

**Woodside Fire Protection District
Board of Directors Meeting
Administration Building
808 Portola Rd.
Portola Valley, CA 94028
February 27, 2024**

The meeting of the Board of Directors was called to order at 7:00pm by Director Miller

Directors Present: Miller, Holthaus, Cain

Directors Absent: None

Staff: Chief Cuschieri, FM Giuliacci, Chief Douthit, Finance Manager Liu, Chief Zabala, Chief Hird
Zoom Attendees: DFM Hird, Chief Nannini, Inspector Perrone

Other Attendees: WFPD General Counsel Rubin Cruse (RPLG); Mike Wassermann – Capital Program Management, Dudley Carlson, Robert Page, Cyrena Simons, James McCoy, Wendy Winkler, Wynn White, Karen, Gamiel Gran, Lynna's, Daniel Warren, Bob Turcott, Jonathan Kaplan, Kim Hansen, David Madison, Kristen Galvin, Rebecca Flynn, George Goslee, Eric Giuliacci, Neil, Bruce Erickson, Craig Taylor, Emerson Swan

Public Comment Non-Agendized Topics: (Written as transcribed)

There were no public comments made on Non-Agendized Topics.

Consent Agenda: The Board considered the following consent agenda items:

- C1. Approval of Minutes of the January 30th, 2024, Meeting of the Board of Directors.
- C2. Accept Financial Reports January 2024
- C3. Accept Statement of Accounts January 2024
- C4. Accept Warrant List January 2024
- C5. Accept Fiscal Year Spreadsheet 23-2

Director Holthaus motioned to approve the consent agenda and approve Items C1, C2, C3, C4, and C5 as submitted, 2nd by Director Cain. Motion passed 3-0.

Regular Agenda:

Item R1: Receive a presentation from CPM- Mike Wassermann providing a Station 7, 8, and Interim Station Project Update.

Station 7 – Project Schedule Update

- District move dates scheduled for week of February 26th.
- Temporary Certificate of Occupancy has been obtained.
- Remaining balance of about ½ million dollars.

Interim Station 7 –

- Plan to be fully moved out by February 29th.
- Starting demolition same day.
- Scheduled to be completed March 22nd.

Station 7 – Construction Update

- Minor exterior blemishes being addressed.
- Landscaping is complete and has been signed off by the landscape architect.
- Civil work is complete and signed off by the civil engineer.
- Expecting to receive permanent generator beginning of March.
- Painting and striping outside, along the street (require clear weather and approval from CalTrans). Expected to be complete at the beginning of March (weather pending).
- Furniture was delivered – still missing a few parts.
- Waiting for library furniture – should be delivered beginning of March.
- Waiting for a response from T-Mobile.

Station 8

- PG&E has installed the meter.
- Storm drain section has been replaced.
- Waiting for final inspection and sign off from Town of Portola Valley.

Item R2. Approve and Authorize the Fire Chief to execute Amendment #4 to the Agreement Between Woodside Fire Protection District and Capital Program Management, Inc to increase compensation for facility replacement planning and construction management services.

Director Cain motioned to approve and authorize the fire chief to execute Amendment 4, as submitted, 2nd by Director Holthaus. Motion passed 3-0.

Item R3. Approve RESOLUTION NO. 24-02 “A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WOODSIDE FIRE PROTECTION DISTRICT DESIGNATING THE FIRE CHIEF TO PERFORM THE DUTIES OF BOARD SECRETARY”

Director Cain motioned to approve Resolution No. 24-02 as submitted, 2nd by Director Holthaus. Motion passed 3-0.

Item R4. 1st Reading: Introduce and waive the reading of Ordinance 24-01 (formerly numbered 23-03), “AN ORDINANCE OF THE WOODSIDE FIRE PROTECTION DISTRICT OF SAN MATEO COUNTY, CALIFORNIA, ESTABLISHING FUEL MITIGATION AND EXTERIOR HAZARD ABATEMENT STANDARDS IN ALL STATE AND LOCAL RESPONSIBILITY AREAS WITHIN THE DISTRICT, REQUIRING DOCUMENTATION OF COMPLIANCE PRIOR TO SALE OF THE PROPERTY, ADOPTING FINDINGS OF FACT, AND DETERMINING THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.”

