NORTH SAN JUAN FIRE PROTECTION DISTRICT

13200 Tyler Foote Crossing Rd., Nevada City, California
Phone (530) 292-9159 ♦ Fax (530) 292-1417 ♦ info911@nsjfire.org ♦ www.nsjfire.org

BOARD OF DIRECTORS – REGULAR MEETING
Tuesday, April 25, 2017

AGENDA

1. **7:00 P.M. – CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**

2. **7:01 P.M. or as soon thereafter as possible – PUBLIC COMMENT ON MATTERS NOT ON AGENDA**
   As per the Brown Act, members of the community are free to speak on any item of interest to the public that is within the subject matter jurisdiction of the Board. The Chair will recognize individuals who wish to speak. Comments should be directed to the Board. Each individual shall be given one opportunity to speak. Please limit your comments to five minutes.

3. **CONSENT CALENDAR.** *These items are expected to be routine and non-controversial. The Board will act upon them at one time without discussion. Any Board member, staff member or interested party may request that an item be removed from the consent calendar for discussion.*

   Action **A.** Minutes of March 28, 2017 Regular/Workshop Board Meeting 🕮

4. **ANNOUNCEMENTS.** *As per the Brown Act, a Board member may make a brief announcement or report on his or her own activities. Board members may also provide a reference to staff or other resources for factual information, request staff to report back to the Board at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.*

5. **REPORTS**
   - **A.** Chief's Report – Jason Flores
     - **i.** February and March 2017 Statistics 🕮
   - **B.** Treasurer's Report – Ed Beckenbach
     - **i.** Donations 🕮
     - *Action* **ii.** February and March 2017 Financials: Disbursements, Cash on Hand, Funds Summary 🕮
     - *Action* **iii.** Final Revised Budget 🕮
   - **C.** District Manager Report – Tracy Corris
   - **D.** Firefighter Association Report – Shawn Olson
   - **E.** Fire Safe Council Report – Durinda Kelley
   - **F.** Fire Auxiliary Report – Durinda Kelley

6. **PUBLIC HEARING**
   - *Action* **A.** Community Fire Plan

7. **NEW BUSINESS**
   - *Action* **A.** Cherry Festival Encroachment Permit – Bruce Boyd
   - *Action* **B.** Illness and Injury Prevention Program (IIPP) Final – Bruce Boyd 🕮
   - **C.** FASIS Consultation Discussion – Bruce Boyd
   - *Action* **D.** Electronic Communications Policy – Bruce Boyd 🕮
   - **E.** Web Manager – Bruce Boyd
   - **F.** PIO – Bruce Boyd
   - **G.** Social Media Guidelines – Bruce Boyd
   - *Action* **H.** Harassment In The Workplace Training – Jason Flores
   - *Action* **I.** Mitigation Fee Refund Request – Tracy Corris 🕮
   - **J.** Mitigation Fee Refund Policy Discussion – Tracy Corris
   - *Action* **K.** Letter of Support for Ananda Village Master Plan – Ed Beckenbach

8. **NEXT MEETING:** Tuesday, May 23, 2017 (Time TBD)

9. **ADJOURNMENT**

Agenda posted 72 hours prior to the meeting at: Fire Stations 1 and 3, Mother Trucker's, Sierra SuperStop, NSJ Post Office, Petersons. Current meeting minutes posted on NSJFPD website (www.nsjfire.org). In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District office at 292-9159. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements.

3 A Minutes

NORTH SAN JUAN FIRE PROTECTION DISTRICT

13200 Tyler Foote Crossing Rd., Nevada City, California 95959
P.O. Box 299, North San Juan, CA 95960
Phone (530) 292-9159 Fax (530) 292-1417
www.nsjfire.org
info911@nsjfire.org

BOARD OF DIRECTORS
REGULAR MEETING
Tuesday, March 28, 2017
MINUTES

PRESENT: Bruce Boyd, Chair; Durinda Kelley, Vice-Chair; Ed Beckenbach, Treasurer; Pat Leach; Freya Johnson; Jason Flores, Chief; Kelly Moreno, Board Secretary
ABSENT: All members present.

1. **CALL TO ORDER:** Meeting called to order at 6:03 PM. Roll taken. Three members present, Durinda Kelley absent, quorum established. Pledge of Allegiance.
2. **PUBLIC COMMENT:** No public comment.
3. **CONSENT CALENDAR:**
   A. Minutes: Bruce Boyd called for any edits to the February 28, 2017 Board Meeting Minutes, Pat Leach pointed out that the name/title assignments hadn't been updated, Pat moved to accept the February 28, 2017 minutes with noted corrections, Bruce Boyd seconded, motion passed by unanimous vote.
4. **NEW BUSINESS**
   A. Appointment of New Board Member – The Board received two (2) applications for the vacant Board position; one from Tim Tschantz and one from Freya Johnson. Freya Johnson was present. Pat Leach read aloud each applicant 's Statement Of Qualifications. Freya Johnson was in the audience. The Board decided to postpone moving forward to offer Tim Tschantz an opportunity to be present. After a call to his home, it was noted that he would not be attending due to family needs out of town.

   When asked about specific skill sets Freya replied that she had experience with marketing, social media, and websites. She further offered that she had experience within the Department as a firefighter, Explorer, and worked with the Board in the successful passage of Measure Q and would welcome the opportunity to serve this community as a board member.

   Ed Beckenbach moved to appoint Freya Johnson to the North San Juan Fire Protection District Board, Pat Leach seconded, motion approved by the following roll call vote.

3	0	0	1
Yes	No	Abstain	Absent

   Freya Johnson joined the board at the table and participated for the remainder of the meeting.

B. Chief's Contract - After reviewing Chief Jason Flores' employment contract, without questions or edits voiced by the Board, Ed Beckenbach moved to extend Chief Flores' contract as presented, Freya Johnson seconded, motion approved by unanimous vote. (4/0/0/1)

Ed expressed his appreciation to Chief Flores for his commitment to the Department.

C. Board Secretary/District Secretary Salary – Bruce Boyd proposed a salary increase of $2/hour to bring the rate up to $22/hour. He noted for the record that this is more than the cost of living reflects but speaks to the scope of work and job well done. Pat Leach moved to approve the salary increase for the position of Board Secretary/District Secretary from $20/hour to $22/hour, retroactive to January 2017, Freya Johnson seconded, motion approved by unanimous vote. (4/0/0/1)

D. Department Updates – Bruce Boyd shared that we received an email from Kimi Barnes Vice President of the North San Juan Community Center (NSJCC), regarding procurement of the encroachment permit for the 122nd North San Juan Cherry Festival. They have run into increased fees issues and asked if NSJFPD would consider applying for the encroachment permit , as an exempt government agency, on behalf of the NSJCC. They will provide liability insurance and obtain applicable CHP permits. Bruce advised that we would add this to the April agenda as an action item.

E. Resolution 2017-02 LAFCo Alternate Special District Member Nomination – Bruce Boyd introduced Resolution 2017-02 as a formality in light of the fact that the Board agreed unanimously at the March meeting on the nomination. Pat Leach added that Kurt Grundel, LAFCo Commissioner and Vice-Chair, spoke very highly of Ed Beckenbach and his contribution to LAFCo. Pat Leach moved to approve Resolution 2017-02 nominating Ed Beckenbach as Alternate Special District Member to LAFCo, Bruce Boyd seconded, motion approved by the following roll call vote, to which Ed Beckenbach abstained:

3	0	1	1
Yes	No	Abstain	Absent

F. Form 700 Due Date Reminder – Kelly Moreno reminded the Board that the Form 700 needs to be completed by each member by the April 3, 2017 deadline.

5. WORKSHOP

A. Master Plan Document Review/Assignment – Bruce Boyd asked for a volunteer from the Board to take on the task of finalizing the Master Plan DRAFT. We would like this task to be completed by the May 23, 2017 board meeting. It was suggested that maps, demographic, and statistical information might be included. Ed Beckenbach volunteered to take on this task. Freya Johnson volunteered to help if needed. **This item will be revisited at the May meeting (add to May agenda).**

B. IIPP DRAFT – Bruce Boyd presented the Injury and Illness Prevention Program (IIPP) template received from Fire Agency Self Insurance System (FASIS) representative Bill Vannett. Kelly Moreno and Boyd Johnson met with Mr. Vannett several months ago to discuss our district documents. Upon his review of our documents he offered, and advised that we use, the FASIS IIPP template inserting pertinent NSJFPD information as indicated. Chief Flores along with Battalion chiefs Browning and Johnson reviewed the document and have made the following edits:

Responsibility and Authority - *The Fire Chief or his/her designee is the IIPP Administrator and has authority and responsibility for implementing and maintaining this IIPP.*

Communication – *Employees can report workplace hazards anonymously by completing the attached form and returning it in the District Office Staff's mailbox. (Create form.)*

The Fire Chief, Officers, and District Staff are responsible for implementing and maintaining the IIPP in their work areas and for answering employee questions about the IIPP.

It was suggested that we ask our FASIS representative if they recommend requesting a Cal OSHA consultation.

Ed Beckenbach moved to approve the IIPP DRAFT as presented with edits as noted, Pat Leach seconded, motion approved by unanimous vote. Add IIPP Final as an action item on the April agenda.

C. SOPs/SOGs & Programs Review – Bruce Boyd asked the Chief and officers to work on SOPs/SOGs along with the Heat Illness Prevention Program and be prepared to present/discuss at the May workshop meeting.

6. **NEXT MEETING:** Tuesday, April 25, 2017 at 7:00 PM
7. **ADJOURNMENT:** Meeting adjourned at 7:22 PM.

Kelly Moreno

Kelly Moreno, Board Secretary

5 Ai Statistics

NORTH SAN JUAN VOLUNTEER FIRE DEPARTMENT

2017 SUMMARY/YEAR TO DATE ACTIVITIES													
Emergency Response	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Medical Aid	12	16	10										**38**
Vehicle Accident	2	6	6										**14**
Fire - Structure	1	2	1										**4**
Fire - Wildland													**0**
Fire - Structure/Wildland													**0**
Fire - Vehicle	1	1											**2**
Fire - Vehicle/Wildland													**0**
Fire - Smoke Check			2										**2**
Fire - Debris Check													**0**
Fire - Other													**0**
Fire - False Alarm	4	1	1										**6**
Fire - Menace Standby													**0**
Hazard	8	4											**12**
Public Assist	3	5	1										**9**
Other													**0**
Totals:	**31**	**35**	**21**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Previous Years Summaries				
2017	**2016**	**2015**	**2014**	**2013**
38	185	173	167	159
14	42	57	46	36
4	6	9	8	9
0	16	20	10	23
0	0	4	3	0
2	7	6	2	2
0	0	0	0	2
2	11	14	21	11
0	2	14	6	11
0	1	3	0	0
6	9	11	7	7
0	2	0	1	1
12	5	3	2	1
9	14	16	18	14
0	6	18	2	3
87	**306**	**348**	**293**	**279**

2017 Monthly Totals:	31	35	21	0	0	0	0	0	0	0	0	0	**87**
2016 Monthly Totals:	21	13	25	24	25	34	30	36	23	31	21	23	**306**
2015 Monthly Totals:	23	28	27	27	27	37	33	27	39	33	24	23	**348**
2014 Monthly Totals:	18	17	27	29	19	33	26	32	24	24	21	23	**293**
2013 Monthly Totals:	17	25	24	21	22	26	34	25	21	15	25	24	**279**

Other Activities	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Department Training	4	4	5										**13**
Special Training													**0**
External Training													**0**
Work Party													**0**
Public Education		1											**1**
Public Service													**0**
Totals:	**4**	**5**	**5**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**14**

Out of District Responses	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2017 Monthly Totals:	5	1	3										**9**
2016 Monthly Totals:	1	2	1	3	4	2	12	12	6	7	2	3	**55**
2015 Monthly Totals:	1	5	4	6	3	2	8	7	3	9	7	1	**56**
2014 Monthly Totals:	1	3	1	1	4	2	3	3	2	1	1	4	**26**
2013 Monthly Totals:	2	1	2	4	7	5	3	5	5	3	1	1	**39**

