



Agenda

**San Mateo Consolidated Fire Department
Board of Directors
Regular Meeting
Wednesday, January 25, 2023 – 4:00 P.M.**

Consistent with Government Code Section 54953, this meeting will be conducted both in person and also via Zoom Teleconferencing to promote public participation at public meetings while maintaining compliance with local, state, and federal guidelines and social distancing recommendations for the containment of the coronavirus. Department officials and members of the public are invited to attend and give public comment either in person or via teleconference. Comments may also be submitted prior to the meeting by email to: nmorales@smcfire.org

To Attend in-person – Foster City EOC, 1040 East Hillsdale Blvd., Foster City, CA 94404

To Observe and Participate via Video Teleconference –

Register in advance for this Zoom webinar:

https://us06web.zoom.us/webinar/register/WN_TVArIwIzSqS6K1I9kFMeaw

1. OPENING

- 1.1. Call to Order & Determination of a Quorum
- 1.2. Pledge of Allegiance
- 1.3. Swearing in new Fire Board Members Julia Mates, Jon Froomin, and Rob Newsom Jr.
- 1.4. Election of Officers – Chair and Co-Chair
- 1.5. Roll Call

2. AGENDA CHANGES

The Chair/Board Member may change the order of the Agenda or request discussion of a Consent Item. A member of the public may request discussion of a Consent Item by emailing the Board Clerk Nicole Morales at nmorales@smcfire.org prior to Public Comment.

3. PUBLIC COMMENT

Public Comment is limited to 15 minutes, with a maximum of three (3) minutes per speaker. If you wish to address the hearing body, please notify the Department as soon as practical by emailing the Board Clerk of the Fire Board at nmorales@smcfire.org. If you are addressing the Board of Directors on a non-agenda item, the Board of Directors may, but is not required to, briefly respond to statements made or questions posed as allowed by the Brown Act (GC 54954.2). The Board of Directors may refer items to staff for attention, or have a matter placed on a future Board of Directors Meeting, for more comprehensive action or report.

4. PRESENTATIONS

- 4.1. Fire Board Chair Joe Goethals, Fire Board Member Warren Lieberman, and Fire Board Member Awasthi Recognitions.
- 4.2. Standard of Cover Community Risk Assessment Presentation by AP Triton.

5. CONSENT

- 5.1 Approval of Fire Board Meeting Minutes from December 1, 2022.

[5.2](#) Report from Closed Session of December 1, 2022.

[5.3](#) Adopt a Resolution that rescinds proposed changes made on May 25, 2022 to the Department's Joint Powers Authority Agreement ("JPA Agreement").

[5.4](#) Resolution Authorizing Use of Hybrid Remote Teleconferencing for Meetings of the Department Board of Directors Consistent with AB 361's Amendments to the Ralph M. Brown Act.

6. NEW BUSINESS

[6.1](#) Board recommendation to authorize investing \$1.5 million in accumulated resources with an irrevocable trust to address the unfunded OPEB liability.

[6.2](#) Adopt a resolution approving an appropriation of \$1.5 million in deployment reimbursement revenue and \$0.3 million in available fund balance and committing \$100,891.95 in funds received from the former Joint Training program for training purposes in the General Fund.

[6.3](#) Adopt a resolution approving the Annual Fire Inspection Compliance Report from the Fire Chief and approve publishing the report as part of the 2022 Department Annual Report on the Department's website.

7. REPORTS AND ANNOUNCEMENTS

7.1. Board Members and Department Management Staff will have an opportunity to make announcements.

7.1.1. Fire Chief Update (*verbal only*)

8. ADJOURNMENT

I, Nicole Morales, Board Clerk of the San Mateo Consolidated Fire Department, hereby declare that the foregoing Agenda was posted in compliance with the Brown Act prior to the meeting date.

In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the Fire Board Clerk at (650) 522-7900 no less than 72 hours prior to the meeting. Notification in advance of the meeting will enable the Fire Department to make reasonable arrangements to ensure accessibility to this meeting.

Copies of documents distributed at the meeting are available in alternative formats upon request. Any writing or documents provided to a majority of the Board regarding any item on this Agenda will be made available for public inspection at the Department Fire Administration Office located at 1040 E. Hillsdale Blvd., Foster City, CA 94404, during normal business hours. In addition, most documents will be posted on the Department's website at <https://www.smcfire.org/meeting-dates-agendas-minutes/>



Meeting Minutes
San Mateo Consolidated Fire Department
Board of Directors Regular Meeting
Wednesday, December 1, 2022 – 5:00 P.M.
Hybrid Remote Teleconference Meeting

1. OPENING

The meeting was called to order at 5:02 pm by Board Chair Goethals.

1.3. **Roll Call**

Board Members Present: Goethals, Lieberman, & Awasthi

Board Members Absent:

2. AGENDA CHANGES

Item 7.2 should reflect that it includes the Business Manager position.

3. PUBLIC COMMENT

None

4. CONSENT

Board Member Lieberman made a motion to approve the Consent calendar, which was seconded by Board Chair Goethals. The Board Secretary took a roll call vote, and the Consent calendar items were approved 3-0.

5. CLOSED SESSION

The Fire Board went into Closed Session at 5:05 p.m.

6. RETURN FROM CLOSED SESSION

The Board returned from Closed Session at 5:11 p.m. Board Chair Goethals stated a written report summarizing any reportable action from Closed Session will be prepared and made available.

7. NEW BUSINESS

Item 7.1 Resolution Authorizing Use of Hybrid Remote Teleconferencing for Meetings of the Department Board of Directors Consistent with AB 361's Amendments to the Ralph M. Brown Act.

Adopt a Resolution finding that continued emergency conditions persist due to the ongoing COVID-19 pandemic and that meetings will be held as "hybrid" meetings with the option for members of the public, Department Staff, and Board Members to attend by either remote teleconferencing or to attend in-person for the period of December 1 to December 31, 2022.

Board Chair Goethals asked if there was any public comment on this item, which there were none. Board Member Lieberman made a motion to adopt the resolution, which was seconded by Board Chair Goethals. The Board Secretary took a roll call vote, and the resolution was approved 3-0.

Item 7.2 Adopt a Resolution to amend the Compensation and Benefit Plans for the Battalion Chiefs, Deputy Fire Chiefs, Fire Chief, and Business Manager employee groups

Chief Thrasher provided a brief overview of the staff report for approval.

Board Chair Goethals asked if there was any public comment on this item, which there were none. Board Chair Goethals made a motion to adopt the resolution, which was seconded by Board Member Awasthi. The Board Secretary took a roll call vote, and the resolution was approved 3-0.

8. REPORTS AND ANNOUNCEMENTS

All board members expressed their gratitude to the department for all that was accomplished while serving. Chief Thrasher stated the next board meeting will be on January 25, 2023, and that we intend to recognize the outgoing members at that time.

9. ADJOURNMENT

The Board meeting was adjourned at 5:21 p.m.

William D. Ross
David Schwarz
Kypros G. Hostetter

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File No: 19/55

January 19, 2023

VIA E-MAIL

The Honorable Joe Goethals, Chair
and Members of the Fire Board
San Mateo Consolidated Fire Department
330 West 20th Avenue
San Mateo, California 94403

Re: Report Upon Return from Closed Session; San Mateo Consolidated Fire
Department Virtual Special Board Meeting of December 1, 2022

Dear Chair Goethals and Board Members:

This communication sets forth reportable action, if any, of the Board of Directors (“Board”) of the San Mateo Consolidated Fire Department (“Department”), consistent with the provisions of the Ralph M. Brown Open Meeting Act (Government Code Section 54950 *et seq.*) resulting from the Department’s Closed Session of the December 1, 2022 Virtual Special Board Meeting, consistent with Government Code Section 54957.1

The Open Session convened at 5:00 p.m. to address matters agendized for Board consideration, with the Board adjourning to Closed Session at 5:08 p.m.

There was one matter agendized for Department Closed Session consideration:

- 5.1 Conference with Management regarding Compensation & Benefits Plans pursuant to Government Code Section 54957.6
Agency Designated Representative(s): Drew Corbett, Chief Administrative Officer
Employee Organization(s): Battalion Chief and the Executive Group of Fire Chief, Deputy Fire Chief, and Business Manager Employees

With respect to Department Closed Session Agenda Item No. 5.1., there was no reportable action.

The Closed Session concluded at 5:17 p.m., where it was indicated that a written report upon return consistent with Government Code Section 54957.1 would be prepared.

This communication should be added to the Agenda for review under the Consent Calendar of your next Regular or Special Meeting.

The Honorable Joe Goethals, Chair
and Members of the Fire Board
San Mateo Consolidated Fire Department
January 19, 2023
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If there are any questions concerning its content, it may be taken off the Consent Calendar at that time or our office may be contacted in the interim.

Very truly yours,

A handwritten signature in black ink, appearing to read "William D. Ross". The signature is fluid and cursive, with a long, sweeping underline.

William D. Ross
Department Counsel

WDR:DPS

cc: Kent Thrasher, Fire Chief
Nicole Morales, Business Manager
Drew Corbett, City Manager, City of San Mateo



STAFF REPORT

To: San Mateo Consolidated Fire Department Board of Directors

From: Kent Thrasher, Fire Chief

Meeting Date: January 25, 2023

Subject: Rescind JPA Agreement Amendments

RECOMMENDATION

Adopt a Resolution that rescinds proposed changes made on May 25, 2022 to the Department's Joint Powers Authority Agreement ("JPA Agreement").

