

BOARD OF FIRE COMMISSIONERS, TRUCKEE MEADOWS FIRE PROTECTION DISTRICT

TUESDAY 9:00 A.M. AUGUST 17, 1999

PRESENT:

- Jim Galloway, Chairman
- Ted Short, Vice Chairman
- Joanne Bond, Commissioner
- Pete Sferrazza, Commissioner
- Jim Shaw, Commissioner
- Marty Scheuerman, Acting Fire Chief
- Betty Jo Vonderheide, Chief Deputy County Clerk
- Howard Reynolds, Assistant County Manager
- Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, and conducted the following business:

**AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the agenda for the August 17, 1999, meeting be approved.

**MINUTES**

On motion by Commissioner Shaw, seconded by Commissioner Short, which motion duly carried with Commissioner Bond abstaining due to absence, Chairman Galloway ordered that the minutes of the special meeting of June 8, 1999, be approved.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the minutes of the regular meeting of June 15, 1999, be approved.

**99-35F STRATEGIC PLAN - FIRE DELIVERY SERVICE IN SPANISH SPRINGS - CITY OF SPARKS**

Howard Reynolds, Assistant County Manager, brought the Board up to date on the status of participation by the City of Sparks in the discussions on regionalization of fire services stating that the City of Sparks Fire Chief did attend meetings as an observer, but since March, 1999, the talks have been between the District and Reno concerning a contract. He advised that when the Board recently decided to hire a consultant to develop a master plan for fire station location and staffing, Sparks was invited to be a part of that process and that they declined because they already had their own consultant working on a master plan for general safety facilities for the City of Sparks.

Terry Reynolds, City Manager, City of Sparks, provided some additional background information concerning issues common to Sparks and Washoe County due to the tremendous growth occurring in both Sparks and Washoe County in the Spanish Springs area and emphasized that it is not their intent to derail the consolidation discussions between Washoe County and Reno, but Sparks is very concerned about the lack of public facilities, especially fire stations, in Spanish Springs. He stated that they have a consultant working on a long-range service plan, including fire protection services, for the City of Sparks; that they originally invited the County to join in that process for the Spanish Springs area, which invitation is still open; and that their consultant will be sharing information with the consultant hired by Reno and the County.

City Manager Reynolds advised that a copy of their Strategic Plan for Fire Service Delivery in Spanish Springs was provided to the

District in July; that they are concerned that the discussions between Washoe County and Reno are not addressing Sparks' issues regarding fire protection in Spanish Springs; and that another major concern is that the mutual aid agreements for Spanish Springs and the I-80 corridor are becoming "lopsided" in that Sparks is providing more and more mutual aid in those areas.

He stated that they have developed the following three alternatives for consideration:

- 1) The City of Sparks is willing to look at establishing a fire district;
- 2) The City of Sparks could take over Truckee Meadows Fire Station No. 7, the LaPosada station, and contract with either the County or Reno for service in that area; and
- 3) Reworking the mutual aid agreements.

Mr. Reynolds emphasized the City of Sparks' willingness to work with the County on fire protection services in the Spanish Springs area. In response to Commissioner Bond, Assistant County Manager Howard Reynolds indicated that the alternative of the County contracting separately with Sparks for service in Spanish Springs would be very problematic; that the option of regionalization by way of a fire district is included in the contract with Reno; and that he does not foresee any problems in reviewing the mutual aid agreements.

Chairman Galloway asked several questions concerning Sparks contracting with Reno and whether Reno would assume these mutual aid agreements. Howard Reynolds responded that the mutual aid and automatic aid agreements will be assumed by Reno, but on these types of items, the exact language in the contract has yet to be worked out. The Chairman expressed his desire that the contract include language that Board approval or consent would be necessary to change any of the aid agreements.

Reno Fire Chief Chuc Lowden stated that the City of Reno will assume whatever aid agreements the Fire Board determines are proper for the District. Chief Lowden further stated that when Sparks was invited to participate in the fire station location and staffing planning, he had placed a condition on it that Sparks would need to agree that the closest resource would be the first responder, but Sparks was not willing to do that. Terry Reynolds responded that Sparks could not agree to that condition at this time because there are just too many gaps and holes where there should be fire stations and if that were not the situation, they could agree that the closest station would respond first.

Acting Fire Chief Marty Scheuerman responded to the comments regarding mutual aid.

Following further discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the report, Strategic Plan on Fire Service Delivery in Spanish Springs, from the City of Sparks be acknowledged and accepted and that staff be directed to consider flexibility with regard to current and future mutual aid agreements in the consolidation negotiations with the City of Reno and to keep all options for regionalization open.

**99-36F ADOPTION OF REVISIONS - SEXUAL HARASSMENT AND DISCRIMINATION AND HARASSMENT POLICIES - HUMAN RESOURCES**

Joanne Ray, Director of Human Resources, provided background information and responded to questions of the Board concerning revisions to the sexual harassment and discrimination and harassment policies previously adopted by the Board, stating that the revisions are the result of either questions raised by the employees during training or recent Supreme Court rulings.

Commissioner Sferrazza expressed a concern that the policies provide rights for the complainant but no rights for the accused although those are enumerated in other documents such as the Washoe County Code and bargaining unit contracts. He requested that reference to those documents be included in these policies to ensure that everyone has the same constitutional due process rights. Commissioner Sferrazza also noted that department heads and upper-level management are at-will employees; that there is no procedure set out for them; and requested that staff draft uniform procedures to be applied to those employees as well.

