



MINUTES of the Regular Meeting of the Pliocene Ridge CSD

Board of Directors

Date: Thursday August 20, 2020

Location: Conference call due to COVID-19 concerns

1. **CALL TO ORDER:** The meeting was called to order at 6:39 pm by President Guyer. Board members present: Daniel Guyer, Bruce Coons and Chris Mills. Gracie Knowles was absent. Also present were Alleghany Assistant Chief David Arbogast and Pike City Assistant Chief Jim Buckbee, PCVFD non-profit President Roland Robertson and Public present: Vicky Tenney. Secretary Rae Bell Arbogast was present and took the minutes.

President Guyer thanked everybody for attending.

2. **CONSENT CALENDAR:** A motion was made to approve the consent calendar with one correction to the minutes by Bruce Coons 2nd by Daniel Guyer 3 Ayes, 0 Nays, 1 Absent, 0 Abstain, 1 Vacant, Motion carried.

3. **PUBLIC COMMENT:** None

4. **INFORMATION/DISCUSSION ITEMS**

a) *Correspondence:* Incoming: Contract for use of area outside of the Pike Firehouse for Community Service center during Public Safety Power shut-offs (draft went back and forth) eventually signed and sent back, assistance by hire contract from CAL-FIRE (signed and sent back), updated co-operative fire agreement between the district and the US Forest service (signed and sent back)

Outgoing: Biennial Notice for Conflict-of-interest code review certification signed and sent to County Clerk, Thank you card sent to firefighter Josh Conrad for donating his pay from the Baker Fire (Gross \$186.21) to the District (will go into fund for Pike Fire Dept), grant application to the Cal. Fire Foundation,

b) *Committee/Member/Business Reports:*

1. *Station 71 Chief's report:* ~ no report (Asst. Chief Arbogast was in Montana at the time of the meeting)

2. *Station 67 Chief's report* ~ Assistant Chief Jim Buckbee reported that Chief Dorn was on a strike team on the Jones Fire and could not attend the meeting. He said that it has been a very busy year with 32 calls so far. All of the vehicles are running. Engine 6770 has a water pump leak but it is minor and they are going to fix it after fire season is over. They have been training every-other week and are checking everybody's temperature prior to training as a covid 19 precaution.

3. *AVFD Inc. Non Profit Corp: report* ~ Vicky Tenney reported that they had the first meeting in a long time due to covid-19. They had it outside with distancing and one of their board members attended by phone. They have a full board now.

4. *PCVFD Non Profit Corp: report* ~ Roland reported that they cancelled the two prior month's meetings due to covid-19 but had their August meeting outside with distancing. They decided to cancel their summer fundraiser and may cancel the Christmas part too.

5. *Risk Manager Report*: No report.

6. *Board Member/Staff reports*: District Admin. report provided in writing attached to these minutes.

5. ACTION ITEMS

a) Unfinished Business

1. *Bylaws-Policies* A draft employee handbook was included in the meeting documents online. A motion was made to approve the handbook as presented by **Bruce Coons 2nd by Chris Mills 3 Ayes, 0 Nays, 1 Absent, 0 Abstain, 1 Vacant, Motion carried.**

2. *Alleghany Firehouse project*: Report provided in writing.

3. *Pike Firehouse Projects*: The hot water heater went out and Zac Kostik donated a new one. It is 90% installed and will have an on/off switch so that it will only be turned on during events to save power.

4. *Pending grants*: Roland reported that they got everything from the last CDF grant and have been approved for the current one.

5. *Wayman Dam* Nothing new to report

6. *Status of attorney consultation re: special district/non-profit issue*: Item under new business.

