

**BOARD OF DIRECTORS
SIERRA FIRE PROTECTION DISTRICT**

TUESDAY

4:00 P.M.

AUGUST 14, 2007

PRESENT:

Bob Larkin, Chairman
Bonnie Weber, Director
Jim Galloway, Director
David Humke, Director

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel
Michael Greene, Fire Chief

The Board met in regular session in the Health Department Conference Rooms A and B, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada and conducted the following business:

07-40SF AGENDA

There was no public comment on this item.

In accordance with the Open Meeting Law, on motion by Director Galloway, seconded by Director Weber, which motion duly carried, Chairman Larkin ordered that the agenda for the regular meeting of August 14, 2007 be approved.

07-41SF MINUTES

Fire Chief Michael Greene pointed out that copies of the minutes had not been published with the agenda and staff reports.

There was no public comment on this item.

On motion by Director Galloway, seconded by Director Humke, which motion duly carried, Chairman Larkin ordered that consideration of the minutes for April 10, May 8, June 12 and June 26, 2007 be continued to the next regular meeting of the Board of Directors.

07-42SF REPORT OF THE FIRE CHIEF

In response to the call for public comment, Sam Dehne complimented the firefighters for their efforts over the last several weeks. He wondered why the operational report did not include specifics about the District's participation in the Angora Fire at South Lake Tahoe.

On motion by Director Galloway, seconded by Director Weber, which motion duly carried, the Report of the Fire Chief concerning daily operations and changes was accepted.

**07-43SF DISCUSSION/DIRECTION – VOLUNTEER REQUIREMENTS,
UTILIZATION AND INCENTIVES**

Fire Chief Michael Greene explained that a volunteer program had been developed over the last four or five months, including written guidelines and a policy. He indicated the primary issues from the perspective of the volunteers were identification with the community, notification of an incident and utilization. Career staff felt there were issues with utilization and qualifications. Accordingly, Chief Greene drew up a training plan that outlined specific standards for volunteer firefighters, wildland firefighters and EMS providers, as well as a newly created role involving logistics and support.

Director Galloway observed that the written guidelines were not included in the staff report. He asked about guidelines specifying when volunteers were notified of an incident. Chief Greene explained the current procedure was to notify the closest volunteer department and the closest career station during an incident.

Director Galloway indicated he would like to know if the volunteers were willing and/or whether it was practical to utilize them in efforts to remove excess fuels.

Director Weber wondered how the volunteers were receiving the changes. Chief Greene noted the volunteers had been involved in the process all along. He pointed out that safety was the top priority and the volunteers supported that but there were issues with volunteers who received training a long time ago, may not have stayed current, and needed retraining in order to participate on the front lines of a fire. Director Weber asked if volunteers would have the ability to get their training and/or certifications up to date. Chief Greene assured her that all volunteers were welcome. He stated the guidelines were meant to be inclusionary but also to ensure that everyone who participated in an emergency incident was operating safely and was properly trained and prepared.

In response to Director Galloway's question about incentives, Chief Greene pointed out the most important thing to most of the volunteers was to be utilized. He said he was still gathering information about a gap policy, which would provide expanded disability coverage beyond what the State offered to volunteers.

There was no response to the call for public comment.

On motion by Director Galloway, seconded by Director Humke, which motion duly carried, it was ordered that the volunteer program be approved in concept. Staff was further directed to provide written guidelines for the volunteer program at the next regular meeting of the Board of Directors.

07-44SF WASHOE COUNTY POLICIES AND PROCEDURES

There was no public comment on this item.

Upon recommendation of Fire Chief Michael Greene, on motion by Director Humke, seconded by Director Weber, which motion duly carried, it was ordered that the Washoe County Policies and Procedures referenced in the staff report be adopted for the Sierra Fire Protection District.

07-45SF ORGANIZATIONAL POLICIES AND PROCEDURES

Fire Chief Michael Greene explained there was not a current policy and procedure manual for the Sierra Fire Protection District in the areas of training, organizational structure, conduct and emergency operations.