BACKGROUND

As a Joint Powers Authority, the Department's JPA Agreement establishes its structure, powers, and duties.

On November 22, 2017, the Department's Member agencies entered into the Department's initial JPA Agreement, which formally established the Department.

The Department's currently operative JPA Agreement (the First Amended Joint Powers Agreement) was adopted on September 11, 2018, by the City Councils of Belmont, Foster City, and San Mateo. At the March 14, 2022 Fire Board Retreat, staff and the Fire Board of Directors agreed to review the JPA Agreement on a regular basis and discussed potential amendments. Recommendations discussed included adding language that specifically defines the Chief Administrative Officer (CAO) position, language that addresses inter-agency fee offsets, and clarifying the language regarding how the Department and its Member Agencies would analyze the potential addition of new agencies into the JPA, if such a contingency would come to pass.

Procedurally, amending the JPA Agreement involves initial approval by the Department's Board of Directors, and then ratification of the amendments by each of the three Member Agencies.

On May 25, 2022, the Department's Board of Directors adopted Resolution 2022-023, which incorporated the suggested revisions into a "Second Amended JPA Agreement," which proposed the following amendments to the existing JPA Agreement:

1- Adding Sub-Section 14.3 to Section 14 titled "Inter-Agency Fee Offsets" stating that:

"Nominal fees and fines, not requiring significant staff work and processing time, should not be charged between the Department and the Member Agencies."

2- Amending Section 13 “Addition of Member Agencies” to include the procedures for adding new member agencies to the JPA. Amended Section 13 provided as follows:

“Any local agency may apply for membership to the Department. Any such application shall provide a plan for service showing how existing local agency employees, fire apparatus, equipment, fire stations, facilities, and existing and contingent liabilities and revenue will be integrated into the Department upon membership approval. Addition of an agency to the Department shall require approval by the governing boards of all Member Agencies. After finding the application complete, the Department may require such contributions and conduct such investigations as it may deem appropriate as a condition of application and/or approval of any additional Member Agency, including the possible modification of Agreement Section 6.9, if any.”

After the adoption of these changes by the Department’s Board of Directors, Department staff and its General Counsel connected with the staff of each Member Agency to receive their input on the proposed amendments comprising the Second Amended JPA Agreement. Upon consulting with the Member Agencies, it was determined that the subject matter of the proposed amendments would be better served by simple policy adjustments rather than a full-scale amendment of the JPA Agreement.

As such, alternative methods were accomplished to effectuate the proposed changes, and the Second Amended JPA was not presented to the Member Agencies for ratification. Accordingly, for the sake of clarity, Staff recommends that the Department Board of Directors formally rescind Resolution 2022-023 that was adopted on May 25, 2022.

ANALYSIS

One reason for the Department’s continued success has been the collaborative relationship shared by its personnel and the staff of each of the member agencies. While large-scale changes to the JPA’s structure, operations, or membership may be best served by amending the JPA Agreement itself, smaller-scale matters can often be addressed quickly and efficiently by simpler means, such as staff-level policies and procedures or a Memorandum of Understanding between the Department and the Member Agencies. Department staff and its legal counsel will continue to work directly with the staff of the Member Agencies to address procedural and day-to-day business matters in a way that is most effective.

FISCAL IMPACT

There is no fiscal impact for taking this action.

ATTACHMENTS

- A. Resolution Rescinding Proposed Second Amended JPA Agreement
- B. Previously-Proposed Second Amended JPA Agreement

RESOLUTION NO. RES-2023-

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN MATEO
CONSOLIDATED FIRE DEPARTMENT RESCINDING THE PROPOSED SECOND
AMENDED JPA AGREEMENT**

WHEREAS, on November 22, 2017, the San Mateo Consolidated Fire Department's ("Department") three Member Agencies entered into the Joint Powers Authority ("JPA") Agreement, thereby establishing the Department; and,

WHEREAS, on September 11, 2018, the City Councils of Belmont, Foster City and San Mateo passed a First Amended JPA Agreement establishing the San Mateo Consolidated Fire Department; and,

WHEREAS, at the March 14, 2022 Fire Board Retreat, Staff and the Fire Board of Directors agreed to review the JPA Agreement on a regular basis and discussed potential amendments; and,

WHEREAS, afterwards, Department Staff, in consultation with Department General Counsel, identified suggested amendments to the JPA Agreement; and,

WHEREAS, among other things, those amendments were suggested in order to clarify the procedures that would apply if an additional public entity would apply for membership to the Department JPA, as well as clarifying the handling of nominal inter-agency fee offsets amongst the JPA Member Agencies; and,

WHEREAS, on May 25, 2022, the Department Board of Directors adopted Resolution 2022-023, which incorporated the proposed amendments into a Second Amended Joint Powers Agreement, and directed Staff to present the proposed amendments to the Member Agencies;

WHEREAS, Department Staff and its General Counsel discussed the proposed amendments with staff of each of the Member Agencies, and it was proposed that the suggested clarifications would be better accomplished by policy agencies and Memoranda of Understanding, on an as needed basis, rather than an overhaul of the JPA Agreement itself;

WHEREAS, Accordingly, the proposed amendments adopted by the Department's Board on May 25, 2022 were not presented for ratification by the Member Agencies, and may be rescinded since the proposed changes are no longer necessary.

WHEREAS, the Department will continue to be governed consistent with the September 11, 2018 First Amended JPA Agreement.

NOW, THEREFORE, the Board of Directors of the San Mateo Consolidated Fire Department resolves as follows:

1. Rescind Department Resolution No. 2022-023, adopted May 25, 2022, and rescinding the corresponding proposed amendments to the current JPA Agreement.

PASSED AND ADOPTED as a resolution of the Board of Directors of the San Mateo Consolidated Fire Department at the regular meeting held on the 25th day of January, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Board Secretary

Board President

APPROVED AS TO FORM:

William D. Ross, General Counsel

SECOND AMENDED JOINT POWERS AGREEMENT

ESTABLISHING THE SAN MATEO CONSOLIDATED FIRE DEPARTMENT

This Second Amended Joint Powers Agreement (Agreement) is dated _____, 2022 ~~September 11, 2018~~ and is entered into by the City of San Mateo (San Mateo), the City of Foster City/Estero Municipal Improvement District (Foster City), and the Belmont Fire Protection District (Belmont), each duly organized and existing in the County of San Mateo, State of California under the constitution and laws of the state and individually or collectively called Member Agencies.

RECITALS

This Joint Powers Agreement is predicated upon the following:

- A. The Joint Exercise of Powers Act (Government Code Section 6500 et seq., the Act) provides that two (2) or more public agencies may by agreement jointly exercise any power common to the parties to the agreement and may by that agreement create an entity which is separate from the parties to the Agreement.
- B. The Member Agencies each have the authority to deliver fire suppression, fire prevention, investigation, rescue, and emergency medical services within their respective jurisdictions.
- C. The Member Agencies, desirous of improving the quality and level of Fire and Emergency Medical Services within their communities through the sharing of resources and expertise hereby establish a Joint Powers Authority entitled the San Mateo Consolidated Fire Department (Department) with the goal of commencing operations on or about four (4) months after CalPERS approves pension contract.
- D. San Mateo, Foster City and Belmont established the Joint Powers Authority by entering into a Joint Powers Agreement dated November 22, 2017. Those agencies propose subsequently amended to amend that the original Joint Powers agreement Agreement as provided in this Amended Joint Powers Agreement on September 11, 2018. The Department's Member Agencies now hereby enter into this Second Amended Joint Powers Agreement, which shall supersede the Original and First Amended Joint Powers Agreements and become the governing Joint Powers Agreement for the San Mateo Consolidated Fire Department

NOW, THEREFORE, the Member Agencies, for and in consideration of the mutual benefits, conditions and covenants set forth herein, agree as follows:

SECTION 1 - PURPOSE

The Joint Powers Authority is authorized in order to:

1. Enhance the quality of Fire and Emergency Medical Services, as defined at Section 2.14, and to better utilize available resources;
2. Manage, operate, and maintain Joint Facilities, as defined in Section 2.18, and to implement the financing, acquiring, and construction of additions and improvements to the Joint Facilities for the Service Area, as defined in Section 2.24;
3. Coordinate the respective Member Agencies' delivery of these services within their jurisdictions to achieve the most efficient and effective delivery system possible to the benefit of all communities involved; and
4. Issue and repay Bonds of the Department.

SECTION 2 - DEFINITIONS

For the purposes of this Agreement, the following words shall mean:

- 2.1 "Act" means the Joint Exercise of Powers Act of the State of California, California Government Code Sections 6500 et seq., as it now exists or may hereafter be amended.
- 2.2 "Agreement" means this Joint Powers Agreement.
- 2.3 "Arbitration" is a means of addressing a dispute related to Life Safety Risk per Section 15; and shall be conducted by a panel of three (3) Fire Service professionals selected by the Fire Board.
- 2.4 "Belmont" means the Belmont Fire Protection District.
- 2.5 "Board of Directors" or "Board" means the governing body of the Department.
- 2.6 "Bonds" means bonds, notes, or other obligations of the Department issued pursuant to any provision of law which may be used by the Department for the authorization and issuance of bonds, notes, or other obligations.
- 2.7 "Bond interest and redemption expenses" means those sums of money required to be expended by the Department from any bond interest and redemption fund to be established and maintained by the Department for the payment of principal of and interest on bonds (if any) issued pursuant to this Agreement.
- 2.8 "Bond Law" means Article 2 of the Act, as now or hereafter amended, or any other law hereafter legally available for use by the Department in the authorization and

issuance of bonds to finance needed public facilities or services.

