

**NORTH CENTRAL FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING
THURSDAY, SEPTEMBER 30, 2021
5:30 P.M.
MINUTES**

1. CALL TO ORDER

District Board Chair Mr. Ken Abrahamian called the meeting to order at 5:30 p.m.

Roll Call

Board Members Present: Mrs. Cheryl Belluomini, Mr. Michael Foglio, Ms. Amanda Souza and Mr. Ken Abrahamian. Mr. Rusty Nonini arrived a few minutes after roll call during the approval of the minutes.

Also present were Fire Chief Tim Henry, Mr. Ken Price and Mr. Joe Barcelos.

2. INVOCATION AND FLAG SALUTE

The invocation was led by Pastor Arabian and the flag salute was led by Chief Henry.

3. PUBLIC COMMENTS

There were no public comments.

4. CONSENT AGENDA

A. Consideration and Approval of Disbursements List for August 2021

B. Review and Acceptance of Monthly Financial Reports

- 1) District Fund Balances – All Funds**
- 2) Budget Variance Report: YTD Expenses Compared to Budget**
- 3) Revenue and Reimbursement Report**
- 4) PG&E Report**

Mr. Abrahamian asked the District Board and members of the public if there were any items on the Consent Agenda they would like to pull from the agenda for discussion or questions.

There were no questions so Mr. Abrahamian called for a motion to approve the Consent Agenda.

Motion: To approve the Consent Agenda as presented.

Moved by: Mr. Foglio, second by Mrs. Belluomini.

Mr. Abrahamian:	Mrs. Belluomini:	Mr. Foglio:	Mr. Nonini:	Ms. Souza:	Vote:
Aye	Aye	Aye	Absent	Aye	4/0

5. APPROVAL OF MINUTES

A) Minutes of the Regular Board Meeting of August 26, 2021.

There were no questions or comments.

Motion: To approve the minutes of the Regular Board Meeting of August 26, 2021 as presented.

Moved by: Ms. Souza, second by Mrs. Belluomini.

Mr. Abrahamian:	Mrs. Belluomini:	Mr. Foglio:	Mr. Nonini:	Ms. Souza:	Vote:
Aye	Aye	Aye	Aye	Aye	5/0

B) Minutes of the Special Board Meeting of September 20, 2021.

There were no questions or comments.

Motion: To approve the minutes of the Special Board Meeting of September 20, 2021.

Moved by: Mr. Nonini, second by Mr. Foglio.

Mr. Abrahamian:	Mrs. Belluomini:	Mr. Foglio:	Mr. Nonini:	Ms. Souza:	Vote:
Aye	Aye	Aye	Aye	Aye	5/0

6. FIRE CHIEF REPORT

A) Fire Incident/Fire Prevention Reports for August 2021

Chief Henry stated the incident report this month is consistent with the past several months response times and very close to last year's totals. He asked the District Board if they had any questions, there were no questions.

B) Station 59 Construction Update

Chief Henry stated based on the direction from the District Board, the District hired Burgess Contracting to do the work to reopen station 59. They are in the final phases of architectural design and engineering. I reviewed multiple drafts from the engineers and they are anticipating submitting plans to the County by the next Board Meeting.

C) Kerman Harvest Festival District Participation

Chief Henry stated the District participated in the Harvest Festival this year. Like last year, the District set up some burn displays and propane props from Fresno City College. The District also had a fire engine at the Kerman Harvest Festival.

City of Kerman Police Chief John Golden stated on behalf of Mayor Yep, City Manager John Janson and the entire community we express our thanks for the diligent efforts of the fire department's support and presentation at the Harvest Festival.

D) OES / Wildland Deployment Update

Chief Henry stated the District was almost as active this year as we were last year helping the state with wildland fires. Chief Henry went through the list of incidents and described the location, number of employees that were deployed and the length of time they were deployed.

7. RESOLUTION NO. 21-09 RECOGNIZING BOARD MEMBER BELLUOMINI'S SERVICE TO THE DISTRICT BOARD OF DIRECTORS AND TO THE DISTRICT RESIDENTS AND STAFF

A) Action item – Adopt Resolution No. 21-09 recognizing Board Member Belluomini for her years of service.

Mr. Barcelos read the resolution recognizing Board Member Belluomini for her years of service to the District Board of Directors.

Chief Henry presented a plaque and a copy of the resolution to Mrs. Belluomini.

Motion: To adopt Resolution No. 21-09 recognizing Board Member Belluomini for her years of service to the District Board, residents and staff.

Moved by: Mr. Abrahamian, second by Mr. Nonini.

