Concerning Public Comment
Please Note: The Board of Directors offers the opportunity for the public to speak to specific agenda items during the time that agenda item is discussed by the Board. The Board also allows an opportunity for the public to speak on non-agenda items during "public comments" prior to the conclusion of the meeting. The Board may not make any decision related to non-agendized items until the next Board meeting.

AGENDA

1. Call to Order, Flag Salute, Roll Call

2. Public Appearances/Comment: The Board will hear public comment on any agendized or non-agendized item. The Board may discuss public comment but may not take action.

3. Consent Items: Board action limited to discussion and approval of:
   3.1. Minutes: 09/19/17
   3.2. Acceptance of September 2017 Checks Listing and Authorize to File for Audit

4. Committee Reports: The Board will discuss the status of the following matters. The Board may take action on recommendations and/or give direction to staff or committee members related to follow-up on specific matters addressed by the committee.
   4.1. Finance Committee (Directors Andrade & Leary)
   4.2. Personnel Committee (Directors Leary & Sullivan)
   4.3. Fire Prevention Committee (Directors Andrade & Sullivan)

5. Scheduled Items: The Board will discuss and take action on the specific items listed below.
   5.2. California Public Employees Retirement System: Notice of Proposed Regulatory Action
   5.3. Letter from Ron Getter Requesting Post-Retirement Self-Paid Medical Insurance Premiums
6. **Reports**: The Board will hear reports on the following matters. The Board may discuss information contained in these reports.
   6.1. Administrative Report
   6.2. Legislative Report
   6.3. Fire Prevention
   6.4. Administrative - EMS

7. **Comments, Questions, and Consideration**: The Board will entertain comments and questions from the following individuals or representatives. The Board may discuss these comments or questions on these items but may not take action.
   7.1. Board Members
   7.2. Firefighters' Association
   7.3. Employees' Group
   7.4. Public Comments

8. **Adjournment of Regular Meeting**

ADMINISTRATIVE STAFF:
Michael Johnson, Fire Chief
Cheryl Howard, Secretary
Ebbetts Pass Fire District

MINUTES
Board of Directors
September 19, 2017

SUBJECT TO APPROVAL

1. The meeting was called to order at 9:00 A.M. by President Jon Dashner and the Pledge of Allegiance was recited. Directors present: Ron Andrade, Jon Dashner, Dan Leary, Scott McKinney, and Thomas Sullivan.

District personnel present: Fire Chief Mike Johnson, Cheryl Howard, Matt O’Donnell, Rodney Rodr, James Crabtree, Scott Vasquez, Glenn Verkerk,

Others present: Ted Peterson, Novato Fire District, Mike Oliveira, Calaveras County Board of Supervisors, Brian Dickson

Media present: none

2. PUBLIC APPEARANCES/COMMENT – None

3. CONSENT ITEMS
3.1. Mr. Leary made a motion to approve the minutes for August 15, 2017, with the correction to show Mr. Andrade as present under Item 1 and the checks listing for August 2017. Mr. Andrade seconded; motion passed 5-0 (AYES: Andrade, Dashner, Leary McKinney, Sullivan).

4. COMMITTEE REPORTS
4.1. Finance Committee (Directors Andrade & Leary)

4.1.1. Fiscal Year 2017-18 Final Budget
Chief Johnson reported that the Finance Committee had met and was submitting for Board approval the final budget for fiscal year 2017-18. He noted that the Station 3 Ambulance budget included a $61,000 increase in salary/wages and retirement. The ambulance billing revenue had been increased by $50,000 in the hopes that the increased billing rates and gaining the parity rates would help the revenue match the
previous year's revenue. Mr. Leary noted that it was a very conservative budget and that he and Mr. Sullivan recommended adoption of the budget for fiscal year 2017-18. Chief Johnson reported that just the day before he had received a letter from the Calaveras County Auditor and in just the property tax line item had an increase of $191,517.

Following no public comment, Mr. McKinney made a motion to approve Resolution 2017-5 adopting the budget for fiscal year 2017-18 along with the appropriations limit. Mr. Andrade seconded; motion passed 5-0 (AYES: Andrade, Dashner, Leary McKinney, Sullivan).

