

ROSS VALLEY FIRE DEPARTMENT

Minutes of the Ross Valley Fire Workshop and Board Meeting of July 19, 2023

Note: These are summary action minutes only. The zoom recording can be accessed by clicking [here](#). The passcode is Rvfd071923#

RVFD BOARD MEETING MINUTES

1. 6:30 pm Call to order.

Hellman welcomed and introduced Elizabeth Robbins, as the new Ross Board Member, and Sharon Adams, as the alternate for Sleepy Hollow 'covering for Shortall. In addition, Hellman also thanked David Lim, RVFD's Legal Counsel for attending the meeting in person.

Board present: Cutrano, Brekhus, Robbins, Burdo, Hellman, Adams, Finn, Colbert

Board absents: Shortall

Staff present: Weber, Mahoney, Zuba, Lim

Town Managers present: Donery, Johnson, Abrams

Agenda – July 19, 2023

2. **Open time for Public Expression: The public is welcome to address the Board on matters not on the agenda. Please be advised that pursuant to Government Code Section 54954.2, the Board is not permitted to take action on any matter not on the agenda unless it determines that an emergency exists and that the need to take action arose following the posting of the agenda.**

None. No public comment concerning this item.

3. **Board requests for future agenda items, questions, and comments to Staff, staff miscellaneous items.**

Burdo requested that the board packet and agenda be sent either from Chief's Mahoney's email or someone else, but not the temporary e-mail currently used by Gonzalez.

Brekhus requested that agenda item six (6), option three (3) be brought back three times if approved. Cutrano asked to discuss the request when item six (6) comes up.

No public comment concerning this item.

4. Chief Report – Verbal Update by Chief Mahoney

Department Organizational Structure Update: Chief Mahoney thanked the Board for their support in his new role as the RVFD's Interim Fire Chief, provided an update regarding the new Administrative Assistant, and thanked Gonzalez for the assistance as the temporary Administrative Assistant.

Reserve Fund Past Usage: Chief Mahoney provided historical background regarding the use of the reserve fund, which included the use of monies to offset some of the Towns' cost to alleviate layoff during the 2008 recession, and to set up the apparatus replacement fund.

Use of State Reimbursement Funds: Chief Mahoney reported that Staff did not find any documentation of restrictions to use the reimbursement funds from the State of California.

Joint Powers Agreement (Section 13): Chief Mahoney provided a brief historical background regarding the JPA amendments since 2010, and covered section (2) for voting requirements related to unanimous and multi member majority votes; section (8) for cost sharing and percentages; section (9) for station maintenance, parameters, and service levels; and section (13) for the withdrawal or termination process.

No Board or public comment concerning this item.

- 5. Consent Agenda: Items on the consent agenda may be removed and discussed separately. Discussion may take place at the end of the agenda. Otherwise, all items may be approved with one action.**

No public comment concerning this item.

M/S Burdo/Cutrano to approve consent agenda– roll call vote, eight ayes. Brekhus, Robbins, Colbert, Burdo, Finn, Adams, Cutrano, Hellman.

- 6. Authorize Use of Undesignated Reserves – Interim Fire Chief Mahoney**

Hellman asked for the Board to stay focused and to foster an open and collaborative communication.

Chief Mahoney summarized the Staff Report, provided the background and needs for each Fire Station, explained Out of County reimbursement, and outlined the four different options under consideration: **option (1)** approve by unanimous vote the one time use of \$1,372,839 with no spending limitations, and deduct each member's percentage share to reduce their FY23-24 overall cost; **option (2)** same as option (1), but with spending limitations; **option (3)** approve one time use of \$404,780 (2.99%) from undesignated reserves to partially fund Stations 19, 20, and 21 remodel projects by one (yes) vote from each member agency, and a minimum of five (5) votes total; and **option (4)** form a subcommittee consisting of at least one Ross board member, and two board members representing the other JPA members.