Mr. Abrahamian: Mrs. Belluomini: Mr. Foglio: Mr. Nonini: Ms. Souza: Vote:
Aye Aye Aye Aye Aye 5/0

8. SAFER GRANT NOTICE OF APPLICATION APPROVAL

A) Action item – Consider and authorize Chief Henry to accept SAFER grant award of \$2,312,174.61 federal funding on behalf of the District for nine firefighter positions.

Chief Henry reported the District was awarded the 2020 SAFER grant for \$2,312,174.61 to fund nine firefighter positions for three years. The funds will cover the salary and benefits of nine positions.

Motion: To authorize Chief Henry to accept the 2020 SAFER Grant award of \$2,312,174.61 on behalf of the District.

Moved by: Ms. Souza, second by Mr. Nonini.

Mr. Abrahamian: Mrs. Belluomini: Mr. Foglio: Mr. Nonini: Ms. Souza: Vote:
Aye Aye Aye Aye Aye 5/0

9. RESULTS OF ACTUARIAL STUDY FROM BARTEL ASSOCIATES FOR THE DISTRICT'S PENSION PLAN.

A) Action item – Consider and approve a discount rate and authorize Chief Henry to finalize the report with Bartel Associates and have the plan documents amended.

Chief Henry stated this item is the actuarial study from Bartel required by the Pension Reform Act and to meet the District's GASB standards. In the study there is a recommendation based on the actuarial study that the Board consider and approve the results of the January 1, 2021 actuarial study provided by Bartel Associates and give direction to the plan administrator to select the discount rate of 5.75 percent with normal costs of 26.02 percent for safety members and 25.22 percent for miscellaneous employees.

Chief Henry stated as you can see in the memo and in depth in the study, the normal cost is based on making sure the system is whole at 100 percent when every employee retires in the future. The discount rate is the percentage that is reduced from the normal cost with an assumption that we are going to get interest rates on investments that will cover the discount rate over a thirty (30) year smoothing period. Based on our decision to investing our funds into the market using a moderate rate, not a more aggressive or less aggressive rate and staying with the moderate rate in the investments of our funds, there is a confidence rate of fifty-five (55) percent of hitting the 5.75 percent discount rate in the next thirty (30) years. It also shows a 5.5 percent discount rate and the impacts to the normal cost percentages. Chief Henry stated just like we did two years ago, we are recommending taking the middle of the road option, being cautious but at the same time making sure we don't have any unfunded liability.

The District Board asked how often does the District have to have an actuarial study done. Chief Henry replied the District is required under the new pension reform to have an actuarial study performed every two years.

There was some more discussion and Chief Henry and Mr. Price answered a few more questions from the District Board. After the questions and discussion, Mr. Abrahamian called for a motion.

Motion: To approve the results of the January 1, 2021 actuarial study provided by Bartel Associates and give direction to the Plan Administrator to select a discount rate of 5.75 percent with a Normal Cost rate of 26.02 percent for Safety members and 25.22 percent for Miscellaneous members.

Moved by: Mr. Foglio, second by Mr. Nonini.

Mr. Abrahamian:	Mrs. Belluomini:	Mr. Foglio:	Mr. Nonini:	Ms. Souza:	Vote:
Aye	Aye	Aye	Aye	Aye	5/0

PUBLIC COMMENT - Before Closed Session. Mr. Abrahamian stated the District Board will be moving into closed session and asked if any members of the public would like to make a comment on the Closed Session item. There were no comments.

10. CLOSED SESSION

- A) CONFERENCE WITH LABOR NEGOTIATORS – Government Code section 54957.6

Agency designated representatives: Chief Tim Henry and outside negotiator Che Johnson Liebert Cassidy Whitmore

Employee organization: North Central Professional Firefighters Association

Report from Closed Session: This closed session item was not needed.

- B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Section 54956.9: Number of cases: 2

Report from Closed Session: No action to report from Closed Session.

11. RESOLUTION NO. 21-10 DECLARING DISTRICT BOARD'S INTENTION TO TRANSITION FROM AT LARGE TO BY-DISTRICT OR ZONE ELECTIONS AND SETTING FORTH THE PROCESS FOR TRANSITIONING

- A) Action item – Consider and adopt Resolution No. 21-10 declaring District Board's intention to transition from an at large to by-district or zone elections Pursuant to California Elections Code section 10010 and setting forth the process for transitioning to district or zone elections.

Mr. Price stated Resolution 21-10 declares the intention of the District Board of Directors to transfer from an at large district to a by-district or a zone election District. The California Voting Rights Act (CVRA) passed in 2003 and it established a process to convert elections from at large where you have multiple candidates running throughout the entire district to zone or district elections. Resolution 21-10 lays out the process for the District to make these changes and that will call for two initial hearings to take testimony from the public regarding the concept to moving to the by-district or zone elections. The District would then hire a demographer who will use the 2020 Census to come up with a series of maps for the District to consider mapping options and you would have a couple of workshops to go over the maps. Ultimately you would select one map and the selected map would then be provided to the Fresno County Elections department who would then impose the maps and this would all be done in time for the November 2022 elections.