4.2. Personnel Committee (Directors Leary & Sullivan)
Chief Johnson reported that the premiums quoted by the FDAC-EBA for 2018 medical insurance premiums were similar to the ones from SDRMA.

4.3. Fire Prevention Committee (Directors Sullivan & Andrade)
Chief Johnson reported that he had met with SPI on an evacuation route for Blue Lake Springs Subdivision Units 14, 15 and 16, and the SPI representative was willing to come to the next EPPOC meeting. He also noted that Big Trees State Park representatives were willing to meet to discuss the potential use of Ben Smith Road for emergency exit from the Love Creek area.

Chief Johnson reported that Joan Lark had sent letter to Big Trees Village unimproved lot owners to, hopefully, jump start cleanup in that area this fall.

5. Scheduled Items

5.1. Prestabilization Fee/Rate Implementation:
Presentation by Novato Fire Protection District Battalion Chief Ted Peterson

Chief Johnson introduced Ted Peterson who then gave information about the prestabilization medical fee which was proposed to the District to be included with the District's billing for transports. BC Peterson noted that the same Health and Safety Codes allow the District to bill for the additional full-time personnel on scene. He noted that term prestabilization was "Medicare speak" for those additional on-scene personnel that helped prepare patients for transport to emergency medical care and Medicare recognizes that service as a benefit to the individuals. BC Peterson gave information about the rates that were used within California.

Mr. Sullivan commented that it means more from insurance billing and less that the District would have to ask the community for. After some discussion, Mr. Sullivan made a motion to direct Chief Johnson to determine and set a conservative fee per call and draft a resolution with a retroactive start date to October. Mr. Andrade seconded; motion passed 5-0 (AYES: Andrade, Dashner, Leary McKinney, Sullivan).
5.2. **FDAC Employee Benefits Authority: Request for a Vote to Amend Bylaws**
After having reviewed the proposed changes, Mr. Andrade made a motion to approve the amending of the Bylaws as presented. Mr. Leary seconded; motion passed 5-0 (AYES: Andrade, Dashner, Leary, McKinney, Sullivan).

5.3. **Approval of Funds to be Received this Fiscal Year from Calaveras County to Fire Districts**
Chief Johnson noted that the Calaveras County Fire Chiefs Association had approached the County Board of Supervisors with a proposal for fire districts to receive a portion of the Proposition 172 funding. The proposal had met with success for a portion of the Proposition 172 funding to be split among the nine fire districts. Additionally, the Board of Supervisors had approved to have a portion of the proposed increase to the County’s Transient Occupancy Tax rate be allocated to fire districts within Calaveras County. After some further discussion which included thanks to Mike Oliveira for his support of the proposal, Mr. Sullivan recommended that the District support the increase to the Transient Occupancy Tax when it goes before the voters.

6. **REPORTS**
6.1. **Administrative Report** - Chief Mike Johnson reported the District had received a $20,000 grant from the Off-Highway Grant Fund which has been used to purchase an enclosed trailer for the UTV along with a cab and tracks for the UTV.

He also reported that he had approved a one-year term for assistance for applying for grants. He noted he would be attending the CSDA Annual Conference in Monterey shortly.

6.2. **Legislative Report** - Chief Johnson reported the Little Hoover Commission special district report was available for Board members to read. He added that the proposed SB523 setting a quality assurance fee was a loser for the District and he would be sending a letter asking to veto it.

6.3. **Fire Prevention** – No additional.

6.4. **Administrative - EMS** – Chief Johnson reported there was an EMS Section meeting on Thursday at Lake Tahoe.

7. **COMMENTS, QUESTIONS, CONSIDERATIONS**
7.1. **Board Members** – Mr. Leary thanks Ted Peterson for his presentation and assistance to our District. Mr. Andrade thanks Brian Dickson for his coming to the meeting and for participating in our District.

7.2. **Firefighters Association** – Glenn Verkerk noted there had been another successful raffle and beer booth fundraiser. He added that the Anniversary/Awards Dinner was scheduled for December 2nd at Sequoia Woods.
7.3. Employees' Group – Rodney Rodr thanked the Board members for their work.

