

MOUNT SHASTA FIRE PROTECTION DISTRICT  
600 MICHELE DRIVE

STATION 1  
REGULAR BOARD MEETING MINUTES  
10:00 A.M.

CHAIRMAN JACK MILLER

VICE-CHAIRMAN JOHN ANDERSON

DIRECTOR HOYT

DIRECTOR LIBBY

DIRECTOR KLIEWER

CHIEF RICK JOYCE

ASST. CHIEF JOHNATHAN DUNCAN

SECRETARY SARAH PATANIA

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MONDAY, FEBRUARY 10, 2014

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**ITEM**

1. **Call to Order and Flag Salute.**

10:00 a.m.

2. **Roll Call.**

Director Miller, Anderson, and Hoyt present. Director Kliewer arrives at 10:10 a.m.  
Director Libby is absent.

3. **Approval of Minutes for the Regular Board Meeting of January 13, 2014.**

Director Anderson motions to approve the minutes as written, Director Hoyt seconds the motion, and the motion carries 3-0 with Directors Hoyt, Anderson, and Miller participating.

4. **Public Comment on Open/Closed Session Items: This is an opportunity for members of the public to address the Board on subjects within its jurisdiction, whether or not on the agenda for this meeting. The Board reserves the right to reasonably limit the length of individual comments and/or the total amount of time allotted to public comments. Speakers may request their comments be heard during Public Comment instead of the time when the item is to be acted upon by the Board. The Board may ask questions but may take no action on items addressed during the Public Comment period except to direct staff to prepare a report or to place the item on a future agenda. If you desire a written response, please provide the secretary with your mailing address.**

Tyler Cervelli, Tom Haistings, and Mark Bruni present.

5. **Cash Report**

\$108,860.92 Total Interfund Cash as of January 31, 2014

6. **Old Business and Board Directives from Previous Meetings**

6a. **Discussion and Possible Action on reviewing progress to-date on Stale-Dated Warrants.—Chairman Miller/Secretary Patania**

Director Miller turns it over to Secretary Patania. Secretary Patania points to the spreadsheet with updated items that have been received from individuals who have filled out their affidavits and returned them to the MSFPD. The originals have been sent back to the auditor's office and checks are starting to be re-issued.

Also of interest were two checks found in a file at Aiello, Goodrich, and Teuscher for \$833.33 each. These were returned to the auditor's office, and since they were intended for the IRS, it was asked of Ms. Ebejer if we can hold these funds until we know more about the amount of tax we owe, and if we can use these funds to pay a lump sum towards our total liability.

Director Miller likes this idea, and thinks we should wait on re-issuing these checks until we have a clear total from the IRS as to what we owe.

Secretary Patania then reminded the Board that stale-dated warrants under \$15 can be put back directly in MSFPD funds, but the Board needs to approve it with a motion and vote.

Director Anderson motions to approve Ms. Ebejer to place stale-dated warrants back in our account that are under \$15 dollars. Director Hoyt seconds the motion. The motion carries 4-0 with Director Kliewer, Hoyt, Anderson, and Miller participating.

#### **6b. Discussion and Possible Action of IRS Payroll Tax Issues that occurred in 2002-2004.—Chairman Miller/Secretary Patania**

Chairman Miller introduces the topic, and turns it over to Secretary Patania for additional reporting.

Secretary Patania directs attention to the "Tax Log" she has kept since speaking with Ms. Ebejer at the last Board meeting. The outstanding points of interest are; the MSFPD does not qualify for an "Offer in Compromise", which was confirmed by Lynne Teuscher at Aiello, Goodrich, and Teuscher, since the District will continue to receive income in the future. After this time, at the approval of Director Anderson, the Secretary contacted the tax advocate service in Sacramento sponsored by the IRS. A gentleman by the name of Dan Mauro called back to discuss the application for tax advocacy, and stated that because the District is not in hardship status, that we do not qualify for a tax advocate. He did note while looking at our file that the majority of tax issues would "fall off" in 2017. She confirmed this again with Mr. Mauro to make sure it was correct. He stated that it had to do with "operational law" that they would not owe on the 941s after that time. The main issue was with the Civil Penalty from the period 12/2004, and he noted that this was in active collection status. This would be the one to focus on. The penalties and interest from this period amount to approximately \$23,000.

