

THE MARIN WILDFIRE PREVENTION AUTHORITY
BOARD OF DIRECTORS MEETING
3:00 p.m. Thursday, October 15, 2020
Via teleconference due to Coronavirus (COVID-19)
MINUTES

1. Call to Order- President Goines called the meeting to order at 3:00 p.m.

2. Roll Call and Introductions

Directors – In Attendance: Steve Burdo (San Anselmo), Barbara Coler (Fairfax), Kathryn Donohue (Inverness), Tom Finn (Sleepy Hollow Fire), Barry Evergettis (Kentfield Fire), Bruce Goines (Novato Fire), Leah Green (Marinwood), Cathryn Hilliard (Southern Marin Fire), Leighton Hills (Muir Beach), David Kimball (Bollinas Fire District), Sashi McEntee (Mill Valley), Julie McMillan (Ross), Gabe Paulson (Larkspur), Gary Phillips (San Rafael), Bob Ravasio (Corte Madera), Dennis Rodoni (County of Marin), Mark White (Stinson Beach)
Staff in Attendance: Executive Officer Mark Brown, Legal Counsel Megan Acevedo, Operations Committee Chair Jason Weber

3. Agenda Adjustments

Legal Counsel Acevedo stated she would like to reverse the order of agenda items #9 and #10.

M/s, Coler/Hilliard, to reverse the order of agenda items #9 and #10.

Ayes: 17 of 17, 100% of population (through a roll call vote)

4. Open Time for Public Expression

Ms. Carolyn Longstreth, representing the California Native Plants Society and the Fire Environment Resilience Network (FERN), stated she had a productive discussion with Marin County Open Space about the goat grazing project in Fairfax. She acknowledged the rapid progress that MWPA has made on a lot of fronts including the Citizen’s Oversight Committee (COC) and the environmental compliance issue.

5. Executive Officer’s Report

President Goines welcomed Executive Officer Brown to the MWPA.

Executive Officer Brown reported on the status of wildfires throughout the State of California. There are five major fires burning with nearly 300 million acres consumed. On average, these fires are 75% contained. He noted there are currently Red Flag Warnings in Marin County. He reported on the Red Flag Project being conducted by FIRESafe Marin. The first MWPA Executive Committee meeting was very productive. The next Executive Committee meeting will be scheduled prior to the next Board meeting. The Finance Committee’s first meeting is scheduled for October 20th. The agenda will be posted on the Website. Staff has made

improvements on posting agendas and Zoom videos in a more timely manner. The meeting minutes will be posted to the Website once they are approved. He discussed Assembly Bill 3074 was recently signed into law which amends Public Resources Code Sections 4290 and 4291. These code sections apply to areas of State responsibility. Cal Fire has until 2023 to implement this legislation. Director McEntee asked if this applied to only the SRA's or the high fire severity zones. Executive Officer Brown stated he would report back on this. Staff has several quotes on "D & O" Insurance and plans to finalize this soon. He has been meeting with Directors and other stakeholders to discuss the strategy and vision of the MWPA and other issues. The MWPA needs to come up with some long-term and short-term strategies.

President Goines opened the meeting to public comments.

There were no comments.

President Goines closed the meeting to public comments.

Director Burdo thanked staff for updating the Website.

Director Kimball stated one of the strengths of the MWPA is a high commitment to public service and transparency.

Director Hills asked why prescribed burns were not allowed. Executive Officer Brown stated they are allowed but have been discontinued. There have been some small scale vegetative management projects on Federal lands over that last few years.

Director Rodoni stated he has been working for over a year with Senator Allen and others on SB 45, a \$5 billion bond which will include fire related money. The MWPA should stay engaged on this issue.

Director White thanked Executive Officer Brown for his report and Interim Executive Officer Jean Bonander for her great work.

Director Coler stated she worked at the Bay Area Air Quality Management District for several years and approved prescribed burns. They fall into a number of categories and are not that difficult to manage.

Director McMillan thanked Executive Officer Brown and agreed that they should not be focusing on the "megafires" but rather on the 99% of the other fires.

Director Phillips stated many of the residents in his community will be interested in the home inspections program. He would like to talk about this with Executive Officer Brown.

6. Consent Calendar

- a. Approve September 17, 2020 MWPA Board of Directors meeting minutes.
- b. Accept August 10, 2020 and September 28, 2020 Summary Notes from MWPA Citizens' Oversight Committee (COC) Subcommittee Meetings.