7.4. Public Comments – None.

8. Report of Action Taken in Closed Session
There was a break taken at 10:10 and then the closed session started at 10:15 and ended at 10:28. Mr. Dashner then reported that the Board had agreed to renew the Fire Chief's contract for the next two years at the pay grade set in the District’s Pay Schedule. Chief Johnson was also asked to establish goals and objectives for EPFD and the Fire Chief to achieve.

9. Adjournment
Mr. Leary made a motion to adjourn. Mr. Andrade seconded; motion passed unanimously.
10:30 A.M.

Respectfully submitted,

Cheryl Howard
District Secretary
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<th>Year-To-Date</th>
<th>% Received Year-To-Date</th>
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<td>0.00</td>
<td>2,613.27</td>
<td>0.73</td>
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<td>FIRE Operation Fund Totals</td>
<td>5640</td>
<td>211,698</td>
<td>0.00</td>
<td>0.00</td>
<td>211,698.00</td>
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<td>Building Fund: Structures</td>
<td>5701</td>
<td>-</td>
<td>0.00</td>
<td>0.00</td>
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<tr>
<td>Equipment</td>
<td>5701</td>
<td>-</td>
<td>0.00</td>
<td>0.00</td>
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## CHECKS ISSUED LISTING - Sept 2017

### FIRE OPERATIONS

<table>
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<tr>
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<th>PAID TO</th>
<th>PURPOSE</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>5001.1.001: SALARIES</td>
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<td></td>
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<tr>
<td>12240, 12334 Payroll / Statutory Elective Withholding</td>
<td></td>
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<tr>
<td>12240, 12334 Paychex Fee</td>
<td>employer cost</td>
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<tr>
<td>1041129, 1041868 PARS</td>
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<td>12241, 12335 EPFF Local #3581</td>
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<td>12178 PERS</td>
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<td>12178 PERS</td>
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<td>PERS</td>
<td>int/del fee</td>
<td>104.81</td>
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| 5001.1.002: EXTRA HIRE | | none issued |

| 5001.1.003: EXTRA HIRE - SPECIAL | | |
| 12240, 12334 Payroll / Statutory Withholding / Elective Withholding | | 563.70 |
| 1041129, 1041868 PARS | EE withholding | $45.00 |

| 5001.1.004: Expenditure: ST/TF Firefighter | | |
| 12240, 12334 Payroll / Statutory Withholding / Elective Withholding | | 7,594.14 |

| 5001.1.005: Expenditure: Volunteer Firefighter | | none issued |

| 5001.1.050: RETIREMENT (PERS) | | |
| 12178 PERS | employer portion 07-2017-2 | 4,654.29 |
| 12178 PERS | employer portion 08-2017-1 | 4,563.98 |
| 12178 PERS | unfunded liability | 3,404.80 |
| 12388 PERS | additional invoiced due to audit | 10,765.03 |

| 5001.1.055: GROUP INSURANCE | | |
| 1042258 FDAC-EBA | vis/den/life ins prem | $1,227.81 |
| 1041669 SDRMA-Employee Benefit Service - medical premium | | $9,951.00 |
| 1041658 Hometown Health | medical premium | 869.00 |
| 12240, 12334 Supplemental Life Premium Withholding | | ($85.60) |

| 5001.1.062: UNIFORM ALLOWANCE | | none issued |

| 5111.1.111: SAFETY CLOTHING | | none issued |

| 5111.1.115: SAFETY EQUIPMENT | | none issued |
**CHECKS ISSUED LISTING - Sept 2017**

### COMMUNICATIONS: RADIOS

none issued

### COMMUNICATIONS: TELEPHONE

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comcast</td>
<td>phone/internet Sta. 1</td>
<td>$296.84</td>
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<tr>
<td>AT&amp;T</td>
<td>phone Sta. 4</td>
<td>$140.57</td>
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<td>AT&amp;T</td>
<td>phone Sta. 2</td>
<td>$127.19</td>
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<tr>
<td>Comcast</td>
<td>phone/internet Sta. 2</td>
<td>$119.10</td>
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<tr>
<td>Verizon Wireless</td>
<td>monthly service</td>
<td>$354.02</td>
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### FOOD/FIRE LINE MEALS

