



Meeks Bay Fire Protection District

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Steve Leighton, CHIEF
BOARD OF DIRECTORS:
Edward I. Miller
Korie Kromydas
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Meeks Bay Fire Protection District Board of Directors Meeting

Minutes
September 29, 2021

Directors Present: Director Fielding, Vice President Kromydas, Director Lemke and President Miller

1. Call to Order

The meeting of the Meeks Bay Fire Protection District Board of Directors, for the month of September was called to order at 3:40pm by President Miller.

2. Additions to Agenda/Approval of Agenda

It was moved by Vice President Kromydas and seconded by Director Lemke to approve the agenda as presented. The motion passed unanimously by roll call vote.

3. Approval of Past Minutes

It was moved by Director Fielding and seconded by Vice President Kromydas to approve the Board Minutes dated July 21, 2021 and August 31, 2021, as presented. The motion passed unanimously by roll call vote.

4. Financial

It was moved by Vice President Kromydas and seconded by Director Lemke to accept the financial reports, items 4.A-F, as presented. The motion passed unanimously by roll call vote.

5. Public Input

There was none.

6. Business Requiring Action

A. Review of Candidate Application(s) and Possible Selection to Fill Board Vacancy

There were no candidate applications submitted. President Miller informed the board that the editor of the Sierra Sun newspaper may include an article regarding the district's need for one more director.

B. Public Hearing: Adopting the Final Budget for Fiscal Year 2021/22 by Resolution 2021-06

President Miller opened the public hearing at 3:50pm.

There was clarification regarding some personnel costs and job duties. Chief Leighton agreed to provide the board with copies of the job description for the additional administrative staff, once the job has been announced.



The proposed amount included in the budget for the fiscal impact study does not mean the money must be spent.

It was moved by Director Lemke and seconded by Vice President Kromydas to waive the reading and adopt the final budget for fiscal year 2021/22 by Resolution 2021-06, in the amount of \$2,186,102. The motion passed unanimously by roll call vote.

President Miller closed the public hearing at 4:08pm.

C. 2021 Local Agency Formation Commission (LAFCo) Special District Election

Staff presented to the Board a memo and nomination form from LAFCo for their consideration of submitting a nomination for a Special District Representative. The Board declined to submit a nominee.

D. Future Planning with North Tahoe Fire

1. Upcoming Administrative Transition Changes

It was moved by Director Fielding and seconded by Vice President Kromydas to authorize staff to forward mail to North Tahoe Fire's post office box and begin the process of changing the district's mailing address accordingly. The motion passed unanimously by roll call vote.

President Miller is concerned about forwarding the Meeks Bay Fire phone and having it answered North Tahoe Fire. He believes it would cause confusion to the caller. He requested that staff research the possibility of having the Meeks Bay Fire phone ring in a way that differentiates it from North Tahoe's lines.

2. Administrative Staffing

It was moved by Director Fielding and seconded by Vice President Kromydas to authorize the cost of one administrative staff member to be hired by North Tahoe Fire, with the understanding that no single staff member will be dedicated to Meeks Bay Fire administrative needs and requirements. The motion passed unanimously by roll call vote.

3. Review of Proposals Received for a Fiscal Study for Meeks Bay Fire (MBF) and North Tahoe Fire (NTF) Operations

Chief Leighton presented to the board the three proposals received for the fiscal impact study: BAE Urban Economics, Ridgeline Municipal Strategies, and Wildan Financial Services. He then provided background regarding the ESCI studies done in 2018. The two studies were a Standards of Cover and an Alternative Governance Study. The Standards of Cover was paid for by NTF, and the Alternative Governance Study was paid for by both agencies (MBF: 17%; NTF: 83%). Due to the amount of money already spent on the ESCI study, and LAFCo indicating the study can be used for any type of LAFCo action, it is the desire of the NTF board to utilize the ESCI study if MBF chooses to begin the LAFCo



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process for annexation. However, NTF's board is only interested in going through the LAFCo process if MBF wants to begin the process.

Director Lemke stated that she met with Chief Simons and Director Beals, prior to them leaving the district, and Chief Schwartz in October 2020, and all three indicated they wanted the annexation and LAFCo process to move forward. She is now confused as to why nothing had happened although annexation was suggested when the ESCI study was initially done.

President Miller explained that the reason nothing happened was because the board passed a motion that nothing would happen until the board had time to research, educate new board members, and receive more input from the public.