NSJFPD INCIDENT RESPONSE DETAIL - February 2017

Date	ER Type	Location	Mins.	# FFS	Notes	OD	Response
2/4	VA		27	4	CHP		12
2/5	VA		36	4			12
2/6	HAZ		55	4			13
2/7	HAZ		174	4	PG&E		8
2/7	FFA		24	3	False Alarm	*	17
2/9	VA		143	8	Non Injury		16
2/10	MA		99	3	SNMH Transport		13
2/10	MA		32	1	Self Transport		10
2/11	HAZ		119	5	Tree Down		0
2/12	PA		39	3	Non-Injury		8
2/13	MA		56	2	SNMH Transport		9
2/13	PA		125	2	Non-Injury		18
2/13	FS		2	2			
2/13	PA		29	2	Non-injury		8
2/14	MA		97	4	SNMH Transport		15
2/14	MA		29	1	AMA		8
2/14	FS		183	11	SNMH Transport		9
2/16	MA		27	2	Non-Injury		5
2/18	MA		48	5	SNMH Transport		11
2/18	PA		34	3	No Medical Need		17
2/18	MA		53	4	SNMH Transport		11
2/19	PA		14	3	No Medical Need		9
2/19	MA		49	3	SNMH Transport		11
2/21	VA		51	5	SNMH Transport		11
2/21	FV		11	6	Unable To Locate		
2/21	HAZ		49	3	Tree Down		0
2/23	VA		63	5			13
2/23	MA		73	5			4
2/23	VA		23	3	Unable To Locate		
2/24	MA		40	4	SNMH Transport		20
2/24	MA		31	4	SNMH Transport		6
2/24	MA		58	5	SNMH Transport		14
2/25	MA		64	4	SNMH Transport		8
2/25	MA		53	4	AMA		6
2/26	MA		10	3			0

Total Calls:	**35**
Total Man Hours:	**4511.33**
Average FF/Call:	**3.8**

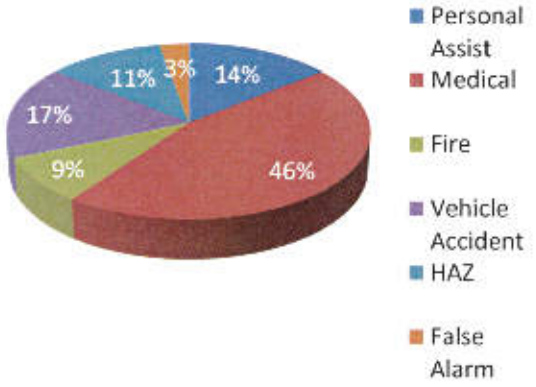
NSJFPD INCIDENT RESPONSE DETAIL - March 2017

Date	Type	Location	Minutes	Responders	Notes	Out of District Responses	Response Time
3/1	VA		7	2	Canceled	*	
3/1	VA		19	3	Canceled	*	9
3/8	VA		43	5	CHP Cleared /Non-Injury		13
3/12	PA		31	3	No Medical Need		14
3/12	MA		39	4	SNMH Transport		7
3/13	MA		41	4	SNMH Transport		8
3/13	MA		85	4	SNMH Transport		10
3/15	VA		14	2	CHP Cleared		11
3/18	DSC		44	4	Legal Burn		20
3/18	VA		15	6	Unable To Locate		
3/18	DSC		1	4	Extinguished		
3/22	MA		31	4	No Medical Need		10
3/23	FS		96	6	Extinguished		9
3/26	VA		91	6	Non-Injury		3
3/26	MA		76	5	SNMH Transport		8
3/26	MA		46	5	SNMH Transport		6
3/26	FFA		2	1	False Alarm		
3/27	MA		37	5	SNMH Transport		10
3/29	MA		42	3	SNMH Transport		8
3/31	MA		45	2	SNMH Transport		17
3/31	MA		9	4	Canceled		

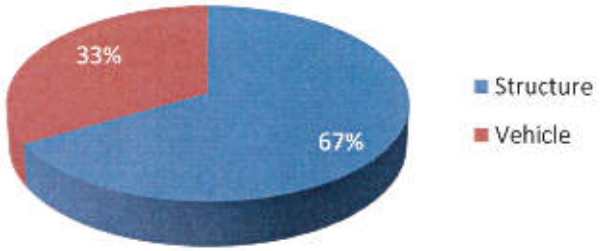
Total Calls:	**21**
Total Man Hours:	**1112.47**
Average FF/Call:	**3.9**

North San Juan Fire Department
Call Detail for February 2017

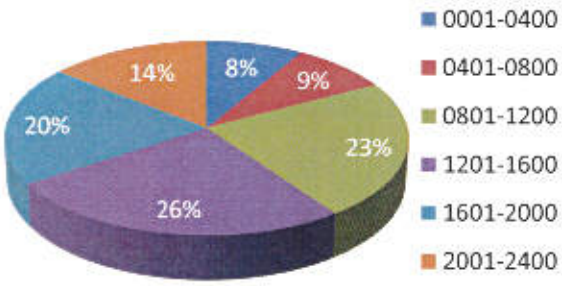
Call Type



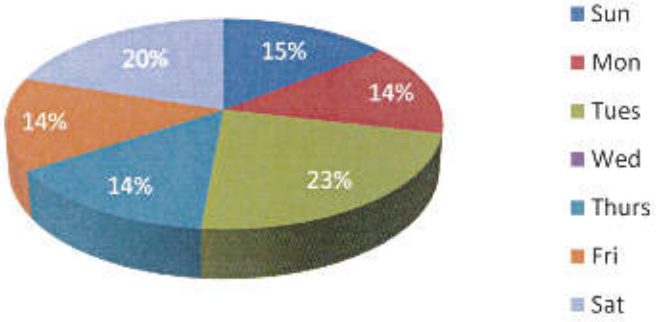
Fire Type



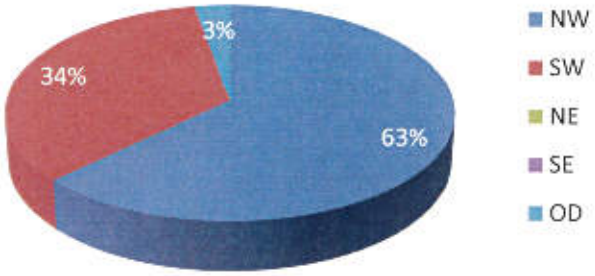
Time of Day

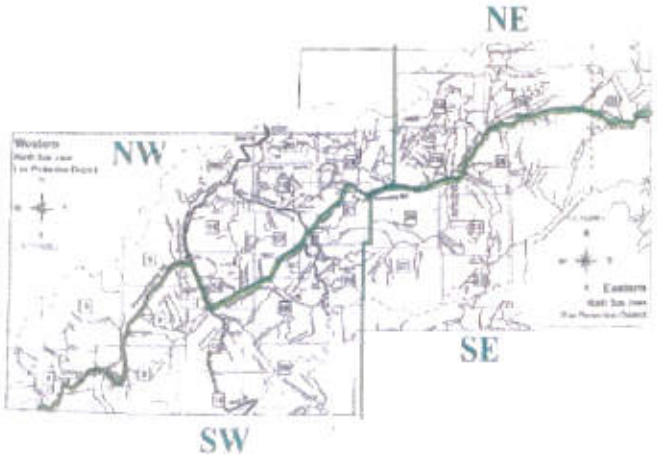


Day of Week



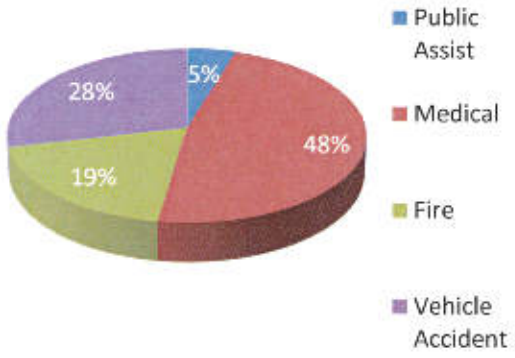
District Area



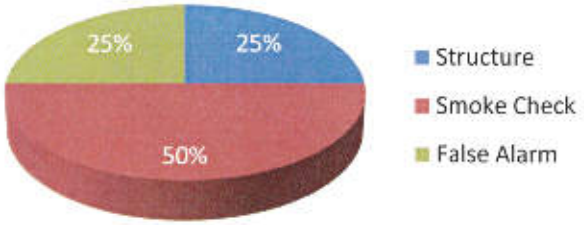


North San Juan Fire Department
Call Detail for March 2017

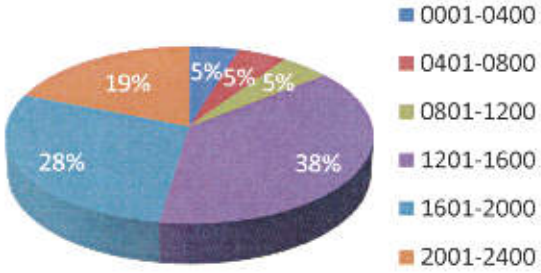
Call Type



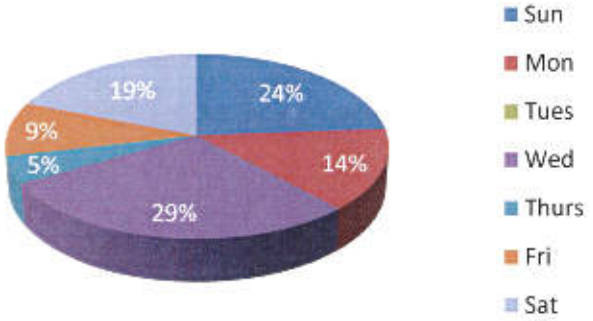
Fire Type



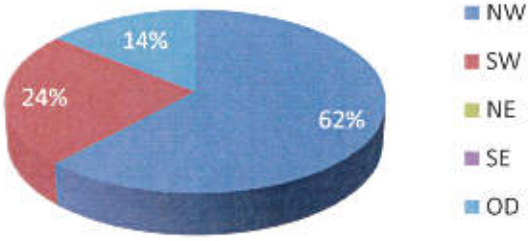
Time of Day

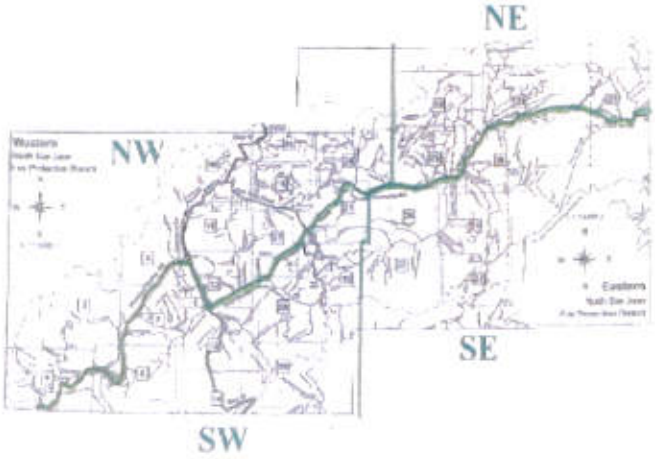


Day of Week



District Area





5 Bi Donations

DONATIONS

February 2017

CASH DONATIONS:		In Kind	Cash
John Jaynes	Gravel & Transport	$500.00	
	Total In Kind Donations:	**$500.00**	
	Total Cash Donations:		**$0.00**
	Total Donations:	**$500.00**	**$0.00**

DONATIONS

March 2017

CASH DONATIONS:		In Kind	Cash
Shirley Paulus			$40.00
Paul & Muriel August			$200.00
	Total In Kind Donations:	**$0.00**	
	Total Cash Donations:		**$240.00**
	Total Donations:	**$0.00**	**$240.00**