7. *Release of Liability & Indemnification from PCVFD non-profit corp*: The attorney advised against signing the resolution in its current form. This issue will be combined with the future MOU to be worked out by all entities once a committee for the purpose is formed.

b) New Business

1. *Renew Rae Bell's contract for services*: A motion was made by Chris Mills 2nd by Bruce Coons to renew the contract with no changes to the scope except that her title will be changed to District Manager (from District Administrator). **3 Ayes, 0 Nays, 1 Absent, 0 Abstain, 1 Vacant, Motion carried.**

2. *Resolution 20-078 to approve Dept. of Forestry agreement 7FG20102*: A motion was made by Bruce Coons to approve the resolution as presented 2nd by Chris Mills. **3 Ayes, 0 Nays, 1 Absent, 0 Abstain, 1 Vacant, Motion carried.**

3. *Approval of Summary of legal findings of attorney regarding special district/non-profit issue*: Vicky Tenney wanted to know which other board members had seen the actual legal opinion and stated that she felt it should be made public. She questioned if the summary was just Rae's take on it. Daniel Guyer stated that he had seen the document from the attorney and he thought the summary was a fair representation of the attorney's opinion.

Rae Bell explained that on Monday the 17th an email with the summary was sent to all board members, telling them to respond that they understood the confidential nature of the attorney's opinion and to let her know if they wanted a copy of it emailed to them. Daniel Guyer had already been given a copy of the opinion and no other directors had requested a copy as of the meeting date.

In the same email to the directors it was explained that the attorney advised against making his opinion public as it would void the "attorney-client" privilege of the district. If any directors felt that the memo should be made public it would need to be placed on a meeting agenda for board approval. It would require an action of the board to make the attorney's correspondence public.

After further discussion, a motion was made to approve the summary with one small change and the caveat that an item would be placed on the Sept. agenda to consider making the full opinion public. Motion made by Bruce Coons 2nd Chris Mills. **3 Ayes, 0 Nays, 1 Absent, 0 Abstain, 1 Vacant, Motion carried.**

6. NEXT MEETING AGENDA ITEMS

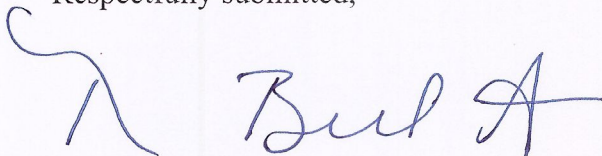
The next regular meeting is scheduled for Thursday Sept 17th at the Pike Firehouse. It was decided by consensus to try having it outside with social distancing. Items on the agenda: Adoption of the final budget for FY 20/21, formation of an Ad Hoc committee for the purpose of working out an MOU between the district and the non-profits, consideration of making the memo from the attorney re special district/non-profit issue public.

ANNOUNCEMENTS None

ADJOURNMENT:

There being no further business before the board, the meeting was adjourned at 7:17 PM.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Rae Bell Arbogast". The signature is fluid and cursive, with a large initial "R" and "A".

Rae Bell Arbogast
Secretary



Pliocene Ridge Community Services District

100 Pike City Road
Pike City, CA 95960

plioceneridge.org

plioceneridge@gmail.com

CERTIFICATE OF POSTING

I, Rae Bell Arbogast certify that the following document was posted on behalf of Pliocene Ridge CSD, Sierra County California:

Regular Meeting Agenda Meeting date: 8/20/2020

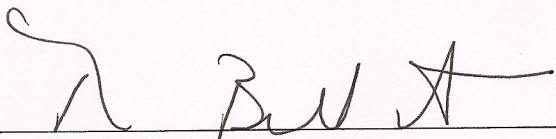
In the following location(s):

Eddz

Alleghany Post Office Bulletin Board, The Alleghany Firehouse, plioceneridge.org, emailed to agenda list. Tom or Jim to post at Pike Firehouse

On 9/17/2020 (date)

A copy of which is attached hereto and by reference made a part herof.

