



COUNTY OF SANTA CRUZ

FIRE DEPARTMENT ADVISORY COMMISSION

DRAFT MINUTES

Wednesday, May 15th, 2024, 3:00 p.m.

I. ROLL CALL / INTRODUCTIONS

Meeting called to order at 1504

First District Representative/Chair: Sanjay Khandelwal
Second District Representative: Carey Pico
Third District Representative: Mike Phinn
Fifth District Representative: Arnie Wernick
Department of General Services: Rob Sherman
Volunteer Firefighter Representative: Doug Aumack

Absent:

Fourth District Representative: Kirt Vojvoda

II. APPROVAL OF PREVIOUS MEETING MINUTES

Modification needs to be made with respect to a general comment made by member of the public for last meeting. Minutes approved, with modification.

1st Wernick – 2nd - Vojvoda

III. WRITTEN CORRESPONDENCE:

- A. Letters to the commission
- B. LAO report link previously sent out

IV. PUBLIC INPUT/ORAL COMMUNICATION

Member of Public - FireWise member- participation has been good in the community. Wildfire resilience summit coming June 6th.

- A. Attended Santa Cruz County board of Supervisors meeting. Expected more substance.
- B. Public can seek clarification or request to put the question on the next official minutes (per brown act)
- C. Commented on the CALFIRE contract negotiation on the increase in the budget. Also concerned of carryover of 80,000 regarding a vehicle. CSA 4 assessment amount.
- D. Also concerned over the paying of six additional staff members that is just being brought into the budget now.
 - a. Michael Beaton addressed GSD concerns. The \$80,000 carryovers, addressed by Chief Wilson, vehicle showed up today and will not be carried over into the next year.

V. COMMISSIONERS REPORTS (Oral reports; No discussion / action)

A. Carey Pico

- a) Off topic points are brought up, must make sure whoever brought it up is present. Second, the results of the off-topic point from last meeting were disparaging (FDAC report). Also believes meetings should remain at two hours instead of three hours. This item is on the official minutes for today's meeting.
- b) Concerns over the last meeting over meeting length and organization of certain topics on the agenda

A. Sanjay Khandelwal

- a. A meeting on 05/28 will take on summit road for various issues, this will be followed by a second session two months from now.
- b. Session in June for FireSafe council will be taking place, looking to grow its presence. FireWise presence growing at the moment as well.
- c. Insurance Talk will be Loma School Forum, 23800 Summit Road, Los Gatos 95033. Deputy Insurance Commissioner Julia Svetlana Juarez will be joining us - she is coming in from LA (or Sacramento). Santa Cruz County First District Supervisor Manu Koenig will be attending. Santa Clara County Fifth District Supervisor Joe Simitian is a maybe, someone will represent his office if he cannot make it. Session is sponsored by the Loma Prieto Community Foundation www.lpcf.org. The plan is to have a 20–30-minute talk from the Commissioner on the state of affairs, how we got to where we are, what they are doing etc. etc etc. The Supervisors can add their view as well. We will then have 45-60 minutes for Q&A

VI. BROWN ACT TRAINING

Presented by Arthur G. Wille | Assistant County Counsel (see attached presentation)

- A.** Quorum of FDAC- Must have one more than one of half of total members in order to proceed with business and vote on matters.
 - a. If quorum is not met, it is recommended not to carry out the meeting.
- B.** Commissions are required to act according to their assigned roles and provide advisory advice.
 - a. Law of brown act applies to 'advisory board' because there is a need to be more transparent to the public.
- C.** Brown act is a mechanism to facilitate public participation.
- D.** Must be able to post potential minutes on website so the general public can access it.
- E.** Any new information brought up or made available at the meeting must be made accessible to the public as well (presentations, packets, etc.)
 - a. Legal opinions are not considered material to be made available to the public.
- F.** Cannot require people to sign in.
- G.** General public must always have the opportunity to give public comment.
 - a. But public comments do not require conversation.
- H.** To close the session to the public, there needs to be extreme circumstances that will rarely apply to the FDAC.
 - a. Must have prior approval from county counsel, and a member of that county counsel must be present at said meeting.
- I.** A meeting of the FDAC will always trigger the Brown act.
 - a. Technically a meeting is anytime the FDAC is conversing, deliberating, and actions being taken in any capacity.
 - b. Any time these requirements are not met it is considered a violation.
- J.** Serial Meeting- Four or more commissioners + series of communications+ discussion or action on any item of business
 - a. This includes email chains, text, passing on information, etc.
 - b. Also includes the hub and spoke interaction provided on the PPT.
- K.** Situations to avoid.
 - a. No reply all responses, BCC tags, passing on information, social media, etc.

