

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

TUESDAY

4:15 P.M.

JULY 10, 2007

PRESENT:

Bob Larkin, Chairman
Bonnie Weber, Vice Chairman
Jim Galloway, Commissioner
David Humke, Commissioner*
Pete Sferrazza, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel
Marty Scheuerman, Division Chief

The Board met in regular session in the Washoe County Administration Complex, Health Department Conference Rooms A and B, 1001 E. 9th Street, Reno, Nevada, and conducted the following business:

**07-25F DISCUSSION/DIRECTION – PROGRAMS, POLICIES AND
ORDINANCES TO ADDRESS FIRE HAZARD CONCERNS**

4:45 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, and the Washoe County Board of Commissioners with Commissioner Humke temporarily absent.

Kurt Latipow, Fire Services Coordinator, referred to items A through F listed in the attachment to the staff report. He stated these items were based on research done between the Sierra Fire Protection District (SFPD), the Truckee Meadows Fire Protection District (TMFPD) and himself. The attachment was designed to provide the Board with a summary of the complex issues under consideration.

Mr. Latipow stated discussion of a team approach to items A and B took place during a meeting between Fire District representatives and representatives from the Board of REALTORS®, including those from North Lake Tahoe, specifically to involve the Board of REALTORS® in defensible space education and, to some degree, enforcement. He remarked that contact information for the Living With Fire Program and the Nevada Fire Safe Council had been added to the Environmental Contact List provided by REALTORS® to their clients during every real estate transaction. Mr. Latipow said staff had agreed to work with the Board of REALTORS®, the Living With Fire Program, and the Fire Safe Council to develop a 30-45 minute defensible space awareness/training program, which would be made available to all of the REALTORS® in the County. He thanked Chief Mike Brown of the North Tahoe Fire Protection District

for offering to put the training program together. Mr. Latipow explained the Board of REALTORS® would partner with Washoe County to place *Living with Fire* brochures in every real estate office in the County. He added that the Governmental Affairs representative for the Board of REALTORS® would be working with the County to place a section regarding the creation and maintenance of defensible space, along with the appropriate reference links, in the *Residential Disclosure Guide* mandated and produced by the State. Mr. Latipow proposed the idea of working with the Living with Fire Program and the Building Department to create a self-assessment checklist that people would be required to work through and submit with their permit application packet before being allowed to do any tenant improvement work on residential structures. He emphasized the Board of REALTORS® was obviously committed to working with the County and the Fire Districts concerning defensible space issues.

With respect to item C of the staff report, Mr. Latipow suggested streamlining and enforcing the numerous laws and ordinances already on the books. He recommended adoption of the 2006 International Fire Code and the International Wildland Urban Interface Code by SFPD, TMFPD and Washoe County at the same time the City of Reno planned to adopt them. In researching codes, he noted that several references to the Wildland Code were found, particularly in the area of fuels reduction, although that Code had never actually been adopted by the County.

Mr. Latipow identified that items D and E were combined and seemed to work well together. He stated the County Manager had already put out a very aggressive program to be implemented by County employees and Mr. Latipow held multiple meetings with Finance and other departments to come up with Best Practices to implement those requirements. He said that Gary Neilson, TMFPD Division Chief, would provide training and Mr. Latipow compiled a list of topics based on the requirements set forth by the County Manager. Based on SFPD's status under NRS 473, Mr. Latipow pointed out they were able to adopt restrictions already put out by the State Fire Warden, which mirrored those in place for the Bureau of Land Management, the State Forest Service and the North Lake Tahoe Fire Protection District.

Mr. Latipow referenced item F, which discussed actions to recover firefighting costs from individuals responsible for causing a fire. He indicated the agencies had existing authority to do that, although it might be worthwhile to consider strengthening that authority.

Mr. Latipow discussed additional items for the Board's consideration, including retrofitting an existing helicopter from the Washoe County Sheriff's Regional Aviation Enforcement (RAVEN) Program with a "belly tank" at an estimated cost of \$250,000, which would permit its use during initial fire attacks. He noted there was already an item on the Board of County Commissioners' agenda for the purchase of a helicopter engine. If funds could be found for the fire equipment, it was possible to do the work at the same time the engine was installed and have the helicopter ready for firefighting sometime in late August or early September of 2007. Mr. Latipow talked about exploring a partnership with other fire agencies to partially fund one of the Nevada

Division of Forestry's firefighting helicopters, although he did not yet have cost estimates available. He touched on other aircraft options for fighting fire.

Mr. Latipow observed there were numerous statutes, policies and lines of authority in place but inadequate staffing among the agencies to facilitate complaint follow up and mandate clearance of defensible space. He recommended a multi-agency, multi-department task force to look at all of the recommendations provided in the staff report, identify what was in the best interests of the citizens and the County, suggest ways of streamlining efforts, calculate the fiscal impact, and report back to the Board in more detail.

