



BOARD OF DIRECTORS

*Nicole Johnson (Division 2) – President, Randy Mendosa (Division 3) – Vice-President,
Rene Campbell (Division 1) – Director, Elena David (Division 4) – Director,
David Rosen (Division 5) – Director*

Special Board Meeting

March 24, 2020

5:30 p.m.

***Location: 2149 Central Avenue
McKinleyville Station/Administrative Office***

In order to meet the State required Shelter in Place mandate, this Special Board Meeting of the Board of Directors for the Arcata Fire Protection District will be held via remote access using Google Hangouts Meet.

You may join from a smart device or computer by copy and pasting this link into your web browser: <https://meet.google.com/emd-zdgm-wgx>

You may also call in by using this phone number: +1 574-404-3448 (PIN: 117047282)

AGENDA

1) CALL TO ORDER

2) ATTENDANCE AND DETERMINATION OF QUORUM

3) PUBLIC COMMENT

Any person may address the District Board on any subject pertaining to District business, which is not listed on the agenda. This comment is provided by the Ralph M Brown Open Meeting Act (Government Code § 54950 et seq.) and may be limited to three (3) minutes for any person addressing the Board. Any request that requires Board action may be set by the Board for a future agenda or referred to staff.

4) CONTINUED/OLD BUSINESS

4.1 Consider District Priorities and the Manner in Which Operations and Public Services Will Change Following the Failure of Measure R **Pg. 3**

5) NEW BUSINESS

5.1 Approve Side Letter to the Memorandum of Understanding for the Local 4981, Amending Minimum Staffing **Pg. 5**

Attachment 1 – Side Letter **Pg. 6**

5.2 Approve Side Letter to the Memorandum of Understanding for the Senior Management Group Regarding Duty Chief Coverage **Pg. 8**

Attachment 1 – Side Letter (placeholder) **Pg. 9**

5.3 Introduce Resolution 2020-217 to Grant Another Designated Period for Two Years' Additional Service Credit **Pg. 10**

Attachment 1 – Resolution 2020-217 **Pg. 13**

5.4 Approve Reduction in Force Notice **Pg. 14**

6) ADJOURNMENT

Next Regular Board Meeting is scheduled for **April 14, 2020 at 5:30 pm. Arcata Station Classroom.**

Prepared by: *Becky Schuette, Clerk of the Board*

The Arcata Fire Protection District ("District"), in compliance with the Americans with Disabilities Act ("ADA"), individuals who require special accommodations to access, attend and/or participate in District board meetings shall make their request by calling (707)825-2000, no later than 5:00pm, in advance of the scheduled meeting date. In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or all of the Board in advance of a meeting may be viewed at 2149 Central Avenue, McKinleyville, California or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the Board Secretary, at (707) 825-2000.

The meeting agenda is posted at least 72 hours in advance of regular scheduled meetings, at the following locations:

- *District's Headquarters' Building, 2149 Central Avenue, McKinleyville, CA 95519*
- *Arcata Downtown Station, 631 9th Street, Arcata, CA 95521*
- *Mad River Station, 3235 Janes Road, Arcata, CA 95521*
- *The Arcata Fire Protection District website: www.arcatafire.org*

Date: March 24, 2020
To: Board of Directors, Arcata Fire District
From: Justin McDonald, Fire Chief
Subject: Consider District Priorities and the Manner in Which Operations and Public Services Will Change Following the Failure of Measure R

Background

On March 3, 2020, the District's funding measure went before the voters and received a 60.08% yes vote. At the time of this report, the Humboldt County Office of Elections had only produced the "Election Night Final Report". The elections office still has to process late absentee, provisional and conditional ballots and it may take several weeks until the results are certified. It is highly unlikely the final tally would shift 6%. In spite of the fact that a majority of the taxpayers agreed with the Measure R increase, the District did not receive the state mandated two-thirds vote, therefore we will be forced to consider and make changes in District operations.

