

NORTH TAHOE FIRE PROTECTION DISTRICT

Regular Meeting of the Board of Directors
NTFPD Station 51 Public Safety Center
222 Fairway Drive
Tahoe City, California

Tuesday
November 7, 2023 – 3:30 p.m.

MINUTES

1. **Call to Order** - *The meeting was called to order at 3:31 p.m. by President Baffone.*

Roll Call

Attending:

Board Present

Directors Baffone, Loverde (gone at 4:36 p.m.), and Ragan. A quorum was established.

Staff Present

Fire Chief Steve Leighton

Legal Counsel Steve Gross

Division Chief Alan Whisler (arrived at 4:01 p.m.)

Fire Marshal Brent Armstrong

Battalion Chief Naman Beatie

Captain Jeremiah Meadows

Engineer Julian Lecorps

Firefighter/Paramedic Sarah Kertesz

Firefighter/Paramedic Michael Schoenborn

Administrative Assistant II/PIO Erin Holland

Administrative Assistant II Gordana Wood (gone at 4:54 p.m.)

Administrative Assistant II Blanca Lundin (gone at 4:40 p.m.)

Administrative Assistant II/Clerk of the Board Melissa Daniels

Public

Mike Prado

Cindy Yan – Goodwin Consulting Group (gone at 4:56 p.m.)

Joe Mueller – Alpine Springs County Water District (gone at 4:52 p.m.)

2. **Additions to Agenda/Approval of Agenda**

Due to time constraints, the previous agenda items listed have been moved to the following:

- Item #7. Consider Resolution 16-2023 regarding the inspection of certain occupancies required to perform annual inspections in such occupancies pursuant to sections 13146.2 and 13146.3 of the California Health and Safety Code;
- Item #8. Financial Reports;
- Item #9. Presentation from Goodwin Consulting Group regarding the Five-Year Update to the Fire Facilities Impact Fee Study and the Capital Facilities and Mitigation Expenditure Plan for Fiscal Year 2023/2024;
- Item #10. Receipt of Notice from Alpine Springs County Water District to the North Tahoe Fire Protection District for the Termination of Agreement of Fire Protection, Emergency Medical and Related Services;
- Item #11. Future planning with Meeks Bay Fire.

The agenda was approved with the revisions. There was no public comment.

3. Pledge of Allegiance

4. Public Comment – no public comment.

5. Approval of Minutes from the regular Board meeting held September 26, 2023

No change was requested from the Board. There was no comment from the public.

Upon motion by Director Loverde, seconded by Director Baffone, the Board approved the Minutes from the Regular Board meeting held September 26, 2023. A roll call vote was taken. The vote was three in favor:

*Ayes: Directors Baffone, Loverde, and Ragan
 Noes: None
 Abstain: Directors Correa and Doyle
 Absent: None*

6. Correspondence

President Baffone went over the thank you note received since the last Board meeting.

Vice President Ragan added that North Tahoe Football wanted to thank the District for staging an ambulance at the football games.

7. Consider Resolution 16-2023 regarding the inspection of certain occupancies required to perform annual inspections in such occupancies pursuant to sections 13146.2 and 13146.3 of the California Health and Safety Code

Chief Armstrong presented this item to the Board. This is an annual resolution. SB 1205 - the “Ghost Ship” bill, which refers to the December 2, 2016 fire in a warehouse in Oakland, CA

where 36 people died and therefore modified the H&S Code 13146, as H&S Code section 13146.4. The bill was imposed in September 2018 and requires the Fire Marshal to report on the District's compliance on annual inspection activities for mandatory inspections of schools and hotels. Fire departments are required to inspect and report on certain occupancies, such as Group E occupancies (like educational facilities) and Group R occupancies (like hotel facilities).

