A statement of relevant experience working on other similar projects and clients that the Consultant may be currently working with on the Peninsula should be included. In particular, please note any past or current projects with the Menlo Park Fire Protection District and County of San Mateo.

District Contract

The Consultant will be expected to enter into an Agreement for Services with the District. The Consultant shall include a statement accepting the District's contract template and insurance terms (Attachment G). Provide all comments to the contract with your proposal (please use track changes). If no comments are submitted it will be assumed that the contract template is approved as is.

Additional Information

In addition to the required proposal components, the District may request project samples and additional information at a future date.

Section 4: Selection Process

The Project Manager for the District will be _____. The firm awarded the contract for the work described herein will be expected to report to, seek guidance from, and work cooperatively with the Project Manager.

The District is seeking to engage the most qualified firm, based on the qualifications, responses and references. Such evaluation criteria includes but is not limited to

1. Ability to champion District's operational and fiscal goals by demonstrating thorough understanding of District structure and operations and project challenges.
2. Ability to sufficiently staff the project in order to complete the project to an approved schedule.
3. Demonstrated competence and professional qualifications of key personnel in providing comprehensive design services for comparable projects
4. Ability to work with diverse communities, populations and environments
5. Experience working on similar projects
6. Ability to deliver the project within budget.

Based upon the submitted qualifications, the District will evaluate and select a list of the most qualified firms to interview, if needed. At this time, the District is not anticipating an interview process. A consultant will be selected on the basis of the submitted proposals only.

The District reserves the right to accept or reject, or to modify or cancel in part or in its entirety, this RFP. Proposals shall remain effective for 90 days beyond the submission date. This RFP does not commit the District to pay any costs incurred in the preparation of a response or to procure or contract for services or supplies.

All data, documents and other products used or developed during the scope of work will be subject to public review. Similarly, all responses to this RFP shall become the property of the District.

Proposals will be reviewed by District staff for compliance with the requirements of this RFP. Minor proposal modifications may be requested as a result of this review. Staff will review qualified proposals and will select the consultant.

Section 5: Submission Process

Please submit an Adobe .pdf format electronic copy of your full proposal at your earliest convenience, but no later than. _____.
to: _____.

Proposal packets received after the deadline will not be considered.

Note: The District's email system has limits on the size of incoming messages, so please confirm receipt of the proposal via a separate email message.

Section 6: Attachments

- A. District Facility List
- B. Standards of Coverage
- C. FTE and program list
- D. CH2MHill Facility Condition Assessment Report
- E. Sample Data Collection Sheet
- F. Sample Program
- G. Draft Contract and Insurance Terms

If you have any questions during the preparation of your proposal, please contact
_____ via e-mail at _____.

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors **MEETING DATE:** May 14, 2019
FROM: Harold Schapelhouman, Fire Chief
Melanie Starz, Emergency Medical Manager
ITEM: CONSIDER AND APPROVE THE SAN MATEO COUNTY PRE-HOSPITAL
EMERGENCY MEDICAL SERVICES GROUP ADVANCED LIFE SUPPORT
PARAMEDIC DESIGNATION AGREEMENT

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Consider and approve the San Mateo County Pre-Hospital Emergency Medical Services Group Advanced Life Support Paramedic Designation Agreement

BACKGROUND

Title 22 states:

Any LEMSA that authorizes an ALS service that provides services utilizing paramedic personnel as part of an organized EMS system, shall be responsible for approving paramedic training programs, paramedic service providers, paramedic base hospitals, and for developing and enforcing standards, regulations, policies and procedures.

The proposed draft agreement was sent to the Executive Director of the San Mateo County Pre-Hospital Emergency Medical Services (EMS) Group Joint Powers Authority (JPA) on March 15 2019 by the County Emergency Medical Agency (EMS Agency).

The draft agreement was then forwarded to the County Fire Chief's for review and comment by March 29, 2019. The County Fire Chief's met with the Executive Director of the EMS JPA on April 4, 2019.

A sub-committee of Fire Chiefs that included EMS Manager Starz and other partnering Fire EMS Supervisors served as subject matter experts who took the new proposed 30 page document and drafted model language that would be more acceptable to the Fire Chiefs Group.

The Fire Board was updated at a Special meeting held on April 5, 2019 regarding the new 30 page document with at least 21 significant changes in title, content, responsibility, expectation, performance and authority.

The Fire Chiefs Group met on May 1, 2019 and after an extensive discussion decided to recommend that an updated version of the ten page existing 2009 agreement be used.

The EMS Director of the JPA and members of Management Committee, including Chief Schapelhouman, discussed this strategy on May 2, 2019 at their meeting and authorized the Executive Director to approach County EMS with this change of approach, which was accepted and a face to face negotiation was scheduled for May 8, 2019.

On May 8, members of the EMS JPA Management Committee, including Chief Schapelhouman, met with representatives from the County EMS Agency and negotiated a new and modified 13 page Designation agreement, using the previous agreement as the template..

DISCUSSION

The tenor, content, responsibilities and performance of this Agreement is much more conducive to a multi-year collaborative relationship. Both parties compromised and listened to each other.

EMS Agency compromises from the earlier 30 page Agreement:

- Deletion of PSC in whereas section.
- Addition of South San Francisco non-inclusion in whereas section.
- Deletion of mutual aid in Services to be performed by JPA section.
- Deletion of entire paragraph on contract administration.
- Deletion of the EMS Agency assigning a liaison to collaborate on administrative matters.
- Deletion of developing and implementing a CQI Program.
- Deletion of providing direct and reporting access into our electronic system used to document credential of personnel.
- Deletion of furnishing the EMS Agency with required data response times in Services to be performed by JPA section.
- Chief remains in Assignments and Subcontracts section, paragraph B, pg. 4.

Fire Agency's compromises moving forward:

- Inclusion of standardized equipment with AMR remains. However, the Lucas devices were approved in committee and this practice of committee approval memorialized in policy will continue.

- No inclusion of Fire Agencies having the ability to have their own EMS Manager/Coordinator independent of the JPA Supervisors. However, the practice and application of Agency EMS Managers will specifically be addressed in committee and policy.
- Inclusion of JPA agrees to notify the EMS Agency in advance of the placement into or removal from service of each permanent JPA paramedic first responder vehicle remains. An example of a new permanent first response unit would be Rescue 77 and Truck 2.
- No mention of Cross County Fire Agency Automatic Aid is included in this agreement. However, it is not prohibited and will need to be addressed in the Automatic Aid Agreement between the Fire Agencies.
- A proposal to provide and pay ALS equipment for 61 first response units (FRU'S), which is nine more than the current 52 FRU's, will be requested from the Technology Fund.

ATTACHMENT

- A. 2019 – San Mateo County Pre-Hospital Emergency Medical Services Group Advanced Life Support Designation Agreement.

AGREEMENT WITH THE SAN MATEO COUNTY PRE-HOSPITAL
EMERGENCY MEDICAL SERVICES GROUP
TO BE DESIGNATED PARAMEDIC FIRST RESPONSE SERVICE PROVIDER

THIS AGREEMENT, entered into this _____ day of _____, 2019, by and between the COUNTY OF SAN MATEO, a political subdivision of the State of California, hereinafter called "County" and The San Mateo County Pre-Hospital Emergency Medical Services Group (JPA), hereinafter collectively called "JPA";

WITNESSETH:

WHEREAS, the JPA is made up of the following entities: City of Brisbane, City of Burlingame, City of Daly City, City of Foster City, Town of Hillsborough, City of Millbrae, City of Pacifica, City of Redwood City, City of San Bruno, City of San Mateo, City of South San Francisco, Belmont Fire Protection District, Coastside Fire Protection District, Colma Fire Protection District, County of San Mateo, Menlo Park Fire Protection District, and Woodside Fire Protection District; and

WHEREAS, the County has determined that the most appropriate and efficient manner of providing emergency medical response County-wide is through an integrated paramedic first responder and paramedic ambulance system; and

WHEREAS, the JPA desires to provide advanced life support services pursuant to its responsibilities as set forth in the Operating Agreement between the JPA and American Medical Response West ("AMR"); and

WHEREAS, Division 2.5 of the Health and Safety Code, Section 1797.52 specifies that advanced life support services are provided as part of a local EMS system; and

WHEREAS, pursuant to Title 22, Division 9, Section 100168(b)(4) an EMT-Paramedic Service Provider shall have a written agreement with the local EMS Agency to participate in advanced life support program and to comply with all applicable State regulations and local EMS Agency policies and procedures including participation in the local EMS Agency's quality improvement system; and

WHEREAS, County has determined that requests for emergency ambulance service shall be met by paramedic equipped and staffed first response vehicles and paramedic equipped and staffed ambulances; and

WHEREAS, the Agreement between County and AMR for Emergency Ambulance Service with Advanced Life Support (ALS) Ambulance Transport (EASA) commencing on July 1, 2019 includes the provision of specific medical equipment, supplies, vehicles, and other services to the JPA; and

WHEREAS, the EASA Agreement between County and AMR includes an annual AMR payment to the County for JPA first responder services; and

WHEREAS, the City of South San Francisco is not part of San Mateo County's exclusive operating area as it has provided continuous paramedic advanced life support services since 1974, and has a separate EOA within the City of South San Francisco;

NOW, THEREFORE, THE PARTIES HERETO AGREE as follows:

1. Services to be Performed by JPA

The JPA shall provide countywide paramedic first responder services, except within the City of South San Francisco, as described in the EASA between County and AMR and in the Operating Agreement between the JPA and AMR as attached in Exhibit 1. All entities that are presently members and maintain membership with the JPA may provide advanced life support within the JPA's service area and may respond into other jurisdictional areas by virtue of automatic aid agreements in accordance with State law and the policies and procedures of the local EMS Agency and any amendments, or additions, thereto. All entities that are presently members of the JPA are authorized to provide advanced life support using EMT-Paramedics on JPA's fire apparatus. Subject to the review and approval of the EMS Agency, Woodside Fire Protection District shall be permitted to enter into an agreement with AMR to staff one (1) ambulance owned and operated by AMR.

2. ALS Mandate

JPA members are mandated to and shall respond to all requests for services under the Operating Agreement and the EASA using an ALS first response vehicle. Each ALS first response vehicle shall be equipped with ALS equipment and be staffed with at least two personnel, at least one of whom shall be licensed and accredited as a paramedic. Only EMS Agency approved medical devices, equipment, supplies and pharmaceuticals shall be stocked on JPA first response vehicles and / or utilized in the provision of patient care. Each such item shall be standardized with that used by AMR for the same purpose.

3. Payments

Pursuant to Section 11.6 of the EASA, AMR shall remit a monthly payment of \$401,292.33 to County for payment to the JPA for first responder services.

Contingent on AMR's timely payment to County, County shall remit such payments from AMR to the JPA each month beginning July 31, 2019.

However, if AMR fails to pay County for JPA's first responder services as specified in the EASA, County shall not be obligated to remit payment to the JPA until AMR remits the payments for the JPA to the County.

The amount listed in this section may increase annually beginning July 1, 2020, however, such increases may not exceed the Consumer Price Index All Urban Consumers San Francisco-Oakland-San Jose ("Bay Area CPI") increases for the previous year as reported in April each year.

4. Relationships of Parties

It is expressly understood that this is an Agreement made in order to satisfy the requirements contained in Title 22, Division 9, Article 5, Section 100168, and that no agency, employee, partnership, joint venture or other relationship is established by the Agreement. It is expressly understood that the County does not warranty, and is not responsible for, any services provided under this Agreement.

5. Hold Harmless

It is agreed that JPA shall defend, save harmless, and indemnify County, its officers and employees, from any and all claims for injuries or damage to persons and/or property which arise out of the terms and conditions of this Agreement and which result from the negligent acts or omissions of the JPA, its officers, agents, employees, and subcontractors, in the performance of this Agreement. It is agreed that JPA members shall maintain all insurance required by its Operating Agreement with AMR and that the JPA members shall list County as an additional insured on such insurance. The duty of the JPA to indemnify and save harmless as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code.

It is further agreed that County shall defend, save harmless, and indemnify the JPA, its officers, employees, and members from any and all claims for injuries or damages to persons and/or property which arise out of the terms and conditions of this Agreement and which result from negligent acts or omissions of County, its officers, and/or employees.