Public Comment: Written as transcribed

Daniel Warren – “Thanks for the opportunity to talk today. I live in Ladera, and I've been engaged with Fire Marshal Giuliacci in discussions about the defensible space draft ordinance. As a community, we greatly appreciate the big picture efforts to keep us safe and healthy, of course, beyond this just one topic. I believe this draft has been created and discussed with good intentions from all parties. Marshal Giuliacci has listened to our concerns and has had thoughtful responses to them over numerous interactions. We're grateful for her consideration. But some of our biggest concerns remain present in the latest draft. The biggest issues, at least to me, are, number one, how adjacent properties are treated. Unpermitted and non-compliant structures on a neighboring parcel shouldn't cause us to degrade the value of our properties by removing plants when the structure should first be remediated according to established building and planning department processes to become within compliance. Doubling down on that sort of inappropriate behavior is a recipe for

trouble. Second, the owner of the structure should be responsible for paying to give it dispensable space, but to the standard of the property owner. It seems like you're taking something away from one property due to the actions of their neighbors and will generate endless conflicts between neighbors and with the district. Item 2, how disputes are resolved. Having the fire board be the final say ignores all of the other very real concerns that property owners are faced with when having to comply with this ordinance. The board's elected, yes, but they are elected for fire safety, which up until now, did not seem to be contentious and spilling into other questions of environmental and property rights. There should be an independent board created to resolve the, hopefully, rare situation that escalates beyond the systems to resolve conflict within the department. Item 3, who this applies to. We believe the risks in some areas are less than others, hence the existence of the Fire Hazard Severity Zone system. But without classifications, applying these rules uniformly across the district, seems like unreasonable overreach. This will disincentivize some of the more important fire safety measures that might come from an inspection, such as home hardening guidance. And item 4, what is in the Standards and Guidelines document? Many items of our concern are deferred to and reference that document, but we do not see it published anywhere, we do not have a chance to review it before this ordinance gives it more power. It seems backwards to me. I think guidelines should be created and shared first, then given punitive power, only voluntary compliance is missing. I would suggest delaying this measure further to address the concerns of the community served by the department, but to please continue working on the guidelines and to keep doing inspections for education and voluntary compliance. I do want us to all become a safer community. I just don't want it to come at the expense of a lot of the things that will happen if this comes into law before it's ready. Thank you.”

Director Miller thanked him for his comment.

Craig Taylor – “Thank you. So, my name is Craig Taylor. I'm a resident of Portola Valley and I'm a member of the town council. First of all, I just wanted to say that, obviously, this ordinance represents a lot of hard work by the current fire marshal and the previous fire marshal. And it's also clearly something that we need for our communities. We're kind of overdue. We're clearly in a WUI. But I'd also say that equally important is that we bring the community along as willing partners. So, with regard to this ordinance, I'd like to bring your attention to what Daniel was just saying. The adjacent property clause seems pretty problematic. It's using the district's authority to compel neighbors to take on an unknown but potentially significant cost, based on conditions that are outside their control. And, you know, that seems problematic to me, particularly in light of the new state ADU regulations, and sort of pitting neighbor against neighbor and using the sort of, district's authority just feels wrong. And that, yeah, maybe we can find a way to deal with this or as I'll suggest, is that, you know, maybe we just take it out for now and then amend the ordinance later if we find that it's really necessary. So, the two suggestions I have is, first of all, just remove this adjacent property clause. And then the other is based on the enforcement and getting the guidelines and stuff is, that we hold off on enforcement of this ordinance until the district has completed their first round of defensible space inspections. I mean, this will give the district time to better quantify the risk. It'll give the community time to better understand what's necessary, the associated costs. And so, I think, if we don't sort of, basically, hold, if you will, the stick over people's heads, that I think, A, we're likely to get people to be more willing partners, and it'll give us an opportunity to maybe understand if there are unintended consequences here, and make sure as we go forward, we get the right result. So, thank you for listening to my comments. I appreciate it.”