There was no public comment on this item.

On motion by Director Humke, seconded by Director Weber, which motion duly carried, it was ordered that the Fire Chief was authorized to develop and implement organizational policies and procedures specific to the Sierra Fire Protection District as referenced in the staff report.

**07-46SF EQUITY ADJUSTMENT – INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS LOCAL 3895 AND BATTALION CHIEF'S
ASSOCIATION**

Chairman Larkin discussed the fiscal impact as outlined in the staff report with Fire Chief Michael Greene.

Director Galloway asked if this adjustment would change the two-year labor contracts that were originally adopted by the Sierra Fire Protection District. Chief Greene indicated the 0.5 percent increase was budgeted into the original contracts.

There was no public comment on this item.

On motion by Director Humke, seconded by Director Weber, which motion duly carried, it was ordered that the 0.5 percent equity adjustment for the Sierra Fire Protection District International Association of Fire Fighters Local 3895 and Battalion Chief's Association, according to employee contracts dated July 1, 2006 and effective July 1, 2007, be approved.

**07-47SF INCREASE IN PUBLIC EMPLOYEES RETIREMENT SYSTEM
(PERS) PREMIUM NOT TO REDUCE EMPLOYEE SALARIES**

Chairman Larkin clarified that this had been part of the original two-year labor contracts.

There was no public comment on this item.

On motion by Director Humke, seconded by Director Galloway, which motion duly carried, it was ordered that salaries for the non-represented employees of the Sierra Fire Protection District would not be reduced by the employee's share of the PERS increase effective on July 23, 2007, in accordance with agreements previously approved with the International Association of Fire Fighters Local 3895 and the Sierra Fire Protection District Chief Officer's Association.

07-48SF SALARY ADJUSTMENT – DISTRICT FIRE CHIEF

There was no public comment on this item.

On motion by Director Galloway, seconded by Director Weber, which motion duly carried, it was ordered that a 5 percent salary adjustment based upon satisfactory six-month performance be approved per the District Fire Chief's Employment Agreement.

PUBLIC COMMENT

Sam Dehne talked about item 11 on the Board of County Commissioners' agenda concerning water rights applications. He questioned whether staff was "putting words in the Board's mouth" and reiterated his belief that the way the item was written did not comply with Open Meeting Law requirements.

**07-49SF DISCUSSION/DIRECTION – DEVELOPMENT OF COST
RECOVERY PROCEDURE FOR HUMAN-CAUSED FIRES**

4:30 p.m. The Board, having already convened as the Board of Directors for the Sierra Fire Protection District, also convened as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District.

Kurt Latipow, Fire Services Coordinator, pointed out this discussion was not intended to address cost recovery for any one specific fire but was intended to address the overall cost-recovery procedure. He stated the proposed procedure was written to cover both Districts, although there were statutory differences governing what each District could do, (NRS 473 for the Sierra Fire Protection District and NRS 474 for the Truckee Meadows Fire Protection District). Assistant District Attorney Melanie Foster clarified that both Districts were required to prove some level of negligence but NRS 474 required willful intent before allowing the institution of cost-recovery procedures.

Chairman Larkin raised the issue of policy versus procedure. Mr. Latipow stated his proposal included the procedure, but policy recommendations would have to be brought back before the Board at a future meeting.

Director Galloway stated it would be difficult to anticipate everything within a policy. He shared some of the policy questions raised at a recent meeting of the West Truckee Meadows Citizen Advisory Board (CAB):

- What if someone was careless and burned down his/her own house?
- Do homeowners already pay taxes for fire protection?
- Should the policy differentiate between a baseline of service that people expect and extraordinary expenses?
- What was considered negligent if the rules were not defined? For example, if there is no requirement that people wet down an area in advance of doing work that could cause a fire, then what rule was broken?
- Was the Board talking about punishment or just recovering costs?

