

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

TUESDAY

10:00 A.M.

JULY 14, 2009

PRESENT:

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

Amy Harvey, County Clerk
Katy Simon, County Manager
Melanie Foster, Legal Counsel
Curtis Johnson, Division Chief

The Board convened at 12:05 p.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:

09-34F AGENDA ITEM 2

Agenda Subject: “Presentation to the Board of Fire Commissioners by Lemmon Valley Volunteer Fire Department in appreciation for the grand reopening of their newly rebuilt station.”

Dulcie Lilly, Lemmon Valley Fire Department Assistant Chief, presented to the Board a photograph of the newly remodeled Lemmon Valley Volunteer Fire Station. She thanked the Board and several fire crew members for all the hard work and diligence in completing the remodel. She also thanked Commissioner Weber for speaking at the dedication ceremony. Assistant Chief Lilly invited the Commissioners to tour the new facility.

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

09-35F AGENDA ITEM 3

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 Commission agenda. The District will also hear public comment during individual action items, with a comment limited to two minutes per person. Comments are to be made to the District as a whole.”

There was no response to the call for public comment.

12:12 p.m. Commissioner Jung temporarily left the meeting.

09-36F **AGENDA ITEM 4A**

Agenda Subject: “Review and acceptance of volunteer/auxiliary report for May 2009 (including monthly operations report of Volunteer Fire Departments indicating response data, training activities/apparatus updates, administrative, radio communication and dispatch issues etc.)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried with Commissioner Jung temporarily absent, Chairman Humke ordered that Agenda Item 4A be accepted.

09-37F **AGENDA ITEM 4B**

Agenda Subject: “Approval of April 28, 2009 and May 12, 2009 meeting minutes.”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried with Commissioner Jung temporarily absent, Chairman Humke ordered that Agenda Item 4B be approved.

09-38F **AGENDA ITEM 5**

Agenda Subject: “Discussion, review and adoption of 2009 Annual Operating Plan between the City of Reno/Truckee Meadows Fire Protection District and the Bureau of Land Management, and Carson City District Office.”

Chairman Humke asked if there were any new features to the Annual Operating Plan. Curtis Johnson, Division Chief, replied the rates had been changed to reflect an increase in costs.

Commissioner Larkin said the Interlocal Agreement specified once the level of service within the District boundaries and the City of Reno had been established for a particular budget year, the City agreed not to reduce the service level. He asked if this incorporated the Level of Service Agreement per year according to the Interlocal Agreement. Chief Johnson stated this was the Agreement in order for the District to operate with the Bureau of Land Management. He indicated concerning wildland fire protection there were several of these agreements with other entities. Commissioner Larkin asked if this overrode the level of service requirement of section 3.1 of the Interlocal Agreement. Chief Johnson replied to the best of his knowledge it should not override that section.

Chairman Humke inquired if the Mutual Aid Agreement was standard. Chief Johnson stated that was correct.

12:19 p.m. Commissioner Jung returned.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 5 be adopted.

09-39F AGENDA ITEM 6

Agenda Subject: “Overview and discussion of the history, terms, performance requirements, and evaluation of effectiveness of the Truckee Meadows Fire Protection District/City of Reno Interlocal Agreement for fire service, and possible direction to staff (requested by Commissioners Humke and Larkin).”

Curtis Johnson, Division Chief, conducted a PowerPoint presentation, which was placed on file with the Clerk, highlighting the history of consolidation, agreement highlights, purpose and intent, terms of the agreement, modifications, termination clause, level of service for: performance requirements, service levels established, reduced response times, decreased response times, 2008 response data, response after contract for service, volunteer response and the expansion of the EMT – intermediate program, the Reno budget and station brown-outs, budget savings, financial benefits to the District, evaluation of effectiveness and an effectiveness study.

Chief Johnson said the City of Reno agreed not to reduce the level of service within District boundaries for the fiscal year without an approved resolution of the District Board. He indicated the levels of service were defined in Appendix A.