- L. General advice
 - a. Conduct business at the scheduled meetings.
- M. Reason why presentation was put on- Confusion on prior meeting that happened regarding a previous meeting item.
 - a. Also, a concern over previous minutes, taken in January, that would have prevented previous problems.
 - b. There was also an idea to write down thoughts not spoken on to be written down and provided with the official minutes.

VII. SANTA CRUZ COUNTY FIRE REPORT

See attached; Chief Filson presented the following information on county updates.

- a. Facilities
 - i. Ongoing station maintenance has been going well.
 - ii. Specifically with removing invasive trees.
- b. Volunteer maintenance and transfer of different resources is ongoing.
- c. Equipment
 - i. Updates on new vehicles and vehicles to be surplus.
- d. General
 - i. New Staff updates
 - ii. 6 new county engineers in place
 - iii. First Due continues to be in progress.
 - iv. FF1/FF2 progressing through their training.
 - v. Company activities updates
 - vi. Public events
 - vii. Prom dress and suit drive
 - viii. Annual pancake drive with CO 29
 - ix. June 2nd annual BBQ will take place.
- e. Question from Public - Type 3 engines that are in service? Confirmed by Chief Filson
 - i. Also asked about trainings to take place on the future. Chief Wilson addressed this with where the trainings stand.
 - ii. Also asked about new radio system and its impact, Chief Armstrong said there will be no impact with the new system.

VII. BUSINESS MATTERS (CONTINUING)

- A. Master plan Assessment Update (Micheal Beaton)
 - a. Meeting with LAFCO set up for next week.
 - b. Based on meeting discussion, we can expect a resolution to ongoing discussion. Once resolution is completed it will be brought back to the FDAC for discussion
 - c. Potential delay on report, latest this will be presented to the board of supervisors is August.
- B. Update on County Fire Budget for 24-25 (Micheal Beaton)
 - a. Presented the 24-25 budget at last meeting, packet being sent to the board June 2nd (to include supplemental items)
 - b. Supplemental items- to be discussed over corresponding PPT.
 - i. Workers comp insurance- This is increased per the quote we received.
 - ii. Other household expenses- this was a placeholder that changed from zero.
 - iii. Maintenance- increase
 - iv. Medical, dental, lab supplies- increase
 - v. Other insurance - increase

- vi. Memberships- increase
 - vii. Inventoriable items- increase
 - viii. Professional and special services- increase
 - ix. Small tools and instruments- Increase
 - x. Special misc. expenses (services)- increase
 - xi. Education/training- increase
 - xii. Gas, oil, fuel- increase
 - xiii. Utilities- increase
 - xiv. Building and improvements- increase
 - xv. Equipment- increase
 - xvi. Mobile equipment- increase
- Total increase- \$386,046

C. CalFire Contract negotiations (Micheal Beaton)

- a. The only things to add are the division chief and the issue of state minimums to be addressed.
- b. Risk we currently see in this is labor expense (state level)

D. Future of FDAC

- a. Brief discussion regarding what happened last meeting
- b. 3 options were presented (see attached).
- c. Commission discussed all options in depth. There was a consensus that current structure is not serving the public and something needs to change. There was also consensus that the District Advisory Group seems like the best solution, as long as it helps the Director of General Services.
- d. No clear path chosen at end of conversation. This item will be continued into the next FDAC meeting.