The Board must reevaluate the services we currently provide. These services include emergency response to fire and ems, public assists and other non-emergency responses. Staffing configurations, station closures, employee safety, duty coverage/incident command and employee retention issues all need to be a primary focus. Administration of the District, the Volunteer firefighter program, Firefighter Internship, auto/aid agreements, and prevention/public educations programs, are all effected by any decisions made through this process. This list is not all-inclusive and more importantly, the community needs to take part in determining how we reshape the organization.

It is fact that without funding, the District needs to operate only two stations, staffed with two firefighters. Getting to that point is not simple and every option causes an effect to another. The District must maintain the safety of its firefighters; contract violations to the labor agreements need to be considered. What actions will result in the least impact to the community we serve, which is directly impacted by which station to close since we own we pay rent for one, to help with the remodel of another and own a third. Two stations will mean that our auto and mutual aid agreements will have to be reviewed and potentially impacted. A full size engine will be responding to every call, instead of having the ability to use the smaller pickup trucks; fuel consumption goes up and the maintenance cost increase to our already aging apparatus. The current protocol to move engines (move and cover) to District central location for better response times, will discontinue to reduce fuel consumption; engines and staff will have to remain almost entirely in their stations unless they are on a call for service. Which services do we discontinue or change our response protocol for, when the taxpayers still rely on us? Public education events will be effected; alarm/detector checks and installs become a thing of the past, again having an impact on the community we serve. The elimination of Battalion Chief Positions creates burdens for supervision and incident command and there will no longer be 24 supervision of the staff and volunteers of the organization. Each action or choice/decision has an adverse and direct impact on another and cannot be taken lightly or made quickly. It is important to keep the community involved during

this decision making process, therefore, staff is recommending public inclusion through public hearings and potentially special board meetings. These decisions must be made prior to July 1, 2020, fiscal year 2020/21.

Finally, the Board will also need to determine, very soon, if another funding measure will be pursued. The November 3, 2020 Presidential election is the next opportunity for a special tax ballot measure and notice of election would need to be submitted prior to the July Board meeting.

Recommendation

Staff recommends the Board consider the information provided, take public comment, discuss and schedule a special meeting to:

1. Discuss, consider and ultimately solve or priority issues; employee safety, staffing and retention, station closures, and duty coverage/incident management.
2. Include Counsel Ryan Plotz, the Board, internal stakeholders, staff and concerned community members, to research alternatives to the funding measure and legalities in downsizing services.
3. Determine if another attempt at a funding measure will be pursued in November.

District Funds Requested/Required

- No Impact/Not Applicable
- Funding Source Confirmed:
- Other:

Alternatives

The Board has the following alternatives:

1. Take no action
2. With direction, refer the topic back to staff for further consideration

Attachments: None

Date: March 24, 2020
To: Board of Directors, Arcata Fire District
From: Justin McDonald, Fire Chief
Subject: Approve Side Letter to the Memorandum of Understanding (MOU) for the Local 4981, Amending Minimum Staffing

Discussion

At the March 10, 2020 District Board meeting, the Board approved the elimination of overtime coverage to maintain 6 full-time suppression employees on-duty. Staff and members of the Local 4981 have met and agreed with a side letter that will modify Article 10 – Minimum Staffing in the MOU. This change will allow the District to reduce the on-duty staffing to 5 full-time represented employees with a minimum of 4 duty to allow for time off.

Recommendation

Staff recommends the Board review the information provided, take public comment, and approve the side letter with the L4981.

District Funds Requested/Required

- No Impact/Not Applicable
- Funding Source Confirmed:
- Other:

Alternatives

The Board has the following alternatives:

1. Take no action

Attachments

Attachment 1- Side Letter

Arcata Fire Protection District and Arcata Professional Firefighters' Local 4981

Side Letter Agreement

The Arcata Fire Protection District (District) and the Arcata Professional Firefighters' Local 4981 (Association) agree to amend their Memorandum of Understanding (MOU) for the term of July 1, 2018 to December 31, 2020.

