

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

TUESDAY

11:00 a.m.

NOVEMBER 8, 2011

PRESENT:

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

Nancy Parent, Chief Deputy Clerk
Katy Simon, County Manager
Paul Lipparelli, Legal Counsel
Tim O'Brien, Division Chief

The Board convened at 11:16 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:

11-116F 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 Commission 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 District as a whole.”

There was no response to the call for public comment.

11-117F AGENDA ITEM 3

Agenda Subject: “Fire Chiefs Report – Report and discussion related to Fire District operations by Reno/Truckee Meadows Chief Michael Hernandez.”

Reno/Truckee Meadows Chief Michael Hernandez reviewed the Incident Response, Fire Station brown out, and significant events statistics as noted in the staff report. During the month of September the Truckee Meadows Fire Protection District (TMFPD) responded to 802 calls including: 459 medical calls; 161 fires; and, 65 other calls. He announced that he would recognize the first responders to the recent Reno Air Race tragedy during the Reno City Council meeting on November 9, 2011 and would present them all with a Chief’s commendation.

Chief Hernandez indicated that Station 7 on Skyline, which had been browned out for over 18 months, opened on November 6, 2011 for 24 hours. This was

due to sufficient staffing for that period of time and noted that the crew responded to nine calls.

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

11-118F AGENDA ITEM 4

Agenda Subject: “Approve the creation of a capital project to bring Truckee Meadows Fire Protection District (TMFPD) onto Washoe County’s SAP system for human resources, recruitment and selection, employee self-service (including time), payroll and benefits, to be performed by Washoe County through its contractor EPI-USE America, Inc., pursuant to the Cooperative Fire Protection Agreement dated November 16, 1999 between TMFPD and the County-in the not to exceed amount of \$210,000.”

Commissioner Jung asked if the \$210,000 was included in the start-up costs for the District. Kurt Latipow, Fire Services Coordinator, confirmed that the \$210,000 was included in the transition budget.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 4 be approved.

11-119F AGENDA ITEM 5

Agenda Subject: “Discussion and possible direction to the Board’s members on the Joint Fire Advisory Board (JFAB) and to staff regarding the following: (i) the role of the JFAB in the District’s transition from a consolidated fire department with the City of Reno to a reorganized District fire protection agency; (ii) the role of the Reno Fire Department Fire Chief in said transition; (iii) any possible JFAB community outreach regarding the District’s future fire services; and (iv) a process to address disputes between the District and the City of Reno during said transition.”

Kurt Latipow, Fire Services Coordinator, stated that the First Amended Interlocal Agreement for Fire Service and Consolidation dated July 1, 2004 did not offer distinctions in the Reno Fire Chief’s duties between regular duties and those the Chief could not or should not perform during the Agreement’s termination transition. The Agreement also went no further regarding the Joint Fire Advisory Board’s (JFAB) role other than, “to provide input and recommendations on policy matters arising under this Interlocal Agreement,” and specified that the JFAB was advisory only. This item requested discussion and possible direction to the JFAB Board members and to staff in regard to the four points listed.

Commissioner Weber asked Commissioner Jung, Chairperson of the JFAB, if she had any comments.

***11:26 a.m.** Commissioner Humke arrived.

Commissioner Jung explained that the attorneys from each entity could not agree on the appropriate level of involvement for the JFAB. She said the JFAB did not want to be in a position where the contract was breached before the end of the contract date. In terms of the role of the Chief during the wind down of the Interlocal Agreement, direction needed to be transparent and diligent. She said the JFAB also needed direction if the Board still wanted their members to participate on the JFAB and, if so, to what extent. Commissioner Weber felt that this discussion needed to be held with the City of Reno.

Commissioner Larkin remarked that the Board of Fire Commissioners needed to establish sufficient and adequate parameters because there were conditions “ripe for mischief” and counter-productive activities. It was incumbent of the Board to move forward with a set of parameters enabling the Board’s members on the JFAB to know those parameters. Otherwise, the vacuum created would be filled with whatever agenda items that materialized, which was not a productive manner in moving forward. He felt there was a role for the JFAB, but he did not want to see the JFAB expanded in their capacity.