There were no questions or discussion so Mr. Abrahamian called for a motion.

Motion: To adopt Resolution No. 21-10 declaring the District Board's intention to transition from at large to by-district or zone elections and setting forth the process for the transitioning.

Moved by: Mr. Nonini, second by Mr. Foglio.

Mr. Abrahamian: Mrs. Belluomini: Mr. Foglio: Mr. Nonini: Ms. Souza: Vote:
Aye Aye Aye Aye Aye 5/0

B) Action item – Authorize Chief Henry to work with Mr. Price to hire a consultant to provide services to help with the process of transitioning to district or zone elections not to exceed a cost of \$20,000.

Mr. Price stated this item would authorize the Fire Chief to work with me to hire a Consultant, a Demographer to provide services to help with the process of transitioning to a zone or district election. Mr. Price advised the District Chair to form an Ad Hoc Committee of two members of the Board to assist and perhaps to interview potential consultants. The typical fees for these consultants tend to be about \$15,000, but just to be on the save side we have added a do not exceed limit of \$20,000.

Mr. Abrahamian stated he would like to serve on the Ad Hoc Committee and will ask the other board members after this meeting to see which member would be willing to serve on this committee.

Motion: To Authorize Chief Henry to work with Mr. Price to hire a consultant to provide services to help with the process of transitioning to district or zone elections not to exceed a cost of \$20,000.

Moved by: Mr. Nonini, second by Ms. Souza.

Mr. Abrahamian: Mrs. Belluomini: Mr. Foglio: Mr. Nonini: Ms. Souza: Vote:
Aye Aye Aye Aye Aye 5/0

12. RESOLUTION NO. 21-11 MANDATORY COVID VACCINATION POLICY

A) Action item – Consider and adopt Resolution No. 21-11 establishing the District’s Mandatory COVID Vaccination Policy.

Mr. Price stated he received an inquiry from Chief Henry about a policy requiring COVID vaccinations for all current and future employees. Mr. Price stated the vaccination and reporting requirement is at follows; it is to protect the District’s workforce and the public served by all employees. The employees must be fully vaccinated for COVID-19 or request an exemption and report their vaccination status to the District by no later than December 15, 2021. As of the next day, December 16, 2021, the COVID vaccination and reporting requirements contained in the policies are conditions of District employment and a minimum requirement for all employees unless an approved exemption is granted by the District.

Mr. Price went through the timing of the vaccinations outlined in the policy. Request for exemption should be submitted no later than November 15, 2021. Under the reporting requirements, the District would just continue to collect and regularly report employee vaccination statuses as well as booster shots.

Mr. Price reported there are two qualified exemptions under the policy, all employees shall have the right to petition for a medical or religious exemption to be evaluated on a case by case basis consistent with District procedures for a reasonable accommodation request. The documentation prescribed by the District would be required in order to meet the exemption. An employee with a medical condition or a sincerely held religious belief practice or observance that prevents the employee from receiving a COVID-19 vaccination shall qualify for the exemption upon approval of documentation provided by the employee to the District.

Mr. Price stated the District's goal is to have a fully vaccinated workforce, there is not an opt out unless there is a required exemption filed and approved.

Chief Henry stated this is actually an ongoing concern for the District as well as the community, state and nationally. The information provided is to help you, the governing board, to provide the healthiest and safest workplace environment as possible. The District has had multiple opportunities here recently with the FDA approved vaccines to look at the potential for making this workplace environment even safer than it is today. There are multiple agencies throughout the State of California that have moved in this direction. Chief Henry stated I wanted to make sure this board has the information to address this issue in self-evaluating the District and our ability to accommodate non-vaccinated employees combined with vaccinated employees in dormitory style living. In some cases, the dormitory living space has no partitions available based on space and the employees are not wearing masks while they are sleeping. There is also concern during the three meals a day when they can be exposed to each other because of the environment they are in. There is an increased chance for someone without a vaccine to not only acquire COVID-19 but then pass it along to somebody else here at work. The other concern is we have daily contact with the public as well, either on calls or just in our day-to-day routine operations.

Chief Henry stated one of the other concerns is the statistics I provide to you weekly from the health department. Fresno County in the past few weeks is at the top of the list of counties in the state for amount of positive cases of COVID as well as deaths per capita. That being said we have a greater risk within Fresno County and within our District that one COVID case could literally take out an entire station and shift based on exposures and that would tax us to the point where we would have the potential for mandatory overtimes and recovery of those folks.