Commissioner Larkin remarked that statement was the point and most disturbing. He said it was based on a fiscal year level, but the agreement said, “once the level of service within the District boundary and the City had been established for a particular budget year, the City agreed not to reduce the level of service.” Commissioner Larkin commented the City had been in serious negotiations with the Fire Unions and as of June 24, 2009 there had been a postponement of the vote on reductions of salaries and staffing. He remarked that sounded like a service change and asked why the Board of Fire Commissioners had not been notified. Chief Johnson replied in July the union would be taking a vote in regard to not receiving a Cost of Living Allowance (COLA) for 2009/10. He said if that occurred the District should be able to operate under the current system; however, if the union members voted against the plan then there would be issues such as station closures.

Commissioner Larkin asked if the intent behind the language was not to account for this type of situation. Marty Scheuerman, retired Division Chief, explained in the initial stages of the agreement the Fire Commissioners' primary interest concerned the level of service. He said the language stated "once the level of service within the District in the City had been established the City agreed not to reduce the level within the District's boundaries." He remarked the District was held harmless for any type of cuts in terms of the budget for the consolidated budget formula. Chief Scheuerman said there were certain elements not in the consolidated budget. He stated the initial level of service and performance objectives founded in the contract were specific to the staffing levels of the Truckee Meadows Fire Stations, the number of personnel on those companies and the response criteria.

Commissioner Larkin remarked when consolidated Truckee Meadows fire personnel became City of Reno employees. He said while it was true that the Districts were separate, the unit of measurement was the employees. Commissioner Larkin said the vote occurring in August could potentially affect fire services. Chief Scheuerman said in looking at the service delivery aspect and the service of level projectives developed in levels of service terms of the number of personnel on scene to deal with a specific incident, those criteria were being maintained, regardless of issues within the department, and reductions for the Truckee Meadows District area. He commented some of the proposals he had seen would not adversely impact that delivery of service in the District. Commissioner Larkin stated as partners should the Fire Board not have been included in the discussion since it could affect service levels. Chief Scheuerman remarked there had always been good communication, but lately there had been a glitch in that communication. However, with the current administration that problem was being remedied and the discussions and interchange was back in place.

Katy Simon, County Manager, explained in April County staff began requesting information on how the changes being discussed in staffing would affect the District's service level; however, were denied that information. She said the message was clear that was not acceptable to the Board of Fire Commissioners who were the policy Board of the District and had a right to that information. Ms. Simon said she spoke with City of Reno Interim City Manager Donna Dreska about those concerns and would continue to work on that issue.

Tim Alameda, Acting City of Reno Fire Chief, said he was in conversations with Ms. Dreska and Ms. Simon to have an open dialogue. He requested time for some decision space and to accomplish those discussions. He felt the Fire Board should have had the information and been involved in discussions. Chief Alameda commented it was a good department and felt it was a good contract, but there was always room for improvement.

Commissioner Larkin said it was a stellar fire department, but there were elements in the contract that needed improvement. He was concerned about the negotiations, the results those negotiations would have on the fire service and the lack of communication. He felt there had been a change in the level of service. Chief Alameda

stated he felt the frustration and would continue to work on reestablishing open-communications.

Commissioner Jung asked why the response times shown in the presentation only went through 2001 and, if the software used for dispatch times had been validated so those times could not be altered without leaving an electronic footprint. Chief Johnson commented he would supply the current response time information. He said he would need to research the software concern and then return to the Board with those findings.

In response to Commissioner Jung, Chief Alameda indicated there was not a footprint on the response time data and indicated that was an issue. However, a program was being developed to solidify the software. Commissioner Jung asked if that concern was brought to the attention of the Reno City Council. She felt for the time being, the data was invalid, since there could be a compelling reason to change response times and stated that was disturbing.

Tammy Lopes, Division Chief, agreed and stated the department wanted correct data; however, at the present time, the data could be changed and staff had been working with Information Technology (IT) to solve that problem. She said a program would be implemented through the National Association of Firefighters (NAF) to analyze the data and remove all impropriety. Commissioner Jung presumed other fire companies had found software that could prove validity. She stated the response times meant nothing to her and noted she did not need the history of the response times.

Commissioner Weber was concerned that the Reno City Council had never discussed this issue or if they were even aware of the situation. She felt the dispatch agreement needed to be discussed.