Signed under penalty of perjury: X 
Rae Bell Arbogast



Pliocene Ridge Community Services District

100 Pike City Road
Pike City, CA 95960

plioceneridge.org

plioceneridge@gmail.com

NOTICE OF REGULAR MEETING OF THE BOARD OF DIRECTORS

**August 20, 2020 6:30 pm Conference call 978-990-5144
Access code 6919768**

1. ESTABLISH QUORUM, CALL TO ORDER

2. CONSENT CALENDAR

- a) Approval of Agenda
- b) Approval of Minutes for June 18, 2020 and special meeting held on July 27, 2020
- c) Approval of Treasurer's report for April & May (corrected) plus June & July 2020

3. PUBLIC COMMENT The public may be heard before or during the consideration of any agenda item to be considered by the board, subject to reasonable time limitations for each speaker. Members of the public may address matters under the jurisdiction of the Board of Directors, and not on the posted agenda, provided that no action shall be taken by the board unless the matter is deemed urgent by a 2/3 vote.

4. INFORMATION/DISCUSSION ITEMS, STAFF &/OR COMMITTEE REPORTS

- a) Correspondence
- b) Committee/Member/Business Reports:
 1. Station 71 Chief's report
 2. Station 67 Chief's report
 3. AVFD Inc. non-profit corporation
 4. PCVFD non-profit corporation
 5. Risk Manager Report
 6. Board Member/Staff Reports – report provided in writing

5. ACTION ITEMS:

- a) Unfinished business:
 1. Ongoing Bylaws & Policy review and/or update: Draft employee handbook provided for consideration for adoption (see written report)
 2. Alleghany Firehouse & ADA Compliance –
 3. Pike City Firehouse & ADA Compliance
 4. Status of Pike & Alleghany Homeland Security Grants
 5. Wayman Dam project
 6. Status of attorney consultation re special district/non-profit issue. (see new business)
 7. Release of liability and indemnification from PCVFD Non-Profit Corp.
- b) New business
 1. Renew Rae Bell's contract for services as District Administrator Manager.
 2. Resolution 2020-78 approving Dept. of Forestry and Fire Protection agreement #7FG20102
 3. Approval of Summary of legal findings of attorney regarding special district/non-profit issue.

6. ANNOUNCEMENTS, NEXT MEETING DATE & AGENDA ITEMS ~

Next meeting date September 17th Next meeting agenda item: Formation of Ad Hoc Committee for MOU with non-profits, adoption of final budget for FY 20/21

7. ADJOURNMENT Upon request, Agendas will be made available in alternative formats to accommodate persons with disabilities. Please make your request to District Secretary, 100 Pike City Rd, Pike CA 95960 or plioceneridge@gmail.com specifying your disability and the format in which you would like to receive this Agenda and future Agendas as well.



Pliocene Ridge Community Services District

Serving the Communities of Alleghany, Forest City and Pike City
 100 Pike City Road
 Pike City, CA 95960
 plioceneridge.org

Treasurer's Report for April 2020

Beginning Checking Account Balance \$ 2,777.39

DEPOSITS

Date	From:	For:	Amount
4/24	Savings		\$ 3,000.00
4/21	USFS	Plum underburn 2018 invoice FINALLY PAID	\$ 715.44

