

# NORTH COUNTY FIRE PROTECTION DISTRICT

330 S. Main Avenue • Fallbrook, California 92028-2938 • Phone: (760) 723-2005 • Fax: (760) 723-2072 • Web: [www.ncfire.org](http://www.ncfire.org)

## BOARD OF DIRECTORS

CINDY ACOSTA  
JEFFERY EGKAN  
DAVID KENNEDY  
KENNETH E. MUNSON  
JOHN VAN DOORN

STEPHEN J. ABBOTT - Fire Chief/CEO - [sabbott@ncfire.org](mailto:sabbott@ncfire.org)  
ROBERT H. JAMES - District Counsel - [robertjameslaw@gmail.com](mailto:robertjameslaw@gmail.com)  
LOREN A. STEPHEN-PORTER - Executive Assistant/Board Secretary - [lstephen@ncfire.org](mailto:lstephen@ncfire.org)

**TO:** BOARD OF DIRECTORS  
**FROM:** STEPHEN ABBOTT, FIRE CHIEF/CEO  
**SUBJECT:** BOARD MEETING PACKAGE  
**DATE:** MARCH 23, 2021

Enclosed is your Board package for the Regular **March** Board Meeting. We have tried to include the information you will need to effectively consider and act on agenda items.

**DUE TO THE COVID-19 OUTBREAK AND PURSUANT TO THE DECLARATIONS BY GOVERNOR NEWSOME AND THE COUNTY OF SAN DIEGO UNTIL FURTHER NOTICE, ALL BOARD MEETINGS WILL BE TELEPHONIC ONLY.**

The Board, Staff and Public may participate by using the following information:

Audio-only: Call: 1-408-419-1715 or 1-408-419-6290. Meeting ID: 834 677 344, followed by #.  
Visual/Audio: <https://bluejeans.com/834677344>.

Board documents are online at: <https://www.ncfire.org/2021-03-23-board-regular-meeting>.

**Please note this month's meeting is scheduled for Tuesday, March 23, 2021, beginning at **4:00 p.m.****

It is our goal to be prepared to respond accurately to Board questions and concerns. You can help us achieve this goal by contacting me **prior to** the Board meeting with your questions and concerns. This will allow time for the Staff and me to provide the appropriate information for review at the Board meeting.

*To ensure a quorum is present, please call Loren in advance of the meeting if you will be unable to attend. She may be reached at (760) 723-2012.*

Respectfully,



Stephen Abbott  
Fire Chief/CEO



PROUDLY SERVING THE COMMUNITIES OF FALLBROOK, BONSALE AND RAINBOW

DUTY ~ INTEGRITY ~ RESPECT



# NORTH COUNTY FIRE PROTECTION DISTRICT

## AGENDA FOR REGULAR BOARD MEETING MARCH 23, 2021 AT 4:00 p.m.

**DUE TO THE COVID-19 OUTBREAK AND PURSUANT TO THE DECLARATIONS BY GOVERNOR NEWSOME AND THE COUNTY OF SAN DIEGO UNTIL FURTHER NOTICE, ALL BOARD MEETINGS WILL BE TELEPHONIC ONLY.**

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### PUBLIC ACTIVITIES AGENDA

*For those joining us for the Public Activities Agenda, please feel free to depart at the close of the agenda. We invite you to stay for the remainder of the business meeting.*

#### CALL TO ORDER ROLL CALL MOMENT OF SILENCE PLEDGE OF ALLEGIANCE

##### 1. PUBLIC COMMENT — PRESIDENT VAN DOORN

(pgs. 5-6)

- *STANDING ITEM: Members of the Public may directly address the Board of Directors on items of interest to the Public provided no action will be taken on non-agenda items. The Board President may limit comments to three minutes per speaker (Board of Directors Operations – Elections, Officers and Terms SOG § 4.2.6.3.).*

### ACTION AGENDA

#### CONSENT EVENTS:

*All items listed under the Consent Items are considered routine and will be enacted in one motion. There will be no separate discussion of these items prior to the Board action on the motion, unless members of the Board, Staff or public request specific items be removed from the Consent Agenda.*

##### 2. APPROVE REGULAR BOARD MEETING MINUTES, FEBRUARY 23, 2021

(pgs. 7-14)

- *STANDING ITEM: Review and approve Minutes from February 23, 2021 meeting as presented.*

##### 3. APPROVE SPECIAL BOARD MEETING MINUTES, MARCH 9, 2021

(pgs. 15-18)

- *STANDING ITEM: Review and Accept Financial Report for March 9, 2021 as presented.*

##### 4. REVIEW AND ACCEPT FINANCIAL REPORT FOR FEBRUARY 2021

(pgs. 19-28)

- *STANDING ITEM: Review and Accept Financial Report for February as presented.*

##### 5. REVIEW AND ACCEPT POLICIES & PROCEDURES

(pgs. 29-72)

- a. *ADMINISTRATIVE GUIDELINES - EMPLOYEE DEVELOPMENT POLICY: Complete re-write of process for employee development reviews. PAC and Discussion Guide included for reference.*
- b. *LEAVE MANAGEMENT - MEDICAL AND FAMILY LEAVE POLICY: Updated to comply with changes in the law effective January 1, 2021. Has been reviewed by Counsel. (Clean version included for reference.)*

##### 6. REVIEW AND APPROVE RESOLUTION 2021-03 ALLOWING THE DISTRICT TO PARTICIPATE IN THE COUNTY FIRE MITIGATION PROGRAM FOR FY 2021/2022

(pgs. 73-76)

- *Annual Event: Review and approve adoption of Resolution 2021-03 to participate in the FMF Program; construction rate currently at \$0.58/square foot.*

**Note:** The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, District business. If you need assistance to participate in this meeting, please contact the District Office 72 hours prior to the meeting at (760) 723-2012.



## ACTION EVENTS:

All items listed under the Action Items Agenda will be presented and discussed prior to the Board taking action on any matter. Members of the public may comment on items at the time they are presented. Time Certain Items will commence precisely at the time announced in the Agenda.

7. **REVIEW AND APPROVE NOMINATION OF JO MACKENZIE TO THE CSDA BOARD WITH APPROVAL OF RESOLUTION 2021-04 IN SUPPORT THEREOF — CHIEF ABBOTT** (pgs. 77-82)  
➤ New Item: Approve nomination and Resolution 2021-04 in support of Jo MacKenzie.
8. **REVIEW AND CONSIDER NOMINATIONS FOR LAFCO COMMITTEE AS ALTERNATE SPECIAL DISTRICT REPRESENTATIVE — CHIEF ABBOTT** (pgs. 83-86)  
➤ Recurring Event: Review options for making a nomination to the LAFCO Committee.
9. **CONSIDER ACTION ON INVOCATION/MOMENT OF SILENCE PROCESS — B/S STEPHEN-PORTER AND DIRECTOR EGKAN** (pgs. 87-88)  
➤ Continuing Item: Continuing consideration and review the process.

## DISCUSSION AGENDA

No action shall be undertaken on any Discussion item. The Board may: acknowledge receipt of the information or report and make comments; refer the matter to Staff for further study or report; or refer the matter to a future agenda.

10. There are no Discussion Agenda Items for the March 23, Board meeting. (pgs. 89-90)

## STANDING DISCUSSION EVENTS:

All Events listed under the Standing Discussion Events are items presented every meeting.

- **LEGAL COUNSEL REPORT:** (pgs. 91-92)  
"What Are the Mandatory Face-Covering Requirements?"
- **WRITTEN COMMUNICATION:** None. (pgs. 93-94)
- **BOARD RECOGNITION PROGRAM:** None.
- **NEWS ARTICLES:** As attached. (pgs. 95-122)
- **COMMENTS/QUESTIONS:** (pgs. 123-24)
- **STAFF:**
  - Chief Abbott
  - Other Staff
- **BOARD**
- **BARGAINING GROUPS**
- **PUBLIC COMMENT**



## CLOSED SESSION

The Board will enter closed session to discuss Events as outlined herein. As provided in the Government Code, the public will not be present during these discussions. At the end of the Closed Session, the Board shall publicly report any action taken in Closed Session (and the vote or abstention on that action of every member present) in accordance with Government Code § 54950 ET. seq.

- CS-1. **ANNOUNCEMENT — PRESIDENT VAN DOORN:** (pgs. 125-126)  
➤ An announcement regarding the items to be discussed in Closed Session will be made prior to the commencement of Closed Session.
- CS-2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR — GOVERNMENT CODE § 54956.8 — CHIEF ABBOTT:**  
➤ **PROPERTY LOCATION:** 4157 Olive Hill Road, Fallbrook, CA 92028;  
**PARTIES:** North County Fire Protection District (Seller);  
**UNDER NEGOTIATION:** Terms of Purchase;  
**DISTRICT NEGOTIATORS:** Chief Abbott, District Counsel James
- CS-3. **CONFERENCE WITH LABOR NEGOTIATOR — GOVERNMENT CODE § 54957.6 — MANAGEMENT GROUP NEGOTIATIONS — CHIEF ABBOTT:**  
➤ **NCFPD MANAGEMENT GROUP** **DISTRICT NEGOTIATORS:**  
CHIEF ABBOTT, Special Counsel Rogers
- CS-4. **CONFERENCE WITH LABOR NEGOTIATOR — GOVERNMENT CODE § 54957.6 — NON-SAFETY GROUP NEGOTIATIONS — CHIEF ABBOTT:**  
➤ **FFA NON-SAFETY GROUP NEGOTIATORS** **DISTRICT NEGOTIATORS:**  
CHIEF ABBOTT, Special Counsel Rogers
- CS-5. **CONFERENCE WITH LABOR NEGOTIATOR — GOVERNMENT CODE § 54957.6 — SAFETY GROUP NEGOTIATIONS — CHIEF ABBOTT:**  
➤ **FFA SAFETY GROUP NEGOTIATORS** **DISTRICT NEGOTIATORS:**  
CHIEF ABBOTT, Special Counsel Rogers
- CS-6. **APPOINTMENT/EMPLOYMENT OF PUBLIC EMPLOYEE — GOVERNMENT CODE § 54957(b) — CHIEF ABBOTT:**  
➤ **FIRE CHIEF/CEO**
- CS-7. **REPORT FROM CLOSED SESSION — PRESIDENT VAN DOORN**

### ADJOURNMENT

### SCHEDULED MEETINGS

The next Regular Board meeting: Tuesday, April 27, 2021, 4:00 p.m. - Telephonic.

### CERTIFICATION OF AGENDA POSTING

"I certify that this Agenda was posted in accordance with the provisions of the Government Code § 54950 et. seq. The posting locations were: [1] the entrance of North County Fire Protection District Administrative Offices, [2] Fallbrook Public Utility District Administrative Offices and [3] the Roy Noon Meeting Hall; [4] District's website at <http://www.ncfire.org>. The Agenda was also available for review at the Office of the Board Secretary, located at located at 330 S. Main Avenue, Fallbrook (760) 723-2012. Materials related to an item on this Agenda submitted to the District after distribution of the agenda packet, are available for public inspection in the Office of the Board Secretary, located at 330 S. Main Avenue, Fallbrook (760) 723-2012, during normal business hours or may be found on the District website at <http://www.ncfire.org>, subject to the Staff's ability to post the documents before the meeting. The date of posting was March 18, 2021."

Board Secretary Loren Stephen-Porter:



Date: March 18, 2021



**NORTH COUNTY FIRE  
PROTECTION DISTRICT  
FIRE CHIEF/CEO**

**TO:** BOARD OF DIRECTORS  
**FROM:** STEPHEN ABBOTT, FIRE CHIEF/CEO  
**DATE:** MARCH 23, 2021  
**SUBJECT:** PUBLIC COMMENT

**PUBLIC COMMENT:**

- 1. Members of the Public may directly address the Board of Directors on items of interest to the Public provided no action will be taken on non-agenda items. The Board President may limit comments to three minutes per speaker (Board of Directors Operations – Elections, Officers and Terms SOG § 4.2.6.3.).*

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1 **February 23, 2021**

2 **REGULAR MEETING OF THE BOARD OF DIRECTORS OF**  
3 **THE NORTH COUNTY FIRE PROTECTION DISTRICT**

4 President Van Doorn called the meeting to order at 4:00 p.m.

5 **THE INVOCATION GIVEN BY Chaplain Helman.**

6 **ALL RECITED THE PLEDGE OF ALLEGIANCE.**

7 **ROLL CALL:**

8 **Present:** Directors Acosta, Egkan, Kennedy, Munson and Van Doorn.

9 **Absent:** None.

10 **Staff Present:** Fire Chief/CEO Abbott, Attorney James and Board Secretary Stephen-  
11 Porter. In the audience were: D/Cs Mahr and McReynolds, B/Cs Mann and Macmillan, F/M  
12 Fieri, FiM Juul and members of the public, media and Association.

13  
14 **PUBLIC ACTIVITIES AGENDA**

15 1. **PUBLIC COMMENT:** President Van Doorn addressed the audience and inquired  
16 whether there were any public comments regarding items not on the Agenda. There being  
17 no comments, the Public Comment Section was closed.

18 2. **THIRD AND FOURTH QUARTER 2020 AWARDS FOR BOARD RECOGNITION PROGRAM — CHIEF**  
19 **ABBOTT AND B/S STEPHEN-PORTER:** Chief Abbott presented the Valley and Creek Fires  
20 employees for recognition: B/Cs MacMillan and B/C Mann; Captains Berry, Fieri and  
21 Captain Harrington, Engineers Bracci, Harlin, Moore; FF/PMs Anderson, Krenz, Lewis, Lian,  
22 Rivera and Spencer. Chief Abbott informed the Board that Loren would be sending out  
23 inquiries to these individuals for selection of either a Cross pen or Hydroflask. Director Egkan  
24 asked for those individuals in the Satisfaction Report who cleaned up the water and blood to  
25 be noted at the next recognition. The Board thanked all individuals for their continuing  
26 excellence services to the communities North County Fire Protection District serves.

27 ///

28 ///

29 ///

## ACTION AGENDA

### CONSENT ITEMS:

3. REVIEW AND ACCEPT REGULAR BOARD MEETING MINUTES FOR JANUARY 2020
4. REVIEW AND ACCEPT SPECIAL BOARD MEETING MINUTES FOR FEBRUARY 8, 2020
5. REVIEW AND ACCEPT FINANCIAL REPORT FOR JANUARY 2020
6. REVIEW AND ACCEPT POLICIES & PROCEDURES
7. REVIEW AND ACCEPT ANNUAL FIRE PREVENTION REPORT
8. REVIEW AND ACCEPT FOURTH QUARTER 2020 CUSTOMER SATISFACTION SURVEY
9. MONTHLY OPERATIONS ACTIVITY REPORT – JANUARY 2021

President Van Doorn inquired whether there were any questions on Consent Items 3-9. There being no discussion, President Van Doorn asked for a motion to approve the Consent Agenda. On a motion by Director Munson, seconded by Director Egkan the motion to approve the Consent Agenda as presented passed unanimously.

### ACTION ITEMS:

10. REVIEW AND ACCEPT FINANCIAL AUDIT FOR FY 2019/2020 — FIM JUUL AND CHIEF

**ABBOTT:** FIM Juul introduced the report to the Board noting several conditions that could significantly impact the District's current financial and net position. The District has restructured its ambulance service staffing, reducing total personnel costs to fund the District's Capital Equipment Replacement Plan. During the pandemic the District maintained a neutral cash position. She noted that the District needs to identify funding for future acquisitions as outlined in the District's Facilities Condition Assessment as the designated funds were depleted in the past recession with few opportunities to replenish them except for the fee adjustments in the next fiscal year.

The Auditor summarized the financial highlights including: the decrease in the District's net position of 2.879 million as a result of FY operations; total revenue increase of \$424,344 primarily due to property tax increases; total expenses of District's operations increased 9.2% from last year, primarily due to increases in salaries, benefits, materials and services and the cost of issuance of the pension obligation bond (POB); and the District purchased



59 new capital assets of \$287,048 and issued a pension obligation bond for \$20,305,000. The  
60 Auditor noted the District had been able to pay off \$1.5 mil in debt and invest in the District  
61 with the issuance of the POB. Overall the District strategy to pay down debt, keep service  
62 unchanged and invest in the District was accomplished. Despite the strain of COVID, with  
63 the exception of having to shut the doors on Administration with modified hours, the District  
64 was basically "business as usual" during this fiscal year. On a motion by Director Egkan,  
65 seconded by Director Acosta the motion to accept the Audit as presented passed  
66 unanimously.

67 11. REVIEW AND APPROVE JOB DESCRIPTION AND PLAN FOR FULFILLMENT OF  
68 ACCOUNTING/PAYROLL TECHNICIAN JOB — D/C REYNOLDS AND CHIEF ABBOTT: D/C McReynolds  
69 Informed the Board that the Payroll/AP Specialist had resigned and upon re-evaluation of  
70 the position, the District determined it was necessary to expand the scope of responsibilities  
71 for the position. Along with the expanded scope, the minimum qualifications and task  
72 responsibilities will increase along with the salary. In addition to approval of the job  
73 description, there would need to be an approval of a Non-Safety Side Letter to modify the  
74 position and salary in their MOU. The position would be open for immediate recruitment  
75 upon approval by the Board. On a motion by Vice President Kennedy, seconded by Director  
76 Egkan the motion to approve the modified job description and Side Letter passed  
77 unanimously.

78 12. REVIEW AND CONSIDER NOMINATIONS FOR CSDA BOARD OF DIRECTORS — CHIEF  
79 ABBOTT: Chief Abbott presented the opportunity for a Board member to be nominated to the  
80 CSDA Board of Directors, Seat A, outlining the requirements for the position. He noted that  
81 Director Jo MacKenzie from the Vista Irrigation District is the incumbent and is an active  
82 member of CSDA. After brief discussion, there was no interest of Board members in  
83 nomination; no further action is required.

84 13. REVIEW AND CONSIDER APPROVAL OF SOLE SOURCE FOR STATION 3 MODULAR —  
85 B/C KRUMWIEDE, D/C McREYNOLDS AND CHIEF ABBOTT: D/C McReynolds presented the  
86 request to declare the purchase of a modular building for Station 3 as a sole source, noting  
87 after investigation only one company is willing to be involved with provision of a customer

88 modular of this type. D/C McReynolds noted that they expect to spend approximately  
89 between \$150-200/square foot or \$350,000-\$400,000 for the structure with \$25,000 for the  
90 removal of the existing modular and the remaining work. The funding has already been  
91 allocated in the budget for \$400,000. Discussion ensued regarding the effect on turnout  
92 times of the current structure, sewer issues in Rainbow, grey water systems and comparison  
93 of conventional structures. On a motion by Vice President Kennedy, seconded by Director  
94 Egkan the motion to declare the purchase as a sole source, approve the amount of \$425,000  
95 and to authorize Chief Abbott to execute a contract for the construction and installation of  
96 the modular passed unanimously.

97 **14. CONSIDER REQUEST TO REVIEW INVOCATION PROCESS — B/S STEPHEN-PORTER AND**

98 **DIRECTOR EGKAN:** After a brief introduction by B/S Stephen-Porter, Director Egkan  
99 addressed the Board regarding concerns of including the Invocation on the Agenda, noting  
100 it is not in Board policy. He explained he concerns about separation of church and state,  
101 that the secular nature may make some individuals uncomfortable and not want to attend  
102 the meeting and that community members should be able to share equally in their  
103 government. Director Egkan stated he would favor a Moment of Silence (MOS) instead of  
104 an Invocation. Director Munson noted that the 9<sup>th</sup> District Court had authorized the use of  
105 prayer and some groups use a rotation of clergy to offer it. No local government groups  
106 were recognized as having an invocation. Director Munson would be willing to serve on an  
107 ad hoc committee to investigate and make recommendations. President van Doorn  
108 expressed concerns regarding impinging on other's freedom of speech and concerns about  
109 the safety of teams outside the District. He agreed with the consensus to go with a Moment  
110 of Silence and to have further discussions to decide whether to have policy statement or  
111 continuation of either a MOS or Invocation. On a motion by Director Egkan, seconded by  
112 Director Acosta the motion that until next month, the District will use a Moment of Silence in  
113 place of the Invocation until the Board decides whether to modify policy or to take further  
114 formal action; in March, further discussion/action is to be had to determine whether to make  
115 the Invocation/Moment of Silence a permanent feature or take further action with regards to  
116 this issue. The motion passed unanimously.

## DISCUSSION AGENDA

117  
118 15. **STRATEGIC DIRECTION DISCUSSION — CHIEF ABBOTT:** Chief Abbott brought forward  
119 the discussion on the Strategic Direction for further consideration and comment, noting six  
120 areas to be addressed: [1] Financial Planning/Maintenance of Reserve Funds; [2] Facilities;  
121 [3] Succession Planning; [4] Integration with North Zone Agencies; [5] Long-Term Fiscal  
122 Advocacy and [6] Community Risk Reduction. [1] There were no recommended changes to  
123 Item 1. [2] Chief Abbott noted the steps being undertaken to address issues in Item 2,  
124 including approval this meeting of the sole source for Station 3. A question was raised about  
125 beginning to develop Station 4 at this time with D/C McReynolds noting that Staff cannot  
126 take on more projects at this time due to other commitments. As soon as some time frees  
127 up, they will begin addressing some of the other facility issues. [3] Chief Abbott updated the  
128 Board on his retirement slotted for July 31st. Discussion ensued regarding the process for  
129 the new Fire Chief recruitment. It was the consensus of the Board for the whole Board to  
130 meet on March 9<sup>th</sup> at 5:00 p.m. to discuss the process, with the Chief to give an overview of  
131 the position responsibilities. [4] Chief Abbott discussed how the possible integration with  
132 the North Zone agencies could go forward, including those in progress at this time. No  
133 changes were recommended. [5] Chief Abbott noted this area is one that will require active  
134 involvement by the new Fire Chief as the District has done its best to capture the most easily  
135 accessible funding. An active advocacy will be required into the future. No  
136 recommendations were made. [6] Chief Abbott noted the District will be aligning its plan  
137 with other agencies within the County with the goal of decreasing liability for the District. No  
138 recommendations were suggested.

### **STANDING DISCUSSION ITEMS:**

140 **LEGAL COUNSEL REPORT:** Counsel James presented his report "*COVID-19 and the*  
141 *Workplace: Can Employers Make Vaccinations Mandatory?*" Brief discussion ensued  
142 regarding the steps the District should consider when determining whether COVID-19  
143 vaccinations should be mandatory or strongly encouraged. This is informational only, no  
144 action required.

145 ● **WRITTEN COMMUNICATIONS:** Written communications were noted without

146 discussion. Informational only, no action required.

147 ● **BOARD RECOGNITION PROGRAM** (See Item #2).

148 ● **NEWS ARTICLES:** This is informational only, no action required.

149 ● **COMMENTS:**

150 ● **STAFF REPORTS/UPDATES:**

151 ● **STEPHEN ABBOTT, FIRE CHIEF/CEO:** Chief Abbott informed the Board the District had  
152 submitted a grant for a Type 6. He has received a call from LAFCO regarding the Municipal  
153 Service Review (MSR), which he expects to be completed by May or June. He believes the  
154 District is in good shape for the review. He reminded the Board the emphasis from LAFCO  
155 is creating efficiencies in government. The District, with D/C Mahr acting as coordinator, has  
156 been heavily supporting the COVID immunization and collaboration effort in the County with  
157 the sharing many personnel to be vaccinators. Chief Abbott informed the Board that  
158 Rainbow now has three of the six hand crews at the camp, all of which are paid crews. The  
159 District will have another retirement of Captain Rick Rees in the near future. Informational  
160 only, no further action required.

