

# **CHINO VALLEY INDEPENDENT FIRE DISTRICT**

*Regular Meeting of the Board of Directors*

*Wednesday, February 8, 2023*

*4:30 p.m. Closed Session*

*6:00 p.m. Open Session*

*Fire District Administrative Headquarters*

*14011 City Center Drive*

*Chino Hills, CA 91709*

## **MINUTES**

### **CALL TO ORDER**

The regular meeting of the Board of Directors was called to order at 4:30 p.m. by President DeMonaco.

### **ROLL CALL**

Present: President John DeMonaco; Vice President Harvey Luth; Director Sarah Ramos-Evinger; Director Mike Kreeger; and Director Tom Haughey.

Also present: Fire Chief Dave Williams; Deputy Chief Jeremy Ault; Deputy Chief Carlos Skibar; Acting Deputy Chief Dean Smith; Legal Counsel Jeff Ballinger; Clerk of the Board Angela Robles; Finance Director Mark Shaker; and Human Resources Director Anthony Arroyo.

### **CLOSED SESSION**

President DeMonaco announced and read the Closed Session items.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION -Pursuant to Government Code Section 54957.

1. Title: Fire Chief
2. Title: Legal Counsel

There were no requests from the public to speak on these item.

### **ADJOURN TO CLOSED SESSION**

President DeMonaco adjourned the Open Session to Closed Session at 4:31 p.m.

### **REOPEN TO OPEN SESSION**

President DeMonaco reopened to Open Session at 6:00 p.m.

### **ROLL CALL**

Present: President John DeMonaco; Vice President Harvey Luth; Director Sarah Ramos-Evinger; Director Mike Kreeger; and Director Tom Haughey.

Also present: Fire Chief Dave Williams; Deputy Chief Jeremy Ault; Deputy Chief Carlos Skibar; Acting Deputy Chief Dean Smith; Legal Counsel Jeff Ballinger; Clerk of the Board Angela Robles; Finance Director Mark Shaker; and Human Resources Director Anthony Arroyo.

### **REPORT OUT OF CLOSED SESSION**

District Legal Counsel Jeff Ballinger reported that there was no reportable action taken on the Closed Session items.

District Legal Counsel announced that President DeMonaco established an Ad Hoc Committee for the purpose of the Fire Chief's Evaluation. He also reported that President DeMonaco appointed Vice President Luth and Director Ramos-Evinger to this Ad Hoc Committee.

### **FLAG SALUTE**

President DeMonaco led the assembly in reciting the Pledge of Allegiance.

### **INVOCATION**

Keith Roby, Fire District Chaplain led the invocation.

### **CHANGES TO THE AGENDA**

Clerk of the Board Robles reported no changes to the agenda.

### **PRESENTATIONS / ANNOUNCEMENTS**

#### **Proclamation – American Heart Month**

President DeMonaco read a summary of the Proclamation declaring February 2023 as “American Heart Month.”

#### **Employee Recognition – Fire Inspector Tori Jung**

President DeMonaco accompanied by Fire Chief Williams recognized Fire Inspector Tori Jung for her actions on a structure fire that took place within the District on December 15, 2022 and presented her with a certificate of commendation on behalf of the Board of Directors and Fire District.

**Retirement Recognition – Firefighter/Paramedic Jeff Heringer**

President DeMonaco accompanied by Fire Chief Williams recognized Firefighter/Paramedic Jeff Heringer for his service with the Fire District and presented him with a retirement plaque.

**Employee of the Year – Information Technology Specialist Natalie Ceballos**

President DeMonaco accompanied by Fire Chief Williams recognized Information Technology Specialist Natalie Ceballos for being selected as the 2022 Employee of the Year and presented her with the Employee of the Year plaque.

**Firefighter of the Year – Firefighter/ Paramedic Ryan Pourhassanian**

President DeMonaco accompanied by Fire Chief Williams recognized Firefighter/ Paramedic Ryan Pourhassanian for being selected as the 2022 Firefighter of the Year and presented him with the Firefighter of the Year plaque.