Deposits Total \$ 3,715.44

EXPENDITURES

Ck #	Date	To:	For:	Amount
EFT	4/3	PG&E	(detail below)	\$ 481.28
			PG&E Alleghany	\$ 99.15
			PG&E Pike	\$ 100.02
			Streetlights - Forest	\$ 17.15
			Streetlights - Alleghany	\$ 264.96
2538	4/9	AT&T	Phone \$19.56 each Pike & Alleghany	\$ 39.12
2539	4/9	House of Print	Office exp. help with logo graphic for resizing	\$ 20.34
2540	4/9	Rae Bell Arbogast	Jan. Feb. March District Administration/bookkeeping etc.	\$ 600.00
756	4/20	Underground Museum	reimbursement quill order case of paper and blank ID cards	\$ 57.17
757		VOID		
758	4/20	Postmaster	postage for firewise mailer posted to PR expense	\$ 99.00
759	4/22	Postmaster	postage for firewise mailer posted to PR expense	\$ 55.00
EFT	4/24	West America Credit Card		\$ 1,058.61
		amazon	printer for Alleghany/District Admin	\$ 536.24
		B&C	batteries Alleghany	\$ 65.52
		Go Daddy	Domain renewal plioceneridge.org	\$ 31.16
		amazon	10 BaoFeng handheld radios with warranty	\$ 325.56
		lost nugget	fuel Pike	\$ 100.13
2541	4/29	Rae Bell Arbogast	tax forms \$27.87, quickbooks PR module \$216.66, trash bags Station 2 \$13.01	\$ 257.54
2542	4/29	Suburban Propane	Propane Pike FH	\$ 569.94

Expenditures Total \$ 3,238.00

Reserve Account	
Contingency	\$ 24,500.00
Alleghany Fire Unallocated	\$ 3,000.00
Alleghany Dispatch Office	\$ 700.00
Alleghany equipment	\$ 1,261.84
Pike City Fire Unallocated	\$ 7,000.00
Streetlights	\$ 4,270.41
Pike City Firehouse	\$ 2,404.08
Pike City Engines	\$ 3,371.73
Alleghany Firehouse	\$ 1,409.37
Alleghany Engines *	\$ 15,770.39
Interest Earned	\$ 9.55
Reserve Account Total	\$ 63,697.37

* \$8,000 for Alleghany vehicle purchase only

Ending Checking Account Balance \$ 3,254.83

Starting Savings account balance \$ 23,696.46
 (3,000.00)

Ending Savings Account Balance \$ 20,696.46

General Fund (accounts listed above) Total \$ 23,951.29

Reserve account Starting Balance \$ 63,697.37

interest earned
Reserve account Ending Balance \$ 63,697.37

Report prepared by Rae Bell, Treasurer

Total ALL FUNDS \$ 87,648.66

Verified against bank statement and QB balances by: X

Name Printed

Note: Savings and Fund accounts are reconciled quarterly.

title



Pliocene Ridge Community Services District

Serving the Communities of Alleghany, Forest City and Pike City
 100 Pike City Road
 Pike City, CA 95960
 plioceneridge.org

Treasurer's Report for May 2020

Beginning Checking Account Balance \$ 3,254.83

DEPOSITS

Date	From:	For:	Amount
5/29/2020	Sierra County	2nd installment Fiscal Year 19-20	\$ 11,734.56
		Tax revenue Fire	\$ 9,987.05
		Tax revenue Lights	\$ 1,747.51
Deposits Total			\$ 11,734.56

EXPENDITURES

Ck #	Date	To:	For:	Amount
EFT	5/4	PG&E	(detail below)	\$ 488.09
			PG&E Alleghany	\$ 93.53
			PG&E Pike	\$ 112.45
			Streetlights - Forest	\$ 17.15
			Streetlights - Alleghany	\$ 264.96
2543	5/15	Chris Dorn	Plum Underburn Payroll	\$ 143.33
2544	5/15	Jim Buckbee	Plum Underburn Payroll	\$ 143.33
760	5/15	Rae Bell	Reimburse seat cover for ambulance seat	\$ 26.80
EFT		West America Credit Card		\$ 192.07
		B&C	flat shovel for each firehouse in Alleghany	\$ 21.68
		B&C	2 surge protectors for station 2 in Alleghany	\$ 36.87
		Amazon	cliff bars put in most Alleghany vehicles	\$ 28.50
		costco	batteries Pike	\$ 54.92
		Sierra Super Stop	Fuel Pike	\$ 50.10
Expenditures Total			\$ 993.62	