161 ● **CHIEF OFFICERS AND OTHER STAFF: D/C MAHR:** D/C Mahr informed the Board that he  
162 has been performing a final review for this FY budget, which is looking very good. He noted  
163 Operations has been able to close the gap in many areas, including everyone having a  
164 second set of turnouts. D/C Mahr noted that tiered dispatching has been approved for a six-  
165 month trial beginning in July. He opined that the BLS overlay is crucial to the success of the  
166 program. D/C Mahr stated he was proud to be part of the Operation Collaboration, in which  
167 he had never seen so many agencies working together to manage a County program. D/C  
168 Mahr lauded the Ops team hiring, orienting and mentoring the Single Role employees,  
169 stating they were doing a phenomenal job. **D/C McREYNOLDS:** D/C McReynolds informed  
170 the Board there would be nine internal candidates for the next Engineer's exam and that the  
171 District had put on an Engineer's academy. They will have a Captain's academy after the  
172 Engineer's testing. **FM FIERI:** FM Fieri directed the Board to the number of developments  
173 in the District. He also informed the Board there is a retired annuitant that is working to  
174 cover for an employee currently on medical leave.

- 175 ● **BOARD:** No comments.
- 176 ● **BARGAINING GROUPS:** No comments.
- 177 ● **PUBLIC COMMENT:** Ms. Maldonado-Stamos thanked the District and MSO Murphy for  
178 getting information out to the community regarding vaccinations via the Zoom meeting,  
179 noting since individuals may not be able to get out and therefore, may feel isolated, are  
180 thankful to know someone is caring about them.

181

182 **CLOSED SESSION**

183 Chief Abbott noted there was no need for Closed Session for this meeting and requested  
184 the matter be tabled.

185 **ADJOURNMENT**

186 A motion was made at 6:18 p.m. by on a motion by Vice President Kennedy, seconded by  
187 Director Munson the motion to adjourn the meeting and reconvene on March 9, 2021, at  
188 5:00 p.m., carried unanimously.

189 Respectfully submitted,

190 

191 Loren Stephen-Porter

192 Board Secretary

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195 Minutes approved at the Board of Director's Meeting on: March 23, 2021

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1 **March 9, 2021**

2 **SPECIAL MEETING OF THE BOARD OF DIRECTORS OF**  
3 **THE NORTH COUNTY FIRE PROTECTION DISTRICT**

4 President Van Doorn called the meeting to order at 5:00 p.m.

5 **There was a Moment of Silence at the beginning of the meeting.**

6 **ALL RECITED THE PLEDGE OF ALLEGIANCE.**

7 **ROLL CALL:**

8 **Present:** Directors Acosta, Egkan, Kennedy, Munson and Van Doorn.

9 **Absent:** None.

10 **Staff Present:** Fire Chief/CEO Abbott, Attorney James and Board Secretary Stephen-  
11 Porter. In the audience were: D/C McReynolds, B/C Macmillan, F/M Fieri and members of  
12 the public and Association.

13  
14 **PUBLIC ACTIVITIES AGENDA**

15 1. **PUBLIC COMMENT:** President Van Doorn addressed the audience and inquired  
16 whether there were any public comments regarding items not on the Agenda. There being  
17 no comments, the Public Comment Section was closed.

18  
19 **ACTION AGENDA**

20 2. **REVIEW AND CONSIDER FIRE CHIEF RECRUITMENT AND SELECTION PROCESS — CHIEF**  
21 **ABBOTT:** Chief Abbott presented four items to the Board for determination: Initiation of the  
22 recruitment and selection process for the next Fire Chief/CEO; determination of the scope  
23 of the candidate pool (internal vs. external); review and approval of the modified Fire  
24 Chief/CEO job description and direction on the recruitment and selection process. Chief  
25 Abbott is retiring by July 31<sup>st</sup> and it takes 3-5 months to have the new Fire Chief prepared to  
26 assume the position. He outlined the steps for a successful transition as noted in his report.  
27 By consensus, the Board accepted the Knowledge/Skills/Attributes (KSAs) as noted in  
28 Attachment A as appropriate for the position and that they were accurately reflected in the  
29 Job Description.

30 The Board discussed whether to have an open or closed recruitment. Vice President  
31 Kennedy felt the two possible internal candidates are sufficient to have a closed recruitment,  
32 which is good for District morale. After discussion, it was the consensus of the Board to  
33 recruit internally for the Fire Chief.

34 The Board reviewed the Job Description (JD) with discussion regarding the changes. Chief  
35 Abbott noted the changes were adjusted to be consistent with the industry and to reflect  
36 impacted programs. In addition, the State Fire Marshal programs are equivalent to the ones  
37 outlined in the current JD. Discussion ensued regarding the differences and whether either  
38 candidate has completed the programs. A question was raised about the deletion in 7.3.  
39 and why those were removed. Vice President Kennedy explained why he saw value in  
40 affiliation with those organizations. It was the consensus to reject the 7.3. strikeout and add  
41 language indicating it was not required, but highly desirable. On a motion by Director Egkan,  
42 seconded by Director Munson the motion to approve the JD as modified with the "highly  
43 desirable" language passed unanimously.

44 In-depth discussion ensued regarding the process for evaluating the candidates. Chief  
45 Abbott outlined the District's traditional evaluative approach, noting there is usually a panel  
46 made up of Fire Chiefs to provide objective input from raters who may not be familiar with  
47 the candidate. Vice President Kennedy stated for the record that he did not believe it was  
48 necessary to have outside Fire Chiefs rate the candidates as the Board was capable of this  
49 evaluation and expressed concerns about this slowing down the selection process. The  
50 Board consensus was for initial interview panel to have two outside Fire Chiefs, two Board  
51 members, a member from the Association and Chief Abbott constituting the initial review  
52 panel. The Board discussed who should serve on the Ad Hoc review panel. Vice President  
53 Kennedy made a motion, seconded by Director Egkan to have Vice President Kennedy and  
54 Director Egkan serve as the two Board members on the Ad Hoc agreed upon review panel.  
55 The motion was approved as presented with the vote being: **AYES:** Directors Acosta, Egkan  
56 and Kennedy; **NOES:** Munson and van Doorn.

57 The Ad Hoc review panel results will be made available for the Board's interview. The Board  
58 discussed having an Ad Hoc review panel meeting prior to the interview and an introductory

59 meeting between the Board and the Candidates. Chief Abbott will provide dates for each  
60 step of the transition at the next Board meeting. The goal is to have a decision by no later  
61 than the end of May.

62 Director Egkan made a suggestion that the Strategic Direction should include a goal to  
63 increase diversity to be more reflective of the population. There was no Board objection.  
64 Chief Abbott will add that into the Direction.

65 ● **COMMENTS:**

66 ● **STEPHEN ABBOTT, FIRE CHIEF/CEO:** No further comments.

67 ● **CHIEF OFFICERS AND OTHER STAFF:** None.

68 ● **BOARD:**

69 ● **BARGAINING GROUPS:** A/P Lewis thanked the Board for the decision to go to an internal  
70 selection as the internal candidates have unique institutional knowledge and this provides  
71 an opportunity to acknowledge that knowledge and their talents.

72 ● **PUBLIC COMMENT:** No comments.

73  
74 **ADJOURNMENT**

75 A motion was made at 6:15 p.m. by on a motion by Vice President Kennedy, seconded by  
76 Director Egkan, by which the motion to adjourn the meeting and reconvene on March 23,  
77 2021, at 4:00 p.m., carried unanimously.

78 Respectfully submitted,

79 

80  
81 Loren Stephen-Porter

82 Board Secretary

83  
84 Minutes approved at the Board of Director's Meeting on: March 23, 2021

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**NORTH COUNTY FIRE  
PROTECTION DISTRICT  
ADMINISTRATION - BUDGET & FINANCE**

**TO:** BOARD OF DIRECTORS  
**FROM:** FM CHERIE JUUL AND CHIEF ABBOTT  
**DATE:** MARCH 23, 2021  
**SUBJECT:** REVENUE & EXPENDITURES AS OF FEBRUARY 28, 2021 (67%)

Revenue Sources	Budgeted	Collected	Over/Under	% of Budget
Property Taxes - FBK	15,940,646.00	9,616,876.00	(6,323,770.00)	60%
Property Taxes - RNBW	303,000.00	194,218.00	(108,782.00)	64%
Ambulance and Collections	2,245,000.00	2,001,697.55	(243,302.45)	89%
GEMT-State Supplement	90,000.00	-	(90,000.00)	0%
Prevention Fees	185,000.00	86,562.00	(98,438.00)	47%
Tower Lease Agreements	103,000.00	65,234.00	(37,766.00)	63%
Other Revenue Sources	50,000.00	24,138.00	(25,862.00)	48%
Interest	50,000.00	35,155.22	(14,844.78)	70%
Cost Recovery	80,000.00	27,320.00	(52,680.00)	34%
Inspection Fee (Fire Prevention)	-	16,282.00	16,282.00	#DIV/0!
Fallbrook Healthcare District	92,000.00	56,749.00	(35,251.00)	62%
Community Facilities District (CFD)	116,942.00	11,893.00	(105,049.00)	10%
Strike Team Reimbursements	151,523.00	185,825.00	34,302.00	123%
Other Reimbursements	100,000.00	62,802.00	(37,198.00)	63%
Mitigation Fees & Interest - FBK	300,000.00	207,774.00	(92,226.00)	69%
Donations & Grants	104,157.00	108,098.00	3,941.00	104%
Annexation fees	-	-	-	
Transfers & Loans	-	-	-	
<b>Total Revenue:</b>	<b>19,911,268.00</b>	<b>12,700,623.77</b>	<b>(7,210,644.23)</b>	<b>64%</b>
	<b>Budgeted</b>	<b>Spent</b>	<b>Over/Under</b>	<b>% of Budget</b>
<b>TTL Expenditures YTD thru 02-28-2021</b>	<b>18,957,776.00</b>	<b>12,412,710.00</b>	<b>(6,545,066.00)</b>	<b>65%</b>
<b>Revenue over Expenditures</b>		<b>287,913.77</b>		

North County Fire Protection District  
For the Tenth Month Ending April 30, 2020

83% of Budget

COLOR KEY	
Within/Below Budget	
Within 10% of Budget	
>10% of Budget (see notes)	

Description	February actual	Running Total	Final Budget	Amount Remaining	% Used	Notes
<b>TOTAL PERSONNEL</b>	989,585.00	10,668,510.00	15,424,695.00	4,756,185.00	69.2%	Strike Team OT/Replacement
101 Total Board Administration	5,016.00	191,415.00	464,900.00	273,485.00	41.2%	
102 Total Administration	35,076.00	319,727.00	679,303.00	359,576.00	47.1%	
103 Total Fire Prevention	73.00	6,901.00	62,400.00	55,499.00	11.1%	
104 Total Emergency Services	2,320.00	320,271.00	457,102.00	136,831.00	70.1%	Strike Team exp
105 Total Emergency Med Svcs	50,188.00	238,139.00	460,202.00	222,063.00	51.7%	
106 Total Volunteers/Explorers	-	-	-	-	0.0%	
107 Total Communications	104,911.00	461,763.00	620,004.00	158,241.00	74.5%	MDC & AVL paid for yr/Dispatch dues pd
108 Total Shop/Maintenance	14,522.00	174,015.00	355,905.00	181,890.00	48.9%	
109 Total Training	3,558.00	31,969.00	83,265.00	51,296.00	38.4%	
120 Total General Fund Reserve	-	-	350,000.00	350,000.00	0.0%	
<b>GRAND TOTAL</b>	1,205,249.00	12,412,710.00	18,957,776.00	6,545,066.00	65.5%	
200 Total Capital Expenditures	-	741,487.88	1,610,935.00	869,447.12	46.0%	



**NORTH COUNTY FIRE PROTECTION DISTRICT**

**Tax Apportionments FY 20-21**

DATE	APP #	GROSS	REFUNDS & ADJUSTMENTS	FY 20/21 NET	FY 20/21 RUNNING	FY 19/20 NET	FY 19/20 RUNNING
08 12 2020	1	223,517.70	1,322.63	222,195.07	222,195.07	229,418.43	229,418.43
09 22 2020	2	206,806.13	1,611.36	205,194.77	427,389.84	79,480.12	308,898.55
10 20 2020	3	337,997.18	19,167.85	318,829.33	746,219.17	154,586.49	463,485.04
11 17 2020	4	931,116.26	7,707.83	923,408.43	1,669,627.60	534,416.39	997,901.43
12 15 2020	5	4,992,829.71	11,988.46	4,980,841.25	6,650,468.85	5,133,895.38	6,131,796.81
01 19 2021	6	2,325,339.06	11,430.52	2,313,908.54	8,964,377.39	2,451,410.99	8,583,207.80
02 16 2021	7	599,269.85	3988.68	595,281.17	9,559,658.56	359,238.37	8,942,446.17
03 16 2021	8			-	-	-	-
04 13 2021	9			-	9,559,658.56	3,210,146.99	12,152,593.16
05 11 2021	10			-	9,559,658.56	2,553,885.70	14,706,478.86
06 22 2021	11			-	9,559,658.56	290,352.38	14,996,831.24
07 22 2021	12			-	9,559,658.56	373,389.57	15,370,220.81
						66,170.93	15,436,391.74
						-	
<b>TOTAL YTD</b>		<b>9,616,875.89</b>	<b>57,217.33</b>	<b>9,559,658.56</b>	<b>9,559,658.56</b>	<b>8,942,446.17</b>	<b>8,942,446.17</b>
<b>Net Rev Increase</b>							<b>6.90%</b>

**RAINBOW FIRE PROTECTION SUBZONE**  
**Tax Apportionments FY 20/21**

DATE	APP #	GROSS	REFUNDS & ADJUSTMENTS	FY 20/21 NET	FY 20/21 RUNNING	FY 19/20 NET	FY 19/20 RUNNING
08 18 2020	1	4,301.57	25.45	4,276.12	4,276.12	4,195.51	4,195.51
09 22 2020	2	3,980.01	31.01	3,949.00	8,225.12	1,453.47	5,648.98
10 20 2020	3	6,504.72	368.86	6,135.86	14,360.98	2,826.97	8,475.95
11 17 2020	4	17,919.34	153.94	17,765.40	32,126.38	9,760.17	18,236.12
12 15 2020	5	96,615.23	230.73	96,384.50	128,510.88	94,409.63	112,645.75
01 19 2021	6	52,876.95	225.11	52,651.84	181,162.72	53,866.73	166,512.48
02 16 2021	7	12,020.65	78.16	11,942.49	193,105.21	6,951.95	173,464.43
03 16 2021	8			-	193,105.21	-	173,464.43
04 13 2021	9			-	193,105.21	62,105.80	235,570.23
05 11 2021	10			-	193,105.21	50,125.46	285,695.69
06 22 2021	11			-	193,105.21	5,661.27	291,356.96
07 22 2021	12			-	193,105.21	7,164.56	298,521.52
<b>TOTAL YTD</b>		<b>194,218.47</b>	<b>1,113.26</b>	<b>193,105.21</b>	<b>193,105.21</b>	<b>173,464.43</b>	<b>173,464.43</b>
<b>Net Rev Increase</b>							<b>11.32%</b>

**NORTH COUNTY FIRE PROTECTION DISTRICT  
AMBULANCE REVENUE FY 2020-2021**

<u>MONTH</u>	<u>BILLED</u>	<u>CONTRACTUAL WRITE DOWNS</u>	<u>TOTAL AR FY 20-21</u>	<u>TOTAL AR FY 19-20</u>	<u>BAD DEBT WRITE-OFFS</u>	<u>REFUNDS</u>	<u>ADJ AR</u>	<u>DEPOSITS RECIEVED</u>	<u>BILLING FEES</u>	<u>FY 20-21 NET REVENUE</u>	<u>FY 19-20 NET REVENUE</u>
07 31 2020	492,609.07	283,771.92	208,837.15	274,112.06	28,136.09	1,978.64	178,722.42	208,837.15	11,557.11	197,280.04	155,833.88
08 31 2020	582,819.64	342,604.08	240,215.56	215,953.31	22,564.45	(488.08)	218,139.19	240,215.56	11,527.20	228,688.36	181,256.99
09 30 2020	501,223.47	311,137.26	190,086.21	307,159.93	34,584.87	-	155,501.34	190,086.21	11,559.78	178,526.43	199,107.55
10 31 2020	614,786.25	352,938.54	261,847.71	248,890.07	29,209.13	-	232,638.58	261,847.71	9,607.98	252,239.73	205,273.64
11 30 2020	739,440.49	453,266.94	286,173.55	229,003.49	14,417.78	5,893.97	265,861.80	286,173.55	10,018.01	276,155.54	196,525.33
12 31 2020	754,358.25	476,631.07	277,727.18	331,817.90	41,860.46	-	235,866.72	277,727.18	12,050.24	265,676.94	179,942.32
01 31 2021	757,831.07	455,132.41	302,698.66	201,170.29	25,647.83	-	277,050.83	302,698.66	11,153.46	291,545.20	212,967.00
02 28 2021	646,848.38	363,693.16	283,155.22	240,188.15	59,085.11	5,837.18	218,232.93	283,155.22	10,481.31	272,673.91	188,887.92
03 31 2021			-	208,936.67			-			-	175,643.85
04 30 2021			-	198,311.38			-			-	172,516.79
05 31 2021			-	279,286.84			-			-	162,862.20
06 30 2021			-	230,124.08			-			-	217,930.48
<b>TOTAL:</b>	<b>5,089,916.62</b>	<b>3,039,175.38</b>	<b>2,050,741.24</b>	<b>2,048,295.20</b>	<b>255,505.72</b>	<b>13,221.71</b>	<b>1,782,013.81</b>	<b>2,050,741.24</b>	<b>87,955.09</b>	<b>1,962,786.15</b>	<b>1,519,794.63</b>
							<b>Net A/R Change</b>	<b>0.12%</b>		<b>New Revenue Change</b>	<b>29.15%</b>

<p><b>NORTH COUNTY FIRE PROTECTION DISTRICT</b></p> <p><b>MONTHLY INVESTMENT REPORT</b></p>
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**February 28, 2021**

<b>FALLBROOK</b>	<b>BALANCE</b>	<b>INTEREST</b>	
		<b>RATE</b>	
County of San Diego/General Fund - FBK	511,870.82	0.01%	Operating
County of San Diego/General Fund - RNBW	1,369,588.34	0.01%	Operating
County of San Diego/Capital Reserve	402,098.19	0.01%	Capital Reserves
County of San Diego/Fire Mitigation Fund - FBK	981,370.32	0.01%	Mitigation Fees
County of San Diego/Fire Mitigation Fund - RNBW	4,073.54	0.01%	Mitigation Fees
Local Agency Investment Fund	2,152,873.15	0.63%	LAIF
Workers' Comp JPA	484,827.92	0.26%	PASIS Funds
Bank of America/PASIS	51,889.02	0.01%	
First National/Benefit Fund	156,579.17	0.50%	
First National/Payroll	453,730.39	0.50%	
First National/Accounts Payable	281,578.24	0.50%	
First National/Accounts Receivable	224,995.51	0.50%	
Pacific Western Bank/Accounts Receivable	1,705,402.77	0.00%	
<b>TOTAL</b>	<b>8,780,877.38</b>		

**NORTH COUNTY FIRE PROTECTION DISTRICT  
COST RECOVERY FY 2020/2021**

<u>Month</u>	<u>Billed</u>	<u>Collected</u>	<u>YTD % Collected</u>	<u>Billing Fees</u>	<u>Net Revenue 20/21</u>	<u>Net Revenue 19/20</u>
7 31 2020	6,940.75	6,636.04	95.61%	1,327.21	5,308.83	2,791.46
8 30 2020	4,267.15	3,342.00	78.32%	668.40	2,673.60	10,144.80
9 30 2020	2,781.75	2,583.33	92.87%	516.67	2,066.66	3,820.80
10 31 2020	3,127.50	3,127.50	100.00%	625.50	2,502.00	7,134.40
11 30 2020	5,364.25	3,413.90	63.64%	682.78	2,731.12	4,703.90
12 31 2020	3,715.50	3,528.81	94.98%	705.76	2,823.05	5,374.67
1 31 2021	13,467.75	8,427.08	62.57%	1,685.42	6,741.66	7,444.82
2 28 2021	3,493.00	3,091.25	88.50%	618.25	2,473.00	5,974.40
3 30 2021			#DIV/0!	-	-	10,046.76
4 30 2021			#DIV/0!	-	-	8,884.00
5 31 2021			#DIV/0!	-	-	11,421.86
6 30 2021			#DIV/0!	-	-	2,667.60
<b>TOTAL:</b>	<b>43,157.65</b>	<b>34,149.91</b>	<b>79.13%</b>	<b>6,829.98</b>	<b>27,319.93</b>	<b>47,389.25</b>
					<b>Net Rev Increase</b>	<b>-42.35%</b>

therecoveryhub.com  
Ncfpd1103 Chrome  
Claims>reports

Document Date	Document Number	Vendor Name	Transaction Description	Document Amount
02 1 2021	2/1/21-2/28/21	Employee Benefit Specialists, Inc.	Health	9,220.81
02 1 2021	FEB 2021	THE STANDARD	Feb Strmnt	638.00
02 1 2021	PYMT 7 OF 56	COMMUNITY LEASING PARTNERS	Pierce Pumpers Pymt 7 of 56	33,494.99
02 1 2021	FEB 2021	Harry J. Wilson Insurance Center	FEB 2021 INSURANCE	1,110.00
02 1 2021	MEDIC RENEW 21-23	Bryce Kuntz	B. Kuntz Medic renew	225.00
02 1 2021	ORG6700	KEITH MCREYNOLDS	ORG6700	1,066.50
02 1 2021	9872356508	VERIZON WIRELESS	01/02/21-02/01/21	77.28
02 1 2021	012556458	XEROX - PASADENA	12/21/20-01/21/21	151.16
02 1 2021	012556459	XEROX - PASADENA	12/21/20-01/21/21	325.85
02 1 2021	000015982962	AT&T	01/01/21-01/31/21	1,793.82
02 1 2021	A9018COD-0003	DIGITAL DEPLOYMENT, INC.	02/01/21-03/01/21	275.00
02 2 2021	0381472020221	TIME WARNER CABLE	02/02/21-03/01/21	1,294.73
02 2 2021	0381456020221	TIME WARNER CABLE	02/02/21-03/01/21	344.73
02 2 2021	107271	UNIFORM SPECIALIST/ACE UNIFORMS	Sahagun, uniform	887.54
02 3 2021	FP SYS/FIRE ALARM '2	AARON MURG	FP Sys/Fire Alarm Prov	150.00
02 3 2021	SHOES FY 20/21	BRIAN MACMILLAN	Athletic shoes	30.00
02 3 2021	ORG5000	BRIAN MACMILLAN	ORD5000	1,066.50
02 3 2021	01/06/21-02/03/21002	FALLBROOK PUBLIC UTILITY DISTR	01/06/21-02/03/21	437.17
02 3 2021	01/06/21-02/03/21-03	FALLBROOK PUBLIC UTILITY DISTR	01/06/21-02/03/21	312.94
02 3 2021	107316	UNIFORM SPECIALIST/ACE UNIFORMS	Soriano, Boots	176.44
02 4 2021	107386	UNIFORM SPECIALIST/ACE UNIFORMS	Avila, Uniform	523.84
02 4 2021	391372	Calolympic Safety	Sensor replacement	269.04
02 5 2021	19125	IB Consulting, LLC	Review financial model	4,875.00
02 5 2021	502495	SOUTH COAST EMERGENCY VEHICLE SERV	Dipstick, Engine Oil	370.96
02 5 2021	502496	SOUTH COAST EMERGENCY VEHICLE SERV	Charge Air Cooler	2,105.98
02 5 2021	FOOD/STRUCTURE FIRE	BARRY KRUMWIEDE	Food - structure fire Via Del	49.14
02 8 2021	11480	FOWLER PLUMBING	Sta. 2 plumbing	540.00
02 8 2021	202021-144	NORTH COUNTY DISPATCH JPA	Dispatch Q3 20/21	98,829.78
02 9 2021	35677	FALLBROOK PROPANE GAS CO.	Sta. 4 propane	769.39
02 9 2021	35761	FALLBROOK PROPANE GAS CO.	Sta. 2 propane	530.34
02 10 2021	STA. 3 251.00	North County Window and Door	Glass replacement Rnbw	263.09
02 10 2021	01/11/21-02/10/21-00	RAINBOW MUNICIPAL WATER DIST	01/11/21-02/10/21	14.81
02 10 2021	01/11/21-02/10/21-0	RAINBOW MUNICIPAL WATER DIST	01/11/21-02/10/21	135.36
02 10 2021	01/11/21-02/10/21	RAINBOW MUNICIPAL WATER DIST	01/11/21-02/10/21	214.77
02 10 2021	229783	All-Star Fire Equipment	Structural Fire Gloves	750.81