**Employee Service Awards for 15 Years of Service**

Fire Chief Dave Williams – 15 Years

President DeMonaco recognized Fire Chief Dave Williams for 15 years of service with the Fire District and presented him with an award.

Captain Casey May – 15 Years

President DeMonaco announced that Captain Casey May was not able to attend the meeting. He congratulated Captain May for 15 years of service with the Fire District.

Engineer Russell Tao – 15 Years

President DeMonaco recognized Engineer Russell Tao for 15 years of service with the Fire District and presented him with an award.

The Board of Directors recessed at 6:21 p.m. and reconvened the meeting at 6:31 p.m.

**PUBLIC COMMUNICATIONS**

Resident Winn Williams addressed Director Haughey on matters of concern to resident Winn Williams that took place with the City of Chino during Director Haughey's term in office with the City.

Resident Winn Williams spoke about being invited to a labor union event and being uninvited later as not being a dues paying member.

**LIAISON REPORTS TO FIRE DISTRICT (County 4<sup>th</sup> District, City of Chino, City of Chino Hills, Fire Foundation, Fire Safe Council, School District, Inland Empire Utilities Agency)**

Representative Suzette Dang from San Bernardino County 4<sup>th</sup> District provided information on an upcoming shredding event hosted by the County.

Mayor Pro Tem Karen Comstock, City of Chino introduced herself as the Fire Districts liaison for the City. She also congratulated newly elected Director Tom Haughey and stated that she looked forward to working with the Fire District.

Council Member Art Bennett, City of Chino Hills reported on items of mutual interest, traffic closures and community events.

Vice President Jeff Tytula, Chino Valley Fire Foundation announced that a blood drive had taken place in honor of Milan Colonna to be able to give back for the blood she received while hospitalized. It was a successful blood drive and Vice President Tytula thanked all those who participated.

Vice President Jeff Tytula also provided information on the upcoming Chino Valley Fire Foundation St. Paddy's Day event.

Chair Charlie Blank, Fire Safe Council was presented but did not have a report.

Director Steven Elie, Inland Empire Utilities Agency extended an invitation to the Board of Directors and Management Team to tour Regional Water Recycling Plant 5 located in Chino. He was happy to report that the Management Team took the tour and were able to see first-hand how the plant operates.

Director Steven Elie also reported that the Inland Empire Utilities Agency participated in Active Shooter Training provided by the City of Chino Police Department accompanied by Captain Mike Moore, Fire District Training Captain. He appreciated the training and thanked the City of Chino and Chino Valley Fire District for continuing to offer this training.

Director Steven Elie addressed the Board about a private matter that took place in November 2022. He shared that Fire District personnel responded to a call where his father suffered cardiac arrest and sadly passed away. Director Elie expressed his appreciation and gratitude to the crew who responded on that day in November and was moved when he found out that the same crew had dropped off flowers to his family.

**CONSENT CALENDAR**

1. MINUTES

Minutes – January 11, 2023 – Regular Board Meeting

2. MONTHLY DISTRICT REPORT

Month of December 2022

3. MONTHLY FINANCIAL REPORT

Monthly Financial Report – January 2023

4. MONTHLY TREASURER’S REPORT

Monthly Treasurer’s Report – December 2022

5. WARRANTS

Warrants for January 2023 #56748 through #56911

6. BOARD MEETINGS/TRAVEL – AUTHORIZATION TO ATTEND CONFERENCE, MEETING OR TRAINING

None.

7. FINDINGS TO CONDUCT BOARD AND COMMITTEE MEETINGS VIRTUALLY UNDER ASSEMBLY BILL 361

Purpose is for the Board of Directors to state its finding considering the circumstances of the current proclaimed state of emergency; and state finding that state or local officials have imposed or recommended measures to promote social distancing; and as a result, the Fire District may hold regular and special board meetings and regular and special committee meetings virtually by videoconference, in accordance with AB 361.