Whereas: The District and the Association mutually supported Measure R on the March 3, 2020 Humboldt County general election ballot which concerned a special tax to partially fund the District.

Whereas: Both the District and the Association explained in-writing to the community that if Measure R was not approved, the District would close one of its three fire stations and reduce staffing to four Association fire suppression personnel per twenty-four hour shift.

Whereas: Measure R required a two-thirds vote of those casting votes in the March 3, 2020 election to be approved.

Whereas: Measure R failed to secure the required two-thirds vote and therefore was not approved in the March 3, 2020 election.

Whereas: District revenues absent the additional income that would have provided by Measure R do not support the current staffing level provided in Article 10 of the Parties' MOU.

Whereas: The failure of Measure R to be approved has created a fiscal emergency for the District within the meaning of California Government Code Section 3504.5(b) and Article 28(B) of the Parties' MOU.

Whereas: District revenues support the staffing level advertised by both the District and the Association in the campaign literature concerning Measure R.

Whereas: The District and the Association negotiated in good faith pursuant to the Meyers-Milias-Brown Act concerning the amendment to Article 10 of their MOU described below.

Whereas: The District and the Association agree that staffing will change to four Association fire suppression personnel per twenty-four hour shift as they warned the community during the Measure R campaign.

THEREFORE: The District and the Association agree that Article 10 is amended as follows until the Parties' negotiate a successor MOU for the term beginning January 1, 2021:

Article 10

Minimum Staffing

- A. The District shall exhaust all possible avenues to maintain a minimum staffing level, per shift, of four (4) full time, professional safety/suppression employees.

- B. Should any event cause the minimum staffing level to drop below four (4), the District shall recall employees to work as outlined in Article 26 of the Agreement, "Hire Back Procedure."

- C. Effective April 1, 2020, the District shall maintain a minimum of fifteen (15) career employees; which will consist of nine (9) Fire Captains and six (6) Firefighter positions. Effective July 1, 2020, the District shall maintain a minimum of fifteen (15) career employees; which will consist of six (6) Fire Captains and nine (9) Firefighter positions.

- D. The District shall maintain at least one Fire Captain or higher on shift at all times.

For the District:

For the Association:

Date:

Date:

Date: March 24, 2020
To: Board of Directors, Arcata Fire District
From: Justin McDonald, Fire Chief
Subject: Approve Side Letter to the Memorandum of Understanding (MOU) for the Senior Management Group Regarding Duty Chief Coverage

Discussion

With the retirement of Battalion Chief Gomes, the District has been running an open duty chief position since February 29, 2020. At the time of this staff report, the negotiations with the Senior Management Group had not been finalized. Staff will be prepared to make a verbal presentation of the side letter with the Board regarding Duty Chief coverage.

Recommendation

Staff recommends the Board review the information provided, take public comment, and approve the side letter with the SMG.

District Funds Requested/Required

- No Impact/Not Applicable
- Funding Source Confirmed:
- Other:

Alternatives

The Board has the following alternatives:

1. Take no action

Attachments

Attachment 1- Side Letter

Attachment 1, Side Letter to the Memorandum of Understanding for the Senior Management Group Regarding Duty Chief Coverage was not available at the time the Board packet was put together. It will be made available at the Board meeting or emailed in advance of the meeting and included as an attachment to the minute for March 24, 2020.

Date: March 24, 2020
To: Board of Directors, Arcata Fire District
From: Justin McDonald, Fire Chief
Subject: Introduce Resolution 20-217 to Grant Another Designated Period for Two Years' Additional Service Credit

Background

This item is the first reading of two required readings before the Board for a proposed resolution to grant another period for the two-year additional service credit for safety employees of the District. The proposed window is April 15, 2020 to July 14, 2020.