Taken from minutes dated June 26, 2019

It was moved by President Miller and seconded by Director Warmack that all actions with LAFCo and/or other external government agencies be immediately ceased until after the following:

- Presentations be made at all upcoming homeowner/property owner meetings regarding any changes in Meeks Bay Fire Protection District as their emergency service provider;*
- A series of public meetings be highly publicized and held over upcoming months;*
- A specific survey be developed by Meeks Bay Fire Board regarding any changes to be made in the governance of Meeks Bay Fire Protection District; and*
- The aforementioned survey be sent out to everyone residing in, voting in, or owning property in the District, rather than a "sample percentage."*

Ayes: Director Kromydas, President Miller Director Warmack

Noes: Director Beals

Abstain: Director Hyde

The motion passed.

President Miller commented that he wanted to make it really clear that he is not opposed to annexation, and wants to make sure there is not mis-information about that. In a lot of ways it is the appropriate thing to do. The functional annexation/consolidation that we have been doing for years is providing excellent service to the public, it is working out fine. As far as making it official by going through an annexation, his concerns are:

1. He is not at all satisfied with the ESCI study, mostly because it has been three years. He is not willing to make a decision about annexation based on three-year-old information. Based on all the changes that have happened over the last three years, and finds it really difficult to base a decision of this magnitude on three-year-old information, especially



since we have a new audit that was done last year that could provide very valuable information to a new consultant.

2. He has lost a lot of confidence in the ESCI study, based on information received since then, and has a lot of doubts about the way certain aspects of it were carried out and the information received from it.
3. He is disappointed that NTF doesn't want to pay for any of it, especially considering that North Tahoe, in the words of Chief Schwartz, needs Meeks Bay as much as Meeks Bay needs North Tahoe, and he would like to be sure, and to see what Meeks Bay would be getting into by annexing with NTF.

President Miller continued that, if NTF does not want to participate, there are some options, such as limiting the scope of the study to only looking into the sustainability of MBF and, if MBF is sustainable on its own, what steps would be needed in order to secure that sustainability. He would consider himself irresponsible to begin the annexation process utilizing three-year-old information. He would be somewhat satisfied if a study was done just for MBF, but would want more information on NTF and what their financial situation is, before doing an annexation.

Director Fielding believes both districts need to pursue one of the current proposals. He does not believe the ESCI report is sufficient to proceed with an annexation.

Chief McNamara explained the LAFCo process. It begins with a resolution from each board, followed by a LAFCo application which would include a Plan For Services document, which is then approved by LAFCo. This beginning of the process is when it is learned whether a tax increase would be needed. Staff should not be responsible for the study because of time, expertise, and a conflict of interest.

Director Fielding asked Chief McNamara his opinion of the value of proceeding with one of the proposals, and receipt of new information that would be beneficial to both districts. Chief McNamara responded that he would want to see the two districts merged together. He believes the LAFCo action could be started with an application, and "attempt" to use the ESCI study as the Plan For Services, as previously approved by the former Executive Officer (EO) of El Dorado County LAFCo.

LAFCo and the EO will review the information, the audited financials, and budgets. They have an absolute responsibility to NOT approve an annexation unless it is good for the public.

Vice President Kromydas stated she would like to move forward with Option #2: to direct staff to submit letters of declination to each of the consultants and utilize the ESCI study, and begin working with LAFCo to begin the annexation process. Director Lemke agreed with Vice President Kromydas's recommendation, as it would put the two districts in agreement, and if this can be accomplished without spending more money, and LAFCo would accept the study.



Director Fielding is also supportive of beginning the annexation process. If the ESCI study is sufficient to be used for LAFCo, then the question is, would a new study be of use for both districts? Because there could be a cost benefit to both districts by reducing the amount of the PERS unfunded liability if NTF did annex MBF, he believes that consideration should be given to include a new study.

Vice President Kromydas is concerned about the idea of the district attempting an additional tax, which would need to be approved by the voters, and what its sustainability would be.

President Miller said the question he is asked most frequently is how the constituents would be represented upon annexation. Would the two boards be melded into a nine-person board and eventually be reduced down to five or seven members through attrition? Would the El Dorado portion of the district have their own "Trustee Area?" He understands this is answered during the LAFCo process, but he would like to know what the plans are prior to entering into the fiscal, geographic, and political changes in the organization.

Vice President Kromydas questioned what the constituents would think about the amount of time taken to prepare the ESCI study and not utilizing it in three years; and would they have an issue with spending almost \$60,000 to put together a new report that might essentially take the district to the same spot as now and also potentially not provide any additional information.

Finance Director Eason provided information regarding the amount of money NTF place into reserve last fiscal year and what is being proposed for this fiscal year.

Chief McNamara explained that the first action to begin the annexation process is for both boards to adopt resolutions to start the process. The next step is to submit the application with the application fee and the Plan For Services report. The details regarding the makeup of the board, establishing Trustee Areas, etc. will happen during the LAFCo process, with their guidance.