Document Date	Document Number	Vendor Name	Transaction Description	Document Amount
02 11 2021	0417565021121	TIME WARNER CABLE	02/11/21-03/10/21	96.98
02 11 2021	107565	UNIFORM SPECIALIST/ACE UNIFORMS	Goss uniform	87.67
02 12 2021	PR AP 02/12/21	FALLBROOK FIREFIGHTERS' ASSN	FBK FFA DUES PR 02/12/21	2,702.42
02 12 2021	PR AP 2/12/21	FALLBROOK FIREFIGHTERS' ASSN	FBK SR DUES PR 02/12/21	33.93
02 12 2021	PR AP 02/12/21	FIREFIGHTERS LEG. ACTION GRP	FLAG PMT PR 02/12/21	297.90
02 12 2021	PR AP 02/12/21	LINCOLN NATIONAL	LINCOLN NAT'L PMT PR 02/12/21	2,548.47
02 12 2021	01B0036333755	READY FRESH	01/11/21-02/10/21	48.77
02 12 2021	53184186	MCMASTER-CARR SUPPLY CO.	Impact drivers	227.31
02 13 2021	STMT 02/13/21	AT&T Mobility	01/14/21-02/13/21	911.31
02 15 2021	STMT 02/15/21	FALLBROOK OIL COMPANY	Fuel 02/01/21-02/15/21	3,089.82
02 15 2021	11909	FOWLER PLUMBING	Sta. 2 plumbing	6,685.00
02 15 2021	STMT 02/15/21	LEGAL SHIELD	Stmt 02/15/21	586.20
02 16 2021	TX MATERIALS 1/21	John Choi	Training materials	274.55
02 16 2021	286637	CROP PRODUCTION SERVICES	E-111 Flange	35.03
02 16 2021	CHIEF FO 3A-3D	HARRINGTON, THOMAS	Chief FO 3A-3D	1,000.00
02 17 2021	01/18/21-02/17/21-00	RAINBOW MUNICIPAL WATER DIST	01/18/21-02/17/21	603.82
02 17 2021	01/18/21-02/17/21-01	RAINBOW MUNICIPAL WATER DIST	01/18/21-02/17/21	19.05
02 20 2021	MEDIC RENEW 21-23	BRACCI, JASON	Medic renewal 21-23	225.00
02 20 2021	0000240022021	TIME WARNER CABLE	02/20/21-03/19/21	149.95
02 20 2021	9873777043	VERIZON WIRELESS	01/21/21-02/20/21	114.03
02 20 2021	9873777044	VERIZON WIRELESS	01/21/21-02/20/20	734.98
02 21 2021	076037403X210202	DIRECTV	02.02.21-02.28.21	167.24
02 21 2021	60572124-01	KAISER PERMANENTE	Amb refund 02/2021	2,159.09
02 22 2021	OVERPYMT MEBRRDSG	AETNA HEALTHCARE	Amb refund	275.00
02 22 2021	U3582020903	CIGNA HEALTH CARE	Amb refund 02/21	838.93
02 22 2021	062997645X210222	DIRECTV	02/21/21-03/20/21	148.23
02 22 2021	30456095-01	KAISER PERMANENTE	Amb refund	1,823.40
02 22 2021	AMB REFUND 02/2021	PATRICIA SIC	Amb refund	177.19
02 22 2021	AMB REFUND 02/21	ROBERT JOHNSON	Amb refund 02/2021	130.86
02 23 2021	MEDIC 21-23	ERIC AYERS	Medic license 21-23	225.00
02 23 2021	11B9901381948	READY FRESH	01/21/21-02/20/21	61.78
02 23 2021	11B0030602940	READY FRESH	01/21/21-02/20/21	8.38
02 23 2021	REFUND 02/2021	Erin Morache	Amb refund	200.00
02 23 2021	AMB REFUND 02/21	Francisca Espino	Amb refund 02/2021	150.00
02 23 2021	01/23/21-02/23/21-01	FALLBROOK PUBLIC UTILITY DISTR	01/23/21-02/23/21	2,233.68
02 23 2021	01/23/21-02/23/21-00	FALLBROOK PUBLIC UTILITY DISTR	01/23/21-02/23/21	61.93

Document Date	Document Number	Vendor Name	Transaction Description	Document Amount
02 23 2021	01/24/21-02/23/21-32	SDG&E	01/24/21-02/23/21	315.62
02 23 2021	01/24/21-02/23/21-37	SDG&E	01/24/21-02/23/21	211.10
02 23 2021	AMB REFUND 02/2021	STEVEN PATTERSON	Amb refund 02/2021	82.71
02 24 2021	01/21/21-02/22/21-15	SDG&E	01/21/21-02/22/21	55.55
02 24 2021	01/25/21-02/24/21-09	SDG&E	01/25/21-02/24/21	506.08
02 25 2021	2583188	Santander Leasing, LLC	Amb I	45,661.41
02 26 2021	PR AP 02/26/21	FALLBROOK FIREFIGHTERS' ASSN	FFA DUES PR 02/26/21	2,582.44
02 26 2021	PR AP 2/26/21	FALLBROOK FIREFIGHTERS' ASSN	FFA SR DUES PR 02/26/21	32.76
02 26 2021	PR AP 02/26/21	FIREFIGHTERS LEG. ACTION GRP	FLAG PMT PR 02/26/21	291.28
02 26 2021	PR AP 02/26/21	LINCOLN NATIONAL	LINCOLN NAT'L 02/26/21	2,437.10
02 28 2021	210224	OSTARI	IT services 02/2021	1,850.00
02 28 2021	217	RIDEOUT ELECTRIC	Sta 2 electricity	1,442.75
02 28 2021	STMT 02/2021	D.F. Cleaning Service	Admin cleaning 02/2021	440.00
02 28 2021	04C110000/1127261	HAWTHORNE POWER SYSTEMS	Bolt/Locknut/gasket	3,364.75
02 28 2021	107125	UNIFORM SPECIALIST/ACE UNIFORMS	L. Porter uniform	18.39



**NORTH COUNTY FIRE  
PROTECTION DISTRICT  
FIRE CHIEF/CEO**

**TO:** BOARD OF DIRECTORS  
**FROM:** STEPHEN ABBOTT, FIRE CHIEF/CEO  
**DATE:** MARCH 23, 2021  
**SUBJECT:** APPROVAL OF POLICIES AND PROCEDURES

The following Policies and Procedures are being presented for review and approval:

1. **ADMINISTRATIVE GUIDELINES - EMPLOYEE DEVELOPMENT POLICY:**
  - Complete re-write of process for employee development reviews. PAC and Discussion Guide included for reference.
2. **LEAVE MANAGEMENT - MEDICAL AND FAMILY LEAVE POLICY:**
  - Updated to comply with changes in the law effective January 1, 2021. Has been reviewed by Counsel. (Clean version included for reference.)



# NORTH COUNTY FIRE PROTECTION DISTRICT

## POLICY AND PROCEDURE MANUAL

ADMINISTRATION  
RULES & REGULATIONS  
ADMINISTRATIVE GUIDELINES

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### EMPLOYEE DEVELOPMENT

#### 1.0. **PURPOSE:**

- 1.1. To establish procedures for routine, non-disciplinary coaching and counseling of employees as it pertains to job performance and employee development, and to provide a process for documentation of the employee development process.

#### 2.0. **POLICY:**

- 2.1. It is the Policy of the North County Fire Protection District to:

- 2.1.1. Provide an opportunity for all employees to set and review goals and progress with their supervisor three (3) times a year.
- 2.1.2. Commend an employee for outstanding work performance.
- 2.1.3. Provide coaching/counseling to an Employee for performance outside NCFPD minimum expectations and provide them with a plan for improvement.
- 2.1.4. Maintain a Supervisor File for records pertaining to Employee performance.
- 2.1.5. Track the progress of Probationary Employees on a more frequent basis. For Probationary Safety Employees, Supervisors are to complete a Performance Activity Card (PAC) upon completion of each module; All Non-Safety Administrative Probationary Employees, at six (6) months and one (1) year.

#### 3.0. **INTENT:**

- 3.1. To assist the Supervisor and Employee in establishing a positive and cooperative environment in which to communicate performance and the expectations of the organization as well as individual career development.
- 3.2. To set guidelines for the documentation of routine coaching, counseling, as well as other unplanned supervisor/subordinate interactions, including routine associated fact-finding. This type of documentation is non-disciplinary in nature and does not initiate employee rights related to disciplinary matters. [Refer to the **Disciplinary Policy** for procedures pertaining to Employee investigation and/or Disciplinary procedures.]



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### EMPLOYEE DEVELOPMENT

#### 4.0. **PROCEDURE:**

4.1. The following guideline and procedural outline will address the process of evaluating employee performance utilizing the appropriate forms while following the coaching/counseling approach to improving job performance and work behaviors.

#### 4.2. **EMPLOYEE DEVELOPMENT PROCESS:**

4.2.1. The following is an overview of the Employee Development process:

4.2.1.1. The current Supervisor is responsible for the Employee's development throughout the year. If the Employee has had more than one Supervisor during this period, the other Supervisor shall be consulted.

4.2.1.2. Supervisors shall meet with their personnel each January to discuss goals and development for the coming year. Employees are encouraged to complete a Self-Appraisal prior to this discussion. Supervisors are encouraged to utilize the Employee Development Discussion Guide. This conversation must be documented on an Employee Development Plan. Supervisors shall conduct a mid-year review with the employee (May) and conduct an end-of-year review (Oct) with the employee and document each conversation on a PAC.

#### 4.3. **STATION FILES:**

4.3.1. Personnel documentation shall be securely stored electronically with the immediate Supervisor in an electronic folder titled "Employee Performance". Folders may be saved to the Supervisor's H-Drive or OneDrive. The Employee may request a review of the documentation that is compliant with law regarding the review of such files. In no case will information be saved that the Employee is not aware of and given the opportunity to respond to in a manner consistent with the law. Contents of a Supervisor's e-file may include:

- Performance Activity Cards (PAC)
- Employee Development Plans (EDP)
- Employee Development Self Appraisals
- Copies of Letters of Recognition



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#### 4.4. PERFORMANCE ACTIVITY CARDS:

4.4.1. A Performance Activity Card (PAC) is a supervisory tool used to document an Employee's actions or behaviors. The PAC is compliant with the provisions of the Firefighter's Bill of Rights (FBOR) since it is reviewed and signed by the Employee and the Supervisor together. An employee may request the completion of a PAC at any time.

4.4.2. The PAC is utilized by Supervisors to document performance discussions.

#### 4.4.3. PAC ENTRIES:

4.4.3.1. Supervisors may fill out PACs on Employees not regularly assigned to them.

4.4.3.2. All PACs are to be reviewed and signed by the Supervisor and subordinate. If the Supervisor writing the PAC normally does not supervise the Employee receiving it, then the PAC shall be forwarded to the Employee's direct Supervisor.

4.4.3.3. PAC entries indicating a lack of ability to meet agency expectations may be a cause to initiate an EDP which should be initiated by the immediate supervisor, in coordination with the respective Chief Officer.

#### 4.4.4. PAC ROUTING AND PURGING:

4.4.4.1. Once the PAC has been reviewed and signed by the Employee and the Supervisor, it should be saved to an e-file in the Supervisors (H) drive or OneDrive in the "Employee Performance" file. Once saved the hard copy should be discarded.

4.4.4.2. If an Employee refuses to sign the PAC, the Supervisor shall make a note on the PAC and processes it as noted above.

4.4.4.3. PACs will be retained for one year.

#### 4.5. LETTERS OF RECOGNITION:

4.5.1. Outstanding day-to-day performance of an Employee; and/or

4.5.2. Demonstration of effort that significantly exceeds performance expectations; and/or

4.5.3. Outstanding work performance in unusually difficult and/or emergency situations. Such commendations may be completed by any Employee for any





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### EMPLOYEE DEVELOPMENT

Employee, and may be reported as frequently as that individual considers appropriate. Letters of Recognition are submitted to the Fire Chief/CEO and ultimately placed in the Employee's personnel file.

#### 4.6. EMPLOYEE DEVELOPMENT PLAN (EDP) FORM:

- 4.6.1. This form is a tool to be used for employee development such as promotional development, educational goals, skills-based performance and/or behavioral-based performance improvement. An EDP should be considered when it is necessary to address repeat performance issues, although it is **NOT** necessary to complete an EDP as a prerequisite to Disciplinary Action.
- 4.6.2. Multiple areas of focus for an employee may be identified on a single EDP. Performance Goals should specify the "how to" of reaching the goal. These activities may be as many as deemed necessary, but it is suggested that they be kept concise in content.
- 4.6.3. Specific resources, time parameters, standards and criteria could be presented for the Employee to meet the stated goal.
- 4.6.4. Progress and Success Indicators should be identified to communicate clear expectations, opportunities for development or improvement and potential challenges one might encounter as they work through their development activities.
- 4.6.5. Progress should be documented on a PAC.
- 4.6.6. As employee development progresses and evolves during the performance period, a new EDP may be needed.
- 4.6.7. These forms are retained in the Supervisors e-file.



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### EMPLOYEE DEVELOPMENT DISCUSSION GUIDE

**These discussion topics may be used between supervisors and employees to guide conversations on employee development.**

**Potential Discussion Topics:**

- Duty
- Integrity
- Respect
- Attendance/Punctuality
- Attitude
- Relationships
- Communication
- Records and Reports
- Job Knowledge/Technical Competence
- Leadership
- Fairness
- Initiative
- Dependability
- Involvement
- Physical Fitness
- Public Relations
- Teamwork
- Training



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### EMPLOYEE DEVELOPMENT PLAN

**1. Performance Goals:**

Click or tap here to enter text.

**2. Progress and Success Indicators:**

Click or tap here to enter text.

Supervisors are to document employee progress on a PAC as frequently as they deem necessary to ensure proper documentation of progress towards stated goals.

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Employee Signature

---

Date

---

Supervisor Signature

---

Date



# NORTH COUNTY FIRE PROTECTION DISTRICT

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LEAVE MANAGEMENT

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### MEDICAL AND FAMILY LEAVE

#### 1.0. PURPOSE:

1.1. To provide North County Fire Protection District ("District") and its employees with a Policy for Medical and Family Leave Procedures.

#### 2.0. POLICY:

2.1. Eligible District employees are entitled to ~~Family~~ Medical and Family Leave and Pregnancy Leave as set forth in the federal Family and Medical Leave Act ("FMLA"), the ~~and~~ California Pregnancy Disability Leave Act ("PDL"), ~~s~~ and the California Family Rights Act ("CFRA"). The revisions to this Policy cover the CFRA amendments (Senate Bill 1383) effective January 1, 2021. Unless otherwise provided by law, the District will run each employee's FMLA and CFRA leaves concurrently.

#### 3.0. PROCEDURE:

#### 3.1. MEDICAL AND FAMILY CARE LEAVE:

##### 3.1.1. ELIGIBILITY:

3.1.1.1. An employee is eligible for leave if:

- 1) The employee has been employed by the District for at least 12 months; and
- 2) The employee has been employed by the District for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

##### 3.1.2. REASONS FOR LEAVE:

~~Employees who have been employed with the District for at least twelve (12) months may request a~~ A Family or Medical and Family Leave of absence is permitted ~~to care~~ for:

~~3.1.1.1.~~ 3.1.2.1. The birth of a child or to care for a ~~A~~ newborn child of the employee within one year of the child's birth;

3.1.2.2. The placement of a child with an employee in connection with the adoption or foster care of a ~~An adopted~~ child within one year of the child's adoption or foster care placement;

~~3.1.1.2.~~ Leave to care for a ~~A~~ seriously ill child;

3.1.2.3. A child, parent, or spouse, or ~~domestic partner~~ who has a serious health condition;



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- 3.1.2.4. Under the CFRA only, leave is permitted to care for a domestic partner, grandparent, grandchild, or sibling who has a serious health condition. Leave for this purpose does not apply to FMLA leave and will not run concurrently with leave under the FMLA;
- 3.1.2.5. Leave because of a serious health condition that makes the employee unable to perform any one or more essential function so his/her position, including pregnancy, miscarriage, childbirth and recovery therefrom;
- 3.1.2.6. Leave for a variety of "qualifying exigencies" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation;
- 3.1.2.7. Under the CFRA only, leave for a variety of "qualifying exigencies" arising out of the fact that an employee's domestic partner is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation. Leave for this purpose does not apply to FMLA leave and will not run concurrently with leave under the FMLA; or
- 3.1.2.8. Leave to care for a spouse, son, daughter, parent, or "next of kin" who is a covered servicemember of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. This leave can run up to 26 weeks of unpaid leave during a single 12-month period.
- ~~3.1.1.3. —~~
- ~~3.1.1.4. — The placement of a child for foster care; or His/herself due to a serious health condition, including pregnancy, miscarriage, childbirth and recovery therefrom, that makes the employee unable to perform the function of the position.~~
- 3.1.3. **ELIGIBILITY PERIOD:** -The [twelve]<sup>[S.J.L.1]</sup> (12) month period shall be calculated on a "rolling calendar year 12-month period," commencing with the first day of leave begins and terminating 12-months thereafter ~~with the end of the twelfth (12<sup>th</sup>) week of leave within that year time period.~~ The District shall provide written notice to the employee that the leave period is designated as FMLA/CFRA. If the leave is used to care for a child, parent, spouse, domestic partner, grandparent, grandchild, or sibling ~~child or parent~~ with a serious health condition or because of the employee's serious health condition, it may be



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### MEDICAL AND FAMILY LEAVE

taken intermittently or on a reduced work schedule when medically necessary and upon reasonable notice to the District.

#### 3.1.4. AMOUNT OF LEAVE:

3.1.4.1. Eligible employees are entitled to a total of 12 workweeks (or 26 workweeks to care for a covered servicemember) of leave during a 12-month period. If FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

3.1.4.2. BOTH PARENTS EMPLOYED BY DISTRICT: If both parents of a child, adoptee, or foster child are employed by the District and are entitled to bonding leave:

- a) The aggregate number of workweeks of FMLA leave to which both may be entitled may be limited to 12 workweeks during any 12-month period; and
- b) Each parent is entitled to take 12 workweeks of CFRA leave during any 12-month period.

If both parents of a covered service member are employed by the District and are entitled to leave to care for a covered service member, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 work weeks during the 12-month period.

#### 3.1.4.3. MINIMUM DURATION OF LEAVE:

- (1) If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g. bonding with a newborn) for less than two weeks duration on any two occasions.
- (2) If leave is requested to care for a child, parent, spouse, domestic partner, grandparent, grandchild, or sibling or the employee him/herself with serious health condition, there is no minimum amount of leave that must be taken. However, compliance with the





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notice and medical certification provisions in this Policy is required when requested by the District.

~~3.1.2. If in any case both parents are employees of the District and entitled to leave in connection with the birth, adoption or foster care of child, the parents are limited to Family Care Leave of twelve (12) weeks total in a twelve (12) month period for both.~~

3.1.5. **WORK SCHEDULE:** The District may require the Employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee.

3.1.6. **LEAVE USAGE:** Although family and medical care leave is unpaid, an employee may elect ~~and the District will require an employee~~ to concurrently use all paid accrued leaves during family and medical care leave as described below:

~~**LEAVE USAGE:** Employees do not receive financial compensation from the District for Family Medical Leave status unless accrued leave is utilized.~~

1. If an employee exhausts their FMLA and/or CFRA leave and needs additional time off, the employee may submit a Leave of Absence in accordance with the NCFPD Leave of Absence Policy. ~~takes a leave of absence for any purpose which also qualifies under the FMLA and/or CFRA, the District will designate that leave as running concurrently with the employee's 12-week FMLA and/or CFRA leave entitlement.~~

2. Employees eligible for California's Paid Family Leave (PFL) ~~Family Temporary Disability Insurance (FTDI)~~ may apply to access this form of compensation (which is an entitlement for State Disability Insurance (SDI) payment), for up to an eight ~~six~~ (8) week period.

— If an employee is not eligible for PFL ~~FTDI~~ or has exhausted PFL ~~FTDI~~, he/she may receive compensation by accessing accrued leave (presuming employee has accrued vacation or sick leave). ~~which may not exceed twelve (12) working weeks in a twelve (12) month period.~~ Employees may elect and the



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District will require an employee to ~~must~~ use accrued vacation, sick leave, or comp time during this period, or go on unpaid status during this twelve (12) week period if insufficient accrued leave is available. FMLA/CFRA leave time runs in either case. [Refer to the [Sick Leave](#) and [Annual Leave Policies](#) for more information on usage of leave.] ~~If the medical leave period extends beyond twelve (12) weeks, the employee must apply<sup>[NG2]</sup> for a Leave of Absence.~~

3. Employees must use and exhaust their accrued leaves concurrently with medical and family leave to the same extent that employees have the right to use their accrued leaves concurrently with medical and family leave with two exceptions: (a) Employees are not required to use paid leave during leave pursuant to a disability plan that pays a portion of the employee's salary while on leave unless the employee agrees to use paid leave to cover the unpaid portion of the disability leave benefit; and (b) An employee must agree to use accrued sick leave to care for a child, parent, spouse, domestic partner, grandparent, grandchild, or sibling.

a.—

#### 3.1.7. HEALTH INSURANCE PREMIUMS:

3.1.7.1. ~~Leave under this Policy is unpaid.~~ While on unpaid leave, employees will continue to be covered by the District's group health insurance for up to 12 weeks each leave year to the same extent that coverage is provided while the employee is on the job. If an employee disabled by pregnancy also uses leave under the CFRA for baby-bonding, the District will maintain her coverage while she is disabled by pregnancy (up to four months or 17 1/3 weeks) and during her CFRA leave (up to 12 weeks).