none issued

### HOUSEHOLD EXPENSE

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<tr>
<th>Service Provider</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ameri Pride Services</td>
<td>rag/coverall service</td>
<td>$144.86</td>
</tr>
<tr>
<td>CA Waste Recovery</td>
<td>trash disposal</td>
<td>$179.76</td>
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<tr>
<td>Ebbetts Pass Lumber Co</td>
<td>repair Sta.1 oven</td>
<td>$248.40</td>
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### INSURANCE: PROPERTY/LIABILITY

none issued

### INSURANCE: WORKER’S COMPENSATION

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Description</th>
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<tr>
<td>SDRMA</td>
<td>balance of 2016-17 premium</td>
<td>$1,214.96</td>
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### MAINTENANCE: APPARATUS

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Work Done</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arnold Auto Supply</td>
<td>U1002/7: halogen lamp</td>
<td>$34.30</td>
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<tr>
<td>Arnold Auto Supply</td>
<td>U1006: LED kit</td>
<td>$93.51</td>
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<tr>
<td>Hi-Tech EVS Inc.</td>
<td>U1005: add lights, replace valves</td>
<td>$6,514.28</td>
</tr>
<tr>
<td>Mello Transmission Co</td>
<td>U1002: repair power problem</td>
<td>$2,178.77</td>
</tr>
<tr>
<td>Mello Truck Repair Co</td>
<td>U1002 full service</td>
<td>$6,931.25</td>
</tr>
<tr>
<td>Sam Berri Towing</td>
<td>U1005: tow to Mellow Trans</td>
<td>$520.00</td>
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### MAINTENANCE: UTILITIES

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Work Done</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>Arnold Auto Supply</td>
<td>U3018: capsule, color back</td>
<td>$23.58</td>
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<tr>
<td>Arnold Auto Supply</td>
<td>U3017: tow to Arnold Automotive</td>
<td>$225.00</td>
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<tr>
<td>Sam Berri Towing</td>
<td>U3018: batteries</td>
<td>$361.52</td>
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### BUILDING & GROUNDS MAINTENANCE

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Ebbetts Pass Lumber Co</td>
<td>lube spray</td>
<td>$5.59</td>
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### EMERGENCY CARE

none issued

### MEMBERSHIPS/SUBSCRIPTIONS

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Description</th>
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<tbody>
<tr>
<td>US Bank</td>
<td>NFPA membership</td>
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<tr>
<td>Code</td>
<td>Description</td>
<td>Vendor/Service</td>
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<td>--------------------------------------------------</td>
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<tr>
<td>5111.1.241</td>
<td>OFFICE EXPENSE</td>
<td>Foothill Printing &amp; Graphics</td>
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<tr>
<td>1041656</td>
<td>business cards</td>
<td>U.S. Bank</td>
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<tr>
<td>1041671</td>
<td>spam blocker, web page hosting</td>
<td>Wiley Computer Works</td>
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<td>1042260</td>
<td>paper, ink</td>
<td>Staples</td>
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<tr>
<td>5111.1.243</td>
<td>OFFICE EXPENSE: POSTAGE</td>
<td>JE Calaveras Co</td>
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<td>5111.1.245</td>
<td>OFFICE EXPENSE: COPIES</td>
<td>Zoom Imaging Solutions</td>
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<td>5111.1.271</td>
<td>PROFESSIONAL SERVICES</td>
<td>Simas &amp; Associates</td>
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<td>5111.1.401</td>
<td>SMALL TOOLS/FF EQUIPMENT</td>
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<tr>
<td>5111.1.402</td>
<td>SMALL TOOLS: HOSE / SCBA</td>
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<tr>
<td>5111.1.411</td>
<td>SPECIAL DISTRICT EXPENSE</td>
<td>Ebbetts Pass Lumber Co</td>
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<tr>
<td>1041655</td>
<td>items to secure after structure fire</td>
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<tr>
<td>5111.1.412</td>
<td>SPECIAL DISTRICT EXPENSE: HEALTH MAINTENANCE</td>
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<td>5111.1.422</td>
<td>TRAINING</td>
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<td>5111.1.478</td>
<td>TRAVEL/EDUCATION/TRAINING</td>
<td>US Bank</td>
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<tr>
<td>1041671</td>
<td>registration to State of County</td>
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<td>5111.1.480</td>
<td>TRANSPORTATION FUEL</td>
<td>Chevron</td>
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<tr>
<td>1041652</td>
<td>fuel</td>
<td>Ebbetts Pass Gas Service</td>
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<td>5111.1.501</td>
<td>UTILITIES: WATER/SEWER</td>
<td>CCWD</td>
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<tr>
<td>5111.1.504</td>
<td>UTILITIES: ELECTRICITY</td>
<td>JE CPPA</td>
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</table>