- 2.9 "City Council" means City Council or Board of any Member Agency.
- 2.10 "Commencement Date" means the date upon which all Member Agencies have voted to commence operations of the Department. Prior to the Member Agencies voting to commence operations, the Department shall have successfully negotiated pension and health care contracts for its employees, obtained workers' compensation and liability insurance in amounts approved by the Board, agreed with the Member Agencies upon the terms and conditions pursuant to which the Department will occupy and use the Joint Facilities, agreed with the Member Agencies upon the transfer of Fire Equipment, agreed with the Member Agencies upon the responsibility for any legacy costs and on-going obligations, and determined the terms and conditions pursuant to which the Department shall employ Department personnel.
- 2.11 "County" means the County of San Mateo, State of California.
- 2.12 "Department" means the joint powers authority established by this Agreement as authorized by Government Code Section 6503.5 and identified as San Mateo Consolidated Fire Department.
- 2.13 "Department Personnel" means those Department employees providing the administrative, fire, emergency medical, and disaster preparedness services on behalf of the Department.
- 2.14 "Fire and Emergency Medical Services" means the provision of fire suppression, prevention, investigation, rescue, training, public education, disaster preparedness, emergency medical services, hazardous materials responses, and directly related activities.
- 2.15 "Fire Equipment" means all fire apparatus and other fire equipment, emergency response vehicles and equipment and all other equipment commonly in use by the Department, together with replacements thereof and additions thereto.
- 2.16 "Fiscal year" means the period from July 1st to and including the following June 30th, or such other period as the Board may specify by resolution.
- 2.17 "Foster City" means the City of Foster City/Estero Municipal Improvement District, a municipal corporation and general law city duly organized and existing in the County under the constitution and laws of the State of California.
- 2.18 "Joint Facilities" means the existing fire stations, office space, and training grounds owned by the Member Agencies, but leased to, managed, operated, or used by the Department and any additional facilities acquired by the Department.
- 2.19 "Life Safety Risk" means failure to meet the industry performance standards in response to the threats, hazards and risks in the community, as defined by the Center

on Public Safety Excellence.

- 2.20 "Member Agency" or "Member" means any public agency which is a signatory and party to this Agreement.
- 2.21 "Mutual Aid Agreements" means those existing and future agreements between public agencies, including the State, which have been developed to ensure a comprehensive and effective response to fires, disasters, and medical calls within the jurisdictions of the Member Agencies and other fire, disaster, and medical emergencies.
- 2.22 "San Mateo" means the City of San Mateo, a municipal corporation and charter city duly organized and existing in the County under the constitution and laws of the State.
- 2.23 "Secretary" means the Secretary of the Department, the official custodian of all records of the Department.
- 2.24 "Service Area" means the combined aggregate jurisdictional service areas of the Member Agencies as they now exist and as they may hereafter be modified by annexation of territory to or exclusion of territory from the boundaries of the Member Agencies.
- 2.25 "State" means the State of California.
- 2.26 "Treasurer" means the Treasurer of the Department, responsible for maintaining all financial records on behalf of the Department and acting as Controller for the Department and performing all such functions such as disbursement of revenues, payment of outstanding obligations of the Department, and other similar functions.

SECTION 3 - ESTABLISHMENT OF THE SAN MATEO CONSOLIDATED FIRE DEPARTMENT

- 3.1 Separate Legal Entity. The Department, as a joint powers authority, is a separate entity from the Member Agencies and is responsible for the administration of this Agreement.
- 3.2 Filing of Notices with Secretary of State and County Clerk. Within thirty (30) days after the effective date of this Agreement, the Department shall cause a notice of this Agreement to be prepared and filed with the office of the California Secretary of State containing the information required by California Government Code Section 6503.5.
- 3.3 Filing of Statement of Information. Within ten (10) days after the effective date of this Agreement, the Department shall cause a statement of the information concerning the Department, required by California Government Code Section 53051, to be filed with the office of the California Secretary of State, with the San Mateo County Clerk, and with San Mateo County Local Agency Formation

Commission (LAFCO) stating the facts required to be stated pursuant to subdivision (a) of Government Code Section 53051.

SECTION 4 - TERM

This Agreement shall be effective on the date it is signed by the last Member Agency to do so and shall continue in effect until such time as the Agreement is terminated and the Department is dissolved pursuant to Section 17. Dissolution cannot occur until all debts and obligations of the Department have been paid in full.

SECTION 5 - POWERS AND OBLIGATIONS OF DEPARTMENT

5.1 General Powers. As authorized by California law, including California Government Code Sections 6502, the Department shall have the power in its own name to exercise any and all common powers of its Member Agencies, including common sovereign powers, reasonably related to the purposes of the Department, including, but not limited to, the powers to:

- (a) Seek, receive, and administer funding from any available public or private source, including grants or loans under any available Federal, State and local programs for assistance in achieving the purposes of the Department;
- (b) Incur all authorized debts, liabilities, and obligations, including issuance and sale of bonds, notes, certificates of participation, bonds authorized pursuant to the Mello-Roos Local Bond Pooling Act of 1985, California Government Code Sections 6584 et seq. (as it now exists or may hereafter be amended) or any other legal authority common to the Member Agencies and such other evidences of indebtedness, subject to the limitations herein;
- (c) Raise revenue, to levy and collect taxes and assessments, rates, fees, and charges;
- (d) Contract for the services of necessary consultants;
- (e) Make and enter into other contracts;
- (f) Employ agents, officers, and employees;
- (g) Acquire, lease, construct, own, manage, maintain, dispose of or operate (subject to the limitations herein) any buildings, works or improvements deemed necessary by the Board, including fire stations and equipment;
- (h) Acquire, hold, manage, maintain, or dispose of any other property by any lawful means, including without limitation gift, purchase, lease,

lease-purchase, license, or \$ale;

- (i) Receive gifts, contributions, and donations of property, funds, services, and other forms of financial or other assistance from any persons, firms, corporations, or governmental entities;
- (j) Sue and be sued in its own name;
- (k) Seek the adoption or defeat of any Federal, State or local legislation or regulation necessary or desirable to accomplish the stated purposes and objectives of the Department;
- (l) Adopt ordinances, rules, regulations, policies, bylaws, and procedures governing the operation of the Department;
- (m) Invest money pursuant to California Government Code Section 6505.5 that is not required for the immediate necessities of the Department, as the Department determines is advisable, in the same manner and upon the same conditions as local agencies, pursuant to Section 53601 of the California Government Code as it now exists or may hereafter be amended;
- (m) Conduct an audit of the records and accounts of the Department annually by an independent certified public accountant and copies of such audit report shall be filed with the State Controller, the County Auditor, and shall be provided to the Member Agencies no later than fifteen (15) days after receipt of such audit reports by the Department;
- (n) Carry out and enforce all the provisions of this Agreement;
- (o) Exercise all other powers not specifically mentioned herein, but common to Member Agencies, and authorized by California Government Code Section 6508 as it now exists or may hereafter be amended; and
- (p) For purposes of California Government Code Section 6509, the powers of the Department shall be exercised subject to the restrictions upon the manner of exercising such powers as are imposed upon the City of Foster City, a general law city.

SECTION 6 - BOARD OF DIRECTORS

- 6.1 Governing Board. The Department shall be governed by a Board of Directors ("Board"), appointed per Section 6.2, consisting of one (1) voting representative and one (1) alternate from each Member Agency. Alternates shall serve in the absence of the Board Member for the agency they represent. Alternates have no voting power other than when serving for an absent Board Member.

- 6.2 Qualifications. The Board shall be composed exclusively of elected members from the governing boards of the Member Agencies. The governing board of each Member Agency shall appoint its representatives and shall fill any vacancies should a representative of such Member Agency cease to serve as a Board Member for any reason. A Board vacancy will occur when a representative is no longer serving as a member of the governing board of a Member Agency.
- 6.3 Board Officers. The Board shall annually select one (1) of its members to serve as Chair and one (1) member as Vice Chair.
- (a) If the Chair is unable to continue serving on the Board, then the Vice Chair shall become Chair. A new Vice Chair will then be selected from another Member Agency.
 - (b) If the Vice Chair is unable to continue serving on the Board, a new Vice Chair will be selected.
 - (c) The Chair shall preside over all meetings of the Board and perform such other duties as may be imposed by the Board in accordance with law and this Agreement.
 - (d) The Vice Chair shall preside over all meetings of the Board in the Chair's absence and perform such other duties as may be imposed by the Board in accordance with law and this Agreement when the Chair is absent.
- 6.4 Additional Officers and Consultants. The Board may appoint any additional officers deemed necessary or desirable. Such additional officers also may be officers or employees of a Member Agency or of the Department. The Board may also retain such other consultants or independent contractors as may be deemed necessary or appropriate to carry out the purposes of this Agreement.
- 6.5 Bonding Requirements. The officers or persons designated to have charge of, handle, or have access to any funds or property of the Department shall be so designated and empowered by the Board. Each such officer or person shall be required to file an official bond with the Department in an amount established by the Board. Should the existing bond or bonds of any such officer or persons be extended to cover the obligations provided herein, said bond or bonds shall satisfy the requirements of this paragraph and shall be the official bond required herein. The premiums on any such bonds attributable to the coverage required herein shall be appropriate expenses of the Department. If it is prudent to do so, the Department may procure a blanket bond on behalf of all such officers and persons.
- 6.6 Subcommittees. The Board may create permanent or ad hoc subcommittees to give advice to the Board on such matters as may be referred to such subcommittee by the Board. Qualified persons shall be appointed to such subcommittees by the Board and each such appointee shall serve at the pleasure of the Board. All regular, adjourned and special meetings of such subcommittees

shall be called and conducted in accordance with the applicable requirements of the Ralph M. Brown Act, Government Code Section 54950 et seq., as it now exists or may hereafter be amended, and all other applicable law.