Director Miller thanked Mr. Taylor for his comments.

Rebecca Flynn – “Just to reiterate the main point. I'm not going to go through the ten pages I wrote or whatever. I would also recommend that you delay any type of punitive regulations, until you've completed all of the inspections of all the parcels. I, in reading through this ordinance, it really

seems to me that it's being applied one size fits all, to every single parcel in the district, despite the fact that, you know, significant amounts of the district, in Portola Valley in particular, are not even high risk. They're moderate risk. And the idea that I should have to because I'm on a 20% slope, you know, trim trees and cut tree, cut healthy trees down, is not reasonable. And I think it's underestimating the amount of effort for those people that have very large properties, that are seniors on limited incomes, about being capable of hiring people, spending the money, coming up with the money to clear their property to meet the regulations that are in this ordinance. I spoke to someone just today. She has six acres in Portola Valley. It's all native, and they're in their 80s. You know, there's absolutely no way that they could come up with, you know, 50 grand or whatever it would take to clear all these things. And it's not clear to me and to many of us, that it's really going to make us all safer. If you look at the Zeke Lunder information about fire mapping, it was pretty clear that his emphasis was looking at the path of the direction of the winds and where fire would come from. And then the examples that he showed at some of the presentations last year, he showed very dramatic results of working even on the outskirts of communities, by clearing those areas. And then the fire, the wildfires, when they came towards the community, they literally skipped the entire community because of the areas outside the community. So, I feel that this ordinance really -- I mean, the fire department really needs to be looking at the areas in town that are the most at risk. And that, again, is the ravines. Those are the areas that have tremendous amounts of buildup of dead brush. Other areas where there might be large grass fields adjacent to the community, those need to be dealt with, before forcing everybody to cut down healthy trees. There's also the problem with, once you start cutting down trees, you start disrupting the whole ecosystem, and all of a sudden, you make it more possible for more non-native grasses to come in, which could ultimately result in a Lahaina type situation. So, I think we need to be really careful, which is why I don't feel that this ordinance is completely baked, and I would recommend just putting it off until you actually have a formal map that details all the risk factors for every parcel in the district. Thank you."

Director Miller thanked Ms. Flynn for her comment.

Gamiel Gran – "First of all, I want to just applaud the effort of this defensible space effort. And it's been a real pleasure to work with Marshal Giuliacci and her team. I actually had an inspection at my house here in Ladera as well this past week, that went well. I just wanted to reinforce some of the comments that Daniel, who's been part of a subcommittee that we created here in Ladera, really to help educate the Ladera community. The first on the adjacent parcels. We do think that it will further complicate, sort of, the deployment of this defensible space inspection objective. We think that there'll be some issues where people will just hold back in participating in the inspection process, under the concern that unknown property lines and things will be problematic for them. So, and similar to another comment, I think it was Craig who made, maybe just pull that portion out for now so that the inspection process can proceed. We would like to argue and promote that supporting Ladera's aggressive effort of getting the inspections done as soon as possible, in this early fire season or the spring would be great. And we don't want to further delay things by people being in question of it. The second issue of some sort of arbitrary or arbitration process, should something come up that is beyond a fire only issue, is something that we suggested early on in our discussion. We thought that there could be a third party who neither has responsibility or ownership of Ladera as a community, or has a responsibility of the fire department itself, but somebody who could be outside of both those, who could be a third party arbitrator in the rare occasion when there's a decision; hey, I've got to remove something significant. I've got to redo some major work on our property. What other mitigating process can we do and not have a one size fits all or a fire only objective to that? I don't know that what the simple answer is to that, but we'd like to offer that we can collectively come up with names, perhaps suggests, and at a subsequent meeting, perhaps, bring names that could be a person, could take on that role as arbitration."

Director Miller thanked Mr. Gran for his comments.

