



# Sacramento Metropolitan Fire District

10545 Armstrong Ave., Suite 200 · Mather, California 95655 · Phone (916) 859-4300 · Fax (916) 859-3700

## BOARD OF DIRECTORS - SPECIAL MEETING

**Wednesday, January 4, 2023 – 6:00 PM**

**Sacramento Metropolitan Fire District  
10545 Armstrong Avenue  
Board Room – Second Floor  
Mather, California**

**&  
Remotely Via Zoom  
Phone: (669) 900-6833  
Webinar ID: 875 7925 6553#  
Passcode: 498 059 614#**

*The mission of the Sacramento Metropolitan Fire District is to provide professional and compassionate protection, education and service to our community.*

**D'Elman Clark**  
Board President  
Division 6

**Grant Goold**  
Board Vice President  
Division 2

**Ted Wood**  
Board Secretary  
Division 4

**Cynthia Saylor**  
Board Member  
Division 1

**Robert Webber**  
Board Member  
Division 3

**Jennifer Sheetz**  
Board Member  
Division 5

**Brian Rice**  
Board Member  
Division 7

**Gay Jones**  
Board Member  
Division 8

**John Costa**  
Board Member  
Division 9

### CALL TO ORDER

### ROLL CALL

### PLEDGE TO FLAG

### PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN DISTRICT JURISDICTION REGARDING ITEMS ON THE AGENDA

### CLOSED SESSION

- Personnel Matters – Public Employee Employment Pursuant to California Government Code Section 54957**  
Fire Chief Employment

### CLOSED SESSION REPORT OUT

### ACTION ITEMS

Page No.

- Fire Chief Base Salary Adjustment (General Counsel Lavra)**  
**Recommendation:** Approve the adjusted base salary for the position of Fire Chief. \*
- Interim Fire Chief Employment Agreement Daniel Haverty (General Counsel Lavra)**  
**Recommendation:** Approve the Employment Agreement for Interim Fire Chief Haverty. 3



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**SPECIAL BOARD MEETING AGENDA**

**WEDNESDAY, JANUARY 4, 2023**

- 3. Ratification of Resolution to Extend Teleconference of Board Meetings (Government Code 54953(e) (3)) (President Clark) 6**  
**Recommendation:** Consider adopting a Resolution which would extend the ability to teleconference without compliance of Government Code paragraph (3) of subdivision (b) of section 54953 from January 4, 2023 – February 2, 2023 or until further re-ratified.

## **ADJOURNMENT**

### **NEXT BOARD MEETING(S):**

Unless specified differently, all meetings of the Board are held at Sacramento Metropolitan Fire District, 10545 Armstrong Avenue, Mather, CA

- Regular Board Meeting – January 12, 2023 at 6:00 PM

Posted on January 3, 2023

Melissa Penilla, Clerk of the Board

\* No written report

\*\*  Separate Attachment

### **DISABILITY INFORMATION:**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (916) 859-4305. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

**INTERIM EMPLOYMENT AGREEMENT**

**RETIRED ANNUITANT**

THIS AGREEMENT is entered into this \_\_\_\_ day of January 2023, by and between the **SACRAMENTO METROPOLITAN FIRE DISTRICT**, a fire protection district authorized and existing under the laws of the State of California (hereinafter "**DISTRICT**"), and **DANIEL HAVERTY**, an individual (hereinafter "**FIRE CHIEF**" or "**EMPLOYEE**").

The **DISTRICT** is seeking to recruit a permanent employee to act as a Fire Chief due to the resignation of the **DISTRICT'S** Fire Chief, whose resignation is effective December 31, 2022.

The **DISTRICT** has engaged in a recruitment process to replace the outgoing Fire Chief, which did not result in the selection of a permanent Fire Chief.

While the **DISTRICT** continues with its recruitment and selection process for a permanent Fire Chief, it desires to select an Interim Fire Chief, and **DANIEL HAVERTY**, being duly qualified to act as a **FIRE CHIEF**, has agreed to act in that position on an interim basis.

**THEREFORE**, the parties agree as follows:

**1. EMPLOYMENT**

- A. Pursuant to the terms of this Agreement, **HAVERTY** will serve as the **FIRE CHIEF** of the **DISTRICT** on an interim basis. **HAVERTY** is currently retired and receiving retirement benefits as a member of CalPERS. **HAVERTY'S** employment is "at will" as that term is defined under California law. **HAVERTY** agrees to supervise the **DISTRICT** in compliance with Board of Director policies and legislative mandates, and to perform those job duties and responsibilities as more particularly set forth in the **DISTRICT'S** Job Description for **FIRE CHIEF**.
- B. This AGREEMENT shall remain in full force until the position is filled or terminated by the **DISTRICT**. During the term of this AGREEMENT the **DISTRICT** will continue to engage in the recruitment and selection process for a permanent **FIRE CHIEF**.
- C. The **DISTRICT** intends and the parties agree that **HAVERTY** will be limited to 960 hours for each fiscal year, consistent with California law as set forth in Government Code Section 21221(h).