- 6.7 Meetings. The Board shall hold publicly noticed meetings as needed but at least quarterly. Meetings shall be held in the Service Area at a place designated by the Department. All meetings of the Board shall be called and conducted in accordance with the provisions of the Ralph M. Brown Act and other applicable law.
- 6.8 Quorum. The presence of two (2) Board Members shall constitute a quorum for transaction of Department business.
- 6.9 Voting. All voting powers of the Department shall reside in the Board. The Member Agencies' Board Members shall have the following weighted vote: San Mateo sixty percent (60%), Belmont twenty percent (20%), Foster City twenty percent (20%). The Board intends to strive for consensus following full discussion, but in the event consensus cannot be reached, a weighted vote of eighty (80%) shall be required to take action.
- 6.10 Member Agency Approvals. Prior to June 30th each year, the Fire Chief shall prepare and present a proposed budget to the Board for its review. The Board shall review the proposed budget and thereafter recommend approval of the budget to the governing boards of the Member Agencies. Once approved by the Member Agencies by a weighted vote of eighty percent (80%) using the same weighted vote for Agencies as for Board Members in Section 6.9, the budget shall be effective.
- 6.11 Rules. The Board may adopt from time to time such bylaws, rules, and regulations for the conduct of meetings of the Board and of the affairs of the Department as are consistent with this Agreement and other applicable law.
- 6.12 Minutes. The Secretary shall cause minutes of all meetings of the Board to be drafted. Upon approval by the Board, such minutes shall become a part of the official records of the Department.
- 6.13 Conflicts of Interest.
 - (a) California Political Reform Act. Board members shall be considered "public officials" within the meaning of the California Political Reform Act of 1974, as amended, and its regulations, for purposes of financial disclosure, conflict of interest and other requirements of such Act and regulations, unless determined otherwise in a contrary opinion or written advice of the California Fair Political Practices Commission. The Department shall adopt and maintain a conflicts of interest code in compliance with the Political Reform Act.
 - (b) Levine Act. Board members are "officials" within the meaning of

California Government Code Section 84308 et seq., commonly known as the "Levine Act," and subject to the restrictions of such act on the acceptance, solicitation or direction of contributions.

- 6.14 Dispute Resolution. Should any dispute among the Member Agencies arise out of this Agreement and should the Member Agencies be unable to resolve the dispute, the Member Agencies shall, at the written request of any Member Agency, meet in mediation and attempt to reach a resolution with the assistance of a mutually acceptable mediator. If a mediator cannot be agreed upon, then each Member Agency shall submit the name of a proposed mediator and the mediator shall be chosen by a blind drawing. Mediation shall be conducted within ninety (90) days unless the Member Agencies agree in writing to extend the time for mediation and concluded before resorting to court action. Mediation fees shall be paid equally by the Member Agencies. If a mediated agreement is reached no Member Agency shall be deemed the prevailing party and each Member Agency shall bear its own legal costs. If no mediated agreement is reached and litigation is subsequently filed, the venue shall be in San Mateo County Superior Court.

SECTION 7 - POWERS AND DUTIES OF GOVERNING BOARD

- 7.1 Powers and Duties. In addition to the powers and duties set forth elsewhere in this Agreement, the Board of Directors shall have the following powers and duties to:

- (a) Review and recommend an annual budget to the Member Agencies for approval;
- (b) As agreed upon by the Member Agencies, determine the level of Fire and Emergency Medical Services to be provided by the Department, and within the limits of the Member Agencies or pursuant to Mutual Aid Agreements;
- (c) Make and enter into contracts or sub-contracts;
- (d) Incur debt, liabilities and obligations on behalf of the Department as pertains to the common purposes as set forth above;
- (e) Invest Department funds pursuant to the investment policy of the Department;
- (f) Appoint a Treasurer from one of the Member Agencies or a third party qualified professional as depository which to have custody over all Department funds without regard to their source;
- (g) Receive contributions, donations or grants of property, funds, services, or other forms of assistance from any source;
- (h) Coordinate Department activities with other Joint Powers Authorities or

public agencies established for similar purposes in pursuing the common purposes set forth above;

- (i) Appoint a Legal Advisor for the Department; and
- (j) Appoint, suspend and or terminate the Fire Chief.

SECTION 8 - OPERATIONS AND FACILITIES

- 8.1 Principal Office. The principal office of the Department shall initially be the current Administrative Office at Foster City Fire Department Station 28 in the City of Foster City, 1040 East Hillsdale Boulevard, Foster City, California. The Department may establish another principal office by resolution of the Board.
- 8.2 Assumption of Responsibilities by the Department. As soon as practicable after the effective date of this agreement, the Member Agencies shall appoint their representatives to the Board and the Fire Chief shall give notice of an organizational meeting of the newly constituted Board. At said meeting the Board shall provide for its regular meetings, shall elect a Chair and Vice Chair.
- 8.3 Delegation of Authority: Transfer of Records, Accounts, Funds and Property. Beginning on the Commencement Date, as defined in Section 2.10, each of the Member Agencies shall have entered into an agreement with the Department for the Department's use of the Member Agency's Joint Facilities within its territorial jurisdiction, which agreement, as may be amended from time to time, shall remain in place while the Member Agency is a party to this Agreement and receiving services from the Department.
- 8.4 Employment of Personnel. The Department shall employ the necessary personnel to provide continued, efficient, and economical Fire and Emergency Medical Services to the Service Area.
- 8.5 Limitations on Activities Prior to Commencement Date. The Department will not begin providing Fire and Emergency Medical Services or other operational services before the Commencement Date. Except as may be mutually agreed upon by the governing boards of the Member Agencies, the Department may not incur any debt before the Commencement Date.

SECTION 9- EMPLOYEE RELATIONS

- 9.1 Status of Employees of the Department. All of the privileges and immunities from liability, exemption from laws, ordinances and rules, all pension, relief, disability, worker's compensation, and other benefits which apply to the activity of employees of the Department when performing their respective functions within the territorial limits of a Member Agency shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties under the provisions of this Agreement and Chapter 5 of Division 7 of Title 1 of

the California Government Code, commencing with Section 6500. However, none of the employees of the Department shall be deemed to be employed by any Member Agency or to be subject to any of the requirements of such Member Agency by reason of their employment by the Department.

9.2 Employee Relations. The Department shall maintain, as necessary, Employer-Employee Relations Procedures, Personnel Rules and Regulations applicable to the Department.

9.3 Bargaining. Bargaining under the Meyers-Milias Brown Act shall proceed as set forth in this section. Employees of the Department are not employees of any Member Agency. The Board may, as provided in Government Code Section 54957.6, meet in a closed session to provide direction for negotiations as necessary.

SECTION 10 - FIRE CHIEF OF THE DEPARTMENT

10.1 Powers and Duties. The Fire Chief shall have the following powers, responsibilities and duties:

- (a) Planning, coordinating and supervising the operation of the Department on a day-to-day basis to ensure that the policies and direction of the Board are implemented operationally and administratively;
- (b) Making recommendations to the Board regarding the operations of the Department;
- (c) Supervising and managing the Department personnel;
- (d) Hiring, promoting, demoting, imposing disciplinary action and/or terminating employees of the Department;
- (e) Coordinating and supervising all training;
- (f) Establishing policies and procedures for the Department in order to implement directives from the Board;
- (g) Preparing the annual budget for submission to the Board;
- (h) Management of inter jurisdictional responses under any applicable mutual aid agreements, automatic aid agreements, and the greater alarm plans to operationally implement this Agreement;
- (i) Appointing a qualified employee of one (1) of the Member Agencies or contract with a third party qualified professional to act as Human Resources Director for the Department; and

- (j) Appoint a qualified employee of the Department or one (1) of the Member Agencies as Secretary.

SECTION 11 - INSURANCE AND LIABILITY

- 11.1 Insurance Coverage. Prior to the Commencement Date, the Department shall obtain insurance coverage for its activities. This shall include, but not be limited to, workers' compensation and liability insurance coverage in amounts approved by the Board.
- 11.2 Limitation on Liability.
 - (a) Except as provided in Section 12, no debt, liability, or obligation of the Department shall constitute a debt, liability or obligation of any Member Agency.
 - (b) Except as expressly authorized by the Member Agencies, no Member Agency shall be responsible for the acts and omissions of another Member Agency's officers or employees, nor shall a Member Agency incur any liabilities arising out of the services and activities of another Member Agency's officers or employees.
- 11.3 Hold Harmless. The Department shall defend, hold harmless and indemnify, to the fullest extent permitted by law, each Member Agency from any liability, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including attorney's fees and costs, court costs, interest, defense costs, and expert witness fees, where the same arise out of, or are in any way attributable in whole or in part, to the operation of the Department or its employees, officers or agents or the employees, officers or agents of the Member Agencies while acting within the course and scope of an agency relationship with the Department.