X. ADJOURNMENT

6:05pm

COUNTY OF SANTA CRUZ
COUNTY FIRE CSA #48
FY 24-25 Budget Supplemental Adjustments

GL KEY NAME				
		PROPOSED	SUPPLEMENTAL	
Row Labels	FY 2023-24 Budget	FY 2024-25 Proposed	FY 24-25 Supplemental	Supplemental Adjustment
REVENUE	(5,799,492)	(6,026,605)		
EXPENDITURE	12,392,756	7,973,195	386,046	
50-SALARIES AND EMPLOYEE BENEF	164,536	164,500	23,000	
51000-REGULAR PAY-PERMANENT				
51010-REGULAR PAY-EXTRA HELP	102,500	102,500		
51040-DIFFERENTIAL PAY				
52010-OASDI-SOCIAL SECURITY				
52015-PERS				
53010-EMPLOYEE INSURANCE & BENEFITS				
54010-WORKERS COMPENSATION INSURANCE	62,036	62,000	23,000	Increased Workers Comp cost
60-SERVICES AND SUPPLIES	8,510,577	7,523,081	296,046	
61110-CLOTHING & PERSONAL SUPPLIES	96,361	40,050		
61215-RADIO	72,945	20,000		
61220-TELECOM SERVICES				
61221-TELEPHONE-NON TELECOM 1099	46,000	46,000		
61425-OTHER HOUSEHOLD EXP-SERVICES	12,000		12,000	Misc. Operational Station Exp
61535-OTHER INSURANCE	64,217	65,000	1,144	Insurnace Cost adjustment
61715-MAINT-BUILDING EQMT-SERVICES				
61720-MAINT-MOBILE EQUIPMENT-SERV	234,621	194,340		
61835-FACILITIES MAINT-GENERAL-SERV		1,000		
61845-MAINT-STRUCT/IMPS/GRDS-OTH-SRV	110,495	114,000	10,000	Misc. Operational Station Exp
61920-MEDICAL, DENTAL & LAB SUPPLIES	72,308	56,500	1,000	Misc. Operational Station Exp
62020-MEMBERSHIPS	2,825	200	2,650	Misc. Operational Station Exp
62111-MISCELLANEOUS EXPENSE-SERVICES				
62214-DUPLICATING SERVICES	200			
62219-PC SOFTWARE PURCHASES	75,428	67,228		
62221-POSTAGE	50	50		
62223-SUPPLIES	8,500	8,500		
62226-INVENTORIAL ITEMS <5000	80,000	40,000	10,000	Increased for Radio Equipment
62301-ACCOUNTING AND AUDITING FEES	41,500	42,730		
62325-DATA PROCESSING SERVICES	14,592	12,959		
62365-MANAGEMENT SERVICES		335,743		
62366-MEDICAL SERVICES	84,122	66,875		
62376-PLANNING SERVICES		250		
62381-PROF & SPECIAL SERV-OTHER	6,743,099	5,936,816	182,252	Adjustment to Calfire Contract Estimate
62420-LEGAL NOTICES	800	800		
62715-SMALL TOOLS & INSTRUMENTS	223,650	109,000	41,000	Apparatus Equipment Increase
62855-MANAGEMENT CHARGES	53,542			
62856-SPECIAL MISC EXPENSE-SERVICES	64,476	12,750	17,400	SCBA and Fire Extenguiser Program
62888-SPEC DIST EXP-SERVICES	287,284	248,000		
62890-SUBSCRIPTIONS BOOKS & ED MATER	70	70		
62914-EDUCATION & TRAINING(REPT)	59,920	41,720	9,100	Misc. Operational Station Exp
62920-GAS, OIL, FUEL	11,500	13,000	7,000	Increased cost estimate of Fuel
62928-TRAVEL-OTHER(NON-REPT)				
62935-SERVICE CENTER CHARGES	14,000	16,000		
62936-SERVICE CENTER REPLCMT INCRMNT	600	0		
62937-SERVICE CENTER DEPREC CHG	5,172			
62938-SERV CTR POOL VEH CHARGES				
63070-UTILITIES	30,300	33,500	2,500	Misc. Operational Station Exp
70-OTHER CHARGES	64,014	65,614		
74850-TAXES AND LICENSES	10	10		
75230-CONTRIB TO OTHER AGENCIES-OTH	40,000	41,600		
75315-COUNTY OVERHEAD A87/CP	24,004	24,004		
80-FIXED ASSETS	3,451,401	20,000	67,000	
86110-BUILDINGS AND IMPROVEMENTS	155,601		10,000	Fire Station #29 improvements
86204-EQUIPMENT	298,067		20,000	Fire Station #37 Base Station
86209-MOBILE EQUIPMENT	2,997,733	20,000	37,000	New AC Vehicle
98-APPROP FOR CONTINGENCIES	202,228	200,000		