Ms. Simon said prior to the departure of Reno City Manager Charles McNeely, she and Sheriff Mike Haley met with him about the dispatch agreement, and in the transition were now continuing those discussions with Ms. Dreska. She said a meeting was scheduled in July with the City concerning dispatch and then that information would be brought to the Board. She confirmed staff was aggressively working on the issue.

Commissioner Larkin said as the staffing levels dropped it appeared that only the Reno Fire Stations and equipment were directly affected, but where would the resources come from when there was a second, third or fourth alarm. Chief Johnson replied that was the problem concerning the depth of resources. He said when the second and third alarm scenarios began, a recall and paging of off-duty staff occurred to man the companies. Commissioner Larkin said if there was an event in the extreme boundary of the District and staffing levels had been reduced where would those resources come from. Chief Johnson commented it would be the same scenario and back-filling with recall staff.

Chairman Humke asked for clarification on the demonstrated depth of resources in Arrowcreek. Chief Johnson explained the depth of resources was the ability to respond to an incident with the amount of manpower and equipment to adequately handle that incident and also be able to cover the remaining part of the District

Commissioner Larkin said the termination clause in the agreement stated, "if terminated due to a material breach, the parties seeking the termination shall notify the other party..." He asked if a failure of the City of Reno to notify the Board of a level of service change constituted a material breach. Melanie Foster, Legal Counsel, replied without having the entire agreement to review or what was defined as a material breach, she could not offer an opinion. She indicated she would review the agreement and have a discussion with the Deputy District Attorney assigned to the District. Commissioner Larkin requested that discussion and review.

Chairman Humke did not think a declaration of breach was justified, but noted there were major concerns about the contract that needed to be resolved. He suggested an outside performance audit or study may be beneficial.

Commissioner Larkin said there had been several suggestions and some decision space had been requested that needed to be granted. He said data had also been requested and some of the issues needed to be resolved. Commissioner Larkin inquired if the Joint Fire Advisory Board (JFAB) had discussions planned regarding the contract. Chief Johnson confirmed the correct form was to present questions concerning the contract performance to the JFAB and specific concerns should be directed there.

Commissioner Jung was concerned with the service level changes. She said she would attend the JFAB meeting scheduled for July 20, 2009 and indicated these issues were on the agenda. She also requested staff approach the Reno City Council and bring up some of the issues that had been discussed.

Chairman Humke stated the numbers from the Bowers Fire Station as part of the Sierra Fire Protection District revealed that a large percentage of those calls went to areas of the TMFPD and felt that was a bastardization of the Mutual Aid Agreement.

Commissioner Larkin commented that in reviewing the upcoming agenda for the JFAB he did not see an item to discuss this contract. Chief Johnson suggested a special JFAB meeting could be held in regard to the issues discussed.

Chairman Humke commented since legal counsel had requested time to examine the contract he suggested a standard item be placed on every Board of Fire Commissioner's agenda, if discussion was needed, concerning the contract.

Commissioner Weber felt it would be beneficial to consider a special meeting with the Reno City Council and the Board of Fire Commissioners for the public to be a part of the discussions or place the item on a joint meeting agenda. Commissioner Larkin stated the contract called for the JFAB to consider it first.

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

09-40F AGENDA ITEM 7

Agenda Subject: “Commissioners’/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.)”

Commissioner Larkin welcomed Acting Fire Chief Tim Alameda. Chief Alameda explained his vision for the Department and looked forward to working with the Board on rebuilding the communication and ensuring the on-going safety of the County.

Curtis Johnson, Division Chief, introduced Joe DeRusso as the Operations Chief.

Chief Johnson remarked there had been on-going discussions with the volunteers in regard to creating new contracts and noted the talks would resume in October.

* * * * *

ADJOURNMENT

1:24 p.m. There being no further business to come before the Board, on motion by Chairman Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the meeting be adjourned.

DAVID HUMKE, Chairman
Truckee Meadows Fire
Protection District

ATTEST:

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

*Minutes Prepared By:
Stacy Gonzales
Deputy County Clerk*