SECTION 12 - PENSION INTEGRITY

- 12.1 Each Member Agency hereby declares its intent to fund its share of the Department's employee pension obligations now and in the future, and to continue to honor its responsibility for its share of those pension obligations (subject to the cost allocation in Section 14.2) should the Member Agency terminate its membership in the Department or the Department terminates.
- 12.2 To fulfill the intent expressed in Section 12.1, each Member Agency agrees:
 - (a) It is responsible for the pension obligations for its employees incurred while employed by the Member Agency and before becoming an employee of the Department;

- (b) If the Department contracts with CalPERS for retirement benefits, to be responsible for its proportionate share, in accordance with the allocation in Section 14.2, of the Department's CalPERS liabilities incurred during the Member Agency's membership in the Department;
 - (c) To execute an agreement with CalPERS, which may include an agreement in accordance with Government Code Section 20573, to assume the Member Agency's proportionate share of CalPERS liability as expressed in (b)(2) should the Member Agency terminate its membership or the Department terminates.
- 12.3 If requested to do so by CalPERS, the original Member Agencies agree to execute the agreement in 12.2(c) concurrent with CalPERS executing an agreement with the Department for retirement benefits.

SECTION 13 - ADDITION OF MEMBER AGENCIES

Any local agency may apply for membership to the Department. Any such application shall provide a plan for service showing how existing local agency employees, fire apparatus, equipment, fire stations, facilities, and existing and contingent liabilities and revenue will be integrated into the Department upon membership approval. Addition of an agency to the Department shall require approval by the governing boards of all Member Agencies. After finding the application complete, ~~t~~The Department may require such contributions and conduct such investigations, as it may deem appropriate as a condition of application and/or approval of any additional Member Agencies, including the possible modification of Agreement Section 6.9, if any.

SECTION 14- MAINTENANCE AND OPERATION COSTS: COST ALLOCATION

- 14.1 Records and Accounts. The Department shall cause to be kept accurate and correct books of account, showing capital costs (if any), special services costs, and maintenance and operation costs of the Department. The Department shall maintain accurate and correct books of account showing all Department personnel costs and the costs of maintenance and operation of the Fire Equipment and Joint Facilities, including liability, casualty and workers' compensation insurance and a reasonable depreciation reserve for capital items. The afore described books and records shall be open to inspection at all times during normal business hours by Member Agencies.
- 14.2 Allocation of Expenses. Until changed by mutual agreement of the Member Agencies, the costs and expenses in the approved budget shall be allocated sixty percent (60%) to City of San Mateo and twenty percent (20%) each to Foster City and Belmont.
- 14.3 Inter-Agency Fee Offsets. Nominal fees and fines, not requiring significant staff work and processing time, should not be charged between the Department and the Member

SECTION 15 - WITHDRAWAL FROM THE JOINT POWERS AUTHORITY

A Member Agency may withdraw from this Agreement by filing written notice of intention to do so with the other Member Agencies at least sixty (60) months in advance of the intended withdrawal date. Notice required by this section cannot be executed prior to January 1, 2029, with the exception of a Life Safety Risk to the community. Any fire service related life safety risk dispute will be arbitrated; if the risk is found to be valid, the withdraw period will be twenty-four (24) months unless otherwise agreed to by Member Agencies.

SECTION 16 - DISPOSITION OF ASSETS UPON WITHDRAWAL OF A MEMBER AGENCY

The withdrawal of any Member Agency shall not terminate this Agreement provided at least two (2) Member Agencies remain. Upon withdrawal, the Member Agency's separately owned fire stations, if any, will no longer be available for use by the Department. No Member Agency, by withdrawing, shall, except as may be agreed to by the remaining Member Agencies, be entitled to payment or return of funds paid or Fire Equipment transferred to the Department, if any, by the withdrawing Member Agency to the Department or to any distribution of its assets except for its proportionate share of any unobligated fund balance held by the Department.

SECTION 17-TERMINATION; DISSOLUTION AND DISPOSITION OF ASSETS

- 17.1 Termination and Dissolution Prior to Commencement Date. When the conditions enumerated in Section 2.10 are satisfied, the Board shall adopt a resolution certifying this fact to the Member Agencies and asking the Member Agencies to approve commencement of operations on a certain date. The governing boards of the Member Agencies shall have forty-five (45) days from the adoption of the resolution to approve commencement of operations. Upon approval of the governing boards of all Member Agencies, the Department shall commence operations. If, on the other hand, the governing boards of all Member Agencies do not approve commencement of operations within forty-five (45) days, the Board shall expeditiously wind down the affairs of the Department, and upon completion, shall dissolve the Department and terminate the Agreement.
- 17.2 Termination, Dissolution and Disposition of Assets After Commencement Date. After the Commencement Date, this Agreement may be terminated, and the Department dissolved upon the approval by the governing boards of all Member Agencies. Upon termination of this Agreement and dissolution of the Department, property owned by the Member Agencies shall, at that point, no longer be available for use by the Department. Department funds shall first be used to pay expenses, debts, liabilities and obligations of the Department and then allocated

based upon the funding formula then current under Section 14.2 above. The proportionate shares of any assets, equipment or supplies owned by the Department shall be returned to the Member Agencies calculated using that same formula; however; if the Member Agencies are unable to agree on how to distribute some or all of the Department's non-monetary assets, the disputed assets shall be sold and the proceeds distributed according to the formula described in Section 14.2. Funds in a depreciation reserve account of Member Agencies subject to the cost allocation formula under Section 14.2 shall be considered an asset of the Department for purposes of this Section.

SECTION 18 - CAPITAL ASSETS

Fire Equipment owned by each Member Agency and transferred to the Department upon the Commencement Date shall become the property of the Department. Transfer of Fire Equipment from new Member Agencies shall be required at the time they join the Department pursuant to Section 13, Addition of Member Agencies, and the Amended JPA Agreement providing for their admission is executed.

SECTION 19- FISCAL RESPONSIBILITY

Each Member's Agency's proportionate share of CalPERS liability is addressed in Section 12.2.. In the event that the Department is dissolved or becomes insolvent, or the agreement with CalPERS is terminated, each Member Agency is responsible for its proportionate share of all other outstanding Department liabilities and obligations incurred during the Member Agency's membership in the Department, allocated in accordance with Section 14.2, so that the Member Agencies have fiscal responsibility for 100% of the Department's outstanding liabilities and obligations upon dissolution or insolvency.

SECTION 20 - AMENDMENT

This Agreement may be amended from time to time with the written consent of all of the Member Agencies.

SECTION 21 - NOTICE

Any notice required to be given or delivered by any provision of this Agreement shall be personally delivered or deposited in the U.S. Mail, registered or certified, postage prepaid, addressed to the Member Agencies at their addresses as reflected in the records of the Department, and shall be deemed to have been received by the Member Agencies to which the same is addressed upon the earlier of receipt or seventy-two (72) hours after mailing.

SECTION 22 -ATTORNEY'S FEES

In the event litigation or other proceeding is required to enforce or interpret any provision of this Agreement, the prevailing party in such litigation or other proceedings shall be

entitled to an award of its actual and reasonable attorney's fees, costs and expenses incurred in the proceeding.

SECTION 23 - SEVERABILITY

Should any part, term or provision of this Agreement be decided by a court of competent jurisdiction to be illegal or in conflict with the law of the State or otherwise rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

SECTION 24 - SUCCESSORS

This Agreement shall be binding upon and accrue to the benefit of any successor of a Member Agency.

SECTION 25 - ASSIGNMENT AND DELEGATION

No Member Agency may assign any rights or delegate any duties under this Agreement without the written consent of all other Member Agencies and any attempt to make such an assignment shall be null and void for all purposes.

SECTION 26 - COUNTERPARTS

This Agreement may be executed in one (1) or more counterparts, all of which together shall constitute a single agreement, and each of which shall be an original for all purposes.

SECTION 27 - INTEGRATION

This Agreement represents the full and entire Agreement among the Member Agencies with respect to the matters covered herein.

SECTION 28 - EXECUTION

The legislative bodies of the Member Agencies have each authorized execution of this Agreement, as evidenced by the respective signatures attested below.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS THEREOF, the parties hereto have set their hands the day and year first herein above written/

CITY OF SAN MATEO

CITY OF FOSTER CITY/ESTERO
MUNICIPAL IMPROVEMENT DISTRICT

By: _____
Rick Bonilla, Mayor

By: _____
Richa Awasthi, Mayor/President

By: _____
Drew Corbett, City Manager

By: _____
Edmund Suen, Interim City/District Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Prasanna Rasiah, City Attorney

By: _____
-Benjamin Stock, City/District Legal Counsel
-

ATTEST:

ATTEST:

By: _____
Patrice Olds, City Clerk

By: _____
Priscilla Schaus, City/District Clerk/~~District
Secretary~~

BELMONT FIRE PROTECTION DISTRICT

By: _____
Julia Mates, Mayor

By: _____
Afshin Oskoui, District/City Manager

APPROVED AS TO FORM:

By: _____
Scott Rennie, Attorney

ATTEST:

By: _____
_____, District Secretary



STAFF REPORT

To: San Mateo Consolidated Fire Department Board of Directors

From: William Ross, Department Counsel

Meeting Date: January 25, 2023

Subject: **Resolution Authorizing “Hybrid” Meetings to be Conducted Via In-Person Attendance and Remote Teleconferencing for the Department Board of Directors, Consistent with AB 361’s Amendments to the Ralph M. Brown Act**

RECOMMENDATION

Adopt a Resolution finding that continued emergency conditions persist due to the ongoing COVID-19 pandemic and that meetings of the Department’s Board of Directors (“Board”) will be held as “hybrid” meetings with the option for members of the public, Department Staff, and Board Members to attend by either remote teleconferencing or to attend in-person, consistent with AB 361 and its amendments to Government Code Section 54953, for the period of January 25, 2023 through February 24, 2023.

