

**BOARD OF FIRE COMMISSIONERS
SIERRA FIRE PROTECTION DISTRICT**

TUESDAY

10:00 a.m.

JANUARY 25, 2011

PRESENT:

John Breternitz, Chairman
Bonnie Weber, Vice Chairperson*
Robert Larkin, Commissioner
Kitty Jung, Commissioner
David Humke, Commissioner

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

The Board convened at 11:30 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, and conducted the following business:

11-01SF AGENDA ITEM 2A

Agenda Subject: “Approval of Agenda for January 25, 2011 SFPD Fire Commissioners Meeting.”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 2A be approved.

11-02SF AGENDA ITEM 2B

Agenda Subject: “Chief’s Report.”

Fire Chief Michael Greene said the bids for the Arrowcreek Fire Station would be opened on January 27, 2011. On February 8, 2011, he would return to the Board with a report and possible recommendation for moving forward. He said the volunteer program “Invest in Success” had been very successful during the first quarter.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 2B be approved.

11-03SF AGENDA ITEM 2C

Agenda Subject: “Approval of minutes from December 14, 2010 meeting.”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 2C be approved.

11-04SF AGENDA ITEM 3

Agenda Subject: “Board discussion and possible approval of a memorandum of understanding (MOU) between the District in conjunction with the labor relations consultant, and IAFF Local 3895 authorizing payment to four employees at their regular rate of pay for earned vacation they would have lost at the end of the year instead of spending an additional \$5,181.51 in overtime for their replacements.”

Fire Chief Michael Greene stated, in conjunction with the County labor relations consultant, the District developed a Memorandum of Understanding (MOU) with IAFF Local 3895 to enable employees in danger of losing earned vacation at the end of 2010 to receive regular pay for unused hours. The alternative would be for employees to take vacation and then the District pay overtime for their replacements. Chief Greene remarked four employees had requested payment totaling \$10,363.02, which would equate to a savings of \$5,181.51 for the District.

Chairman Breternitz inquired on the overtime rate. Chief Greene replied the overtime rate was 1.5 percent. He explained the employees were able to take their vacation, but at the end of the year were only able to carry over 336 hours. Chairman Breternitz inquired on the amount of vacation hours employees received. Chief Greene replied the top-ranked employee received 10.5 hours per pay period.

Katy Simon, County Manager, added per County ordinance, the County paid if an employee was not allowed to take vacation during the year.

Commissioner Humke asked if an MOU was a side agreement. Chief Greene stated that was correct. Melanie Foster, Legal Counsel, explained an MOU was often misused. She remarked the agenda item stated that a MOU would be approved; however, in the packet was an agreement. She clarified this was an enforceable agreement that involved an offer, acceptance and consideration in the form of payment for those hours. She confirmed it was a side agreement to the collective bargaining agreement and a way to resolve a possible dispute under that agreement. Commissioner Humke asked if this modified the larger labor agreement. Ms. Foster said this agreement was specifically written to identify this as a one-time resolution resolving this particular issue and not set precedent for either the Association or the District.

Commissioner Humke said this separate agreement modified the events of performance of the contract from October 2010 until December 31, 2010. Ms. Foster stated that was a fair characterization. Commissioner Humke commented there were over 300 side agreements to the interlocal agreement signed in 2000, some of which were not in writing. He said this appeared to be a reasonable resolution to what could have been a labor relations problem.

Commissioner Jung moved to approve Agenda Item 3. Commissioner Humke seconded the motion.

Commissioner Humke acknowledged that this could be a savings on the wear-and-tear of management staff to forestall a labor dispute under the contract. He stated that the Fire Chief and management staff worked in conjunction with the labor negotiator to fashion this remedy.

Commissioner Larkin indicated this was a resource allocation issue and a resolution to whether there were enough resources to cover shifts when an employee took vacation. Chief Greene explained the District had 38 employees and, with the four-person staffing level for each of the three stations, that equated to 105,000+ hours. He said if all the employees took their vacation time and used an average number of sick leave hours, coverage would need to be assigned to the training personnel to cover shifts, which would accrue overtime. Commissioner Larkin asked if the District was required to have four-person crews. Currently, Chief Greene said the agreement required that four people staff each of the three engines.

On call for the question, the motion passed on a 4 to 0 vote with Commissioner Weber absent.

11-05SF AGENDA ITEM 4

Agenda Subject: “Review of Chief work plan regarding priorities and expectations and Board determination whether to renew the Chief’s employment agreement.”

Fire Chief Michael Greene indicated during the September 14, 2010 meeting, the Board negotiated a change to his Employment Agreement. He said the change incorporated the action plan, modified the severance clause and eliminated the automatic renewal. At the September 14th meeting it was determined to use the action plan as the basis for determining whether to renew the employment agreement.

In response to the call for public comment, Donna Peterson said during the September 14, 2010 meeting a performance plan with specific objectives and measurement criteria was agreed upon. She believed the Chief had met and, in some cases, exceeded those objectives and felt the Board should congratulate Chief Greene on a job well done.

Bob Parker said in his years of professional experience he had learned to recognize good management. Upon arrival at the District, Chief Greene made several management changes and rather than spend District monies on facilities, secured grant funds for a much needed Fire Station. Mr. Parker emphasized several examples of Chief Greene's management skills and stated the Chief was focused on improving services to the customers of the District. He urged the Board to renew the employment agreement for Chief Greene.

Bob Ackerman said Chief Greene was a proactive leader who thought outside the box and was a strong advocate that believed in preparedness, keeping the community informed and providing training. He requested the Board do the right thing and renew the employment agreement for Chief Greene.

Betty Hicks said since the inception of the Sierra Fire Protection District, staff had been involved with the community. She requested the Board renew the employment agreement for Chief Greene.

Amy Harvey, County Clerk, read an e-mail from Vicki Bischoff, which was placed on file with the Clerk. Ms. Bischoff stated her support for Chief Greene.

11:53 a.m. Commissioner Weber arrived.

Commissioner Larkin inquired on the status of the audit that the Board requested. Katy Simon, County Manager, explained preliminary findings for the audit would be available for the first Board meeting in February. Commissioner Larkin suggested extending the contract until February 8, 2011 and continue this item for consideration of the audit at that time.

Chairman Breternitz said there was also a 360 degree assessment outstanding and stated there would also be additional information regarding that review at the February meeting.

Commissioner Jung questioned the designated office hours in the County Complex that Chief Greene placed in his performance plan. Chief Greene explained he maintained an office at the Complex. He noted he did not schedule regular hours in that office; however, would use the space when he had several meetings at the Complex.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, it was ordered that the contract for Fire Chief Michael Greene be extended to February 8, 2011 to review the contract, the audit and the 360 degree assessment.

11-06SF AGENDA ITEM 5

Agenda Subject: “Commissioner’s/Managers Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda. (No discussion among Commissioners will take place on this item.)”

There were no announcements.

11-07SF AGENDA ITEM 6

Agenda Subject: “Public Comment.”

There was no response to the call for public comment.

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11:58 a.m. There being no further business to come before the Board, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, the meeting was adjourned.

JOHN BRETERNITZ, Chairman
Sierra Fire Protection District

ATTEST:

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

*Minutes Prepared by:
Stacy Gonzales, Deputy County Clerk*