5 Bii
Financials

COUNTY TREASURY FUNDS MONTHLY REPORT

As of February 28, 2017

	GENERAL	MITIGATION	MEASURE Q
Beginning Balance	$ 185,562.19	$ 877.54	$ 118,952.20
Revenue	$ 16,532.73	$ 1,090.91	$ -
Expenditure	$ 15,898.62		
BALANCE	$186,196.30	$ 1,968.45	$ 118,952.20

NOTES

GENERAL FUND REVENUE: Donations,Interest, Taxes
GENERAL FUND EXPENDITURES: A/P, Taxes,

MITIGATION AB 1600 REVENUE - One permit
MITIGATION AB 1600 EXPENDITURES: None

MEASURE Q REVENUE: None
MEASURE Q EXPENSE - None

NORTH SAN JUAN FIRE DISTRICT
CASH ON HAND
As of February 28, 2017

	Feb 28, 2017
ASSETS	
Current Assets	
Checking/Savings	
10250 · Tri-Counties Bank	$ 500.00
10717 · Measure Q - Nevada County	$ 118,952.20
10720 · General Fund - Nevada County	$ 186,196.30
10777 · Mitigation Fund - Nevada County	$ 1,968.45
Total Checking/Savings	$ 307,616.95
Total Current Assets	$ 307,616.95

NORTH SAN JUAN FIRE DISTRICT
Cash Disbursements - Tri-Counties Bank
February 2017

Date	Name	Memo	Amount
02/01/17	Leaf Commercial	Lease Paymnet	71.72
2/13/2017	Transfer	Transfer from General Fund	362.91

NORTH SAN JUAN FIRE DISTRICT
Cash Disbursements - General Fund
February 2017

Date	Name	Memo	Amount
02/06/2017		Strike Team	-87.27
02/06/2017		Strike Team	-87.27
02/06/2017		Strike Team	-87.27
02/06/2017		Strike Team	-196.36
02/02/2017	Sierra Family Medical Clinic	EMT Medicals	-245.00
02/02/2017	Department of Forestry & Fire	Dispatch fees	-2,322.30
02/13/2017		Strike Team	-567.26
02/02/2017	Lester Enterprises, Inc.	Bear Proof Trash Container	-757.75
02/13/2017		Strike Team	-479.99
02/02/2017	Alford Enterprises	Water testing & filter replacement	-183.32
02/13/2017		Strike Team	-479.99
02/09/2017	Gold Country Copier,Inc.	Color copies	-94.22
02/09/2017	PG&E Station #1	Electric Service	-86.49
02/09/2017	PG&E Station #3	Electric Service	-252.42
02/09/2017	ZAP Manufacturing	Road sign	-75.16
02/09/2017	Chief Supply Company	Equipment	-81.48
02/09/2017	FF Johnson, Boyd (reim)	Mileage - 4th Quarter	-120.96
02/09/2017	FF Crouthamel, Jonathan (reim)	Mileage - 4th Quarter	-75.06
02/09/2017	FF Roland, Mark (reim)	Mileage - 4th Quarter	-60.21
02/09/2017		Strike Team	-87.27
02/09/2017	Northern Sierra Propane	Propane	-184.75
02/09/2017	Chief Supply Company	Equipment	-632.82
02/09/2017	US Bank	Cal-Card (see report)	-1,537.41
02/09/2017	FF Mead, Rich(reim)	Mileage - 4th Quarter	-243.54
02/09/2017	SCI Consulting Group	Task 4B: Levy submittal & administration	-2,000.00
02/16/2017	Plaza Tire	Tires for 6191	-954.46
02/16/2017	Sierra Plumbing Supply, Inc.	Maintenance	-16.24
02/16/2017	Life Assist, Inc.	Medical supplies	-440.80
02/22/2017	Riley, Robert R	Training	-138.53
02/16/2017	AT&T CALNET 3	Telephone service	-202.83
02/16/2017	Hennig's Automotive Repair	Service #6164	-165.18
02/16/2017	FF Browning, Tom (reim)	Mileage - 4th Quarter	-99.09
02/16/2017	Mountain Woman Gardening	Maintenance	-702.50
02/27/2017	Grass Valley Sign	Graphics for 6186	-390.00
02/27/2017	SPD Saw Shop	Saw shapening	-6.00
02/27/2017	Northern Sierra Propane	Propane	-361.09
02/27/2017	Wind, Rachel	Cleaning	-120.00
02/27/2017	FF Collings, Graham (reim)	Mileage - 4th Quarter	-267.03
02/06/2017	Internal Revenue Service	Federal taxes	-6,811.48
02/02/2017	FF Olson, Shawn (reim)	Maintenance	-150.00
02/09/2017	FF Flores, Angela (reim)1	Mileage - 4th Quarter	-29.16
02/09/2017	Boyett Petroleum	Fuel	-302.68
02/16/2017	FDAC EBA	Insurance	-141.00
02/27/2017	Hills Flat Lumber	Fence material station #1	-1,017.64

NORTH SAN JUAN FIRE DISTRICT
Cash Disbursements - General Fund
February 2017

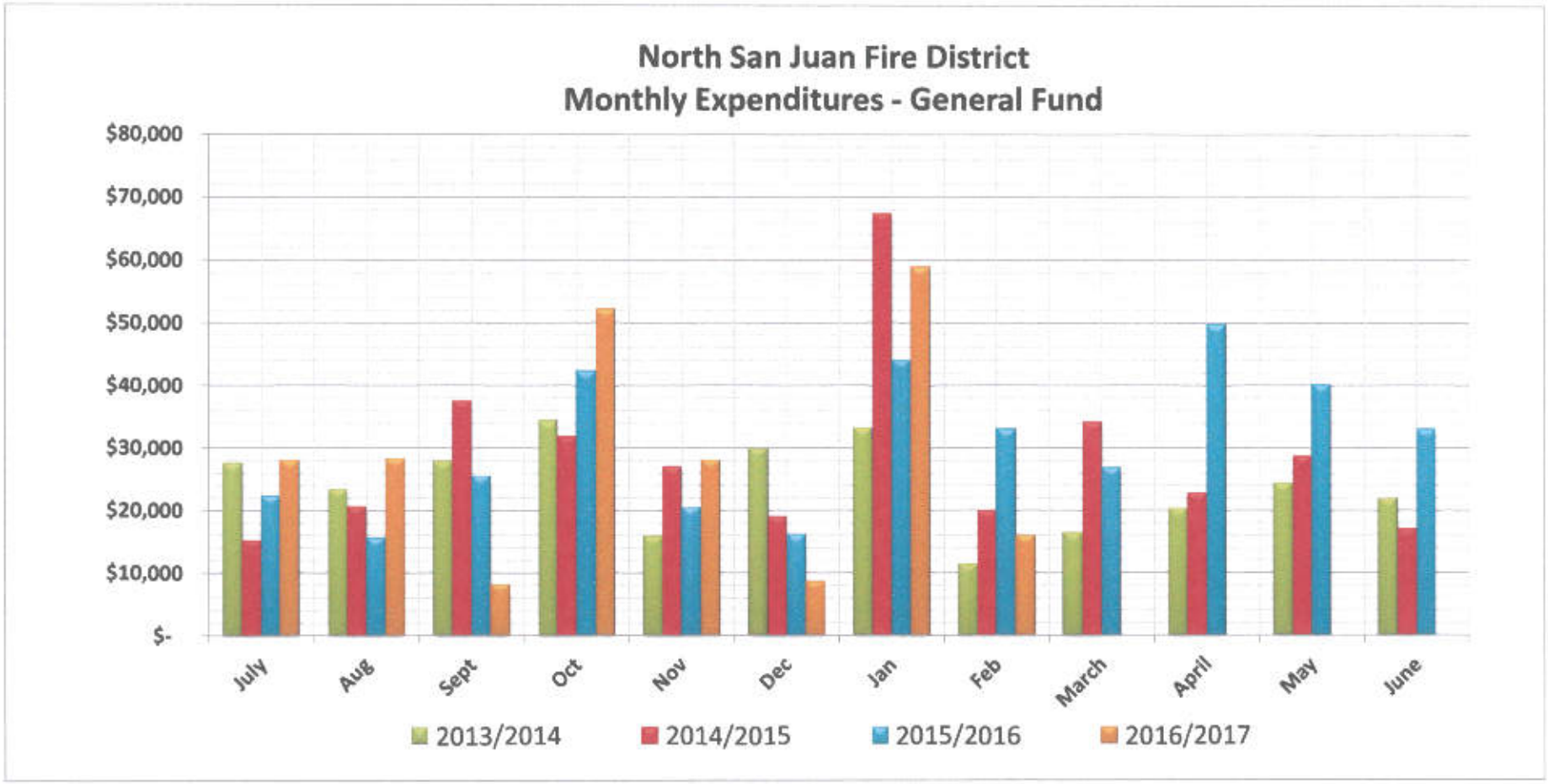
02/27/2017 Boyett Petroleum	Fuel	-431.76
02/02/2017	Payroll Adjustment	-981.68

NORTH SAN JUAN FIRE DISTRICT

Cal-Card Expense

As of February 28, 2017

Date	Name	Memo	Amount
01/13/2017	Code 42	Software	13.99
12/18/2016	ARC Services	Spray paint	36.00
12/29/2016	UPS Store - Grass Valley	Live scan	68.75
01/03/2017	Amazon.Com	Flashlights	43.98
01/03/2017	Dish Network	Satellite service	87.62
01/04/2017	Postmaster - North San Juan	Change of address fee	1.00
01/05/2017	Amazon.Com	Refund	-22.99
01/09/2017	S & W Healthcare	Defib electrodes	534.02
01/09/2017	California Fire Chiefs Association	Annual membership	75.00
01/09/2017	Safelite Auto Glass	Windshield replacemnent #6164	303.53
01/09/2017	Amazon.Com	material	-22.99
01/09/2017	Verizon Wireless	Cel phone service	28.69
01/10/2017	Amazon.Com	Power strip	12.87
01/10/2017	Amazon.Com	Cartridges	19.99
01/10/2017	Amazon.Com	Batteries	16.99
01/17/2017	Fox Valley Systems	Stripping paint	66.07
01/17/2017	Amazon.Com	Keyboard & Mouse	41.22
01/21/2017	Papa Murphy's	Training	52.61
01/23/2017	Amazon.Com	Batteries	34.63
01/23/2017	The Flagpole Company	Halyard for flag pole	52.95
01/23/2017	Amazon.Com	Refund	-16.99
01/30/2017	Amazon.Com	Flashlight	15.99
01/31/2017	Intuit	Compliance Posters	94.48
			1,537.41
TOTAL			1,537.41