BACKGROUND

Because of the COVID-19 pandemic, the Department’s Board of Directors had been conducting meetings via Zoom teleconference, as allowed by Executive Order N-29-20. However, the Executive Order expired on September 30, 2021. Assembly Bill 361, which was signed into law by the Governor on September 16, 2021, allows local agencies to continue to meet by Zoom or other teleconferencing methods, provided that certain conditions are met.

AB 361 amended the Brown Act to allow for the same teleconferencing as the now-expired Executive Order, so long as a state of emergency persists.

The enclosed Resolution complies with the provisions of AB 361 and allows continued use of Zoom meetings of the Department Board, while also allowing it to conduct in-person meetings. This “hybrid” style of meeting continues to promote social distancing by allowing members of the Board and members of the public to participate in the manner in which they feel most safe, thereby promoting public participation while simultaneously protecting vulnerable members of the public, such as those with compromised immune systems.

In an October 2022 press release, Governor Newsom stated that the COVID-19 state of emergency is will stay in effect until February 28, 2023, upon which it will be lifted.

Because the Governor’s declaration of a state of emergency remains in effect, the ability for the Board to continue to meet by Zoom, even in conjunction with in-person meetings, can be accomplished consistent

with AB 361, which requires that Resolutions confirming the existence of a declared emergency are adopted *every 30 days* (or, if a longer period of time passes between each Board meeting, a Resolution be adopted each time the Board meets).

Stated differently, the Board will have to enact a “361 Resolution” at each meeting to allow the current Zoom teleconferencing procedures to continue.

To accomplish these “hybrid” style meetings, agendas should indicate the location of the physical meeting site that will be open to the public, as well as the alternate means of participating via Zoom or teleconference.

FISCAL IMPACT

None

ATTACHMENTS

A. Resolution

RESOLUTION NO. RES-2023-

A RESOLUTION OF THE SAN MATEO CONSOLIDATED FIRE DEPARTMENT RE-AFFIRMING THAT A LOCAL EMERGENCY EXISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY ISSUED BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND AUTHORIZING IN-PERSON AND REMOTE TELECONFERENCED MEETINGS OF THE LEGISLATIVE BODIES OF THE SAN MATEO CONSOLIDATED FIRE DEPARTMENT FOR THE PERIOD OF JANUARY 25, 2023 THROUGH FEBRUARY 24, 2023 PURSUANT TO THE RALPH M. BROWN ACT

WHEREAS, the San Mateo Consolidated Fire Department (“Department”) is committed to preserving and nurturing public access and participation in meetings of the San Mateo Consolidated Fire Department Board of Directors (“Board”); and,

WHEREAS, all meetings of the Department’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Department’s legislative bodies conduct their business; and,

WHEREAS, where a state of emergency exists, Government Code section 54953(e) authorizes remote, teleconferenced participation in meetings by members of a legislative body, without compliance with Government Code section 54953(b)(3), which under normal circumstances allows remote teleconference participation by Board Members through a specific agenda-posting process at each teleconferenced member’s location, with agenda provisions indicating that each teleconferenced location be accessible to the public; and,

WHEREAS, however, such requirements are not required for teleconferenced meetings when a state of emergency has been declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and,

WHEREAS, that proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Department’s boundaries, caused by natural, technological, or human-caused disasters; and,

WHEREAS, that proclamation also requires that state or local officials have imposed or recommended measures to promote social distancing, or the legislative body meeting in person would present imminent risks to the health and safety of attendees; and,

WHEREAS, emergency conditions exist nationwide, including across California and within the Department’s operating area, resulting in a State of Emergency being proclaimed by Governor Newsom on March 4, 2020, proclaiming a State of Emergency to exist in California as a result of the threat of COVID-19; and,

WHEREAS, on March 16, 2020, the Director of Emergency Services for each of the three member agencies of the Department proclaimed a local emergency within their jurisdictions, which were

subsequently ratified by their respective governing bodies. On April 1, 2020, the Department's Board of Directors adopted a Resolution confirming and ratifying the actions of the three member agencies taken on March 16, 2020, including the declarations of emergency within the Department's entire service area in response to the COVID-19 pandemic; and,

WHEREAS, during the COVID-19 pandemic, the Department Board has conducted remote, teleconferenced meetings consistent with the Governor's Executive Orders promoting social distancing;

WHEREAS, consistent with AB 361, as a condition of extending the use of the provisions found in section 54953(e), the Department Board must reconsider the circumstances of the state of emergency that exists in the Department, and the Department Board has done so; and,

WHEREAS, due to the emergence of new variants of COVID-19, such as Delta and Omicron variants of COVID-19, not all members of the public may feel safe to participate personally at in-person meetings; and,

WHEREAS, the Department Board has determined that conducting "hybrid" style meetings with the option for members of the public, Department Staff, and members of the Board of Directors to attend either virtually or in person would allow participation in a manner in which individuals feel most safe, thereby promoting public participation while simultaneously promoting social distancing and protecting vulnerable members of the public, such as those with compromised immune systems; and,

WHEREAS, as a consequence of the local emergency, the Department Board does hereby find that the legislative bodies of the Department shall conduct their meetings via in-person and remote teleconferencing, in compliance with Government Code section 54953(e); and,

WHEREAS, the Department will continue to provide teleconference access via a conference phone-line number to the meetings to ensure alternative means of public access.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN MATEO CONSOLIDATED FIRE DEPARTMENT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Exists. The Department Board hereby proclaims that a local emergency continues to exist throughout the Department, and that conducting meetings that allow for both in-person and remote attendance would not only promote public safety, but also encourage broader public participation while providing members of the public to participate in the manner in which they feel safe and to slow or prevent the spread of the coronavirus.

Section 3. Re-Ratification of Governor's Proclamation of a State of Emergency. The Department Board hereby re-ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The staff and legislative bodies of the Department are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of either 30 days or such time the Department Board adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Department may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the Department Board of the San Mateo County Fire Department held on the 25th day of January, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Board Secretary

Board President

APPROVED AS TO FORM:

William D. Ross, General Counsel



STAFF REPORT

To: San Mateo Consolidated Fire Department Board of Directors

From: Rich Lee, Treasurer

Meeting Date: January 25, 2023

Subject: Unfunded Other Post-Employment Benefits Liabilities – Prefunding Strategies

RECOMMENDATION

That the Board authorize investing \$1.5 million in accumulated resources with an irrevocable trust to address the unfunded OPEB liability.

BACKGROUND

In October 2021, the San Mateo Consolidated Fire Department (SMC Fire) Board of Directors formally accepted the Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2021. One of the highlights from the ACFR was an increase in the unfunded liability for other post-employment benefits (OPEB), which increased from \$1.6 million to \$3.3 million. The Board directed staff to work with the finance directors from the other member agencies (Belmont and Foster City) to evaluate OPEB prefunding strategies, which took place on December 21, 2022.

ANALYSIS

SMC Fire uses an internal service fund to account for the cost of benefits, including healthcare and pension benefits, which is a common accounting mechanism to charge operating funds (General Fund and Fire Protection and Life Safety Fund) for services that are provided to the organization as a whole. The service charges to operating funds are accounted for as expenditures, while the Benefits Fund accounts for the service charges from operating funds as revenue. In addition to pension and healthcare benefits, the Benefits Fund also accounts for severance pay as a percentage of each employee's earnings to pay their accumulated leave balances upon termination or retirement. As of December 31, 2022, SMC Fire has accumulated \$2.8 million in fund balance in the Benefits Fund; \$1.5 million of which has been accumulated to address the OPEB liability.

From an accounting perspective, even if the Fire Board were to adopt a resolution to commit the fund balance in the Benefits Fund to address SMC Fire's OPEB liability, the fund balance would not be factored into the calculation of the net OPEB liability, as the Fire Board would maintain control over the funds. In order to have eligible funds included in the calculation of the net OPEB liability, the Fire Board must remit funds to an irrevocable trust, such as the California Employers' Retiree Benefit Trust (CERBT), administered by the California Public Employees' Retirement System (CalPERS), or through the Public Agency Retirement Services (PARS).

FISCAL IMPACT

Based on an analysis from SMC Fire’s actuarial firm, Foster & Foster, the projected Unfunded Accrued Actuarial Liability (UAAL) for the fiscal year ended June 30, 2022 was \$2.1 million. The UAAL is the difference between assets (of which SMC Fire has none since there are currently no funds in an irrevocable trust) and the actuarial accrued liability (AAL).

The options to address the UAAL are discussed below:

Option A

Authorize investing the \$1.5 million in accumulated resources from the Benefits Fund into an irrevocable trust. Doing so would bring the funded ratio, which is assets divided by the AAL, to 73%. For reference, based on a survey of local cities in San Mateo County, 14 of the 16 responding cities participate in an irrevocable trust for OPEB. Of the 14 in an OPEB trust, 8 use CERBT, and 5 use PARS to administer the trust. The finance directors of the three member agencies recommend Option A, as it uses resources that have been accumulated to address the OPEB liability, as opposed to Option B, which would amortize the UAAL over time.

Option B

Amortize the UAAL over 20 years via the actuarially determined contribution (ADC) by member agency as shown in the table below, which also includes the normal cost, which is the current cost of OPEB for one year of service. The allocation reflects the proportional composition of active and retired members as well as Belmont having a dedicated irrevocable trust for its former Fire Department personnel.