RECOMMENDATION: Approve Consent Calendar Item Numbers 1 through 7 as presented.

There were no requests to pull an item from the Consent Calendar for discussion.

**Moved by Director Kreeger, seconded by Director Ramos-Evinger, carried by a 5-0 voice vote for the Board of Directors to approve the Consent Calendar items #1-7, as presented.**

**AYES: BOARD MEMBERS: DeMonaco, Luth, Haughey, Kreeger and Ramos-Evinger.**

**NOES: BOARD MEMBERS: None.**

**ABSTAIN: BOARD MEMBERS: None.**

**ABSENT: BOARD MEMBERS: None.**

**OLD BUSINESS**

None.

**NEW BUSINESS**

8. **2022-23 MID-YEAR BUDGET REVIEW AND ANALYSIS**

Purpose is to conduct a mid-year budget review for discussion purposes.

RECOMMENDATION: It is recommended that the Board discuss the mid-year budget review and provide direction to staff.

Staff report by Finance Director Mark Shaker.

Finance Director Shaker stated that staff has conducted a mid-year budget review and analysis, focusing on budget trends and projections of revenues and expenditures for the balance of the fiscal year.

There were no requests from the public to speak on this item.

There were no comments from the Board on this item.

No action was required or taken on this item.

9. **AGREEMENT NO. 2023-01 WITH SHUSTER ADVISORY GROUP FOR FIDUCIARY SERVICES AND RESOLUTION NO. 2023-01 APPOINTING THE HUMAN RESOURCES DIRECTOR AS PLAN ADMINISTRATOR**

Purpose is for the Board of Directors to review, approve and authorize the Fire Chief to execute Agreement No. 2023-01 with Shuster Advisory Group to provide investment advisory and fiduciary services for the Chino Valley Fire District's Deferred Compensation Plans. Additionally, approve Resolution No. 2023-01 appointing the Human Resources Director as Plan Administrator. The resolution is at the Board's discretion and does not affect the agreement with Shuster Advisory Group.

RECOMMENDATION: It is recommended the Board of Directors approve and authorize the Fire Chief to execute Agreement No. 2023-01 with Shuster Advisory Group to provide investment advisory and fiduciary services for the Chino Valley Fire District's Deferred Compensation Plans. Additionally, approve Resolution No. 2023-01 appointing the Human Resources Director as Plan Administrator.

Staff report by Human Resources Director Anthony Arroyo. Clerk of the Board Robles announced that joining by teleconference was JoAnn Parrino with Shuster Advisory Group.

Human Resources Director Anthony Arroyo reported that the Fire District provides employer-sponsored deferred compensation plans under the Section 457(b) and 401(a) of the Internal Revenue Code (IRC). The 457(b) plans provide tax benefits to employees who make deposits into the Plan for their retirement. The 401(a) plan provides defined contribution payments by the Fire District to District employees. He also reported that as the plan sponsor, the Fire District has certain fiduciary duties and responsibilities under State law (California State Constitution, Article XVI, Section 17). These duties and responsibilities focus on ensuring the operation and investment of the public retirement plan is the exclusive purpose of providing benefits to participants and beneficiaries. He further reported that specifically, fiduciary responsibilities include:

- Investing the assets of the plan;
- Administering the plan, and
- Engaging in a prudent process for making all decisions related to the operation of the plan, including decisions related to the plan's investments and related services.