Secretary Patania continued, and said that before attempting to get the penalties abated for this period, she contacted Brian Morris, after getting approval from Chairman Miller,

to see how we would show “reasonable cause” that the W2s were not filed. They have not yet been able to speak about this topic before the time of the Board meeting. Chairman Miller said that he looked back, and that he thought this issue was from the Cedar Fire in 2003. In his records, he did find that he received a W2, and would be happy to furnish it if needed. This was while Clyde Davis was Chief, and he passed away last month on the 19<sup>th</sup> of January.

Chief Joyce states that there is no paper trail from this period.

Director Miller looked through his records and in 2003 from the Cedar Fire, he states that he thought he had received a 1099, but it was actually a W2. He also mentions that Troy Wood and Kate Luginbuhl received monies from this incident.

Secretary Patania clarifies whether it was 2003 or 2004.

Director Miller states that the check did not come in until 2004.

Secretary Patania stated that if Brian Morris needed any historical information, that she would have him contact Chairman Miller.

Director Kliewer clarifies that taxes were taken out, but that they were not filed with the IRS. This would be important to note.

Director Miller confirms that this is correct to his knowledge. He has the original W2.

Director Anderson asks that if the money was taken out, where did it go?

Chief Joyce said that he was new on the department at that time, and is not sure who did our taxes at that time. He does not think they were done in house.

Secretary Patania asked AGT, and they did not have records back that far, but it appears that they started around 2006 helping the department.

Director Miller states that he was not sure if it was Smith and Newell, or Kate Luginbuhl.

Chief Joyce adds that he can contact Kate Luginbuhl if we can determine who was doing taxes at that time.

**6c. Discussion and Possible Action on extending the borders of the MSFPD, with a report from LAFCO regarding District Boundary adjustments.—Director Libby**

Director Miller tables this item since Director Libby is not in attendance.

**7. NEW BOARD BUSINESS AND POSSIBLE ACTION**

**7a. CLOSED SESSION: Performance Evaluation of public employee Chief Rick Joyce.**

**This item is pursuant to the personnel exception found at Government Code Section 54957.—Board of Directors--** Adjourn at 10:25 a.m. The meeting resumes at 11:24 a.m. and the Board reports that the evaluation was positive.

**7b. Discussion and Possible Action regarding potential adjustment in compensation for Chief Position.—Board of Directors-**Director Miller introduces this topic. Director

Anderson discusses that due to the evaluation being a positive one, they have looked at the increased cost of living, and have given an increase to the Chief near 3%.

Director Kliewer would like to see it greater than this due to the cost of living, and that he received only a 2% increase last year. The amount that the Board has come to is \$59,000 annually.

Director Anderson states that the Board has reviewed this with Chief Joyce, and that he has accepted it. He asks the Secretary to obtain the cost of living index.

Director Kliewer makes a motion to approve this amount, and Director Anderson seconds the motion, and the motion carries 4-0 with Directors Kliewer, Hoyt, Anderson, and Miller participating.

Director Kliewer states that we need to have an agenda item next month that will help to see how to budget this increase.

Director Anderson states that this is important to review since we have additional items that the District is needing; including garage door/openers, generator, truck, etc...

Director Miller asks if Director Anderson and Director Kliewer can be in charge of this committee, since they are on the budget committee. He also asks the Secretary if he can get the job description for the Assistant Chief for next month's review.

Director Kliewer states that they will work on forecasting how raises will impact the budget when they take place mid-budget year.

Chief Joyce states that his raise will not go in effect until they can discuss this at the next Board Meeting. He will look at the budget to see where we are at.

**7c. Discussion and Possible Action on clarifying receipt of Board Stipend and/or reimbursement of mileage for attending seminars.—Chairman Miller**

Director Miller states that the Board Directors are receiving a \$25 stipend per Board meeting.

Secretary Patania reads from an email that Steve Dragaset sent to try to clarify the issue.