98700-APPROP FOR CONTINGENCIES	200,000	200,000	
98705-LIQD PR YR ENCUMB APPROPS	2,228		
Grand Total	6,593,264	1,946,590	386,046



General Ledger

County of Santa Cruz

As Of = @today; Years = 7; Closed = Y

COUNTY FIRE CSA 48

Fund [26105] and GL Acct [344]

FUND BALANCE

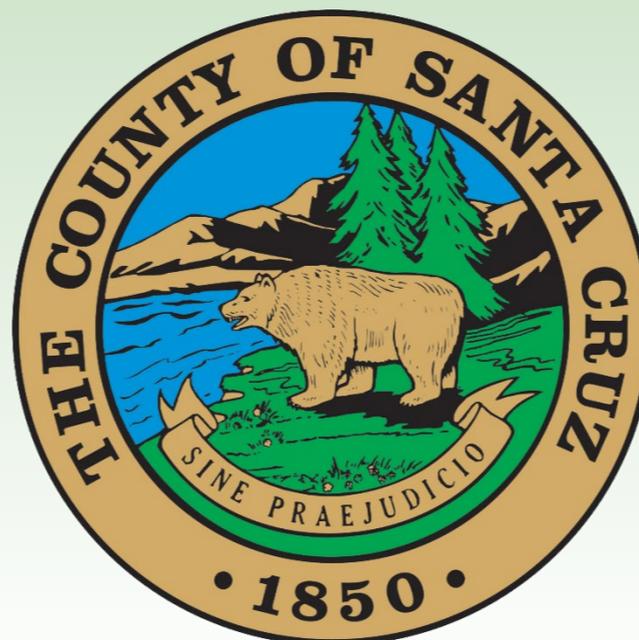
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as of May 13, 2024

GL Key	Fund Type	Fund	Object	GL Object Title	GL Acct	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	
						Beginning Balance	Beginning Balance	Ending Balance					
GL Acct: 344 – FUND BALANCE													
002650	26	26105	34400	FUND BALANCE	344	-17,386.41	-17,978.79	-18,784.40	-18,879.60	-116,406.72	-23,179.40	-23,130.35	-23,130.35
026105	26	26105	34400	FUND BALANCE	344	-3,509,746.83	-4,722,412.36	-5,463,498.39	-6,157,892.50	-8,815,292.98	-10,006,458.44	-9,282,807.76	-6,544,636.76
304100	26	26105	34400	FUND BALANCE	344	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-533,580.43
304550	26	26105	34400	FUND BALANCE	344	0.00	0.00	0.00	0.00	0.00	0.00	0.00	20,415.58
304700	26	26105	34400	FUND BALANCE	344	0.00	0.00	0.00	0.00	0.00	-22.79	102.51	121,275.81
Total 344 – FUND BALANCE						-3,527,133.24	-4,740,391.15	-5,482,282.79	-6,176,772.10	-8,931,699.70	-10,029,660.63	-9,305,835.60	-6,959,656.15
						-3,527,133.24	-4,740,391.15	-5,482,282.79	-6,176,772.10	-8,931,699.70	-10,029,660.63	-9,305,835.60	-6,959,656.15

**Santa Cruz County
Fire Department Advisory Commission
&
The Brown Act**

Arthur G. Wille
Assistant County Counsel



What We Will Be Covering

- ✓ Structure and Authority of the FDAC
- ✓ Purpose of the Brown Act
- ✓ Brown Act Requirements
- ✓ Brown Act Trigger
- ✓ When Brown Act Is Not Applicable
- ✓ How to Avoid Brown Act Compliance Issues



The Brown Act

Structure and Authority of the FDAC

- Creation/authorization for FDAC: Chapter 2.120
- FDAC consists of 7 members who are residents of the County, appointed by the Board of Supervisors.
- 5 members from each of the supervisorial districts
- 1 member nominated by volunteer company officers organization;
- 1 member nominated by the General Services Department.