Director Galloway thought it was appropriate to have some statements of intent to clarify that the Board's purpose was to recover costs where there was liability, not to exact retribution, and only to recover extraordinary costs. He believed the statements of intent could be developed into a future policy but the issues were too complex to be dealt with quickly.

Chairman Larkin pointed out that institution of a procedure without a policy would in effect relegate the policy questions to the District Attorney's office. He emphasized that he did not oppose the procedures. Chairman Larkin believed it was the Board's responsibility to determine under what circumstances and from whom the Fire Districts would attempt to recover costs.

Mr. Latipow stated it was important for the process to begin with an investigation to determine the cause of a fire. He said the proposed procedure attempted to standardize the steps so that both Districts followed due process in every case. Mr. Latipow noted that most fire agencies identified a level of service that was already paid for by taxes but he believed that any such recommendations should come from the two Fire Chiefs. He indicated he was more than happy to work with both of the Fire Chiefs on a specific policy with specific triggers. He recommended the Chiefs be given some latitude within the policy to make decisions based on their experience.

Director Galloway noted the procedure and the steps it outlined would be useful regardless of what policy the Board eventually adopted. He pointed out the decision process involved in steps 3 and 4 of Attachment A to the staff report would be dependent on a policy, as well as the applicable statutes. Chairman Larkin agreed but

pointed out the Board was agendized to provide direction and not to consider adoption of the procedure.

Chairman Larkin observed it was not necessary to "reinvent the wheel" because there was federal policy already on the books concerning cost recovery and cost recovery was being done in other communities. Mr. Latipow stated the incredible amount of research done on this issue over the last several weeks led to the conclusion that one policy would not work for both Fire Districts.

Director Galloway thought the policy had to have some flexibility. He did not want recovery to include going after basic assets such as someone's home. Director Galloway suggested it was not reasonable to initiate cost recovery if someone burned down their own home, but it was warranted if someone burned down ten other homes in addition to their own.

Chairman Larkin remarked that implementing a procedure without a policy would open the County up to challenge. He requested that Mr. Latipow bring recommendations for a policy or policies before the Board in addition to the procedure. Mr. Latipow clarified with Chairman Larkin that it was not the intent of the Board to delay any existing investigation or cost-recovery process currently underway.

Director Galloway asked for an additional step in the procedure whereby a "show cause" letter was issued to any identified responsibly party. He agreed with Mr. Latipow that a "show cause" hearing could occur after an investigation was complete.

Marty Scheuerman, Division Chief for the Truckee Meadows Fire Protection District, asked if the Board was looking to develop a performance metric for the Fire Chiefs related to cost recovery. Chairman Larkin indicated that was not the case. Chief Scheuerman pointed out that a responsible party's intent would play into the decision process. Chairman Larkin emphasized he was primarily concerned with civil cost recovery. Director Galloway stated that, if it was the Fire Chief's recommendation to make gross negligence part of the standard for initiating cost recovery, he should formally propose that to the Board.

In response to the call for public comment, Sam Dehne was surprised there were not more citizens present to speak on this issue. He suggested that some citizens might try to use a cost recovery policy to hold the Fire Districts responsible for damages when they were not allowed access to protect their own homes during a fire.

DIRECTORS'/FIRE CHIEF'S ANNOUNCEMENTS

Director Weber asked for a future agenda item updating the Board on the Peavine Station.

Director Galloway said there were regulations in Oregon that required construction to stop on red flag days. He requested a report at a future Board meeting

analyzing how many red flag days there had been this year compared to past years. Director Galloway wondered if certain construction activities could be curtailed rather than all activity. He mentioned the Building Department was already requiring fire prevention plans when new permits were issued and thought it might be possible to incorporate red flag day limitations into the permit process.

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There being no further business to come before the Board, the meeting was adjourned at 5:05 p.m.

ROBERT M. LARKIN, Chairman
Sierra Fire Protection District

ATTEST:

AMY HARVEY, Washoe County Clerk
and Ex-Officio Clerk, Sierra
Fire Protection District

*Minutes Prepared By
Lisa McNeill
Deputy County Clerk*