In the event of concurrent negligence, the liability for any and all claims for injuries or damages to persons and/or property which arise out of the terms and conditions of this Agreement shall be apportioned under the California theory of comparative negligence as established presently, or as may be hereafter modified.

6. Privacy Compliance

During the term of this Agreement, each party may receive from the other party, or may receive or create on behalf of the other party, certain confidential health or medical information ("Protected Health Information" or "PHI," as further defined below). This PHI is subject to protection under state and/or federal law, including the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 ("HIPAA") and regulations promulgated thereunder by the U.S. Department of Health and Human Services ("HIPAA Regulations"). Each party represents that it has in place policies and procedures that will adequately safeguard any PHI it receives or creates, and each party specifically agrees to safeguard and protect the confidentiality of Protected Health Information consistent with applicable law. Without limiting the generality of the foregoing, each party agrees that it shall have in place all policies and procedures required to comply with HIPAA and the HIPAA Regulations prior to the date on which such compliance is required.

For purposes of this section, "Protected Health Information" means any information, whether oral or recorded in any form or medium: (a) that relates to the past, present or future physical or mental health or condition of an individual; the provision of health care to

any individual; or the past, present or future payment for the provision of health care to an individual, and (b) that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

This section shall be interpreted in a manner consistent with HIPAA, the HIPAA Regulations and other state or federal laws applicable to PHI.

JPA agrees to indemnify, defend and hold harmless the County and its respective employees, directors, officers, subcontractors, agents or other members of its workforce (collectively, "indemnified party,") against all damages suffered by the indemnified party and all liability to third parties arising from any breach of this section by JPA.

County agrees to indemnify, defend and hold harmless the JPA and its directors, officers, employees and members ("indemnified party") against all damages suffered by the indemnified party and all liability to third parties arising from any breach of this section by County.

7. Assignments and Subcontracts

- A. Without the written consent of the, San Mateo County Health EMS Director or his/her designee, this Agreement is not assignable in whole or in part. Any assignment by JPA without the written consent of the San Mateo County Health EMS Director violates this Agreement and shall be cause for the County to terminate this Agreement upon 120 days written notice. Said written consent shall not be unreasonably withheld when beneficial ownership of the organization remains unchanged.
- B. Other than as provided for in this Agreement, JPA shall not employ subcontractors or consultants to carry out the responsibilities undertaken pursuant to this contract without the written consent of the San Mateo County Health, EMS Director. All assignees, subcontractors, or consultants approved by Chief, San Mateo County Health EMS Director shall be subject to the same terms and conditions applicable to JPA under this Agreement.
- C. All Agreements between JPA and any subcontractor and/or assignee for services pursuant to this Agreement (if applicable) shall be in writing and shall be provided to County.

8. Merger and Modification/ Alteration of Agreement

This Agreement is the entire agreement between the parties with respect to matters herein discussed and contains all the terms and conditions agreed upon by the parties. No alteration or variation shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or Agreement shall be binding on the parties hereto.

9. Records

- A. JPA agrees to provide to County, to any Federal or State department having monitoring or reviewing authority, to County's authorized representatives and/or their appropriate audit agencies upon reasonable notice, access to and the right to examine and audit all records and documents necessary to determine compliance with relevant Federal, State, and local statutes, rules and regulations, and this Agreement, and to evaluate the quality, appropriateness and timeliness of services performed, to the extent necessary to determine such compliance and evaluate such quality, appropriateness and timeliness. JPA shall make available for the County's inspection, to the extent necessary to verify compliance with this Agreement, its financial records for its services provided pursuant to this Agreement for review or audit at any place designated by County and if requested, JPA shall provide copies of such records to County. JPA shall provide the EMS Agency a monthly report of paramedic license, emergency medical technician certification and required medical continuing education and credentialing records.
- B. JPA shall maintain and preserve all records relating to this Agreement and the Operations Agreement in its possession, for a period of four (4) years from the termination date of this Agreement, or until audit findings are resolved.
- C. JPA agrees to notify the EMS Agency in advance of the placement into or removal from service of each permanent JPA paramedic first responder vehicle.
- D. JPA shall utilize an electronic patient care record (ePCR) approved by the EMS Agency and adhere to patient care documentation and reporting requirements including participation in the EMS Agency's FirstPASS program.\
- E. In an urgent or emergency situation where other forms of communication are unavailable, JPA agrees to provide the EMS Agency with real-time access to all local VHF operating frequencies utilized by JPA member agencies in responding to and managing incidents at which medical assessment and/or care is provided.

10. Financial Reports, Accounting, and Auditing Procedure

JPA agrees to make annual audited financial reports available to the County upon request. JPA shall also share annual operational budget upon the request of the County.

11. Compliance with Other Agreements and Applicable Laws

All services to be performed by JPA pursuant to this Agreement shall be performed in accordance with JPA's Operating Agreement with AMR and the EASA. Each party to this Agreement shall comply with all applicable federal (including federal anti-kickback statute), state, county and municipal laws, ordinances, regulations, EMS Agency policies, procedures and protocols, including but not limited to appropriate licensure, certification

regulations, provisions pertaining to confidentiality of records, and applicable quality performance regulations and/or policies.

12. Notices

Any notice, request, demand or other communication required or permitted hereunder shall be deemed to be properly given when deposited in the United States mail, postage prepaid:

In the case of County:

EMS Agency Director
San Mateo County Health County of San Mateo
801 Gateway Ste. 200,
South San Francisco, CA 94080

or to such person or address as County may, from time to time furnish to JPA.

In the case of JPA:

Executive Director
San Mateo Pre-Hospital Emergency Medical Services Medical Group
1510 Rollins Road
Burlingame CA. 94010

13. Controlling Law

The validity of this Agreement and its terms or provisions, as well as the rights and duties of the parties hereunder, the interpretation and performance of this Agreement shall be governed by the laws of State of California and shall be brought and maintained in the Superior Court in and for the County of San Mateo.

14. Term of Agreement

The term of this Agreement shall run concurrent with the term of the Operations Agreement between the JPA and AMR and the Emergency Ambulance Services with Advanced Life Support Ambulance Transport Agreement (EASA) between the County and AMR. The parties agree that if both of the aforementioned agreements are terminated this Agreement shall automatically terminate. Additionally, this Agreement may be terminated at any time by mutual written agreement of the County and the JPA.

It is understood that if this Agreement is terminated for any reason, JPA or any of its members, excluding the City of South San Francisco, will not have the approval of County's EMS Agency to be an EMT-Paramedic Service Provider or Advanced Life Support Service Provider within San Mateo County and must cease all advanced life support services immediately. In the event this Agreement is terminated, the EMS Director will meet with representatives of the JPA to discuss the terms and conditions under which the JPA or any of its members may be re-designated as an EMT-P Service Provider or Advanced Life Support Service Provider. It is further agreed that if any of the entities listed in this Agreement, other than the City of South San Francisco, are no longer members of the JPA,

that the entity leaving the JPA will have no authority to provide ALS services until that entity executes a separate agreement with the County to be designated as an ALS provider pursuant to Title 22, Division 9, Section 1000168 (b) (4).

15. Declaration of Major Breach and Takeover of 911 Ambulance Service

In the event that the San Mateo County Health EMS Agency determines that a Major Breach of the EASA has occurred, JPA shall cooperate completely and immediately with County to continue to provide paramedic first responder services pursuant to this Agreement and in conformity with the Major Breach provisions under the EASA under the following conditions:

1. The determination of Major Breach is brought to the Board of Supervisors, and,
2. The nature of the breach is, in the San Mateo County Health EMS Agency and Board of Supervisors' opinion such that there is a serious and immediate threat to public health and safety, and,
3. The JPA has been given notice and an opportunity to appear before the Board of Supervisors.

In the event of a Major Breach under the EASA, the County shall make every effort to enforce the EASA with AMR to allow for continued payments to the JPA under paragraph 3 of this Agreement. If County is unable to secure payments from AMR, then JPA may terminate this Agreement thirty (30) days after the declaration of Major Breach. In the event of a termination under this section the JPA and its members will not have the approval of County's EMS Agency to be an EMT-Paramedic Service Provider or Advanced Life Support Service Provider within San Mateo County and must cease all advanced life support services immediately. In the event this Agreement is terminated, the EMS Agency will meet with representatives of the JPA to discuss the terms and conditions under which the JPA or any of its members may be re-designated as an EMT-P Service Provider or Advanced Life Support Service Provider.

16. Other Provisions

A. Right of Inspection:

County or any of its duly authorized employees or agents shall have the right to make inspections or investigations at any time to determine whether JPA is complying with the terms and conditions of the Operating Agreement with AMR, to the extent required to verify compliance with this Agreement. JPA shall make available to County, its records with respect to all matters covered by the Agreement. A county representative may contact the JPA to schedule a ride as "third person" on any of the paramedic first response vehicles. A county representative may inspect any paramedic first response vehicle at any time.

B. Compliance With First Responder Standards:

Each first responder ALS unit shall be staffed by at least one paramedic. JPA shall have four JPA EMS Supervisors, who shall have responsibility for their assigned zones; 1(North Zone, 2) Central Zone, 3) South Zone, and 4) Coastal Zone. These EMS Supervisors shall have 24-hour responsibility for EMS issues involving the paramedic first responders within their assigned zone. At least one of these EMS Supervisors will be available on-call at all times for all zones during non-business hours 365 days per year.

The JPA and its members agree to comply with the standards of paramedic professionalism, training, certifications, and recordkeeping as specified in the Operating Agreement and as specified by local EMS Agency policies procedures and protocols.

17. Response Time Requirements

A. It is the goal of the County to deliver the expected clinically-driven response times to all incidents in each Response Time Area and each Response Time Zone. JPA shall meet response time requirements in each Response Time Zone ninety percent (90%) of the time measured monthly.

B. Each medical incident assigned to the JPA by San Mateo County Public Safety Communications (PSC) shall be counted as a single response, regardless of the number of paramedic first responder vehicles that are utilized.

C. Response Time Calculations:

JPA shall be accountable from the time of completion of assignment by PSC including the exact location of each incident or descriptive location such as building or landmark, until the time that the PSC is notified by radio (or other reliable method) that the JPA's first arriving paramedic first responder vehicle is at the location where the vehicle shall be parked during the incident, or in the event that staging is necessary for personnel safety, at the time the vehicle arrives at the staging area. Response times shall be calculated using whole minutes and seconds.

D. Response Time Requirements:

JPA shall adhere to the following response time requirements:

Urban / Suburban – Response to 90 percent of calls each month shall be compliant	
	ALS First Responder
Code 3	6:59 minutes
Code 2	14:59 minutes
Rural – Response to 90 percent of calls each month shall be compliant	
	ALS First Responder
Code 3	11:59 minutes
Code 2	24:59 minutes
Remote – Response to 90 percent of calls each month shall be compliant	
	ALS First Responder
Code 3	21:59 minutes
Code 2	29:59 minutes

E. Calculating Response Times - Changes in Call Priority:

1. Response time calculations for determination of compliance with Agreement standards for non-compliance shall be as follows:

- a. Downgrades – If a call is downgraded to a lower priority prior to arrival at scene of the JPA fire unit, JPA's compliance will be calculated based on if the higher priority response time standard has been exceeded at the time of the downgrade.
- b. Upgrades – If a call is upgraded or there is more than one priority change associated with a given incident prior to the arrival at scene of the JPA fire unit, JPA shall be deemed compliant provided the upgrade or change in priority does not occur after the passage of the lower priority response time threshold.
- c. Reassignment Enroute – If a JPA fire unit is reassigned enroute or turned around prior to arrival at scene (e.g., to respond to a higher priority request), compliance will be calculated based on the response time standard applicable to the assigned priority of the initial response. The response time clock will not stop until the arrival of a JPA fire unit at scene at the location where the vehicle shall be parked during the incident from which the JPA fire unit was diverted.
- d. Canceled Calls – If an assignment is canceled prior to arrival at scene by the JPA fire unit, compliance will be calculated based on the elapsed time from dispatch to the time the call was canceled.