Ordinance Code § 2.120.020



The Brown Act

Structure and Authority of the FDAC

- A quorum of the FDAC is one person more than ½ of the the appointed Members. (Ord. Code § 2.120.040(D).)
- A quorum is required for any matters requiring a vote to be acted on. (Ord. Code § 2.120.040(D).)



The Brown Act

Structure and Authority of the FDAC

- The FDAC is required to comply with the Brown Act.

Government Code § 54950, et seq. and Ord Code § 2.38.110.A [“(Each commission and committee shall comply with the Ralph M. Brown Act (Gov Code § 54950 et seq.)”].

- The Brown Act is applicable to “legislative bodies” of local agencies, including bodies that act in decision making or advisory capacities.
- Legislative bodies include commissions created by ordinance.
- The FDAC operates in an advisory capacity.



The Brown Act

Purpose of the Brown Act

According to the Legislature . . .

1. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

2. Public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business.

3. Actions shall be taken openly and deliberations shall be conducted openly



The Brown Act

Government Code § 54950.

Purpose of the Brown Act, continued

“The Brown Act has the objective of facilitating public participation in local government decisions and curbing misuse of the democratic process by secret legislation.”

Fischer v. Los Angeles Unified School Dist., supra, 70 Cal.App.4th at p. 95, 82 Cal.Rptr.2d 452; Morrow v. Los Angeles Unified Sch. Dist., 149 Cal. App. 4th 1424, 1438-39, 57 Cal. Rptr. 3d 885, 896 (2007)

“... [T]he [Brown] Act should be construed liberally in favor of openness so as to accomplish its purpose and suppress the mischief at which it is directed.”

Golightly v. Molina, 229 Cal. App. 4th 1501, 1512, 178 Cal. Rptr. 3d 168, 177 (2014), review denied (Jan. 14, 2015)



The Brown Act

Brown Act Requirements

Written and Posted Agenda

- “. . . a brief general description of each item of business to be transacted or discussed at the meeting.” (Gov Code § 54954.2.)
- Agenda posted in public place 72 continuous hours before meeting. (Gov Code § 54954.2(a)(1).)
- Agenda shall be posted on the agency’s website. (Gov Code § 54954.2(a)(2).)



Brown Act Requirements

Availability of Agenda Material

- Agendas and agenda materials shall be made available upon request to a member of the public without delay. (Gov Code § 54957.5.)
- Generally, agencies post all agenda materials on the website with the agenda.
- If a non-confidential writing related to an item of business on the agenda is distributed to all or a majority of all the members after the posting of the agenda but before the meeting it should be made available in hard copy at a designated public office, or posted on the website. (Gov Code § 54957.5(b).)
- Non-confidential writings distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. (Gov Code § 54957.5(c).)



The Brown Act

Brown Act Requirements

Public Access and Comment

- No sign in requirement to attend a public meeting. (Gov. Code § 54953.3.)
- Right to comment on each item of business and any other matter in the Commission's jurisdiction. (Gov. Code § 54954.3(a).)
- Legislative body may adopt reasonable regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. (Gov. Code § 54954.3(b).)



The Brown Act

Brown Act Requirements

Closed Session

- Strictly limited to the bases set forth in the Brown Act. The most common exceptions include:
 - Conferences with legal counsel about anticipated, threatened, or pending litigation. (Gov. Code § 54956.9.)
 - Conferences with labor negotiators to discuss salaries and benefits of employees. (Gov. Code § 54957.6.)
 - Conferences with real property negotiators regarding the purchase, sale, or lease of real property. (Gov. Code § 54956.8.)
- However, no Commission shall hold a closed session, or any other meeting excluding the public, without first receiving written authorization from the County Counsel to hold such a meeting and County Counsel or their representative must be present at any closed session. (Ord. Code § 2.38.130.)



The Brown Act

What Triggers the Brown Act?

Answer: A meeting of the FDAC.