North San Juan Fire District
Monthly Expenditures - General Fund
$80,000
$70,000
$60,000
$50,000
$40,000
$30,000
$20,000
$10,000
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July
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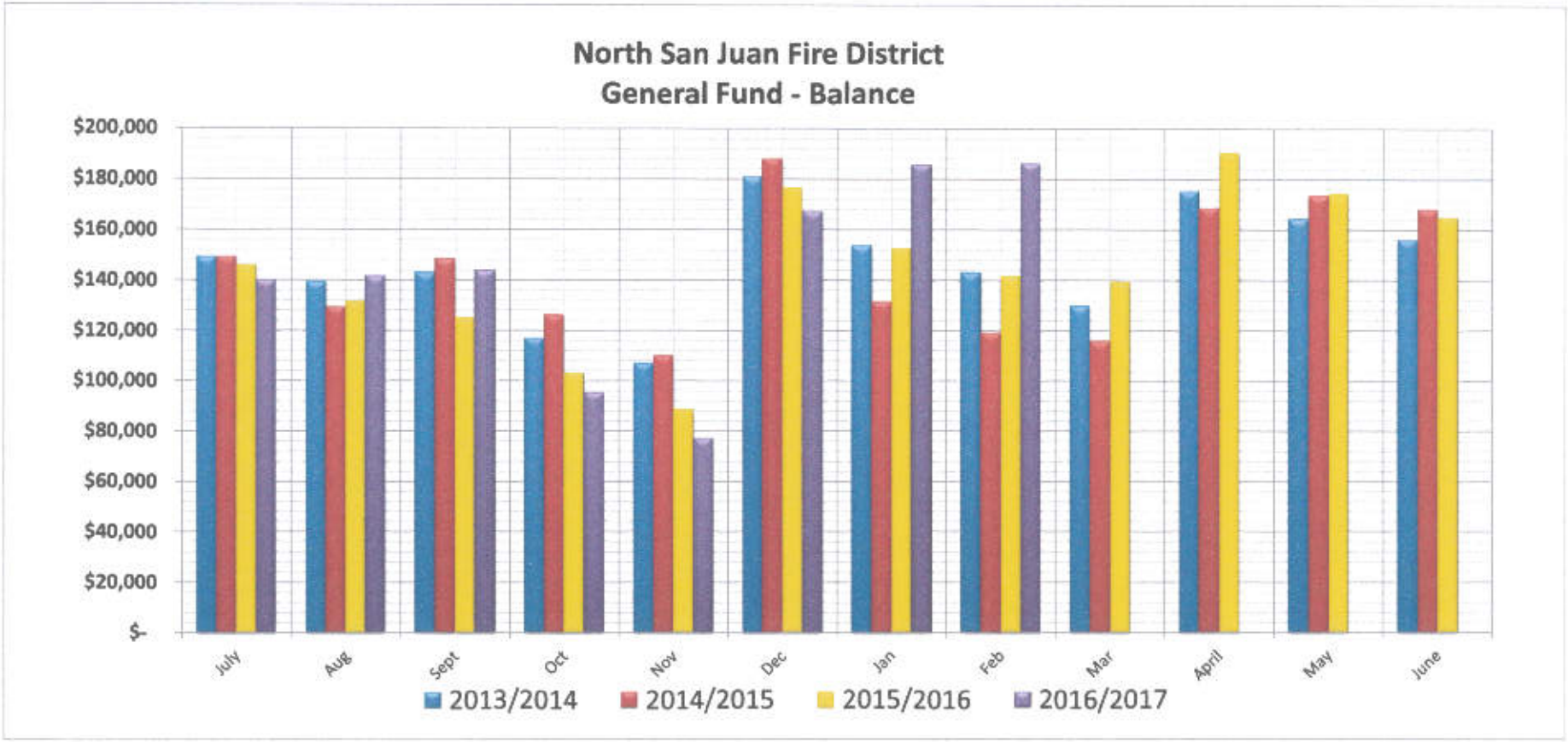
2015/2016
2016/2017


North San Juan Fire District
General Fund - Balance
$200,000
$180,000
$160,000
$140,000
$120,000
$100,000
$80,000
$60,000
$40,000
$20,000
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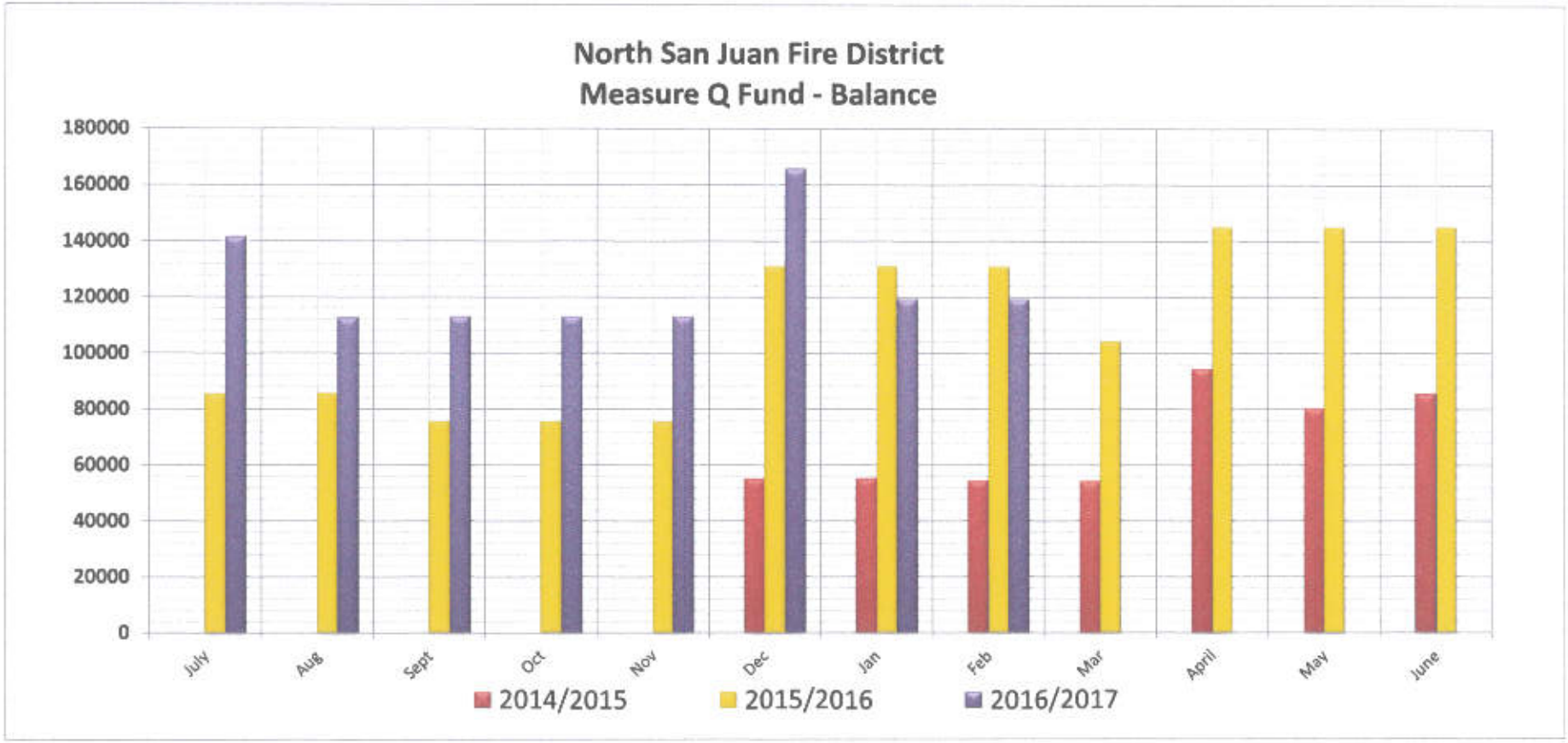
2013/2014
2014/2015
2015/2016
2016/2017


North San Juan Fire District
Measure Q Fund - Balance
180000
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120000
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60000
40000
20000
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2014/2015
2015/2016
2016/2017

COUNTY TREASURY FUNDS MONTHLY REPORT

As of March 31, 2017

	GENERAL	MITIGATION	MEASURE Q
Beginning Balance	$ 186,196.30	$ 1,968.45	$ 118,952.20
Revenue	$ 1,233.27	$ 999.88	$ 439.12
Expenditure	$ 27,144.10		
BALANCE	$160,285.47	$ 2,968.33	$ 119,391.32

NOTES

GENERAL FUND REVENUE: Donations, Interest
GENERAL FUND EXPENDITURES: A/P, Taxes,

MITIGATION AB 1600 REVENUE - One permit, interest
MITIGATION AB 1600 EXPENDITURES: None

MEASURE Q REVENUE: Interest
MEASURE Q EXPENSE - None

NORTH SAN JUAN FIRE DISTRICT
CASH ON HAND
As of March 31, 2017

	Mar 31, 2017
ASSETS	
Current Assets	
Checking/Savings	
10250 · Tri-Counties Bank	$ 428.28
10717 · Measure Q - Nevada County (Measure Q Fund 6717)	$ 119,391.32
10720 · General Fund - Nevada County	$ 160,285.47
10777 · Mitigation Fund - Nevada County (Established August 19. 1992)	$ 2,968.33
Total Checking/Savings	$ 283,073.40
TOTAL ASSETS	$ 283,073.40

NORTH SAN JUAN FIRE DISTRICT
Cash Disbursements - Tri-Counties Bank
March 2017

Date	Num	Name	Memo	Amount
3/1/2017	DW	Leaf Commercial	Lease copier	71.72

NORTH SAN JUAN FIRE DISTRICT
Cash Disbursements - General Fund
March 2017

Date	Name	Memo	Amount
03/02/2017	Combined Payroll	Combined Payroll	4,666.50
03/02/2017	Grass Valley Sign	Recruitment signs	-134.08
03/02/2017	Postmaster - North San Juan	Bulk Mailing permit	-225.00
03/02/2017	Riebes Auto Parts	Maintenance	-151.86
03/02/2017	ACC Business	Broadband	-786.16
03/02/2017	Mulligan, Margaret	Cleaning	-50.00
03/08/2017	Gold Country Copier,Inc.	Color copies	-71.03
03/08/2017	US Bank	Cal-Card - see report	-843.81
03/08/2017	FF Crouthamel, Jonathan (reim)	Maintenance - 6186	-16.88
03/08/2017	Mountain Woman Gardening	Maintenance	371.00
03/16/2017	PG&E Station #1	Electric service	-111.33
03/16/2017	PG&E Station #3	Electric service	-255.59
03/16/2017	All Season Awards	Award	-95.19
03/16/2017	Hennig's Automotive Repair	Maintenance #6132	-440.08
03/23/2017	SPD Saw Shop	Flat files	-14.07
03/23/2017	AT&T CALNET 3	Telephone service	-193.97
03/23/2017	FF St John, Lebin (reim)	Mileage	-124.11
03/30/2017	FASIS	Workers Comp	-4,517.00
03/30/2017	L.N. Curtis & Sons	Silvex Foam	-2,000.94
03/30/2017	SPD Saw Shop	Maintenance	-21.10
03/30/2017	Northern Sierra Propane	Propane	-276.94
03/30/2017	Winter Design Group	Web site	-35.42
03/30/2017	Nevada County Fire Agency	Membership	-594.77
03/30/2017	US Bank	Cal-Card - see attached	-920.13
03/30/2017	ACC Business	Broadband	-786.16
03/30/2017	Peardale - Chicago Park FPD	Training EMR Class	-120.00
03/30/2017	OCCU-MED	Pre-placement exams	-142.50
03/06/2017	Internal Revenue Service	Federal Taxes	-514.52
03/02/2017	Corris, W. Tracy	Toilet paper - Costco	-21.22
03/02/2017	FF Olson, Shawn	Re-build fence station #1	-500.00
03/08/2017	Hills Flat Lumber	Supplies	-198.63
03/08/2017	Boyett Petroleum	Fuel	-186.40
03/23/2017	Boyett Petroleum	Fuel	-266.32
03/23/2017	FDAC EBA	Insurance	-69.60
03/30/2017	Hills Flat Lumber	Maintenance	-425.46
03/30/2017	Corris, W. Tracy	cleaning supplies	-19.29
03/31/2017	Combined Payroll	Combined Payroll	4,777.78