Human Resources Director Anthony Arroyo reported that because the increasing complexity of the investment process and associated responsibilities and staff's prior experience with Shuster Advisory Group, staff sought to seek more information about the trends affecting the employer sponsored retirement plan marketplace and laws governing fiduciary requirement for the operation vis-à-vis the Fire District's sponsored plans with Nationwide, the provider of the Fire District's deferred compensation plans. In addition, in an effort to fulfill the District's fiduciary responsibility to provide plans in the best interest of participating employees, staff sought to conduct a review of the existing plans and the fees paid by the participants of the Nationwide deferred compensation plans. District staff provided Shuster information on the 401(a) and 457(b) programs. Human Resources Director Anthony Arroyo reported that as previously stated, District staff have prior experience working with the firm's founder, Mark Shuster and his team. They have been successful in negotiating lower fees and expanding investment options for over 70 cities and special districts throughout California. He further reported that in September 2022, Shuster Advisory Group conducted an initial review of existing plans at no cost to the District or participants of those plans. Human Resources Director Anthony Arroyo reported that this was done in order to provide staff with comparison to what the District currently has in place and what it should seek to bring the District into compliance as well as to offer lower fees as well as expanded investment opportunities.

Human Resources Director Anthony Arroyo stated that the review included an evaluation of all contract-related data, including, but not limited to: administrative fees associated with the plans, investment options, asset values, fixed account interest rates, and additional fees that may be charged by the plans. Utilizing this information, Shuster Advisory Group was able to negotiate an approximate 75% reduction in fees. Shuster's team met with employees represented by the Teamsters and the Fire Association. The two groups were enthusiastic with the potential savings, which could result in higher rates of return, and were eager for the District to engage the services of Shuster Advisory Group.

Human Resources Director Anthony Arroyo stated that with the recommended approval of the attached agreement in the agenda, there is no cost to the District to engage the services of Shuster Advisory Group. The monthly fee of \$2,500 paid to Shuster Advisory group will be paid from the plan assets, which does not represent a change to the current practice since Nationwide already collects fees from the plan assets. As such, there are no extra costs incurred to the District or the plan participants. The proposed contract enables the District to obtain the needed fiduciary, investment and advocacy services the District and plan participants need. The contract does not include a minimum contract period, which is a benefit to the District. The contract may be terminated with a 60-day notice.

Lastly, it was recommended the Board of Directors allow the position of the Human Resources Director to serve as the Plan Administrator. The primary reason is that the Human Resources Director is more familiar with the deferred compensation benefits as provided by the Chino Valley Independent Fire District. The Human Resources Director will provide regular updates to the Human Resources Committee regarding plan changes instituted by Schuster Advisory Group. Human Resources Director Anthony Arroyo reported that the approval of the resolution is a separate item from the agreement with Shuster Advisory Group.

There were no requests from the public to speak on this item.

Discussion was held among the Board regarding Shuster Advisory Group providing fiduciary services to the Fire District and Ms. JoAnn Parrino responded to questions from the Board.

**Moved by Director Ramos-Evinger, seconded by Vice President Luth, carried by a 5-0 voice vote for the Board of Directors approve and authorize the Fire Chief to execute Agreement No. 2023-01 with Shuster Advisory Group to provide investment advisory and fiduciary services for the Chino Valley Fire District's Deferred Compensation Plans. Additionally, approve Resolution No. 2023-01 appointing the Human Resources Director as Plan Administrator.**

**AYES: BOARD MEMBERS: DeMonaco, Luth, Haughey, Kreeger and Ramos-Evinger.**

**NOES: BOARD MEMBERS: None.**

**ABSTAIN: BOARD MEMBERS: None.**

**ABSENT: BOARD MEMBERS: None.**

**10. FIRE DISTRICT POLICY AND PROCEDURES FOR BOARD OF DIRECTORS**

Purpose is for the Board of Directors to review recommended changes to the Fire District Policy and Procedures for Board of Directors and provide direction to staff.

**RECOMMENDATION:** It is recommended that the Board of Directors review the proposed changes to the Policy and Procedures for Board of Directors as presented in redlined format and provide direction to staff.

Staff report by Clerk of the Board Angela Robles.

Clerk of the Board Robles reported that at the December 14, 2022, regular meeting President DeMonaco and Director Ramos-Evinger were appointed to the Board Policy Ad Hoc Committee. Following the meeting, the Board Members submitted recommended changes through the Clerk of the Board and submissions were incorporated in redlined format. Attached to the staff report is the redlined Policy and Procedures for Board of Directors with recommended changes, and as reviewed by the Ad Hoc Committee for Board discussion and direction to staff.