Burdo asked for clarification for option (1) of this item, and option (2) from the June 14, 2023 Board Meeting, and the remodel projects' impacts if option (3) was approved. Burdo also asked about the voting requirements, and if it would be prudent to create a reimbursement fund for the California Fire Assistance Agreement (CFAA) reimbursement to avoid allocating the revenue under the reserve fund. Chief Mahoney responded that the goal in option (1) was to get \$300k for Fairfax and San Anselmo, and if option (3) was approved then less money would be utilized. Lim explained the voting requirements as established in the JPA.

Brekhus talked about the CFAA reimbursement allocation process, asked about the overtime cost, if the budget amendment under option (1) would also be under options (2), and (3), if the Department or the Towns are overseeing the projects. Brekhus also mentioned that Ross asked

for a scope of work for each station, but no plans, bids, or description have been provided. Chief Mahoney briefly explained the CFAA reimbursement percentage rate, and the budget amendment applicable to options (1) and (2). Chief Mahoney also explained that in the past it has been a cooperation amongst the Towns but mainly their Public Works Departments and the Fire Department, as the Department does not have the expertise to manage and run these types of projects. Hellman asked if Brekhus was looking for an oversight subcommittee. Chief Mahoney, Brekhus, Hellman, and Donery discussed the oversight of the projects and funds allocation.

Finn talked about the budget increase rate associated with option (1). Zuba responded that it would reduce the revenue budget, but the expenditures would not increase, as such, the calculations would not change. Brekhus, Finn, and Hellman discussed the budget and member contribution allocations, and Burdo asked about the oversight option for option (2). Chief Mahoney responded that the Board could add any stipulations or requirements.

No public comment concerning this item.

The Board continued to discuss the budget amendments, allocation, and reserve policy. Colbert asked for the Board to keep in mind there are larger and more difficult issues, and to focus on moving forward, and Hellman agreed with him. Cutrano talked about the JPA, the June meeting discussion regarding the use of reserve funds, and Brekhus questions about the projects' oversight. Cutrano also suggested a project-based approach option, and with this option, specific details about the project and funds allocation could be provided.

Hellman asked that if option (1) was approved if Ross would agree to designate the money for Fire purposes with a possible amendment to the reserve policy. Robbins responded that since the money is coming out of the reserves, it was understood that the money would be used for Fire purposes.

The Board continued discussing the CFAA reimbursement, and possible stipulations regarding the reserve funds being used for fire services by the JPA members once the funds are allocated back to them. Brekhus added that Ross would exclusively use the reserve funds to cover their Fire annual contribution.

Robbins made a motion to approve option (1), and Brekhus proposed an amendment that the money goes directly from the reserves to the member agencies instead of the operating budget. Burdo and Hellman believed it was premature to make a motion without discussing all four options.

Lim explained that based on the Rosenberg's Rules, the Board had a motion on the floor to approve option (1) that had been seconded, and a motion for an amendment to the first motion with no second. The Board could either second the amendment or the first motion, and if there was no second for the first motion, there cannot be a second for the amendment. Brekhus seconded Robbins' motion to approve option (1). The Board had a motion to amend the first motion, and if it was not seconded, then the Board had to discuss it or vote on the first motion again.

Burdo and Colbert asked if a motion can be proposed and seconded by two members in the same agency. Lim responded that based on the JPA it can be done. Hellman, Colbert, and Burdo asked for clarification about the motion's order, voting, and reconsideration options. Lim clarified the process.

The Board continued discussing the motions for option (1), and asked for Ross not to call the question so that all four options are discussed. Brekhus said that she would not call a question at this time.

The Board discussed option (3), and Brekhus commented that Ross's Town Attorney sent a letter stating this option was not legal, and she continues to believe it is illegal and violates the spirit of the provision. The Board discussed Ross's legality and transparency concerns regarding option (3). Cutrano asked Staff if a decision needed to be made tonight, and Donery responded that it was not, that the projects would not break ground until after January 2024. Hellman asked for the project scoping and cost assessment for Station 20, and Chief Mahoney provided an update.