3.1.7.2. During FMLA/CFRA leave, the employee is responsible for the co-pay amounts. Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions if the employee is using his or her paid leave. However, if an employee does not have, or has exhausted, accrued vacation or sick leave (as





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previously stated), it is the responsibility of the employee to pay any group life, dental and long-term disability insurance premiums which are normally paid by the District by direct payments. Arrangements should be made by the employee to assure that such coverage does not lapse. [Refer to the Insurance Benefits Policy.]

- 3.1.7.3. Should an employee fail to return from the approved leave for any reason other than a continuation, recurrence, or onset of the serious medical condition which would entitle the employee to leave or other circumstances beyond the employee's control, the employee will be liable for all health insurance premiums paid on his/her behalf by the District and the District shall have the right to recover its share of health insurance premiums for the entire leave period. [Refer to the Insurance Benefits Policy for continuation of benefits under COBRA upon termination of FMLA/CFRA/PDL Leave.]

### 3.2.

~~**HEALTH INSURANCE PREMIUMS:** The District will continue to pay the health insurance premiums during FMLA/CFRA leave (maximum of twelve (12) weeks in a twelve (12) month period) but the employee is responsible for the co-pay amounts. However, if an employee does not have, or has exhausted, accrued vacation or sick leave (as previously stated), it is the responsibility of the employee to pay any group life, dental and long-term disability insurance premiums which are normally paid by the District. Arrangements should be made by the employee to assure that such coverage does not lapse. [Refer to the Insurance Benefits Policy.] In addition, should an employee fail to return from the approved Family Care Leave for any reason other than a continuation of the serious medical condition or other circumstances beyond the employee's control, the employee will be liable for all health insurance premiums paid on his/her behalf by the District. [Refer to the Insurance Benefits Policy for continuation of benefits under COBRA upon termination of FMLA/CFRA/PDL Leave.]~~



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**3.2.1.3.1.8. REQUESTS FOR LEAVE:** Although the District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much verbal or written notice as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she they will need leave in the future, but does not know the exact day(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her their supervisor as soon as possible that such leave will be needed. For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicalable, regardless of how far in advance such leave is foreseeable. ~~A request for Family Care Leave must be made with reasonable advance notice, and at least thirty (30) days in advance when the need for leave is foreseeable, to the District, unless the need for the leave is unforeseeable.~~ The District will ~~must~~ respond to this request within five (5) days of receipt of medical certification. Upon approval, the District shall provide leave as soon as practicalable (~~ordinarily verbal notice within one or two days~~). ~~If the need for the leave is due to planned medical treatment or supervision, the employee must make a reasonable effort to schedule the treatment or supervision to avoid disruption of his/her department and/or the District.~~

**3.2.2.3.1.9. RETROACTIVE DESIGNATION OF FMLA/CFRA LEAVE:** FMLA/CFRA regulations allow the District to retroactively designate leave as FMLA leave with appropriate notice, provided that "the employer's failure to timely designate leave does not cause harm or injury to the employee." ([29 C.F.R. §825.301](#).) Notably, the "harm or injury" must be caused by the employer's failure to designate the leave as FMLA or CFRA Leave earlier. This is different from the harm an employee purportedly suffers from not being able to take additional leave time.

### 3.1.10. PHYSICIAN CERTIFICATION:

~~3.2.2.1.3.1.10.1.~~ If an employee requests a leave of absence under this section, the request must be made in writing and accompanied by a certification form issued by the health care provider of the individual requiring the care, utilizing a form approved by the District which minimally includes the items listed below. This form must be submitted to the District within fifteen (15) days of the request. If additional leave is required beyond the initial estimated duration and within the appropriate



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limitation, the employee must obtain recertification from the health care provider which contains the same information listed below~~above~~.

- (1) The date on which the serious health condition commenced;
- (2) The probable duration of the condition;
- (3) If appropriate, ~~an~~<sup>a</sup> estimate of the amount of time that the health care provider believes the employee needs to care for the child, parent, ~~–~~domestic partner, spouse, grandparent, grandchild, or sibling~~or spouse~~;
- (4) If appropriate, ~~a~~<sup>a</sup> statement that the serious health condition warrants the participation of the employee~~a family member~~ to provide care during a period of treatment or supervision of the child, parent,~~or~~ domestic partner, spouse, grandparent, grandchild, or sibling. The term "warrants the participation of the employee" includes, but is not limited to, providing psychological comfort, and arranging third party care for the covered family member, as well as directly providing, or participating in, the medical care; and
- (5) If appropriate, a statement that the employee is unable to work at all or is unable to perform one or more essential~~the~~ functions of the position due to a serious health conditions.;

3.1.10.2. **Intermittent Leave or Leave on a Reduced Leave Schedule:** If an employee requests leave intermittently or on a reduced leave schedule for ~~his or her~~their own serious health condition, or to care for the employee's child, parent, spouse, domestic partner, grandparent, grandchild, or sibling with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. The District may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.~~If appropriate and the request is for intermittent leave or leave on a reduced leave schedule for planned medical treatments, the date and duration of the required treatments. If additional leave is required beyond the initial estimate duration and within the appropriate limitation, the employee must obtain rectification from the health care provider which contains the same information listed above.~~





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- 3.1.10.3. **Servicemember Serious Injury or Illness:** Employees who request FMLA leave to care for a covered servicemember who is a child, spouse, parent or "next of kin" of the employee, must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness. The District may ~~will~~ verify the certification as permitted by the FMLA regulations.
- 3.1.10.4. **Qualifying Exigency:** The first time an employee requests FMLA leave because of a qualifying exigency, an employere may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates of the military member's active duty service. A copy of the new active duty orders or similar documentation shall be provided to the District if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different military member. The District may ~~will~~ verify the certification as permitted by the FMLA regulations.
- 3.1.10.5. **Time to Provide Certification:** When an employee has provided at least 30 days' notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to the District within 15 calendar days after the District's request, unless it is not practical ~~le~~ under the particular circumstances to do so despite the employee's diligent, good faith efforts.
- 3.1.10.6. **Consequences for Failure to Provide an Adequate or Timely Certification:** If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established in this Policy, the District may delay the taking of FMLA/CFRA leave until required certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.
- 3.1.10.7. **Complete and Sufficient:** The employee must provide a certification for his or her own serious health condition that is complete and sufficient to support the request for leave. A certification is incomplete if one or more of the applicable entries on the certification form have not been



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completed. A certification is insufficient if the information on the certification form is vague, ambiguous, or not responsive. If the certification is incomplete or insufficient, ~~the~~ Human Resources ~~Division Chief of Administration~~<sub>(SJJL3)</sub> will give the employee written notice of the deficiencies and seven days to cure, unless a longer period is necessary in light of the employee's diligent, good faith efforts to address the deficiencies.

3.1.10.8. **Authentication and Clarification:** After giving the employee an opportunity to cure the deficiencies in a medical certification for the employee's own serious health condition, the Division Chief of Administration may contact the health care provider who provided the certification to clarify and/or authenticate the certification. "Authentication" means providing the health care provider with a copy of the certification form and requesting verification that the information on the form was completed or authorized by the health care provider who signed the form. "Clarification" means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of the response.

~~3.2.2.2.3.1.10.9.~~ **Second and Third Medical Opinions For Employee's Own Serious Health Condition:** If the District has a good faith, objective reason to doubt the validity of a certification for the employee's serious health condition, the District may require a medical opinion of a second health care provider chosen and paid for by the District. If the second opinion is different from the first, the District may require the opinion of a third provider jointly approved by the District and the employee, but paid for by the District. The opinion of the third provider will be binding. The District must provide the employee with a copy of the second and third medical opinions, where applicable, without cost, upon the request of the employee.

~~3.2.3.3.1.11.~~ **INDUSTRIAL INJURY/WORKER'S COMPENSATION:** Employees on 4850/Temporary Disability Leave are NOT permitted to conduct work for the District; only employees on designated Light Duty Assignments<sub>(NG4)</sub> may perform work, at which point 4850/Temporary Disability Leave ceases. FMLA/CFRA does NOT run concurrent with employees on 4850 Leave, but DOES run concurrent for employees on TTD leave. Leave will be designated as FMLA/CFRA once 4850 Leave benefits have been exhausted, provided that the employee has worked 1,250 hours in the previous twelve (12) month



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period from the time FMLA/CFRA is requested. [Refer to the [Workers Compensation Claims Policy](#).]

~~3.2.4.3.1.12.~~ **PAID FAMILY LEAVE (PFL):** Paid Family Leave is a California lawstate program that provides eligible employees that pay into the State Disability Insurance (SDI) Program with partial income replacement ~~up to 55% of their weekly wage up to a maximum benefit.~~ PFL may be taken for up to ~~eight~~ ~~six~~ (86) weeks and runs concurrently with FMLA/CFRA to provide for job and insurance benefit preservation. PFL is allowed for the following circumstances:

~~3.2.4.1.3.1.12.1.~~ Taking leave to bond with a newborn baby,

~~3.2.4.2.3.1.12.2.~~ Newly adopted or foster child; or

~~3.2.4.3.~~ To care for a parent, child, parent, parent-in-law, spouse, ~~or~~ registered domestic partner, grandparent, grandchild, or sibling with a serious health condition.

~~3.2.4.4.3.1.12.3.~~

~~3.2.4.5.~~ Request an application by contacting the Employment Development Department (EDD).

~~3.2.5.3.1.13.~~ **RECERTIFICATION:** Under FMLA and CFRA regulations, the District may request recertification of a serious health condition ~~at least once every six~~ ~~(6) months,~~ **EXCEPT** for lifetime conditions if additional leave is requested. (Gov. Code § 12945.2(j)(2); 2 Cal.Code Regs § 11091(b)(1); [29 C.F.R. §825.308.](#))

~~i.~~ ~~SECOND~~ ~~(S.JL6)~~ **OPINIONS:** The District retains the right to request a second or third medical opinion at its expense, when an employee requests a Leave or reduced Leave schedule due to the employee's serious health condition, as well as a return to work Fitness For Duty Evaluation.



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~~3.2.6.3.1.14.~~ **RETURN TO WORK:** If an employee satisfies all the conditions of this Section and returns to work immediately following the expiration of an approved ~~Family Care Leave~~ medical and family leave, the District will reinstate the employee to their ~~his/her~~ original job or an equivalent position of like status and pay without loss of seniority. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

3.1.14.1. Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

~~3.2.6.1.3.1.14.2.~~ If an employee fails to report to work immediately after the approved ~~Leave~~ expires, or if ~~Leave~~ is obtained based on false representations regarding the need for a ~~Family Care Leave~~ medical and family leave, the employee will be considered to be in an unauthorized absence status and may be subject to disciplinary action.

~~3.2.6.2.3.1.14.3.~~ Once an employee's need for leave has ceased before the end of the approved term of leave, the employee must notify and update the District. ~~The~~ District shall return the employee to work after reasonable notice from the employee., ~~usually two (2) business days after the Notice is received.~~

~~3.2.6.3.3.1.14.4.~~ Employees on extended ~~m~~Medical ~~Leave~~ for the employee's ~~a~~ serious health condition that affects the employee's ability to perform in their position, ~~these employees~~ will be required to complete the following as a condition of reinstatement:

- (1) Fitness for duty/return to work evaluation, conducted by physician designated by the District, at the District's expense;  
~~Completion of the physical abilities assessment.~~

Failure to provide such certification will result in denial of reinstatement.

~~3.2.6.4.3.1.14.5.~~ All employees returning from ~~an Extended~~ ~~m~~Medical ~~Leave~~ shall complete any incomplete mandated training required during their absence.

#### 4.0. **DEFINITIONS:**

4.1. As used in this section, the following definitions apply:





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4.1.1. "**FAMILY MEMBER**" for FMLA leave means an employee's child, parent, and spouse. "Family member" for CFRA leave means an employee's child, parent, spouse, domestic partner, grandchild, grandparent, and sibling.

4.1.2. "**CHILD**"

4.1.2.1. Under the FMLA, "child" means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care, and includes a biological, adopted, foster or step-child. A child is "incapable of self care" if they ~~he/she~~ requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public transportation, paying bills, maintaining a residence, or using telephones and directories.

~~refers to a biological, adopted or foster child, a stepchild, a legal ward or a child of a person charged with a parent's rights, duties and responsibilities as to that child.~~

~~4.1.1.1.4.1.2.2. Under the CFRA, "child" means a child, including a child who is 18 years of age or older who is capable of self-care. An employee's child means a biological, adopted, foster, step-child, legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis. ~~The child must be either under eighteen (18) years of age or an adult, dependent child.~~~~

4.1.3. "**PARENT**" refers to a biological, foster or adoptive parent, a stepparent or a legal guardian or a person who stood in "Loco Parentis" to the employee when the employee was a child. This term does not include a parent-in-law.

4.1.4. "**GRANDPARENT**" refers to a parent of the employee's parent.

4.1.5. "**GRANDCHILD**" refers to a child of the employee's child.

4.1.2.4.1.6. "**SIBLING**" refers to a person related to the employee by blood, adoption, or affinity through a common legal or biological parent.





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4.1.3.4.1.7. **“SERIOUS HEALTH CONDITION”** or **“SERIOUSLY ILL”** refers to an illness, injury, impairment or physical or mental condition which warrants the participation of a family member to provide care during a period of the treatment or supervision and involves either:

4.1.7.1. In-patient care (i.e., an overnight stay) in— a hospital, hospice or residential medical care facility, including any period of incapacity (i.e., inability to work or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom) or— any subsequent treatment in connection with such inpatient care. A person is considered “inpatient” when a health care facility admits them ~~him or her~~ to the facility with the expectation that ~~he or she~~ they will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or

4.1.3.1. Continuing treatment by a health care provider, including any one or more of the following:

(1) A period of incapacity (i.e., inability to work or perform other regular daily activities) of more than three consecutive calendar days and ; any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(1)

(a) Treatment two or more times by a health care provider, by a nurse or physician’s assistant under direct supervisors by a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

(2) Any period of incapacity due to pregnancy, or for prenatal care (except to the extent covered by state Pregnancy Disability Act);



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- (3) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - (a) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
  - (b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - (c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- (4) A period of incapacity that ~~which~~ is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
- (5) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
- (2)(6) Common colds, flu, ear aches, upset stomachs, minor ulcers, headaches (other than migraines) and routine dental and orthodontia care, **are not** considered serious health conditions unless complications arise.

#### 4.1.8. "HEALTH CARE PROVIDER" means:

- 4.1.8.1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of California;



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- 4.1.8.2. An individual duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, which directly treats or supervises treatment of a serious health condition;
- 4.1.8.3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consistent of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
- 4.1.8.4. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California state law and who are performing within the scope of their practice as defined under California State law;
- 4.1.8.5. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
- 4.1.8.6. Any health care provider from whom an employer or group of health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.  
~~1. any social worker, state licensed physician, surgeon, osteopathic physician, osteopathic surgeon or other health care provider authorized by the state or federal family care law or accepted by the District's group health plan.~~
- 4.1.9. **"COVERED ACTIVE DUTY"** means:
- 4.1.9.1. In the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
- 4.1.9.2. In the case of a member of the reserve component of the Armed Forces, duty during the deployment of members of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.
- 4.1.10. **"COVERED SERVICEMEMBER"** means:



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- 4.1.10.1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- 4.1.10.2. A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- 4.1.11. **"OUTPATIENT STATUS"** means, with respect to a covered servicemember, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- 4.1.12. **"NEXT OF KIN OF A COVERED SERVICEMEMBER"** means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.
- 4.1.13. **"SERIOUS INJURY OR ILLNESS"** means: 1) in the case of a member of the Armed forces, including a member of the National Guard or reserves, means an injury or illness that a covered servicemember incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; or 2) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.





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- 4.1.4.4.1.14. "**REDUCED LEAVE SCHEDULE**" means a leave schedule that reduces the employee's usual number of hours per workweek or work day.
- 4.1.15. "**INTERMITTENT LEAVE**" is leave taken in separate blocks of time due to a single qualifying event.
- 4.1.16. "**12-MONTH PERIOD**" means a "rolling 12-month period," commencing with the first day Leave begins and terminating 12-months thereafter.

#### 5.0. **PREGNANCY DISABILITY LEAVE:**

- 5.1. An employee may request Pregnancy Disability Leave under the California [Pregnancy Disability Leave Law \[See Government Code §§12900, et. seq.\]](#) This is separate and distinct from California Family Rights Act Medical Leave.
- 5.2. **AMOUNT OF LEAVE:** An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid leave for up to the number of hours she would normally work within four calendar months (one-third of a year or 17 1/3 weeks). For a full-time employee who works 40 hours per week, "four months" means 693 hours of leave entitlement, based on 40 hour per week times 17 1/3 weeks. An employee who works less than 40 hours per week will receive a pro rata or proportional amount of leave.
- 5.3. **PDL INTERACTION WITH OTHER LEAVES:** ~~An employee is entitled to four months of PDL~~ is in addition to an employee's ~~her~~ twelve weeks of CFRA Leave. FMLA taken in connection with a pregnancy will run concurrent with up to twelve (12) weeks of PDL. At the conclusion of the ~~Pregnancy Disability Leave~~PDL period, or at the end of four (4) months of ~~Pregnancy Disability Leave~~PDL, whichever occurs first, the employee may take a new-child bonding leave under CFRA for up to twelve (12) workweeks (provided she did not use CFRA leave in the preceding twelve (12)-month period). If total leave time will extend beyond this seven (7) month period, the employee must request a [Leave of Absence](#). Federal FMLA ~~Family Leave~~ leave runs concurrently with either ~~State~~ California Pregnancy Disability Leave or ~~State~~ California Family Rights Act Leave.
- 5.4. **NOTICE:** Requests for pregnancy disability leave must be submitted in writing with reasonable advance notice of the medical need for the leave. All leaves must be



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confirmed in writing, have an agreed-upon specific date of return, and be submitted to Human Resources. ~~the Division Chief of Administration.~~

- 5.5. **CERTIFICATION:** The request for pregnancy disability leave must be supported by a written certification from the attending physician stating that: the employee is disabled from working by pregnancy, childbirth or a related medical condition; 2) the date on which the employee became disabled by pregnancy, childbirth or a related medical condition; and 3) the estimated duration or end date of the leave.

~~—~~ **COMPENSATION DURING PDL:** Pregnancy disability leaves are without pay. However, the employee may use accrued paid time off during the leave period. ~~use first use sick leave, if any. Once sick leave is depleted, the employee may elect to use vacation leave or any other accrued paid time off during the leave~~

- 5.6. **HEALTH INSURANCE BENEFITS:** During such PDL leave, the District is responsible for continuance of the employee's health insurance benefits at the District's expense, beginning on the date PDL begins and continuing for up to four months in a 12-month period. This coverage is in addition to the continuance of coverage for ~~State Family~~ California Family Rights Act Leave.

~~5.1.1.~~ 5.6.1. The District may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave, unless the reason for the failure to return is a circumstance beyond her control or the use of the separate right to 12 weeks of bonding leave under the California Family and Medical Leave Act. [Refer to the Insurance Benefits Policy.] Pregnant employees are eligible for additional benefits, as described in the Non-Discrimination Policy. ~~Therefore, a pregnant employee is eligible for a total of seven (7) months leave within a twelve (12) month period. During this period, the employee may opt to either go on an unpaid status or utilize accrued sick leave,~~



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~~annual leave or compensatory time. If the employee fails to return to active duty, the District may seek restitution for said health insurance premiums. [Refer to the Insurance Benefits Policy.] Pregnant employees are eligible for additional benefits, as described in the Non-Discrimination Policy.~~

- 5.6.2. When a health care provider has certified it is medically advisable for a pregnant employee to be transferred to a less strenuous and/or less hazardous position/duties for some period of time during the pregnancy, the employer must do so, so long as the transfer can be reasonably accommodated. To make this accommodation, the employer is not required to create added positions, transfer another employee with more seniority, promote or transfer any employee to a position he/she is not qualified to perform, discharge another employee or violate the terms of a collective bargaining agreement.
- 5.7. **REINSTATEMENT:** Upon the expiration of pregnancy leave, the employee will be reinstated to her original or a comparable position, so long as it was not eliminated for a legitimate business reason during the leave. If the employee's original position is no longer available, the employee will be assigned to a comparable, open position. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the District will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.

~~If you are taking a leave for a birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two (2) weeks and you must conclude the leave within one (1) year of the birth or placement for adoption or foster care.~~



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#### 1.0. **PURPOSE:**

- 1.1. To provide North County Fire Protection District ("District") and its employees with a Policy for Medical and Family Leave Procedures.

#### 2.0. **POLICY:**

- 2.1. Eligible District employees are entitled to Medical and Family Leave and Pregnancy Leave as set forth in the federal Family and Medical Leave Act ("FMLA"), the California Pregnancy Disability Leave Act ("PDL") and the California Family Rights Act ("CFRA"). The revisions to this Policy cover the CFRA amendments (Senate Bill 1383) effective January 1, 2021. Unless otherwise provided by law, the District will run each employee's FMLA and CFRA leaves concurrently.

#### 3.0. **PROCEDURE:**

##### 3.1. **MEDICAL AND FAMILY CARE LEAVE:**

###### 3.1.1. **ELIGIBILITY:**

###### 3.1.1.1. **AN EMPLOYEE IS ELIGIBLE FOR LEAVE IF:**

- 3.1.1.1.1. The employee has been employed by the District for at least 12 months; and
- 3.1.1.1.1. The employee has been employed by the District for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

###### 3.1.2. **REASONS FOR LEAVE:**

###### 3.1.2.1. **A MEDICAL AND FAMILY LEAVE OF ABSENCE IS PERMITTED FOR:**

- 3.1.2.1.1. The birth of a child or to care for a newborn child of the employee within one (1) year of the child's birth;
- 3.1.2.1.2. The placement of a child with an employee in connection with the adoption or foster care of a child within one (1) year of the child's adoption or foster care placement;
- 3.1.2.1.3. Leave to care for a child, parent or spouse who has a serious health condition;





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- 3.1.2.1.4. Under the CFRA only, leave is permitted to care for a domestic partner, grandparent, grandchild or sibling who has a serious health condition. Leave for this purpose does not apply to FMLA leave and will not run concurrently with leave under the FMLA;
- 3.1.2.1.5. Leave because of a serious health condition that makes the employee unable to perform any one or more essential function so his/her position, including pregnancy, miscarriage, childbirth and recovery therefrom;
- 3.1.2.1.6. Leave for a variety of "qualifying exigencies" arising out of the fact that an employee's spouse, son, daughter or parent is on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation;
- 3.1.2.1.7. Under the CFRA only, leave for a variety of "qualifying exigencies" arising out of the fact that an employee's domestic partner is on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation. Leave for this purpose does not apply to FMLA leave and will not run concurrently with leave under the FMLA; or
- 3.1.2.1.8. Leave to care for a spouse, son, daughter, parent or "next of kin" who is a covered servicemember of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. This leave can run up to 26 weeks of unpaid leave during a single 12-month period.

#### 3.1.3. **ELIGIBILITY PERIOD:**

- 3.1.3.1. The twelve (12) month period shall be calculated on a "rolling 12-month period," commencing with the first day leave begins and terminating 12-months thereafter. The District shall provide written notice to the employee that the leave period is designated as FMLA/CFRA. If the leave is used to care for a child, parent, spouse, domestic partner, grandparent, grandchild or sibling with a serious health condition or because of the employee's serious health condition, it may be taken intermittently or on a reduced work schedule when medically necessary and upon reasonable notice to the District.



