

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

TUESDAY 11:00 a.m. JULY 24, 2012

PRESENT:

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

Nancy Parent, Chief Deputy Clerk (11:26 a.m. – 11:45 a.m.)

Amy Harvey, County Clerk (12:05 p.m. – 12:45 p.m.)

Katy Simon, County Manager
Paul Lipparelli, Legal Counsel
Charles A. Moore, Fire Chief

The Board convened at 11:26 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:

12-155F AGENDA ITEM 2

Agenda Subject: “Public Comment. Comment heard under this item will be limited to two minutes per person and may pertain to matters both on and off the Board of Fire Commissioners agenda. The District will also hear public comment during individual action items, with comment limited to two minutes per person. Comments are to be made to the Board of Fire Commissioners as a whole.”

Thomas Daly said the last draft of the Cooperative Agreement regarding mutual aid with the City of Reno showed the City was insisting on a provision stipulating all of the resources of the requesting agency had to be exhausted before mutual aid could be called for. He stated that meant if all but one of the District’s stations were engaged in fighting a fire, the District could not call for mutual aid. He said that condition was not workable, was unprecedented, and was unnecessary. He requested the Board either support staff’s position that the provision be removed from the Cooperative Agreement or that the Board not sign it. He said regarding the move of the Verdi Fire Station to Mogul, the District submitted the zoning change application to the City of Reno, but the timeline provided indicated it would take until February or March 2013 for the application to be processed. He asked the Board to request at today’s joint meeting that the application be expedited, because the process should be able to be completed within 30 days and the special use permit could follow in 30 days.

Tom Motherway said the City of Reno application for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant included representations that were applicable only if the County's population and the Fire District's area were included. He stated that raised the question regarding whether those representations were negligent or intentional, and he hoped the Board would raise that issue at today's joint meeting if he was not present to do so during public comment.

Bob Parker said he had a copy of the e-mail sent by Reno Fire Chief Michael Hernandez on June 22, 2012 in response to Diane Rose's inquiry regarding rumors that Engine 14 had been overheating. He said Chief Hernandez assured her all of the equipment had been properly maintained and Engine 14 had been repaired. Mr. Parker noted Engine 14 was fixed in the County's shop and the problem was a faulty fan clutch. He stated the transition report indicated the equipment had bald tires, low coolant, low oil, and all kinds of things wrong with it; in addition all of the 40 returned air-packs were out-of-service. He said a friend of his with the Los Angeles County Fire Department said if the Reno Fire Department was operating the equipment in this way, all of the Captains and Battalion Chiefs were guilty of dereliction of duty because violating the safety laws put their own people and those they served at risk. His friend also stated the other alternative was the equipment was purposely neglected and, just prior to the transition, the good equipment was removed from the vehicles and the faulty equipment substituted, which in Los Angeles would be considered grand theft and was a felony. Mr. Parker said the Fire Department had 250 people and 25 percent of those were managers, and it was impossible to imagine nobody knew this was going on. He stated the Mayor of Reno in the *Reno Gazette-Journal* said he believed the County's employees sabotaged their own equipment.

12-156F AGENDA ITEM 5

Agenda Subject: “Recognition of support provided by the TMFPD Transition Team.”

Fire Chief Charles Moore said the County employees who helped in standing up the Truckee Meadows Fire Protection District put in thousands of man-hours and were extremely diligent. He noted without their help the District would not be successful as a fire department.

Chief Moore said due to the District's Dispatch being stood up on July 1, 2012, members of the HAM Radio group went to each of the fire stations in the event there were dispatch problems, and he read the names of those individuals. He read the names of the County employees by department who helped stand up the TMFPD. He also acknowledged the help of G3 Productions, the Volunteer Chiefs, the Regional Safety Center, the Washoe County School District, and the District's partners: the Sparks Fire Department, the North Lake Tahoe Fire Department, and the Central Lyon Fire Department. A photo of the assembled honorees was taken with the Board.

There was no action taken or public comment on this item.

CONSENT AGENDA – ITEMS 3A THROUGH 3C

12-157F AGENDA ITEM 3A

Agenda Subject: “Approval of TMFPD meeting minutes from June 26, 2012.”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 3A be approved.