Previously, on February 4, 1997 the District adopted Resolution 97-066 authorizing a contract amendment to add the California Public Employees' Retirement System (CalPERS) optional retirement benefit: Section 20903 "Two Years Additional Service Credit."

The District has become subject to section 20903 due to impending mandatory demotions and layoffs that constitute at least one percent of the safety employees, as designated by the governing body. Providing an additional two-year service credit and encouraging attrition that is likely pending for retirement ready employees, we will see immediate cost savings and create voluntary vacancies, thus mitigating the impact of forthcoming forced demotions and layoffs.

CalPERS requires two actions for implementation of a designated period in order to offer this optional benefit. In accordance with Section 7507 of the Government Code, the future annual costs of the increase in retirement benefits must be made public at a public meeting of the District Board. The second action requires adoption of a resolution to implement the additional service credit designated period.

It is the intention of the District Board, at the time section 20903 becomes operative, to keep all vacancies created by retirements under this section, vacant and unfilled until the until the District secures another tax measure.

The cost estimates are set forth below in the financial analysis, and the resolution of intent to implement is attached. This resolution expresses the District's intent to enact the provision at the April 14, 2020 meeting to provide the benefits of the Optional Service Credit to all eligible members in the classifications listed in Resolution No. 20-217, who retire within the proposed designated period, April 15, 2020 to July 14, 2020.

FINANCIAL IMPACT

The law requires the District to declare that, the "additional employer contributions" the agency provides at its public meeting is an **estimate** of the present value of additional employer contributions which will be required in the future for providing the two years

service credit to **all eligible employees in the classifications listed in Resolution No. 20-217**. The "additional employer contributions" are calculated as follows:

1. Identify all individuals who meet the minimum eligibility for retirement and who are employed in the designated classification, department or organizational unit.
2. Determine the annual pay rate for each person. "Pay rate" indicates that amount of compensation a member is paid for a full unit of time.
3. Determine the age for each person and locate the appropriate factor on the Cost Factor Chart.
4. Multiply the annual pay rate by the cost factor, (annual pay rate) X (cost factor) = estimated cost.

The "additional employer contributions" are paid by the agency through an increase in the employer contribution rate, **starting two fiscal years after the end of the designated period**. The increase in the employer contribution rate may continue for as long as five years. PERS requires presentation of the **potential maximum total cost** of offering an additional 2-year service credit.

For eligible employees in job classifications listed on Resolution No. 20-217, the maximum potential cost totals \$5,402 per year for five years. This amount is based on all eligible employees who are at least age 50 and have at least 5 years of service with the District. The total number of employees that fall into this category are one.

	Annual Rate of Pay		Age Factor		Estimated Cost
	\$93,469.55	x	0.92	=	\$ 85,991.99
			TOTAL		\$ 85,991.99
	5-year amortization factor				4.44
	Total Annual Payroll				\$1,439,867.44
	Increase in Contribution Rate				1.3%
	Current Annual PERS Contribution				\$ 401,588.54
	Increase in Contribution Amount				\$ 5,401.74
	Total Annual PERS Amount				\$ 406,990.28

Recommendation

Staff recommends the Board consider the information provided, take public comment, discuss and:

1. The Board confirms that Public Notice has been made of the prospective cost in accordance with Section 7507 of the Government Code.
2. Continue adoption of Resolution No. 20-217 - to Grant Another Designated Period for Two Years' Additional Service Credit at the next District Board meeting on April 14, 2020.

District Funds Requested/Required

- No Impact/Not Applicable
- Funding Source Confirmed: 5010.3 Settlement Pay/Vacation. Immediate financial impact will be payout of unused leave banks and the long term financial impact occurs in two years when it is applied to our annual PERS liability.
- Other:

Alternatives

The Board has the following alternatives:

1. Take no action
2. With direction, refer the topic back to staff for further consideration

Attachments: Resolution 20-217



Resolution Number: 20-217

A RESOLUTION OF THE ARCATA FIRE PROTECTION DISTRICT BOARD OF DIRECTORS TO GRANT ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT

WHEREAS, the Arcata Fire Protection District is a contracting Public Agency of the Public Employees Retirement System; and

WHEREAS, said Public Agency desires to provide another designated period for Two Years Additional Service Credit, Section 20903, based on the contract amendment included in said contract, which provided for Section 20903, Two Years Additional Service Credit, for eligible members.

NOW THEREFORE, BE IT RESOLVED THAT the Arcata Fire Protection District Board of Directors does seek to add another designated period, and does hereby authorize this Resolution, indicating a desire to add a designated period from April 15, 2020 through July 14, 2020 for eligible safety members of the Fire District.

ADOPTED, SIGNED AND APPROVED at a duly called meeting of the Board of Directors of the Arcata Fire Protection District by the following polled vote:

- Ayes:
- Nays:
- Abstain:
- Absent:

DATED: (Insert Date)

Signed:

Nicole Johnson, President

Attest:

Becky Schuette, Board Clerk/Secretary

Date: March 24, 2020
To: Board of Directors, Arcata Fire District
From: Justin McDonald, Fire Chief
Subject: Approve Reduction in Force Notice

Discussion

Given the outcome of the election, the District is now in a situation that it will have to reduce full-time safety employee positions. The District has maintained 22 safety suppression staff (1 Fire Chief, 3 Battalion Chiefs, 9 Captains, 9 Firefighters) which will need to be reduced by 6 employees to start Fiscal Year 2020/21. With the departure of BC Gomes, FF's Hurn & Green their will only be three layoffs, however, the District will still need to demote several positions. Staff has identified that notices be sent to the following:

- Battalions Chiefs Campbell & Watkins informing them of a forced demotion pursuant to SMG MOU Article 21 effective July 1, 2020.
- Captains Padula, Evenson McDonald, Lillard, & Walker informing them of a forced demoting pursuant to L4981 MOU Article 24.
- Firefighters Smith, Kadle, & Sutter informing them of elimination of their positions and a layoff notice pursuant to L4981 MOU Article 24.

Both MOU's require at least 90 days' notice of layoffs. To be complaint, the District will need to make notifications to the above listed employees no later than April 1, 2020

The list below shows District Seniority and Seniority in Rank.

District Seniority		Seniority In Rank	
Seniority	Name	Name	Seniority
1	CAMPBELL (BC)	MCDONALD, J (CHF)	1
2	WATKINS (BC)		
3	MCDONALD, J (CHF)	CAMPBELL (BC)	1
4	FINEN (FC)	WATKINS (BC)	2
5	McDONALD,R (FC)		3
6	EVENSON (FC)		
7	BUSHER (FC)	MANOUSOS (FC)	1
8	HAWKS (FC)	BUSHER (FC)	2
9	MANOUSOS (FC)	HAWKS (FC)	3
10	PADULA (FC)	FINEN (FC)	4
11	LILLARD (FC)	PADULA (FC)	5
12	GORDINIER (FF)(CO)	EVENSON (FC)	6
13	GIBBS (FF)(CO)	McDONALD,R (FC)	7
14	WALKER (FC)	LILLARD (FC)	8
15	BENELISHA (FF)(CO)	WALKER (FC)	9
16	SAKKIS (FF)		
17	SMITH (FF)	GORDINIER (FF)(CO)	1
18	KADLE (FF)	GIBBS (FF)(CO)	2
19	SUTTER (FF)	BENELISHA (FF)(CO)	3
20		SAKKIS (FF)	4
21		SMITH (FF)	5
22		KADLE (FF)	6
		SUTTER (FF)	7
			8
			9

Recommendation

Staff recommends the Board review the information provided, take public comment, and direct staff to send the notifications.

District Funds Requested/Required

- No Impact/Not Applicable
- Funding Source Confirmed:
- Other:

Alternatives

The Board has the following alternatives:

1. Take no action

Attachments

None