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#### 3.1.4. AMOUNT OF LEAVE:

- 3.1.4.1. Eligible employees are entitled to a total of 12 workweeks (or 26 workweeks to care for a covered servicemember) of leave during a 12-month period. If FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

#### 3.1.5. BOTH PARENTS EMPLOYED BY DISTRICT:

- 3.1.5.1. If both parents of a child, adoptee or foster child are employed by the District and are entitled to bonding leave:

- 3.1.5.1.1. The aggregate number of workweeks of FMLA leave to which both may be entitled may be limited to twelve (12) workweeks during any 12-month period; and
- 3.1.5.1.2. Each parent is entitled to take twelve (12) workweeks of CFRA leave during any 12-month period.
- 3.1.5.1.3. If both parents of a covered service member are employed by the District and are entitled to leave to care for a covered service member, the aggregate number of workweeks of leave to which both may be entitled is limited to twenty-six (26) work weeks during the 12-month period.

#### 3.1.6. MINIMUM DURATION OF LEAVE:

- 3.1.6.1. If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g. bonding with a newborn) for less than two weeks duration on any two occasions.
- 3.1.6.2. If leave is requested to care for a child, parent, spouse, domestic partner, grandparent, grandchild or sibling or the employee him/herself with serious health condition, there is no minimum amount of leave that must be taken. However, compliance with the notice and medical certification provisions in this Policy is required when requested by the District.



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#### 3.1.7. WORK SCHEDULE:

- 3.1.7.1. The District may require the Employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee.

#### 3.1.8. LEAVE USAGE:

- 3.1.8.1. Although family and medical care leave is unpaid, an employee may elect to concurrently use all paid accrued leaves during family and medical care leave as described below:

3.1.8.1.1. If an employee exhausts their FMLA and/or CFRA leave and needs additional time off, the employee may submit a Leave of Absence in accordance with the NCFPD Leave of Absence Policy.

3.1.8.1.2. Employees eligible for California's Paid Family Leave (PFL) may apply to access this form of compensation (which is an entitlement for State Disability Insurance (SDI) payment), for up to an eight (8) week period.

3.1.8.2. If an employee is not eligible for PFL or has exhausted PFL, he/she may receive compensation by accessing accrued leave (presuming employee has accrued vacation or sick leave). Employees may elect and the District will require an employee to use accrued vacation, sick leave or comp time during this period or go on unpaid status during this twelve (12) week period if insufficient accrued leave is available. FMLA/CFRA leave time runs in either case. [Refer to the [Sick Leave](#) and [Annual Leave](#) Policies for more information on usage of leave.]

3.1.8.3. Employees must use and exhaust their accrued leaves concurrently with medical and family leave to the same extent that employees have the right to use their accrued leaves concurrently with medical and family leave with two exceptions: (a) Employees are not required to use paid leave during leave pursuant to a disability plan that pays a portion of the employee's salary while on leave unless the employee agrees to use paid leave to cover the unpaid portion of the disability leave benefit; and (b) An employee must agree to use accrued sick leave to care for a child, parent, spouse, domestic partner, grandparent, grandchild or sibling.



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#### 3.1.9. HEALTH INSURANCE PREMIUMS:

- 3.1.9.1. While on unpaid leave, employees will continue to be covered by the District's group health insurance for up to twelve (12) weeks each leave year to the same extent that coverage is provided while the employee is on the job. If an employee disabled by pregnancy also uses leave under the CFRA for baby-bonding, the District will maintain her coverage while she is disabled by pregnancy (up to four (4) months or 17 1/3 weeks) and during her CFRA leave (up to 12 weeks).
- 3.1.9.2. During FMLA/CFRA leave, the employee is responsible for the co-pay amounts. Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions if the employee is using his or her paid leave. However, if an employee does not have or has exhausted, accrued vacation or sick leave (as previously stated), it is the responsibility of the employee to pay any group life, dental and long-term disability insurance premiums which are normally paid by the District by direct payments. Arrangements should be made by the employee to assure that such coverage does not lapse. [Refer to the Insurance Benefits Policy.]
- 3.1.9.3. Should an employee fail to return from the approved leave for any reason other than a continuation, recurrence or onset of the serious medical condition, which would entitle the employee to leave or other circumstances beyond the employee's control, the employee will be liable for all health insurance premiums paid on his/her behalf by the District and the District shall have the right to recover its share of health insurance premiums for the entire leave period. [Refer to the Insurance Benefits Policy for continuation of benefits under COBRA upon termination of FMLA/CFRA/PDL Leave.]
- 3.1.10. REQUESTS FOR LEAVE: Although the District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much verbal or written notice as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that they will need leave in the future but does not know the exact day(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform their supervisor as soon as possible that such leave will be needed. For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as



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practical, regardless of how far in advance such leave is foreseeable. The District will respond to this request within five (5) days of receipt of medical certification. Upon approval, the District shall provide leave as soon as practical

3.1.11. **RETROACTIVE DESIGNATION OF FMLA/CFRA LEAVE:** FMLA/CFRA regulations allow the District to retroactively designate leave as FMLA leave with appropriate notice, provided that “the employer’s failure to timely designate leave does not cause harm or injury to the employee.” (29 C.F.R. §825.301.) Notably, the “harm or injury” must be caused by the employer’s failure to designate the leave as FMLA or CFRA Leave earlier. This is different from the harm an employee purportedly suffers from not being able to take additional leave time.

3.1.12. **PHYSICIAN CERTIFICATION:**

3.1.12.1. If an employee requests a leave of absence under this section, the request must be made in writing and accompanied by a certification form issued by the health care provider of the individual requiring the care, utilizing a form approved by the District which minimally includes the items listed below. This form must be submitted to the District within fifteen (15) days of the request. If additional leave is required beyond the initial estimated duration and within the appropriate limitation, the employee must obtain recertification from the health care provider which contains the same information listed below.

- 3.1.12.1.1. The date on which the serious health condition commenced;
- 3.1.12.1.2. The probable duration of the condition;
- 3.1.12.1.3. If appropriate, an estimate of the amount of time that the health care provider believes the employee needs to care for the child, parent, domestic partner, spouse, grandparent, grandchild or sibling;
- 3.1.12.1.4. If appropriate, a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent, domestic partner, spouse, grandparent, grandchild or sibling. The term “warrants the participation of the employee” includes, but is not limited to, providing psychological comfort and arranging third party care for the covered family member, as well as directly providing or participating in, the medical care; and





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- 3.1.12.1.5. If appropriate, a statement that the employee is unable to work at all or is unable to perform one or more essential functions of the position due to a serious health condition.
- 3.1.12.2. INTERMITTENT LEAVE OR LEAVE ON A REDUCED LEAVE SCHEDULE: If an employee requests leave intermittently or on a reduced leave schedule for their own serious health condition or to care for the employee's child, parent, spouse, domestic partner, grandparent, grandchild or sibling with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. The District may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.
- 3.1.12.3. SERVICEMEMBER SERIOUS INJURY OR ILLNESS: Employees who request FMLA leave to care for a covered servicemember who is a child, spouse, parent or "next of kin" of the employee, must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness. The District may verify the certification as permitted by the FMLA regulations.
- 3.1.12.4. QUALIFYING EXIGENCY: The first time an employee requests FMLA leave because of a qualifying exigency, an employer may require the employee to provide a copy of the military member's active-duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active-duty status in a foreign country and the dates of the military member's active-duty service. A copy of the new active-duty orders or similar documentation shall be provided to the District if the need for leave because of a qualifying exigency arises out of a different active duty or call to active-duty status of the same or a different military member. The District may verify the certification as permitted by the FMLA regulations.
- 3.1.12.5. TIME TO PROVIDE CERTIFICATION: When an employee has provided at least thirty (30) days' notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to the District within fifteen (15) calendar days after the District's request, unless



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it is not practical under the particular circumstances to do so despite the employee's diligent, good faith efforts.

- 3.1.12.6. CONSEQUENCES FOR FAILURE TO PROVIDE AN ADEQUATE OR TIMELY CERTIFICATION: If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established in this Policy, the District may delay the taking of FMLA/CFRA leave until required certification is provided or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.
- 3.1.12.7. COMPLETE AND SUFFICIENT: The employee must provide a certification for his or her own serious health condition that is complete and sufficient to support the request for leave. A certification is incomplete if one or more of the applicable entries on the certification form have not been completed. A certification is insufficient if the information on the certification form is vague, ambiguous or not responsive. If the certification is incomplete or insufficient, Human Resources will give the employee written notice of the deficiencies and seven days to cure, unless a longer period is necessary in light of the employee's diligent, good faith efforts to address the deficiencies.
- 3.1.12.8. AUTHENTICATION AND CLARIFICATION: After giving the employee an opportunity to cure the deficiencies in a medical certification for the employee's own serious health condition, the Division Chief of Administration may contact the health care provider who provided the certification to clarify and/or authenticate the certification. "Authentication" means providing the health care provider with a copy of the certification form and requesting verification that the information on the form was completed or authorized by the health care provider who signed the form. "Clarification" means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of the response.
- 3.1.12.9. SECOND AND THIRD MEDICAL OPINIONS FOR EMPLOYEE'S OWN SERIOUS HEALTH CONDITION: If the District has a good faith, objective reason to doubt the validity of a certification for the employee's serious health condition, the District may require a medical opinion of a second health care provider chosen and paid for by the District. If the second opinion is different from the first, the District may require the opinion of a third provider jointly approved by the District and the employee but paid for by the District. The opinion of the third provider will be binding. The District



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must provide the employee with a copy of the second and third medical opinions, where applicable, without cost, upon the request of the employee.

- 3.1.13. **INDUSTRIAL INJURY/WORKER'S COMPENSATION:** Employees on 4850/ Temporary Disability Leave are NOT permitted to conduct work for the District; only employees on designated Light Duty Assignments may perform work, at which point 4850/Temporary Disability Leave ceases. FMLA/CFRA does NOT run concurrent with employees on 4850 Leave but DOES run concurrent for employees on TTD leave. Leave will be designated as FMLA/CFRA once 4850 Leave benefits have been exhausted, provided that the employee has worked 1,250 hours in the previous twelve (12) month period from the time FMLA/CFRA is requested. [Refer to the Workers Compensation Claims Policy.]
- 3.1.14. **PAID FAMILY LEAVE (PFL):** Paid Family Leave is a state program that provides eligible employees that pay into the State Disability Insurance (SDI) Program with partial income replacement. PFL may be taken for up to eight (8) weeks and runs concurrently with FMLA/CFRA to provide for job and insurance benefit preservation. PFL is allowed for the following circumstances:
- 3.1.14.1. Taking leave to bond with a newborn baby,
  - 3.1.14.2. Newly adopted or foster child; or
  - 3.1.14.3. To care for a parent, child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild or sibling with a serious health condition.
- 3.1.15. **RECERTIFICATION:** Under FMLA and CFRA regulations, the District may request recertification of a serious health condition if additional leave is requested. (Government Code § 12945.2(j)(2); 2 Cal Regs § 11091(b)(1); 29 C.F.R. § 825.308.)
- 3.1.16. **RETURN TO WORK:** If an employee satisfies all the conditions of this Section and returns to work immediately following the expiration of an approved medical and family leave, the District will reinstate the employee to their original job or an equivalent position of like status and pay without loss of seniority. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.





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- 3.1.16.1. Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.
- 3.1.16.2. If an employee fails to report to work immediately after the approved leave expires or if leave is obtained based on false representations regarding the need for a medical and family leave, the employee will be considered to be in an unauthorized absence status and may be subject to disciplinary action.
- 3.1.16.3. Once an employee's need for leave has ceased before the end of the approved term of leave, the employee must notify and update the District. The District shall return the employee to work after reasonable notice from the employee.,
- 3.1.16.4. Employees on extended medical leave for the employee's serious health condition that affects the employee's ability to perform in their position will be required to complete the following as a condition of reinstatement:
  - 3.1.16.4.1. Fitness for duty/return to work evaluation, conducted by physician designated by the District, at the District's expense;
  - 3.1.16.4.2. Failure to provide such certification will result in denial of reinstatement.
- 3.1.16.5. All employees returning from medical leave shall complete any incomplete mandated training required during their absence.

#### 4.0. **DEFINITIONS:**

4.1. As used in this section, the following definitions apply:

4.1.1. "**FAMILY MEMBER**" for FMLA leave means an employee's child, parent and spouse. "Family member" for CFRA leave means an employee's child, parent, spouse, domestic partner, grandchild, grandparent and sibling.

4.1.2. "**CHILD:**"

4.1.2.1. Under the FMLA, "child" means a child under the age of eighteen (18) years of age or eighteen (18) years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or stepchild. A child is



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“incapable of self-care” if they require active assistance or supervision to provide daily self-care in three (3) or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public transportation, paying bills, maintaining a residence or using telephones and directories.

4.1.2.2. Under the CFRA, “child” means a child, including a child who is eighteen (18) years of age or older who is capable of self-care. An employee’s child means a biological, adopted, foster, stepchild, legal ward, a child of a domestic partner or a person to whom the employee stands in loco parentis.

4.1.3. “**PARENT**” refers to a biological, foster or adoptive parent, a stepparent or a legal guardian or a person who stood in “Loco Parentis” to the employee when the employee was a child. This term does not include a parent-in-law.

4.1.4. “**GRANDPARENT**” refers to a parent of the employee’s parent.

4.1.5. “**GRANDCHILD**” refers to a child of the employee’s child.

4.1.6. “**SIBLING**” refers to a person related to the employee by blood, adoption or affinity through a common legal or biological parent.

4.1.7. “**SERIOUS HEALTH CONDITION**” refers to an illness, injury, impairment or physical or mental condition which warrants the participation of a family member to provide care during a period of the treatment or supervision and involves either:

4.1.7.1. In-patient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity (i.e., inability to work or perform other regular daily activities due to the serious health condition, treatment involved or recovery therefrom) or any subsequent treatment in connection with such inpatient care. A person is considered “inpatient” when a health care facility admits them to the facility with the expectation that they will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility and does not actually remain overnight; or

4.1.7.2. Continuing treatment by a health care provider, including any one or more of the following:



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- 4.1.7.2.1. A period of incapacity (i.e., inability to work or perform other regular daily activities) of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
  - 4.1.7.2.1.1. Treatment two (2) or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider or by a provider of health care services (e.g., physical therapist) under orders of or on referral by, a health care provider; or
  - 4.1.7.2.1.2. Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
- 4.1.7.2.2. Any period of incapacity due to pregnancy or for prenatal care (except to the extent covered by state Pregnancy Disability Act);
- 4.1.7.2.3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - 4.1.7.2.3.1. Requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
  - 4.1.7.2.3.2. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - 4.1.7.2.3.3. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- 4.1.7.2.4. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
- 4.1.7.2.5. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of or on referral by, a health care provider, either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer



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(chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

- 4.1.7.2.6. Common colds, flu, ear aches, upset stomachs, minor ulcers, headaches (other than migraines) and routine dental and orthodontia care, **are not** considered serious health conditions unless complications arise.

4.1.8. **“HEALTH CARE PROVIDER”** means:

- 4.1.8.1. A Doctor of Medicine or Doctor of Osteopathy who is authorized to practice medicine or surgery in the State of California;
- 4.1.8.2. An individual duly licensed as a physician, surgeon or osteopathic physician or surgeon in another state or jurisdiction, including another country, which directly treats or supervises treatment of a serious health condition;
- 4.1.8.3. Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to treatment consistent of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
- 4.1.8.4. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California state law and who are performing within the scope of their practice as defined under California State law;
- 4.1.8.5. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
- 4.1.8.6. Any health care provider from whom an employer or group of health plan’s benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

4.1.9. **“COVERED ACTIVE DUTY”** means:

- 4.1.9.1. In the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
- 4.1.9.2. In the case of a member of the reserve component of the Armed Forces, duty during the deployment of members of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.



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#### 4.1.10. **“COVERED SERVICEMEMBER”** means:

4.1.10.1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list, for a serious injury or illness; or

4.1.10.2. A veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

4.1.11. **“OUTPATIENT STATUS”** means, with respect to a covered servicemember, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

4.1.12. **“NEXT OF KIN OF A COVERED SERVICEMEMBER”** means the nearest blood relative other than the covered servicemember's spouse, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

4.1.13. **“SERIOUS INJURY OR ILLNESS”** means: 1) in the case of a member of the Armed forces, including a member of the National Guard or reserves, means an injury or illness that a covered servicemember incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank or rating; or 2) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed





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Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

- 4.1.14. "**REDUCED LEAVE SCHEDULE**" means a leave schedule that reduces the employee's usual number of hours per workweek or work day.
- 4.1.15. "**INTERMITTENT LEAVE**" is leave taken in separate blocks of time due to a single qualifying event.
- 4.1.16. "**12-MONTH PERIOD**" means a "rolling 12-month period," commencing with the first day Leave begins and terminating 12-months thereafter.

#### 5.0. **PREGNANCY DISABILITY LEAVE:**

- 5.1. An employee may request Pregnancy Disability Leave under the California Pregnancy Disability Leave Law [See Government Code §§12900, et. seq.] This is separate and distinct from California Family Rights Act Medical Leave.
- 5.2. **AMOUNT OF LEAVE:** An employee who is disabled because of pregnancy, childbirth or a related medical condition is entitled to an unpaid leave for up to the number of hours she would normally work within four calendar months (one-third of a year or 17 1/3 weeks). For a full-time employee who works forty (40) hours per week, "four months" means 693 hours of leave entitlement, based on forty (40) hour per week times 17 1/3 weeks. An employee who works less than forty (40) hours per week will receive a pro rata or proportional amount of leave.
- 5.3. **PDL INTERACTION WITH OTHER LEAVES:** PDL is in addition to an employee's twelve weeks of CFRA Leave. FMLA taken in connection with a pregnancy will run concurrent with up to twelve (12) weeks of PDL. At the conclusion of the PDL period or at the end of four (4) months of PDL, whichever occurs first, the employee may take a new-child bonding leave under CFRA for up to twelve (12) workweeks (provided she did not use CFRA leave in the preceding twelve (12)-month period). If total leave time will extend beyond this seven (7) month period, the employee must request a Leave of Absence. Federal FMLA leave runs concurrently with either California Pregnancy Disability Leave or California Family Rights Act Leave.



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- 5.4. **NOTICE:** Requests for pregnancy disability leave must be submitted in writing with reasonable advance notice of the medical need for the leave. All leaves must be confirmed in writing, have an agreed-upon specific date of return and be submitted to Human Resources..
- 5.5. **CERTIFICATION:** The request for pregnancy disability leave must be supported by a written certification from the attending physician stating that: the employee is disabled from working by pregnancy, childbirth or a related medical condition; 2) the date on which the employee became disabled by pregnancy, childbirth or a related medical condition; and 3) the estimated duration or end date of the leave.
- 5.6. **COMPENSATION DURING PDL:** Pregnancy disability leaves are without pay. However, the employee may use accrued paid time off during the leave period.
- 5.7. **HEALTH INSURANCE BENEFITS:** During such PDL, the District is responsible for continuance of the employee's health insurance benefits at the District's expense, beginning on the date PDL begins and continuing for up to four months in a 12-month period. This coverage is in addition to the continuance of coverage for California Family Rights Act Leave.
- 5.7.1. The District may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave, unless the reason for the failure to return is a circumstance beyond her control or the use of the separate right to twelve (12) weeks of bonding leave under the California Family and Medical Leave Act. [Refer to the Insurance Benefits Policy.] Pregnant employees are eligible for additional benefits, as described in the Non-Discrimination Policy.]
- 5.7.2. When a health care provider has certified it is medically advisable for a pregnant employee to be transferred to a less strenuous and/or less hazardous position/duties for some period of time during the pregnancy, the employer must do so, so long as the transfer can be reasonably accommodated. To make this accommodation, the employer is not required to create added positions, transfer another employee with more seniority, promote or transfer any employee to a position he/she is not qualified to perform, discharge another employee or violate the terms of a collective bargaining agreement.





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- 5.8. **REINSTATEMENT:** Upon the expiration of pregnancy leave, the employee will be reinstated to her original or a comparable position, so long as it was not eliminated for a legitimate business reason during the leave. If the employee's original position is no longer available, the employee will be assigned to a comparable, open position. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the District will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.



**NORTH COUNTY FIRE  
PROTECTION DISTRICT  
FIRE PREVENTION BUREAU**

**TO:** BOARD OF DIRECTORS  
**FROM:** F/M FIERI AND CHIEF ABBOTT  
**DATE:** MARCH 23, 2021  
**SUBJECT:** FIRE MITIGATION FEE PROGRAM (FMF)

**CONSENT AGENDA**

**RECOMMENDATION:**

To approve Resolution 2021-03 as submitted.

**BACKGROUND:**

San Diego County has established a Fire Mitigation Fee Program wherein fire departments receive Developer Impact Fees for new construction to compensate fire agencies for new infrastructure needs resulting from new development. In order to continue participation in this Program, by April 16<sup>th</sup> of each year, the District must annually adopt a resolution making the required annual findings.

**DISCUSSION:**

The proposed Resolution 2021-03 is enclosed for your review. It is our standard annual Resolution with the exception of the dates. It establishes collection of 100% of the ceiling amount set by the County of San Diego. It also specifies the recording requirements and how the Mitigation Fees can be expended. Mitigation Fees are established using a formula contained in the County ordinances. The County's Fire Mitigation Fee Committee has met to discuss rates increases that represent current cost data that the fire mitigation fee is allocated, which are currently \$0.58 psf.

**FISCAL ANALYSIS:**

The estimated Fire Mitigation Revenue for NCFPD FY 2021/2022 is \$582,400. As of March 1, 2021, within the first two quarters the District has received \$204,293 in mitigation fees. This is consistent with the current outlook and is based upon the anticipated building rate, pursuant to the County of San Diego Economic Roundtable projections.

**SUMMARY:**

Adoption of this Resolution is a standard and required practice to participate in the FMF Program. Later in the year, Staff will forward a Multi-Year Facilities and Equipment Plan as a secondary component to Program participation.



# NORTH COUNTY FIRE PROTECTION DISTRICT

## RESOLUTION 2021-03

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY FIRE PROTECTION DISTRICT, SAN DIEGO COUNTY, STATE OF CALIFORNIA, TO PARTICIPATE IN THE SAN DIEGO COUNTY FIRE MITIGATION FEE FY 2021/2022

**WHEREAS**, the North County Fire Protection District (District) requires long-term fire protection facilities and equipment (Facilities) to provide fire suppression or emergency medical services within the District's boundaries;

**WHEREAS**, new development is anticipated in the District, and existing Facilities will be inadequate to provide fire suppression or emergency medical services, creating a situation perilous to public health and safety;

**WHEREAS**, to mitigate the impacts caused by new development, the District must improve or expand existing Facilities and/or construct or acquire new Facilities;

**WHEREAS**, the District lacks sufficient funds for new or improved Facilities from fund balances, capital facility funds, property tax sources, or any other appropriate source, and annexation and plan check fees charges by the District do not include a payment toward the costs of Facilities as a component of those fees;

**WHEREAS**, pursuant to California Government Code Section 66000, et seq. (Mitigation Fee Act), the County of San Diego (County) is authorized to collect a mitigation fee from applicants for new development to defray costs related to Facilities that are incurred due to the development;

**WHEREAS**, the County has established fee ceilings for types of construction by Chapter 3 of Division 10 of Title 8 (commencing with Section 810.301) of the County Code of Regulatory Ordinances (FMF Ordinance); and

**WHEREAS**, the District desires to participate in the County's Fire Mitigation Fee (FMF) program.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE NORTH COUNTY FIRE PROTECTION DISTRICT HEREBY RESOLVES AS FOLLOWS:**

1. The District shall participate in the County's FMF Program for Fiscal Year 2021/2022 and agrees to comply with all applicable requirements of the County's FMF Ordinance and the Mitigation Fee Act.



