

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

TUESDAY

4:15 P.M.

AUGUST 14, 2007

PRESENT:

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

**07-33F      AGENDA**

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

**PUBLIC COMMENT**

There was no response to the call for public comment.

**COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS**

Marty Scheuerman, Division Chief, said the volunteer coordinator, Tim Alameda, was accepting a new assignment in September 2007 and Butch Miller, Battalion Chief, would be taking over as the volunteer coordinator.

Chief Miller stated he looked forward to working with the Board.

Commissioner Galloway commented he hoped he would see Chief Miller at the West Truckee Meadows Citizen Advisory Board (CAB) meetings, which Chief Alameda attended approximately every three months. Chief Miller responded in the affirmative.

**07-34F**            **PURCHASE – TWO SPORTS UTILITY VEHICLES AND ONE FULL SIZE SEDAN**

Upon recommendation of Marty Scheuerman, Division Chief, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the purchase of two sports utility vehicles in the amount of \$32,027.25 each and one full size sedan in the amount of \$17,337.25 for a total of 81,391.75 from Champion Chevrolet utilizing the Nevada State Purchase Agreement No. 7089 be approved.

**07-35F**            **PURCHASE – MODEL 14 BRUSH APPARATUS**

In response to Chairman Larkin, Marty Scheuerman, Division Chief, replied the brush apparatus would be stationed in the North Valleys. Commissioner Galloway indicated he would rely on the Chief's professional judgment on where equipment should be stationed. Chief Scheuerman said the majority of the career equipment in the South Valleys was replaced except for the Type 1, and the volunteers in the South Valleys should be getting some Model 14's shortly.

Upon recommendation of Marty Scheuerman, Division Chief, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the purchase in the amount of \$254,305 of one new Model 14 brush apparatus for the Truckee Meadows Fire Protection District from Masterbody, Inc., pursuant to the award of the Bureau of Land Management Contract No. NAC060014 on January 17, 2006, be approved.

**UPDATE/DISCUSSION WILDLAND FIRES ISSUES**

Marty Scheuerman, Division Chief, said he put this item on the agenda in anticipation of having to update the Board, but fortunately it had been pretty quiet. He stated there was a four-acre fire that was difficult to fight because of winds, but the area had been lucky in the last few weeks. He said there were several structural fires and one resulted in three fatalities. He stated the wind spread the fire from one structure to another.

In response to Chairman Larkin, Chief Scheuerman believed there were no Type 1 air tankers in the State, but locally there were three seats available. He said what was available fluctuated on a daily basis.

**07-36F**            **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). Melanie Foster, Assistant District Attorney, 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.

Commissioner 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?

Commissioner 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. He 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.

Commissioner 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.

Commissioner 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. He 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.

Commissioner 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, 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. Commissioner 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.

Commissioner Galloway said someone asked him if fire insurance rates could be lowered based on the stationing of volunteer fire equipment. He said if equipment was stationed in a heated building five miles from the people who were supposed to operate the equipment, the class of insurance could drop and would mean a tremendous difference in the fire insurance premium. He asked if a review could be conducted to see if peoples' insurance rates could be helped.

Marty Scheuerman, Division Chief, said that could get someone certain credits, but it would not lower their ISO rating. He explained career stations and water systems would more effectively lower the ISO rating. He agreed there were certain credits given for having a heated station within five miles, but the areas were so isolated the facilities would have to be provided with liability and security. He said that would also take the equipment away from the area central to the volunteers, which would isolate that piece of equipment. He said the number of people in a five-mile radius that would enjoy a reduction in insurance could be to the detriment of someone else.

Commissioner Galloway asked if there were areas that a slight change of location could benefit people. Chief Scheuerman stated a substantial amount of money was committed to improve the volunteer stations so they could facilitate the right piece of equipment. He said it was looked at to see if something could be done for the constituents to lower insurance rates as was done in Cold Springs. He stated the volunteers were located to provide coverage in areas not covered by the career stations, and that overlap was designed to provide the best possible coverage. Commissioner Galloway commented he was satisfied the issue was looked at.

There was no public comment on this item.

On motion by Commissioner Humke, seconded by Chairman Larkin, which motion duly carried, it was ordered that the Volunteer/Auxiliary Report for July 2007 be accepted.

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There being no further business to come before the Board, the meeting was adjourned at 5:18 p.m.

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**ROBERT M. LARKIN**, Chairman  
Truckee Meadows Fire  
Protection District

**ATTEST:**

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

*Minutes Prepared By  
Jan Frazzetta  
Deputy County Clerk*