F. Response Time Reporting:

PSC CAD data and the EMS Agency's FirstWatch Online Compliance Utility (OCU) program shall be used to calculate and report response times. Monthly response time compliance will be reported for each of the Response Time Compliance Zones defined in the EASA and attached in Exhibit 1. The JPA agrees to provide the EMS Agency access to all CAD data for medical aid responses.

G. Response Time Exceptions:

In certain cases, a late response will be excepted by the EMS Agency and thereby deemed as a compliant response to be included in response time compliance calculations. The JPA may file a request for each desired response time Exception on a monthly basis with the EMS Agency via the OCU within 15 days of the end of the previous month. Such request shall list the date, the time, and the specific circumstances causing the delayed response in accordance with local EMS Agency policies. The burden of proof for good cause of an Exception shall rest with the JPA.

H. Response Time Corrections:

JPA may request response time correction(s) of arrival at scene time(s). In incidents when the assigned paramedic first responder vehicle fails to report its arrival at scene, the time of the next radio communication from the crew or other at scene personnel to PSC that indicates that the vehicle has already arrived at the scene shall be used as the arrival at scene time. Alternatively, at scene time may be validated by CAD timestamp or Geographic Positioning System (GPS) based on Automatic Vehicle Location (AVL) technology playback. JPA shall file a request for each desired response time correction on a monthly basis with the EMS Agency via the OCU within 15 days of the end of the previous month. Such request shall list the date, the time, and the specific circumstances causing the delayed response in accordance with local EMS Agency policies. The burden of proof for good cause of a correction shall rest with the JPA.

I. Response Time Exemptions:

In some cases, late and specified other responses will be excluded from response time compliance calculations. These Exemptions will be for good cause only, in accordance with EMS Agency policies. JPA shall file a request for each desired response time Exemption on a monthly basis with the EMS Agency via the OCU within 15 days of the end of the previous month. Such request shall list the date, the time, and the specific circumstances causing the delayed response.

18. Compliance of JPA With Agreements

Compliance with the terms of this agreement is necessary for the efficient function of the ALS Ambulance system and for the health and safety of visitors and residents of San Mateo County. Therefore, EMS Agency reserves the right to determine whether the JPA is in compliance with the terms of the Agreement and to take appropriate action as follows:

Non-compliance may include, but is not limited to, failure to continuously provide required paramedic first responder qualifications/licensing/certification/accreditation, training, patient records, equipment, supplies, and/or the quality performance program.

JPA shall have 60 days following receipt of written notice from the EMS Agency to cure any finding of non-compliance. If the EMS Agency determines that the JPA is non-compliant following the 60-day cure period, it shall review the non-compliance and recommend one of the following actions:

1. Provide the JPA an additional 30 days to cure the non-compliance;
2. Recommend that AMR withhold a portion of the JPA payments to County and therefore from the JPA;
3. Provide the JPA with a remediation plan designed to cure such non-compliance.
4. In the event that there is any dispute between the JPA and AMR regarding the Operations Agreement the Executive Steering Council (ESC) will review and make a recommendation for resolution between the two organizations.

19. Authority to Enter Into Agreement

The parties executing this Agreement warrant that they have full and complete legal authority to execute this Agreement on behalf of their agency.

In witness of and in agreement with this Agreement's terms, the parties, by their duly authorized representatives, affix their respective signatures:

For Contractor: San Mateo County Pre-Hospital Emergency Medical Services Group:

Contractor Signature

Date

Contractor Name (please print)

COUNTY OF SAN MATEO

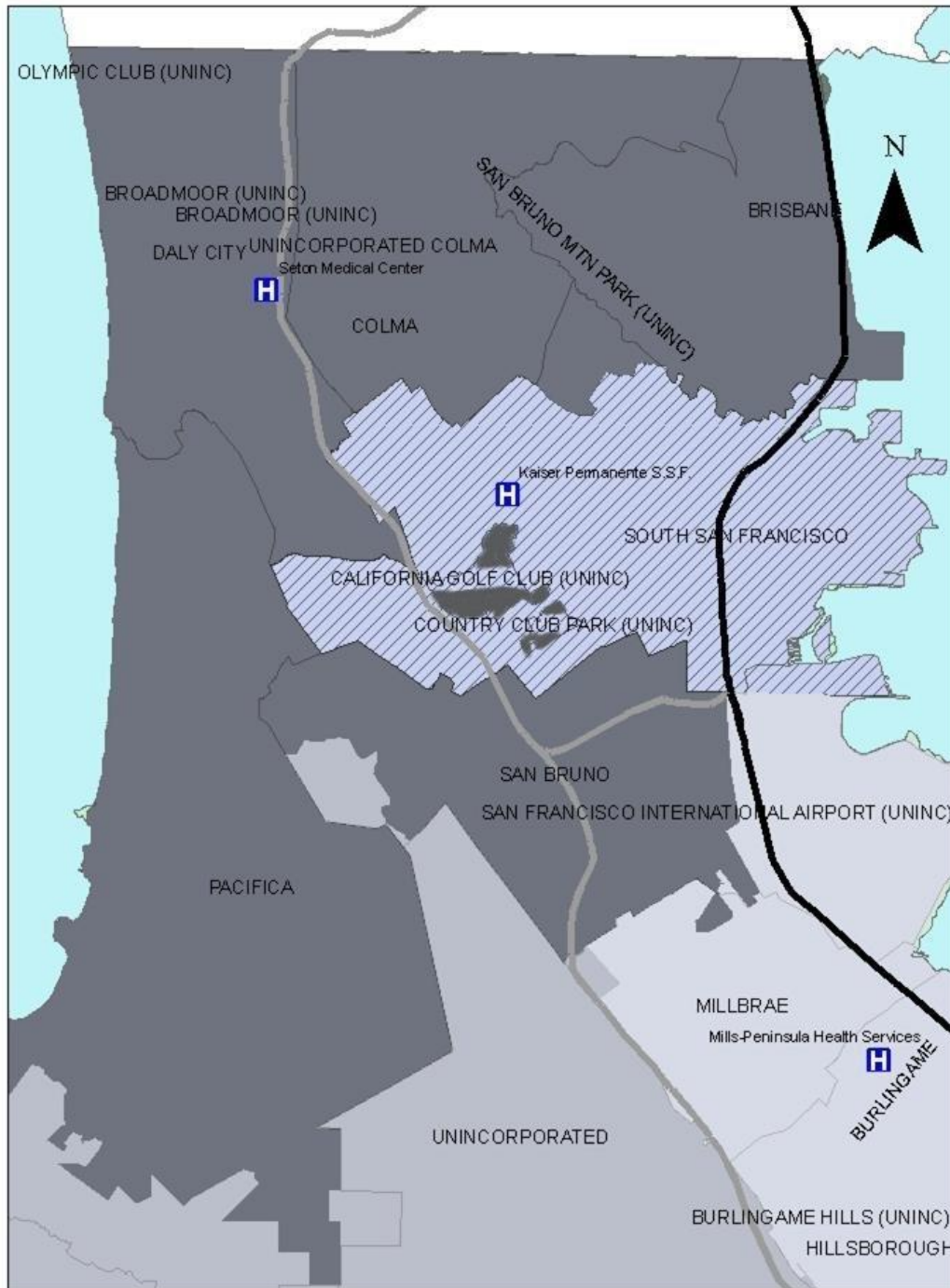
By:
President, Board of Supervisors, San Mateo County

Date:

ATTEST:

By:
Clerk of Said Board

Exhibit 1: Map Showing North San Mateo County with
City of South San Francisco



MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors
FROM: Operations Division

MEETING DATE: May 14, 2019
PREPARED BY: Ryan Zollicoffer
APPROVED BY: Chief Schapelhouman

**ITEM: CONSIDER AND DISCUSS INTEGRATION OF THE SHAKE ALERT
SYSTEM AND AREA WIDE COMMUNITY EMERGENCY
NOTIFICATION SYSTEM**

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Direct staff to seek approval from USGS for integrated system approach.

BACKGROUND

In 2008, the Fire District installed its first (stationary) early warning and alert notification siren system up near Bear Gulch reservoir in partnership with the Town of Atherton and Cal Water. The siren is tested two times per year and serves as one mechanism for providing early warning and alerting notification to the public during an emergency.

After evaluating some of the lessons learned from the Tubbs Fire (Sonoma County) in October 2017, and the recent Camp Fire (Butte County) in November 2018, that killed over eighty residents, the Fire District made the decision to boost its early alert notification capabilities by investing in a mobile siren system. The siren system which provides voice over, alert tones, pre-recorded messages and a 360° area coverage that can be heard from a long distance was researched and purchased.

Because of its versatility, this mobile siren is capable of being re-positioned throughout the District during escalating threats, thus, complementing existing public alert notification platforms within the Cities and Town, which include the following:

- SMC Alert
- Social Media (Facebook, Twitter, Next-door)
- Reverse 911 and/or Telephone Emergency Notification System

DISCUSSION

On Thursday, April 18, 2019, the District, at Fire Station # 2, demonstrated the possibility of merging its Shake Alert, early earthquake warning system with its mobile siren system. The goal was to validate how an early earthquake warning system, accompanied with a mass notification system, could provide advanced public alerting, during a predicted earthquake. USGS Shake Alert early warning system uses earthquake science and technology to detect significant earthquakes quickly so that alerts can reach many people before shaking arrives. The seconds of advanced warning would allow the public an opportunity to take action to protect life and property from destructive shaking.

Mounting emergency sirens that are tied to Shake Alert on all District fire stations would create a Districtwide advanced early warning and mass notification system network.
(Reference- Early Warning and Alert Notification- District Wide Map).

FISCAL IMPACT

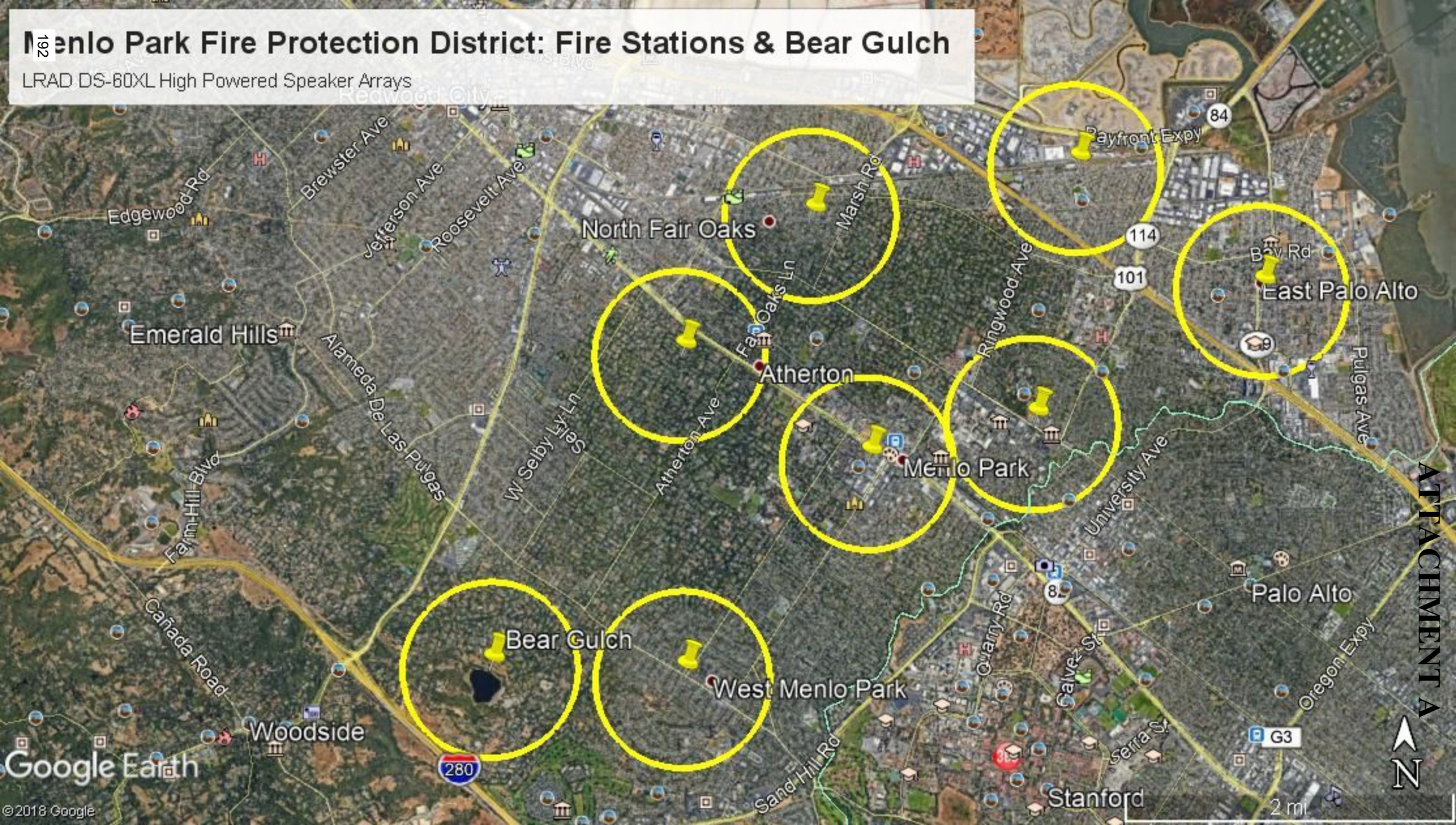
The District was quoted \$818,403.32 for the potential siren mounting of all fire stations, including the sirens, and the full integration with USGS Shake Alert System.