Fire Marshal Armstrong explained to the Board that we have four Group E Occupancies in our District. We inspected all four occupancies, however, one inspection fell outside of the inspection window so on paper it reads that we are at 75% compliance but we are really at 100% compliance. For Group R Occupancy, we have 127 occupancies in the District this year, which increased from last year's 92 occupancies because we included an additional category that included groups such as condominiums. These new additional inspections for Group R caused our percentage to drop compared to last year's percentage. The District has inspected 105 out of 127 for the Group R category, which is 83% compliance. Chief Armstrong stated that our goal is to be at 100% compliance, and we will get there, but we can attribute this lower percentage because we added the new category.

There was a discussion between Board and staff. There was no public comment.

Upon motion by Director Ragan, seconded by Director Loverde, to the Board adopted Resolution 16-2023 regarding the inspection of certain occupancies required to perform annual inspections in such occupancies pursuant to sections 13146.2 and 13146.3 of the California Health and Safety Code. A roll call vote was taken. The vote was three in favor:

*Ayes: Directors Baffone, Loverde, and Ragan
Noes: None
Abstain: None
Absent: Directors Correa and Doyle*

8. Finance Report

- 8.1 Purchases Journals
- 8.2 Breakdown of CalCard purchases
- 8.3 Gross payroll totals
- 8.4 Account Detail Reports

Chief Leighton and Administrative Assistant II Wood presented this item in Director of Finance and Administration Eason's absence and answered the questions from the Board.

There was a discussion between the Board and staff. There was no public comment.

Upon motion by Director Ragan, seconded by Director Loverde, the Board approved the finance report dated November 7, 2023 and the supporting Items 8.1-8.4, as presented. A roll call vote was taken. The vote was three in favor:

*Ayes: Directors Baffone, Loverde, and Ragan
Noes: None*

Abstain: None
Absent: Directors Correa and Doyle

9. Presentation from Goodwin Consulting Group regarding the Five-Year Update to the Fire Facilities Impact Fee Study and the Capital Facilities and Mitigation Expenditure Plan for Fiscal Year 2023/2024

Cindy Yan from Goodwin Consulting Group gave a presentation to the board. As a condition of collecting mitigation fees on projects that generate new service demands, the District must maintain a current Capital Facilities and Mitigation Fee Plan. The document, updated annually with five-year budget projections and a current fee schedule, is adopted first by the District Board of Directors and then by the Placer County Board of Supervisors. This was last completed in FY 2022/2023.

Attached to the Plan is the Updated Fire Facilities Impact Fee Study conducted by Goodwin Consulting Group. This fee study is required to be updated every five years.

It is reasonable to assume that as more building space is constructed throughout the District, the level of responsibility of the District to service and protect the buildings and its occupants grows. With this growth, there is a clear need for the District to construct, expand, and purchase additional fire facilities and apparatus to serve the development.

In this five-year nexus study, the fee methodology uses a standard-based approach to calculate the Fire Fee. With a standard-based approach, the cost of all existing facilities is allocated to all existing development in the District. To ensure that all costs are relative in today's dollars, existing facilities are valued at replacement cost. Dividing the total cost of all District facilities by the total sum of all development in the District, produces a uniform fee that allocates a fair share of the facilities cost among all development in the District on a per-square foot basis. When impact fees are calculated, an analysis must be presented in enough detail to demonstrate that logical and thorough consideration was applied in the process of determining how the fee relates to the impact created by new development.

At the December Board meeting, there will be a public hearing regarding the five-year update to the Fire Facilities Impact Fee Study and the annual Capital Facilities and Mitigation Expenditure Plan for Fiscal Year 2023/2024. At this meeting, the Board will vote on a Resolution for the adoption of the Fire Facilities Impact Fee Study and the 2023/2024 Capital Facilities and Mitigation Expenditure Plan. If the Board approves the Resolution, these will go before the Placer County Board of Supervisors for approval, and will go into effect 60 days after that final approval.

This is for informational purposes only. There was a discussion between Board and staff. There was no public comment.