Chairman Larkin verified with Melanie Foster, Assistant District Attorney, that the Board could provide direction to pursue retrofitting of the RAVEN helicopter but any actual expenditure of funds would have to be placed on a future agenda for the Board's approval.

Commissioner Galloway asked Mr. Latipow to compare the cost effectiveness of retrofitting a RAVEN helicopter versus the use of other aircraft resources. He was concerned about losing the use of the RAVEN helicopter for law enforcement purposes while it was engaged in fighting fire. He requested a list of aircraft assets generally available in the area and their capacities, which would allow the Board to assess whether the impact of the RAVEN helicopter was significant enough to justify the cost.

Regarding item F of the staff report, Commissioner Galloway suggested the fire agencies automatically issue a claim letter when a responsible party could be identified and provide the Board with copies of the letter. The District Attorney's office could then evaluate the response to the letter and recommend a course of action to the Board on a case-by-case basis.

Commissioner Galloway thought it best to see how things worked out with the voluntary cooperation of the Board of REALTORS® before enacting mandatory requirements for those programs.

Commissioner Galloway requested that Mr. Latipow put together a matrix of existing ordinances in order to identify gaps and report back to the Board.

In response to Chairman Larkin's requests, Mr. Latipow agreed to report back on the RAVEN helicopter and other aircraft assets at the regular Commission meeting of July 24, 2007. He also agreed to provide specific recommendations to the Board for addressing properties with overgrown flammable materials and insufficient defensible space in approximately 30 days.

In response to the call for public comment, Dennis Wilson, President of the Reno-Sparks Association of REALTORS®, reiterated his organization's commitment to working with the County agencies and disseminating information. He placed a copy of

the Association's updated Environmental Contact List on file with the Clerk and explained that this disclosure form had already been implemented. Mr. Wilson added that the disclosure form would also be provided to the Sierra Nevada Association of REALTORS®, which serviced Carson City, Douglas County, Fallon, Lyon County, Lake Tahoe and Elko County. He commented that Mike Young, President of the Incline Village Association of REALTORS®, also participated in the meeting with Mr. Latipow and concurred with the disclosures.

Bob Parker indicated he bought property in Galena Forest two years ago and spent over \$10,000 removing dead trees, undergrowth and debris. He placed a photograph of his property on file with the Clerk and stated that most of his neighbors took care to clear defensible space around their properties. Mr. Parker suggested that the County give a six-week notice to noncompliant property owners and then bill each owner for the cost of having a contractor clear defensible space if the owner had not done so.

Gary Schmidt urged the Board to protect property owners' rights during a fire in accordance with Article 1 of the State Constitution. He pointed out that, during the 2004 Andrew Lane fire, power had been shut off to protect power poles in the area, resulting in the loss of approximately 200,000 gallons of water to protect residences because their wells could not operate without electricity. Mr. Schmidt pointed out that Public Utility Commission regulations required power poles to be cleared within a distance of ten feet around them.

Commissioner Galloway asked if all of the Fire Districts represented had the power to order property owners to abate excess fuels. Mr. Latipow indicated that they did. Commissioner Galloway wondered if it was necessary to pass ordinances on a District-by-District basis and/or if an abatement program should be complaint driven or automatic. Mr. Latipow did not believe additional regulations were necessary but stated that additional staff was needed to carry out the existing regulations. He expressed a preference for an automatic proactive abatement program but cautioned it would take about two years to ramp up such a program. Mr. Latipow deferred to the recommendations of the two Fire District Chiefs on this issue.

***5:21 p.m.** Commissioner Humke returned to the meeting.

Marty Scheuerman, Division Chief for TMFPD and the City of Reno, reported that his agency acted on all complaints, inspected the site, and issued a notice of violation when appropriate. He stated the City of Reno could compel property owners to clean things up or bill them to have the property cleaned up. Chief Scheuerman indicated there were sometimes problems with absentee owners or large parcels of land adjacent to urbanized areas that were federally owned. He noted that local governments could not compel the federal government to clean up their properties. Commissioner Galloway requested verification that there was an ordinance in place for TMFPD as well as for the City of Reno. Ms. Foster pointed out that the same codes had been adopted for TMFPD as those in existence for the City of Reno, with a few changes designed to address wildland concerns.

Commissioner Galloway commented there was a difference between an order to create defensible space and an order to remove dead brush and low limbs. Mr. Latipow suggested that was an area for a task force to bring forth a recommendation for a wildland fire safety program and ordinance, which the County did not currently have. Commissioner Galloway suggested some mechanism needed to be in place, at least on a complaint basis and particularly in urban-wildland interface areas, and the issue should be fast tracked. Mr. Latipow acknowledged there was a need to update the Community Wildfire Prevention Plan, which already identified low, medium and high hazard areas. Commissioner Galloway indicated he would like to see recommendations for an ordinance that could be applied based on those hazard areas.