There was one request from the public to speak on this item.

Resident Winn Williams addressed the Board and spoke about freedom of speech. He stated that Board Members should have the right to speak on any employee and their performance.

The Board reviewed the proposed changes and provided comments as well as additional recommended changes to the Board Policy and Procedures.

Clerk of the Board Robles reported that the redlined document would be updated and sent to District Legal Counsel for review of the proposed changes following the Board meeting. The final document will be brought back to the Board of Directors on March 8, 2023, for consideration and approval.

No action was required or taken on this item.



The Board of Directors recessed at 7:51 p.m. and reconvened the meeting at 7:56 p.m.

11. UPDATE REGARDING TELECONFRENCING UNDER AB 361 AND AB 2449

Purpose is for the Board of Directors to receive an update regarding teleconferencing options under the recent amendments to the Ralph M. Brown Act, and provide direction as to whether and how the Board wishes those teleconferencing options to be used.

RECOMMENDATION: It is recommended that the Board of Directors receive an update regarding teleconferencing options under the recent amendments to the Ralph M. Brown Act, and provide direction as to whether and how the Board wishes those teleconferencing options to be used.

Staff report by Legal Counsel Jeff Ballinger

Legal Counsel Jeff Ballinger provided an overview of the changes to the Brown Act teleconferencing rules resulting from the pandemic. He reviewed the information as outlined in the staff report.

There were no requests from the public to speak on this item.

There was discussion among the Board regarding teleconferencing options under the recent amendments to the Ralph M. Brown Act, and how the Board wishes those teleconferencing options to be used.

In response to questions from the Board, Attorney Ballinger shared that as a result of the change in state law agencies he works with are choosing to transition back to the original Brown Act Teleconferencing rules.

There was consensus by the Board of Directors to conduct Board and Committee meetings in person and in compliance with the original Brown Act Teleconference rules.

**FIRE CHIEF'S COMMENTS**

Fire Chief Williams reported on Personnel Development Activities as follows:

- January 31<sup>st</sup>, Deputy Chiefs and several personnel attended a leadership staff ride at the battle of San Pasqual in San Diego.
- February 14<sup>th</sup>, the Executive Management and Chief will participate in an offsite teambuilding workshop being facilitate by Dr. Wayne McAfee.

Fire Chief Williams reported on Board Activities and Public Relations as follows:

- January 9<sup>th</sup>, Chief met with Director Haughey for a monthly 1-1 meeting.
- January 12<sup>th</sup>, Chief met with Vice President Luth for a monthly 1-1 meeting.
- January 18<sup>th</sup>, Director Kreeger and Chief met for a monthly 1-1 meeting.
- January 19<sup>th</sup>:

- Chief met with Chino Police Chief and Command Staff for a tour at Station 63 to discuss providing Front Office space to meet growing community needs in the Preserve.
- President DeMonaco and Chief met for a monthly 1-1 Meeting.
- Chief attended a Meeting to discuss future of Emergency Communication Nurse System (ECNS)
- Later that day, Chief participated in a video outreach to support Chino Police Department
- January 23<sup>rd</sup>, Chief attended the Finance Committee Meeting and later that day delivered a message at a workshop to District personnel aspiring to be Fire Captains.
- January 24<sup>th</sup>, Chief attended CON-FIRE Admin Committee Meeting.
- January 25<sup>th</sup> & 26<sup>th</sup>, Chief attended the Ambulance RFP Workshop at the Rancho Cucamonga Fire Training Center.
- January 25<sup>th</sup>, Chief met with City Manager Ben Montgomery, also on the 25th I met with Director Sarah Ramos-Evinger for our monthly 1-1 meeting.
- February 3<sup>rd</sup> – Chief spoke at the Chino Valley Chamber of Commerce Leadership Consortium. (A special note of appreciation to Deputy Chief Ault for coordinating this event.
- February 6<sup>th</sup>, District staff and Chief toured the IEUA Facility.