*NOTE: Amounts in USD*
5111.1.505: UTILITIES: PROPANE
1041654 Ebbetts Pass Gas Service  propane  393.1

5640 F: STRUCTURES
5701 F: EQUIPMENT

none issued
none issued
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<th>ACCOUNT No.</th>
<th>ACCOUNT</th>
<th>BUDGET</th>
<th>Month</th>
<th>Year-To-Date</th>
<th>ACCOUNT BALANCE</th>
<th>% Disbursed</th>
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<td>.001</td>
<td>Salaries/Wages</td>
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<td>35,896.56</td>
<td>84,788.06</td>
<td>208,722.94</td>
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<td>.050</td>
<td>Retirement</td>
<td>64,248</td>
<td>5,081.83</td>
<td>18,157.99</td>
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<td>.055</td>
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<td>80,771</td>
<td>6,129.25</td>
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<td>SERVICES &amp; SUPPLIES</td>
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<td>2,727.27</td>
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<td>43.43</td>
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<td>150.78</td>
<td>464.22</td>
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<td>Housekeeping</td>
<td>1,900</td>
<td>57.95</td>
<td>549.57</td>
<td>1,350.43</td>
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<td>Insurance-Prop/Liability</td>
<td>2,204</td>
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<td>2,000.00</td>
<td>204.00</td>
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<td>10,000.00</td>
<td>7,050.00</td>
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<td>Maintenance-Apparatus</td>
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<td>208.30</td>
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<td>653.82</td>
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<td>0.00</td>
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<td>Emergency Care/Rescue</td>
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<td>0.00</td>
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<td>Small Tools/FF Equipment</td>
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<td>0.00</td>
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<td>Small Tools-Hose/SCBA</td>
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<td>0.00</td>
<td>500.00</td>
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<td>29.42</td>
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<td>SDE--Health Maintenance</td>
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<td>316.65</td>
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<td>Engine Paramedic Program Totals</td>
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<td>506,964</td>
<td>47,740.76</td>
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<td>364,108.59</td>
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<td>----------------------------------------------</td>
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<tr>
<td>5001.2.001: SALARIES</td>
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<tr>
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<td>1041129, 1041868 PARS</td>
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<td>5001.2.050: RETIREMENT (PERS)</td>
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<td>12178 PERS</td>
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<td>12178 PERS</td>
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<td>1,596.33</td>
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<td>12178 PERS</td>
<td>unfunded liability</td>
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<td>5001.2.055: GROUP INSURANCE</td>
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<tr>
<td></td>
<td>1042258 FDAC-EBA</td>
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<tr>
<td></td>
<td>1041669 SDRMA-Employee Benefit Service - medical premium</td>
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<tr>
<td></td>
<td>12240, 12334 Supplemental Life Premium Withholding</td>
<td>($42.00)</td>
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<tr>
<td>5001.2.062: UNIFORM ALLOWANCE</td>
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<td></td>
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<td>5411 P</td>
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# STATION 3 A ACCOUNT SUMMARY SHEET - Sept 2017