Commissioner Galloway asked whether Reverse 911 was used to distribute information regarding the restrictions put into place by SFPD. Mr. Latipow stated that was not an approved use for the Reverse 911 program but extensive public outreach was done through all local media avenues. He remarked that the news stations had interviewed him personally on two or three occasions. Commissioner Galloway wondered if it was appropriate to explore expanded use of Reverse 911. Mr. Latipow expressed his belief that Reverse 911 should be reserved for immediate notification in case of the need to shelter in place, which is what it was designed for. He agreed to discuss it further with Aaron Kenneston, Emergency Management Administrator.

On motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried, staff was directed to:

1. Proceed to work with the Board of REALTORS® and report back to the Board at regular intervals on the progress and success of those programs.
2. Carry out staff recommendations on item C, to include the creation of a matrix identifying existing ordinances and authorities to look for gaps that might need to be filled.
3. Report back to the Board on item F, indicating whether the District Chiefs agreed on a protocol for making a record and attempting to collect compensation in all cases where a party responsible for causing a fire was identified. If necessary, place recommended policies on future agendas for Board approval.
4. Related to items D and E, pursue initiation of ordinances and amendments, and/or declaration of emergency as necessary, placing the need to address defensible space issues in special hazard areas at the forefront.
5. Report to the Board at its regular meeting on July 24, 2007 regarding available aircraft resources and options, including an assessment of retrofitting the RAVEN helicopter.

07-26F AGENDA

There was no public comment on this item.

In accordance with the Open Meeting Law, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that the agenda for the July 10, 2007 meeting be approved.

PUBLIC COMMENT

In response to the call for public comment, Gary Schmidt talked about a homeowner who lost his home, private collection of cars and seven pets in the 2004 Andrew Lane fire. He alleged this was because firefighters did not know which dirt roads to take to get to his house. Mr. Schmidt suggested firefighters should have instant laptop access to the County's map system.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Chairman Larkin received an email from Marilyn Merkle of Spanish Springs, which was provided to Division Chief Marty Scheuerman and placed on file with the Clerk. Ms. Merkle indicated there was a great deal of combustible vegetation bordering the Sunrise subdivision and wondered who was responsible for clearing it. Chief Scheuerman believed the land bordering the subdivision belonged to the Bureau of Land Management (BLM). He explained the area of the Hungry Valley fire on July 7, 2007 involved about 65 percent Truckee Meadows Fire Protection District and the remainder was under BLM jurisdiction. Chief Scheuerman pointed out the subdivision had great defensible space, which was one of the reasons the fire had not reached the houses. Chairman Larkin asked to know the cause of the Hungry Valley fire once the investigation was complete, as well as any recommendations concerning ordinances.

Commissioner Galloway passed on a request from the West Truckee Meadows Citizen Advisory Board that the property next to Hunter Creek Reservoir, located in Juniper Hills near Ross Drive, where the Truckee Meadows Water Authority (TMWA) was proposing to install a five million gallon water tank, be inspected for possible weed abatement. He related that the citizens had come up with a suggestion for a fire hydrant near the water tank to be used to fill up the lowest pond in the area so that a helicopter could scoop water out of the pond during a fire if it was not already full of water. Commissioner Galloway asked Chief Scheuerman for a recommendation with respect to whether the pond was deep enough and would be a useful water source for a helicopter during a fire.

Commissioner Sferrazza recalled a fire near Hidden Valley many years ago and thought there had been some determination that it was caused by the power company. He asked if any collection was ever made on that. Chief Scheuerman stated the Mira Loma fire had been caused by faulty power lines and nothing was ever collected on it, although he did not recall why. Commissioner Sferrazza requested further

information, given the Board's recent stance about attempting to collect from responsible parties after every fire.

07-27F **MINUTES**

There was no public comment on this item.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the minutes of the March 13, April 10 and May 8, 2007 regular meetings and the May 21, 2007 special meeting be approved.

07-28F **SEVEN-YEAR HEAVY VEHICLE REPLACEMENT PLAN**

Division Chief Marty Scheuerman explained that the plan would replace all Truckee Meadows Fire Protection District fire trucks and heavy equipment, including volunteer equipment. Under the plan, he stated everything would be replaced with first line equipment by the year 2011. Chief Scheuerman stated he had gone over the plan with Mary Walker, the District's Financial Consultant, who endorsed the plan as feasible. He acknowledged that much of the plan would be dependent on economics and future budget considerations.