- c. Accept the Update on Financial and Administrative Support Services, and Adopt Resolution No.20-08 Authorizing the Executive Officer to Establish a Banking Relationship with the Bank of Marin.
- d. Approve Resolution No. 20-09 Authorizing the Executive Officer to Execute an Agreement with Badawi & Associates for Independent Audit Services for the Fiscal Year 2020-21, ending June 30, 2021.
- e. Authorize Agreement with Burke, Williams and Sorenson for Labor and Employment and Specialized Legal Services.
- f. Accept MWPA-FIRESafe Marin Agreement for \$1,371,283 for services through June 30, 2021.

President Goines opened the meeting to public comments.

There were no public comments.

President Goines closed the meeting to public comments.

Director Burdo made a correction to the September 17th Board of Directors meeting minutes.

Director McEntee stated the Board minutes should be “action minutes” since the video is available for review.

M/s, Phillips/Burdo, to approve Consent Calendar Items with the corrections to the September 17, 2020 Board minutes

Ayes: 17 of 17, 100% of population (through a roll call vote)

7. Appoint Nine (9) Members to the MWPA Citizens’ Oversight Committee

Executive Officer Brown presented the staff report. The key to transparency will be the Citizens’ Oversight Committee (COC). The COC Subcommittee consisted of President Goines, and Directors Rodoni, McMillan, and Burdo. The COC’s mission, roles, and responsibilities will be reviewed and approved by the Board.

President Goines opened the meeting to public comments.

There were no public comments.

President Goines closed the meeting to public comments.

Director Coler stated the COC will be looking primarily at finances and she felt that Mr. Ron Arlas, applicant for the “Civic” slot, had more expertise than Mr. Stephen Keese.

Director Burdo stated they should take a vote on the recommendation and if it does not pass then the Board could send this back to the subcommittee. It is not good practice to discuss the merits of every candidate.

Director Phillips stated Director Burdo made a good point. He was not comfortable discussing each individual.

Director Finn agreed with Director Phillips. He asked if the applicants have been instructed that they do not have the authority to speak on behalf of the MWPA. Several of the applicants are avid writers of opinion pieces, etc.

Director McEntee stated it is the Board's responsibility to appoint the COC. This would be the appropriate time to make amendments to the recommendation. She supported the amendment with respect to Mr. Arlas.

Director Coler thanked the COC Subcommittee for their work. All the candidates are highly qualified but the COC is about finances.

Director Phillips agreed with Director Coler's comments about the role of the COC. He added that finance is not only about "dollars and cents" but also relates to the programs being funded.

Director Paulson agreed with Director Phillips. It would be helpful for the Board to have the candidates answer some questions and have a summary presented by the subcommittee.

Director Finn stated there was nothing stopping a candidate not selected from participating in the MWPA's public process.

Director Evergettis supported Director Phillips' point of view and the subcommittee's recommendations.

Director McMillan stated the application was quite extensive and available to the Board.

President Goines stated there were thirty-two applications which included resumes. There were nine appointments with some candidates applying for more than one "category". The goal of the subcommittee was to appoint the "best and the brightest team". The plan is to set up terms of one year, two years, or three years.

M/s, Evergettis/Hilliard, to support the subcommittee's recommendations.

Ayes: 17 of 17, 100% of population (through a roll call vote)

Director McEntee asked when the Board would be deciding on the terms of the COC members. Executive Officer Brown stated he would be drafting letters of acceptance. The COC will work on the roles and responsibilities including the length of terms for approval by the Board.

8. Update on Senior Low Income Exemption Process

Executive Officer Brown presented the staff report. He is asking the Board to authorize staff to evaluate the request for late filed exemptions and the appeal process. He reported 27,605 mailers went out to eligible individuals with 2,122 applications received and 1,937 being

granted. Not all of the eligible individuals in the County were aware of the exemption process. The MWPA employed the services of NBS who received over one hundred phone calls. The challenge is that individuals receive communications in so many different ways. Staff could come up with some options for an appeals process.

President Goines opened the meeting to public comments.

Mr. Bruce Bartel stated he looked forward to receiving some kind of communication. He did not receive any.

President Goines closed the meeting to public comments.