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<tr>
<th>ACCOUNT</th>
<th>No.</th>
<th>BUDGET</th>
<th>Month</th>
<th>Year-To-Date</th>
<th>ACCOUNT BALANCE</th>
<th>% Disbursed Year-To-Date</th>
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<td>206,687.42</td>
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<td>Insurance-Workers Comp</td>
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<td>20,000.00</td>
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<td>Maintenance-Ambulances</td>
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<td>19,118.03</td>
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<td>Emergency Care/Rescue</td>
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<td>8,023.91</td>
<td>21,976.09</td>
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<td>Small Tools/FF Equipment</td>
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<td></td>
</tr>
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<td>5111.3.141: HOUSEHOLD EXPENSE</td>
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<td>1041647</td>
<td>Ameri Pride Services Inc</td>
<td>rag/coverall service</td>
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CHECKS ISSUED LISTING - Sept 2017

STATION 3 A

5111.3.151: INSURANCE: PROPERTY/LIABILITY
none issued

5111.3.153: INSURANCE: WORKER'S COMPENSATION
none issued

5111.3.181: MAINTENANCE: APPARATUS
none issued

5111.3.183: MAINTENANCE: AMBULANCES
1041648 Arnold Auto Supply
1041672 Arnold Automotive
1041655 Ebbetts Pass Lumber Co
1041657 Hi-Tech EVS Inc
1041657 Sam Berri Towing
1041668 Sonora Ford
1041671 US Bank
1042262 Arnold Automotive

U3504: air springs, R&R alternat
U3507: oil/filter serv, tire & diff sc
U3507: groundig connector
U3505: replace airbag; add outlet
U3504: tow to Sonora Ford
U3505: ball joint repair
U6003: belt drive, PS4; U5 refun

747.34
1,160.75
10.12
1,185.27
227.50
1,507.53
185.78
659.95

5111.3.201: BUILDING & GROUNDS MAINTENANCE
none issued

5111.3.211: EMERGENCY CARE
1041646 Airgas
1041649 Bound Tree Medical LLC
1041659 Life Assist Inc

oxygen, demurrage
medical supplies
medical supplies

467.37
1,362.80
2,800.94

5111.3.221: MEMBERSHIPS/SUBSCRIPTIONS
none issued

5111.3.241: OFFICE EXPENSE
1041656 Foothill Printing & Graphics
1041671 U.S. Bank

business cards
spam blocker, web page hosting

143.45
58.91

5111.3.271: PROFESSIONAL SERVICES
1041662 Mountain-Valley EMS Agency
1041663 Novato Fire District

2nd Qtr Emergency Transport Fc
July 2017: 59 PCRs

835.75
1,062.00

5111.3.401: SMALL TOOLS/FF EQUIPMENT
1041655 Ebbetts Pass Lumber Co
1041671 US Bank

narcotics safe items
biometric safe

28.96
322.70

5111.3.402: SMALL TOOLS: HOSE / SCBA
1041655 Ebbetts Pass Lumber Co

batteries for SCBAs

11.93

5111.3.411: SPECIAL DISTRICT EXPENSE
1041670 Stericycle

medical waste disposal

583.63
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<td>5111.3.413</td>
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<td>SPECIAL TAX HANDLING FEE</td>
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<td>1041875 Overpayment Recovery refund</td>
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Ebbetts Pass Fire District Resolution No. 2017-6

Resolution Authorizing Ambulance Transport Billing Agency to Bill for Patient Prestabilization

WHEREAS, the District has determined that the provision of additional emergency medical response personnel beyond the two assigned to each of its ambulance transport units is necessary for the safety of patient and personnel in addition to providing the best possible care in a medical emergency;

WHEREAS, the mountainous terrain within the District and the distance to emergency medical facilities often dictates careful attention to the number of personnel needed during a medical event such as steep and uneven terrain, slippery footing, multiple flights of stairs unprotected from the varied weather conditions, and extended administration of medical care prior to ambulance transport;

WHEREAS, the District has provided and continues to provide the additional personnel by sending the personnel assigned to E435 and/or the Battalion Chief and/or another transport unit who then assist personnel on the ambulance dispatched to render aid during an emergent medical event;

WHEREAS, Medicare and other insurance companies have recognized the integral costs involved with this provided care and provided a mechanism of billing so this prestabilization care may continue; and

WHEREAS, the Prestabilization Fee may now be assessed for two (2) emergency medical attendants assisting during ambulance operations.