Reserve Account	
Contingency	\$ 24,500.00
Alleghany Fire Unallocated	\$ 3,000.00
Alleghany Dispatch Office	\$ 700.00
Alleghany equipment	\$ 1,261.84
Pike City Fire Unallocated	\$ 7,000.00
Streetlights	\$ 4,270.41
Pike City Firehouse	\$ 2,404.08
Pike City Engines	\$ 3,371.73
Alleghany Firehouse	\$ 1,409.37
Alleghany Engines *	\$ 15,770.39
Interest Earned	\$ 9.55
Reserve Account Total	\$ 63,697.37

* \$8,000 for Alleghany vehicle purchase only

Ending Checking Account Balance \$ 13,995.77

Starting Savings account balance \$ 20,696.46

Ending Savings Account Balance \$ 20,696.46

General Fund (accounts listed above) Total \$ 34,692.23

Reserve account Starting Balance \$ 63,697.37

interest earned
Reserve account Ending Balance \$ 63,697.37

Report prepared by Rae Bell, Treasurer

Total ALL FUNDS \$ 98,389.60

Verified against bank statement and QB balances by: X

Name Printed

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Pliocene Ridge Community Services District

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 100 Pike City Road
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Treasurer's Report for June 2020

Beginning Checking Account Balance \$ 13,995.77

DEPOSITS

Date	From:	For:	Amount
6/30	USFS	Baker Fire Mutual Aid Income Pike	\$ 3,527.46
6/25	GSRMA	Insurance claim less \$1,000 deductible	\$ 2,631.14

Deposits Total \$ 6,158.60

EXPENDITURES

Ck #	Date	To:	For:	Amount
761	6/1	Aaron Wallace	reimbursement for web gear Insurance LOSS	\$ 336.80
Transfer	6/11	SAVINGS ACCOUNT		\$ 10,000.00
EFT	6/1	PG&E	(detail below)	\$ 409.13
			PG&E Alleghany	\$ 74.36
			PG&E Pike	\$ 51.95
			Streetlights - Forest	\$ 17.17
			Streetlights - Alleghany	\$ 265.65
2545	6/11	AT&T	Phones Pike and Alleghany	\$ 58.27
762	6/12	Postmaster	Postage, one roll of stamps \$55 + two large env. @ \$1.00 each	\$ 57.00
EFT		West America Credit Card		\$ 1,534.44
			Aaron Wallace insurance loss various vendors	\$ 752.64
			Real graphic source decals with new logo	\$ 32.55
			Chief's Helmet Chris Dorn.returned next bill	\$ 265.43
			Fuel Pike	\$ 110.83
			Amazon 10 radios for Pike	\$ 288.60
			Reibes - auto supplies (coolant/antifreeze)	\$ 84.39

Expenditures Total \$ 12,395.64

Reserve Account	
Contingency	\$ 24,500.00
Alleghany Fire Unallocated	\$ 3,000.00
Alleghany Dispatch Office	\$ 700.00
Alleghany equipment	\$ 1,261.84
Pike City Fire Unallocated	\$ 7,000.00
Streetlights	\$ 4,270.41
Pike City Firehouse	\$ 2,404.08
Pike City Engines	\$ 3,371.73
Alleghany Firehouse	\$ 1,409.37
Alleghany Engines *	\$ 15,770.39
Interest Earned	\$ 14.32
Reserve Account Total	\$ 63,702.14

* \$8,000 for Alleghany vehicle purchase only

Ending Checking Account Balance \$ 7,758.73

Starting Savings account balance \$ 20,696.46

transfer to

transfer from checking \$ 10,000.00

interest earned \$ 1.79

Ending Savings Account Balance \$ 30,698.25

General Fund (accounts listed above) Total \$ 38,456.98

Reserve account Starting Balance \$ 63,697.37

interest earned \$ 4.77

Reserve account Ending Balance \$ 63,702.14

Report prepared by Rae Bell, Treasurer

Total ALL FUNDS \$ 102,159.12

Verified against bank statement and QB balances by: X

Name Printed

Note: Savings and Fund accounts are reconciled quarterly.