Kim Hansen – “Thank you very much. So, I have one comment and one question, and I'm sorry I was slow on the draw to raise my hand. It looks like the request to amend the previous language regarding point of sale has been updated, and we really appreciate that. I live in Woodside, I'm a realtor, I'm a homeowner. And it looks like, if I understand this correctly, part of the modification of this language indicates that there can be a written agreement between the buyer and seller of a property to be compliant within a year after close of escrow. Is that correct?”

Director Miller confirmed her question was correct.

Kim Hansen – “That's really awesome. I thank you very much for understanding how this affects buyers and sellers. And then the second question I have is procedural. And that's regarding, as you propose an update, this ordinance, does it have to be accepted and ratified by Woodside, Portola Valley, and Redwood City?”

Director Miller emphasized that the primary purpose of the fire district is to protect people within their jurisdiction. It was highlighted that this aligns with their mandate and is consistent with actions taken by other jurisdictions such as Contra Costa and El Dorado County. Additionally, it was stated that no further approvals are necessary to enact this protection.

Kim Hansen – “I did attend one of the Woodside Town Council meetings, and Kevin Bryant and the town council thought that they would have a chance to read and approve this prior to you accepting it. And it was my impression that none of them have even looked at this or read this. Maybe I'm wrong, maybe some one person has. But my request is that communication with the town of Woodside, who has not been as involved in this process as Portola Valley, if that could continue, please.”

Director Miller acknowledged that the provided information has been available to relevant parties for several months, with distribution initiated by them. While the extent of everyone's familiarity with the information couldn't be determined, it was noted that discussions and engagement with towns and community members have been ongoing for a year. It was emphasized that the current presentation of the information in November isn't a new development in the process.

Kim Hansen – “I appreciate that you think you've done it, but since I'm the only person from Woodside who seems to be participating in the process, and when I've asked the other people at these town council meetings and they give me a blank stare, I would say that we appreciate your efforts, but they aren't getting to the public. So, that's my request. Thank you very much.”

Director Miller thanked Ms. Hansen for her comments/questions.

Rubin Cruse clarified concerns raised by a speaker regarding the removal of healthy, mature trees. It was emphasized that there is a provision in the ordinance explicitly designed to prevent the removal of existing, healthy, mature trees. Additionally, it was noted that there is a requirement for the board to act by making a motion to introduce and waive the reading of the ordinance at the present time.

Director Miller emphasized that property owners should consider getting inspections done on their own properties to understand the implications of the ordinances firsthand. It was noted that the experience so far suggests that people often misunderstand the requirements and may unnecessarily think they have to remove a significant amount of vegetation. The intent of the ordinances is clarified as not intending to necessitate the removal of mature trees or the destruction of all planted vegetation. The process outlined involves multiple cycles of inspection over the next couple of years, with the first inspection serving as an opportunity for guidance rather than enforcement. The approach is described as individualized, with the district working collaboratively with property

owners to enhance safety. The overarching goal is to collectively reduce vegetation that could potentially fuel wildfires.

Daniel Warren – “Like, we are hesitant to get some of our inspections done because of the things that we've been trying to say. Where you're saying there's a three-year process, that's not written down. The draft from the Ladera Wildfire Preparedness Committee, we attempted to try to write down the process that Marshal Giuliacci told us was going to happen on a number of instances and during the great walking tour that she and all the inspectors did with us. But we were told; no, we're not going to include that. That's too much process. So, right now, there's nothing, as far as we can tell, that actually does say; we'll have three years to comply. That's not in there. And the second thing is, yeah, get the inspection. Maybe we're going to find that everything is fine, but also, there's no guidelines that says how things are going to be. So, maybe they won't be fine. We don't know. And if they aren't fine, now we've just started a clock on enforcement. And the rules are draconian, they're very punitive, what's written. So, maybe it won't be enforced that way, but we have tried to propose other language that would make it much more palatable for people to jump ahead and to get their inspections. And I hear what you're saying, and if what you are saying is what was written, we would be encouraging everybody to get their inspections. But what you're saying doesn't seem to be what's written. Thank you. Sorry that I spoke again, but I appreciate you recognizing me.”