ATTACHMENTS

A. Districtwide Alert Notification Maps

Menlo Park Fire Protection District: Fire Stations & Bear Gulch

LRAD DS-60XL High Powered Speaker Arrays



ATTACHMENT A



Google Earth

© 2018 Google

Menlo Park, California

LRAD DS-60XL High Powered Speaker Arrays Dual Quad Configuration (850m)



MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Board of Directors

MEETING DATE: May 14, 2019

FROM: Harold Schapelhouman, Fire Chief

ITEM: DISCUSS AND DEVELOP JOINT BOARD GOALS AND PRIORITIES

RECOMMENDATION

It is recommended that the Board of Directors:

1. Accept the report as presented; and
2. Discuss and develop joint Board Goals and Priorities

DISCUSSION

Consultant Stu Gary with Citygate recommended the Fire Board adopt an overarching planning program flow and process.

Once the Board has discussed and agreed upon this proposed process, the Fire Chief will provide the Fire Board with an updated theme and overall updated draft work plan with time lines at the April Fire Board meeting.

Citygate and Chief's Recommends - Board of Directors Planning Priorities:

1. The Board jointly set major themes (three to six) and one to six measurable objectives per theme for the next *fiscal* year.
2. The Chief then attempted to finalize goals, priorities, objectives, work plan and process.
3. Board members and Committees continued to add additional items to the list and there was a debate regarding priorities and process (suggested rules of engagement) at the March meeting in which the item was tabled.
4. At the April Board meeting, the Chief was directed to once again help establish the Boards proposed goals, objectives and suggested timelines.

Chiefs Suggestion:

5. After reviewing all of the individual Board member priorities, proposed Committee work and other information. I suggest the Board go back and each member develop their top three items for each theme, come together and work together through each item to establish one to five joint priorities in each category.

BACKGROUND

On February 12, 2019, Stewart Gary, a consultant with City Gate worked through a process of assimilating multiple Board goals and priorities to establish a single list or work plan framework.

During his prior visit in January, the Board had agreed to establish their goals and priorities using these six primary themes:

1. Emergency Services
2. Community Safety and Preparedness
3. Planning for the future
4. Fiscal Responsibility
5. Employee Relations
6. Communications

Each Board member then assisted in providing Mr. Gary with their priorities that were collectively placed under each of the themes.

Emergency Services:

1. Explore alternative staffing model options
2. Review cost/benefits of Special Operations Services

Community Safety and Preparedness:

1. Update community fire prevention education
2. Update community emergency preparedness education
3. Community emergency notification process
4. Community preparedness education restructuring

Planning for the future:

1. Strategic plan finalization and adoption
2. Updated standards of coverage
3. Foster intergovernmental relationships planning and services
4. Regional public safety system changes
5. Complete accreditation

Fiscal Responsibility:

1. Prepare a multi-year budget model for operational and capital expenditures
2. Update fiscal policies. Reserve levels, Pension and OPEB projections
3. Conduct an impact fees analysis update

Employee Relations:

1. Review alternative forms of compensation at all levels
2. Design a Succession Planning program through the Fire Chief level
3. Review recruitment, retention and diversity programs

Communications:

1. Monitor internal and external communications plan

Individual Board member or Committee priorities or requested work or projects:**Director Bernstein - January 8, 2019 (see attachment A)**

1. Complete testing and part of alerting system implementation
2. Finalize criteria for new administrative head of the District
3. Examine and modify new employee qualifications
4. Create a long term capital replacement model and plan
5. Create a long term operating budget model
6. Create a strategic plan for the District
7. Propose and discuss alternative staffing patterns

Director McLaughlin - January 8, 2019 (see attachment B)

1. Goal - Ensure the District is sufficiently funded to fully meet service obligations to communities served
2. Goal – Develop a succession plan to ensure District operations continue without disruption due to changes in key personnel

Director Kiraly – Finance Committee – February 5, 2019 (See attachment C)

8. Long term Capital Improvement Plan
9. Impact fee – Cost of actual impact. Basis?
10. Pension obligation pay down
11. Reserves – designator

Director McLaughlin – Strategic Planning Committee – February 5, 2019 (see attachment D)

3. Consider and review impact of commercial and residential development in East Palo Alto on District resources and operations
4. Consider and review use of District owned properties adjacent to Stations 77 and
5. Consider and review District wide audio alert system costs, benefits, performance evaluation criteria and coordination with other public safety partners
6. Consider and review District unmanned aircraft system program costs, benefits and evaluation criteria

Director McLaughlin – Strategic Planning Committee - February 5, 2019 (see attachment E)

7. Atherton – General Plan Update

Director McLaughlin – Strategic Planning Committee - February 5, 2019 (see attachments F and G)

8. SB-130 and SB-833 - Wildfire Siren Systems and Emergency Services Act CAL-OES

Director Silano – Human Resources – January 18, 2019 (see attachment I)

1. Women's Boot Camp

Director Silano - Strategic Plan Overview Goal Theme(s) for February 12, Study Session (See attachment H)

2. Response Times – Traffic Congestion
3. Apparatus and equipment needs
4. Service enhancements
5. Radio E-Data
6. Work with schools on preparedness and programs
7. Work with Utilities and regulatory agencies
8. Fire Prevention
9. Public Education
10. Disaster Preparedness
11. Strategic Planning
12. Create a planning and inspection unit
13. Standards of Coverage
14. Accreditation
15. Intergovernmental relationships
16. A balanced budget
17. Capital Program Process – Create an Ad-Hoc Committee

18. Revenue and expense projections
19. Oversight committee for fiscal issues
20. Recruitment and retention
21. Create a boot camp concept to recruit and train applicants (see 1)
22. Retain our explorer and cadet program
23. Succession planning
24. Create an ad-hoc committee for Chiefs replacement ASAP
25. Provide education and training needed for placement and retention
26. Compensation and benefits
27. Remain competitive with other public safety agencies
28. Employee safety and welfare
29. Assign a permanent safety officer and create a safety committee that includes all levels

Director McLaughlin – EPA Water

9. East Palo Water system concerns and issues

Directors - Kiraly/McLaughlin – from Strategic Planning Committee – Space Needs

1. See Space Needs Report in packet

Directors - Kiraly/McLaughlin - March Chiefs Report – Impact Fees Analysis

2. Direction to staff to prepare an updated impact fee analysis for the Board

Directors - Kiraly/McLaughlin - March Board Meeting – EMS JPA Agreement Renewal

3. Director McLaughlin is the liaison the EMS JPA Board – Meeting May 15, 2019

Directors Jones/McLaughlin – Human Resources Committee – Board Priorities and Engagement Process – March for an April – May meeting

1. Board Direction to Committee to work on policy issues related to flow, engagement and priorities

Directors - Kiraly/McLaughlin – April Board meeting – Overtime – Finance Committee

4. Direction to Finance committee to look at overtime reporting

Director McLaughlin – April 23, 2019 – 2019/20 Compensation Plans

10. Interest in 2019/20 Comp Plans for unrepresented management and Chief Officers

Directors McLaughlin – May 5, 2019 – 2019/20 Preliminary Comments Proposed Budget

11. Comments and staff responses will be provided at the May 14, 2019 meeting

Director Silano - May 8, 2019 – CCM Board Meeting

30. CCM Board things need review and funding

Items from the recent Atherton and Menlo Park meetings have not been added to this list.

ATTACHMENTS

- A. Bernstein – 2019 Board Goals
- B. McLaughlin – 2019 Board Goals
- C. Kiraly – Finance Committee, February 5, 2019
- D. McLaughlin – Strategic Planning Committee, February 5, 2019
- E. McLaughlin – Atherton General Plan Update
- F. McLaughlin – Strategic Planning Committee, February 5, 2019 – SB130
- G. McLaughlin – Strategic Planning Committee, February 5, 2019 – SB833
- H. Silano – Strategic Plan Overview Goal Theme(s) for February 12, Study Session - NEW
- I. Silano – Human Resources – Woman’s Bootcamp
- J. McLaughlin – EPA Water – EPA Liaison
- K. Kiraly/McLaughlin - Strategic Planning Committee Staff Report – Space Needs
- L. Kiraly/McLaughlin - March Chiefs Report – Impact Fees Analysis
- M. Kiraly/McLaughlin – EMS JPA Agreement
- N. Jones/McLaughlin – Human Resources Committee – Board Priorities/Engagement
- O. McLaughlin – Comp Plans
- P. McLaughlin – Preliminary Budget Comments

To: Fire Board Members
 Copy: Chief Schapelhouman
 From: Chuck Bernstein
 Date: January 8, 2019
 Re.: 2019 Goals

As part of our goal-setting meeting today, I want to articulate my goals for 2019 and beyond:

1. Complete testing and part of alerting system implementation

We are in the process of conducting tests on an audio alerting system for District-wide installation. Eventually we will need 20-40 units throughout the District at a cost of \$4-8 million.

I would like to see progress as follows:

<u>Date</u>	<u>Step</u>	<u>Responsible</u>
4/1/19	Complete draft protocol for alert signals and management	Staff
6/1/19	Complete testing to determine range of units	Staff
8/1/19	Complete draft implementation plan	Staff
	Approve protocol for alert signals and management	Board
10/1/19	Approve Phase 1 (District facilities) implementation plan	Board
11/1/19	Order Phase 1 units	Staff
	Discuss Phase 2 (partner agencies) implementation with agencies	Staff, Board
1/1/20	Begin installation of Phase 1 units	Staff
2/1/20	Finalize Phase 2 installation plan	Board
	Publicize use and meaning of alert signals; prepare 3/1 test	Staff
3/1/20	Test Phase 1 units	Staff
4/1/20	Order Phase 2 units	Staff
6/1/20	Begin installation of Phase 2 units	Board

This should be assigned to the Emergency Preparedness Committee, with progress reported to the whole Board.

2. Finalize criteria for new administrative head of the District

I propose that we assign the creation of draft criteria for a new administrative head of the District to the HR Committee. Thereafter, we should hold a study session on the matter and invite input from the public. Because we are a complete government unit, not a department within a municipality, it is important to include skill and experience criteria that are broader than those of a typical municipal or county fire chief.

To this assignment, we may want to ask the HR Committee to assess the pluses and minuses of engaging a search firm as opposed to doing a search in house. The HR Committee should establish a list of search process steps and a timetable for each one.

3. Examine and modify new employee qualifications

I would like the HR Committee to discuss employee criteria and then to schedule a “study session” on various aspects: education and training, residence, diversity.

Education and training—We will need new skills and education in 20 years. We should have flexibility in our compensation system to incentivize and reward the acquisition of future skills without penalty. For example, it seems it would be helpful if every firefighter in the future were also a paramedic. (This would not effect any current employees, though we might want to consider an incentive for current employees to become paramedics.) We may also want to consider “continuing education” as a requirement for maintenance of particular classifications.

