

**Woodside Fire Protection District  
Board of Directors Meeting  
Administration Building  
808 Portola Rd.  
Portola Valley, CA 94028  
November 29<sup>th</sup>, 2022**

The regular meeting of the Board of Directors was called to order at 7:09 P.M. by Director Holthaus.

**Directors Present:** Holthaus, Miller

**Directors Absent:** Cain

**Staff:** Chief Lindner, Deputy Chief T. Cuschieri, Finance Manager Edwards, Fire Marshal Bullard, Battalion Chief Dagenais, Battalion Chief K. Hird, Battalion Chief Smith, Interim Battalion Chief Zabala, Deputy Fire Marshal M. Hird

**Other Attendees:** FF/P Lima, FF/P Ellis, FF/P B. Cuschieri, Mike Wassermann – Capital Program Management (CPM), Joseph Charles – San Mateo County Legal Counsel

**Public Comment Non-Agendized Topics:**

Rusty Day -

Congratulated Matt and Randy on their re-election. Stated that residents of the district are very fortunate to have them and their leadership heading the district. He looks forward to watching and hopefully working with the Board the next couple of years to see whether they can progress on both the hazard and risk assessment and the adoption of development standards. He believes it is critically important to have evacuation programs throughout the district and making sure that they're organized and coordinated throughout the district. Would also like to work with public education. He stated that the more we outreach and involve the public and get the public informed and involved with what's going on here, the safer we'll all be.

Director Holthaus thanked Rusty Day and expressed his understanding of the concerns expressed.

**Consent Agenda:**

Director Miller motioned to move items 1, 2, 3, 4 and 5 to the consent agenda, 2<sup>nd</sup> by Director Holthaus. Motion passed.

**Item 6:** Station 7 and Station 8 Projects

Mike Wassermann from Capital Program Management (CPM) gave the Board an update on the fire station projects.

**Station 8 Update:** Stated that Vance Brown's been doing a great job, getting a lot of work done and making progress while the sun is shining and getting ready for the rains on Thursday. He then shared a picture of the approach of Station 8. The approach driveway is having the underground put in and will be inspected in the morning. Expects to have it all backfilled before it rains on Thursday. He shared another picture of the progress where the new parking lot in the front is going to be.

Stated that they have been working hard with trying to match the existing, very unusual siding that's on Station 8. Mr. Wassermann then showed the new entry area with new front steps. As well as the location of a room that's to be built for the new entrance area, with a couple of new offices. He then showed the courtyard area between the apparatus bay and the house, the new turnout room where all the lockers are going, and the additional apparatus bay where framing is being built. He mentioned that a large crew was out there today, putting the roof on and getting ready for the rains on Thursday. They are still working on some of the finished framing pieces. He then shared a photo of the interior of the new app bay that's going to feature a storage loft.

**Station 7 Update:** Wassermann then shared photos of Station 7. He stated that the basement has the first floor slab formed, and they're working and getting ready to start the installing. Currently, they're working on waterproofing the basement along with backfilling. He advised it's all very robust, heavy duty. He mentioned that they have a full-time specialty inspector, to make sure the waterproofing is getting properly installed, to prevent leaks in the basement. He then showed an image of the back slab. Stated that there will be a separate building in the back that will have reserve bays, a workshop bay, as well as lockers.

Wassermann then informed the Board there has been no change to the budgets on either project or the schedules. Station 7 is expected to be completed on August 17th, 2023. He stated that they are working on hitting a big milestone of having all the steel erected by mid-January. He then opened it up for questions.

Director Miller asked about grading before the grading moratorium. He asked if they have completed it or if they are still at the mercy of the rainstorms. Wassermann responded that December 1st is the end of the grading moratorium and the plan is to be done with all the backfilling tomorrow before it rains on Thursday, December 1st.

Director Miller asked about PG & E delays. Mr. Wassermann stated that Station 8 is still a major concern. Stated they are looking at not being complete until October 23<sup>rd</sup> or 24th. He advised the Board that they should have the bulk of the work done.

#### **Item 7: 2023 Board Meeting Dates**

All draft dates for 2023 were scheduled consistently with 2022 dates. There was no disagreement and all draft dates were on for the Board members.