10. [Receipt of Notice From Alpine Springs County Water District to the North Tahoe Fire Protection District for the Termination of Agreement of Fire Protection, Emergency Medical and Related Services](#)

Chief Armstrong presented this item to the Board. The outcome of a dispute regarding chipping services has culminated in the Alpine Springs County Water District's (ASCWD) recent decision at their Board meeting on October 13, 2023 to cancel the agreement for fire protection, emergency medical and related services that have been provided under contract by North Tahoe Fire Protection District (NTFPD) since 1994. Chief Armstrong presented a timeline to the Board relating to Alpine Spring County Water District:

- July 8, 2022 – Chief Armstrong attended the ASCWD Board meeting and was presented by the General Manager with concerns related to how NTFPD was invoicing ASCWD for chipping services provided in the valley.
- July 13, 2022 – ASCWD General Manager wrote the District an email voicing the concerns regarding chipping so it was documented and written.
- July 27, 2022 – Chief Leighton and Chief Armstrong met with the General Manager at ASCWD to address and navigate the concerns, which was met with some resistance.
- August 13, 2022 – Chief Armstrong presented at the ASCWD Board meeting on the status of the chipping program and some of the hurdles that North Tahoe was having to navigate. NTFPD staff was told by General Manager Joe Mueller that they were invoicing outside of the current contract. NTFPD provides chipping services through a grant-funded program for North Tahoe's Fire District. This grant-funded program is ineligible to be used to provide chipping service in the Alpine Springs service areas because it is outside the Tahoe basin.
- September 1, 2022 – Chief Armstrong sent an email inviting ASCWD President Grant, ASCWD General Manager, Chief Leighton, retired NTFPD Fire Chief Mike Schwartz, and retired ASCWD General Manager John Collins to a working lunch. There was a services contract that was put into place from 2006 – 2021. In 2021, that contract was renewed, which is the same contract that we are in today and was signed by then Fire Chief Mike Schwartz and current ASCWD General Manager Joe Mueller. Retired NTFPD Fire Chief Mike Schwartz, and retired ASCWD General Manager John Collins were included as invitees to the lunch to provide historical knowledge and insight regarding the services provided in the contract in the chipping world. Both Chief Schwartz and John Collins agreed that the chipping services were in fact not included in the 80%, and not required. The chipping services provided by NTFPD were an extra. Over the last eight years, NTFPD has been invoicing ASCWD for chipping fees and they have been paying.
- October 27, 2022 – This was the day for the working lunch, and in attendance were Chief Armstrong, Chief Leighton, retired NTFPD Fire Chief Mike Schwartz, ASCWD General Manager Mueller, and ASCWD Director Ganong (retired ASCWD General Manager John Collins was not able to attend). This was when all attendees discussed the historical input for the service contracts regarding chipping. At this working lunch, there was a statement made by ASCWD General Manager Mueller that John Collins was a rogue employee.

- March 8, 2023 – Both Districts continued to have their counsels meet to navigate an amendment to the current agreement.
- March 22, 2023 – NTFPD received the first draft amendment from ASCWD for a proposed settlement agreement. NTFPD worked through some of the challenges that were presented in the draft amendment.
- June 5, 2023 – NTFPD replied back with a red-lined document and had nothing provided back as far as a red-lined version from ASCWD moving forward.
- June 23, 2023 – NTFPD counsel received an email from ASCWD that they had a chance to review NTFPD’s red-lined version and stated that, in their opinion, NTFPD substantially deviated from the terms previously discussed. Some of those terms mainly involved chipping. What was discussed was NTFPD would provide chipping services and would have an avenue to charge the homeowner for the service that was provided via a cost recovery fee. Chief Armstrong does not have a grant that he can apply for in Alpine Springs, so the District needed a mechanism to do that. As staff went through that process, it was realized there were more hurdles. For example, there was no 2023 cost recovery fee schedule in place to charge for chipping services. Additionally, the District did not have a chipper that was compliant with air quality, so there was not a chipper available that was not grant funded to be able to service Alpine Springs. This meant that NTFPD did not have the equipment to provide chipping to ASCWD. Due to this, Chief Armstrong researched different options which resulted in him reaching out to Placer County RCD. RCD has a chipping program that is up and running which would come at a cheaper cost.
- August 31, 2023 – there was a phone conversation between NTFPD and ASCWD counsels.
- October 13, 2023 – At the ASCWD Board meeting, there was direction by the General Manager for the Board to move to terminate the contract for services with NTFPD.