NORTH SAN JUAN FIRE DISTRICT

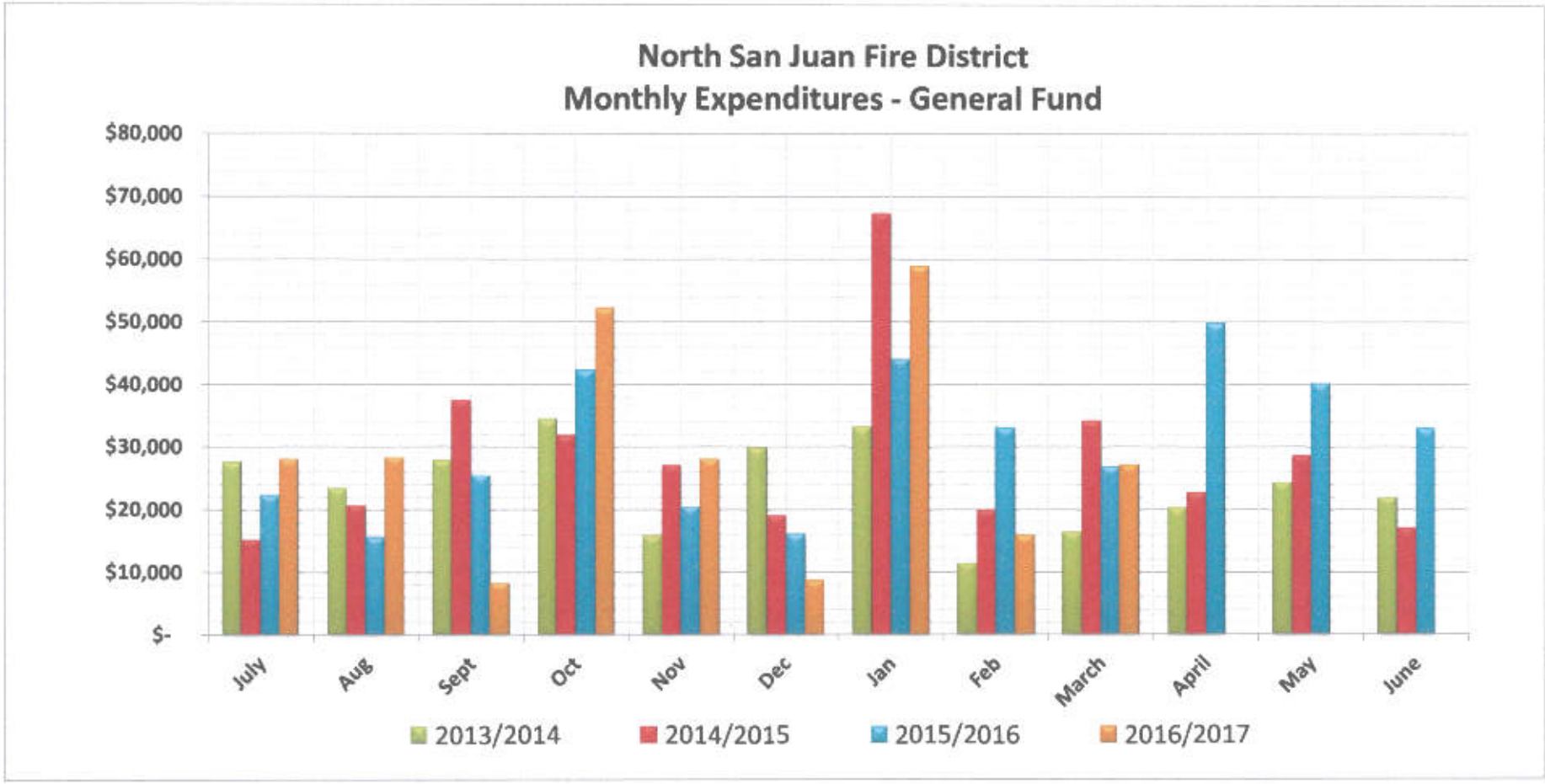
Cal-Card Expense - #2

As of March 31, 2017

Date	Name	Memo	Amount
02/21/2017	Endicia	Postage	50.00
02/22/2017	Amazon.Com	California Fire Code	222.33
02/22/2017	Amazon.Com	Oregon Plastic Wedges	73.98
02/24/2017	Amazon.Com	Binding spines	12.87
02/24/2017	Amazon.Com	Postage stamp labels	16.92
02/27/2017	S & W Healthcare	Med Pads	-534.02
02/27/2017	Dish Network	Satellite service	122.53
02/27/2017	Amazon.Com	Laundry supplies	21.46
02/27/2017	Amazon.Com	Binders for board packets	13.99
02/27/2017	Amazon.Com	Sawz All Blades	22.39
02/27/2017	USGS	Geo maps	35.00
03/01/2017	Smokey Zone	Fire Danger Sign	455.00
03/01/2017	CSDA	Brown Act reference	16.24
03/02/2017	Amazon.Com	Utility Knife	5.99
03/08/2017	Verizon Wireless	570674558	29.79
03/15/2017	Amazon.Com	Electronic lock for bay door	159.64
03/21/2017	Amazon.Com	Batteries	23.61
03/21/2017	Amazon.Com	Office supplies	11.49
03/21/2017	Amazon.Com	Vacuum	160.92
			920.13
TOTAL			920.13

NORTH SAN JUAN FIRE DISTRICT
Cal-Card Expense
As of March 31, 2017

Date	Name	Memo	Amount
01/09/2017	Amazon.Com	Material	11.88
01/09/2017	Verizon Wireless	Cell Phone Service	29.83
01/18/2017	Dish Network	Satellite service	117.53
01/30/2017	Amazon.Com	Flashlight	15.88
01/30/2017	L.N. Curtis & Sons	Tax refund	-0.91
01/30/2017	L.N. Curtis & Sons	Hose straps	102.32
01/31/2017	Medshop	AED Pads	434.40
01/31/2017	Amazon.Com	Maintenance	59.88
02/01/2017	Amazon.Com	Batteries	13.98
02/13/2017	Amazon.Com	California Fire Code	18.20
02/13/2017	Code 42	Software	13.99
02/21/2017	Amazon.Com	Printer cartridges	19.98
02/28/2017	Amazon.Com	Maintenance - light bulb	6.85
			843.81
TOTAL			843.81


North San Juan Fire District
Monthly Expenditures - General Fund
$80,000
$70,000
$60,000
$50,000
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$30,000
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$10,000
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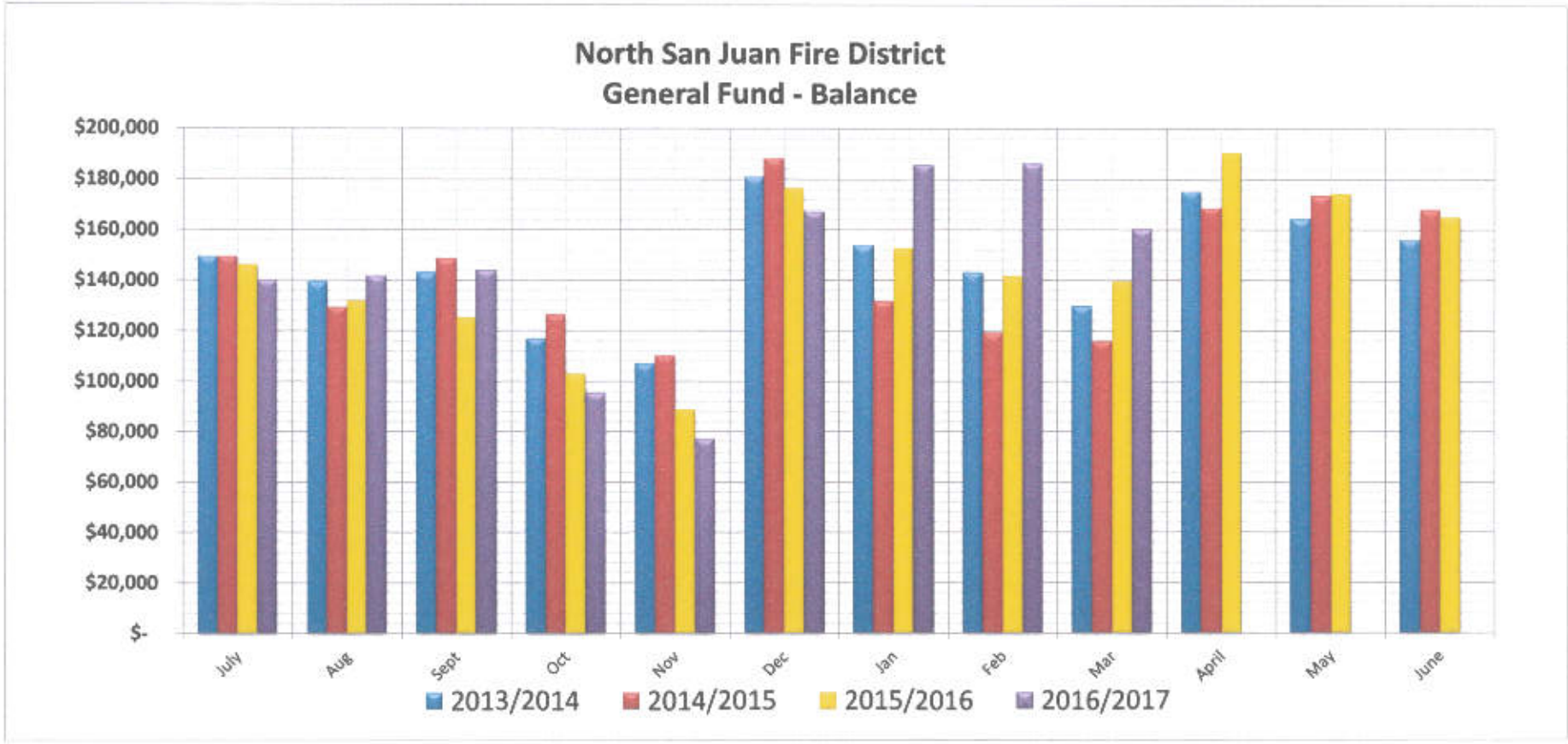
North San Juan Fire District
General Fund - Balance
$200,000
$180,000
$160,000
$140,000
$120,000
$100,000
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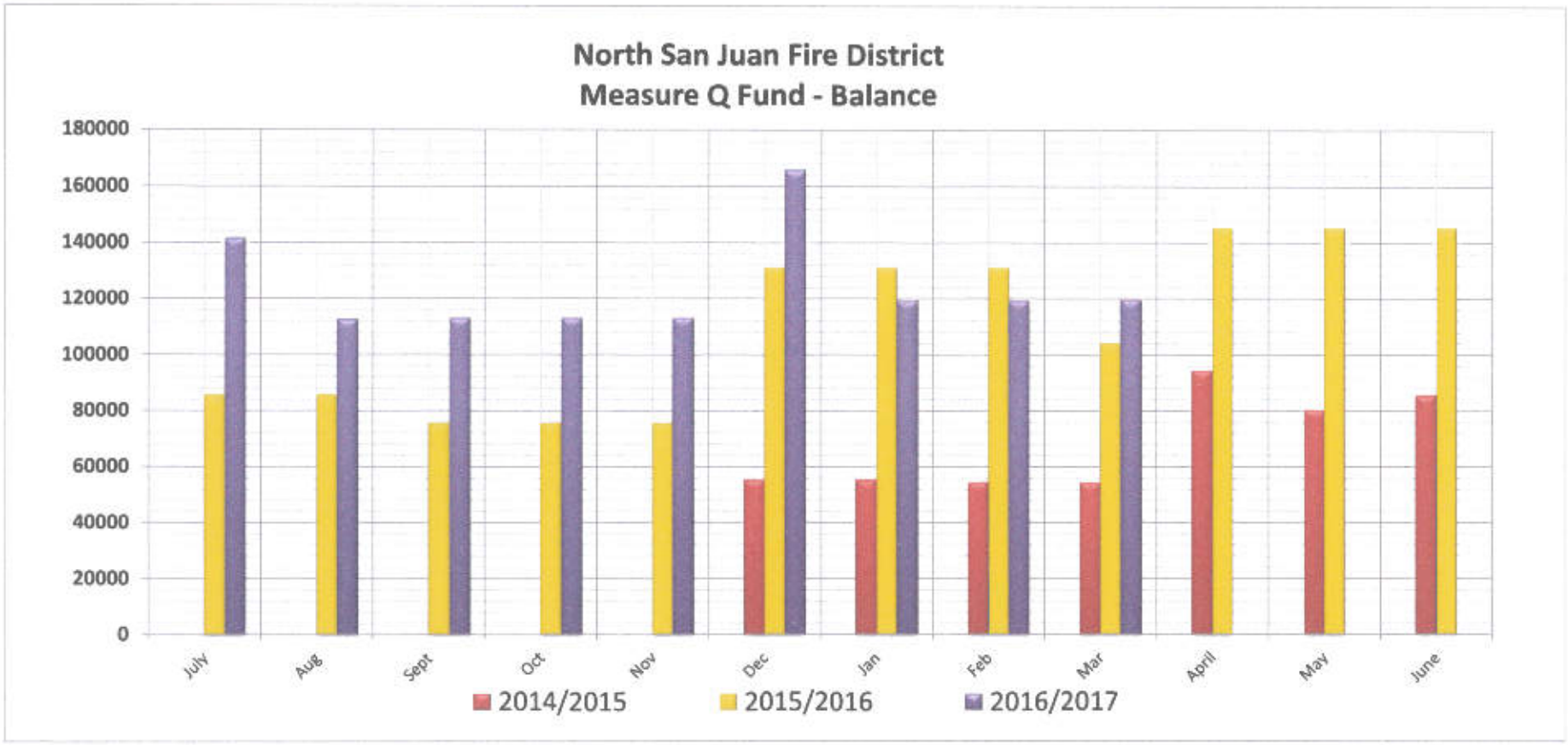
2016/2017