#### **Item 8: Introduce and waive the full text reading of three (3) new Ordinances of the Woodside Fire Protection District of San Mateo County, California. The (3) proposed ordinance adoptions are as follows:**

- **Adoption of an Administrative Citation Program.**
- **Adoption of the designation of certain identified areas within the District as Wildland-Urban Interface Fire Areas.**
- **Adoption of a Hazardous Vegetation and Fuels Management Ordinance.**

**These Ordinances are authorized under California Government Code Sections 53069.4 and California Health and Safety Code Section 13861(h) and (i).**

FM Don Bullard provided a presentation about the three new ordinances. Ordinance 22-01 is revised for the fire official to administer an administrative citation to for violations of the fire code or other public uses. It describes the process for the pre-citation notice, and the ordinance describes

the contents that must be contained within the administrative citation. He stated that it describes the amounts of the fines, the late payment charges, and the interests. After the first violation, if a violation is not corrected within 30 days, there is a \$100 fine. If they need to go back for a second violation, which would be about 15 days after the first 30 days, there is a \$350 fine. As well, if they have to go back for a third violation within 60 days, it will be a \$500 fine. The ordinance describes the process available for the Board for monitoring the process or for the Board to modify or waive a fine, that's described within the ordinance. It also describes the process of paying a fine. There is also a section describing the request for hearing and dismissal of a citation, as well as the process for an advance deposit waiver. There is a final section describing the hearing procedures, the Board's decision and the rights to judicial review.

Director Miller stated that the Directors have all had a chance to go over these, and have spoken to FM Bullard. Director Miller asked what other feedback was received from the towns or others, with which should be taken into consideration.

FM Bullard responded that they are taking this to the Emergency Preparedness Committee meeting on Thursday morning.

FM Bullard spoke about Ordinance number 22-02. This ordinance provides for the designation of certain areas of the district as wildland urban interface fire areas. Wildland urban interface fire area means a geographical area identified by the state as a fire hazard security zone in accordance with the Public Resources Code, Section 4201 through 4204, as well as the Government Code, Section 51175 through 51180, or other areas designated by the Woodside Fire Protection District as the enforcing agency to be at significant risk from wildfires based on climatic, geological, and topographical conditions. The subject maps identified in the three attachments are currently 15 years old. They are still the most current Cal Fire maps available, and are being used as placeholders, subject to change, pending map and fire securities and updates. The district is currently working with a mapping contractor to complete a comprehensive wildfire hazard risk assessment, which includes fire hazard severity zone updates, and will describe the most current fire hazard severity zones within the district in early 2023. These maps that are going to be used in place of those until they have more current maps. They have been pulled right off the Cal Fire map site. They include the fire hazard and severity zones in the State Responsibility Area (SRA). FM Bullard then shared the 2<sup>nd</sup> page of the SRA map which is an expanded view that shows Portola Valley and Woodside. It shows delineation lines for the high and very high. The second map attached is the very high fire hazard security zones in the LRA, and this is very high only. FM Bullard stated that it is going to show very high within the Woodside and Portola Valley area. The third map is the fire severity zones that include the very high, the high and the moderate. The legend is on the first page, it shows you the moderate, high, and then very high within the Woodside Fire Protection District boundary lines. These Wildland Urban Interface (WUI) fire areas would include all of the very high and high fire severity zones within the district. FM Bullard stated that this would translate to more restrictive building standards within those areas, because of the wildfire restrictions.

Director Miller stated that he fervently supports the construct created to define this term. He urged that they pay attention in the short-term to the maps. He asked whether the district or someone else would have to decide what triggers more restrictions, i.e. structure being inside that zone, any portion.

Director Miller expressed that with the new maps that it's important for the district to create a simple map. He also stated he is concerned about the transition period between these suboptimal maps.

FM Bullard then spoke about ordinance 22-03. This ordinance provides for hazards education and skills management, defensible space for all buildings. It includes a section on definition of terms. There's also a section on defensible space requirements for state responsibility areas and the local responsibility areas. It describes requirements for improved portions and describes the requirements for each of the zones. It also bears zone descriptions. This ordinance also covers roadside vegetation requirements. It covers fence requirements that are near structures, that will disallow any wood fence potential construction within 10 feet. It also includes requirements for the sale or transfer of property to make sure properties are complying at the time of sale. There are also requirements around parcels. There are seasonal recurrent nuisances and prohibitions on having vegetation and combustive materials.

Director Holthaus opened the discussion up to public comment.