A Meeting is “. . . any congregation of a majority of the members of a legislative body at the same time and location . . . to

1.hear,

2.discuss,

3.deliberate, or

4.take action

on any item that is within the subject matter jurisdiction of the legislative body.

Gov Code § 54952.2



The Brown Act



4 or more Commissioners

+

hearing, discussing, deliberating, or acting on an item within
the jurisdiction of the Commission

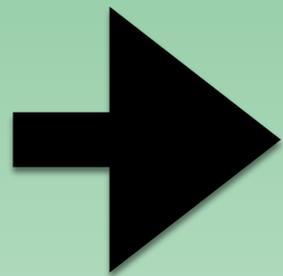
= **Meeting of the FDAC**

- If a meeting occurs, all the requirements of the Brown Act Be Must Satisfied



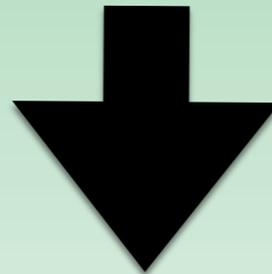
The Brown Act

But, if 4 or more Commissioners hear, discuss, deliberate, or take action on an item, without complying with requirements



Brown Act Violation

How might this happen?



Serial Meeting



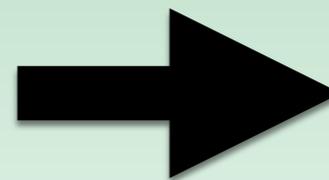
The Brown Act

Serial Meeting =

4 or more Commissioners + series of communications + discussion, deliberation, or action on any item of business

Gov Code § 54952.2(b)(1).

Example of a Serial Meeting?



Email

84 Cal. Op. Att'y Gen. 30 (2001)



The Brown Act

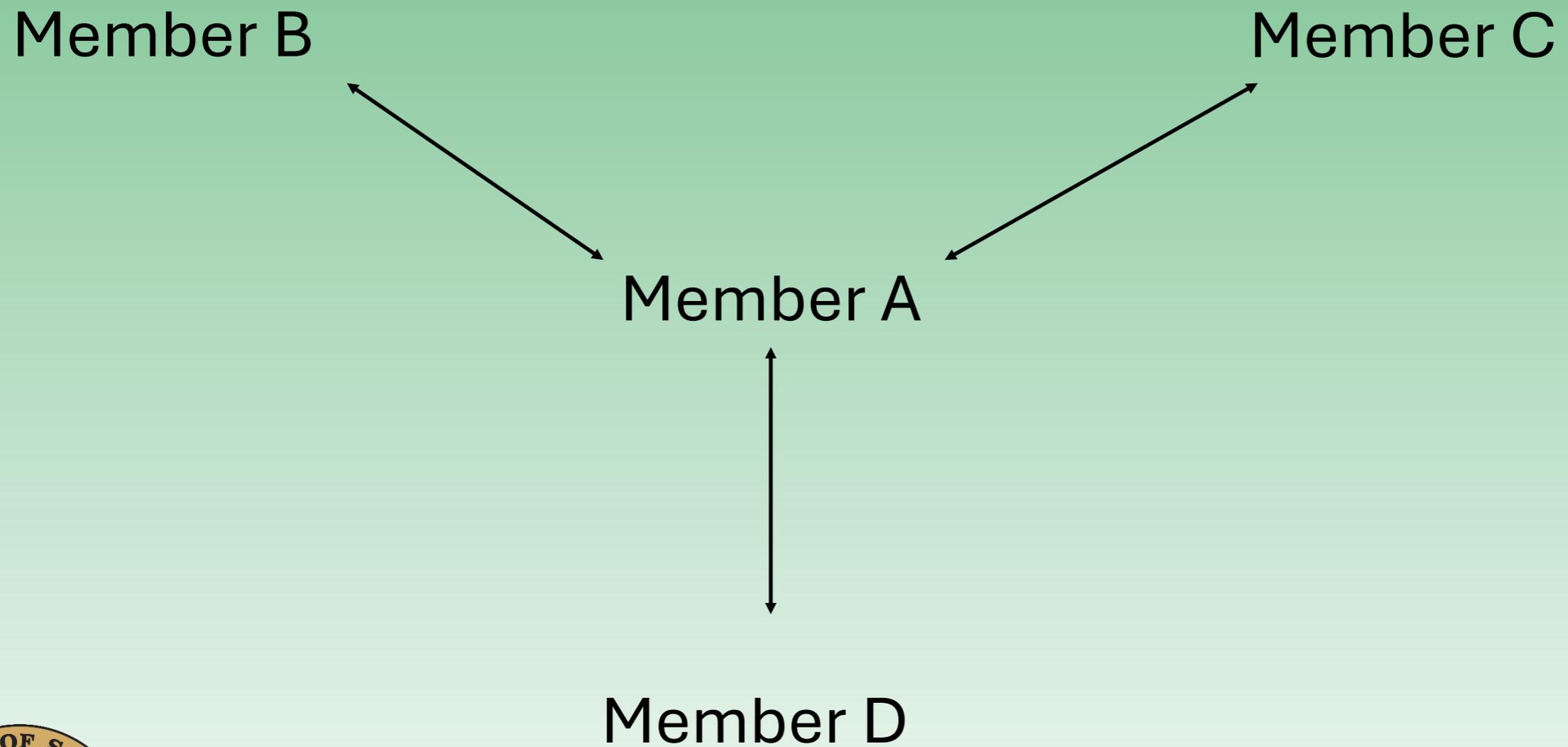
Example 1 – “Daisy Chain”