# NORTH COUNTY FIRE PROTECTION DISTRICT

## RESOLUTION 2021-03

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY FIRE PROTECTION DISTRICT, SAN DIEGO COUNTY, STATE OF CALIFORNIA, TO PARTICIPATE IN THE SAN DIEGO COUNTY FIRE MITIGATION FEE FY 2021/2022

2. The District requests that the County collect one hundred percent (100%) of the FMF ceiling on the District's behalf from applicants for building permits within the District's boundaries. The percent of the ceiling fee is equal to or less than the Facilities needs caused by new development.
3. Except as otherwise provided in the County Code or state law, all FMF revenue shall be used only to expand the availability of Facilities to serve new development within the District's boundaries. FMF revenue shall not be used to address existing deficiencies, but may be used in response to increased demand reasonably related to the new development to refurbish existing facilities to maintain an existing level of service or achieve an adopted level of service.
4. The District shall deposit all FMF revenue received from the County and all interest subsequently accrued by the District on these funds in a separate account to be known as the "San Diego County Fire Mitigation Fee."
5. The District shall defend, indemnify and hold harmless the County, its officers, officials, employees, agents and volunteers, from and against any and all demands, claims, actions, litigation or other proceedings, liability, damages and costs (including, but not limited to, attorney fees) that are based in whole or in part upon the levy, imposition, collection or payment of FMF, or the denial of a permit until the FMF is paid, excepting only matters that are based upon the County's gross negligence or willful misconduct.
6. The District shall make its records justifying the basis for the FMF amount available to the public on request.

**BE IT FURTHER RESOLVED** that this Resolution supersedes Resolution No. 2020-04 adopted March 24, 2020, to participate in the FMF program.

**APPROVED, ADOPTED AND SIGNED** by the Board of Directors, North County Fire Protection District, County of San Diego, State of California, on this **23<sup>rd</sup> day of March 2021**, by the following vote:

**AYES:**



# NORTH COUNTY FIRE PROTECTION DISTRICT

## RESOLUTION 2021-03

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY FIRE PROTECTION DISTRICT, SAN DIEGO COUNTY, STATE OF CALIFORNIA, TO PARTICIPATE IN THE SAN DIEGO COUNTY FIRE MITIGATION FEE FY 2021/2022

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RECUSED:**

\_\_\_\_\_  
John van Doorn, Board President

**ATTEST:**

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Board of Directors of the North County Fire Protection District thereof held on the **23<sup>rd</sup> day of March 2021**, and that the same now appears on record in the Board Secretary's office.

**IN WITNESS THEREOF**, I hereunto set my hand and affixed by official seal this **23<sup>rd</sup> day of March 2021**.

\_\_\_\_\_  
Loren Stephen-Porter, Board Secretary





**NORTH COUNTY FIRE  
PROTECTION DISTRICT  
FIRE CHIEF/CEO**

**TO:** BOARD OF DIRECTORS  
**FROM:** CHIEF ABBOTT  
**DATE:** MARCH 23, 2021  
**SUBJECT:** RESOLUTION OF NOMINATION OF JO MACKENZIE TO THE CSDA BOARD

## **ACTION AGENDA**

### **RECOMMENDATION:**

To adopt the attached Resolution of Nomination.

### **BACKGROUND:**

Last month the Board was informed that there was an open seat for the California Special Districts Association Board of Directors, Seat A (Southern Network). At that time the Board expressed no interest in nominating other candidates and was informed that Board Member Jo MacKenzie of the Vista Irrigation District was seeking another term for this seat.

### **DISCUSSION:**

The District has recently received a request from Director Jo MacKenzie to support her bid for reelection through passing a Resolution of Nomination for this seat (attachment 'A'). During her tenure Director MacKenzie has demonstrated remarkable tenacity and dedication in furthering the interests of special districts, regardless of type (fire, water, sanitary, etc.), and in encouraging others to get involved. A very active participant that maintains a presence at virtually all CSDA related events, it is the recommendation to once again support Director MacKenzie in her bid for reelection.

### **FISCAL IMPACT:**

None

### **SUMMARY:**

Supporting Director Jo MacKenzie in her bid for reelection through adoption of the attached resolution will be of benefit to this District and California Special Districts in general.

## Loren Stephen-Porter

---

**From:** Jo MacKenzie <mackgroup@cox.net>  
**Sent:** March 8, 2021 14:55  
**To:** Jo MacKenzie  
**Subject:** CSDA CONCURRING NOMINATION REQUEST  
**Attachments:** CONCURRING RESO (2021).docx; 2021 CSDA concurring reso template\_2021 (F).docx

Board Members and General Manager,

Nominations are now in progress for the CSDA Board of Directors, Seat A. There are three directors in each Network with rotating 3-year terms. I am running for my seat on the CSDA Board. I would appreciate your board of directors consider approving a concurring nomination resolution on my behalf. A Concurring Nomination Resolution Template is attached for your convenience.

It has been a privilege and honor to represent the California Special Districts Southern Network. I have served as President and Treasurer, plus serving on other CSDA Committees. I am presently President of the CSDA Finance Corp---if you need money for a capital improvement project, the Finance Corp provides competitive financing. I believe during my tenure on the board of directors I have provided the leadership necessary to grow the association so that it has the influence and visibility needed in the Capitol to represent the diverse needs of all special districts. I hope to continue this leadership role to provide the direction, ideas and participation necessary for CSDA to continue its upward progress.

Serving on the CSDA Board of Directors requires a commitment of time along with an interest in the issues confronting special districts statewide. Also, it's imperative that a Board Member have a true interest in seeing that our members have the information and assistance they need in a timely fashion in order for them stay on top of new legislation affecting special districts and the educational opportunities provided by CSDA. I try to connect with new members so that they know what CSDA has to offer in the way of educational opportunities along with how CSDA represents our members at the Capitol.

I would truly be honored if your district would approve the concurring resolution. Thank you for your consideration.

Jo MacKenzie, Director  
Vista Irrigation District  
[mackgroup@cox.net](mailto:mackgroup@cox.net)  
760-743-7969

### **FYI: UPCOMING EDUCATION EVENTS--WEBINARS ARE FREE!**

3/12/2021	<u><a href="#">Webinar: Do's &amp; Don'ts: Initiative Campaigns</a></u>
3/16/2021	<u><a href="#">Virtual Workshop: CVRA</a></u>
3/18/2021	<u><a href="#">Webinar: How-To-Do-It for Special Districts with Revenue Need</a></u>
3/24/2021	<u><a href="#">Virtual Workshop: Prevailing Wage: Basics and Beyond</a></u>
3/24/2021	<u><a href="#">Virtual Workshop: SDLA Module 1 - Governance Foundations</a></u>
3/30/2021	<u><a href="#">Webinar: Independent Contractors, Dynamex &amp; AB5</a></u>
4/1/2021	<u><a href="#">Webinar: Is Your District Recession Ready?</a></u>
4/6/2021	<u><a href="#">Webinar: Litigation Lessons Learned From 2020</a></u>
4/7/2021	<u><a href="#">Virtual Workshop: Financial Management for Special Districts</a></u>
4/12/2021	<u><a href="#">Virtual Workshop: SDLA Module 2: Setting Direction</a></u>
4/14/2021	<u><a href="#">Virtual Workshop: Rate Setting Under Propositions 218 &amp; 26</a></u>

Regular Board Meeting for March 23, 2021



**CONCURRING RESOLUTION REQUEST**

**Re-ELECT JO MacKENZIE  
TO  
CSDA BOARD OF DIRECTORS, SEAT A  
SOUTHERN NETWORK**

Board Member Southern Network,

I would appreciate your board of directors consider approving a Concurring Nomination Resolution on my behalf. Nominations are now in progress for the CSDA Board of Directors, Seat A. There are three directors in each Network with rotating three-year terms. I am running for my seat on the CSDA Board so I can continue serving you. I have attached a Concurring Nomination Resolution Template for your convenience.

It has been a privilege and honor to represent the California Special Districts Southern Network. I have served on the CSDA Board as President, Vice President and Treasurer, as well as on nearly all of the CSDA Committees. During my tenure on the board of directors, I have provided the leadership to grow the association. CSDA’s influence and visibility in the Capitol has grown because legislators know the association represents the diverse needs of all special districts. In this leadership role, I will continue to provide the direction, ideas, and participation necessary for CSDA to continue its upward progress. I am presently the President of the CSDA Finance Corp--if your agency is in need of funding for a capital improvement project, the Finance Corp provides competitive financing. I was appointed by the CSDA Board to serve on the Special District Leadership Foundation (SDLF) Board of Directors in 2013 where I continue to serve as its Treasurer since 2014.

Serving on the CSDA Board of Directors requires a commitment of time along with a sincere interest in the issues confronting special districts statewide and nationally. It is also imperative that CSDA Board Members are driven to assure that members receive timely information and assistance in order to be up-to-date on new legislation affecting special districts, and the educational opportunities offered by CSDA. I connect with the Southern Network members so that they know what CSDA, CSDA Finance Corp, and the Special District Leadership Foundation have to offer: educational opportunities and representation at the Capitol; financing to meet district’s needs; and scholarship availability to attend CSDA events.

I would truly be honored if your district would approve the concurring resolution. Thank you for your consideration of my request.

Jo MacKenzie, Director  
Vista Irrigation District  
CSDA Past President  
mackgroup@cox.net  
760-743-7969

**CSDA EDUCATION CATALOG LINK:**

<https://www.csdanet.org/viewdocument/2021-professional-development-catalog> All webinars are free to CSDA Members this year. The Workshops and Conferences are at the reduced Membership fee. If your district needs financial assistance in order to attend, check out the Scholarships available to ALL districts on a first come basis (funds are limited) at WWW.SDLF.ORG.



# NORTH COUNTY FIRE PROTECTION DISTRICT

## RESOLUTION 2021-04

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY FIRE PROTECTION DISTRICT, SAN DIEGO COUNTY, STATE OF CALIFORNIA, CONCURRING IN THE NOMINATION OF JO MACKENZIE TO THE CSDA BOARD OF DIRECTORS

**WHEREAS**, the California Special Districts Association (CSDA) is holding an election for its Board of Directors for the Southern Network, Seat A for the 2021-23 term; and

**WHEREAS**, North County Fire Protection District is a voting member of CSDA and a voting member of the Southern Network; and

**WHEREAS**, the incumbent, Jo MacKenzie, of the Vista Irrigation District is seeking re-election for this position; and

**WHEREAS**, Jo MacKenzie has been involved with the CSDA Board since 2003 and has served in a wide variety of roles including Board President in 2011, Vice President in 2010, and Treasurer in 2008 and 2009; and

**WHEREAS**, the Board of Directors of the North County Fire Protection District believes that Jo MacKenzie is an effective leader on the CSDA Board.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of North County Fire Protection District does concur in the nomination of Jo MacKenzie to represent the Southern Network, Seat A, on the CSDA Board of Directors; and

**BE IT FURTHER RESOLVED** that the Board Secretary is hereby directed to transmit a copy of this Resolution to the attention of the Board Secretary of the Vista Irrigation District at 1391 Engineer Street, Vista, CA 92081 or email [Lsoto@vidwater.org](mailto:Lsoto@vidwater.org) forthwith.

**APPROVED, ADOPTED AND SIGNED** by the Board of Directors, North County Fire Protection District, County of San Diego, State of California, on this **23<sup>rd</sup> day of March 2021**, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RECUSED:**

\_\_\_\_\_  
John van Doorn, Board President



**NORTH COUNTY FIRE PROTECTION DISTRICT  
RESOLUTION 2021-04**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY FIRE  
PROTECTION DISTRICT, SAN DIEGO COUNTY, STATE OF CALIFORNIA,  
CONCURRING IN THE NOMINATION OF JO MACKENZIE  
TO THE CSDA BOARD OF DIRECTORS**

**ATTEST:**

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Board of Directors of the North County Fire Protection District thereof held on the **23<sup>rd</sup> day of March 2021**, and that the same now appears on record in the Board Secretary's office.

**IN WITNESS THEREOF**, I hereunto set my hand and affixed by official seal this **23<sup>rd</sup> day of March 2021**.

\_\_\_\_\_  
Loren Stephen-Porter, Board Secretary



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**NORTH COUNTY FIRE  
PROTECTION DISTRICT  
ADMINISTRATION**

**TO:** BOARD OF DIRECTORS  
**FROM:** STEPHEN ABBOTT, FIRE CHIEF/CEO  
**DATE:** JANUARY 26, 2016  
**SUBJECT:** CALL FOR NOMINATIONS ALTERNATE SPECIAL DISTRICTS MEMBER ELECTION ON LAFCO

## **ACTION AGENDA**

### **RECOMMENDATION:**

The Board of Directors should determine if any members wish to be nominated for a position as the Special District Member on LAFCO. If no, no further action is required. If yes, then a motion to nominate the individual will be required and the President will need to sign the nomination form.

### **BACKGROUND:**

The Board of Directors has the opportunity make a nomination for an alternate special district member on the San Diego Local Agency Formation Commission (LAFCO) to fill a seat vacated by Erin Lump of Rincon del Diablo Municipal Water District. The term is currently vacated and will expire on May 1, 2023.

### **DISCUSSION:**

Candidates eligible for election must be members of the legislative body of an independent special district who reside within San Diego County but may not be members of the legislative body of a city or county.

Signed nominations and a limited two-page resume indicating the candidate's District and LAFCO experience must be returned to San Diego LAFCO **no later than Friday, April 23, 2021**. Election materials are anticipated to be mailed by April 30, 2021.

Full nomination materials are available in the attached LAFCO package.

**FISCAL ANALYSIS:** No fiscal impact.

### **SUMMARY:**

Board members should determine if there is any interest in being nominated for the available LAFCO Special District Member as described in the attached documents. If not, no further action is required. If yes, then a motion making the nomination will be in order.



**San Diego County**  
**Local Agency Formation Commission**  
 Regional Service Planning | Subdivision of the State of California

**CALL FOR NOMINATIONS**

February 22, 2021

**TO:** Independent Special Districts in San Diego County

**FROM:** Tamaron Lockett, Commission Clerk

**SUBJECT:** Call for Nominations | Alternate Special District Member Election on LAFCO

This notice serves as a call for nominations pursuant to Government Code Section 56332(1) involving a vacant and unexpired term as alternate special district member on the San Diego County Local Agency Formation Commission (LAFCO). The term involves Erin Lump’s (Rincon del Diablo Municipal Water District) vacated seat and expires on May 1, 2023. Additional details follow.

- **Eligibility**  
 Candidates eligible for election must be members of the legislative body of an independent special district who reside within San Diego County but may not be members of the legislative body of a city or county.
- **Authorized Nominations**  
 State Law specifies only the presiding officer or their alternate as designated by the governing board must sign the nomination form. Attached is nomination form for the LAFCO alternate special district member (**Attachment A**).
- **Submittal Process and Deadline**  
 Signed nominations and a limited **two-page** resume indicating the candidate’s District and LAFCO experience must be returned to San Diego LAFCO **no later than Friday, April 23, 2021**. Nominations received after this date will be invalid. Nominations and resumes may be mailed to the San Diego LAFCO Office at 9335 Hazard Way, Suite 200, San Diego, CA 92123 or by email to [tamaron.lockett@sdcountry.ca.gov](mailto:tamaron.lockett@sdcountry.ca.gov), if necessary, to meet the submission deadline, but the original form must be submitted.

<b>Administration</b> Keene Simonds, Executive Officer County Operations Center 9335 Hazard Way, Suite 200 San Diego, California 92123 T 858.614.7755 F 858.614.7766 <a href="http://www.sdlafco.org">www.sdlafco.org</a>	<b>Vice Chair Jim Desmond</b> County of San Diego <b>Nora Vargas</b> County of San Diego <b>Joel Anderson, Alt</b> County of San Diego	<b>Mary Casillas Sala</b> City of Chula Vista <b>Bill Wells</b> City of El Cajon <b>Paul McNamara, Alt</b> City of Escondido	<b>Chris Cate</b> City of San Diego <b>Marni von Wilpert, Alt</b> City of San Diego	<b>Jo MacKenzie</b> Vista Irrigation <b>Barry Willis</b> Alpine Fire Protection <b>Vacant, Alt</b> Special District	<b>Chair Andy Vanderlaan</b> General Public <b>Harry Mathis, Alt</b> General Public
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After nominations and resumes are received it is anticipated a candidate's forum will be held in conjunction with the California Special Districts Association quarterly meeting with confirmation being provided under separate/future cover. Election materials will be mailed out **no later than Friday, April 30, 2021** unless otherwise communicated by the LAFCO Executive Officer. Should you have any questions, please contact me at 858.614.7755.

Attachment:

- 1) Nomination form – LAFCO alternate special district member

Respectfully,

Tamaron Lockett  
Commission Clerk

**ATTACHMENT A**

**NOMINATION OF THE SPECIAL DISTRICT REPRESENTATIVE  
FOR THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION  
ALTERNATE MEMBER**

The \_\_\_\_\_ is pleased to nominate \_\_\_\_\_ as a  
(Name of Independent Special District) (Name of Candidate)

Candidate for the San Diego Local Agency Formation Commission as an alternate special district member with a term expiring in 2023.

As presiding officer or his/her delegated alternate as provided by the governing board, I hereby certify that:

- The nominee is a member of a legislative body of an independent special district whom resides in San Diego County.

\_\_\_\_\_  
(Presiding Officer Signature)

\_\_\_\_\_  
(Print name)

\_\_\_\_\_  
(Print Title)

\_\_\_\_\_  
(Date)

**PLEASE ATTACH RESUME FOR NOMINEE**

- Limit two-pages
- Must be submitted with Nomination Form





**NORTH COUNTY FIRE  
PROTECTION DISTRICT  
BOARD**

**TO:** BOARD OF DIRECTORS  
**FROM:** BS STEPHEN-PORTER  
**DATE:** MARCH 23, 2021  
**SUBJECT:** REQUEST TO CONTINUE REVIEW OF INVOCATION/MOMENT OF SILENCE PROCESS

**ACTION AGENDA**

**RECOMMENDATION:**

To permit discussion and action after further discussion regarding the use of the Invocation or Moment of Silence at the beginning of the Board meetings.

**BACKGROUND:**

At the beginning of each meeting, an Invocation is made as a prelude to the meeting. At the February 23, 2021 Board meeting, Director Egkan requested the matter be discussed to determine whether to continue use of the Invocation.

**DISCUSSION:**

At the February 23, 2021, the Board decided to use a Moment of Silence in place of the Invocation until the Board could decide whether to modify current procedure or to take further formal action. Further discussion was determined to be needed before deciding its final action.

**FISCAL ANALYSIS:** None.

**SUMMARY:**

The Board should decide whether it wishes to continue the Invocation or Moment of Silence and what other action is required to effectuate the Board's determination.

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**NORTH COUNTY FIRE  
PROTECTION DISTRICT**  
FIRE CHIEF/CEO

**TO:** BOARD OF DIRECTORS  
**FROM:** STEPHEN ABBOTT, FIRE CHIEF/CEO  
**DATE:** MARCH 23, 2021  
**SUBJECT:** DISCUSSION AGENDA

There are no Discussion Agenda Items for the March 23, 2021, Board Meeting.

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## **ROBERT H. JAMES**

ATTORNEY AT LAW

ROBERT H. JAMES, Esq.  
roberthjameslaw@gmail.com

3668 KATIE LENDRE DRIVE  
FALLBROOK, CALIFORNIA 92028

TELEPHONE  
(760) 723-9018

March 1, 2021

### **Board of Directors North County Fire Protection District**

Re: General Counsel Board Report for March 1, 2021

#### **What are the Mandatory Face-Covering Requirements?**

Business owners in California have the right to require that you wear face masks under new laws created in response to the COVID-19 pandemic and those that existed before the health crisis.

Even with orders from state and local officials encouraging, and then mandating, face coverings, businesses and customers sometimes treat these restrictions as optional. But, the new guidance makes it very clear that masks are critical to stopping the spread of the virus and narrows exemptions around them.

On Nov. 16, the California Department of Public Health mandated the use of face coverings at all times outside the home, with a few exceptions. Prior to that, the U.S. Centers for Disease Control and Prevention and the World Health Organization recommend using face masks in public to prevent the spread of COVID-19. Several counties across California have enacted county-specific ordinances and guidelines relating face masks in public places, including businesses and restaurants.

Subject to any discrimination laws and the Americans with Disabilities Act, private businesses can create policies on what they allow or do not allow in their business. Businesses have a right to refuse service to customers, except in certain cases, such as refusal due to gender or racial discrimination.

Under the ADA, private businesses also cannot refuse service for customers who physically are unable to wear masks. The ADA is a civil rights law that prohibits discrimination against disabled individuals in public settings, such as a job or school, and in public and private places frequented by the general public. The CDPH requirements made on Nov. 16 allows for the exemption of people with "a medical condition, mental health condition, or disability that prevents wearing a face covering."

According to the ADA, business owners are not allowed to ask individuals about their specific disabilities or request supporting documentation of a disability. Unfortunately, some individuals abuse the ADA to avoid following the face-covering requirements.

The United States Department of Justice Civil Rights Division – Americans with Disabilities Act website uploaded an alert warning people about fraudulent face mask flyers and postings



**ROBERT H. JAMES**

ATTORNEY AT LAW

ROBERT H. JAMES, Esq.  
roberthjameslaw@gmail.com

3668 KATIE LENDRE DRIVE  
FALLBROOK, CALIFORNIA 92028

TELEPHONE  
(760) 723-9018

regarding the ADA and the use of face masks due to the COVID-19 pandemic. Many of these fraudulent flyers and postings include the Department of Justice's seal. The ADA website clarifies that these postings were not issued or endorsed by the Department of Justice.

Business owners should be wary of customers who make false ADA claims. However, since it is often difficult to ascertain whether a customer has a disability or not, business owners should provide alternate methods of service for those who have legitimate reasons for not wearing a mask, while still protecting employees and other customers. For example, allowing for curbside pick-up of food orders. In doing so, business owners protect themselves from liability, since they are still offering the service, but can maintain their mask requirement policy.

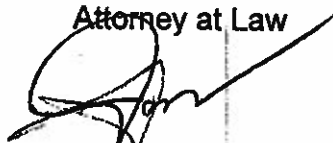
Some counties and cities in California are enacting local ordinances that provide business owners with additional power to enforce mask-wearing requirements in their business establishments. For example, the city of Los Angeles adopted an ordinance, effective Nov. 9, that allows business owners to refuse service or entry to anyone who refuses to wear a face covering.

Other counties, including San Mateo, have issued ordinances imposing fines on individuals who refuse to wear face coverings and commercial entities that refuse to comply with state and county face mask regulations.