title



Pliocene Ridge Community Services District

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 100 Pike City Road
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 plioceneridge.org

Treasurer's Report for July 2020

Beginning Checking Account Balance \$ 7,758.73

DEPOSITS

Date	From:	For:	Amount

Deposits Total \$ -

EXPENDITURES

Ck #	Date	To:	For:	Amount
2546	7/1	Rae Bell Arbogast	3 mos. Admin \$600 plus \$16.26 Staples reimburse less \$41.06 officesupply.corr	\$ 575.20
2547	7/1	Streamline	1 year website hosting/admin	\$ 300.00
EFT	7/3	PG&E	(detail below)	\$ 407.56
			PG&E Alleghany	\$ 60.51
			PG&E Pike	\$ 63.53
			Streetlights - Forest	\$ 17.22
			Streetlights - Alleghany	\$ 266.30
248	7/3	Alleghany Water Dist.	Water Station 1 paid full fiscal year 12 mos.	\$ 480.00
249	7/3	AT&T	38.55 June bill - prepaid 120 for FY 20-21	\$ 158.55
2550	7/3	Cascade Fire	coat, pants, hood - wildland gear Alleghany	\$ 562.46
2551	7/3	Jim Buckbee	Baker Fire net pay	\$ 874.29
763	7/4	Sierra County Office of Education	EMR class two books and one class fee - Alleghany	\$ 285.00
764	7/6	Sierra County Office of Education	EMR class book and fee one student Pike	\$ 155.00
EFT	7/29	EDD	State payroll taxes	\$ 17.07

Expenditures Total \$ 3,815.13

Reserve Account	
Contingency	\$ 24,500.00
Alleghany Fire Unallocated	\$ 3,000.00
Alleghany Dispatch Office	\$ 700.00
Alleghany equipment	\$ 1,261.84
Pike City Fire Unallocated	\$ 7,000.00
Streetlights	\$ 4,270.41
Pike City Firehouse	\$ 2,404.08
Pike City Engines	\$ 3,371.73
Alleghany Firehouse	\$ 1,409.37
Alleghany Engines *	\$ 15,770.39
Interest Earned	\$ 14.32
Reserve Account Total	\$ 63,702.14

* \$8,000 for Alleghany vehicle purchase only

Ending Checking Account Balance \$ 3,943.60

Starting Savings account balance \$ 30,698.25
 transfer from checking
 interest earned

Ending Savings Account Balance \$ 30,698.25

General Fund (accounts listed above) Total \$ 34,641.85

Reserve account Starting Balance \$ 63,702.14

interest earned
 Reserve account Ending Balance \$ 63,702.14

Report prepared by Rae Bell, Treasurer

Total ALL FUNDS \$ 98,343.99

Verified against bank statement and QB balances by: X

Name Printed

Note: Savings and Fund accounts are reconciled quarterly.

title



Pliocene Ridge Community Services District
Staff report for August 20, 2020 board of director's meeting
Prepared by Rae Bell Arbogast

In June I reported that we got notice of a grant opportunity from the California Fire Foundation for up to \$15,000. The deadline to apply was July 15th. After talking to the Chief's about it, an application was submitted for the full \$15,000 for both structure and wildland turn-outs and PPE. This grant could be used for the CDF grant 50/50 match but rather than use it for the CDF match I put the CDF grant as a match towards this grant to increase our odds of getting it. We already budgeted for the CDF grant. So the total project would be \$25,000 with an approx. \$10,000 match (\$5,000 from CDF and \$5,000 from the district). Since structure turn-outs cost approx. \$2,000 a pair this really doesn't go very far. If we do get this grant the Chiefs can decide how to spend it. Because the CDF grant had not been approved yet, when the application was submitted, I kept it open stating that the entire amount would be used for structure gear and/or wildland gear. We should be getting a response in September letting us know if we got funding or not.