Regarding the ability for MBF to become autonomous, Chief McNamara informed the board that in 2009, NTF could no longer provide mutual aid to MBF due to safety concerns for their staff, because MBF typically staffed the station with just one emergency responder.

Chief McNamara reiterated that he believes the ESCI study would work for LAFCo, because they said it would. And he knows that both districts would be better if formed together. It will stop the concerns about the long-term status of Meeks Bay Fire; North Tahoe Fire is solvent, professional, and known as an agency of note in the industry.



Director Fielding asked that if the district proceeds with the LAFCo process and decides at some point they no longer want to pursue annexation, can the process be stopped? Chief McNamara explained that both districts, LAFCo, and other agencies that might be involved (i.e. State Board of Equalization), would all have opportunity to stop the process if desired.

Director Fielding agreed with President Miller that more current information would be useful to both districts. His recommendation would be Option #3: to authorize staff to enter into an agreement with one of the above consultants, with a cap on the expense; if the cost is shared by the two districts. He would agree to Option #2 (see above) if NTF is unwilling to share the expense of the study, that he believes would be useful to both districts.

Chief Leighton clarified that the NTF board of directors wants to give the ESCI study a chance before committing to share the cost in a future study. NTF already invested \$53,000 for the ESCI study and they would like to submit it with the LAFCo application and allow LAFCo to determine whether or not it can be used for the annexation process. If an additional study is required by LAFCo, he believes that NTF might then be amenable to sharing the cost of a new study.

Director Lemke clarified that she initially chose Option #2 because, from attending the NTF board meeting the previous day, she had understood that NTF would not pay for the study. If NTF were to decide to share some of the expense, she would consider Option #3.

President Miller re-stated that he does not have confidence in the ESCI report and believes it was flawed in certain ways. He then asked Director Lemke to consider, if who pays for the study make the need for the study any less valuable. If NTF is not willing to help pay for the study, he would still like a study done to be used as reasons for moving forward with something. Regardless of how the cost is shared, or paid entirely by MBF, the information is needed before making a decision. Consider cutting back on the scope, or asking other consultants that might not charge as much; he wants a rationalization as to why the district is doing this, that he can explain.

Chief McNamara clarified that, although only three proposals were received, the request was sent out to several more agencies. Some did not respond, and others were unable to take the work at this time.

President Miller did not want to disagree with Chief McNamara, but stated there were several aspects of the ESCI study that he was told was done very well, and very widespread, and later found out that it wasn't. Things sometimes show up months or years later that prove something is wrong. He has no confidence in the report – based on age and some of the erroneous information.

Captain Sheppard, as president of the firefighters union (Local 3729), began by stating that he appreciates the thoroughness of making sure everything is done correctly and not jumping into something that all individuals and parties are not comfortable with. He



pointed out that everything both Meeks Bay and North Tahoe fire boards, and Local 3729, do is to try to make things better. His concern is that for the past seven years, the annexation process hasn't started and the union's aspect is to get the process started. He understands that the ESCI study is a few years old and there might be a lack of confidence in it. If he didn't know anything about the two fire districts or the area, then he could understand the lack of confidence. His fear is that the process is going to get mired up in studies that will tell us what is already known, which is the ability to provide a fantastic service, and will have the ability to provide an even better service if the districts are operating as one and minimize the duplication of efforts and be even more efficient. *Audio was lost.*

President Miller responded that he resented the opinion, or statement, that we have been after this for seven years. It was not the intent of the Meeks Bay board, even though there is that clause, that this was going to be an entree to a merger or annexation. In his mind, the district was hiring someone to take the place of the chief. The district was entering into a contractual agreement to receive services from another district. It was not a prelude to a consolidation/annexation/merger. He reminded North Tahoe that there are "four of us" representing the people of Meeks Bay. From North Tahoe, there are chiefs, board staff, rank and file, and he wishes the people of North Tahoe Fire would remember that the Meeks Bay directors' responsibility is not to the firefighters, the union, the officers or administration of North Tahoe. Their responsibility is to the people of Meeks Bay Fire and to make sure they examine every aspect of this situation before we move forward with an annexation. He feels that Meeks Bay Fire is being bullied, or pressured, into doing something without due diligence. He agrees the districts are better together than apart, and recognizes there are burdens of duplication. It could be possible that a contract needs to be renegotiated based on information now known after seven years.

President Miller does not want this process to become adversarial, but when he hears that we've been doing this for seven years, he takes offense. He does not believe that is the situation.