12-158F AGENDA ITEM 3B

Agenda Subject: “Approval of SFPD meeting minutes from June 26, 2012.”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 3B be approved.

12-159F AGENDA ITEM 3C

Agenda Subject: “Approval of the Volunteer Report for June 2012.”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 3C be approved.

12-160F AGENDA ITEM 4

Agenda Subject: “Fire Chief Reports – A) The final monthly summary report and discussion by Reno Fire Chief Michael Hernandez. B) Report and discussion related to fire district operations by Truckee Meadows Fire Chief Charles A. Moore.”

Reno Fire Division Chief Sandy Munn said there was nothing to report.

Fire Chief Charles Moore stated the District had responded to over 40 fires and 553 total calls as of July 1st. He said last Sunday there were several simultaneous calls for brush fires ignited by lightning strikes and the lightning plan was initiated, which meant one truck responded to one report of a lightning strike or brush fire. He stated fortunately during the intense thunderstorm activity, the rain kept the fire starts to a minimum and there were no severe fires as a result of the lightning.

Chairman Larkin asked if the Chief was satisfied with the District's performance and if it had the necessary resources. Chief Moore replied he absolutely was satisfied and there had been enough resources available to send help in a timely way to each and every call that came in. He said there was never a period where the District's resources were overwhelmed.

Chairman Larkin recalled noting one injury occurred during the reporting period. Chief Moore advised a Captain slipped off of an engine and fractured his lower lumbar, which meant he would be out recovering for two months.

Chairman Larkin asked if all stations were open. Chief Moore replied they were and there had been no brownouts in the first 23 days of operation. Chairman Larkin asked if the flexible-staffing model was sufficient to perform all of the District's duties. Chief Moore replied it was.

Commissioner Humke noted several messages received from the volunteer firefighter organization's command staff and others, universally indicated they were happy to get into the action and to train. He said Chief Moore integrated the volunteers very well into the new District and made an effort to deploy them at every step of the way. Commissioner Humke said nice job to the volunteers, and to Chief Moore he said nice work. Chief Moore acknowledged that the help of the District's volunteer partners allowed the District to meet the challenge of dealing with the lightning strikes during the recent thunderstorm. Commissioner Weber said Washoe County's residents were thankful the volunteer firefighters were being used.

Chief Moore said his "After Action Report – July 1 Standup" dated July 19, 2012 was included in the Board's packet. He stated the County's facilities staff was dealing with some unrepainted items within the buildings. He said there also had been some concerns regarding the apparatus' brake adjustments and tires and regarding the working condition of some of the equipment within the apparatus. He advised all of those issues had been repaired and all of the District's apparatus should be operating in a safe manner.

Commissioner Breternitz said the Chief's report was very complete. Commissioner Weber said it would be helpful if the name of the stations were also used in future reports.

Katy Simon, County Manager, thanked the crews for their diligence in reporting all of the issues. She advised she personally observed all of the reported conditions did exist at the time of the transition, because she and Chief Moore toured each of the stations on July 1, 2012.

Commissioner Jung asked if the Agreement addressed maintenance. Blaine Cartlidge, Deputy District Attorney, stated the Agreement in two separate sections charged the City of Reno with maintaining the stations and the rolling equipment in the

same manner and in accordance with the same policies as they maintained their own stations and equipment.

Commissioner Jung asked if the District had any recourse. Mr. Cartlidge said that would require an assessment to determine if the condition of the stations and the equipment rose to the level of being a material breach of the Agreement, which was something the Board would have to make a policy decision about. He stated in the meantime, he believed there were ongoing discussions regarding any large expenditures the District might have incurred.

Commissioner Jung asked if there would be a follow-up report at the next meeting. Chief Moore replied there would be. He said his concern was not the \$22,000 it took to get the apparatus back into a safe condition, but finding those items on July 1, 2012 at 8:00 a.m. meant they must have existed on June 30, 2012. He stated his concern was for the firefighter's safety, because they would have been responding using equipment that had bald tires. He said it was also a concern because losing a tire on a large piece of apparatus would have presented a danger to the public if control of the apparatus was lost while responding to a call.