North San Juan Fire District
Measure Q Fund - Balance
180000
160000
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2015/2016
2016/2017

5 Biii
Final
Revised Budget

NORTH SAN JUAN FIRE PROTECTION DISTRICT
GENERAL FUND
FINAL REVISED BUDGET
2016 - 2017

REVENUE

General Fund

40010	Current Secured Tax	132,000
40030	Current Unsecured Tax	2,300
40040	Prior Unsecured Tax	70
40170	Supplemental Secured Tax	1,800
40180	Supplemental Unsecured Tax	20
	Total Taxes	**$136,190**
43010	Interest Revenue General Fund	2,000
44190	Homeowners Exemption Reimb	1,200
44960	Prop 172 Public Safety	22,000
45170	Fire Parcel Tax	40,000
46200	Miscellaneous Revenue	119,800
46574	NSJFPD Auxiliary	5,000
46275	Cost Recovery	1,000
	Total Other	**$191,000**
	Estimated General Fund Revenue	**$327,190**

EXPENSE

General Fund

NORTH SAN JUAN FIRE PROTECTION DISTRICT
GENERAL FUND
FINAL REVISED BUDGET
2016 - 2017

Class I Personnel

61100	Permanent Salaries		60,000
61110	Employer tax expense		16,000
61300	Volunteer Paid Call Reimb		10,000
61310	Volunteer Incentive Program		8,000
61305	Officer Incentive		2,000
61400	Worker's Comp & Life Insurance		16,000
		Total	**$112,000**

Class II Operations

61330	Firefighter Physicals	1,000
61350	Strike Team Payments	70,000
62200	Clothing & Personnel Equipment	6,000
62225	Personnel Protective Equipment	3,000
62300	Dispatch Fees	12,000
62350	Engine & Fire Fighting Supplies	7,000
62375	Equipment (non-fire fighting)	2,000
62400	Communication Equipment	3,000
62500	Fire Prevention PR	2,000
62550	Food Supplies	300
62600	Fuel - Engines	6,000
62700	Facility Cleaning & Supplies	2,000
62750	Insurance - Buildings & Vehicles	10,700
62800	Membership & Subscriptions	2,400
62810	Recognition and Awards	1,500
62850	Medical Supplies	5,000
62900	Office Supplies	2,000
62905	Office Equipment Purchase	1,000
62910	Office Equipment Maintenance	1,000
62950	Fees	1,440
63000	Nevada County Services	5,000
63050	Professional Services	9,650
63400	Transportation & Travel	240

NORTH SAN JUAN FIRE PROTECTION DISTRICT
GENERAL FUND
FINAL REVISED BUDGET
2016 - 2017

63500	Utilities		16,952
63701	Structure Maintenance		6,500
63703	Maintenance of Grounds		5,000
63705	Equipment Maintenance		3,600
63706	Engine Maintenance		9,249
63707	Annual Equipment Maintenance		2,400
63710	Grounds Improvements (major)		5,500
63800	Training & Materials		2,540
		Total	**$205,971**
Class III --Restricted Expense			
64200	Debt Payment (see AB1600)		8,781
64300	Interest on Debt		438
		Total	$9,219
	TOTAL EXPENSES ESTIMATED	**$**	**327,190**
70000	Contingency Fund (10% of GF)	**$**	**32,719**

BUDGET RECAP

Estimated Beginning Balance July 1, 2016	$	160,000
Restricted Capital Fund	$	68,083
Restricted Contingency Fund	$	32,719
Estimated Revenue		$327,190
Estimated Expenses	$	327,190
Surplus/Deficit	$	-
Capital Fund Expenses:	Refer Appendix A	
Estimated Cash Balance June 30, 2017	$	140,000
Restricted Capital Fund	$	68,083

NORTH SAN JUAN FIRE PROTECTION DISTRICT
MITIGATION FUND (AB1600)

FINAL REVISED BUDGET
2016 - 2017

GL Acct #	Description	Subtotal	Total
REVENUE			
43010MI	Interest	$ 140	
46200MI	Revenue	$ 9,600	
	ESTIMATED REVENUE		**$ 9,740**
EXPENSES			
64200	Debt Service - ex general fund	0	
64300	Debt Service - Interest	$ 438	
80000	Debt Service - AB1600	$ 8,781	
	TOTAL EXPENSES		**$ 9,219**

Beginning Cash July 1, 2016		$ 6,763
Estimated Revenue	$ 9,640	
Estimated Less Expenses	$ 9,220	
Excess / (Deficit)		$ 420
Estimated Ending Cash Balance June 30, 2017		**$ 7,183**

NORTH SAN JUAN FIRE PROTECTION DISTRICT
MEASURE Q FUND

FINAL REVISED BUDGET
2016 - 2017

REVENUE

80000	Revenue	$	97,000	
80100	Interest	$	1,600	
	ESTIMATED REVENUE			**$ 98,600**

EXPENSE

80100	Recruitment and Retention	$	5,000	
80200	Enhanced EMT Training	$	11,000	
80300	Firefighter Training	$	7,200	
80400	Firefighter stipends	$	30,000	
80420	Equipment	$	2,000	
80500	Capital Equipment	$	12,000	
80600	Capital Improvements	$	15,600	
80700	Administrative	$	5,740	
80800	Reserve (10%) of Budget	$	10,060	
	TOTAL EXPENSES			**$ 98,600**

NORTH SAN JUAN FIRE DISTRICT
Revenue Expense

Budget vs. Actual
As of March 31, 2017

	YTD	Budget	% of Budget	ADJ
Ordinary Revenue/Expense				
Revenue				
40000 · Tax Revenue				
40010 · Current Secured Tax	71,105.74	132,000.00	53.87%	
40030 · Current Unsecured Tax	2,195.23	2,300.00	95.45%	
40040 · Prior Unsecured Tax	12.82	70.00	18.31%	
40170 · Supplemental Secured Tax	803.85	1,800.00	44.66%	
40180 · Supplemental Unsecured Tax	23.52	20.00	117.6%	
40280 · Supplemental Prior Unsecured	21.54	20.00	107.7%	
40290 · Fire Tax Revenue	22,240.58	40,000.00	55.6%	
40300 · Measure Q Revenue	53,701.34	97,000.00	55.36%	
Total 40000 · Tax Revenue	150,104.62	273,210.00	54.94%	
43000 · Inter Governmental				
43010 · Interest Revenue General Fund	1,448.15	2,000.00	72.41%	
44190 · State Homeowner's Exemption	707.32	1,200.00	58.94%	
44960 · Proposition 172 Public Safety	18,733.38	22,000.00	85.15%	
45000 · Grants Received				
46574 · NSJFD Auxiliary	4,000.00	5,000.00	80.0%	
Total 45000 · Grants Received	4,000.00	5,000.00	80.0%	
Total 43000 · Inter Governmental	24,888.85	30,200.00	82.41%	
46100 · Miscellaneous Revenue				
46180 · Donations-Cash	2,306.22	3,000.00	76.87%	
46210 · Station #1 Rental	75.00	400.00	18.75%	
46230 · Strike Team Personnel	28,726.19	100,000.00	28.73%	
46231 · Strike Team Administrative	0.00	750.00	0.0%	
46240 · Fees for Service & False Alarms	0.00	1,000.00	0.0%	
46250 · CPR/First Aid Classes	0.00	200.00	0.0%	
46260 · Road Sign	175.00	1,200.00	14.58%	
46270 · Refunds US Bank	343.53	500.00	68.71%	
46275 · Cost Recovery	1,409.60	1,000.00	140.96%	
46100 · Miscellaneous Revenue - Other	767.80	1,750.00	76.78%	
Total 46100 · Miscellaneous Revenue	33,803.34	109,800.00	30.79%	
Total Revenue	208,796.81	413,210.00	50.53%	
Expense				
55000 · Grant Expenses				
55400 · NSJFD Auxiliary	3,179.77	4,000.00	79.0%	
Total 55000 · Grant Expenses	3,179.77			
61100 · Permanent Salaries				
61110 · Employer Tax Expense	10,428.01	16,000.00	65.18%	
61100 · Permanent Salaries - Other	49,349.41	60,000.00	82.25%	
Total 61100 · Permanent Salaries	59,777.42	76,000.00	78.66%	

NORTH SAN JUAN FIRE DISTRICT
Revenue Expense

Budget vs. Actual
As of March 31, 2017

	YTD	Budget	% of Budget	ADJ
61300 · Volunteer Paid Call	7,581.37	10,000.00	75.81%	
61310 · Volunteer Incentive Program				
61311 · Mileage reimbursement for FF	5,138.07	6,000.00	85.64%	Add 500
61312 · Volunteer Paid Training	1,366.17	2,000.00	68.31%	
Total 61310 · Volunteer Incentive Program	6,504.24	8,000.00	81.3%	
61330 · Firefighter Physicals	878.00	1,000.00	87.8%	
61340 · First Aid/CPR Training	134.30	200.00	67.15%	
61350 · Strike Team Payments	13,100.99	80,000.00	16.38%	
61400 · Insurance (Personnel)				
61410 · Workers' Comp	13,551.00	16,000.00	84.69%	
61420 · Life and Accident	666.65	800.00	83.33%	
Total 61400 · Insurance (Personnel)	14,217.65	16,800.00	84.63%	
62200 · Clothing & Personnel Items	397.21	6,000.00	6.62%	
62225 · PPE	1,065.32	3,000.00	35.51%	
62300 · Dispatch Fees (ECC)	5,016.34	12,000.00	41.8%	
62350 · Engine & Fire Fighting Supplies	6,057.50	7,000.00	86.54%	
62375 · Equipment (non-fire fighting)	1,425.77	2,000.00	71.29%	
62400 · Communicating Equipment				
62401 · Radios/Pagers/Phones Purchase	0.00	2,000.00	0.0%	ded 1,500
62402 · Radios/Pagers/Phones Repair	504.25	1,000.00	50.43%	
Total 62400 · Communicating Equipment	504.25	3,000.00	16.81%	
62500 · Fire Prevention-Public Relation				
62510 · Newsletter	225.00	1,400.00	16.07%	
62520 · Advertising	0.00	600.00	0.0%	
62540 · Other (fire danger sign, holiday cards)	1,042.61	0.00	100.0%	add 1,000
Total 62500 · Fire Prevention-Public Relation	1,267.61	2,000.00	63.38%	
62550 · Food Supplies	296.65	300.00	98.88%	
62600 · Fuel Engines & Vehicles	4,286.96	6,000.00	71.45%	
62700 · Cleaning & Supplies	1,554.70	2,000.00	77.74%	
62750 · Insurance (Bldg, Veh & Liab)	10,456.00	10,700.00	97.72%	
62800 · Memberships & Subscriptions	2,051.87	2,400.00	85.5%	
62810 · Recognition & Awards	1,549.41	1,500.00	103.29%	
62850 · Medical Supplies	3,136.37	5,000.00	62.73%	
62900 · Office Supplies	1,409.29	2,000.00	70.47%	
62905 · Office Equipment Purchase	918.21	2,000.00	45.91%	ded 1,000
62910 · Office Equipment Maintenance	924.52	1,000.00	92.45%	
62950 · Fees-Administrative	976.94	1,440.00	67.84%	
63000 · Nevada County Charges	4,885.50	5,000.00	97.71%	
63050 · Professional Services				
63054 · Audit Services	4,706.80	4,750.00	99.09%	
63055 · Legal & Technical Services	683.08	600.00	113.85%	