Chief Henry stated the other contributing factor is our current Federal contracts as the Federal Government is moving quickly to impose all contractors be vaccinated. I asked Mr. Price to look at the potential that we would be mandated by these federal guidelines whether it is under a FEMA contract or grant, under are mass-mutual aid as we are a signor to the agreement that includes rural land management, US Forest Service, Bureau of Indian Affairs and a couple of other

federal agencies. There is still the possibility that we could be mandated to go in this direction.

Mr. Abrahamian asked the District Board if they had any questions for Chief Henry or Mr. Price. Mr. Nonini asked if the District has the chance of losing the FEMA grant we were just awarded. Mr. Price replied right now there is two bases for the federal government to impose mandatory vaccination requirements. One is if an employer has 100 or more employees, and the second one is whether or not you have direct contractual obligations with the federal government. The regulations by agency have not come out on the second one uniformly and definitely not come out on the first condition. Until the regulations come out, we don't know, but from the preliminary information I've seen many local agencies including several here in Fresno County are receiving correspondence that say to be ready because the mandatory vaccination requirement is coming.

There were no more questions from the District Board so Mr. Abrahamian invited the members of the public to come forward with their comments or questions.

The first person to address the District Board was Larry Ervin, employee of the District at the rank of Battalion Chief. He stated he wanted to take this opportunity to address the Board before a vote is taken on this issue by expressing multiple points of view.

Chief Ervin stated some of his views are his views and are very personal. His concerns about this mandate would violate his religious and constitutional rights and he went on to discuss some of his concerns. Chief Ervin cited several examples he discovered during his research of why he believes this mandatory vaccination policy goes against his practice of his personal, patriotic and religious beliefs. Chief Ervin thanked the board for allowing him to express his concerns and asked that they not adopt this policy that could impact him and many of the other employees of the District.

District employee, Captain Lance Morton addressed the District Board. Captain Morton described his experience with the COVID-19 virus and his reasons for being vaccinated. He expressed his beliefs that the decision to be vaccinated or not vaccinated should be each person's individual choice and not something mandated. He expressed his thanks for allowing him to express his concerns to the District Board.

There were no more members of the public wanting to address the board on this issue. Mr. Abrahamian thanked Chief Ervin and Captain Morton for their comments as this is a complicated issue and it was good to hear their concerns. Mr. Abrahamian asked the District Board members for their comments.

Mr. Nonini stated this is one of the toughest decisions he has faced as a board member and stated he does not want to rush a decision and would like more time for everyone to digest what has been discussed.

Mr. Abrahamian agreed with Mr. Nonini that more time is needed to digest everything introduced tonight and stated he would like to hear more about the Federal mandates and how they would affect the District. Mr. Price recommended this item not be continued to a certain date determined tonight because he does not know when the Federal regulations will be available. Mr. Price recommended to wait until we have some of this information from the Federal Government to place this item on the agenda again.

Mr. Foglio stated he is good with waiting to make a decision too. This is a tough decision and I want to make sure we are not only supporting the public but the firefighters as well. He expressed his appreciation to the firefighters that addressed the board with their concerns.

Ms. Souza agreed it was a good idea to wait and that this is a very difficult decision and somewhat controversial. She stated she wants to make the best decision and not rush into a decision. Ms. Souza would like to know more about the statistics of how the COVID virus has affected the District in order to help make the right decision.

It was the consensus of the District Board to continue this item at a future meeting so Mr. Abrahamian called for a motion.

Motion: To continue this item at a future meeting, the date to be determined as more information becomes available.

Moved by: Mr. Nonini, second by Mr. Foglio.

Mr. Abrahamian:	Mrs. Belluomini:	Mr. Foglio:	Mr. Nonini:	Ms. Souza:	Vote:
Aye	Aye	Aye	Aye	Aye	5/0

13. BOARD MEMBER COMMENTS/REPORTS

Ms. Souza thanked the firefighters for attending this meeting and expressing their concerns and providing some feedback. Mr. Foglio also thanked the firefighters for all their feedback.

Mrs. Belluomini thanked all the Board Members for the opportunity to work with them over the years. Mr. Abrahamian expressed his thanks to Mrs. Belluomini for all of her years of service and dedication and wished her well.

14. ANNOUNCEMENTS

A) Next Regular Board Meeting: Thursday, October 28, 2021 at 5:30 p.m.

15. ADJOURNMENT

Motion: To adjourn the meeting at 8:05 p.m.

Moved by: Mr. Nonini, second by Ms. Belluomini

Mr. Abrahamian:	Mrs. Belluomini:	Mr. Foglio:	Mr. Nonini:	Ms. Souza:	Vote:
Aye	Aye	Aye	Aye	Aye	5/0

Amanda Souza, Board Secretary
North Central Fire Protection District

Date