There was no action taken or public comment on this item.

12-161F AGENDA ITEM 6

Agenda Subject: “Discussion and possible direction, and possible approval of amendments to the June 2012 Cooperative Agreement for mutual aid between the Truckee Meadows Fire Protection District and the City of Reno, to include without limitation the possible inclusion of the Sierra Fire Protection District as a party, and if approved authorize the Chair to execute the related Resolutions. (For possible action)

Fire Chief Charles Moore said the City of Reno's concern regarding mutual aid was that it not be used as automatic aid. He stated the City made some amendments to the Cooperative Agreement. He said the County responded to those amendments with some additional changes. He noted there would be a joint meeting with the City at 3:00 p.m. today to discuss the amended Cooperative Agreement.

Chief Moore said mutual aid was an industry standard, because every fire department at some time would have to deal with large incidents that would exceed the department's available resources, which was the case in the 640 acre Ironwood fire in Palomino Valley. He said in that instance the District had to call for mutual aid, while the City had to call for mutual aid during the Pine Haven fire. He believed it was important to remember that not all fires were the same, and multiple fires could overwhelm a fire department the same way as one large fire could.

Chief Moore felt the City of Reno's language stating all of the District's resources would have to be exhausted before mutual aid could be requested was too

vague for it to be relied on during a crisis. He said he was not sure whether it meant exhausting the resources in the proximity of the fire, all of the resources on duty in both the North Valleys and in the southern area, the volunteer companies, calling in all of the off-duty firefighters, or exhausting every reserve piece of apparatus. He said a Fire Chief needed to know help would be coming when a call was made to any other jurisdiction when a crisis unfolded. He stated oftentimes the calls went out to multiple jurisdictions and each jurisdiction sent a little bit of help but, when those resources were finally amassed, they amounted to a significant amount of resources that could be used to combat the fire.

Chief Moore said staff made some additional edits to the language proposed by the City of Reno to eliminate that ambiguity and to make it clear when the Fire Chief had the discretion to call for and provide mutual aid.

Chief Moore reviewed the handout indicating the instances of mutual and automatic aid received and given between the District and its partner agencies from July 1 to July 23, 2012. He believed the spreadsheet showed that mutual aid had been fairly balanced since July 1. He said it was a fairly common practice with the City of Sparks to call the District during a routine medical call just so the District could cover their station until their resources freed up. He noted the North Lake Tahoe Fire Department had not been requested to provide automatic aid in the two instances at the top of Mount Rose, they just provided it.

Chief Moore said the other issue presented by the City of Reno was the need for a career officer to be on the scene to do the evaluation prior to calling for mutual aid, which he believed would be impractical, especially when fires were happening at the same time as happened during the lightning storm.

Chief Moore believed the more practical way to evaluate when mutual aid was required was in three areas:

- To go by the initial dispatch information, such as there being a structure fire with the building being fully involved. He said that information could include a description regarding the size of the building and the number of units.
- To go by the visual observations made when responding to a call. He noted the smoke and flame conditions could be observed while approaching the fire.
- To determine the need after arriving on the scene.

Chief Moore said it made sense to him to use those criteria instead of requiring a career officer to be on the scene.

Chief Moore said staff's proposed edits were indicated in blue in the amended Agreement. Commissioner Breternitz said he would like to go over those edits for anyone viewing this discussion at home.