Reports on Specific Agenda Items

Agenda item 5 a)1 Employee handbook – A recent review of the Agreement with the Dept. of Forestry and Fire Protection for the Fireman's assistance 50/50 grant turned-up an unmet requirement on the district's part and that is a requirement that a drug-free workplace awareness program be in place. The employee handbook as presented takes care of that issue along with several other risk management items. Because the firefighters are paid occasionally on mutual aid calls the adoption of this handbook provides some important protections to the district as an employer. The boiler-plate document used to create this handbook was recently provided to the Allegheny County Water District by an HR attorney and I modified it for the district. It still needs a lot of work and several of the existing policies and procedures should be incorporated into it. So, it will be another ongoing project...but it is better than nothing.

Agenda item 5 a) 2 Allegheny Firehouse & ADA Compliance At the June meeting the board authorized applying for additional funding if the labor quote came in at \$30,000 or less. It was more difficult than expected to get labor quotes. After multiple follow-up communications with two contractors, one of them provided a labor estimate of \$36,500. I finally gave up on the other contractor but have another one who I plan on contacting referred by Dan Guyer. Hopefully by the September meeting there will be more to report. We do have to provide a status update to USDA this month and I will do that.

Agenda item 5 a) 7 Release of liability and indemnification from PCVFD Non-Profit Corp.
The attorney advised against signing the resolution in its current form. This issue will be combined with the future MOU to be worked out by all entities once a committee for the purpose is formed.

Agenda item 5 b) 1 Renew Rae Bell's contract for services as District Administrator Manager This should have been on the June agenda but we forgot. I am proposing that my contract be renewed with no changes to scope or pay but I would like to swap the title of "administrator" with "manager" because I think it sounds better (simpler) and it is a fairly common title for people who do what I do. Currently paid \$200 per month and includes the positions of Treasurer & Secretary. Position does NOT oversee Fire Chief(s) but is a support position for management and the Board of Directors.

Agenda item 5 b) 2 CDF Fireman's assistance grant: The district was awarded funding for five sets of turn-outs and 3 pairs of boots for the Alleghany Fire Dept. AFTER the application was submitted, I found out that Pike's new turnouts are Khaki colored and include lettering. Chief Dorn's goal is to get us all outfitted, so that we look like a unit on calls. Also, the ability to identify crews on calls with multiple agencies involved can be very important. The Khaki color is a little more expensive than yellow which I was quoted plus the lettering adds expense as well. I got a revised quote after the application was submitted and it was \$787.96 higher. There is a clause in the grant agreement that says we can request more \$ if we go over budget and we will do just that but there is no guarantee that it will be approved. The Alleghany turn-outs will be the same color and style as Pike's but the lettering will say Alleghany instead of Pike City.

The amount applied for in the original application was \$9,914 (50% = \$4,957) but the total cost will be closer to \$10,701.96. (50% = 5,350.98)

Correspondence: Incoming: Contract for use of area outside of the Pike Firehouse for Community Service center during Public Safety Power shut-offs (draft went back and forth) eventually signed and sent back, assistance by hire contract from CAL-FIRE (signed and sent back), updated co-operative fire agreement between the district and the US Forest service (signed and sent back)

Outgoing: Biennial Notice for Conflict-of-interest code review certification signed and sent to County Clerk, Thank you card sent to firefighter Josh Conrad for donating his pay from the Baker Fire (Gross \$186.21) to the District (will go into fund for Pike Fire Dept), grant application to the Cal. Fire Foundation,



Summary of legal findings of attorney David McMurchie regarding the nature of the legal relationship between Pliocene Ridge CSD and both public benefit non-profit corporations: Alleghany Volunteer Fire Dept. & Pike City Volunteer Fire Dept.

Mr. McMurchie provided a 5 page memo on July 27, 2020 which he recommended be kept confidential. He suggested that a summary of his findings be written for the non-profits.