THEREFORE, BE IT RESOLVED by the Board of Directors that the District authorizes the billing for Prestabilization fee beginning at the rate of $450 in each incident Prestabilization applies effective October 1, 2017, and the Board shall annually consider any increase in this rate;

BE IT FURTHER RESOLVED, all residents of the Ebbets Pass Fire District shall not be subject to any out-of-pocket expense for Prestabilization.

PASSED, Approved and Adopted this 17 day of October 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chair of the Board of Directors

Attest:

Secretary of the Board of Directors
NOTICE OF PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the Board of Administration (the Board) of the California Public Employees’ Retirement System (CalPERS) proposes to take the regulatory action described below in the Informative Digest after considering public comments, objections, or recommendations regarding the proposed regulatory action.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to amend section 586.1(a), “Normal Retirement Age” under Article 7.5 of subchapter 1, Chapter 2 of Division 1 of Title 2 of the California Code of Regulations (CCR). By proposing this amended regulation in this Article, CalPERS seeks to explicitly define Normal Retirement Age for benefit formulas enacted after 2004, establish a maximum Normal Retirement Age of age 62 for members who are otherwise eligible to retire, and make other technical and clarifying changes.

II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing on September 15, 2017 and closing on October 30, 2017 at 5:00 pm. The Regulation Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via fax at (916) 795-4607; E-mail at Regulation_coordinator@calpers.ca.gov or mailed to the following address:

Anthony Martin, Regulation Coordinator
California Public Employees’ Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-3038

III. PUBLIC HEARING

A public hearing will not be scheduled unless an interested person, or his or her duly authorized representative, submits a written request for a public hearing to CalPERS no later than 15 days prior to the close of the written comment period. Notice of the time, date, and place of the hearing will be provided to every person who has filed a request for notice with CalPERS.
IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairment, and the room can be made accessible to persons with hearing or visual impairments upon advance request to the CalPERS Regulation Coordinator.

V. AUTHORITY AND REFERENCE

The Board has the authority to take regulatory action under Government Code (G.C.) sections 20121 and 21220.5.

Reference citation: G.C. section 21220.5.

VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CalPERS defined benefit plan (the Plan) is a tax-qualified plan under Internal Revenue Code (IRC) section 401(a). As such, the Plan must comply with the requirements of IRC section 401(a) to maintain its tax-qualified status. One such requirement is that the Plan must be established and maintained primarily to provide systematically for the payment of definitely determinable benefits to participants over a period of years, usually for life, after retirement or attainment of Normal Retirement Age.

In 2004, pursuant to G.C. section 21220.5, Article 7.5 sections 586 through 586.2 were added to Title 2, Division 1, Chapter 2, Subchapter 1 of the CCR to define “Normal Retirement Age” and “Bona Fide Separation in Service” to help ensure compliance with federal rules governing in-service distributions. Since 2004, the Legislature has enacted additional benefit formulas under the Government Code. In 2010 and 2012, the Legislature enacted benefit formulas under G.C. sections 21369.2 and 21076.5, respectively. The Public Employees’ Pension Reform Act of 2013 (PEPRA) established comprehensive pension reform provisions to help ensure that public pensions would be sustainable, secure, and cost-effective into the future. The pension reform legislation brought numerous changes to California public retirement systems, including enacting additional benefit formulas for safety and non-safety members under G.C. sections 7522.20 and 7522.25.

This proposed amended regulation defines Normal Retirement Age for benefit formulas enacted after 2004, establishes a maximum Normal Retirement Age of age 62 for members who are otherwise eligible to retire, and makes other technical and clarifying changes. This proposed amended regulation is consistent with existing law.
**Consistency Evaluation**

CalPERS conducted a review of Normal Retirement Age regulations and determined that benefit formulas enacted after 2004 have not been specified under CCR section 586.1 and that there are no related regulations dealing with the definition of Normal Retirement Age for purposes of compliance with federal in-service distribution rules under the Plan. Therefore, this proposed regulation is not inconsistent or incompatible with existing law or other existing state regulations. CCR section 586.1 defines Normal Retirement Age for CalPERS benefit formulas. This proposed amended regulation seeks to update section 586.1 and make technical and clarifying changes, including establishing a maximum Normal Retirement Age of age 62 for members who are otherwise eligible to retire.