Director Rodoni stated it was important to put a simple appeal process in place. The messaging will improve as they move forward.

Director Coler supported an appeal process for the first year only. She agreed with coming up with a simple process but noted eligibility is also based on income levels and someone will need to look at that.

Director Burdo supported an appeal process as described by Director Rodoni but he did not want to sunset the process after year one. Director McMillan agreed.

Director Phillips supported an appeal process that is limited to the first year and reviewed thereafter.

Director Paulson asked if staff would target the individuals who were denied and those who claim they never received the mailer. Executive Officer Brown stated this would need to be evaluated.

Director Hilliard stated this is a policy that should be decided by the Board.

Director McEntee supported an appeal process for the first year only since it would be an on-going cost.

President Goines stated this issue should be referred to staff with the possibility of limiting the appeal process to the first year. They need to make it clear that this is an exemption for low income seniors.

M/s, Phillips/Evergettis, to accept the report and authorize staff to evaluate the results of the late filing exemptions and the appeal process.

Ayes: 17 of 17, 100% of population (through a roll call vote)

10. Consider and Approve MWPA's Retention of Specialized Environmental Legal Counsel Services to assist with MWPA Environmental Consulting Services

Legal Counsel Acevedo presented the staff report. She discussed the programmatic Environmental Impact Report (EIR) that has been developed by Cal Fire and the State Board of Forestry. It applies directly to State Responsibility Areas (SRA). They need to look at whether other projects outside of SRA could rely on that document.

Director McEntee asked if this firm has done work on the programmatic EIR and is also working on the litigation that followed it. Legal Counsel Acevedo stated they gave advice all the way through the process of adopting the PEIR and will be advising the Attorney General.

Director Kimball stated the Request for Proposal (RFP) seemed to be intended for the 60% and not the local projects. He was worried about consuming funds on legal fees and asked if the RFP could be modified to give a boost to the smaller districts. Legal Counsel Acevedo stated she could include that in the discussion.

Director Coler asked about the scope of the projected work and if they could put a cap on the projected costs. She would like to see a legal analysis on the State PEIR and how much they could use it, the pros and cons, etc. She would like the analysis to include if there was a rationale for the MWPA doing its own programmatic EIR. They might want to hold off on the RFP until the legal analysis was finished.

Legal Counsel Acevedo stated they would ask the firm to look at where they are now, the work they envision going forward, the best path to CEQA compliance, the benefits and risks associated with the PEIR, and how much the document could be used.

Director Coler asked that the analysis include a review of how many years the PEIR could cover.

Director McEntee stated she would like the PEIR to cover all the local responsibility areas of the member groups and not just those projects where the MWPA is the lead agency. She asked if this would be funded from the overhead of the MWPA or if the member agencies would contribute from the 20%. She asked if this is something they need to keep track of. Legal Counsel Acevedo stated that was a good question and she would look into this. Once they have the input from legal counsel on what type of work the consultant should do then they could look at the financial aspects and allocations.

Director McMillan asked how much of this should be in Closed Session given the potential litigation. Legal Counsel Acevedo stated they would make that decision when the time was right.

President Goines stated they had approved projects with inspectors being hired and some of them require some level of environmental compliance. He did not want to delay hiring an environmental consulting firm. Legal Counsel Acevedo stated they are talking about getting legal advice on how to move forward.

Executive Officer Brown confirmed there were projects primarily in the "local" category that will require environmental compliance. Legal Counsel Acevedo stated they could structure the

RFP to be narrower and focus on Fiscal Year 2020/21 and hire a short-term consultant. President Goines stated that was not what he was suggesting but they do need some short-term environmental compliance assistance.

Director Coler stated the RFP was very broad.

President Goines opened the meeting to public comments.

There were no comments.

President Goines closed the meeting to public comments.

M/s, Coler/McMillan, to enter into an agreement to expedite the hiring process with a scope of work and a not to exceed amount to be determined later.

Ayes: 17 of 17, 100% of population (through a roll call vote)

9. Consider and Approve a Draft Request for Proposal (RFP) for Environmental Consulting Services

Legal Counsel Acevedo presented the staff report. The RFP will likely change before it comes back to the Board.

Director McEntee stated as they go forward the project description will be very important and it should be included in the RFP. It should be wide enough in scope and narrow enough in specificity to give them the coverage that they need.