Residence—It is my opinion that we should give preference in our hiring to staff who currently reside in the District or within 10 miles of the the District. That would not exclude outside applicants, but would encourage people who are already part of our local communities.

Diversity—We want our workforce to reflect the gender, racial, and ethnic diversity of our local communities. That needs to be an explicit goal.

4. Create a long-term capital replacement model and plan

We need to establish a replacement model for various types of capital items: safety equipment, vehicles, facilities, and so forth. This model can incorporate a fixed life for equipment or a range of lives (with a corresponding estimate of additional operating costs required for maintenance). Once the assumptions are established and the costs estimated, it will be possible to establish a budget for replacing capital items with sufficient funds being set aside every year (via “depreciation” and a “capital reserve”).

This process should be assigned to the Finance and the Strategic Planning Committees, with progress reported to the whole Board.

5. Create a long-term operating budget model

We should have a model for the funding of District operations to ensure that funding is sustainable. This model can then be used in the operating budget process, in the capital budgeting process, and in major decisions (e.g., facilities, employees contracts) that affect District finances. It should look at the variability of District revenues in economic downturns and upturns in order to assess the risk of District funding and establish a reasonable amount of reserves.

This process should be assigned to the Finance Committee, with progress reported to the whole Board.

6. Create a strategic plan for the District

The Board needs to chart a course for the growth and development of the mission, operations, financing, and staffing of the District for the next 50 years that will be updated periodically (e.g., every two years) to incorporate changing conditions. Key performance indicators should be established, monitored, and reported upon in order to assess the appropriateness of the plan's components. This plan should incorporate assessment of needs that must be addressed by partner agencies (e.g., municipalities, water companies).

This process should be assigned to the Strategic Planning Committee, with progress reported to the whole Board.

7. Propose and discuss alternative staffing patterns

There are several problems with the current staffing pattern for firefighters:

- The vast majority of calls occur 7:00 AM – 7:00 PM, compared to 7:00 PM – 7:00 AM. We will need to expand our capabilities during prime hours, but there is no reason to double the cost by expanding during the hours when expansion is not needed.
- The current pattern builds in the automatic payment of overtime. By adjusting the staffing pattern, we can eliminate overtime as part of regular hours.

There is another potential problem with our staffing of support services. Being open only four days per week limits our ability to provide good public service. We should investigate the possibility of providing service five or even six days per week.

Our contract with firefighters includes a provision to discuss staffing patterns. These discussion should begin immediately and include one or two Board members or the HR Committee.

Menlo Park Fire Protection District

2019 Fire Board Goals

January 8, 2019

1. Goal: Ensure District is sufficiently funded to fully meet service obligations to communities served.

Strategies to accomplish:

- Balance annual budget.
- Perform fiscal review of projected District Revenue and expenses.
- Integrate District's 5 year fiscal and strategic plans.
- Pursue strategies to reduce pension costs as opportunities arise, consistent with fulfilling District obligations to employees.
- Develop 10-year financial forecast.
- Evaluate CalPERS liabilities and include any changes to District liabilities in the District's 10-year financial plan.
- Actively pursue revenue enhancements and strive to achieve full cost recovery for all fee-based services.
- Find areas, which may include shared facilities, to provide more efficient use of funds.

Process: The Board should assign responsibility for development and implementation of a fiscal review to the Finance committee. Ensure adequate resources are dedicated to complete review within established deadlines. Should be executed by end of second quarter 2019, with review completed by end of calendar year 2019.

2. Goal: Develop a succession plan to ensure District operations continue without disruption due to changes in key personnel.

Strategies to accomplish:

- Develop and adopt a succession plan by the end of fourth quarter 2019.

Process: The Board should assign responsibility for development and implementation of a succession plan to the HR Committee. Plan should be adopted and put in place by end of calendar year 2019.

J. McLaughlin, Director

Finance Comm.

① L-T Capital I Plan

② Impact fee - cost of actual impact. Basis?

③ Pension obligation pay-down.

④ Reserves - designation

From: [Chang Kiraly, Virginia](#)
To: [Kneier, Michelle](#)
Subject: Fwd: Proposed agenda items for February 5 Strategic Planning Committee meeting
Date: Tuesday, January 29, 2019 3:32:11 PM

Fyi-

--- Forwarded message ---

From: McLaughlin, Jim jmclaughlin@MenloFire.org
Date: January 29, 2019 3:09:30 PM
Subject: Proposed agenda items for February 5 Strategic Planning Committee meeting
To: Chang Kiraly, Virginia virginiack@MenloFire.org

Virginia: Here are my proposed agenda items for next week's meeting. I kept the descriptions as broad as possible to promote discussion.

Jim Mc

Consider and review impact of commercial and residential development in East Palo Alto on District resources and operations.

Consider and review use of District owned properties adjacent to Stations 77 and 3.

Consider and review District-wide audio alert system costs, benefits, performance evaluation criteria, and coordination with other public safety partners.

Consider and review District Unmanned Aircraft System program costs, benefits, and evaluation criteria.

Jim McLaughlin, Director

Menlo Park Fire Protection District

Kneier, Michelle

From: McLaughlin, Jim
Sent: Monday, February 04, 2019 11:16 AM
To: Schapelhouman, Harold
Cc: Chang Kiraly, Virginia; Kneier, Michelle
Subject: Fw: General Plan Update Community Workshop, February 13, 6p-8p

Hello Chief: Did the District provide any comment on the Community Safety Element of the Atherton General Plan Update currently under review? I received the notice found below of a community workshop to discuss the Atherton General Plan Update. Will you be sending a representative to this meeting? Thanks, Jim Mc

Jim McLaughlin, Director

Menlo Park Fire Protection District

From: Jim McLaughlin
Sent: Monday, February 4, 2019 11:00 AM
To: McLaughlin, Jim
Subject: Fwd: General Plan Update Community Workshop, February 13, 6p-8p

----- Forwarded message -----

From: Theresa DellaSanta, Deputy City Manager / City Clerk <listserv@civicplus.com>
Date: Mon, Feb 4, 2019 at 10:20 AM
Subject: General Plan Update Community Workshop, February 13, 6p-8p
To: <mclaughlin2008@gmail.com>



Community Workshop

Please join us for a community workshop to discuss the Town's General Plan Update. The General Plan is the "blueprint" for the future of the Town, by establishing policies and guidelines for developing and preserving the quality of life in Atherton. The Plan is comprised of six different sections as required by State Law: Land Use, Circulation, Noise, Housing, Open Space and Conservation, and Community Safety. All Elements except Housing are being updated. The General Plan is not proposing any changes to existing land uses...

updates proposed for this section are required for compliance with State Law.

Meeting Details

What: General Plan Update


Where: Jennings Pavilion, Holbrook-Palmer Park, 150 Watkins Ave, Atherton, CA

When: Wednesday, February 13, 6 pm - 8 pm

More Information: [General Plan Webpage](#) (please check back often as the webpage will be continually updated)

Questions: Stephanie Davis, sbertollo-davis@ci.atherton.ca.us, 650-773-7249

 Share on Facebook

 Share on Twitter

 Share via Email

Copyright © 2017 Town of Atherton. All Rights Reserved.
91 Ashfield Road, Atherton, CA 94027


Powered by

If you no longer wish to receive emails from us, you may [Unsubscribe](#).

Email not displaying correctly? [View it in your browser](#).

From: [Kneier, Michelle](#)
To: [Kneier, Michelle](#)
Subject: FW: Background for Feb 5 Strategic Planning Committee meeting
Date: Saturday, February 09, 2019 3:50:13 PM
Attachments: [2019 Legislation re Alert Systems.pdf](#)

From: McLaughlin, Jim
Sent: Wednesday, January 30, 2019 3:22 PM
To: Schapelhouman, Harold ; Chang Kiraly, Virginia ; Kneier, Michelle
Subject: Background for Feb 5 Strategic Planning Committee meeting

Michelle: please add attached documents to agenda packet for the Feb 5 meeting. Thanks, Jim
Mc

Jim McLaughlin, Director

Menlo Park Fire Protection District

Introduced by Senator Galgiani

January 10, 2019

An act relating to wildfires.

LEGISLATIVE COUNSEL'S DIGEST

SB 130, as introduced, Galgiani. Wildfires: siren warning system.

Existing law requires the Department of Forestry and Fire Protection to implement and administer various programs designed to improve forests and grasslands and prevent and suppress fires in state responsibility areas, as defined.

This bill would provide that it is the intent of the Legislature to enact legislation that would authorize the installation of a siren warning system for wildfires in populated areas and communities in state responsibility areas.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation that would authorize the installation of a siren warning
- 3 system for wildfires in populated areas and communities in state
- 4 responsibility areas.

O

ASSEMBLY BILL

No. 291

Introduced by Assembly Member Chu

January 28, 2019

An act relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 291, as introduced, Chu. Emergency preparedness.

The California Emergency Services Act creates within the office of the Governor the Office of Emergency Services, which is responsible for the state's emergency and disaster response services, as specified. Existing federal law requires a state mitigation plan as a condition for disaster assistance and authorizes the Federal Emergency Management Agency to condition mitigation grant assistance upon state, local, and Indian tribal governments undertaking coordinated disaster mitigation planning and implementation measures.

This bill would state the intent of the Legislature to enact legislation that would establish a Local Emergency Preparedness and Hazard Mitigation Fund to support staffing, planning, and other emergency mitigation priorities that helps local governments meet emergency preparedness goals and to boost emergency management programs throughout the state that remain underfunded or neglected.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation that would establish a Local Emergency Preparedness

1 and Hazard Mitigation Fund to support staffing, planning, and
2 other emergency mitigation priorities that helps local governments
3 meet emergency preparedness goals and to boost emergency
4 management programs throughout the state that remain
5 underfunded or neglected.

O

ASSEMBLY BILL

No. 38

Introduced by Assembly Member Wood

December 3, 2018

An act to add Section 51189.5 to, and to add Article 4.3 (commencing with Section 8580) to Chapter 7 of Division 1 of Title 2 of, the Government Code, and to add Division 33 (commencing with Section 55500) to the Health and Safety Code, relating to fire safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 38, as introduced, Wood. Fire safety.

(1) Existing law, California Building Standards Law, requires the State Fire Marshall to develop, and the California Building Standards Commission to review, building standards to implement the state's fire and life safety policy.

Existing law requires the Director of Forestry and Fire Protection to designate specified areas as very high fire hazard severity zones. Existing law requires the State Fire Marshall, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, to recommend building standards for very high fire hazard severity zones to protect structures and vegetation from fires spreading from adjacent structures or vegetation. Existing law requires persons who own, lease, control, operate, or maintain dwellings or occupied structures in these designated areas to comply with specified requirements, including complying with all applicable state and local building standards. Existing law makes a violation of these provisions a crime.

This bill would require, no later than July 1, 2020, the State Fire Marshall to develop, and the California Building Standards Commission

to review, building standards for buildings in very high fire hazard severity zones. The bill would require, beginning on July 1, 2020, all newly constructed buildings and all transferred buildings in very high fire hazard severity zones to comply with the building standards. By requiring new building standards for buildings in very high fire hazard severity zones, this bill would expand the definition of a crime and impose a state-mandated local program.

This bill would establish the State Fire Preparedness Council, consisting of specified members, and would prescribe the responsibilities of the state council with regard to improving the scale and effectiveness of the state's fire preparedness. The bill would require the state council to, among other things, create regional community fire preparedness councils, composed of members representing the local community in areas of the state designated as very high fire hazard severity zones, as described, to work collaboratively with the state council to implement fire prevention measures in the regional community, as specified.

(2) Existing law authorizes local agencies, upon making specified findings, to provide low-interest loans to owners of buildings within their jurisdiction for the purpose of making seismic safety upgrades to eligible buildings, as defined, in order to meet current earthquake safety codes. Existing law authorizes these local entities to issue bonds in order to finance these loans which are secured by a lien on the subject property.