Chief Whisler spoke on behalf of the labor unit, which he was the president of in 2014. On March 27, 2014, representatives from both Meeks Bay Fire and North Tahoe Fire were present (*Mike Hacker, Curtis Mulkey, Steve Hyde, Ed Miller, John Pang, Russ Potts, Mike Baffone, Scott Whitham, Mike Schwartz, Nita Wracker, and Alan Whisler*). According to the notes taken at the meeting, the possibility of consolidation or annexation was discussed.

President Miller rebutted that just because it was discussed, did not mean the district would move forward with anything. The whole idea of signing the contract was the beginning of a plan toward annexation is spurious. It is not what the district intended. The idea of Meeks Bay employees becoming North Tahoe employees was sprung on Meeks Bay after the contract was signed. He believes the district was placed in a very difficult position, in which they relented, and allowed the Meeks Bay safety staff to become a part of North Tahoe Fire's union. The district never had to deal with a union, and now the union



becoming a player is very foreign. He is having difficulty dealing with the fact that there are 4 people representing Meeks Bay and over 60 representing North Tahoe. The opinions of North Tahoe's board members are very important; but, if he has to choose between the opinion of the union, or the opinions of the people the district serves, he will go with the latter.

Captain Sheppard explained that the reason the union feels they have a stake in the future of the two districts is because staff is very involved with, and pay attention to, the budgets and there is a real concern regarding deficit spending by Meeks Bay Fire, because that does affect staff. Staff does believe they can provide better service if there was an annexation. What the union is asking, is that the process of annexation be started, before deficit spending affects the possibility of annexation. His fear is that the contract is drawn out so far that annexation no longer make sense.

President Miller agrees that annexation should be dealt with before the district is insolvent. However, if NTF sees that MBF is draining resources or not properly afford to pay NTF, there is always the option that NTF can cancel the contract.

Vice President Kromydas believes MBF should do what it can to prevent the contract from being canceled.

President Miller agreed, but he needs to do due diligence. He is not willing to enter into a merger without all of the information being current.

It was moved by Director Fielding and seconded by Director Lemke to begin working with LAFCo toward annexation with North Tahoe Fire Protection District, utilizing the 2018 ESCI study for the operations portion of the Plan For Services, and enter into an agreement with BAE Urban Economics (BAE) to prepare the financial portion of the Plan For Services, provided North Tahoe Fire is willing to share in the cost of the study to be done by BAE, with a breakdown of 70% paid by Meeks Bay Fire and 30% paid by North Tahoe Fire. The motion passed by roll call vote:

Ayes: Directors Fielding, Lemke, Miller

Noes: Director Kromydas

E. Resolution Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom's Executive Order N-29-20, Issued March 4, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of Meeks Bay Fire Protection District for the Period of September 29 - October 28, 2021, Pursuant to Brown Act Provisions

It was moved by Vice President Kromydas and seconded by Director Fielding to waive the reading and adopt Resolution 2021-07, allowing the district the option of holding the October meeting in a virtual setting. The motion passed unanimously by roll call vote.



F. Next Board Meeting Dates

The next meeting of the Board of Directors will be October 20th. The November meeting will be held on the 17th.

7. Chief's Reports

Chief Leighton updated the board on activities since the last meeting. Items of particular interest included:

- S Fire agencies are not responsible for evacuations. The determination of the evacuation line for the Caldor Fire was a joint decision made by El Dorado County Sheriff and the fire's incident command team
- S Forest fuels information provided by Forest Fuels Coordinator Horntvedt
- S President Miller discussed a letter being drafted to be sent to State Parks

8. Information Items

- S Email messages to and from President Miller regarding interest in purchasing station 68 (this is not an option at this time);
- S Receipt of donation from Tahoe Hills Social Club;
- S Reports from Sustainable Community Advocates for July and August
- S Director Fielding gave his thanks to all staff involved in the Caldor Fire

9. Adjournment

There being no further business to come before the Board, it was moved by Vice President Kromydas and seconded by Director Lemke to adjourn the meeting of the Board of Directors at 7:31pm.

Respectfully submitted,
Shawn R. Crawford
Clerk of the Board

Staff Attendees:

Fire Chief Steve Leighton
Division Chief Steve McNamara
Division Chief Alan Whisler
Director of Finance Kim Eason
Clerk of the Board Shawn Crawford
District Clerk Kelly Martin
PIO Erin Holland
Forest Fuels Coordinator Eric Horntvedt
Battalion Chief Naman Beatie

Captain Brent Armstrong
Captain Paul Moen
Captain Jamie Sheppard
Captain Jamye Stowell
Firefighter Jeff Rau
Crews from Stations 51, 52 and 67

Additional Attendees:

NTF President Michael Baffone