Last week, North Tahoe Fire received a certified letter from Alpine Springs County Water District with the Notice of Termination of Agreement for Fire Protection, Emergency Medical and Related Services By North Tahoe Fire Protection District to the Alpine Springs County Water District.

North Tahoe Fire Legal Counsel Steve Gross added that the agreement provides for a three-year notice before the contract can be terminated. The District received this notice last week and now the time clock for the three-year period before the contract is officially termed has started.

Alpine Springs County Water District has made statements in a few publications regarding the termination of the agreement, and they have it posted on the front page of their website. President Baffone believes that NTFPD should remain quiet for now, but that the District will be releasing a statement regarding the termination of the agreement sometime in January. He added that NTFPD provides ASCWD above and beyond what is in the contract, they can say that this is all over chipping, but in reality, this is something else. They want to find cheaper service from another agency and they want to use the chipping as an excuse. NTFPD gave ASCWD options on how to do the chipping outside of the District that would be a cheaper rate through Placer

County. President Baffone continued by stating that it is too bad that their current General Manager is going this route. Moving forward, the District should look into what its requirements are in the current contract, and what NTFPD provides ASCWD, and we start servicing them by the letter of the contract for the next three years. President Baffone does not think that the ASCWD constituents are fully aware of the magnitude of what the Board is doing by backing out of the contract and the impact that is going to have. President Baffone appreciates the update from staff regarding this item. He stated that at the next Board meeting when more Directors are present, this item be brought back to the Board for further discussion.

Chief Armstrong added that this is an impact to the District in that we are losing a contract. Chief Whistler, Chief Leighton, Kim, and Chief Armstrong have sat down and tried to develop the road map of what that looks like moving forward effective today. That impact will be that North Tahoe Fire will need to make operational changes, including unstaffing the fire station, in preparation for the three-year termination of the contract. Chief Armstrong just wanted to make that clear that there are options out there and he imagines that the ASCWD Board thinks North Tahoe Fire will maintain staffing the fire station 365 days a year. President Baffone voiced that we will make ASCWD aware of the operation changes once we move forward.

President Baffone called for public comment. Public comment was made by Joe Mueller, Alpine Springs County Water District's General Manager. Mr. Mueller stated that we [ASCWD] do not dislike North Tahoe Fire, we actually are happy with the service that is being provided. I wanted to assure the Board that this is simply basically to provide a clear and transparent contract for our community and for both districts to manage. The contract has some ambiguities in it, we both have different interpretations of that. President [Baffone], you were at the negotiation, you know this is much more than chipping. Alpine Springs has never made this about chipping. It's about a lot of things in the contract we discussed quite a bit during those negotiations. It was our hope that we actually had an agreement when we left that meeting, unfortunately, we could not come to finalize that amendment to the contract. We basically truly want to provide a clear and transparent contract. I have limitations based on policy on me, I'm not the policymaker, the Board is, and those limitations did not allow me to continue past practices. So, we just want to put in writing in an agreement, basically, making it very clear the responsibilities on both sides and making sure the community understands that also. President Baffone asked Mr. Mueller what happened then with the red line contract, when you guys sent us one and we sent you that one back and the communication just stopped at this point? There was no, "Hey, let's get together, we can't figure this out." Where did the disconnect happen? Mr. Mueller answered that we are more than happy to start a new completely new negotiation, but I don't want to get into details here. I don't think this is the right forum, I'm happy to if you direct me to of the details on that. We just felt that essentially all the give and take that took place in that good faith negotiation basically was taking out that you no longer could comply with. And there was reasons, there was good reasons, and we were open to if you wanted to start a completely new negotiation, we're happy to sit down and do that. But we were just too far off, and I mean our legal counsel had conversations with your legal counsel and that's pretty much where it stopped. So, you know again I don't want to get into details, I'm happy to discuss in a smaller forum when we're actually talking about negotiations on a contract. But again, we are here and definitely would like to work it out. We do have a long history together and we believe in teamwork, and we want to work together. We don't dislike each other. You guys provide a good service, but I do