Brian Malone, assistant general manager with the Mid-Peninsula Regional Open Space District. He stated he last spoke to the Board in the summer of 2021, where there were changes proposed to the ordinances requiring property line clearance for large properties. He stated that he understands this is a different ordinance section, a new ordinance, but has concerns in the exact same matter that was spoken at the last meeting. He stated he quickly prepared and reviewed a comment letter with their general manager which has been provided. He stated the district has preserved about 65,000 acres in its political boundaries, and about 2000 acres are inside the Woodside Fire Protection District in Teague Hill, Thornwood and Windy Hill Open Space Reserve. He mentioned he would guess that they are probably the largest landholder with numerous parcels that this ordinance would affect. He stated that they have a long history of working cooperatively with the Woodside Fire Protection District. Most recently, the Woodside Fire Protection District and the Open Space District have been successful with grant funding to do work on district properties. He stated it is their great hope that they can continue on this work. One of the major tasks that they took on was working cooperatively and with the Woodside Fire Protection District to create a Wildland Fire Resiliency Program. He mentioned that they looked at prioritizing fuel management activities throughout the Open Space District, including the preserves within the Woodside Fire Protection District. He expressed that it would be impossible, impractical and create a large amount of environmental damage to do property line clearance around all the parcels the district owns, either the 50-foot clearance that's currently required that has never been implemented, or the proposed 100-foot clearance. He mentioned that they would want to look at high priority areas that are protected structures, such as The Sequoias adjacent to Windy Hill, which is where they have done a lot of work to reduce the fire hazard. He stated that he feels it does not make any scientific sense for fire protection or environmental protection. He stated that he believes that the district concentrate on targets that are at risk for the community evacuation routes and facilities. He stated that there is a permit system. If the general 100-foot clearance extends across the property line, they issue permits for people to conduct work, and they feel it is the appropriate place to include that. He expressed that they do feel it should be the responsibility of the private property owner who's protecting their structure or residents. He also stated that he feels that regardless, environmental considerations are taken into effect. He stated he provided a list of sensitive resources where there shouldn't be a requirement for any clearing, places like fossil pond next to The Sequoias. He stated that they are not high fire risk because it's a wetland area. He mentioned that people have cleared down right to the edge of the pond, and that it is not necessary for fire protection and it is very damaging, ecologically. He stated that with an adoption of the ordinance with the perimeter property line clearance requirement, it is essential to include these environmental protection exceptions He asked the Board to delay the adoption of this ordinance, so that Mid-Pen and other stakeholders, environmental groups, San Mateo County parks and private owners, and landowners that would be affected, would have the opportunity to talk to the Woodside Fire Protection District, give input, and bring forward a better ordinance to be adopted in the future. He proposed that if not, he asks

that some of the language that he has proposed in the letter that he submitted considered for inclusion in the ordinance. He concluded by thanking the Board.

Rusty Day echoed some of the suggestions and concerns from Brian Malone. He stated he is aware the district is contemplating, considering and thinking about NFPA 1140 and adoption of NFPA 1140. He expressed that one of the most important aspects of that standard is to require an individuated assessment of fire hazard and fire risk by the district for, in that case, development projects. He stated that kind of overlay of an individuated, comprehensive assessment of fire hazard and fire risk could be put on top of an ordinance like this, so that in cases like Mid-Pen, where you have very large property owners with multiple parcels, there is a shared common interest. He stated that the common interest is that to prevent the expansion and spread of fire, you want to find a way to do what is ecologically sound and cost effective. He stated that this is a perfect opportunity for a negotiated resolution between the district and Mid-Pen. He also states that layering on top of an ordinance like this, something akin to NFPA 1140, which calls for an individuated assessment in appropriate cases, to consider the ecological impact, the cost, the fire benefit. He expressed to the Board that if Mid-Pen can come in and substantiate its statements to the district's satisfaction, then why can't a compromise be worked out? He asked why does it have to be applied as written as opposed to adapted to the usage of the property owner? He commented that he sees benefit in deferring this until there is a resolution on what the district wants to do with 1140. He stated that he is really going to try and push individuated assessment, where the district becomes the lead competent agency for assessing both development projects but also fuel mitigation projects, in order to enhance their beneficial fire preventive effect, but to do it cost effectively, prudently, ecologically, in a cooperative manner with the property owner.

FM Don Bullard asked Brian Malone if most of their concern is under the unimproved parcel section, that deals with the fuel breaks.