Chairman Larkin asked if any of the area's other mutual aid agreements contained the language about a career officer calling for mutual aid. Chief Moore replied there were requirements that a career officer call for mutual aid, but not for one to be on the scene. Chairman Larkin asked what the language was in the agreement between the City of Sparks and the City of Reno. Chief Moore advised that requirement was not included. Chairman Larkin asked why the District was being singled out. He said the language staff was suggesting seemed to be prejudicial against the volunteers. Chief Moore said he heard the City of Reno expressed the desire that the District not have volunteers calling for mutual aid, and this was a way to honor that request. Chairman Larkin asked why he would want to do that. Chief Moore felt it was probably a better practice that anybody with experience who saw the need for mutual aid called for it, but he was trying not to make too many edits to get the amended Agreement approved. Chairman Larkin asked if the volunteers were trained. Chief Moore said they were. Chairman Larkin said this country was built on volunteer firemen serving their community. He stated he would not agree to language that would keep the volunteers from calling for mutual aid. He asked if the City of Sparks required that with the County. Chief Moore replied they did not, and he believed most of the agreements referenced having a Fire Chief, a Battalion Chief or command officer making the call without having to be on the scene. He stated typically after the volunteers arrived on the scene, the fire conditions on arrival would be reported to a Battalion Chief who would make the determination whether or not to call for mutual aid. He acknowledged there was a career officer in the chain.

Commissioner Breternitz said he talked with the Chief last week, and he trusted his judgment regarding what he could live with. He felt the Chief was working to bring the County and the City together, while protecting the District's interests. He said he was not happy with the language in the Agreement, but he could support it if it allowed a consensus to be reached.

Commissioner Humke noted a citizen commented the City of Reno applied for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant when the mutual aid agreement was in effect. He asked if the Chief could speculate whether the continued performance of that grant contract with the United States of America would be predicated on the continued use of those agreements by the City of Reno. Chief Moore said he had not seen the application, and he would have to do some research before he could answer that question. Commissioner Humke asked if that was believed to be a public document. Chief More replied it was.

Commissioner Jung said to summarize, mutual aid was requested and automatic aid was dispatched without a request if there was a Cooperative Agreement in place. Chief Moore said automatic aid would be dispatched based on an annual operating plan, although it could be dispatched on a case-by-case basis.

Blaine Cartlidge, Deputy District Attorney, noted the draft before the Board was the latest version of the amended Cooperative Agreement. He said the first page dealt with converting the current Cooperative Agreement into an amended version. He stated the District and the City of Reno approved a fairly standard Mutual Aid Agreement at the end of June 2012, but the City conditioned that Agreement on three conditions being met by the District's Board in July 2012 or the Agreement would be terminated. He said during the last meeting where the City dealt with this Agreement, they pulled back from that termination condition and suggested a joint meeting, which was being held this afternoon.

Mr. Cartlidge said page 2, paragraph c, stated mutual aid could not occur until the requestor "...exceeds and exhausts the entire capacity of medical and/or fire based resources of the Requesting Agency..." He stated that was changed from "exhausts the entire" to "the regular" and "medical and/or fire based resources of" was struck, which left it up to the discretion of the Fire Chiefs of the requesting and responding agencies to make the mutual aid determination.

Mr. Cartlidge said the City asked that a career officer of the responding agency be on the scene to evaluate the incident, the responding agency's ability to respond to the incident, and whether there was a reasonable belief mutual aid was necessary. He stated only if there was an affirmative answer to all three points, could a request for assistance be made. He advised that was not standard language and was not seen in other mutual aid agreements. He stated at the top of page 3, Chief Moore added the following, "However, if it is impractical for the career officer to be on the scene to perform the evaluations described above, the career officer shall perform those evaluations consistent with best efforts and judgment."

Commissioner Breternitz made a motion to approve the Agreement as amended. Commissioner Weber seconded the motion.

Mr. Lipparelli said the agenda item for the joint meeting had language that mirrored what was on this agenda. He asked if by acting this morning, was it the Board's intention to also potentially act this afternoon. Commissioner Breternitz said he was suggesting the amended Cooperative Agreement should be forwarded to the Reno City Council immediately if the motion passed, so they would know what the Board of Fire Commissioners would be bringing to the joint meeting. He felt it would be improper to wait until the joint meeting to approve the Agreement. Mr. Lipparelli said he did not intend to interfere with the Board's strategy or its policy decisions, but he was concerned about it from the standpoint of the Board's rules regarding reconsideration. He stated if action was taken now, then this afternoon's action on the same thing could potentially be a reconsideration of the action, which would be okay because it was agendized at the same or the next meeting. He stated one possibility would be for the Board to take action now to give direction to staff to immediately communicate the changes the Board wished to make to the City of Reno's staff, which would optimize the potential that the City would be prepared to discuss the changes this afternoon.