Fiscal Year	Belmont	Foster City	San Mateo	Total ADC**
2022-23	\$95	\$163	\$393	\$651
2023-24	\$89	\$148	\$355	\$591
2024-25	\$80	\$133	\$320	\$533
2025-26	\$73	\$121	\$290	\$484
2026-27	\$65	\$109	\$262	\$436
2027-28	\$59	\$99	\$237	\$395
2028-29	\$56	\$93	\$224	\$373
2029-30	\$49	\$82	\$197	\$329
2030-31	\$46	\$77	\$185	\$309
2031-32	\$44	\$74	\$176	\$294

**in thousands*

*** less implied subsidy*

ATTACHMENTS

A. June 30, 2021 Pre-Funding Sensitivity Analysis



SAN MATEO CONSOLIDATED FIRE DEPARTMENT RETIREE HEALTHCARE PLAN



June 30, 2021 Pre-Funding Sensitivity

Bartel Associates, LLC
Doug Pryor, ASA, EA, MAAA
Bianca Lin, FSA, EA, FCA, MAAA
Tak Frazita, FSA, EA, FCA, MAAA
Nathan Hinojosa

November 4, 2022

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BENEFIT SUMMARY

<p>■ Eligibility</p>	<ul style="list-style-type: none"> • Department formed on January 13, 2019 • Full time employee service and disability retirement directly from the Department und CalPERS • Continue participating in PEMHCA after retirement
<p>■ Retiree Medical Benefit</p>	<ul style="list-style-type: none"> • Department provides retiree contribution up to a monthly cap of \$160 • PEMHCA minimum included in cap <ul style="list-style-type: none"> 2021: \$143 2022: \$149 2023: \$151 • Same cap for Medicare eligible retirees • Retiree pays the remainder of the premium for the healthcare plan elected in CalPERS
<p>■ Surviving Spouse Benefit</p>	<ul style="list-style-type: none"> • Contribution continues to surviving spouse and dependents • Same cap as retirees
<p>■ Dental Vision & Life</p>	<ul style="list-style-type: none"> • None



November 4, 2022

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ACTUARIAL ASSUMPTIONS

<p>■ Valuation Date</p>	<ul style="list-style-type: none"> • June 30, 2021 • Fiscal Years 2022/23 and 2023/24 ADCs
<p>■ Discount Rate</p>	<ul style="list-style-type: none"> • 6.25% • CERBT Strategy 1, per District request • Assumes 100% ADC prefunding starting 2022/23
<p>■ Healthcare Participation at Retirement</p>	<ul style="list-style-type: none"> • Actives – 70% if covered, 20% if waived • Retirees – 100% if covered, 5% re-elect at 65 if waived
<p>■ PEMHCA Minimum Increase</p>	<ul style="list-style-type: none"> • 4.00% annually
<p>■ Other Assumptions</p>	<ul style="list-style-type: none"> • See 6/30/22 GASBS 75 report dated 9/16/22 for details



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ACTUARIAL METHODS

<p>■ Cost Method</p>	<ul style="list-style-type: none"> • Entry Age Normal • Normal Cost is a level percentage of payroll
<p>■ Amortization Method</p>	<ul style="list-style-type: none"> • Level percent of payroll
<p>■ Amortization Period</p>	<ul style="list-style-type: none"> • Projected 6/30/22 UAAL – 20-year fixed (closed) period



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PARTICIPANT SUMMARY

Data Summary June 30, 2021

	Belmont	City of San Mateo	Foster City	SMC Fire	Total
■ Actives					
• Count	21	76	29	19	145
• Average					
➢ Age	43.7	45.8	44.4	34.8	43.8
➢ CalPERS Service	16.9	18.1	17.6	4.1	16.0
➢ Salary	\$174,335	\$157,603	\$155,707	\$94,833	\$151,422
• Total Salary (000)	3,661	11,978	4,515	1,802	21,956
■ Retirees					
• Counts	1	7	3	0	11
• Average Age	53.0	58.0	54.6	n/a	56.7
• Retirement Age					
➢ Retiree	n/a	57.5	51.7	n/a	56.3
➢ Disabled	51.8	56.1	54.8	n/a	55.0



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CERBT DERIVATION

CERBT Investment Options

■ 2018 Asset Allocation

	Strategy 1	Strategy 2	Strategy 3
Global Equity	59%	40%	22%
Fixed Income	25%	43%	49%
TIPS	5%	5%	16%
Commodities	3%	4%	5%
REITs	8%	8%	8%
Total	100%	100%	100%

■ 2022 Asset Allocation (approved by CalPERS Board March 14, 2022)

	Strategy 1	Strategy 2	Strategy 3
Global Equity	49%	34%	23%
Fixed Income	23%	41%	51%
TIPS	5%	5%	9%
Commodities	3%	3%	3%
REITs	20%	17%	14%
Total	100%	100%	100%



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CERBT DERIVATION

Discount Rate

■ Future expected returns

- Stochastic simulations of geometric average returns over 20 years
- 5,000 trials
- 2.50% inflation assumption
- Projections based on 8 independent Investment Advisors 2021 10-year Capital Market Assumptions and where available, investment advisors long-term trends
- Confidence levels (based on 2022 asset allocations):

	Strategy 1	Strategy 2	Strategy 3
50% Confidence Level	6.25%	5.75%	5.25%
55% Confidence Level	6.00%	5.50%	5.00%
60% Confidence Level	5.75%	5.25%	4.75%



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RESULTS – PRE-FUNDING ILLUSTRATION

Funded Status

(Amounts in 000's)

	6/30/21		Projected 6/30/22
	2.16%	6.25%	6.25%
■ Present Value of Benefits			
• Actives	\$13,061	\$4,479	n/a
• Retirees	<u>821</u>	<u>477</u>	<u>n/a</u>
• Total	13,882	4,956	n/a
■ Actuarial Accrued Liability			
• Actives	2,015	996	n/a
• Retirees	<u>821</u>	<u>477</u>	<u>n/a</u>
• Total	2,836	1,473	\$2,130
■ Assets	<u>-</u>	<u>-</u>	<u>-</u>
■ Unfunded AAL	2,836	1,473	2,130
■ Normal Cost 2022/23			517
■ Pay-As-You-Go Cost 2022/23			44



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RESULTS – PRE-FUNDING ILLUSTRATION

Actuarially Determined Contributions (ADC)

(Amounts in 000's)

	6/30/21 Valuation	
	2022/23	2023/24
■ ADC - \$		
• Normal Cost	\$517	\$465
• UAAL Amortization	<u>148</u>	<u>152</u>
• Total	665	617
■ Projected Payroll	23,180	23,818
■ ADC - %		
• Service Cost	2.2%	2.0%
• UAAL Amortization	<u>0.6%</u>	<u>0.6%</u>
• Total	2.8%	2.6%



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RESULTS – PRE-FUNDING ILLUSTRATION

Actuarial Obligations – June 30, 2021

(Amounts in 000's)

	Belmont	City of San Mateo	Foster City	SMC Fire	Total
■ Present Value of Benefits					
• Actives	\$688	\$2,471	\$982	\$338	\$4,479
• Retirees	<u>110</u>	<u>173</u>	<u>194</u>	<u>-</u>	<u>477</u>
• Total	798	2,644	1,176	338	4,956
■ Actuarial Accrued Liability					
• Actives	135	610	228	23	996
• Retirees	<u>110</u>	<u>173</u>	<u>194</u>	<u>-</u>	<u>477</u>
• Total	245	783	422	23	1,473
■ Assets	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
■ Unfunded AAL	245	783	422	23	1,473
■ Normal Cost 2022/23	67	300	119	31	517
■ Pay-As-You-Go Cost 2022/23	3	27	13	-	44



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RESULTS – PRE-FUNDING ILLUSTRATION

Actuarially Determined Contribution (ADC) – 2022/23 Fiscal Year

(Amounts in 000's)

	Belmont	City of San Mateo	Foster City	SMC Fire	Total
■ ADC - \$					
• Normal Cost	\$67	\$300	\$119	\$31	\$517
• UAAL Amortization	<u>23</u>	<u>81</u>	<u>41</u>	<u>3</u>	<u>148</u>
• Total	90	381	160	34	665
■ Projected Payroll	3,736	11,320	4,454	3,670	23,180
■ ADC - %					
• Normal Cost	1.8%	2.7%	2.7%	0.8%	2.2%
• UAAL Amortization	<u>0.6%</u>	<u>0.7%</u>	<u>0.9%</u>	<u>0.1%</u>	<u>0.6%</u>
• Total	2.4%	3.4%	3.6%	0.9%	2.8%



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RESULTS – PRE-FUNDING ILLUSTRATION

Contribution Projection

(Amounts in 000's)

FYE June 30,	Benefit Payments		Pre- Funding	Total Contrib ¹	Projected Payroll	Contrib as % of Payroll
	Cash	Implied Subsidy				
2023	\$30	\$14	\$621	\$665	\$23,180	2.9%
2024	40	26	551	617	23,818	2.6%
2025	49	42	484	575	24,473	2.3%
2026	59	67	425	551	25,146	2.2%
2027	68	95	368	531	25,837	2.1%
2028	78	119	317	514	26,548	1.9%
2029	89	124	284	497	27,278	1.8%
2030	99	166	230	495	28,028	1.8%
2031	110	184	199	493	28,799	1.7%
2032	120	200	174	494	29,591	1.7%

¹ Projected contribution decreases due to lower normal cost for new hires with younger entry ages



RESULTS – PRE-FUNDING ILLUSTRATION

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STAFF REPORT

To: San Mateo Consolidated Fire Department Board of Directors

From: Rich Lee, Treasurer

Meeting Date: January 25, 2023

Subject: 2022-23 Mid-Year Budget Update

RECOMMENDATION

Adopt a resolution approving a supplemental budget appropriation of \$1.5 million in mutual aid deployment reimbursement revenue and \$0.3 million in unassigned fund balance in the General Fund and committing \$100,891.95 in funds received from the former Joint Training and Emergency Medical Services program for training purposes in the General Fund.