**Anticipated Benefit**

CalPERS believes that adoption of this proposed amended regulation will provide clarity and uniformity for CalPERS team members, contracting agencies, the State, school employers, and CalPERS members to ensure uniform compliance with federal rules governing in-service distributions. The proposed amended regulation is consistent with the Public Employees’ Retirement Law, including section 21220.5 and applicable federal laws, rules, and regulations governing in-service distributions. The amended regulation is reasonably necessary to effectuate the purpose of these statutes, rules, and regulations.

**PRENOTICE CONSULTATION WITH THE PUBLIC**

The Plan is already subject to federal in-service distribution rules and complies with them in operation; the proposed amended regulation clarifies and further documents these requirements. The proposed amended regulation will not significantly change CalPERS’ administration of the Plan. Accordingly, no pre-notice consultation was done with the public.

**VII. EFFECT ON SMALL BUSINESS**

The proposed regulatory action does not affect small business because it applies only to CalPERS-covered employers and CalPERS members.

**VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION**

The Board has made the following initial determinations:

A. MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS: The proposed regulatory action does not impose any mandates on local agencies and school districts.
B. COSTS OR SAVINGS TO ANY STATE AGENCY: The proposed regulatory action will not result in any additional costs or savings to any State agency.

C. COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT: The proposed regulatory action will not result in any costs on any local agency or school district.

D. NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES: The proposed regulatory action does not impose any nondiscretionary costs or savings on local agencies.

E. COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE: The proposed regulatory action will not result in additional costs or savings in federal funding to the State.

F. ADVERSE ECONOMIC IMPACT: The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. CalPERS relied upon the plain text of the statutes and the proposed amended regulation to make this determination.

G. COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES: CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action because regulatory action only applies to CalPERS, CalPERS covered employers, and CalPERS members.

H. RESULTS OF THE ECONOMIC IMPACT ANALYSIS: The proposed regulatory action: (1) will not create or eliminate jobs within California; (2) will not create new businesses or eliminate existing businesses within California; (3) will not affect the expansion of businesses currently doing business within California; and (4) will not benefit the health and welfare of California residents (except to the extent that they are CalPERS members), worker safety, or the State's environment. The proposed amended regulation will ensure that the Plan provisions are consistent with federal law and thus provide further assurance concerning the integrity and tax qualified status of the Plan.

I. EFFECT ON HOUSING COSTS: The proposed regulatory action has no effect on housing costs.
J. COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMURED IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 17500 THROUGH 17630: There are no costs to any local agency or school district, which must be reimbursed in accordance with G.C. sections 17500 through 17630.

CONSIDERATION OF ALTERNATIVES

In accordance with G.C. section 11346.5(a)(13), the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be:

- more effective in carrying out the purpose of the proposed action,
- as effective as, and less burdensome to affected private persons than the proposed action, or
- more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the above-mentioned public hearing or during the written comment period.

IX. CONTACT PERSON

Please direct inquiries concerning the proposed regulatory action to:

Anthony Martin, Regulation Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-3038

The backup contact for these inquiries is:

Christina Nutley, Regulation Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-3038

Please direct requests for copies of the proposed text of the regulations, the Initial Statement of Reason, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Anthony Martin, Regulation Coordinator, at the address provided.
X. AVAILABILITY OF THE INITIAL STATEMENT OF REASON AND TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The entire rulemaking file is available for public inspection by contacting the Regulation Coordinator at the address shown in Section II. To date, the file consists of this notice, the Initial Statement of Reasons (ISOR) and the proposed text of the regulations. A copy of the proposed text and the ISOR is available at no charge by written request to the CalPERS Regulation Coordinator, at the address and phone number listed in Section II. The Final Statement of Reasons can be obtained once it has been prepared.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS’ website at www.calpers.ca.gov.

XI. AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Board may, on its own motion or at the recommendation of any interested person, amend the proposed text of the regulation after the public comment period ends.

If the Board amends its regulatory action, a comparison of the original proposed text and the amendments will be prepared for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends, or repeals the resulting regulations. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept informed of the results of this regulatory action.

XII. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting the CalPERS Regulation Coordinator at the address shown in Section II.