Brian Malone responded to FM Bullard that he is correct. He stated that with the discussions previously held with Woodside Fire, under the current ordinance, has never required that. He stated that from his perspective it would be impossible, even as it's written now. He stated that they wouldn't be able to afford it and it would be a waste of taxpayer money. He feels that focusing taxpayer resources on where it's important to put fuel breaks, is what they are seeking.

FM Bullard responded to Brian Malone stating that he feels they can all meet and come to a compromise.

Director Miller suggested that by simply adding a section in the applicability section, could state that applicability does not extend to open space reserves or parks, and that those are all at the discretion of the Fire Marshal.

FM Bullard mentioned that the Fire District has always included environmentally sensitive and areas in here, and it was not put into this one. He feels that it can be written in easily.

Director Miller also commented that he supports this, but that the minute it goes into effect, approximately 20- 30% of properties are not compliant. People have real work to do and a public announcement should be put out regarding expected date of compliance. He suggested it state "we want to work with everyone on an individual basis".

Director Miller commented that he sees the district's options are to either amend this in real time, or they hold a special meeting.

After further discussion Director Miller suggested to adopt it tonight, and then make the amendments by January. FM Bullard stated he would like to proceed as such.

A motion was made by Director Miller to approve Ordinance 22-01 as written, 2<sup>nd</sup> by Director Holthaus. Motion passed 2-0, Director Cain absent.

A motion was made by Director Miller to approve Ordinance 22-02 as written, 2<sup>nd</sup> by Director Holthaus. Motion passed 2-0, Director Cain absent.

A motion was made by Director Miller to approve 22-03 provisionally, based upon receiving an acceptable revision for the discussion of this meeting, to provide some form of relief or different treatment for parks and open space. 2<sup>nd</sup> by Director Holthaus. Motion passed 2-0, Director Cain absent.

- **After discussion with legal counsel, since Ordinance 22-02 and 22-03 were approved pending revisions, Counsel advised to make the revisions and then present once again at future board meeting and seek Board approval again at that time.**

#### **Item 9: Resolution #314 Fixing the Employer Contribution Under the Public Employees Medical and Hospital Care Act at an Equal Amount for Employees and Annuitants**

Chief Lindner advised the Board this was consistent with past resolutions pertaining to the change in employer contributions. There was no further discussion among board members.

A motion was made by Director Miller to approve Resolution #314 as distributed. 2<sup>nd</sup> by Director Holthaus. Motion passed 2-0, Director Cain absent.

#### **Staff Reports:**

Director Miller mentioned that the document from FM Bullard about the first ideas around the funding areas to reduce wildfire risk was interesting. He expressed how there could be a challenge with balancing staffing and future staffing as an ongoing expense against a bond issue or funding issue that may not have permanent structure.

#### **Fire Chief's Report:**

Chief Lindner advised fires throughout the state were decreasing but with the weather change, focus changes to significant rainfall and how that may impact local communities recently affected by wildfire, one example being debris flows.

Chief Lindner advised that although Covid-19 numbers have decreased, other respiratory illness were still having significant impact to the community. RSV numbers have increased significantly.

#### **New Business:**

#### **WRITTEN COMMUNICATIONS:**

There were thank you letters/notes on presentations giving by fire prevention and public education. There was a thank you letter on an attempted horse rescue.

There was a thank you letter from the retired WFPD fire marshal for assistance given on a recent medical aid.

Meeting was adjourned at 8:07 P.M. and entered closed session.

**Closed Session:**

Chief Lindner gave the Board an update on personnel issues. There was no further action taken by the Board.

Chief Lindner gave the board an update on the ongoing legal issue with the cell tower at Station 7 and the provider operating on site. There was no action taken by the Board.

Representatives from the WFPD Firefighters Local 2400, District 9 gave a presentation to the Board, regarding the labor agreement set to expire 12/31/22. Negotiations have been ongoing, so there were limited updates and questions from Board members. The labor reps were released.

There was also a submittal by the Miscellaneous representatives of the WFPD on the agreement also set to expire 12/31/22.

There were no further discussions from Board members and all agreements were ratified, with new contracts set to being 1/1/2023.

**Return from Closed Session:** The Board returned from closed session at 8:57 P.M.

**Adjournment:** The meeting was adjourned at 8:58 P.M.

The next scheduled meeting will be held January 31<sup>st</sup>, 2023, at 7:00 P.M at the WFPD Administration Building, 808 Portola Rd. Portola Valley, CA 94028. (Or virtual or a combination of both depending on Covid-19 related concerns).

Respectfully Submitted,

Matt Miller – Board Secretary