have limitations on me as a General Manager. I can only manage through a contract and have to manage this district policy, so I have people I have to answer to. President Baffone remarked that moving forward, building off of those two red-lined contracts that that exchanged hands between the two districts, that would be the starting point to work from between those two red lines and where the disconnect was in those. Mr. Mueller disagreed stating not necessarily, and again we can go into more details, but as you know, during those negotiations there's a lot of things talked about that we agreed not to go into, issues with the current contract, and we kind of focus on a small group of issues that we could basically resolve and move forward because there was give and take. It's like we won't go into that, we won't go into this. Both sides focused on the key things which really were the payment, which is a payment for ancillary services, and I won't say that it's not due to North Tahoe Fire. It's just I need a mechanism to be able to pay that, you know, I cannot basically buy policy, it's above my signature authority. I can't do something against policy. So again, we need to put an agreement in place, and then an MOU in place, something to make that happen. Again, there was give and take and then it fell down at the end. President Baffone commented that Mr. Mueller is able to take that and move that up the line to try to find where that can happen. Mr. Muller replied, yeah, we're open to additional conversations, absolutely. It's an old contract, it's essentially the same contract that was in place in 2006. 2006 was a different environment. A lot of things were done just by intent and a handshake and an understanding. President Baffone asked if it was Mr. Mueller's signature on the contract? Mr. Mueller replied yes, it is. I was actually at the district a total of four days when I signed that contract. I was basically relying on the past General Manager and the board's approval. But thank you, we are willing to discuss and work through this.

This is for informational purposes only. There was a discussion between Board and staff.

11. [Future planning with Meeks Bay Fire](#)

Chief Leighton updated the Board on this item. He believes that we have made more progress for the annexation in the last month than we have had in the prior two years and he is happy in the direction we are going. Since the last Board meeting, an Annexation Tax Force Committee was created to meet twice a month until the end of December whose members include Meeks Bay Fire Board Directors Miller and Fielding, North Tahoe Fire Board Directors Baffone and Doyle, Chief Leighton, Director of Finance and Administration Eason, and El Dorado County's Assistant CAO Hennike. Some of the stuff we are talking about is that we know we have the \$2.5 million ULA elephant in the room, but we're trying to work our way around that stuff with other options to fix that problem. Chief Leighton is very optimistic about what we are a part of and believes we'll be able to close the loop on this. President Baffone agreed by saying he was happy about the meeting and that we are going in the right direction. Tomorrow, there is going to be a meeting with the El Dorado County Board of Supervisors Ad Hoc Committee regarding a decision for a proposal that was discussed at the November 1st Task Force meeting that was put together by Assistant CAO Hennike regarding the annexation negotiations. It is confidential for now until it is released to the public, but we are going in the right direction.

This item was for informational purposes. No Board action was required, but there was a discussion between Board and staff. There was no public comment.

12. Staff Reports

- 12.1 [Fire Chief](#)
- 12.2 [Division Chief – Operations / Training](#)
- 12.3 [Division Chief – Fire Marshal / Forest Fuels / PIO / Facilities](#)
- 12.4 [A Shift Battalion Chief - Emergency Medical Services](#)
- 12.5 [B Shift Battalion Chief - Safety](#)
- 12.6 [C Shift Battalion Chief - Logistics](#)

Staff reports were reviewed and no action was taken. There was a discussion between Board and staff. There was no public comment.

13. [Next Board Meeting and Other Important Dates](#)

- *December 5, 2023 – regular Board*
- *January 23, 2024 – regular Board meeting*
- *February 27, 2024 – regular Board meeting*

There was no Board or public comment.

14. [Board Comments/Information Items](#)

There were no board comments or information items.

15. [Adjournment](#)

There being no further business to come before the Board, the meeting was adjourned by President Baffone at 5:16 p.m.