In response to a question by Commissioner Galloway, Chief Scheuerman indicated that the chart in the staff report was difficult to interpret unless it was printed in color. The report used different colors to designate schedules for career equipment, reserve equipment, volunteer equipment, career brush equipment, and reserve brush equipment. Commissioner Galloway clarified with Chief Scheuerman the plan reflected average life spans of ten years for career equipment and 15 years for volunteer equipment. Chief Scheuerman stated each purchase would still be brought before the Board for approval.

There was no public comment on this item.

Upon recommendation of Division Chief Marty Scheuerman, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Seven-Year Heavy Fire Equipment Replacement Schedule be approved and adopted.

07-29F **2007 ANNUAL OPERATING PLAN/MUTUAL AID AGREEMENT**
- HUMBOLDT-TOIYABE NATIONAL FOREST

Division Chief Marty Scheuerman pointed out that the main difference in the updated Agreement was that resources such as hand crews were no longer considered part of the Agreement and were charged accordingly. Additionally, he said that charges for air resources were apportioned based on whether or not there was a threat to a national forest, which might be determined by the direction the fire moved. Chief Scheuerman indicated there was an informal agreement that all costs for mutual aid

exchange would be based on acreage during the initial attack on a fire and a cost share agreement would be drawn up for any extended attack on a fire. Chairman Larkin went on record that it was unacceptable for national agencies to use these procedures to hold local agencies hostage in the middle of the fire season. Chief Scheuerman observed that the District was working with other local fire agencies to establish a coalition to address the concerns expressed by Chairman Larkin. Commissioner Galloway commented that it was not a good idea for decisions of this nature to be made on the hood of a fire vehicle while a fire was going on.

There was no public comment on this item.

Upon recommendation of Division Chief Marty Scheuerman, on motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried, it was ordered that the 2007 Annual Operating Plan for Mutual/Automatic Agreement between the U.S. Forest Service, Humboldt-Toiyabe National Forest and the City of Reno/Truckee Meadows Fire Protection District be approved and adopted.

07-30F RESOLUTION/MUTUAL AID AGREEMENT – CITY OF SPARKS

Division Chief Marty Scheuerman remarked there was good support between the agencies involved in this Agreement.

There was no public comment on this item.

On recommendation by Division Chief Marty Scheuerman, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Resolution that follows below be adopted, and the Cooperative Agreement for Automatic and Mutual Aid between the City of Sparks, the City of Reno, and the Truckee Meadows Fire Protection District be approved and adopted.

RESOLUTION

WHEREAS, the City of Sparks, the City of Reno, and the Truckee Meadows Fire Protection District each maintain and operate fire/rescue organizations within their respective jurisdictions;

WHEREAS, on occasion each agency experiences fires or other emergencies of such a magnitude that assistance of other fire response organizations would be beneficial in addressing the emergencies;

WHEREAS, NRS 277.045 allows any two or more political subdivisions of the State of Nevada to enter into cooperative agreements for the performance of any governmental function;

WHEREAS, the Truckee Meadows Fire Protection District desires to enter into a cooperative agreement pursuant to NRS 277.045 to provide for the circumstances and procedures under which each of the agencies who are parties to the agreement will provide assistance, be it mutual and automatic aid as those terms are defined and used in the agreement, in responding to fire and other emergencies when requested by the other parties;

NOW THEREFORE, in light of the foregoing, the Board of Fire Commissioners of the Truckee Meadows Fire Protection District hereby resolves as follows:

1. That the cooperative agreement with the City of Sparks and the City of Reno, a copy of which was placed on file with the Clerk ("Cooperative Agreement"), for the provision of mutual aid and other services in connection with fire protection in the region concerns the performance of the governmental functions of the parties to the agreement;
2. That the Cooperative Agreement is hereby incorporated into this Resolution as though fully set forth herein;
3. That the Truckee Meadows Fire Protection District should enter into the Cooperative Agreement in the interests of the inhabitants of the Truckee Meadows Fire Protection District and in the interest of carrying out the governmental functions of the Truckee Meadows Fire Protection District; and
4. That by this Resolution and by signing the Cooperative Agreement, the Truckee Meadows Fire Protection District hereby does enter in the Cooperative Agreement.

07-31F RENEW PROPERTY AND LIABILITY INSURANCE POLICY

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Washoe County Risk Manager be authorized to renew the property and liability insurance policy for the Truckee Meadows Fire Protection District with the Nevada Public Agency Insurance Pool, effective July 1, 2007, for an annual premium of \$118,848.60.

07-32F VOLUNTEER/AUXILIARY REPORT – MAY AND JUNE 2007

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Volunteer/Auxiliary Report for May and June 2007 be accepted.

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There being no further business to come before the Board, the meeting was adjourned at 5:56 p.m.

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
Lisa McNeill
Deputy County Clerk*