Budget vs. Actual
As of March 31, 2017

	YTD	Budget	% of Budget	ADJ
63057 · Background checks, etc.	191.45	300.00	63.82%	
63060 · Consultant (SCI Consulting Group)	3,846.11	4,000.00	96.15%	
Total 63050 · Professional Services	9,427.44	9,650.00	97.69%	
63400 · Transportation/Travel	0.00	240.00	0.0%	
63500 · Utilities				
63510 · Telephone Service	1,891.42	2,400.00	78.81%	
63520 · Propane	2,276.09	2,700.00	84.3%	
63530 · Electric Service	3,698.28	4,200.00	88.05%	
63535 · Sewer Station #1	833.00	832.00	100.12%	
63540 · Cell Phone Service	237.81	600.00	39.64%	
63550 · Satellite TV Service	1,296.48	1,080.00	120.04%	add 320
63560 · Wireless Internet/Web Page	212.09	1,440.00	14.73%	
63570 · Broadband Internet Service	4,406.65	4,700.00	93.76%	add 1,200
Total 63500 · Utilities	14,851.82	17,952.00	82.73%	
63700 · Maintenance				
63701 · Maintenance of Structures	5,041.96	6,500.00	77.57%	
63703 · Maintenance of Grounds	4,734.76	3,400.00	139.26%	add 1,600
63705 · Maintenance of Equipment	2,452.15	3,600.00	68.12%	
63706 · Maintenance of Apparatus	6,767.10	9,600.00	70.49%	
63707 · Annual Maintenance of Equipment	1,074.09	2,400.00	44.75%	
Total 63700 · Maintenance	20,070.06	25,500.00	78.71%	
63710 · Grounds & Buildings (major)	5,260.00	4,000.00	131.5%	add 1,500
63800 · Training				
63850 · Training Staff/Board/Admin	0.00	600.00	0.0%	
63860 · Training firefighters	1,351.39	1,800.00	75.08%	
63800 · Training - Other	139.00	140.00	99.29%	
Total 63800 · Training	1,490.39	2,540.00	58.68%	
80200 · Advanced EMT Training				
80210 · AEMT Training	2,245.24	12,000.00	18.71%	
80220 · Equipment	0.00	2,400.00	0.0%	
80230 · Other	1,619.69	1,700.00	95.28%	
Total 80200 · Advanced EMT Training	3,864.93	16,100.00	24.01%	
80300 · Firefighter Training				
80310 · Training	2,152.68	7,200.00	29.9%	
Total 80300 · Firefighter Training	2,152.68	7,200.00	29.9%	
80400 · Firefighter Stipends				
80410 · Paid Call	18,000.00	30,000.00	60.0%	
80420 · Retention Bonus	5,500.01	6,000.00	91.67%	
Total 80400 · Firefighter Stipends	23,500.01	36,000.00	65.28%	
80500 · Capital Equipment	4,676.34	12,000.00	38.97%	
80600 · Capital Improvements	9,588.64	15,600.00	61.47%	

NORTH SAN JUAN FIRE DISTRICT
Revenue Expense

Budget vs. Actual
As of March 31, 2017

	YTD	Budget	% of Budget	ADJ
80700 · Administration	2,100.00	4,800.00	43.75%	
80800 · Recruitment & Retention	134.08	2,400.00	5.59%	
Total Expense	250,670.55	420,322.00	59.64%	
Other Revenue/Expense				
Other Revenue				
70000 · Mitigation Fee Revenue	5,370.77	9,600.00	55.95%	
70100 · Interest Revenue Mitigation Fund	47.03	40.00	117.58%	add 100
801000 · Interest Revenue - Measure Q	1,078.97	600.00	179.83%	add 1,000
Total Other Revenue	6,496.77	10,240.00	63.45%	
Other Expense				
64200 · Debt Payments (Leases)	8,781.18	8,781.18	100.0%	
64300 · Interest Expense (Leases)	437.83	437.83	100.0%	
Total Other Expense	9,219.01	9,219.01	100.0%	

7 D Electronic Communications Memo

CONFIDENTIAL

420 Sierra College Drive, Suite 140
Grass Valley, CA 95945-5091
Main: (530) 432-7357
FAX: (530) 432-7356

COLANTUONO
HIGHSMITH
WHATLEY, PC

MEMORANDUM

TO:	Board of Directors North San Juan Fire Protection District	FILE NO:	44010.0002
FROM:	Aleks R. Giragosian, Assistant General Counsel	DATE:	March 6, 2017
CC:	Tracy Corris, District Manager Michael G. Colantuono, General Counsel		
RE:	Recent Supreme Court Ruling: Electronic Communications on Private Devices and Private Accounts Containing Information Relating to the Conduct of the Public's Business is Subject to Public Records Act Disclosure		

EXECUTIVE SUMMARY

As you know, on March 2, the California Supreme Court published its decision in *City of San Jose v. Superior Court*,[1] concluding the California Public Records Act ("CPRA") applies to electronic communications that public agency officials and employees send on private devices from private accounts. The case will require a public agency to consider its policy regarding access to such communications and, as promised, we write to advise you of your policy options.

These include: (1) prohibiting the use of personal accounts for the conduct of District business (as the federal government does); (2) allowing the use of personal accounts, but requiring all electronic communications to be copied to the District's

[1] *City of San Jose v. Superior Court* (March 2, 2017, S218066) ___Cal.5th___ <http://www.courts.ca.gov/opinions/documents/S218066.PDF>, [p. 3].

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DO NOT FILE WITH PUBLICLY ACCESSIBLE RECORDS.

server (so records requests can be honored without resort to private devices and accounts); or (3) allowing the use of personal accounts only if the electronic communications are stored for a minimum of two years and are searchable. In the alternative, the District may adopt a policy designating some or all emails, text messages, and social media posts on personal accounts as non-records because they are not retained in the usual course of District business. This last option involves significant risk in light of public and media reaction to the *San Jose* decision but may be necessary to protect some agencies from burdensome and abusive requests, as some agencies have experienced.

ANALYSIS

a. FACTS

In *City of San Jose v. Superior Court*, a resident of that City requested all the voicemails, emails or text messages sent or received on private electronic devices used by the mayor, city council members, and city staff regarding any matter concerning the city. San Jose provided all the requested records stored in city accounts, but refused to provide records stored in personal accounts, asserting these items were not public records within the meaning of the CPRA. The trial court ordered production of the records, the Court of Appeal reversed, and the Supreme Court granted review, agreeing on March 2d with the trial court.

b. EXISTING LAW

As you know, the CPRA requires disclosure of public records upon request.[2] A public record "includes [1] any writing [2] containing information relating to the conduct of the public's business [3] prepared, owned, used, or retained by any state or

[2] Gov. Code § 6253.

local agency regardless of physical form or characteristics."[3] The CPRA is interpreted broadly to promote the public's access to government information.

c. SUPREME COURT'S RULING

The Court analyzed the statute's definition of "public record" and held, "a city employee's writings about public business are not excluded from CPRA simply because they have been sent, received, or stored in a personal account."[4] "If public officials could evade the law simply by clicking into a different email account, or communicating through a personal device, sensitive information could routinely evade public scrutiny."[5]

i. Any Writings

Whether voicemails, emails, or text messages are writings under the CPRA was not in dispute. All three fall within the CPRA's broad definition of "writing."[6] The Court added that "[e]mail, text messaging, and other electronic platforms" can all be used to prepare, exchange, and store writings. The phrase "other electronic platforms" likely encompasses Twitter, Facebook, blog posts, and other social media.

ii. Containing Information Relating to the Conduct of the Public's Business

The Court acknowledged electronic communications on private devices and servers blur the line between personal and public business. The Court clarified that an electronic communication does not become a public record just because the public finds it interesting. At a minimum, the communication must relate in some substantive way to the conduct of the public's business. "Communications that are primarily personal,

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[3] Gov. Code § 6252, subd. (e).
[4] *City of San Jose v. Superior Court* (March 2, 2017, S218066) ___ Cal.5th ___ [p. 21].
[5] *Id.* at p. 16.
[6] *Id.* at p. 6.

containing no more than incidental mentions of agency business, generally will not constitute public records."[7]

Whether a communication is subject to the CPRA turns on factors "including (1) the content itself, (2) the context in, or purpose for which, it was written, (3) the audience to whom it was directed, and (4) whether the writing was prepared by an employee acting or purporting to act within the scope of his or her employment."[8] For example, an email to a spouse complaining about a coworker would likely not be a public record, whereas an email to a superior reporting a coworker's mismanagement would be.[9] Comparably, a constituent's email to a board member concerning a District-related matter, regardless of the constituent's expectation of privacy, is likely a public record.

iii. **Prepared, Owned, Used, or Retained By a State or Local Agency**

The Court held a writing prepared by a public employee conducting agency business is "prepared" by the agency within the meaning of the CPRA, even if it is prepared using a personal account.[10] The Court did not distinguish between the personal writings of an individual and the official writings of an agency.

Similarly, a writing retained by a public employee conducting agency business is "retained" by the agency for purposes of the CPRA, even if it is retained in an employee's personal account.[11] The content and context of the writing are what matter, not the means of communication or its location.

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[7] *Id.* at p. 7.
[8] *Ibid.*
[9] *Id.* at pp. 6–7.
[10] *Id.* at p. 10.
[11] *Id.* at p. 13.

RECOMMENDATIONS

The Court did not specify how agencies may comply with its decision and provide public access to records stored on private devices and in private accounts. "Agencies may develop their own internal policies for conducting searches."[12] In light of the Court's decision, the District should adopt a policy addressing public records on personal accounts while protecting the privacy of public officials and employees and giving the public fair warning their electronic interactions with public officials will be treated as public records.

Three potential options include: (1) prohibiting the use of personal accounts for conducting District-related business; (2) allowing the use of personal accounts, but requiring all electronic communications to be copied to the District's server; or (3) allowing the use of personal accounts only if the electronic communications are stored for a minimum of two years and employees and officials agree to search those accounts (or allow the District to do so) when necessary to respond to records requests.

Prohibiting the use of personal accounts for conducting District-related business is the most straightforward approach and is the federal policy. But enforcing the policy will be challenging as administrators cannot easily track which electronic communications are taking place via personal or District account. This method also imposes significant burdens on officers and employees who may find it difficult to communicate District-related business remotely, in the absence of a District-issued devices. It may also be difficult for agencies which cannot fund devices or accounts for their elected officials

Another option is to allow the use of personal accounts, but require all electronic communications to be copied to an address on the District's server. For example, all District-related emails sent from a personal email account could carbon copy the individual's District account, a designated District staffer, or an email address

[12] *Id.* at p. 19.

established for this purposes. All District-related posts from a personal Facebook account could tag the District's official Facebook page. However, some forms of communication, like text messages and voicemails, cannot easily be copied to a District server. They bear separate treatment under the policy and may be best defined as records not ordinarily retained in the course of District business unless consciously archived.

A third option is to allow the use of personal accounts for electronic communications only if the electronic communications are stored for a minimum of two years and the account holder agrees to search the account (or allow the District to do so) when necessary to comply with records requests. Searches of personal accounts may be conducted by the owner if he or she has undergone CPRA training to be able to identify a public record. In addition, the District should have to create a form to be signed by the official or employee stating that he or she: (1) underwent the training, (2) completed the search, and (3) did or did not find relevant public records.

There is no single act, short of a complete prohibition on the use of personal accounts, which will shield private electronic communications concerning District business. The District may withhold confidential and purely personal records and may private or privileged information (at some cost), but cannot withhold a public record entirely. District officials and employees engaging in personal or political communication regarding the District, should note somewhere in the communication that they are expressing their personal views and not conducting District business. Furthermore, sensitive topics should be discussed in person and not communicated in electronic format.