**2. COMPENSATION**

- A. The compensation for **HAVERTY** as **INTERIM FIRE CHIEF** will be One Hundred and Fifty-Three dollars and ninety-eight cents (\$153.98) per hour. This hourly rate is calculated based upon the publicly posted salary rate for the Fire Chief as of January 1, 2023, at \$26,684.85, and is consistent with the California Public Retirement Law (CalPERS) legal requirement for compensation for retired annuitants as set forth in Government Code Section 21221(h).
- B. **HAVERTY** will be limited to 960 hours for each fiscal year. **HAVERTY** will track and report hours worked for each pay period and report those hours to Human Resources Division of the **DISTRICT**. The **DISTRICT** will report to CalPERS all hours worked by **HAVERTY** for each pay period. In no event will **HAVERTY** exceed the legal limit for allowable hours.
- C. The **DISTRICT** acknowledges and the parties agree that the recruitment and selection process for a permanent **FIRE CHIEF** will be completed within the 2023/2024 fiscal year, and prior to **HAVERTY** reaching the 960 allowable hours.

**3. BENEFITS**

- A. **HAVERTY** will not receive or be entitled to any benefits or incentives, compensation in lieu of benefits, or any other form of compensation provided to permanent employees of the **DISTRICT**, or those benefits of a PERMANENT FIRE CHIEF, including but not limited to raises in base pay, vacation pay, holiday leave, bereavement leave, sick leave, or health or retirement benefits or severance pay.

**4. BINDING AGREEMENT**

This Agreement shall be binding on the heirs, successors and assigns of the parties.

**5. ENTIRE AGREEMENT**

This Agreement contains the entire agreement between the parties. No promise, representation, warranty or covenant not included in this Agreement has been or is relied upon by either party to this Agreement.

**6. AMENDMENT OF AGREEMENT**

This Agreement may be amended in writing by mutual agreement of the parties.

**7. GOVERNING LAW**

The rights and obligations of the parties shall be governed by the laws of the State of California.

**8. SEVERABILITY**

Should any paragraph, subparagraph, sentence, clause, phrase or word included in this Agreement be found invalid by a court of competent jurisdiction, the balance of the Agreement shall remain in full force and effect.

**9. RIGHT TO COUNSEL**

The parties acknowledge that they have been or have had a right to be represented by counsel of their own choice; that they have executed this Agreement with the consent and upon the advice of their own counsel, if such advice has been sought; and they have fully read and fully understood and voluntarily accepted the terms of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

SACRAMENTO METROPOLITAN  
FIRE DISTRICT

INTERIM FIRE CHIEF

By: \_\_\_\_\_  
DELMAN CLARK, President  
Board of Directors

By: \_\_\_\_\_  
DANIEL HAVERTY

ATTESTED

By: \_\_\_\_\_  
Melissa Penilla  
Clerk, Board of Directors



# Sacramento Metropolitan Fire District

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## RESOLUTION NO. 2023-\_\_\_

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SACRAMENTO METROPOLITAN FIRE DISTRICT PROCLAIMING A LOCAL EMERGENCY, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE SACRAMENTO METROPOLITAN FIRE DISTRICT FOR THE PERIOD OF JANUARY 4, 2023 – FEBRUARY 2, 2023 PURSUANT TO BROWN ACT PROVISIONS.**

**WHEREAS**, the Sacramento Metropolitan Fire District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

**WHEREAS**, all meetings of the Sacramento Metropolitan Fire District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; and

**WHEREAS**, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, meeting in person would present imminent risk to health and safety of attendees; and

**WHEREAS**, the Board of Directors does hereby find that conditions causing imminent risk to attendees has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

**WHEREAS**, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of the Sacramento Metropolitan Fire District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

**WHEREAS**, all meetings will be held in a virtual manner where the public may access them via the virtual platform with all login information provided on each board meeting agenda.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SACRAMENTO METROPOLITAN FIRE DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District, and meeting in person would present imminent risk.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby re-ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The staff and legislative bodies of the Sacramento Metropolitan Fire District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) February 2, 2023, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Sacramento Metropolitan Fire District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**PASSED AND APPROVED** this 4th day of January 2023, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**Sacramento Metropolitan Fire District**

\_\_\_\_\_  
President, Board of Directors

**Attested By:**

\_\_\_\_\_  
Clerk of the Board