This bill would establish the Fire Hardened Homes Revolving Loan Fund in the State Treasury, as specified. The bill would transfer \$1,000,000,000 from the General Fund to the new fund for the purposes of the bill. Moneys in the fund would be available, upon appropriation by the Legislature, to an unspecified state agency to distribute to local agencies for the purpose of funding no- or low-interest loans made by those agencies to owners of eligible buildings to pay for eligible costs of fire hardening. The bill would provide that financing under this program, along with other liens on the subject property, could not exceed 80% of the appraised value of the property. The bill would define terms for its purposes.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 4.3 (commencing with Section 8580) is
2 added to Chapter 7 of Division 1 of Title 2 of the Government
3 Code, to read:

4
5 Article 4.3. State Fire Preparedness Council
6

7 8580. (a) The State Fire Preparedness Council is hereby
8 established in state government, consisting of the following
9 members:

10 (1) The Director of Emergency Services, or his or her designee.

11 (2) The Secretary of the Natural Resources Agency, or his or
12 her designee.

13 (3) The Director of Forestry and Fire Protection, or his or her
14 designee.

15 (4) The Secretary of Transportation, or his or her designee.

16 (5) The Secretary of California Health and Human Services, or
17 his or her designee.

18 (6) The State Fire Marshal, or his or her designee.

19 (7) A member of the public with expertise in fire science
20 appointed by the Governor.

21 (b) The State Fire Preparedness Council shall take all of the
22 following actions to improve the scale and effectiveness of the
23 state's fire preparedness:

24 (1) Create regional community fire preparedness councils,
25 composed of members representing the local community in areas
26 of the state designated as very high fire hazard severity zones
27 pursuant to Sections 51178 and 51179, to work collaboratively
28 with the state council to implement fire prevention measures in
29 the regional community. Each regional community fire
30 preparedness council shall do all of the following:

31 (A) Develop a regional community wildfire protection plan
32 covering its jurisdiction to be approved by the state council, and
33 to update the plan not less than once every three years.

34 (B) Develop region-specific vegetation management ordinances
35 that may be adopted by local governments in its jurisdiction.

1 (C) Review and recommend changes to defensible space
2 requirements on both public and private land in its jurisdiction and
3 make recommendations to the state council for any changes to
4 those requirements that may be needed.

5 (D) Provide education and technical assistance to landowners,
6 residents, and regional community fire prevention advisory groups
7 on fire prevention and land management practices to improve fire
8 safety in the region.

9 (2) Review and recommend to the department possible methods
10 of financing ongoing fire preparedness measures, including loan
11 and grant programs.

12 (3) Review and approve regional community wildfire protection
13 plans prepared by regional community fire preparedness councils
14 pursuant to this section.

15 (4) Develop best practices for community emergency alert and
16 evacuation procedures statewide.

17 (5) Create and implement a statewide fire preparedness public
18 education campaign.

19 (6) Promote, organize, and support the implementation of
20 regional community fire evacuation drills.

21 SEC. 2. Section 51189.5 is added to the Government Code, to
22 read:

23 51189.5. (a) No later than July 1, 2020, the State Fire Marshall
24 shall develop, and the California Building Standards Commission
25 shall review, pursuant to Sections 18930 and 18949.2 of the Health
26 and Safety Code, building standards for buildings in very high fire
27 hazard severity zones. The building standards developed for newly
28 constructed buildings may differ from those developed for
29 retrofitting existing buildings.

30 (b) The building standards developed pursuant to subdivision
31 (a) shall include features critical for protecting buildings from
32 burning embers, such as combustible roofing and siding materials
33 and vent screens.

34 (c) Beginning on July 1, 2020, all newly constructed buildings
35 and all transferred buildings shall comply with the building
36 standards developed pursuant to this section.

37 (d) As used in this section:

38 (1) "Building" has the same meaning as defined in Section
39 18908 of the Health and Safety Code.

(2) "Building standards" has the same meaning as defined in Section 18909 of the Health and Safety Code.

SEC. 3. Division 33 (commencing with Section 55500) is added to the Health and Safety Code, to read:

DIVISION 33. FIRE HARDENED HOMES REVOLVING
LOAN FUND

55500. As used in this division:

(a) "Eligible building" means a building existing as of January 1, 2020, and containing not more than one unit that is intended for human habitation.

(b) "Eligible costs" means all costs, including costs of design, preparation, and inspection, incurred in the following:

(1) Replacing or installing the following:

(A) Ember-resistant vents.

(B) Fire-resistant roofing.

(C) Fire-resistant siding.

(2) Establishing a noncombustible zone of three feet around an eligible building.

(3) Tree removal within 100 feet of an eligible building.

55501. (a) There is established in the State Treasury the Fire Hardened Homes Revolving Loan Fund. Moneys in the fund shall, upon appropriation by the Legislature, be made available to the _____ to provide financing to local agencies to make no- or low-interest loans to owners of eligible buildings to pay for eligible costs of fire hardening, if the legislative body of the local agency makes one of the following findings:

(1) (A) The owner to whom financing would be made available pursuant to this division is unable to qualify for or could not afford financing for eligible costs from private lending institutions.

(B) The legislative body of the local agency may also make no- or low- interest loans to an owner who is able to qualify or afford financing as long as priority is given to owners described in subparagraph (A).

(2) Absent the availability of financing pursuant to this division, the eligible building would pose a health and safety risk to its occupants.

(b) Financing provided by a local agency pursuant to this division shall not, when combined with existing liens on the

1 property, exceed 80 percent of the current appraised value of the
2 property, as determined by an independent, certified appraiser,
3 unless existing lienholders consent in writing to a higher
4 loan-to-value ratio. Notice of the intention to provide financing to
5 the owner of the property shall be given to existing lienholders of
6 record not less than 30 days before any vote of the local agency
7 authorizing the provision of financing to the owner of the property.

8 SEC. 4. The sum of one billion dollars (\$1,000,000,000) is
9 hereby transferred from the General Fund to the Fire Hardened
10 Homes Revolving Loan Fund to provide no- or low-interest loans
11 to owners of eligible buildings for the eligible costs of fire
12 hardening pursuant to Division 33 (commencing with Section
13 55500) of the Health and Safety Code.

14 SEC. 5. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

From: [Kneier, Michelle](#)
To: [Kneier, Michelle](#)
Subject: FW: For discussion at February 5 Strategic Planning Committee Meeting
Date: Thursday, January 31, 2019 7:08:00 PM
Attachments: [Senate Bill No. 833- 2018, Alert Systems.docx](#)

From: McLaughlin, Jim
Sent: Wednesday, January 30, 2019 9:52 AM
To: Schapelhouman, Harold ; Chang Kiraly, Virginia
Cc: Kneier, Michelle
Subject: For discussion at February 5 Strategic Planning Committee Meeting

I have included a summary of SB 833 (enacted in September 2018) from the Assembly floor analysis below. This could be helpful in our discussion of District efforts regarding emergency alert systems.

SUMMARY: Would require the California Governor's Office of Emergency Services (CalOES) to work with specified stakeholders to develop guidelines around emergency alerts and requires additional training for local emergency office personnel. Specifically, this bill:

- 1) Requires CalOES, by July 1, 2019, in consultation with telecommunications carriers, the California cable and broadband industry, radio and television broadcasters, the California State Association of Counties (CSAC), the League of California Cities, the disability community, appropriate federal agencies, and the Standardized Emergency Management System Alert and Warning Specialist Committee, to develop guidelines for alerting and warning the public of an emergency. CalOES must provide each city, county, and city and county with a copy of the guidelines
- 2) Authorizes CalOES to require a city or county to operate its alert and warning activities in a specified manner as a condition on a voluntary grant application for funds with a nexus to emergency management performance.
- 3) Requires CalOES, through its California Specialized Training Institute (CSTI), to develop an alert and warning training. The training shall include information regarding the evaluation, purchase and operation Wireless Emergency Alert (WEA) system and the Emergency Alert System (EAS) equipment and software, including capabilities that address communications for the access and functional needs community. This training must be provided within six months of when the guidelines are made available and at least once a year thereafter.
- 4) Makes various findings and declarations.

Jim McLaughlin, Director
Menlo Park Fire Protection District

Senate Bill No. 833

CHAPTER 617

An act to add Section 8593.7 to the Government Code, relating to emergencies.

[Approved by Governor September 21, 2018. Filed with
Secretary of State September 21, 2018.]

legislative counsel's digest

SB 833, McGuire. Emergencies: Office of Emergency Services: guidelines: alert and warning systems.

The California Emergency Services Act establishes the Office of Emergency Services (OES) in the office of the Governor and provides that OES is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. The act also provides for systems for the public dissemination of alerts regarding missing children, attacks upon law enforcement officers, and missing persons who are 65 years of age or older, among others, and requires the Department of the California Highway Patrol to activate these systems and issue alerts upon the request of a law enforcement agency if certain conditions are met.

This bill, on or before July 1, 2019, would require OES, in consultation with specified entities, to develop voluntary guidelines for alerting and warning the public of an emergency. The bill would require OES to provide each city, county, and city and county with a copy of the guidelines.

This bill would authorize OES to impose conditions upon application for voluntary grant funding that it administers requiring operation of alert and warning activities consistent with the guidelines. The bill would also require OES, within 6 months of making the statewide guidelines available and at least annually thereafter and through its California Specialized Training Institute, to develop an alert and warning training, as specified.

This bill would authorize OES to adopt emergency regulations for these purposes, as specified.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares as follows:

(a) The size and scope of wildland fires in California have grown significantly over the past decade. These disasters have put the lives of millions at risk and the need to alert residents of danger from these unprecedented disasters has never been greater.

(b) The northern California firestorm of 2017 is the most destructive and deadly wildland fire disaster in American history.

(c) The death toll from blazes in northern California remains at 44 people, including 24 people in the County of Sonoma, 9 people in the County of Mendocino, 7 people in the County of Napa, and 4 people in the County of Yuba.

(d) Nearly 245,000 acres were burned in the northern California fires.

(e) The southern California wildfires of December 2017, including the Thomas Fire, burned over 307,000 acres.

(f) The Thomas Fire is the largest wildland fire in California's modern history, which burned 281,893 acres.

(g) The January 2018 mudslides in the County of Santa Barbara caused by the Thomas Fire killed at least 21 people.

(h) While opt-in emergency alert systems are critical to the preservation of human life, it has become clear that multiple communication mediums and not just opt-in systems may be necessary to protect lives and save property.

(i) The federal Wireless Emergency Alerts (WEA) system is a component of the federal Integrated Public Alert and Warning System (IPAWS) that allows customers who own certain wireless telephones and other enabled mobile devices to receive geographically targeted, text-like messages alerting them of imminent threats to safety in their area. The WEA system was established in 2008 pursuant to the federal Warning, Alert, and Response Network (WARN) Act and became operational in 2012. Since then, over 33,000 WEA alerts have been issued.

(j) Authorized national, state, or local government authorities may send alerts regarding public safety emergencies—such as evacuation orders or shelter-in-place orders due to severe weather, a terrorist threat, chemical spill, or other hazards—using the WEA system.

(k) The alerts from authenticated public safety officials are sent through the Federal Emergency Management Agency's (FEMA's) IPAWS system to participating wireless carriers, which then push the alerts to mobile devices in the affected area.

(l) The Emergency Alert System (EAS) is a national public warning system that requires broadcasters, cable television systems, wireless cable systems, satellite digital audio radio service providers, and direct broadcast satellite providers to provide the communications capability to the President of the United States to address the American public during a national emergency. When in conformance with federal rules and regulations, the system also may be used by state and local authorities to deliver important emergency information targeted to specific areas.

(m) It is the intent of the Legislature that, in the event of another catastrophe like the 2017 firestorms, every tool be used to alert and warn all members of the public in the affected area.

(n) The Legislature finds and declares that the safety of local communities requires designated alerting authorities to ensure they have multiple operators, adequate testing and training, and functional equipment and software. It is therefore the intent of the Legislature that, to the extent designated alerting authorities have difficulty acquiring or maintaining

adequate alert and warning resources, those designated alerting authorities may consult with the Office of Emergency Services on best practices to achieve those goals.