Some patrons of businesses and restaurants argue that they have a constitutional free speech right to enter businesses and restaurants without masks. However, constitutional free speech rights do not apply to private businesses since the First Amendment of the U.S. Constitution only applies to government infringement of an individual's right to free speech.

A business owner who does not comply with the face mask regulations, or allows customers to treat it as optional, may face a fine or citations. Business owners are advised to watch government orders and guidance carefully and to consult with an attorney if they are unclear on whether their actions are in compliance or are discriminatory in any way.

ROBERT H. JAMES  
Attorney at Law



Robert H. James, General Counsel for the  
North County Fire Protection District

RHJ/km  
cc: Chief Steve Abbott  
Board members



**NORTH COUNTY FIRE  
PROTECTION DISTRICT  
FIRE CHIEF/CEO**

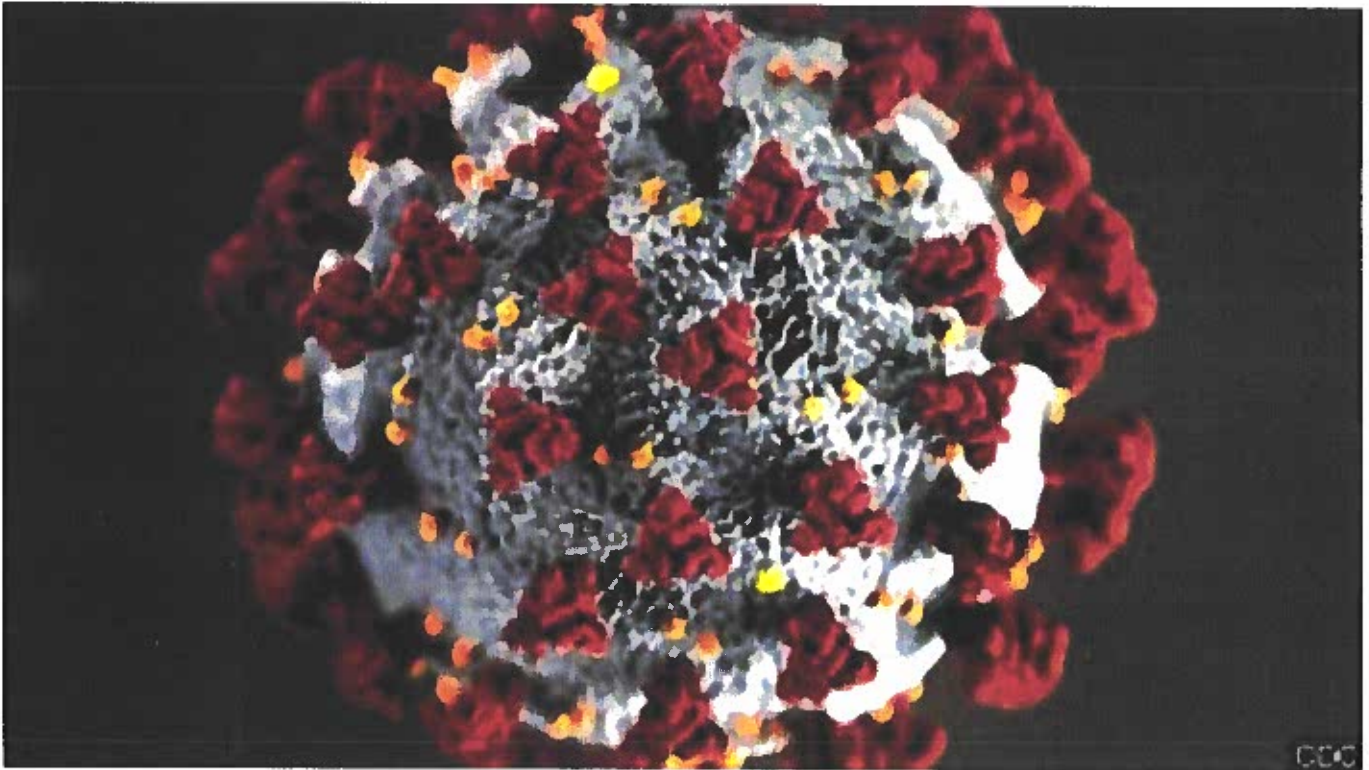
**TO:** BOARD OF DIRECTORS  
**FROM:** STEPHEN ABBOTT, FIRE CHIEF/CEO  
**DATE:** MARCH 23, 2021  
**SUBJECT:** WRITTEN CORRESPONDENCE

- **WRITTEN COMMUNICATION:** None.
- **BOARD RECOGNITION PROGRAM:** None.

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HEALTH

## State Allows San Diego County to Move Into Red Tier



By [Katie Cadio](#), County of San Diego Communications Office

Mar. 16, 2021 | 6:20 PM

The state notified the County today that it will be allowed to lift some COVID-19 restrictions starting Wednesday and move from the most restrictive Purple Tier into the less restrictive Red Tier. The [change in tiers](#) will allow restaurants, gyms, movie theaters and other businesses to begin moving operations indoors with capacity limits.

Beginning tomorrow, restaurants and movie theaters will be allowed to resume indoor operations at 25 percent capacity, or 100 people, whichever is fewer. Gyms and fitness centers will be allowed to reopen indoor operations at 10 percent of their indoor capacity. Museums, zoos and aquariums will be able to open indoor operations at 25 percent capacity and retail and shopping centers will be able to increase their indoor operations to 50% capacity.

All establishments will still be required to follow social distancing and face covering guidelines for their employees and patrons.

*“It is because of the efforts of our community that the County is able to move back into the Red Tier after four months of Purple Tier restrictions,” said Wilma J. Wooten, M.D., M.P.H., County public health officer. “However, the relaxing of restrictions should not encourage San Diegans to let their guard down. We are urging community members to continue to do their part, get vaccinated once they are eligible and take the necessary precautions to avoid getting and spreading COVID-19.”*

## **Vaccination Progress:**

- More than 1.41 million COVID-19 vaccine doses have been delivered to the region, and over 1.27 million have been logged as administered. This number includes both County residents and those who work in San Diego County.
- Of those vaccinated to date, over 450,000 County residents, or 16.7% of San Diegans 16 and older, are fully immunized.
- Overall, over 722,000 County residents have received at least one shot of the two-dose vaccine. That’s 26.9% of those eligible.
- Those receiving the one-dose Johnson & Johnson vaccine are being added to the total of fully vaccinated San Diegans.
- The difference between doses delivered and those used in a vaccination represents approximately what is expected to be administered in the next seven days and doses still to be entered in the record system.
- More information about vaccine distribution can be found on the County’s vaccination dashboard. For details on groups currently eligible and vaccination opportunities, visit [www.vaccinationsuperstation.com](http://www.vaccinationsuperstation.com).

## **State Metrics:**

- San Diego County's state-calculated, adjusted case rate is currently 6.8 cases per 100,000 residents. The County is allowed to move into the Red Tier tomorrow, March 17.
- Currently, the testing positivity percentage is 2.8%, placing the County in Tier 3 or the Orange Tier.
- The County's health equity metric, which looks at the testing positivity for areas with the lowest healthy conditions, is 4.2% and is also in the Orange Tier or Tier 3.
- While two of the three metrics qualify the County for the Orange Tier or Tier 3, the state assigns counties to the more restrictive tier.
- The California Department of Public Health assesses counties on a weekly basis. The next report is scheduled for Tuesday, March 23.

## **Community Setting Outbreaks:**

- Two new community outbreaks were confirmed March 15: one in a business setting and one in a daycare/preschool/childcare setting.
- In the past seven days (March 9 through March 15), 17 community outbreaks were confirmed.
- The number of community outbreaks remains above the trigger of seven or more in seven days.
- A community setting outbreak is defined as three or more COVID-19 cases in a setting and in people of different households over the past 14 days.

## **Testing:**

- 8,790 tests were reported to the County on March 15, and the percentage of new positive cases was 3%.



- The 14-day rolling average percentage of positive cases is 2.8%. Target is less than 8.0%.
- The 7-day, daily average of tests is 11,675.

## **Cases, Hospitalizations and ICU Admissions:**

- 257 COVID-19 cases were reported to the County on March 15. The region's total is now 265,906.
- 13,365 or 5% of all cases have required hospitalization.
- 1,627 or 0.6% of all cases and 12.2% of hospitalized cases had to be admitted to an intensive care unit.

## **Deaths:**

- 10 new COVID-19 deaths were reported March 15. The region's total is 3,462.
- Two women and eight men died between Dec. 31 and March 15.
- Three people who died were 80 years or older, five were in their 70s and two were in their 60s.
- All had underlying medical conditions.

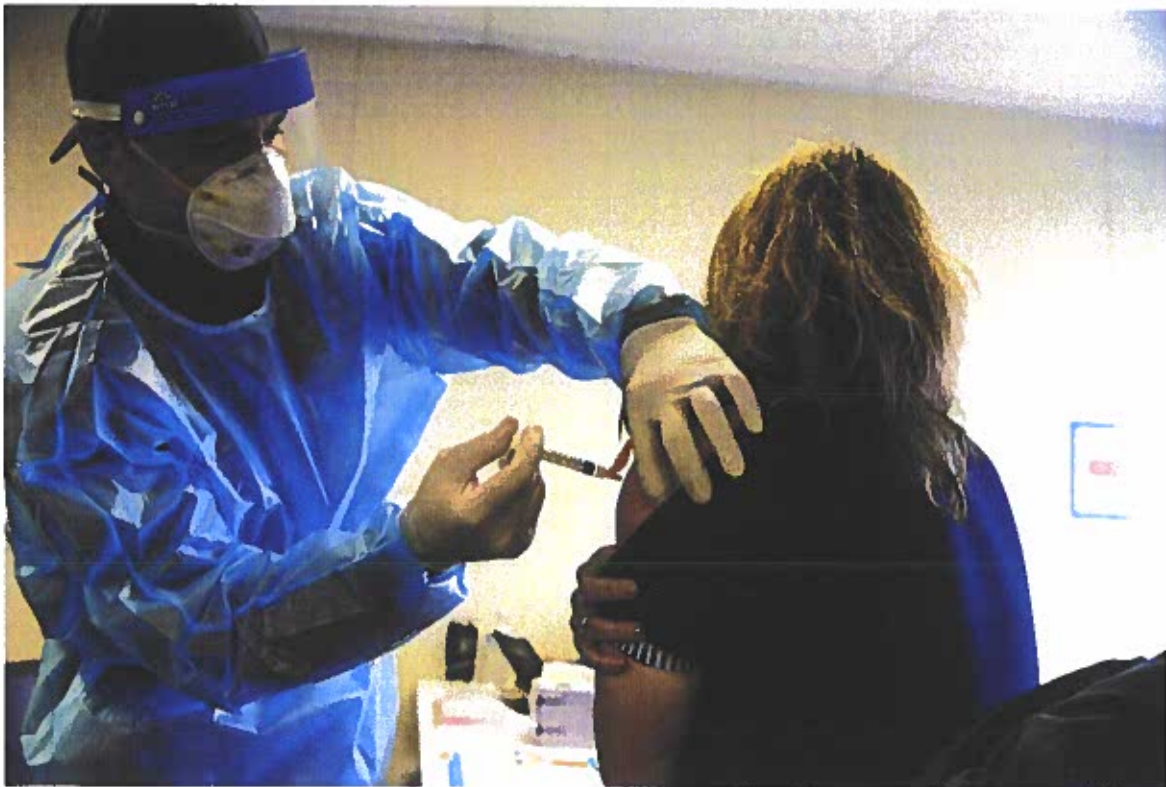
## **More Information:**

The more detailed data summaries found on the [County's coronavirus-sd.com website](https://www.sd.gov/coronavirus) are updated around 5 p.m. daily.

Related: **coronavirus COVID-19 red tier update**

# Palomar's Fallbrook Campus Hosts COVID-19 Vaccination Clinic

Mar 12, 2021



*Pictured above: Craig Haukom, a Firefighter/Paramedic from the Barona Fire Department, administers a COVID-19 vaccine during the San Diego County Operation Collaboration event at the Fallbrook Education Center on Friday, March 12, 2021.*

# Hundreds receive Johnson & Johnson vaccine during an “Operation Collaboration” event at Palomar’s North Education Center in Fallbrook.

FALLBROOK — Some 400 residents of North County received the COVID-19 vaccine during a vaccination event hosted at Palomar College’s North Education Center in Fallbrook and coordinated by a variety of San Diego County agencies in an effort known as “Operation Collaboration.”

The event took place most of the day on Friday, March 12, 2021, providing local residents with the single-dose Johnson & Johnson vaccine.

Rachel Mason, Chief Executive Officer of the Fallbrook Regional Health District, said the 400 available appointments were reserved in less than three hours after the notification of the event went out on Wednesday.

“This is absolutely one of the best partnerships we could have formed. The Palomar College team has been exceptional to work with, and tremendously responsive,” said Mason.

Dr. Jack Kahn, Interim Superintendent/President of Palomar College, said he was thrilled to witness the participation of numerous regional agencies in bringing about Friday’s clinic.

“This pandemic has been a long and difficult experience for everybody, and to see our area taking steps to get back to normal is truly encouraging,” said Dr. Kahn. “Thank you to everybody who made this clinic possible, including our Facilities Department, which opened our Fallbrook site to the public.”

Mason said prior to Friday, there had only been a handful of small “pop-up” vaccination clinics in Fallbrook: “This is the first large, county-supported vaccination clinic in



Fallbrook Regional Health District staff member Tracy Rosalee talks to a member of the public waiting in line for a COVID-19 vaccine.

our area.”

She said Palomar’s center off Horse Ranch Creek Road was the ideal location because officials wanted to make sure that the rural communities east of I-15 would also have access to the clinic.

Looking down the line of people who were waiting for their shot on Friday morning, North County Fire District Fire Captain Joey Bradshaw said, “Exciting is the first word that comes to mind.”

“This has been a collaborative effort to get the vaccine out to the public—it’s a step toward normalcy for everybody,” said Bradshaw.



North County residents wait in line to receive their COVID-19 vaccine at the clinic in Fallbrook on March 12, 2021.

Mason said the event was open to residents of San Diego County, and that she hoped to see a second round of public vaccinations in Fallbrook during the next few weeks: “Everybody is excited—it’s been long overdue for this part of the county,” she said.

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# Village News - Also serving the communities of De Luz, Rainbow, Camp Pendleton, Pala and Pauma

## NCFPD to consider eliminating invocation

By [Joe Naiman](#)  
Village News Reporter

The North County Fire Protection District board meeting Tuesday, March 23, will include a discussion whether or not to continue the invocation at the start of board meetings.

The Feb. 23 NCFPD meeting included a 5-0 board vote to replace the invocation with a moment of silence for the March 23 meeting and to discuss that day whether to discontinue the invocation.

Currently, an invocation follows the call to order and roll call at NCFPD board meetings.

"I am not quite sure why it needs to be an agenda item," Jeff Egkan, NCFPD board member, said.

After Egkan was elected to one of the NCFPD board seats in November 2020, he reviewed the district's policy manual.

"Inclusion of an invocation isn't listed," he said.

Egkan said that many residents attend church, engage in personal prayers and send their children to parochial school.

"They're always based on a personal decision," he said.

The North County Fire Protection District involves all residents and property owners who may have a need or desire to address the board.

"This is a public body and it's open to all, and constituents may have a need to attend," Egkan said. "This is a religiously diverse community. It's impossible to have one prayer that would speak to all these faiths."

Egkan cited a study that one in four Americans have no religion.

"I think by definition there isn't a prayer that would satisfy them," he said.

"It does create issues for a lot of people," David Kennedy, NCFPD board member, said.

"Every constituent owns an equal share of their community regardless of their religious beliefs,"

Egkan said. "I am just really opposed to the kind of stance of approval from our board."

Egkan said he was supportive of a moment of silence.

"I think that's perfectly reasonable," he said.

Kennedy said he would also accept a moment of silence in place of an invocation.

"That would be something that I would appreciate," he said. "That way we can all reflect what's most comfortable for each of us."

None of the water districts or community planning groups within the NCFPD service area begin their meetings with an invocation.

"We're the only government body that does have a prayer at the start of their meetings," board member Ken Munson said.

Munson added that the United States Supreme Court has allowed the use of an opening prayer at public meetings other than school district meetings where children are more likely to be present.

Board president John van Doorn noted that the district's firefighters put themselves at risk during calls.

"There are some who may be compelled to offer an invocation," he said.

Van Doorn noted that San Diego County Board of Supervisors meetings begin with an invocation. Munson referenced an Orange County agency which has an invocation.

"We need a policy here," van Doorn said. "I think what we want to do is continue this discussion."

The board of supervisors' invocation is given by a guest pastor rather than by a county supervisor. Van Doorn brought up the possibility of a member of the public offering to provide an invocation.

"We do need to have limits," he said.

The invocation would be as ecumenical as possible and would be limited to the needs of the community including health and safety.



"I'd be willing to serve on a committee to take a closer look at that," Munson said.

"Whatever we do, somebody out there is not going to be happy," van Doorn said.

*Joe Naiman can be reached by email at [jnaiman@reedermedia.com](mailto:jnaiman@reedermedia.com).*

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# Village News - Also serving the communities of De Luz, Rainbow, Camp Pendleton, Pala and Pauma

## Administrative permit issued for two Sandia Creek Drive gates

By [Joe Naiman](#)  
Village News reporter

Those opposed have until March 12 to appeal

The request for an Administrative Permit for a gate on Sandia Creek Drive resulted in the approval of a second gate.

The Administrative Permit was approved March 2 by Kathleen Flannery, who has been the acting director of the county's Department of Planning and Development Services since previous PDS director Mark Wardlaw took a position with the City of Walnut Creek. The permit will expire on March 2, 2023, although if construction has begun by that date the permit will remain valid.

Those opposed to the decision have until March 12 to appeal. An appeal would be heard by the county's Planning Commission.

The private portion of Sandia Creek Drive is approximately 2.2 miles. The road maintenance agreement for the private section of the road was approved in 1989, and 56 property owners pay for the maintenance of the road. Residents of Sandia Creek Drive and Sandia Creek Terrace have requested the gate to limit access to the private road portion of Sandia Creek Drive to residents and invited guests.

The property owners voted on a two-gate project which received support from more than 80 percent of the landowners; one gate would have been at the southern end of the private road while the other gate would have been at the county line. The county's Department of Public Works (DPW) deemed the two-gate proposal not feasible due to issues involving road width and California Environmental Quality Act (CEQA) compliance. The single-gate location was moved to just north of Rock Mountain Drive. That plan includes three turnarounds in addition to the gate. One would be just north of the gate, one would be just south of the gate, and one would be near the beginning of the private portion of Sandia Creek Drive.

The gate system would have two swing gates. Solar panels would allow for battery backup in case electrical power is lost. The gate would be no more than 12 feet high.

The second gate would be just north of the end of the public road just north of the first northbound

turnaround. The appropriate assessor's parcel would need to be added to the road maintenance agreement for that gate to be included. The plot plans and building plans will show both gates.

The gates and turnarounds would be complemented by signage notifying motorists that the private section is closed to through traffic. The signage would meet Federal standards for night visibility, which would reduce the risk of a motorist who is lost in DeLuz driving all the way to the gate before needing to turn around. The signage would also inform southbound motorists entering from the Riverside County portion of the road, which is a public road.

Opposition to the gate project is from two sources: Sandia Creek Drive residents concerned about the gate and turnaround locations being by if not actually on their property and residents of Rock Mountain and DeLuz Heights for whom Sandia Creek Drive is the legitimate route to Temecula - and an evacuation route if needed - rather than a shortcut.

Because the gate project does not have the unanimous consent of the property owners an Administrative Permit is required for its installation. An Administrative Permit is a discretionary permit and requires CEQA findings. The Administrative Permit utilized a Negative Declaration. PDS and DPW analyzed both the state-mandated vehicle miles traveled impact and level of service impacts. A traffic study was conducted in 2020 which indicated an average daily traffic volume of approximately 2,200 vehicles including 1,700 through traffic motorists. PDS and DPW estimate that the gate would divert approximately 1,600 average daily trips to East Mission Road and another 300 trips to State Route 76. The vehicle miles traveled study indicated that the gate would reduce the distance by approximately 11 percent per motorist.

DeLuz Road is a public road, so if through traffic takes that street instead of Interstate 15 it will not impact the maintenance resources of property owners.

Members of the Sandia Creek Road Committee and other proponents of the gates have indicated that access codes would be provided to the United States Postal Service, Fallbrook Propane Gas Company, and others who deliver to the homes on the private portion of the road. Neighbors elsewhere in DeLuz may request an access code; such access would likely be granted to actual neighbors although no written guarantees currently exist.

If the primary source of power is lost the gates are supposed to open automatically and remain open until full power is restored. The North County Fire Protection District would have a key to unlock the gates manually, and the gates would also respond to emergency vehicle strobe signals.

The gates may also be opened by a remote radio signal; the nearest NCFPD fire station is 4.2 miles away by air and the radio signal has a range of five miles. Remote operation by the regional dispatch center in Rancho Santa Fe would also be an option. The radio control system would be tested before the gates become operational.

Flannery made findings that the gate structure would be compatible with community character, would not have a harmful effect on the neighborhood, and would not be detrimental to the health, safety, or general welfare of the surrounding properties or improvements.

The Fallbrook Community Planning Group voted 12-2 January 18 (one planning group member recused himself due to a potential conflict of interest) to recommend approval of an Administrative Permit for a gate on Sandia Creek Drive.

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By KAREN BILLING | STAFF WRITER

MARCH 9, 2021 3:18 AM PT



The San Diego County Board of Supervisors is looking for ways to reduce the disruptions caused by public safety power shutoffs on local communities.

In January 2020, the board of supervisors accepted \$1,214,656 in Community Power Resiliency funds from the state to mitigate the impact of power shutoff events —funding was used to install emergency generators at county libraries and fire stations. On March 2, the board approved another \$607,328 in state funding to provide back-up power at an additional three fire stations and 54 traffic signals at major intersections in the unincorporated areas.

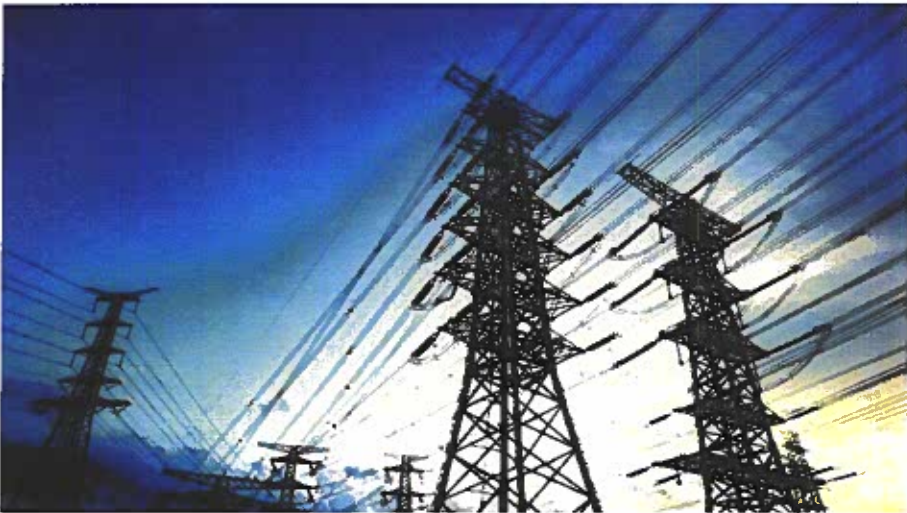
On March 2, the board additionally approved Supervisor Jim Desmond and Joel Anderson’s proposal to develop a coordinated plan to increase regional resiliency, directing the county’s chief administrative officer to collaborate with all stakeholders to identify opportunities to further reduce the shutoffs’ impacts on the region.