Maureen Griswold, Deputy District Attorney, cautioned that no rights should be created where none exist, and requested that the Board make that clear in their motion. Chairman Galloway agreed and stated that it is not the Board's intent to expand the laws or any employee contracts.

Following further discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the revisions to the Sexual Harassment Policy and the Discrimination and Harassment Policy be approved with the following additional wording: "Nothing in this policy abrogates a person's right or remedies including due process rights to the extent applicable as provided in contract, County Code, state or federal law, or the United States Constitution."

#### **99-37F APPOINTMENT OF ACTING FIRE CHIEF & SALARY ADJUSTMENT**

Commissioner Sferrazza stated that he would support the appointment of Marty Scheuerman as Acting Fire Chief until such time as the consolidation issue with the City of Reno comes to a final resolution.

Madelyn Shipman, Assistant District Attorney, stated that she has been asked by Katy Simon, County Manager, to express her recommendation that Howard Reynolds, Assistant County Manager, be appointed Acting Fire Chief and cited the reasons given, mainly because Mr. Reynolds has been so involved in the consolidation discussions from the beginning.

Commissioner Shaw stated that he believes Mr. Reynolds is already very busy and that he agrees with Commissioner Sferrazza that Battalion Chief Scheuerman has been doing a good job. Chairman Galloway and Commissioner Short expressed agreement with the County Manager's recommendation to appoint Howard Reynolds.

Commissioner Bond asked Mr. Reynolds how he felt about this and whether or not it would have any impact on the negotiations with Reno. Mr. Reynolds responded that it would not have any impact on the consolidation negotiations and that, if it is the desire of the Board that he be Acting Fire Chief, he would do it although he does have a "full plate" right now.

Commissioner Sferrazza stated that the main duty of the position is directing fire suppression and he believes the Acting Fire Chief should be a professional fire-fighter. Commissioner Shaw concurred noting that the area is in the height of the fire season.

Following further discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried with Commissioners Galloway and Short voting "no," it was ordered that Marty Scheuerman be appointed Acting Fire Chief.

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the salary for Acting Chief Scheuerman be adjusted to \$38.23 per hour, the beginning wage for Fire Chief; and that the salary adjustment be retroactive to July 5, 1999, the date he was first designated as Acting Chief when Acting Chief Slate was placed on administrative leave.

#### **99-38F PETITION FOR JUDICIAL REVIEW - EMPLOYEE-MANAGEMENT RELATIONS BOARD - OVERTIME AND AUTHORIZED LEAVE**

Maureen Griswold, Deputy District Attorney, provided background information regarding the District's request to file a Petition for Judicial Review concerning the recent decision of the Local Government Employee-Management Relations Board (EMRB) in regard to employees providing advance notice before taking vacation or personal leave, overtime allocation procedures, and mandatory overtime in non-emergency situations. She explained specific circumstances and incidents that led to policies and practices being implemented and advised that it is the District's opinion that it is management's right to decide these issues, whereas the union believes these issues are subject to mandatory bargaining. Ms. Griswold noted that the EMRB decision, on a 2-1 vote, was that all three issues are subject to mandatory bargaining.

In response to Board questions, Ms. Griswold and Acting Chief Scheuerman explained that "advance notice" for using vacation time is not defined in the current contract and the result of that was that an employee could come in to work just before his shift started, learn that there was a vacation slot available for the day, and decide to take the day off, which created staffing problems in that the Duty Officer would then have to start calling other employees until he found someone to cover the shift. They further stated that to solve this problem, the District implemented a policy requiring 48 hours advance notice to use vacation/personal leave. Ms. Griswold also explained that the incident that occurred which resulted in the mandatory overtime issue was that the District required all the Captains to attend a training session. Acting Chief Scheuerman detailed the overtime

allocation methods, explaining how it was being done in the past versus the new method the District implemented; and stated that the new procedure is much more fair in that it gives everybody the same opportunity to work overtime and that the firefighters themselves had complaints about the old method.

Sandra Lawrence, attorney representing the Truckee Meadows Firefighters, stated that in filing a Petition for Judicial Review, the Board will be asking the District Court to determine that the EMRB erred in its decision; that there was no error; and that by implementing these procedures, the District has unilaterally changed a collective bargaining agreement without bargaining.

Commissioner Sferrazza and Ms. Lawrence debated the merits of the case and possible outcomes; and during a lengthy discussion, it was determined that NRS 288.150(4) does not list "fire" as an emergency, although everyone agreed that it could be included under "natural disaster" which was listed. Commissioner Sferrazza expressed great concern and stated that "fire" should certainly be considered an emergency. John Judge, President of the Truckee Meadows Firefighters, stated that fire service is an emergency service and the firefighters consider every incident they respond to as an emergency.

Commissioner Sferrazza indicated that he feels the District's chances of winning are "slim," but that he would support filing a petition concerning whether or not the District has the right to require mandatory overtime in non-emergency situations.

Following further discussion, upon recommendation of Ms. Griswold, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that staff be authorized to file a Petition for Judicial Review on all three issues: advance notice before taking vacation or personal leave, overtime allocation procedures, and mandatory overtime in non-emergency situations.

**CHIEF'S/COMMISSIONERS' COMMENTS**

A discussion ensued regarding recent fires and their causes. Commissioner Sferrazza requested a future agenda item concerning the fires caused by power lines and the effort to seek compensation from Sierra Pacific Power Company for the costs of the fires caused by them.

**PUBLIC COMMENTS**

There was no response to the call for public comments.

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There being no further business to come before the Board, the meeting adjourned.

JIM GALLOWAY, Chairman  
Truckee Meadows Fire Protection District

ATTEST: AMY HARVEY, County Clerk