The following names are used in this document for brevity:

Pliocene Ridge CSD ("PRCSD" or the "District")

Non-profit corps: Alleghany Volunteer Fire Dept. (AVFD) & Pike City Volunteer Fire Dept. (PCVFD) or "non-profits" when referring to both.

In addition to various legal codes, Mr. McMurchie reviewed the following documents as part of his research: The District's formation documents, the district's insurance policy as it relates to the non-profits, the corporate documents of each non-profit, the resolutions of PRCSD accepting the Alleghany and Pike fire dept. assets shortly after the district was formed, various historical documents (agendas, minutes and reports) from previous district meetings.

Mr. McMurchie concluded that the district was legally formed under the authority of the Cortese Knox Hertzberg Local Government Reorganization Gov. Code Section 560000 et seq specifically for the purpose of Fire Suppression and Emergency Medical Services (the Streetlight and Parks & Recreation function were also included in the district's scope at the time of formation but are not relevant to this legal consultation).

Conclusions:

- ❖ With the formation of the district in 2004, Sierra County voluntarily relinquished to the District the power to provide fire and emergency medical services within the new district boundaries. Previously the County had paid the non-profits out of CSA#2 to provide these services to Pike and Alleghany.
- ❖ The formation of the district and the subsequent transfer of the fire dept. assets from the non-profits and County to the district effectively terminated the authority of the non-profits to function as fire depts. under Health and Safety Code section 14825 et. seq.
- ❖ Health and Safety Code section 14865 expressly states the Legislature's intent regarding provision of fire services by private companies or non-profit corporations stating "The Legislature finds and declares that firefighting and fire protection services are a municipal function and a public good to be provided by public agencies and their employees."

- ❖ The district does not have authority over the non-profits other than the terms of the insurance coverage which is currently being provided to the non-profits by the District. Legally the district can only provide insurance to the non-profits if the non-profit's sole purpose is to support the district (fire depts). If the non-profits had any other purpose it would be an illegal gift of public funds for the district to provide insurance coverage to them because they are private entities.
- ❖ The non-profits should be aware that representing themselves to the public or funding sources as a fire department when they are aware that they have no firefighting or emergency medical authority is a misrepresentation. If it is done intentionally it meets the legal definition of fraud. (note: AVFD did send a letter to their membership explaining that they no longer have the authority to function as a fire dept. However, the continued use of a name that does not CLEARLY differentiate the organization from the fire dept. is still misleading).
- ❖ The district has no authority to make the non-profits change their names, but the point above should be taken seriously as it could create personal liability for the non-profit directors. If the word "auxiliary" is not desirable the attorney suggested putting "Friends of" at the beginning of the name. An amendment to the articles of incorporation is required to change the corporate names. (Other rules and conditions may apply; the attorney did not go into detail on this point.)
- ❖ Just as the district has no direct authority over the non-profits, the non-profits have no authority over the district. (This confirms the basic premise of the draft organizational chart presented at the November 16, 2018 PRCSD board meeting.)
- ❖ The district does not fall under Health and Safety Code section 14825-14860 which applies to the formation of private fire depts in unincorporated areas.
- ❖ It is legal for the District to form "zones" "battalions" "stations", "departments" or other types of divisions with names other than Pliocene Ridge CSD. This does not require additional tax ID's or the filing of fictitious business name statements.

Attorney's recommendation for moving forward:

Place an item on the PRCSD regular meeting agenda entitled: "Appointment of Ad Hoc Committee to Negotiate an MOU between the District and AVFD and PCVFD". As an ad hoc committee, it is advisory only and can have no more than two District Board members as committee members. Both non-profits should be invited to appoint a member from their boards to be on the committee as well.

A single MOU among all parties should set forth their respective obligations and activities in support of each other. He suggested that the provisions regarding insurance coverage should be included in this MOU as well as what names the various parties will be using in the future.

He also suggested that a Public Relations campaign be initiated to educate the public as to the role of each entity.