Fire Chief Williams reported on CONFIRE Items of Interest as follows:

- Negotiations related to the Request for Proposal for ambulance services are ongoing. (Proposals are tentatively due March 23, 2023). (Special thank you to Deputy Chief Cooke, EMS Nurse Leslie Parham, and Acting Deputy Chief Smith for their commitment and tremendous work on this project.)
- Confire has requested support from our EMS Nurse to assist bringing the program to full implementation. EMS Nurse Leslie Parham is currently providing program direction through a professional services agreement to Confire.

Fire Chief Williams reported on Organizational Items of Interest as follows:

- The District was recently recognized with its sixth consecutive GFOA (Government Finance Officers Association) Distinguished Budget Presentation Award for the current Fiscal Year 22-23 Budget. The GFOA Budget Award is the highest form of recognition in governmental budgeting and is evidence to the District's commitment to public trust and transparency.

Fire Chief Williams reported on Upcoming Events as follows:

- A Cal Chiefs meeting is scheduled for February 16<sup>th</sup> from 8:00 am – noon.

- Student Government Day will be held on February 22<sup>nd</sup> from 9:00 am – noon.
- A CONFIRE Admin Committee meeting is scheduled for February 28<sup>th</sup> at 1:30 pm.

### **BOARD COMMITTEE REPORTS/BOARD COMMENTS**

President DeMonaco established an Ad Hoc Committee for the purpose of selecting a law firm to assist Chino Valley Fire District with labor negotiations. President Demonaco appointed Director Kreeger and Director Haughey to this ad hoc committee.

President DeMonaco established an Ad Hoc Committee for the purpose of meeting with state and federal legislators. President DeMonaco appointed Director Kreeger and Director Haughey to this ad hoc committee.

#### **Director Ramos-Evinger**

Director Ramos-Evinger reported on meetings and events attended since the last meeting that included the Carbon Canyon Fire Safe Council meeting; City of Chino Council meeting; Board Policy Ad Hoc Committee meeting; monthly meeting with the Fire Chief; California Special Districts (CSDA) Associatoin Membership Services Committee and CSDA Professional Development Committee meeting.

#### **Director Haughey**

Director Haughey congratulated the Firefighter of the Year, Employee of the Year, and Employee Service Award recognitions. He reported on meetings attended since the last meeting that included the Association of the San Bernardion County Special Districts and City of Chino Hills Council meetings.

#### **Director Kreeger**

Director Kreeger congratulated the Firefighter of the Year, Employee of the Year, and Employee Service Award recognitions. Director Kreeger reported on meetings and events attended since the last meeting that included meeting with the Fire Chief; Chino Valley Unified School District meetings; and Association of the San Bernardino County Special Districts meeting.

#### **Vice President Luth**

Vice President Luth reported on meetings and events attended since the last meeting that include City of Chino Council meetings; monthly meeting with the Fire Chief; the Run for Russ; Agenda Review meeting; and Association of the San Berardnino County Special Districts meeting. Vice President Luth congratulated the Firefighter of the Year, Employee of the Year, and Employee Service Award recognitions.

#### **President DeMonaco**

President DeMonaco reported on meetings and events attended since the last meeting that included a monthly meeting with the Fire Chief; Inland Empire Utilities Agency meeting; San Bernardino County Board of Directors meeting; Finance Committee meeting; Association of San Bernardino County

Special Districts meeting; and California Special Districts Association Legislative Committee meeting.

**ADJOURNMENT**

The meeting was adjourned at 8:21 p.m. to a Regular Meeting of the Board of Directors of the Chino Valley Independent Fire District to be held on Wednesday, March 8, 2023 at 6:00 p.m. at District Headquarters located at 14011 City Center Drive, Chino Hills, CA 91709.

APPROVED AND ADOPTED THIS 8TH DAY OF MARCH 2023.



Angela Robles, Clerk of the Board



John DeMonaco, President