Related to the standing up of a new fire department and the relationship to the Board of Fire Commissioners, Chairman Breternitz said it had been a gray area in moving forward for the role of the JFAB versus what was outside of that role. He thought this agenda item and the recommendation added further clarity to his interpretation for the JFAB. Chairman Breternitz was supportive of the documentation and, if JFAB would be effective, the Board’s members needed to be supported and directed as how they should proceed.

Commissioner Weber indicated that she was a representative on the JFAB, but had been informed by another elected official that she had not been participating in those meetings. She indicated that she had been represented by Commissioner Larkin. She suggested being removed from that Committee and place Commissioner Larkin as the other County representative.

Commissioner Humke commented that the Board was bound by the Interlocal Agreement to continue with the JFAB. He suggested negotiating with the City of Reno to see if the JFAB was becoming taxing on some of the involved individuals. Commissioner Humke inquired if surrounding agencies could be invited to participate in the JFAB to serve as an advisory entity for the future orientation toward consolidation. He noted there seemed to be a need for agenda control and felt that needed to be considered.

Chairman Breternitz agreed with the idea of a broader-based advisory board and felt that should be a regional dialogue. He suggested a future agenda item for that discussion. He said the Interlocal Agreement phrased that the Fire Chief complete a budget for the next fiscal year. He said the Chief could complete a budget, but because it would not be used, that budget would not be applicable.

Commissioner Larkin indicated he would challenge Item Four, which was the dispute process. He said that was originally designed with the notion of an expanded role for the JFAB and with the renegotiation of the contract with the City of Reno moving toward regionalization. At the present time, that was not applicable. He said the contract stated what it stated and, if the Chief was required to produce a budget, that budget needed to be produced. However, it was at the discretion of the Chief on how that budget was put together. The letter of the contract needed to be met and by placing a dispute process into the procedure was not moving toward the correct path.

Mr. Latipow explained that the dispute language was not for the contract, but was placed if a dispute should arise as a result of the dissolution process. He indicated that staff had been approached on how disputes involving the dissolution process would be dealt with outside of the Interlocal Agreement. Commissioner Larkin explained it was precisely described in the Agreement as to how the contract would be dissolved and, if the Board ventured off that contract, it would be ripe for mischief.

Commissioner Jung felt that the time was right for a joint meeting between the County and the Reno City Council. Katy Simon, County Manager, said that would be raised at the next meeting between herself and the City Manager.

In response to the call for public comment, William Steward said that the JFAB presented an opportunity to speak to the outlining agencies.

Tom Dunn said it was discussed for the Fire Chief to complete a budget for the District because that was required under the Interlocal Agreement. However, at the TMFPD Open House, a former District employee questioned which contract he would be offered if he became a new District employee. He was told he would be given something different than what was required under the Interlocal Agreement.

Ms. Simon explained that the Board had not decided on the package that would be offered; thereby no official action could be given to the public.

Commissioner Weber asked if the Fire Board could be on each agenda to have discussions about moving forward. Ms. Simon replied staff had been asked to provide an update at meetings and confirmed that was occurring.

Commissioner Larkin moved to adopt Items One through Three, as noted in the staff report, and forward that information to the JFAB with the specific inclusion in Item Three that the JFAB was not the appropriate body to host community meetings regarding the District or the City's future fire service, and to include no expenditures of

Truckee Meadows funds for those purposes as requested by the JFAB. Commissioner Humke seconded the motion.

Commissioner Humke agreed with the recommendation for Item Three and felt that was valid. He said on July 2, 2012 there would be no JFAB, and he hoped that a regional advisory board could be established and that neighboring counties would be invited.