Rebecca Flynn – “I wanted to address something else you just mentioned, about the fact that you've been presenting this ordinance to the community for the past year. However, the latest version that's marked up, that's included now on your website, nobody has seen that. It hasn't been distributed around. That is not distributing it to the community. So, in my mind, that step needs to be done first. You make changes to an ordinance, to a proposed ordinance, then you distribute it to the community, and then it comes before the board. So, we're a little, you know -- just like the person from Woodside, they haven't seen the ordinance. They certainly haven't seen this version. So, you know, it's problematic that community is not aware of exactly what is in this ordinance.”

Cyrena Simons – “I wanted to just understand your process, since I'm new to the area. So, you have a first reading, and then the expectation is that you would vote next meeting on this? Is that how you normally work?”

Director Miller acknowledged that the process could vary in complexity and doesn't always proceed as straightforwardly as desired. The board emphasized the importance of taking their time and highlighted that no final decisions have been made regarding the next steps. This initial reading follows a year of preparation and input from various sources. The staff will determine their course of action moving forward, including the possibility of further revisions requiring additional readings. The emphasis was placed on the significance of the matter and the need for careful consideration, indicating a commitment to thoroughness rather than rushing the process.

A motion was made by Director Cain to Introduce and waive the reading of Ordinance 24-01 (formerly numbered 23-03), AN ORDINANCE OF THE WOODSIDE FIRE PROTECTION DISTRICT OF SAN MATEO COUNTY, CALIFORNIA, ESTABLISHING FUEL MITIGATION AND EXTERIOR HAZARD ABATEMENT STANDARDS IN ALL STATE AND LOCAL RESPONSIBILITY AREAS WITHIN THE DISTRICT, REQUIRING DOCUMENTATION OF COMPLIANCE PRIOR TO SALE OF THE PROPERTY, ADOPTING FINDINGS OF FACT, AND DETERMINING THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, as submitted, 2nd by Director Holthaus. Motion passed 3-0.

Item R5. Receive a report from the Fire Chief on the possible purchase for District purposes of real property (3117 Woodside Road, Town of Woodside) owned by the estate of Shirley Bayerly,

administered by Jim Kaufman, and consider designating the Fire Chief as the District's negotiator for such possible purchase.

Chief Cuschieri asked to present a report in closed session.

Public Comment: Written as transcribed

George Goslee – “my mother and father-in-law own the property next to 3117. And just 30 minutes or so before the call tonight, we learned that there was a planned discussion concerning the purchase of her property by the Woodside Fire Protection District. This was the first we had heard of this plan. And just so, as neighbors to the fire department, we, of course, have an interest in understanding how the fire department would use the property if purchased and what we can expect as neighbors. So, it's a general question. Any other information you can share on the process, should you be moving forward on purchasing it, that would be appreciated as well. So, basically, just an open question. What should we expect?”

Director Miller explained that efforts to acquire the property had been ongoing for the past decade, with previous attempts to acquire it falling through. It was noted that the district had no current plan or information regarding the property's potential availability, as the matter had only recently been brought to the board's attention. The closed session was mentioned as an opportunity for the board to begin exploring options and gathering information. He expressed a personal belief in the importance of acquiring the property in the long run.

Kim Hansen – “. I'm not sure how the Fire Protection District works, but where would the money be coming from? And would you have to disclose? It seems like you've been on a spending spree. So, my question is, would you have to disclose where that money would be coming from to purchase this property? Is my first question.”

Director Miller noted that the district currently possesses approximately \$33 million in funds. He discussed the potential disclosure requirements associated with such a purchase and pondered whether it would be prudent to borrow money despite having sufficient funds. The transparency of the district's finances was highlighted, noting that financial statements are publicly available for review monthly. He emphasized that the district is financially capable of making the purchase.”

Lana Page - “I'm Robert Page's wife, and we bought our Woodside property behind Shirley Bayerly's house in 1974, and we still own it. So, that's 50 years. We're living in our daughter's house in Redwood City, and our daughter is living in that house now. But I don't understand. I thought when we bought the property in 1974, it was very clear that it was like a little cul de sac or something down our driveway, which we own. And there were three houses on that driveway, and we were the owner of the driveway, and I assumed that was residential property all the time, the 50 years that we lived on it. And so, I don't follow these details, but I never know why the fire station then suddenly think it's a residential property. And I would imagine, if we weren't so old, but I mean, I can imagine lawsuits from this. Why is not Shirley Bayerly property considered real estate as part of the three houses on that driveway? I mean, I didn't mean real estate. I mean, why is it not considered residential, still?”

Director Miller responded that all we're doing here today is talking about the possibility.

Lana Page – “Well, the possibility is a little bit presumptuous, because it's a residential property and there are two houses remaining, and I think both of us think of it as residential property, where maybe we would get a future owner there or that would build a new house. But we certainly didn't

know it was suddenly turning into something the fire station was going to start acting on, as if it had free rein to offer a price to the owner, because I'm really not so sure that step can happen.”

Director Miller thanked Mrs. Page for sensitizing the Board to the issue and the concerns.

Director Holthaus motioned to designate Chief Cuschieri as the District's negotiator for the possible purchase for District purposes of real property (3117 Woodside Road, Town of Woodside) owned by the estate of Shirley Bayerly, administered by Jim Kaufman, 2nd by Director Cain. Motion passed 3-0.

Staff Reports:

No comments.

Chief's Report:

State Wildland Fire Season

Nothing to Report

Winter Weather District Updates

- On Sunday Feb 4th the District was very busy due to some moderate rain and winds that occurred. The District responded to 34 calls for service. Majority of the calls were due to falling trees and downed power lines. Two incidents involved trees falling into structures which caused moderate damage and a few road closures. We issued SMC alerts and Zonehaven notifications to the affected areas.
- Because of the anticipated rain and winds the District hired back additional personnel and members of our fuel mitigation team to assist with the heavy call volume.
- Our OES Area Op Coordinator advised that additional coverage for this storm event would be covered by OES.
- Due to the high winds of this event PGE had delays in not being able to safely use their bucket trucks. This caused our crews to stay committed on scene for several hours on the hazard calls.
- Our policy and guideline team has put together a new Winter Weather Event Preparedness and Response Policy. This policy helps support the needs of the District prior to any floods, flood warnings, high winds, and any other winter weather conditions that may arise. The policy supports three different levels of contingencies based on weather potentials, which include staffing adjustments, notification and messaging updates, opening our DOC, CERT activations, and resource polling. This policy will be rolled out next month.

District Updates

Grant Applications

- Assistance to Firefighters Grant (AFG) process opened on January 29th. The District will be submitting a grant application to purchase new self-contained breathing apparatus which total about 300k.

Promotions

- Our intentions are to do a badge pinning ceremony shortly after we move into the new fire station.

Fire Station Updates

- Station 8 is finally complete, and we are now awaiting the final sign off from the Town.

- Station 7- scheduled move in will happen tomorrow like Mike mentioned. Everyone is beyond excited to be moving into the new station. I would like to take this moment to thank everyone involved in all parts of this 7-year project. It was a tremendous undertaking and could not have been done without all the help and support of everyone involved.

WRITTEN COMMUNICATIONS:

Letter from resident thanking the Fire District for their response on an incident.

Adjournment: The meeting was adjourned at 8:02P.M. and entered closed session.

Closed Session:

The Board recessed to discuss the following closed session item:

CS1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code section 54956.8)

Property: 3117 Woodside Road, Town of Woodside, California

District Negotiator: Fire Chief Tom Cuschieri

Negotiating Parties: Owned by the estate of Shirley Bayerly and administered by Jim Kaufman.

Under Negotiation: Instructions to negotiator will concern price and terms of payment.

Returning from closed session, there was no reportable action.

The next scheduled meeting will be held March 26th, at 7:00 P.M at the WFPD Administration Building, 808 Portola Rd. Portola Valley, CA 94028.

Respectfully Submitted,

Tom Cuschieri – Board Secretary