SEC. 2. Section 8593.7 is added to the Government Code, to read:

8593.7. (a) On or before July 1, 2019, the Office of Emergency Services, in consultation with, at minimum, telecommunications carriers, the California cable and broadband industry, radio and television broadcasters, the California State Association of Counties, the League of California Cities, the disability community, appropriate federal agencies, and the Standardized Emergency Management System Alert and Warning Specialist Committee, shall develop guidelines for alerting and warning the public of an emergency. Those guidelines shall include, at minimum, the following:

- (1) Timelines for sending alerts during an emergency.
- (2) Practices for sending advance warnings of an impending threat.
- (3) Practices for testing, training on, and exercising a city's, county's, or city and county's alert and warning system.
- (4) Consideration for coordinating alerts with neighboring jurisdictions.
- (5) Guidelines and protocols for redundancy and utilizing multiple forms of alerts.
- (6) Guidelines and protocols for chain of command communications and accounting for staffing patterns to ensure a trained operator is always on call.
- (7) Practices for effective notifications to the access and functional needs population as defined in subdivision (b) of Section 8593.3.
- (8) Message templates.
- (9) Common terminology.

(b) (1) The Office of Emergency Services shall provide each city, county, and city and county with a copy of the guidelines developed according to subdivision (a).

(2) Six months after the Office of Emergency Services provides the guidelines to each city, county, and city and county, the office may impose conditions upon a city's, county's, or city and county's application for any voluntary grant funds that have a nexus to emergency management performance that the office administers, requiring that city, county, or city and county to operate its alert and warning activities in a manner that is consistent with the guidelines developed pursuant to subdivision (a).

(c) Within six months of making the guidelines available pursuant to subdivision (b) and at least annually, the Office of Emergency Services, through its California Specialized Training Institute, shall develop an alert and warning training. The training shall include, at minimum, information regarding the evaluation, purchase, and operation of Wireless Emergency Alert system (WEA) and the Emergency Alert System (EAS) equipment and software, including capabilities that address communications for the access and functional needs community; the technical capabilities of the WEA and EAS function within an alert system, pursuant to current Federal Emergency Management Agency (FEMA) and Federal Communications

Commission regulations, as amended from time to time; and the alert and warning guidelines developed in subdivision (a).

(d) The safety of local communities requires designated alerting authorities to ensure that they have multiple operators, adequate testing and training, and functional equipment and software. To the extent designated alerting authorities have difficulty acquiring or maintaining adequate alert and warning resources, they may consult with the Office of Emergency Services on best practices to achieve those goals.

(e) “Operator” means those personnel required by the designated alerting authority to transmit alert and warning messages.

(f) The Office of Emergency Services (OES) may adopt emergency regulations to implement this section. The adoption, amendment, repeal, or readoption of a regulation authorized by this section is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the office is hereby exempted for this purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code.

O

Director Silano

Strategic Plan Overview Goal Theme(s) for the Study Session on February 12, 2019

Emergency Services

Response Time (ONE OF THE MOST IMPORTANT) RETAIN OUR EXCELLENT RESPONSE TIMES.

Traffic Congestion

FIRE DISTRICT CANNOT ENFORCE TRAFFIC LAWS. Major Problem since the fire district does not have a traffic enforcement agency, police department or highway patrol.

Work jointly with all the communities we serve, to include the State of California and Private Sector Stakeholders.

Provide funding if needed from the fire district.

Apparatus-Equipment Needs

Provide the best equipment needed to be effective for high quality services.

Expand Drone and other innovative firefighting techniques.

Meet with other public safety agencies and evaluate the needs of the entire San Mateo County at large.

Service Enhancements

Keep up with current trends and agreements with all agencies within our area of responsibility. **MOST IMPORTANT.....THE TOWN OF ATHERTON STILL IS CONSIDERING DETACHMENT/SECESSION. THIS WILL AFFECT THE PUBLIC SERVICES OF OUR FIRE DISTRICT AND SAN MATEO COUNTY.**

Radio /E-data

Provide input to the public safety organizations within San Mateo County and the communities we serve as a part of the fire, medical, and rescue response. Provide input on the new San Mateo County OES Facility and CAD System.

Community Safety-Preparedness (Continue the current programs in place and our participation in a county and community wide programs. This includes training with our school districts, intra-structure agencies {Power, water, sewers, bridges, etc.}, and state regulatory agencies)

Fire Prevention

Public Education

Disaster Preparedness

Planning for Our Future (Include Chief and his staff in the planning for the future of the fire district. This also includes input from our community and private sector stakeholders. **Before the Fire Board's Strategic Plan is completed, have the results of the Accreditation process presented to the fire board to review, evaluate, and approve such a completed plan.**)

Strategic Planning

Create a Planning and Inspection Unit within the fire district. This would be a section that reports directly to the chief. An annual presentation to the public and fire board.

Standards of Coverage
Accreditation
Intergovernmental Relationships.

Fiscal Responsibility (Continue the outstanding job that is currently performed by the Fire District)

Balanced Budget
A must!

Capital Programs Progress
Created and in place, an Adhoc Committee to evaluate and review these projects.

Revenue and Expense Projections
Created and in place, a Committee to evaluate and review these projects.

Oversight
Created and in place, a Committee to evaluate and review these projects.

Employee Relations

Recruitment and Retention
Create a Bootcamp concept to recruit and train applicants
Start at the Middle School and High School Level
Retain our Explorer and Cadet Program

Succession Planning
Create an Adhoc Selection Committee for Chief's Replacement ASAP
Provide the Education and training needed to continue in the placement and retention of qualified employees

Compensation and Benefits
Remain completeive with other public safety agencies.

Employee Safety and Welfare
Assign a permanent Safety Officer for the fire district. Create a safety committee with the fire district that includes all levels of employee classifications. This committee will meet quarterly.

From: [Kneier, Michelle](#)
To: [Kneier, Michelle](#)
Subject: FW: Women's Boot Camp
Date: Saturday, February 09, 2019 5:17:28 PM

From: Silano, Robert
Sent: Friday, January 18, 2019 4:39 PM
To: Rowe, Brenna <browe@MenloFire.org>; cbolanos@smcgov.org
Cc: Schapelhouman, Harold <harolds@menlofire.org>
Subject: Re: Women's Boot Camp

Hi Brenna,
I just spoke to Sheriff Bolanos. He is going to help us. He is cc'ed on this e-mail. The sheriff said to contact him directly,

Sheriff,
Thank you so much for your assistance. We are trying to recruit a more diverse work force here at our district.

Thanks all,

Rob

Robert J. Silano
Director
Menlo Park Fire Protection District
170 Middlefield Rd.
Menlo Park, CA.
94025

Office: 650-688-8400

Cellular: [REDACTED] 1

www.menlofire.org

[REDACTED]

[w](#) [REDACTED]

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and contains confidential, proprietary, and/or privileged information protected by law, pursuant to 18 USC § 2517(4). Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient please contact the sender by reply e-mail and destroy all copies of the original message.

On Jan 18, 2019, at 2:56 PM, Rowe, Brenna <browe@menlofire.org> wrote:

Thanks Director! I reached out last year and never heard back. I'll try again this year.

<image001.gif>

Brenna Rowe

HR Manager

Menlo Park Fire Protection District | 170 Middlefield Road | Menlo Park,
CA 94025

(650) 223-7771 | (650) 289-9266 FAX

browe@menlofire.org | www.menlofire.org

***Mission Statement: To protect and preserve life and property from the
impact of fire, disaster, injury and illness.***

From: Silano, Robert <roberts@MenloFire.org>

Sent: Thursday, January 17, 2019 4:51 PM

To: Silano, Robert <roberts@MenloFire.org>; Schapelhouman, Harold
<harolds@menlofire.org>; Rowe, Brenna <browe@MenloFire.org>

Subject: Women's Boot Camp

I bought this up at one of our planning meetings, a good idea for our vacant fire
positions and hiring solicitation.

Thanks

<https://www.facebook.com/events/347580669173629/?ti=ia>

Robert J. Silano

Director

Menlo Park Fire Protection District

170 Middlefield Rd.

Menlo Park, CA.

94025

Office: 650-688-8400

[REDACTED]

www.menlofire.org

[REDACTED]

[REDACTED]

**Confidentiality Notice: This e-mail message, including any attachments, is
for the sole use of the intended recipient(s) and contains confidential,
proprietary, and/or privileged information protected by law, pursuant to**

18 USC § 2517(4). Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient please contact the sender by reply e-mail and destroy all copies of the original message.

From: [Kneier, Michelle](#)
To: [Kneier, Michelle](#)
Subject: FW: East Palo Alto Water Supply - Follow-up
Date: Thursday, March 14, 2019 2:47:57 PM

On Mar 1, 2019, at 9:38 AM, McLaughlin, Jim <jmclaughlin@menlofire.org> wrote:

Hello Chief: In our meeting on 2/25/2019 we discussed water supply issues in East Palo Alto. At least one report regarding the East Palo water system was mentioned (I believe John Johnston contributed to the report). I would like to get copies of any reports, and relevant correspondence with any government agencies or private companies, regarding the East Palo Alto water system, and supply or pressure issues the District may have experienced. If these documents exist electronically please provide me with the link and I will access them myself.

I am scheduled to ride along with John Johnston on March 11. During that time I want to discuss the District's authority in requiring adequate water supply for new development and view one of the supplemental water supply tanks discussed during our meeting.

Thanks, Jim Mc

Jim McLaughlin, Director

Menlo Park Fire Protection District

offices. In addition the Fire District is constructing an entry corridor needed to create a secured lobby.

The District currently has plans to perform structural and site improvements to the property. The structural improvements include both underground and aboveground reinforcement. Roof replacement will be required on at least one of the buildings in order to perform the installation of the structural improvements. Furthermore, the District will be adding an exhaust system to one of the warehouses to expel diesel fumes from the warehouse.

We have requested permits from the City to include the installation of an automatic gate, site lighting and an asphalt overlay.

The City has advised us that the cost of the above work (all applications) must be less than 50% of the current valuation of the property due to FEMA requirements for flood protection and abatement.

The District is working with the landlord of the adjacent property fronting Pulgas Avenue regarding a lease to use half of the property for additional parking for the warehouse facility. The group has provided us with a draft agreement for review.

Facilities Priority 2 – 28 Almendral Avenue Update:

The gates contractor has been selected and will replace the broken down gates shortly.

A scope of work for the Board approved 1,200 square foot auxiliary structure and all underground utilities is being developed to select an architect and general contractor and we have received two qualified bids to do the work.

Our property manager/real estate agent has inspected the existing house for rental and determined that the building needs to be upgraded and freshened up. He believes that depending upon the extent of that work the District could receive \$3 – 5k per month in rent.

We are seeking bids to update and upgrade the home for rental.

Facilities Priority 3 – 300 Middlefield Road – Design/Bid/Build new Emergency Simulation and Training Facility, Meeting Room's, EOC and Santa Margarita house (Annex) movement update:

I will be meeting with the tower design team later this month to restart and reset this process.

Facilities Priority 4 – Design/Bid/Build New Fire Station 4 - Update:

Working with WLC Architects, the conceptual design phase for the proposed new Fire Station has been completed. We are now starting the design development phase which includes exterior design, environmental review, planning department approvals and community involvement, which should be completed by the end of the year.

We have determined that possessory tax for the Districts rental home behind the Fire Station is nominal and not of concern.

Facilities Priority 5 – Upgrade Fire Station 77 – 1457 Chilco Street House:

The existing facilities budget funds will be used to clean-up and beautify the exterior of the house.

Facilities Priority 6 – Explore the relocation of Fire Station 5:

No update.

Facilities Priority 7 – Design/Bid/Build New Fire Station 1:

No update.

DISCUSSION

If approved, the overall space planning should include all of the Districts properties and proposed projects with a look at the present and a best estimate of future needs.

From the March 2019 Chief's Report:

President Kiraly and Director McLaughlin:

We met to discuss impact fees, their history and potentially updating our data and process. This will be brought before the Fire Board in the next several months once some additional staff research is completed

From: [Kneier, Michelle](#)
To: [Kneier, Michelle](#)
Subject: RE: County, JPA, Chiefs and Menlo Fire EMS Update - April 25, 2019
Date: Thursday, May 09, 2019 9:21:55 PM

From: McLaughlin, Jim
Sent: Sunday, April 28, 2019 3:40 PM
To: Schapelhouman, Harold
Cc: Chang Kiraly, Virginia
Subject: Re: County, JPA, Chiefs and Menlo Fire EMS Update - April 25, 2019

Hello Harold: I have a couple of questions after reviewing the proposed 2019 County EMS/County Agreement.