Director Rodoni was concerned about how long the process would take and stated he was not sure the scope of work needed to be set in the RFP. The scope of work could change. He would like to get a consultant on board soon. The agency has a responsibility to make sure the smaller local districts comply with CEQA.

Director Coler stated the RFP is too broad and they will get a consultant that will be submitting change orders. A short scope of work could be prepared for the smaller districts and projects that will probably fit under the Categorical Exemption Section of CEQA.

President Goines agreed with Director Coler. The RFP as written is way beyond what they currently need.

Director Rodoni stated they could change it to an RFQ and set the hourly rate. This would protect them from change orders and extra costs.

President Goines opened the meeting to public comments.

Ms. Carolyn Longstreth, representing the California Native Plants Society and the Fire Environment Resilience Network (FERN), stated they support obtaining resources for short-term CEQA compliance. FERN is willing to help in any way.

President Goines closed the meeting to public comments.

Director Phillips asked Executive Officer Brown for a recommendation. Executive Officer Brown stated he liked Director Rodoni's suggestion for an RFQ and noted they could reach out to firms that have supported the local agencies in the past. The Board could work on an RFP for a long-term agreement.

Director Hilliard stated an RFQ is a good idea.

Director McEntee supported the recommendation of legal counsel.

President Goines stated there were some immediate, short-term needs and he supported an RFQ.

M/s, Phillips/Rodoni, to implement the action as described by President Goines.

Ayes: 15 of 17, 91% of population (through a roll call vote)

(Directors Coler and McEntee voted "no")

11. MWPA Administrative and Financial Business Plan through December 31, 2020

Executive Officer Brown presented the staff report. He noted there was a lot of work to do including the creation of job descriptions for the Executive Officers and key staff positions. He will be meeting with the OPS Committee to discuss financial practices after the Finance Committee meets next week.

President Goines opened the meeting to public comments.

There were no comments.

President Goines closed the meeting to public comments.

M/s, Finn/Burdo, to approve the Administrative and Financial Business Plan through December 31, 2020

Ayes: 17 of 17, 100% of population (through a roll call vote)

12. Committee Reports

a. Operations Committee Update- Report (includes the Evacuation Plan Update)

Operations (OPS) Committee Chair Weber presented the staff report. Work continues on the 2020 Work Plan with the creation of a subcommittee that will work on the 2020/21 Work Plan process. An Evacuation Plan Subcommittee has been established to help develop the RFP or RFQ that will be approved by the Board. Staff attended a presentation on evacuation software. The OPS Committee subcommittee decided a Grant Program was not feasible at this time due to the lack of staff. This could be a part of next year's Work Plan. He has been appointed to the Finance Committee and OPS Co-Chair Schwarz was appointed as well.

President Goines opened the meeting to public comments.

There were no comments.

President Goines closed the meeting to public comments.

President Goines thanked Chief Weber for his outstanding work!

b. FIRESafe Marin Program of Work and Projects Update

President Goines thanked OPS Committee member Shortall for a very detailed report.

President Goines opened the meeting to public comments.

There were no comments.

President Goines closed the meeting to public comments.

President Goines stated the Board extended and augmented the agreement with FIRESafe at its last meeting. He thanked them for the outstanding work!

President Goines opened the meeting to public comments.

There were no comments.

President Goines closed the meeting to public comments.

13. Informational Items

Director Rodoni thanked Chief Weber, former Deputy Chief Brown, and the Marin County Fire Department administrative staff for obtaining the Homeland Security Safer Grant in the amount of \$4.3 million which will allow the County to hire six additional Firefighter/Paramedics.

14. Board Members Request Future Agenda Items

Director Coler asked if the MWPA could fund the “goat grazing” projects in the future. This is a very popular program. President Goines stated this is something the OPS Committee will review.

Director Burdo asked if the MWPA could include a page on the Website listing resources with respect to fire insurance. This is a huge issue in the community. President Goines stated the Board could get a status report on this issue.

Director Phillips stated there was a lot of interest in the community about the inspection program and he asked for a status report at the next meeting.

Director Kimball stated it might be helpful to discuss how to view the next ten years with a broader view of where they are headed.

The Board thanked President Goines for the tremendous job he is doing!

12. Adjournment- President Goines adjourned the meeting at 5:17 p.m. The next meeting would be held on Thursday, November 19, 2020 at 3:00 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary