

MINUTES OF SPECIAL MEETING OF
BOARD OF DIRECTORS
OF THE
SLEEPY HOLLOW FIRE PROTECTION DISTRICT

April 22, 2017

A duly noticed Special Meeting of the Board of Directors of the Sleepy Hollow Fire Protection District was convened at 10:00 a.m. on April 22, 2017 at 1317 Butterfield Road, San Anselmo, California. A quorum was achieved by the presence of each of the three Directors of the District, namely, Richard Shortall, Thomas Finn, and Christopher Warner. Richard Shortall, as President, presided as Chairman and called the meeting to order. Thomas Finn, as Secretary, recorded the proceedings.

Open Time for Public Input

Director Warner announced that he has been invited to an informal information-gathering meeting next week with representatives of San Domenico School to discuss hazardous risk mitigation issues, including vegetation management and fire road maintenance, among other issues.

Director Warner also announced that he would be moving out of the District and therefore intends to resign from the Board effective May 1, 2017. Director Warner stated that he would continue to volunteer his services to the District on a limited basis when requested and that he would recuse himself from any substantive District matters.

Sleepy Hollow Homes Association (SHHA) president David Swaim notified the Board that the *Sleepy Hollow Bulletin* published and mailed monthly by the SHHA currently has room for the placement of submissions by the District at no charge.

Resident Garril Page stated that not every District resident receives the mailed *Bulletin*. She suggested that the *Bulletin* be posted on the SHHA website going forward to maximize public notice.

Resident Connie Berto stated that she has brought with her to the Meeting several boxes of District archives that had been stored at the Berto residence. She also

stated that the fire roads on the San Domenico campus were currently in the worst state in her memory.

Consent Calendar: Approval of Prior Meeting Minutes

The Minutes of the Board's March 11, 2017 Regular Meeting were unanimously approved. The Minutes of the Board's April 11, 2017 were unanimously approved, subject to Director Warner's addition of minor non-substantive phrasing regarding the Request for Information process relating to with the District's interest in exploring real property location options and other possible commercial transactions in connection with a potential District office and emergency shelter within the District.

State Responsibility Area Fire Prevention Fee (SRA Fee)

Chairman Shortall reviewed the main points of, and commented upon, a white paper published by the Fire District Association of California (FDAC) at its recent annual conference (which Chairman Shortall attended on behalf of the District) concerning the SRA Fee. He noted that:

- District resident annually are charged a slightly discounted SRA Fee in the amount of \$115.00 per parcel (the non-discounted fee being \$135.00 per year).
- The SRA Fee is supposed to fund fire "prevention" activities only (not fire "suppression" activities) in the SRAs statewide.
- One and one-half percent (1.5%) of all SRA Fees collected statewide are to be returned to local fire agencies in the form of fire prevention grants.
- Thus far, the District has received only a "tiny" amount of prevention grant funds but the District anticipates receiving a greater amount in the next grant cycle.
- Thus far, the State is utilizing the remaining SRA Fees collected primarily to fund fire prevention activities in remote areas, litigation costs, and "cultural resources" preservation.
- The ongoing litigation brought against the State by the Howard Jarvis Taxpayers Association challenges the legality of the SRA Fee on the grounds that the Fee is a non-proportional "tax" (as opposed to a "fee" providing proportional benefit) and therefore unconstitutional.
- The plaintiff is continuing to collect information from fire districts to support its challenge. The District will provide its information to the plaintiff and express in writing the District's opposition to the Fee as currently implemented on the

grounds that “supplanting” is occurring in connection with fire services funding as a result.

- Like most other fire districts statewide, the District is on record opposing the Fee and supporting the plaintiff’s lawsuit.
- If the Fee is declared to be unconstitutional, then the amounts granted to fire districts would likewise be illegal.
- Residents can file an annual Petition for Redistribution within 30 days of receiving their SRA Fee invoice from the State Board of Equalization. To preserve their rights to a possible refund, residents must write “paid under protest” on their check. Forms for filing a Petition for Redistribution are available online from the Board of Equalization and from the Howard Jarvis Taxpayers Association.

Chairman Shortall stated that he would endeavor to publish a summary of the SRA Fee issues in the coming weeks.

Director Warner stated that he has professional experience regarding the regulatory “fee” versus “tax” issue. He stated that the Legislature sometimes cloaks fees by expressing the intent to distribute their benefits proportionally, but sometimes fails to do so.

Director Finn stated that he recalled recently receiving his SRA Fee invoice and wondered whether all District residents might have received theirs at the same time. Resident Garril Page stated that she thinks the invoices might not be delivered simultaneously within the District. Director Finn suggested that the District therefore alert residents as soon as is practicable regarding their right to protest before any time limitation expires.

Strategic Plan Review

Copies of the revised Strategic Plan were distributed to attendees. Chairman Shortall noted that the Plan has been accessible to the public on the District website prior to the Meeting.

(i) Message from the President

Chairman Shortall introduced the Strategic Plan review by noting the accompanying “Message from the President”. The Message reminds readers that the Plan is science-based and backed up by the District’s recent *Wildfire Hazard & Wildland Risk Mitigation Assessment* (the “Report”). He also noted the District has recently become a certified *Firewise® Community*, is served by an excellent fire

department, and that more beneficial projects are scheduled to be implemented by the District in the coming years based on approved work plans.

Resident Luke Argilla asked about the official title of the Report, which Chairman Shortall provided to him and referred him to the District website, noting that the Report has been available there for some time.

Director Warner stated that the goal of the Strategic Plan is to provide a simple, understandable, broad-based 3 to 5 year re-refresh of the District's main objectives. He stated that the Plan should be reviewed and updated annually with details of each year's work plan(s) when adopted and published.

Director Finn stated his belief in the maxim that that being able to modify the Plan as circumstances warrant can be as important as formulating the Plan itself.

Resident John Grubb asked if the District holds "regulatory power". Chairman Shortall replied that it did but that he wished to defer discussion of that topic until later in the review.

(ii) Mission Statement

Chairman Shortall noted that a new Mission Statement, in draft form, has been included.

Resident John Grubb asked if "disaster response" is part of the District's stated mission. Chairman Shortall responded that it is.

(iii) Vision

No comments made or received.

(iv) Demographics Information, Map

Chairman Shortall stated that the District map will be "zoomable" in the digital version of the Plan.

Director Warner noted the breakdown of the District's demographics and the aggregate assessed value of real property within the District of \$1.2 billion. He noted also the high "probability-adjusted risk" of fire in the District, presumably reinforced by major fires in similar settings in recent years, including the Oakland Hills Fire and the Valley Fire.

Resident Luke Argilla asked if the assessment figure was tax-based rather than fair market value based. Director Warner said that it was a tax-based figure and that fair market value would be higher.

(v) Strategic Goals

Chairman Shortall reviewed the Strategic Goals individually. He stated that the overall key to accomplishing the goals is the “buy-in” by residents of their individual fire and disaster preparedness. He stated that all goals are designed to encourage this.

Resident Connie Berto stated that the San Domenico campus fire roads are in such disrepair that those roads cannot be utilized as escape routes in the event of fire, such as connecting to Freitas Parkway in Terra Linda. Chairman Shortall reminded the Meeting that local experts have cautioned that the fire roads in the District generally are not suitable for evacuations by private vehicles. Ms. Berto asked if other (i.e., non-San Domenico) fire roads were similarly restricted. Chairman Shortall noted that the Report discusses the limitations of the fire roads generally and that individual fire roads would be assessed for evacuation purposes in the future.

Resident David Swaim asked if the District’s vegetation management projects are limited to fire prevention purposes only, or whether projects might include general public safety concerns such as traffic sight lines. Chairman Shortall stated that this was a matter yet to be determined.

Resident and former Director Frank Berto asked about the status of the Clubhouse rebuild project as a District strategic goal. Chairman Shortall responded that the topic was not relevant to the agenda item being discussed. Director Warner referred Mr. Berto to the Minutes of the Board’s April 22, 2017 Special Meeting for a status report.

(vi) Strategic Initiatives

Chairman Shortall reviewed selected topics and related objectives.

Initiative No. 1: Vegetation Management and Objectives

Objective No. 2: Chairman Shortall stated that Todd Lando of XMR Fire will begin conducting inspections of the top priority 100 or so parcels by June in cooperation with the Ross Valley and Marin County Fire Departments. He stated that the District would not be issuing Notices of Violation but that, if necessary, the Fire Departments conducting the inspections would do so.

Objective No. 3: Chairman Shortall stated that both fire and non-fire safety concerns would be analyzed, including the condition of fire roads within the District on public and private lands. Resident Garril Page asked who will be conducting the analyses. Chairman Shortall responded that XMR fire and the Fire Departments would both participate in the processes, with specific tasks to be determined and assigned.

Director Warner stated that the experience of Pacific Gas & Electric Co. in tree clearance activities is instructive. He stated that property owners can react negatively to certain vegetation management efforts by agencies but that District residents will eventually realize the public benefit for the entire community that results from such efforts. He recommended that the District and the Fire Departments strive to be responsive to public reservations and concerns expressed.

Resident John Grubb urged the Board to follow “best practices” in communicating with residents about such concerns. For example, he asked if the District would be able to inform residents if they are required to disclose their inspection results to prospective purchasers of their property.

Chairman Shortall replied that an upcoming mailer is in production and that the mailer will answer some of the most common questions that residents may have. Director Warner stated that the District will be ready to respond to concerns “at the front-end and the back-end” and suggested drafting a “Frequently-Asked Questions” (FAQs) section in anticipation. Chairman Shortall noted that “the District has been previewing enhanced vegetation management activities for 2+ years” via Board meetings and public mailers and other notices.

Objective No. 5: Chairman Shortall stated that constructing fuel breaks was a top priority due to the risk of fire coming into the District from external sources. He emphasized the need for fire breaks on ridgetops and at other critical locations, which would require the cooperation of the Marin County Open Space District in some cases. Resident Connie Berto stated that Walter Kolon, Manager of Triple C Ranch, has been doing a great job on the Ranch in this regard. Director Warner suggested that Mr. Kolon’s efforts might serve as a benchmark for others’ efforts.

Objective No. 8: Chairman Shortall discussed the advisability of the District considering adoption of an ordinance requiring removal of juniper, bamboo, pampas grass, and other notoriously invasive and flammable non-native plants. He suggested that the District might wish to consider creating a matching program to assist property owners to fund such removals. Resident John Grubb suggested that the District engage in educational efforts in advance of adoption of such an ordinance.

Objective No. 9: Resident John Grubb reiterated his suggestion that the District engage in educational efforts in advance of pursuit of Objective No. 9.

Initiative No. 2: Codes and Standards

Objective No. 2: Chairman Shortall noted that the District is the sole Ross Valley jurisdiction that does not have a residential resale inspection requirement. Resident David Swaim stated that, in his experience as a local realtor, such a requirement is not as burdensome as residents might think. Chairman Shortall responded that adopting such a requirement should be determined in consultation with the community and that reasonable exceptions may be appropriate. Director Warner stated that he concurred with Mr. Grubb's suggested approach ("carrot-and-stick") and that a transition period be included in the event of adoption.

Initiative No. 3: Wildfire Outreach and Education

Chairman Shortall reiterated that individual preparedness is the key to accomplishing the District's goals. In conjunction with individual property preparedness, he stated that establishing a central site for assembly and evacuation to a place of safety is crucial. In response to resident Jan Blackford's endorsement of the Community Center rebuild project as "ideal" for those purposes, he reviewed the various benefits of having such a central facility available to the community and to the District. Chairman Shortall announced that a FORTHCOMING District newsletter will contain an update on the District's efforts with respect to that project. Ms. Blackford noted that the SHHA *Bulletin* is sent to all Sleepy Hollow residents five times each year irrespective of whether they are members of the SHHA and that the Bulletin is always available to both members and non-members on the SHHA website. Director Warner suggested that the *Bulletin's* distribution model could be a model for the District's upcoming and future newsletters.

Initiative No. 4: Evacuations

Chairman Shortall stated that any evacuation horn or siren is worth considering. He also mentioned that improvements in cellular telephone communication capability is one of the most frequently mentioned concerns by residents to the Directors.

Initiative No. 5: Reduction of Structural Ignitability

Chairman Shortall stated that the District may explore possible financial incentives to assist residents in taking steps in this regard (e.g., installation of sprinklers). Resident Luke Argilla asked if the District knows how many wood shake roofs currently exist on residences in the District. Chairman Shortall estimated that the number is less than fifty.

Initiative No. 6: Citizen Preparedness

Objective No. 4: Chairman Shortall recommended that the District explore conducting the Red Cross Shelter Training Program, as the Red Cross cannot set up and staff every shelter in Marin County in the event of a major emergency. He stated that it would be helpful if the District had access to a shelter facility known to all residents and others, and that the Community Center is a potential suite for this, which is the reason the District initiated the Request for Information process.

Initiative No. 7: Financial Stability

Director Warner stated that a major challenge in the Bay Area is securing, training, and retaining a competent workforce. He stated that the District's recent adoption of prudent reserves policies for maintaining the long-term financial health of the District is the foundation of the District.

Resident Connie Berto asked if the District contributes funding to local Search and Rescue (SAR) teams. Chairman Shortall stated that SAR funding is typically via law enforcement, not fire districts.

Resident Garril Page stated that fire apparatus needs, upgrades, and replacements should be considered as part of the District's Plan. Chairman Shortall stated that the RVFD's fleet of engines is in good shape and that the District's maximum exposure to equipment costs is 12.8% per the RVFD Joint Powers Agreement. He noted also that the RVFD maintains a reserve for future equipment purchases and for Station maintenance, hence those costs are not direct concerns of the District.

Resident Jan Blackford stated that she sometimes receives questions, in her capacity as an SHHA board member, about the differences and relationship between the District and the RVFD. Chairman Shortall explained the structure of the relationship and stated that the District incurs no material expenses as a result of its membership in the RVFD other than the District's 12.8% share.

Director Finn stated that the relationship with the RVFD, and with the MCFD and the Ross Valley Paramedic Authority, are critical to the District's success and "business model" and therefore require careful management. Chairman Shortall stated that for those reasons, among others, the District needs a formal office from which to operate. Director Warner concurred, stating that the District's mission can only be accomplished by having available the resources needed.

Resident Luke Argilla complimented the Board on the Report and the Plan as "fabulous work product".

Resident John Grubb stated that having an office within the District is critical to fostering maximum public participation in community preparedness initiatives.

Since there was no further business to come before the meeting, upon motion made and seconded, the Meeting was adjourned at 12:15 p.m.

Thomas J. Finn, Secretary