Member A → Member B → Member C → Member D



The Brown Act

Example 2: “Hub and Spoke”



Situations to Avoid

Email –“reply all” responses, Bcc, group emails, or forwarding emails.

Social media: comments on Facebook, Twitter, blogs, etc., where other Commissioners could see or respond to that may come up during a future meeting.



What Conduct Does Not Trigger Brown Act?

- Staff discussions with individual commissioners, provided that staff does not act as a conduit to other commissioners.

Provided that Commissioners do not discuss Commission business. . .

- Attendance at conferences or meetings open to the public involving topics of general interest
- Attendance at meetings of other legislative bodies of local agency
- Attendance at a purely social or ceremonial occasion

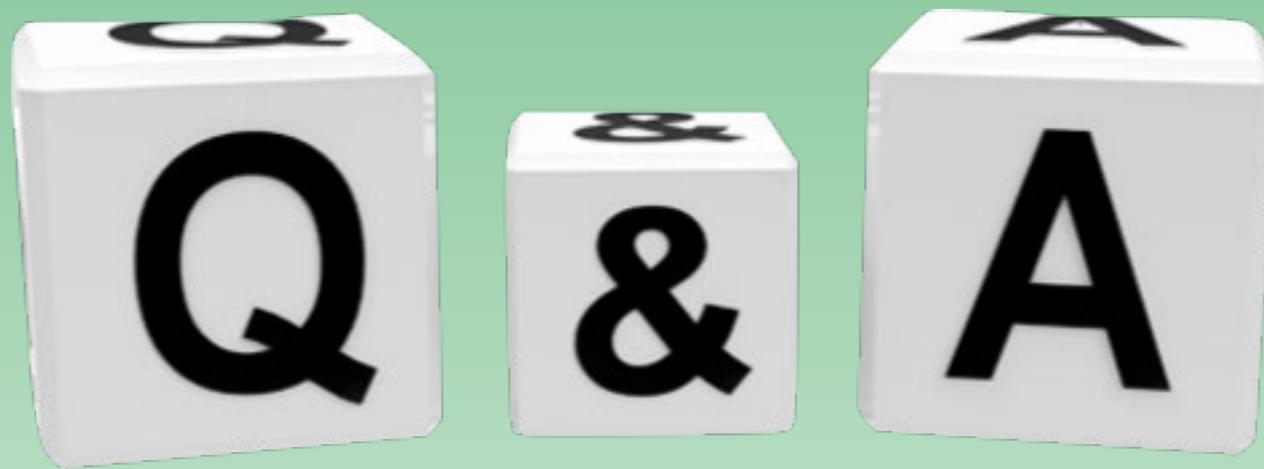


The Brown Act

How to Avoid Brown Act Compliance Issues??

Conduct the business of the FDAC only at properly scheduled and noticed meetings.





The Brown Act