Chief Joyce also reads from Board meeting minutes from July 2013 where the Board stated that they would use the Stipend to reimburse for travel.

Director Anderson states that he thought that it was two different issues. He also states that the travel is mandatory.

Secretary Patania obtains page 5 of the July 8, 2013 minutes where the Board approved receiving mileage at the current rate paid out by the IRS.

Director Miller also reads from the bylaws which show that they are allowed to receive a stipend for their services as a director.

Director Anderson motions to clarify that the stipend is to compensate Board members for their services at \$25 per month, and mileage can be paid for any travel related to Board items. Director Hoyt seconds the motion. Motion carries 4-0 with full Board participation.

**8. The next regular scheduled Board Meeting is March 10<sup>th</sup>, 2014.**

**9. Chief's Report and MSFPD Information Report to the Board—Chief Joyce**

Chief Joyce distributes the Chief's report. (See attached document for January 2014)

Director Miller asks the Chief about unauthorized burns.

Chief Joyce states that he is allowed to write citations but he does not have any, and this is usually left to CAL-FIRE. Any vegetation is State Responsibility Area. The District is life and property.

Chief Joyce continues, and discusses trainings that were held in January, which included driver safety. They are also doing an S-234 (Burn Boss) training through the end of February. Burn Boss shows how to back-burn, burn out, etc...usually on how to protect structures. It is a good class that helps them to obtain a certification if they choose to. Chief Joyce continues and states that there were two new garage door openers installed at Station #1, and that we will need to replace the doors this year.

Director Kliewer asks if he can elaborate on this.

Chief Joyce states that because of the previous door opener, the doors are starting to crack. They will get some quotes to see if they can just replace panels, or if it needs to be the entire door. The doors have been hit several times also. There are also sensors on the bottom so that it will stop before hitting something. Assistant Chief Duncan will be getting some quotes on this.

He also informs the Board that he attended a four-day Fire Investigation class in Oregon put on by the International Association of Arson Investigation. It helped with gas and wood-burning stoves.

Director Miller asks if the Assistant Chief should attend this.

Chief Joyce states that he can if he is interested. He just got a new cert for Fire Investigation technician. He needs a certain amount of continuing education credits to obtain it. The class was 32 hours, and this helps with his certification.

He is also teaching fire investigation 1-A at the station. It is a 40-hr class.

Director Miller asks if he charges for this.

Chief Joyce states that he only charges \$80 to be reimbursed for the certification, and then \$20 for materials. Anywhere else, it costs about \$345 per person.

Director Miller states that there is a “Fire-Dog” entity that is also doing this training.

Chief Joyce states that if he did it through the college, that they would have to pay him hourly as an instructor, which is where the majority of the expense comes from.

Director Miller confirms that this is not revenue for the District.

Chief Joyce states that it is not revenue for the District.

Director Kliewer comments that he would like to explore items like this for our income stream on a future agenda. Have a valuable conference, which is a fair, safe way to make money, and why not?

Chief Joyce states that in the future, we can offer classes and pursue this option.

Director Kliewer states that this is an “out-of-the box” idea. This would be something to pursue after the Station had been upgraded, or perhaps we could rent a space for these classes.

Director Anderson likes the idea.

Director Kliewer states that we might not have this item discussed on the agenda for another 4-6 months. This could even provide revenue for the town if people are coming for a conference who rent motel rooms, and eat at restaurants.

Chief Joyce comments that the state dictates how many students are allowed depending on the type of class.

Director Kliewer states that training at the station would complement the training at COS and continues that it could benefit many different departments if they all use their expertise. He also comments regarding the evaluation form. There is nothing on the form that addresses his professional growth component. One, he is a certified instructor, and this is a key component, and two; he is receiving training. Over the time he has been here, he has reminded the Board that he is on the County Arson Investigation team.

Chief Joyce states that they did have an investigation the day he returned from class.

Director Kliewer states that he sent some information to the Chief regarding a launching rope—to buy it you can use someone with an FFL.

Chief Joyce states that he uses Dunsmuir Hardware for these types of items.