The District may also consider adopting a policy designating some or all emails, text messages, and social media posts as non-records because they are not ordinarily retained in the course of District business, unless identified for retention and retained in paper form or in an electronic archive. An argument can be made that emails, text messages, and social media prepared on personal devices and stored in personal

accounts, generally, are not public records because they are transitory and not kept in the ordinary course of business. For media treated as transitory in the broader culture (voicemail, Snapchat, texts, for example), this may be politically and legally defensible. It will be risky to adopt such a policy for all email given the media and public reaction to the Supreme Court's decision.

We recommend the District consider these options and then direct us to prepare a policy for adoption in consultation with your technology and records-management staff.

If you would like more information regarding the issues discussed in this memo, please do not hesitate to contact Michael Colantuono at (530) 432-7359 or MColantuono@chwlaw.us, or Aleks Giragosian at (213) 542-5734 or AGiragosian@chwlaw.us.

7 I
Mitigation Fee Refund Request

April 13, 2017

North San Juan Fire Protection District
Attn: Tracy Corry

Re: Development Fees for Fire Protection

To whom it may concern,

I am requesting a refund of the Development Fees for Fire Protection of $849.60 paid at your offices on 7/18/2007, concerning the vacant land located at 15903 Blind Shady Rd, Nevada City, CA, APN # 62-260-08. Earlier this same day I filed a Building Permit Application #07005654 with Nevada County.

At the time I submitted the Building Permit application and paid these fees I had planned to develop the land I had purchased a couple of years prior. However, I was not able to complete the development of the property due to several unforeseen personal and family illnesses and the death of my husband. The building permit has since expired and I am in the process of selling the property (vacant land).

I've attached for you review the following:

- Copy of the original receipt #271 for the Development Fees for Fire Protection
- Copy of the March 12, 2009 letter from County of Nevada Community Development Agency stating that my Building Permit had Expired.
- Copy of first page of the Vacant Land Listing Agreement with Century 21 Davis Realty, Inc.

FYI - Since listing the property for sale I have accepted an offer from a buyer, which is now in Escrow.

I am looking forward to your response and favorable review of my refund request.

Thank you for your assistance,

Barbara Smith

Enc.

NORTH SAN JUAN FIRE PROTECTION DISTRICT
DEVELOPMENT FEES FOR FIRE PROTECTION

271

APPLICANT:
Name: Barbara Smith
Mailing Address: P.O. Box 1134, Camino, CA 95709
Situs Address: 15309 Blind Shady

Date: 7/18/07
Building Permit #: 07005654 7/18/07 Date
Assess. Parcel #: 622600800

OCCUPANCY CLASSIFICATION WORKSHEET			NFPA Occup. Hazard	$/S.F.
WITHOUT FIRE SPRINKLERS	WITHOUT HYDRANT	Residential & Light Commercial/Industrial	6,7	0.59
		Moderate Commercial/Industrial	5	1.17
		Heavy Commercial/Industrial	3,4	1.76
		Non-Habitable Outbuilding (non-hazardous or non-flammable storage)		0.31
	WITH HYDRANT	Residential & Light Commercial/Industrial	6/7	0.44
		Moderate Commercial/Industrial	5	0.89
		Heavy Commercial/Industrial	3,4	1.33
		Non-Habitable Outbuilding (non-hazardous or non-flammable storage)		0.17
WITH FIRE SPRINKLERS	WITHOUT HYDRANT	Residential & Light Commercial/Industrial	6/7	0.29
		Moderate Commercial/Industrial	5	0.59
		Heavy Commercial/Industrial	3,4	0.88
		Non-Habitable Outbuilding (non-hazardous or non-flammable storage)		0.16
	WITH HYDRANT	Residential & Light Commercial/Industrial	6/7	0.23
		Moderate Commercial/Industrial	5	0.44
		Heavy Commercial/Industrial	3,4	0.67
		Non-Habitable Outbuilding (non-hazardous or non-flammable storage)		0.08

1440 S.F. × .59 $/S.F. = $849.60 – Prior Exaction of _____ = 849.60 Total Fee Due

NOTES:

CERTIFICATE OF COMPLIANCE

The Developer named above has declared 1440 square feet of construction on the above worksheet for building permit application # 07005654 dated 7/18/07. The use is described as residential which qualifies it for an NFPA Occupancy Hazard Classification of 6,7. (If multiple occupancy, the highest hazard class shall be applied to the entire square footage unless the occupancies are separated by a 2 hour fire wall.) The foregoing is true and correct to the best of my knowledge.

Barbara Smith — Barbara Smith — 07/18/07
Print Representative's Name — Signature — Date

Adequate fees have been collected to process permit. IF, HOWEVER, ANY CHANGES HAVE BEEN MADE SINCE PERMIT APPLICATION WAS FILED AND THE DISTRICT HAS NOT ACKNOWLEDGED THEM ON THIS FORM ABOVE, THIS FOLLOWING AUTHORIZATION IS NOT VALID.

District Administrator — Sharon Beckenbach — Sharon Beckenbach — 7/18/07
District Official's Title — Name — Signature — Date

THE FEES COLLECTED ARE BASED ON THE APPLICANT'S CLAIMS FOR CLASSIFICATION AND ARE ADEQUATE TO CONTINUE THE BUILDING PERMIT PROCESS. IF, HOWEVER, UPON LATER REVIEW, IT IS FOUND THAT A DISCREPANCY EXISTS OR THE OCCUPANCY CLASSIFICATION CHANGES, THE DIFFERENCE SHALL BECOME DUE AND PAYABLE IMMEDIATELY AND PRIOR TO ANY FURTHER INSPECTIONS.
Final review by Fire Marshal _____
Name — Signature — Date

White: Building Dept. *Canary: Fire Dept.* *Pink: Fire Dept.* *Goldenrod: Applicant* 4/2005

COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
950 MAIDU AVENUE NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-9854 www.mynevadacounty.com/cda

Planning Department
Fax (530) 265-9851

Environmental Health
Fax (530) 265-9853

Building Department
Fax (530) 265-9854

Code Compliance
Fax (530) 265-9851

Housing Division
Phone (530) 265-1398
Fax (530) 265-9845

Agriculture Commissioner
255 S. Auburn Street
Grass Valley, CA
Phone (530) 273-2548
Fax (530) 273-1713

March 12, 2009

Barbara Smith
PO Box 1134
Camino, CA 95709

Subject: Permit #07005654
APN# 62-260-08
15309 Blind Shady Rd.
Date Submitted: 07/18/07

Dear Property Owner:

Our records indicate that the subject permit application referenced above has expired. The application is valid for 6 months from date of application.

If you intend to continue with this application, please contact this office immediately at (530) 265-1572.

If we do not hear from you within 10 days from date of this letter, the permit will be voided. All plans and paperwork will be recycled.

Sincerely,

George Ann Heck
Records

cc: File

CALIFORNIA ASSOCIATION OF REALTORS®

VACANT LAND LISTING AGREEMENT

(C.A.R. Form VLL, Revised 7/13)

Barbara J Smith

1. **EXCLUSIVE AUTHORIZATION:** _____ ("Owner") hereby employs and grants *CENTURY 21 DAVIS REALTY, INC* ("Broker") beginning (date) *February 20, 2017* and ending at 11:59 P.M. on (date) *February 28, 2018* ("Listing Period") the exclusive and irrevocable right to: [X] SELL, [ ] LEASE, [ ] EXCHANGE, [ ] OPTION, or [ ] OTHER _____ the real property in the City of *Nevada City*, County of *Nevada*, California, Assessor's Parcel No.: *62-260-08-000*, described as: *15309 Blind Shady Rd* ("Property").
2. **ITEMS EXCLUDED AND INCLUDED:** Unless otherwise specified in an agreement between Owner and transferee, all fixtures and fittings that are attached to the Property are included, and personal property items are excluded from the price.
ADDITIONAL ITEMS EXCLUDED: _____.
ADDITIONAL ITEMS INCLUDED: _____.
Owner intends that the above items be excluded or included in listing the Property, but understands that: (i) the Agreement between owner and transferee supersedes any intention expressed above and will ultimately determine which items are excluded and included in the transaction; and (ii) Broker is not responsible for and does not guarantee that the above exclusions and/or inclusions will be in the Agreement between Owner and transferee.
3. **LISTING PRICE AND TERMS:**
   A. The listing price shall be *One Hundred Ninety-Nine Thousand, Nine Hundred* _____ Dollars ($ *199,900.00*).
   B. Additional Terms: _____
4. **COMPENSATION TO BROKER:**
Notice: The amount or rate of real estate commissions is not fixed by law. They are set by each Broker individually and may be negotiable between Owner and Broker (real estate commissions include all compensation and fees to Broker).
   A. Owner agrees to pay to Broker as compensation for services irrespective of agency relationship(s): [ ] *10.000* percent of the listing price (or if an agreement is entered into, of the contract price), [ ] $ _____, OR [ ] in accordance with Broker's attached schedule of compensation; as follows:
      (1) If during the Listing Period, or any extension, Broker, cooperating broker, Owner or any other person procures a ready, willing, and able buyer(s) whose offer to purchase the Property on any price and terms is accepted by Owner, provided the Buyer completes the transaction or is prevented from doing so by Owner. (Broker is entitled to compensation whether any escrow resulting from such offer closes during or after the expiration of the Listing Period, or any extension.)
      (2) If within *180* calendar days after the end of the Listing Period or any extension, Owner enters into a contract to sell, lease, exchange, option, convey or otherwise transfer the Property to anyone ("Prospective Transferee") or that person's related entity: (i) who physically entered and was shown the Property during the Listing Period, or any extension by Broker or a cooperating broker; or (ii) for whom Broker or any cooperating broker submitted to Owner a signed, written offer to acquire, lease, exchange or obtain an option on the Property. Owner, however, shall have no obligation to Broker under this paragraph 4A(2) unless, not later than **3 calendar days** after the end of the Listing Period or any extension thereof, Broker has given Owner a written notice of the names of such Prospective Transferees.
      (3) If, without Broker's prior written consent, the Property is withdrawn from sale, lease, exchange, option or other, as specified in paragraph 1, or is sold, conveyed, leased, rented, exchanged, optioned or otherwise transferred, or made unmarketable by a voluntary act of Owner during the Listing Period, or any extension thereof.
   B. If completion of the transaction is prevented by a party to the transaction other than Owner, then compensation due under paragraph 4A shall be payable only if and when Owner collects damages by suit, arbitration, settlement, or otherwise, and then in an amount equal to the lesser of one-half of the damages recovered or the above compensation, after first deducting title and escrow expenses and the expenses of collection, if any.
   C. In addition, Owner agrees to pay Broker: _____
   D. **(1)** Broker is authorized to cooperate and compensate brokers participating through the multiple listing service(s) ("MLS"): (i) by offering MLS brokers either: [X] *5.000* percent of the purchase price, or [ ] $ _____; OR (ii) (if checked) [ ] as per Broker's policy.
      (2) Broker is authorized to cooperate and compensate brokers operating outside the MLS as per Broker's policy.
   E. Owner hereby irrevocably assigns to Broker the above compensation from Owner's funds and proceeds in escrow. Broker may submit this Listing Agreement, as instructions to compensate Broker pursuant to paragraph 4A, to any escrow regarding the Property involving Owner and a buyer, transferee or Prospective Transferee.
   F. **(1)** Owner represents that Owner has not previously entered into a listing agreement with another broker regarding the Property, unless specified as follows: _____.
      (2) Owner warrants that Owner has no obligation to pay compensation to any other broker regarding the Property unless the Property is transferred to any of the following Prospective Transferees: _____
      (3) If the Property is transferred to anyone listed above during the time Owner is obligated to compensate another broker: (i) Broker is not entitled to compensation under this Listing Agreement; and (ii) Broker is not obligated to represent Owner in such transaction.

Owner's Initials (BJS) (_____)
Reviewed by _____ Date _____

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