Since 2013, SDG&E has used power shutoffs as a preventative measure to protect against wildfire during extreme weather conditions such as high wind events. Last year, many San Diego County residents were without power on Thanksgiving weekend and some early December days due to the threat of Santa Ana winds. Some Fallbrook residents were without power on Christmas Eve as a fire burned on Camp Pendleton. As shutoffs are growing in frequency, Desmond said it’s critical for the county to work with SDG&E and all affected stakeholders to develop protocols and identify resources to minimize impacts caused by the shutoffs.

“As annoying as they can be, the shutoffs actually aid in preventing mass devastation throughout our county,” Desmond said.

NEWS

## County seeks to improve coordination of public safety power shutoffs



RSF Association Manager Christy Whalen said the Association is concerned about power shutoffs and their impact on residents and safety in the Ranch. (Getty Images)

The community of Rancho Santa Fe has been impacted by power safety shutoffs over the last two years. During the latest one, in December 2020, SDG&E turned off the power to approximately 73,300 customers to reduce wildfire risk due to high wind gusts. Many Rancho Santa Fe homeowners and Rancho Santa Fe Association properties were without power and the Rancho Santa Fe School District had to close R. Roger Rowe School for two days.

RSF Association Manager Christy Whalen said they are concerned about power shutoffs and their impact on residents and safety in the Ranch.

Whalen said the Association would encourage SDG&E to shut off power only as needed and to provide residents with more specific warnings both in advance and just prior to the planned outage.

“If SDG&E communicated directly to residents only in the affected circuits an hour or 30-minutes prior to shut off that would provide us with time to open or close garages and gates, ensure medical equipment has back-up power, save computer files and make other last-minute preparations for the outage,” Whalen said. “We appreciate the advance notice, and it would be even more helpful if additional communications were more timely and targeted to those directly affected.”

At the March 2 supervisors meeting, Joe Gabaldon, public affairs manager for SDG&E, said safety is the foundation of everything they do and they have invested in a variety of measures to reduce wildfire risk including fire-hardening its infrastructure, vegetation management and using advanced weather technology.

“Public Safety Power Shutoffs are an important tool to keep the region safe,” Gabaldon said. “We do not take this responsibility lightly and only use shutoffs as a last resort.”

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Gabaldon said SDG&E does gather feedback after every red flag warning season but they are looking forward to enhancing coordination with the county.

Whalen said that ultimately the best mitigation for wildfire risk is to underground utilities, especially in heavily-forested areas like the Ranch.

“It’s a safety issue,” Whalen said. “The Association has worked with the county to get on the priority list to fund undergrounding of power lines, but that’s several years away. We urge SDG&E to consider funding the undergrounding of more poles as a safety precaution in addition to other fire mitigation efforts.”

[NEWS](#) [LOCAL NEWS](#)

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The Los Angeles County Board of Supervisors voted Tuesday, 5-0, to support H.R. 535 and S. 91, the Special Districts Provide Essential Services Act.

CSDA, the National Special Districts Coalition and six special districts submitted public comment in favor of the motion. Supervisor Janice Hahn sponsored **the measure** following correspondence with the Palos Verdes Library District, which shared its COVID-19 impacts with the Board and engaged in advocacy on the federal legislation.

L.A. County's backing of the federal legislation is significant for special districts' ongoing efforts to access COVID-19 relief funds for local governments, and it sends a strong message to the State of California, Congress and its fellow counties in underscoring the significance of the essential services special districts provide.

CSDA thanks Supervisor Hahn and the Los Angeles County Board of Supervisors for their leadership and support of special districts' advocacy and inclusion in future pandemic assistance for local governments.

Special districts are encouraged to share their COVID-19 impacts and stories with their county supervisors and encourage them to support H.R. 535 and S. 91 as well as communicate support for the State of California to set aside a portion of the Coronavirus State Fiscal Recovery Fund appropriation under the American Rescue Plan Act.

For questions or more information, contact Cole Karr, CSDA Federal Advocacy Coordinator, at [colek@csla.net](mailto:colek@csla.net).

-----  
Cole Karr  
Public Affairs Field Coordinator  
California Special Districts Association

MOTION BY SUPERVISOR JANICE HAHN

March 9, 2021

**5-Signature Letter to Support H.R. 535 and S. 91**

Special districts are local governments created by the people of a community to deliver specialized services that are essential to their health, safety, economy, and well-being. These districts primarily deliver a single service such as education, cemeteries, transportation, or fire protection, and they are usually relied upon for ongoing service provision rather than one-time projects. Most of the special districts across California did not receive access to the CARES Act’s Coronavirus Relief Fund (CRF), signed into law on March 27, 2020. Communities rely on their special districts to provide essential services and these districts need funding to combat the direct and indirect impacts of COVID-19.

The Palos Verdes Library District sent a letter detailing the great obstacles they have experienced with obtaining government funding. It is further explained that special districts across the State anticipate a \$1.26 billion impact due to COVID-19 and they will continue to be impacted by economic loss well throughout 2021. Districts have endured significant revenue loss and unbudgeted COVID-19-related expenditures. Additionally,

MOTION

MITCHELL \_\_\_\_\_

KUEHL \_\_\_\_\_

HAHN \_\_\_\_\_

BARGER \_\_\_\_\_

SOLIS \_\_\_\_\_

some special districts have been forced to furlough staff, implement hiring freezes and postpone the filling of crucial vacant positions.

To address this issue, U.S. Representative John Garamendi, D-Calif., and U.S. Senator Kyrsten Sinema, D-Ariz., re-introduced H.R. 535 and S. 91. The Special Districts Provide Essential Services Act would require States to direct at least five percent of future CRF-type allocations to their special districts. States would be allowed the discretion to establish their own disbursement programs to fund special districts in need of pandemic-related relief. If it is declared that the needs of special districts are met, after 60 days, the U.S. Treasury will allow States the flexibility to use excess funds. The legislation would also establish a federal definition for "special district," and codify districts' access to the Federal Reserve's Municipal Liquidity Facility.

Here in Los Angeles County many special district employees are working on the frontlines to serve the public. However, these districts have yet to receive direct access to funding that other government agencies, businesses and non-profits have received. Without ready access to pandemic relief, special districts are unlikely to maintain their level of essential services through this fiscal year. We need equitable access to these important relief funds to ensure our special districts continue providing uninterrupted vital services to their communities.

**I, THEREFORE MOVE** that the Board of Supervisors send a five-signature letter in support of H.R. 535 and S. 91 to Rep. Garamendi and Senator Sinema with a copy to the California Congressional Delegation, as well as U.S. Senators Dianne Feinstein and Alex Padilla.

# # #



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# Who's California

BY WES VENTEICHER  
MARCH 03, 2021 05:00 AM

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## takes? a change



California Sen. Connie Leyva, D-Chino, is sponsoring a bill that would provide medicines at university health centers to induce abortions. RANDY PENCH  
RPENCH@SACBEE.COM

*Work for the state of California? Get the latest news on pensions, pay and more in the State Worker newsletter. [Sign up here.](#)*

A proposal aimed at ending surprise pension reductions for California retirees is back, accompanied by old questions over who should be responsible for mistakes that lead to benefit recalculations.

State Sen. Connie Leyva re-introduced [the proposal](#), once vetoed by former Gov. Jerry Brown, as [Senate Bill 278](#).

### TOP ARTICLES



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## Did 'I-5 Strangler' have more victims? How detective tried for years to pry a confession

Under current practice, when CalPERS discovers in routine audits that a retiree is benefiting from an improper pension, the retiree receives a notice in the mail telling them their pension will be reduced, and often, that they must pay some of it back.

Leyva's proposal would place the responsibility on local governments to pay CalPERS back and would force them to assume responsibility for the difference if CalPERS reduces monthly checks.

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In a written summary of the bill, Leyva's office said there's a "clear need" for the change, citing the example of a [City of Davis firefighter](#) who retired in 2012 after 30 years of service based on CalPERS estimates of what her monthly pension check would be.

Five years later, CalPERS notified the firefighter there had been a mistake. She owed \$42,000 and would be receiving a considerably smaller check each month.

Local government representatives have argued that with pensions consuming a growing share of their budgets and with few options to control those costs, they can't afford new liabilities that could last decades.

Additionally, California's 1,300-page Public Employees' Retirement Law, which includes a long list of pensionable pay categories ranging from longevity bonuses to sandblasting stipends, doesn't always lend itself to clear interpretation.

"You have thousands of local agencies who are expected to understand the nuances and intricacies of CalPERS regulations," said Dane Hutchings, a lobbyist who fought Leyva's proposal on behalf of local governments for years and now directs Renne

Public Law Group.  
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Hutchings' preferred solution to the problem of pension mistakes, and one floated by former Gov. Brown in a 2018 veto note, is for CalPERS to review the agreements before they're finalized to make sure mistakes aren't missed until years later.

Leyva's bill as written would allow local public agencies around the state to ask CalPERS to review agreements for consistency with state law, but wouldn't require the system's approval.

At the state level, CalHR has sometimes asked CalPERS to review pension language in proposed contracts, said CalPERS spokeswoman Megan White. The retirement system has "offered advice and/or raised concerns if there are issues" in those situations, White said.

Bijan Mehryar, a lobbyist for the League of California Cities, called Leyva's proposal "unconstitutional," saying it would "saddle local agencies with extensive fiscal liabilities at a time when cities have spent billions of dollars over the last year fighting the pandemic, protecting public health and delivering critical services."

Leyva reintroduced the bill after Brown's 2018 veto. In 2019, after the bill cleared both chambers of the Legislature, it was [held from reaching Gov. Gavin Newsom's desk](#) without explanation, likely signaling Newsom had some reservations.

It's scheduled for a hearing March 8 before the Senate Labor, Public Employment and Retirement Committee.



## County Lab, Fire Stations to Benefit from Backup Power Supply Funds



*This fiscal year's power resiliency funds will be used to secure backup power sources for the County's primary COVID-19 testing laboratory, three fire stations, and 54 traffic signals in unincorporated areas.*

By [Donnie Ryan](#), County of San Diego Communications Office

Mar. 2, 2021 | 4:40 PM

The San Diego County Board of Supervisors voted today to ratify the acceptance of fiscal year 2020-2021 state community power resiliency funds, a key step in helping to improve backup energy sources for essential facilities and communications equipment as part of emergency preparedness efforts in the county.

Launched Oct. 25, 2019, by Gov. Gavin Newsom, the Local Government Public Safety Power Shutoff Resiliency Program provided state funding to help mitigate the effects of utility-initiated public safety power shutoffs. The name of the program was changed to "Community Power Resiliency" for the current fiscal year.

According to Jeff Toney, San Diego County Office of Emergency Services (OES) director, the program funds the development of plans for securing items such as generators, fuel storage and other backup energy sources for critical operations during a power shutoff event.

"Back in October we received an allocation notification in the amount of \$607,328 with specific guidance and requirements from the state," said Toney. "That guidance required OES to allocate at least 50% of the award to

support one or more of four resiliency areas that included schools, election offices, food storage reserves, and COVID testing sites.”

Toney said OES notified the state that San Diego County had identified COVID-19 testing sites as its focus resiliency area, and then worked with the Health and Human Service Agency and Department of Public Works to develop a plan for a backup power supply for one of the facilities.

“Of the total allocation, \$303,664, or 50%, will be used for backup generator design costs for the Health Service Complex located at 3851 Rosecrans Street,” said Toney. “This facility houses the County’s primary COVID-19 testing laboratory.”

Toney said the Department of Public Works also received \$151,832 from the fund to replace backup batteries for 54 traffic signals at major intersections located in unincorporated areas of the county.

Another department that will benefit from the Community Power Resiliency program fund is the San Diego County Fire Protection District, as 25% of the allocation will be used to purchase backup generators for three county fire stations. These facilities are the San Pasqual (#84), Lake Morena (#42) and Sunshine Summit (#59) Fire Stations.

According to San Diego County Fire Protection District Director Herman Reddick, fire stations are considered critical facilities that need to be equipped with backup power generators so that they are never, under any circumstances, without power.

“Fire stations depend on power to keep the building and fire operations running,” said Reddick. “With the continued year-round threat of wildfires, the continuous need for efficient and effective medical response, the risk of power outages and public safety power shutoff events in San Diego County’s unincorporated areas, ensuring that our fire stations are fully equipped with the necessary backup power is a priority and is very essential to saving lives in the communities we serve.”

OES encourages all families in the county to have an [emergency plan](#) and practice it so it is familiar in a high-stress situation. Additionally, all County residents are encouraged to register their cellphones on [AlertSanDiego](#), the County’s emergency notification system and download the [SD Emergency App](#) at no cost. An [emergency family plan template](#) is available in English, Spanish, Tagalog, Vietnamese, Japanese, Arabic, traditional and simplified Chinese, Farsi, French, Korean, Somali and in an audio version.

Related: [covid testing](#) [emergency preparedness](#) [Fire District](#) [OES](#) [public works](#)



Donnie Ryan is a group communications officer with the County of San Diego Communications Office. [Contact](#)

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[10 Percent Of County Residents Now Fully Vaccinated](#)



PUBLIC SAFETY

## Motorcyclist evades CHP officer, dies in crash near Fallbrook

A motorcyclist racing a car sped away from a CHP officer Monday afternoon on I-15 near Fallbrook, then crashed, suffering fatal injuries

By ALEX RIGGINS

FEB. 22, 2021 7:50 PM PT



**NORTH COUNTY** — A motorcycle rider crashed and died Monday afternoon shortly after speeding away from a pursuing California Highway Patrol officer on Interstate 15 in North County, authorities said.

It happened a little after 1 p.m., when the CHP received reports of a 2008 Kawasaki motorcycle racing a Mazda sedan, with both vehicles reportedly driving dangerously, north on I-15 near Deer Springs Road, according to CHP spokesman Officer Juan Escobar.

A Highway Patrol officer attempted to stop the vehicles just before 1:15 p.m., but the motorcycle did not stop and the officer gave chase, Escobar said in a news release.

“The officer lost sight of the motorcycle as it accelerated and pulled away at high speed,” Escobar said.

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NB I-15 north of SR-76, left two lanes blocked due to a traffic collision involving a motorcycle. [quickmap.dot.ca.gov](https://quickmap.dot.ca.gov)

2:35 PM · Feb 22, 2021



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But the rider crashed into the back of a Toyota Camry north of state Route 76 near Fallbrook, according to Escobar. The motorcycle hit the guardrail, throwing the rider onto the ground.

The pursuing CHP officer arrived moments later and rendered medical aid to the gravely injured rider, and medics took him to Palomar Medical Center in Escondido, where he died, Escobar said.

The man's name and age were not released.

Monday's crash marked the second such fatality in the past two months, according to the Highway Patrol. A 20-year-old Camp Pendleton Marine from Ohio was killed in a crash Jan. 16 shortly after speeding away from a pursuing CHP officer on Interstate 5 near Las Pulgas Road.

Authorities said in both incidents, the motorcyclists had sped out of sight of pursuing officers before crashing.

Anyone with information about Monday's chase and deadly collision was asked to call the CHP's Oceanside-area office at (760) 643-3400.

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## Village News - Also serving the communities of De Luz, Rainbow, Camp Pendleton, Pala and Pauma

### Chief Abbott to retire

By [Joe Naiman](#)  
Village News Reporter



North County Fire Protection District Fire Chief Steve Abbott will be retiring this summer.

Abbott plans to retire at the end of July. He will turn 55 on Aug. 2, although he is not required to retire at the age of 55. Abbott was hired by the North County Fire Protection District in March 1990, and he reached his maximum pension eligibility last year.

"I'm just sticking around an extra seven months just to help with the transition of the next leadership team," Abbott said.

The leadership transition would involve more than one individual if the new fire chief is promoted internally, which would create a vacancy for the new fire chief's previous position. All previous NCFPD fire chiefs (other than original fire chief Bill Thurber, who retired before the district adopted its current name) were promoted from within the department. "That's my recommendation, but we'll see what the board decides," Abbott said.

Abbott was promoted to the position of NCFPD fire marshal in December 2001. In December 2005, he became the battalion chief for emergency medical services, and he was the division chief for administration from September 2014 to July 2015. He was promoted to the position of deputy fire chief in July 2015. In September 2015, the NCFPD board selected Abbott as the new fire chief to replace Bill Metcalf when Metcalf retired in December 2015.

"I feel very blessed to have worked with the different positions in the fire department," Abbott said.

He was thus fire marshal during the February 2002 Gavilan Fire, battalion chief during the October 2007 Rice Fire and the May 2014 Highway Fire, and fire chief during the December 2017 Lilac Fire. "I've seen it from all angles," Abbott said.

His tenure as division chief included the December 2014 closure of Fallbrook Hospital. "That's the reason that we had to restructure how we staff our ambulances," Abbott said.

The new NCFPD Station 5 opened in 2015 when Abbott was the division chief. The new location of the Bonsall station allowed the fire district to close Station 3 in 2018, when Abbott was the fire chief. The Rainbow Volunteer Fire Department was consolidated into the North County Fire Protection District in 2018.

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Hartson's Ambulance Service from 1988 to 1990. The North County Fire Protection District implemented its paramedic program in 1990 and had the first alternative paramedic program in San Diego County.

The normal procedure of two paramedics in an ambulance and two emergency medical technicians on an engine rendered small fire departments vulnerable if a second call for service was received.

The NCFPD model utilized one paramedic and one EMT in an ambulance with one paramedic and one EMT on an engine. The opportunity to work with a new paramedic program enticed Abbott into applying for a position with the district.

"It's been a very rewarding journey that was really exciting to get on the ground floor of the paramedic program when it started here in 1990," Abbott said.

Abbott noted that on a day-to-day basis, emergency medical services have the greatest impact on the community. "To that end we're definitely leaders in that regard," he said.

His emergency medical service expertise led Abbott to spend eight years on the Fallbrook Regional Healthcare District board, including four as board president. He opted not to seek a third term in the 2018 election due to his fire chief duties.

Because of his NCFPD employment, Abbott had to recuse himself on healthcare district votes involving the fire district. One of those was in 2016 when the rest of the healthcare district board, and subsequently all five fire district board members, approved a joint powers agreement between the two districts which will allow for joint implementation of programs or construction of facilities. "I'm proud of the JPA relationship we have with the healthcare district," Abbott said.

Abbott hopes that the relationship between the two districts will continue and grow after his retirement. "There are a lot of great things we can do with community paramedicine," he said.

Other NCFPD staff worked more directly with the Explorer Scouts interested in a fire service career. Abbott was involved with the Boy Scouts as a leader of Troop 704 for 20 years. He started as a Scout leader before his son was born and remained active in the Scouts leadership for about four years after his son was no longer in Boy Scouts.

Abbott was also a planning section chief for a federal interagency incident management team for seven years, and he was on the county's Emergency Medical Services Committee.

"I've been awfully busy these last 31 years," Abbott said.

Twenty of those years were in administration. "It's certainly more than a 40 hour a week job. I like to think of it as a calling," Abbott said.

Retirement will allow Abbott to participate in more activities with his wife, Allison. "A lot of retirement for us is just making up for lost time, no plans to work a second job in retirement," Abbott said.

The Abbotts married in October 1989. His wife was a military dependent who moved from Imperial Beach to the Tierrasanta community of San Diego in her early teens and attended Serra High School in San Diego. Their 30-year-old daughter now lives in Spring Valley and their 27-year-old son lives in Rancho Cucamonga.

Abbott was raised in Bonita and graduated from Bonita Vista High School in 1984, so he has lived in rural areas for all of his life. Abbott and his wife will be living in a condominium in Downtown San Diego after his retirement. "We're just ready for a different experience," Abbott said.

The move from Fallbrook does not reflect negatively on Abbott's sentiments about the Friendly Village. "We love it here, we love the people here, we love the community," he said.

Abbott will remain in Fallbrook Village Rotary even after he moves to San Diego. He also plans to remain in touch with those he has known through his 31 years in Fallbrook. "I plan to keep my association with each of my friends and colleagues," Abbott said. "The relationships aren't changing, just the venue."

Both of Abbott's parents are deceased. but he has other relatives outside of San Diego County as does his wife. and travel will be a significant

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"It's been a long tenure," Abbott said. "It's been a great journey."

## Connect With Us

### Village News

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**NORTH COUNTY FIRE  
PROTECTION DISTRICT  
FIRE CHIEF/CEO**

**TO:** BOARD OF DIRECTORS  
**FROM:** STEPHEN ABBOTT, FIRE CHIEF/CEO  
**DATE:** MARCH 23, 2021  
**SUBJECT:** COMMENTS, REPORTS AND UPDATES

● **STAFF COMMENTS/REPORTS/UPDATES:**

● **STEPHEN ABBOTT, FIRE CHIEF/CEO:**

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● **CHIEF OFFICERS & STAFF:**

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● **BOARD:**

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● **BARGAINING GROUPS:**

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● **PUBLIC COMMENT:**

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**NORTH COUNTY FIRE  
PROTECTION DISTRICT  
FIRE CHIEF/CEO**

**TO:** BOARD OF DIRECTORS  
**FROM:** STEPHEN ABBOTT, FIRE CHIEF/CEO  
**DATE:** MARCH 23, 2021  
**SUBJECT:** CLOSED SESSION

**CS-1. ANNOUNCEMENT — PRESIDENT VAN DOORN:**

➤ An announcement regarding the items to be discussed in Closed Session will be made prior to the commencement of Closed Session.

**CS-2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR — GOVERNMENT CODE § 54956.8 — CHIEF ABBOTT:**

➤ PROPERTY LOCATION: 4157 Olive Hill Road, Fallbrook, CA 92028;  
PARTIES: North County Fire Protection District (Seller);  
UNDER NEGOTIATION: Terms of Purchase;  
DISTRICT NEGOTIATORS: Chief Abbott, District Counsel James

**CS-3. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6 — MANAGEMENT GROUP NEGOTIATIONS – CHIEF ABBOTT:**

➤ NCFPD MANAGEMENT GROUP DISTRICT NEGOTIATORS:  
CHIEF ABBOTT, Special Counsel Rogers

**CS-4. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6 — NON-SAFETY GROUP NEGOTIATIONS – CHIEF ABBOTT:**

➤ FFA NON-SAFETY GROUP NEGOTIATORS DISTRICT NEGOTIATORS:  
CHIEF ABBOTT, Special Counsel Rogers

**CS-5. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE § 54957.6 — SAFETY GROUP NEGOTIATIONS – CHIEF ABBOTT:**

➤ FFA SAFETY GROUP NEGOTIATORS DISTRICT NEGOTIATORS:  
CHIEF ABBOTT, Special Counsel Rogers

**CS-6. APPOINTMENT/EMPLOYMENT OF PUBLIC EMPLOYEE – GOVERNMENT CODE § 54957(b) - CHIEF ABBOTT:**

➤ FIRE CHIEF/CEO

**CS-7. REPORT FROM CLOSED SESSION — PRESIDENT VAN DOORN**

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