EMS Manager Starz reports in your memo below; "*I told them this is a hardline (Districts EMS Manager gaining autonomy from the JPA Chiefs ??) item with the Chiefs here*" I am not sure what she is referring to, where is it (page and paragraph) in the proposed 2019 County EMS/County Agreement. Who are the JPA Chiefs?

Page 9, item 6 - "JPA shall have four JPA EMS Supervisors, who shall have responsibility for their assigned zones..." I am not clear on who hires, supervises and pays these JPA EMS supervisors. Are these different than EMS Managers, such as EMS Manager Starz? Which agreement contains the provision regarding Woodside Fire's EMS having authority over the Menlo Park Fire EMS program?

I have the 2009 Operations agreement between AMR and the JPA. Has the proposed 2019 agreement been published and made available?

Thanks, Jim Mc

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Human Resources Committee

MEETING DATE: April 2, 2019

PREPARED BY: Michelle Kneier

ITEM: CONSIDER AND DISCUSS ESTABLISHING A POLICY ON BOARD INTERACTIONS AND RULES OF ENGAGEMENT

RECOMMENDATION

It is recommended that the Human Resources Committee discuss establishing a policy on Board interactions and rules of engagement.

BACKGROUND

On September 18, 2018, the Board approved a proposal (see attachment A) from Citygate Associates to assist the Board with planning for improved functionality.

Following individual interviews with each Board member and two Special Board meetings facilitated by Stewart Gary, Mr. Gary submitted his final report (see attachment B) which was presented to the Board at the March 19, 2019, Board meeting. The Board then tabled the item and referred it to the Human Resources Committee.

DISCUSSION

Included in this staff report are the recommendations from the Fire Chief and Stewart Gary on Board interactions and rules of engagement, and section 4.4 from the Board Policy and Procedures Manual, as this was where some members of the Board felt more attention to the process and policy was needed.

Recommendations from the Fire Chief and Stewart Gary with Citygate:

Board Interactions and rules of Engagement:

1. New additions to the work plan or requests for information from staff that are not part of an agenda item are brought up at the end of full Board meetings under a standing agenda item called "Matters Initiated." It takes three votes for the item to be referred to staff for action and, possibly, future agenda consideration.
2. If the request materially impacts the annual work plan, either for time or cost resources, the Fire Chief brings the item back to the full Board with an impact

statement regarding how the work plan may change to accommodate the new request. A Board majority can then amend, or not, the annual work plan.

3. The use of standing committees should be for in-depth review of complex staff work projects underway at key milestone points.
 - a. When projects are seen completed, the committee refers the item to the full Board for action.
 - b. Committees do not initiate new actions or work program requests, nor do they start new research projects. All committee work is by delegation from the Board from regular agenda items, matters initiated, or under adopted standing Board policies to periodically require committee to review ongoing District operations, such as fiscal, human resources, and emergency response performance.

From section 4.4 of the Board Policy and Procedures Manual:

4.4 Board Committees and Liaisons

The Board President or designee shall outline the duties and responsibilities of a Board member on a committee at the time of appointment. Two Board members shall serve on all standing and ad hoc committees. Appointments of Board Members to standing committees shall be made in accordance with Section 4.2.

Standing Committees:

- **Emergency Preparedness** – Shall work with the jurisdictions on policy guidance and planning to ensure readiness in the event of an emergency.
- **Finance** – Shall oversee and provide direction on all matters related to the financial management including but not limited to the budget, policies, audit and expenditure reviews.
- **Human Resources** – Shall oversee and provide policy direction on matters related but not limited to personnel risk management, overall compensation and benefits, negotiations, and general welfare of departmental personnel.
- **Strategic Planning** – Shall oversee and provide policy and direction on matters related to departmental strategic planning including facilities, apparatus, real property, equipment, alliances and service area extensions, major acquisitions and operations.

ATTACHMENTS

- A. City Gate proposal approved on September 18, 2018
- B. Staff Report, excluding attachments, from the March 19, 2019 Board Meeting titled “Discuss and Adopt the Citygate and Fire Chief Recommended Planning Program Flow and Process.”

From: [Kneier, Michelle](#)
To: [Kneier, Michelle](#)
Subject: FW: Compensation Plan - Chief Officers
Date: Friday, May 10, 2019 12:46:45 AM

From: McLaughlin, Jim
Sent: Tuesday, April 23, 2019 10:58 AM
To: Schapelhouman, Harold
Subject: Re: Compensation Plan - Chief Officers

Harold: I am interested in the 2019/20 compensation plans for all unrepresented management employees, including Chief Officers and Management and Confidential Unrepresented Personnel.

Thanks

Jim McLaughlin, Director
Menlo Park Fire Protection District

From: Schapelhouman, Harold
Sent: Tuesday, April 23, 2019 10:39 AM
To: McLaughlin, Jim; Chang Kiraly, Virginia
Cc: Schapelhouman, Harold
Subject: Compensation Plan - Chief Officers

Hello Jim

Let me check with HR and Finance on that document and get back to you. To be clear, you are specifically looking for the Chief Officers Compensation Plan?

Thank you



Harold Schapelhouman
Fire Chief

Menlo Park Fire Protection District | [170 Middlefield Road | Menlo Park, CA 94025](#)

[\(650\) 688-8426](#) | [\(650\) 323-9129](#) FAX

harolds@menlofire.org | www.menlofire.org

Mission Statement: To protect and preserve life and property from the impact of fire, disaster, injury and illness.

On Apr 23, 2019, at 10:16 AM, McLaughlin, Jim <jmclaughlin@menlofire.org> wrote:

Hello Harold: THank you for posting the powerpoint presentation from our last Board meeting on the website. I have not received your response to my other request for information (see below) related to the 2019-20 management compensation package. When can I expect a response?

Thanks, Jim Mc

From: McLaughlin, Jim

Sent: Wednesday, April 17, 2019 10:22 AM

To: Schapelhouman, Harold

Subject: Powerpoint

Hello Harold: I would like to get a copy of the powerpoint presentation by Brenna Rowe last night. Will the District be conducting a compensation survey among 5 comparable agencies this year before the management compensation package is presented to the Board? When will the 2019-20 management compensation package be presented to the Board?

Thanks, Jim Mc

Jim McLaughlin, Director

Menlo Park Fire Protection District

Comments Regarding Proposed
FY 2019-20 Budget and
Full Time Equivalent (FTE) Staffing Level

James McLaughlin, Director
May 6, 2019

Page 7 – Wages and Compensation

Compensation – This category includes a stipend category. What activities, or conditions generate “stipend” pay? Salaried management employees can earn stipends. Does stipend include the “locality pay” paid to employees living within a certain radius of the District? The proposed total for stipends, \$2.1m for 2019/20, is nearly half of what is budgeted for overtime. Stipends represent a major expense to the District.

Issues:

- What activities generate expenditures in the stipend category? Unless we know, how can the Board evaluate whether or not it is being managed prudently, or if it is something that needs adjustment in the future?
- Stipend costs should be detailed for each management employee classification, and for each activity type that generates a stipend expenditure.
- Is the District being properly reimbursed for any stipend costs that could be attributed to a reimbursable service? How would the Board know?
- What accounts for a nearly 20% increase in this category?

Overtime – As I discussed at our last Board meeting, overtime is presented as an aggregate number and I do not know what activities generated the expenditure. Therefore, I am unable to evaluate the reasonableness, or adequacy of the budgeted amounts.

Issues:

- What activities generate expenditures in the overtime category? Unless we know, how can the Board evaluate whether or not it is being managed prudently, or if it is something that needs adjustment?
- Overtime costs should be detailed for each activity type that generates an overtime expenditure.
- Is the District being properly reimbursed for any overtime cost that could be attributed to a reimbursable service? How would the Board know?
- What accounts for a nearly 22% increase in this category?

- What is the additional PTO spot, and why does the new state mandated class requirement for heavy rescue increase overtime costs?

Retirement – This description of costs in this category does not include Replacement Benefit Plan costs. Please refer to <https://www.calpers.ca.gov/docs/forms-publications/irc-415b-fact-sheet.pdf> for the Calpers fact sheet on this subject. Additional information on this subject can be found at: <https://www.calpers.ca.gov/docs/circular-letters/2014/200-004-14-attach1.pdf> , <https://www.latimes.com/local/california/la-me-drop-pension-excess-20181216-story.html>

The Replacement Benefit Plan (RBP) is a qualified excess benefit arrangement pursuant to IRC section 415(m). This plan provides for the replacement of the portion of the retirement allowance that exceeds the IRC section 415(b) (IRC 415) dollar limit. (Note: The Internal Revenue Service limits annual retirement benefits payable by Calpers to \$225,000 in 2019) Members in the RBP will receive a separate check from the State Controller's Office. All members' prior CalPERS employers whose service was included in the retirement allowance calculation are invoiced each year the allowance exceeds the limit.

Issues:

- The District has already crossed the \$225,000 retirement benefit threshold for several management employees and will add additional employees each year for the foreseeable future. These costs are submerged in the annual invoice to the District from Calpers and are not apparent to the Board or the public.
- The RBP costs will continue for the life of the retired employee and beyond and must be accounted for separately so their magnitude and impact on the District budget can be carefully considered.

Page 9 - Services and Supplies. It is not at all clear why this category would increase 13% in a single year. This category lumps together services and supplies for administrative and operational uses. These should be separated so the Board can evaluate trends and management oversight.

Page 19 - Capital Improvement Projects Fund. The description states there are 10 CIP funds, however there are 13 properties listed. Are the 3 properties on Almendral, Valparaiso and Chilco included with the CIP funds for the adjacent stations, or do these 3 properties have separate CIP funds?

Issues:

- The Board has given clear direction on use of the Valparaiso property. The Board has not issued clear direction of the use of the Almendral or Chilco property. If CIP funds have been established for these 3 properties the CIP funds should be clearly stated.
- The CIP funds dedicated to each facility should be presented separately.

Page 20 - Capital Improvement Projects Fund, Continued. This section includes the following:

The FY 2019-20 CIP proposed expenditures budget is projected to be \$3.2 million, which includes \$2.7 million for construction expenditures, including Station 1 and Station 4 architect and design projects, and \$490 thousand in other improvements (Station 2: driveway ramps, Station 3: miscellaneous projects to property on Almendral Ave, and Special Operations Warehouse: structural improvement projects). Operating transfer in from the General Fund is projected to be \$3.5 million.

Issues:

- Does this mean the District is spending \$2.7m on architect and design services related to Stations 1 and 4? Has Board approved both expenditures? This section is very ambiguous as it says \$2.7 for construction expenditures but then only lists architect and design services. Are other construction projects included in the \$2.7m?
- Does the \$490k cited include all contemplated improvements to Station 2 and 3, and the warehouse? Isn't a structural improvement project (warehouse) a construction project by another name? What is the difference?
- Reference is made to the "property on Almendral Ave". Is this a reference to Station 3, or the residence at 28 Almendral? The Board has given approval for a storage facility at Station 3, what improvements have been approved for 28 Almendral? There must be a clear distinction between Station 3 and 28 Almendral in all budget documents. (same with Station 77 and Chilco property)
- The Board has approved minor improvements to improve security at the Special Operations Warehouse. The Board has not approved any structural improvements to the Special Operations Warehouse.
- Structural improvements to the warehouse could cost millions. Additionally, as was discussed at the last Board meeting, clean-up costs to mitigate contaminated soil under the warehouse and surrounding area could be triggered by any disturbance of the containment cap (Warehouse building and paved parking areas). Should we be budgeting money for structural improvements to the warehouse before the Board has articulated a clear policy position, or before the planned space needs assessment is complete?

Page 22 – Full Time Employee Listing. The proposed budget for 2019-20 includes an additional 3 battalion chief positions. I cannot recall a presentation to the Board regarding an increase in battalion chief positions.

Issues

- Is the budget process the vehicle for increasing FTEs? The Human Resources committee has not considered any proposals and I do not know if these additional positions are warranted or if the District can afford them?
- Would an increase in battalion chief positions result in a reduction in stipend costs? How much? How would 3 additional battalion chiefs improve service delivery in the District?