Director Kliewer says that if we save one life with this, it would be good for department, and he would like for the Chief and Assistant Chief to consider an item like this. He also suggests keeping our ears to the ground for a “gator”.

Director Anderson states that this is on his list to review.

Director Miller states that Doug Doudell has one like this. It is amphibious.

Chief Joyce states that these can go in the snow, dirt, and water.

Director Kliewer asks if we can borrow one to see if it would benefit the department.

Director Anderson states that if we can get Measure G through, we might be able to pursue this. This is important to let the public know why—we are looking to purchase additional extrication equipment.

**10. Discussion and Possible Action on Accepting Donations.**

None.

**11. Mt Shasta Fire Protection District Newspaper article—Monthly Review**

Director Miller states that we have a back-up lawyer in case of any issues. This is through Golden State Risk Management, and his name is Robert W. Hunt with Hunt & Jeppson out of Roseville, CA.

The Board advises adding training that was attended by the Board in January

**12. Fund Transfers**

\$40,000 to Special Departmental Expenses & \$42,400 to Wages. This is intended to cover expenses in both of these accounts through the end of the fiscal year, but is just an estimate. These monies are coming from strike team funds that the district received.

Chief Joyce clarifies that this money is in the general fund, we are just directing the Auditor's office where it belongs to cover our expenses.

**13. Payment of the Bills**

Director Kliewer motions to pay the bills, and Director Hoyt seconds the motion; and the motion carries 4-0 with Directors Miller, Anderson, Hoyt, and Kliewer participating.

**14. Board Comments and Questions: At this time, members of the Board may ask questions of staff, request that reports be made at a later date, or ask to place an item on a subsequent agenda on any subject within the Committee's jurisdiction. In addition, the Board members may take this opportunity to make comments on any topic that is not on this agenda; however, no deliberation may be conducted and no decision may be made on such topics.**

Director Miller reads the above.

Director Anderson would like to suggest two items: 1) Update on measure G for the next board meeting, and 2) Boundary Line adjustments

Director Miller states that #2 is tabled for next month for when Director Libby is present. Director Miller states that he is involved with Lake Shastina, and agreed to attend one of their meetings. If they do not get a tax increase, they will have to close their doors. This is going on their ballot in June. He will keep the Board informed of what is happening with it, and if the homeowner's association will accept it.

Director Miller gives commendation to the Assistant Chief for clarifying with local businesses that we do not receive any money from the Cal-Fire tax.

Director Anderson is wondering about status of the generator.

Director Miller reports that it is being stored at ACE hardware. He thanks Tom Hastings for his assistance in this matter.

Director Anderson states that now, the issue is obtaining a tank for the fuel.

Director Miller states that to keep the warranty current, it has to be run on a regular basis.

Director Anderson states that Tom Haistings has been helping.

Tom Haistings states that they are going to try to set up two tanks with a common manifold. Uses 3.4 gallons per hour. From the dimensions it is a 50 gallon tank with a capacity of 47.5. We can put up to 120 gallon tank next to a building. The only problem is that the unit has a 30 foot clearance, and it cannot be next to an air-condition source. Now it will be next to a storage container outside. Discussion has been about putting a pipe underneath. This would make it easy to re-route if additional buildings were added. An additional cup link would be added. If we can get two-three days of usage or delivery of propane as needed. Realistically we have 140 gallons/3. We do need to start it once a week for the minimum run time. It can be programmed for immediate start up.

Director Anderson states that it can be every 5 days for 12 minutes.

Tom Haistings says that they are following the steps from the manual. The tanks will be accessible from the side, and we will need some crash-posts also. We have a budget to put this in.

Director Anderson states that we are within budget, and he thanks Tom Haistings for his help on this project.

Director Kliewer clarifies that we would get about 48 hours on one tank.

Director Anderson states that it is not a 24/7 run rating.

Tom Haistings says they are planning on 48 hours with full 24/7 capacity. We would be utilizing Station #1 as an essential services building, and we would be able to receive fuel.

Director Anderson states that this is a great service item that the Board has done. He congratulates the Board and District for completing this item.

**15. Adjournment—1:15 p.m.**

**Respectfully Submitted,**

**Sarah Patania, Secretary**