Cutrano asked again if the Board had to take action tonight, and mentioned that if his project-based approach option was selected, can that be done. Chief Mahoney responded that it could work, and his suggestion would be to start with Station 21. However, although Chief Mahoney did not disagree with Cutrano's option, his concern was that if the Board would go with Cutrano's option, it would take away from the focus of the future and vision for the Department.

Hellman asked Lim if he agreed that there was no language in the JPA that prohibited the use of reserve for one-time capital expenditures. Lim referenced a confidential memo given to the Board, and Hellman responded she would take it as a yes, and would like to make it very clear that is the guidance.

Cutrano asked about the milestones for Station 20 and 21, and Chief Mahoney provided the timeline.

Brekhus called the question. Hellman asked for clarification from Lim regarding the debate portion since option (4) or Cutrano's option had not been discussed. Lim explained the process per the Rosenberg's Rules of Orders.

M/S Brekhus/Robbins – roll call vote to approve amendment to the first motion two ayes: Brekhus, and Robbins; six noes: Colbert, Burdo, Finn, Adams, Cutrano, Hellman. – Motion failed 2 to 6, and debate can continue.

The Board did not have further comments or questions regarding option (3). Hellman suggested further discussion of Cutrano's option before going over option (4). Cutrano talked about his project-based approach and how it would be a more prudent way to evaluate each project, and how the money would be spent. The Board again discussed the JPA. Robbins did not agree with Cutrano's option. Burdo asked if there were any legal limitations for Cutrano's option. Lim responded that he did not see any problem with it, but the funds could only be used for that specific project and nothing else. Brekhus asked if there was a restriction to discuss and vote on Cutrano's option given that it was not on the agenda. Lim explained that per the Brown Act, the

Board can discuss Cutrano's option as it relates to station funding. Cutrano asked what the process would be since there was no action to approve any funds. Lim explained the process and reminded the Board they had two pending motions.

Hellman asked if Staff could provide a process to oversee the renovation projects. Chief Mahoney responded that it could be a possibility and explained the voting process should Cutrano's option be approved. Abrams also provided a project update for Fairfax.

The Board discussed option (4). Finn and Burdo supported this option. Brekhus commented that she had concerns about the sub-committee given that Ross's legal opinion is not going to change, and recommended that option (1) is approved. Finn suggested a facilitator or a third party neutral.

The Board continued discussing option (4), and Ross's and the JPA's different legal opinions. Chief Mahoney commented that Donery and he would also be part of the committee. Hellman asked if option (4) did not require a unanimous vote. Lim explained that at least one (1) affirmative vote from each member agency is needed.

The Board took a short recess.

Robbins asked who would be a part of the subcommittee, and asked that if she were to be part of it, if Johnson could attend with her given that Robbins is new to the Board. Lim asked if the person making the motion and the person that seconded it were okay with amending the motion to say: "form a subcommittee consisting of at least one (1) board member representing the town of Ross and two (2) other board members representing the remaining member agencies in the JPA, with Town Managers allowed to attend.

The Board confirmed the August 9, 2023, Board Meeting.

M/S Finn/Burdo – roll call vote to approve option (4) with the amendment to allow Town Managers to attend, seven ayes: Colbert, Burdo, Finn, Shortall, Cutrano, Hellman, Robbins; one no: Brekhus. – The motion passes 7 to 1.

Finn, Burdo, and Cutrano volunteered to be in the subcommittee.

The Reserve Fund Sub-committee members are: Robbins representing Ross, Finn representing Sleepy Hollow, and Cutrano representing Fairfax and San Anselmo.

M/S Brekhus/Robbins – roll call vote to approve option (1) with the amendment that the money goes directly from the reserves to the member agencies instead of the operating budget. two ayes: Brekhus, and Robbins; six noes: Colbert, Burdo, Finn, Adams, Cutrano, Hellman. – Motion failed 2 to 6.

7. Adjourn

The next meeting is scheduled for August 9, 2023, at San Anselmo Town Council Chambers, at 525 San Anselmo Ave. San Anselmo, CA 94960, and via Zoom.

July 19, 2023

Respectfully submitted,
s/Mariana Gonzalez
Temporary Administrative Assistant