Commissioner Weber said she would support the motion and appreciated that Item Four, concerning disputes, was not part of the motion, but she asked how disputes would be handled. Commissioner Humke said there were items in the contract as to the dissolution process and felt that the City Attorney and the District Attorney should begin the process of settling any disputes.

Commissioner Jung asked if this item would be brought forward to the Reno City Council. Mr. Latipow replied that the motion directed staff to forward this to the JFAB. Commissioner Jung felt this should be brought to the City Council since they also directed their JFAB members on what should be discussed at the JFAB meetings. Commissioner Jung said she would oppose the motion since it offered no clarification.

Chairman Breternitz said the motion was a direction from the Board and felt that the information should be forwarded to the JFAB.

Paul Lipparelli, Legal Counsel, said the District Attorney's Office had advised the Board on several occasions about what the Interlocal Agreement required as it related to the role of the JFAB. He noted there was nothing in the recommendations being considered for approval that was contrary to the Interlocal Agreement or the advice given in the past to the Board.

Commissioner Weber indicated that Item One stated, "the role of the JFAB in the District's transition was for the operational policy level issues that pertain to the Interlocal Agreement." She asked how much of that would be happening over the course of the next year.

Commissioner Larkin explained if the potential for mischief had not already been exhibited this discussion would not have occurred. The opportunity for increased mischief was ripe and, as a JFAB member, he needed specific direction in supplying the responses during a JFAB meeting. He remarked that any member on the JFAB could place items on the agenda, but that did not mean the JFAB members needed to engage in the activity.

On call for the question, the motion passed on a 3 to 1 vote with Commissioner Jung voting "no," and Commissioner Weber abstaining.

11-120F AGENDA ITEM 8

Agenda Subject: “Commissioners’/Manager’s Announcements, requests for information and identification of topics for future agendas. (No discussion among Commissioners or action will take place on this item.)”

Commissioner Larkin requested an agenda item to discuss a joint regional advisory fire board for the Sierra Fire Protection District (SFPD) and the Truckee Meadows Fire Protection District (TMFPD).

Commissioner Weber requested an agenda item regarding her position on the Joint Fire Advisory Board (JFAB).

11-121F 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 Commission 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 District as a whole.”

Tom Dunn spoke on efficiency and the responsibilities of fire companies.

11-122F AGENDA ITEM 7

Agenda Subject: “Possible Closed Session pursuant to NRS 288.220 for the purpose of discussing with management representatives labor matters associated with delivery of new fire services by July 1, 2012.

12:07 p.m. On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that the meeting recess to a closed session for the purpose of discussing with management representatives labor matters associated with delivery of new fire services by July 1, 2012 per NRS 288.220.

5:31 p.m. The Board reconvened with all members present.

11-123F AGENDA ITEM 6

Agenda Subject: “Approve the class specifications and salary ranges for the following Truckee Meadows Fire Protection District (TMFPD) positions: Fire Division Chief \$86,964.80 to \$113,048.00 (2080 schedule), Fire Battalion Chief \$75,624.64 to \$98,300.80 (2080 schedule), Fire Marshal \$75,628.80 to \$98,300.80 (2080 schedule), Fire Captain \$56,318.08 to \$73,207.68 (2912 schedule), Logistics Officer \$56,305.60 to \$73,195.20 (2080 schedule – to be adjusted for regular PERS), Fire Prevention Specialist \$43,846.40 to \$57,012.80 (2080 schedule for Police/Fire

PERS), Fire Equipment Operator \$49,271.04 to \$64,034.88 (2912 schedule), Firefighter/EMT Intermediate \$43,854.72 to \$57,016.96 (2912 schedule), and authorize staff to initiate the recruitment process necessary to establish open competitive and promotional eligibility lists that will be utilized to meet the approved staffing plan.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6 be approved and authorized.

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ADJOURNMENT

5:35 p.m. There being no further business to come before the Board, on motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried, the meeting was adjourned.

JOHN BRETERNITZ, 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*