Chief Moore said he believed this proposed version of the Agreement was transmitted to the City of Reno at 5:00 p.m. last Thursday.

Chairman Larkin said the options were the Board could give direction to staff to forward the changes to the City of Reno or the Board could approve the amended Cooperative Agreement now and could again take formal action at the joint meeting if the Board wanted to make further changes. Mr. Lipparelli said the joint meeting could be considered a separate meeting from this meeting, and acting on Item 5 on the joint agenda might be viewed by some people as acting on the same thing the Board had previously acted upon, which typically required reconsideration. He stated that introduced a potential complication that he wanted to make sure to flag now.

Commissioner Breternitz asked why the item was on this agenda for action. Mr. Lipparelli believed staff wanted to give the Board of Fire Commissioners the opportunity to have their own discussion about the policy issues and to communicate those issues to the City of Reno, so they would be prepared to take whatever action they deemed appropriate at the joint meeting. Commissioner Breternitz said a draft was forwarded to the City last week. He felt it was in the best interests of communication between the entities for the Board to be able to say this was what the Board approved and forward the approved version to the City. Mr. Lipparelli said it just occurred to him that another way to look at this afternoon's meeting would be the Board could approve the agreement now and could amend it this afternoon, which would not require reconsideration.

Commissioner Humke said he would support voting on the Agreement now. He felt strongly the superior agreement would be the standard mutual aid agreement that the District entered into with each and every agency other than the City of Reno, which the City of Reno and the County had used for years before the City requested this change.

Chairman Larkin said he also supported voting on the Agreement now, but he would reserve the right to change his mind during the joint meeting. He said the mutual aid agreements had been perfected for decades and to be throwing in these nuances now was very troublesome.

On a call for the vote the motion passed unanimously on a 5-0 vote. It was ordered that the amendments to the June 2012 Cooperative Agreement for mutual aid between the Truckee Meadows Fire Protection District and the City of Reno be approved.

12-162F AGENDA ITEM 7

Agenda Subject: “Possible Closed Session for TMFPD pursuant to NRS 288.220 for the purpose of discussion labor matters with management representatives and/or negotiations with bargaining units.

There was no closed session.

12-163F AGENDA ITEM 8

Agenda Subject: “Commissioners’/Manager’s 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.)”

Commissioner Breternitz requested a report as soon as possible on the terms and conditions of the 2012 Staffing for Adequate Fire and Emergency Response (SAFER) Grant. He said he would also like to see the Grant application.

Commissioner Breternitz said mutual aid had been under discussion for a long time, but there had been no discussion regarding automatic aid, which he felt was an important component in protecting the people of the Truckee Meadows. He requested the Chairman bring forward a request for a joint meeting with the City of Reno to discuss automatic aid. He said a presentation had been made to the Board, which included a map showing the enhanced protection realized by the residents of the Truckee Meadows as the result of an automatic aid agreement being in place between the City of Reno and Washoe County, but he did not believe the City of Reno had an opportunity to see that map.

Commissioner Breternitz said he would also like information about the additional costs incurred when automatic aid was in effect, which would be over and above the normal costs of operating the fire stations. He said he further would like to know if the City of Reno or Washoe County subsidized the other jurisdiction due to the use of automatic aid and information on how that could change given the current structure of the fire services.

12-164F AGENDA ITEM 9

Agenda Subject: “Public Comment. Comment heard under this item will be limited to two minutes per person and may pertain to matters both on and off the Board of Fire Commissioners agenda. The Commission will also hear public comment during individual action items, with comment limited to two minutes per person. Comments are to be made to the Commission as a whole.”

There was no public comment.

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12:45 p.m. On motion by Commissioner Weber, seconded by Commissioner Humke, Chairman Larkin said the meeting was adjourned without opposition.

ROBERT M. LARKIN, Chairman
Truckee Meadows Fire
Protection District

ATTEST:

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

*Minutes Prepared By:
Jan Frazetta, Deputy County Clerk*