BACKGROUND/ANALYSIS

The amended 2022-23 budget assumes \$44.8 million in total revenues and \$45.2 million in total expenditures. Based on financial results through October 2022, total revenues are projected to be \$46.5 million, a favorable variance of \$1.7 million, largely due to mutual aid deployment reimbursements. Total expenditures are projected to be \$46.8 million, an unfavorable variance of \$1.6 million, largely due to the cost of overtime, which was largely incurred to meet minimum staffing and respond to mutual aid requests.

The amended 2022-23 budget for the Fire Protection and Life Safety Fund assumes \$2.6 million in total revenues and \$2.6 million in total expenditures. Based on financial results through October 2022, total revenues are projected to be \$2.6 million, while total expenditures are projected to be \$2.4 million. The primary factors of the \$0.2 million in favorable expenditure variance reflect vacancy savings.

The Joint Training and Emergency Medical Services program that SMC Fire participated in with the Central County Fire Department and the San Bruno Fire Department ceased operation at the end of fiscal year 2021-22. The remaining funds were distributed to the participating agencies on a proportional basis, with SMC Fire receiving \$100,891.95 (55%). Staff recommends that the Board approve committing these funds for training purposes in the General Fund.

FISCAL IMPACT

If the General Fund revenue and expenditure projections come to fruition, the net change in fund balance would be a loss of \$0.3 million, and fund balance would decrease from \$0.6 million to \$0.3 million.

If the Fire Protection and Life Safety Fund revenue and expenditure projections come to fruition, the net change in fund balance would be an increase of \$0.2 million and fund balance would increase from \$0.3 million to \$0.5 million.

Committing the former Joint Training and Emergency Medical Services program funds of \$100,891.95 for training purposes in the General Fund restricts those funds for the specified purpose only. In order for the Fire Board to uncommit the funds for another purpose, it would do so by adopting a subsequent resolution.

ATTACHMENTS

A. Resolution

RESOLUTION NO. RES-2023-003

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN MATEO CONSOLIDATED FIRE DEPARTMENT APPROPRIATING \$1.5 MILLION IN DEPLOYMENT REIMBURSEMENT REVENUE AND \$0.3 MILLION IN AVAILABLE FUND BALANCE IN THE GENERAL FUND AND COMMITTING \$100,891.95 IN FUNDS RECEIVED FROM THE JOINT TRAINING AND EMERGENCY MEDICAL SERVICES PROGRAM FOR TRAINING PURPOSES IN THE GENERAL FUND

WHEREAS, the Board of Directors received the 2022-23 mid-year budget update, which included revenue and expenditure projections for operating funds; and

WHEREAS, the General Fund amended 2022-23 budget assumes \$44.8 million in total revenues and \$45.2 million in total expenditures. Based on year-to-date trends, total revenues are projected to be \$46.5 million, while total expenditures are projected to be \$46.8 million, largely due to the cost of overtime incurred to ensure minimum staffing levels and responding to mutual aid requests; and

WHEREAS, SMC Fire received \$100,891,95 in funds from the former Joint Training and Emergency Medical Services program that ceased operation at the end of fiscal year 2021-22.

NOW, THEREFORE, the Board of Directors of the San Mateo Consolidated Fire Department resolves as follows:

1. Appropriate \$1.5 million in year-to-date deployment reimbursement revenues.
2. Appropriate \$0.3 million in available fund balance in the General Fund.
3. Commit \$100,891.95 in funds received from the former Joint Training and Emergency Medical Services program for training purposes in the General Fund.

PASSED AND ADOPTED as a resolution of the Board of Directors of the San Mateo Consolidated Fire Department at the regular meeting held on the 25th day of January, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Board Secretary

Board President

APPROVED AS TO FORM:

William D. Ross, General Counsel



STAFF REPORT

To: San Mateo Consolidated Fire Department Board of Directors

From: Kent Thrasher, Fire Chief

Meeting Date: January 25, 2023

Subject: **State Mandated Fire Inspections Annual Compliance Report**

RECOMMENDATION

Adopt a resolution approving the Annual Fire Inspection Compliance Report from the Fire Chief and approve publishing the report as part of the 2022 Department Annual Report on the Department's website.

BACKGROUND

California law requires that all fire departments and districts in the State conduct annual safety inspections of all public and private schools, apartments, condominiums, hotels, and motels within their jurisdiction(s). Recognizing that this law did not require local compliance reporting of such inspections, a State law, SB 1205 (Hill), was enacted in January 2019, which now requires all fire departments to submit annual reports to their governing bodies or administering authorities regarding their compliance with these State mandated fire inspections.

On October 8, 2019, the San Mateo Consolidated Fire Department Board of Directors adopted a resolution approving a response by the Fire Chief to the San Mateo County Grand Jury report titled Fire Safety Inspection Programs on the Road to Recovery, which was released on July 22, 2019, and addressed compliance of fire departments within San Mateo County with these State mandated fire inspections. The report made 18 findings and 4 recommendations based on both the State of California's Health and Safety Code's mandates, as well as the requirements of SB 1205. One of those recommendations was that the Department report on the State mandated inspection completion rate in accordance with SB 1205.

ANALYSIS

During calendar year 2022, 100% of all the Department's State mandated inspections were completed except for the Multi-residential Inspections which were completed to 99%. These inspections were completed as required by the Health and Safety Code and have received their initial inspections. As is often the case, some premises have violations that are being followed up on to ensure violations are abated.

The inspections that were not completed have all been assigned to inspectors, and will be completed soon. The premises were never scheduled due to an oversight. The scheduling issue has been resolved.

Attached is the 2022 Inspection Compliance Report as recommended by the San Mateo County Grand Jury.

ATTACHMENTS

- A. Resolution
- B. Annual Report of Mandated Fire Inspections

RESOLUTION NO. RES-2023

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN MATEO CONSOLIDATED FIRE DEPARTMENT APPROVING THE ANNUAL FIRE INSPECTION COMPLIANCE REPORT FROM THE FIRE CHIEF AND APPROVING PUBLISHING THE REPORT AS PART OF THE 2022 DEPARTMENT ANNUAL REPORT ON THE DEPARTMENT'S WEBSITE

WHEREAS, California law requires that all fire departments and districts in the state conduct annual safety inspections of all jails, public and private schools, apartments, condominiums, hotels, and motels with their jurisdiction(s); and

WHEREAS, recognizing that this law did not require local compliance reporting of such inspections, SB 1205 (Hill) was enacted and required all fire departments to submit annual reports to their governing bodies or administering authorities regarding their compliance with these state mandated inspections; and

WHEREAS, on October 8, 2019, the SMC Fire Board of Directors adopted a resolution approving a response by the Fire Chief to the San Mateo County Grand Jury report titled Fire Safety Inspection Programs on the Road to Recovery, which addressed compliance of fire departments within San Mateo County with these state mandated fire inspections; and

WHEREAS, the report made 18 findings and 4 recommendations based on both the State of California's Health & Safety Code's mandates as well as the new requirements of SB 1205; and

WHEREAS, one of these recommendations was that the Department report on the State mandated inspection completion rate in accordance with SB 1205.

NOW, THEREFORE, the Board of Directors of the San Mateo Consolidated Fire Department resolves as follows:

1. Approve the Annual Fire Inspection Compliance Report from the Fire Chief and approve publishing the report as part of the 2022 Department Annual Report on the Department's website.

PASSED AND ADOPTED as a resolution of the Board of Directors of the San Mateo Consolidated Fire Department at the regular meeting held on the 25th day of January, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Board Secretary

Board President

APPROVED AS TO FORM:

William D. Ross, General Counsel



Robert Marshall, Deputy Fire Chief

1040 East Hillsdale Blvd.
Foster City, CA 94404
(650) 522-7900

MEMORANDUM

To: San Mateo Consolidated Fire Department Board of Directors
From: Robert Marshall, Deputy Fire Chief
Cc: Kent Thrasher, Fire Chief
Date: January 25, 2023
Subject: Annual Report of Mandated Fire Inspections

Background

After the 2017 Ghostship Fire in Oakland California, the State Legislature passed SB 1205, which requires that a notification to the governing body of each fire department, report on the status of their inspections mandated by law in section 13146 of the Health and Safety Code. The San Mateo County Civil Grand Jury released a subsequent report entitled “Fire Safety Inspection Programs on the Road to Recovery” in which they made several recommendations, which were accepted by the board. One of the recommendations was that the Fire Marshal make a report to the Board in January of each year as to the status of the mandated inspections. The report also asked that the department report the results via an annual report no later than March of each year on the status of the inspections.

The inspections are mandated to be done annually on a calendar year basis with the exception of jails, which are to be done every 2 years.

This document serves as the report required by the recommendations of the Grand Jury. This data will be placed into the annual report.

Report

<u>Occupancy</u>	<u>Total # of Buildings</u>	<u># Inspected</u>	<u>Percentage Complete</u>	<u># of Buildings not inspected in 2 years</u>
High Rise	27	27	100%	0
Schools	58	58	100%	0
Residential	1841	1823	99%	0
Jails	2	2	100%	0