

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

TUESDAY

11:00 a.m.

FEBRUARY 24, 2015

PRESENT:

Marsha Berkbigler, Chair
Kitty Jung, Vice Chair
Vaughn Hartung, Commissioner
Jeanne Herman, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel
Charles Moore, Fire Chief

ABSENT:

Bob Lucey, Commissioner

The Board convened at 11:27 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:

15-0024F AGENDA ITEM 2

Agenda Subject: “Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Board of Fire Commissioners agenda. The District will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Board of Fire Commissioners as a whole.”

Cathy Brandhorst spoke about matters of concern to herself.

15-0025F AGENDA ITEM 3

Agenda Subject: “Consent Items: None.”

There was no public comment on this item.

15-0026F AGENDA ITEM 4

Agenda Subject: “Fire Chief Moore Report: A) Report and discussion related to fire district operations, B) Update on Fire Sprinkler requirements on homes, C) Volunteer Statistics and Report for January 2015, and D) Exploding Targets.

Fire Chief Charles Moore announced a new Type 1 Engine was put into service in Sun Valley yesterday. He said the District would be taking delivery of three new Type 3 Brush Engines this week, which would be outfitted with equipment prior to the start of the wildland fire season. He stated they would be put into service at the Cold Springs, the Sun Valley, and the Spanish Springs fire stations.

Chief Moore said regarding the land purchase for Station 14, the District had been having conversations with the County about whether or not to purchase the entire five acres or to purchase just the portion of the land needed for a community fire station and an ancillary building. He displayed a map showing the layout of the site at the corner of Foothill Drive and Broken Hill, which was placed on file with the Clerk. He said an architect was engaged to do a more specific site study to determine if the site could be developed to suit the District's needs. He noted the District had until about August 2015 to close on the land at a purchase price of approximately \$1.6 million for 3.36 acres. He said the intent was not to build immediately, but the District needed to acquire the land for a new station because Station 14 was surrounded by retail development, which made it difficult to get the fire trucks in and out of the station.

Chief Moore noted the volunteer report should indicate the volunteers responded to 56 incidents in the month of January, rather than the 36 stated in the report.

Chief Moore advised the requirements for fire sprinklers in homes were contained in the Fire Code, the County's Building Code, and were embedded in the Nevada Administrative Code (NAC).

Amy Ray, Fire Marshal, stated the State Fire Marshal's Office adopted the 2009 edition of the International Wildland-Urban Interface Code in 2010, which placed requirements into State law regarding mitigating for moderate, high, and extra-high hazard areas within the wildland-urban interface. She said the Building Department adopted Chapter 5, which required a conforming water supply and defensible space to determine the exterior construction elements. She stated the water supply could be in a tank, a manmade supply, or a natural supply. She said in 2013, the District adopted the Wildland-Urban Interface Code with amendments allowing a residential-sprinkler system, which tended to be less expensive, in lieu of the 30,000 gallon water tank or 30,000 gallons of stored water.

Fire Marshal Ray said a handout was prepared to help the community understand how things would work under the newly adopted Wildland-Urban Interface Code. She stated the first step was to determine the severity of the fire hazard, if the property had a conforming water supply, and if it met the defensible space requirements. She said the Building Department looked to the District to determine if the water supply was conforming and if the defensible space requirements were met. She said a conforming water supply allowed the property owner to decrease the residence's exterior construction elements, which included the siding and venting. She stated when the amendment package was done, the District's staff determined a residential-sprinkler system would allow a decrease in the exterior construction elements, would provide a

degree of safety, and would keep a fire from spreading to the wild land and from home-to-home in certain areas. She said the sprinkler system would also allow residents to evacuate if there was a fire within their home. She stated it was determined the conforming water supply requirement could be met by having a residential-sprinkler system.

Commissioner Herman said a lot of people were telling her that the fire sprinkler requirement put a big hardship on them because they did not want to live within city limits.

Commissioner Hartung felt the requirement was a little onerous, because having a sprinkler system in a small house could be difficult. He said he also had some concerns with respect to the house suffering potential damage if they did not use it year round and it was less than 5,000 square feet. He asked if there was empirical data indicating a house fire started a wild land fire in Washoe County. Fire Marshal Ray said it happened. Commissioner Hartung said he wanted to make sure it was not just somebody putting ashes outside. He stated he recognized the District's concern to have a safe community, but sometimes things could be taken to the extreme and could cause people to decide not to build a 1,800 square foot home due to having to spend an additional \$20,000 or more to put in some type of fire suppression system. He asked if there was a way this could be flexed if the home would be less than 5,000 square feet. He asked if a fire suppression was required in large barns. Fire Marshal Ray confirmed large barns were looked at on an individual basis, and took into consideration the size of the barn and whether there were living quarters. She said they were still required to meet the external construction elements and those elements were increased if the water supply requirement was not put on the barn. She said the Code required water for fire suppression, and the District was trying to ensure that requirement was met while causing the least amount of invasiveness.

Commissioner Hartung said there had been the assertion that Washoe County was the only county in Nevada that required the Code be followed for homes of less than 5,000 square feet. He asked how meeting the requirements were being achieved in Humboldt, Clark, or any other county. Fire Marshal Ray said the other counties fell under the same State law, and she did not know what else they did. She stated 10 jurisdictions were worked with to come up with a fairly consistent amendment package, which would ensure builders did not have to do one thing in one area and something else in another. Commissioner Hartung said his concern was people did not want to come to Washoe County because it was onerous to build something here, and not just because of the fire code regulations.

Chief Moore said a large conflagrating fire could happen externally through lightning, carelessness, or a car fire. He stated it would likely be a significant event for the District if there were winds. He said staff would have to research how many internally started structure fires spread to the wild land. He stated defensible space was used to prevent any single fire from becoming a catastrophic event. He said that strategy would mean the fire burned around the home and not through the property. He stated

another key element would be the choice of construction materials. He stated if there was a balance in requiring fire sprinkler systems, there would have to be requirements for defensible space and some mandated fire-resistant materials when homes were built in a high-hazard area for wild land fires. He stated California had gotten very aggressive with the requirements for this type of defense and might have mandated sprinkler systems. He said if the Board wanted to direct staff to look at this, he would be comfortable in looking at mandated defensible space in all cases and, with the help of the Building Official, in looking at exterior construction, such as the choices for roofs, gutters, and exterior decks.

Commissioner Hartung said no matter what kind of fire suppression was put in, when a huge wildfire swept through, it could burn a house down. He stated his point was people could not be protected from everything. He said his suggestion was about reaching a compromise so the requirements were not as onerous, and he thought defensible space was a great idea that should be enforced already. Chief Moore said it was already embedded in the Wildland-Urban Interface Code and was enforced. Commissioner Hartung felt the homeowners needed to take responsibility for maintaining their defensible space, because things grew over time, and the homeowners had the most to gain by protecting themselves. He hoped some type of compromise could be reached for homes of less than 5,000 square feet. Chief Moore said he was not sure how the State's side of the regulations could be dealt with, but that certainly could be addressed in the Building and Fire Codes.

Chair Berkbigler agreed Commissioner Hartung's point was valid regarding how the other counties were dealing with the regulation, but at some point government could not legislate against people doing something stupid. She stated clearly if something was mandated by federal law, then there was no way to work around it. She said other counties were working around the requirements, and the Board was asking staff to look at those areas to see what could be done to further the growth of homebuilding. She stated if it was so difficult for people to build a house in the country in Washoe County, they would go to another county to live. She agreed staff should see what could be done for homes of less than 5,000 square feet.

Commissioner Jung asked if the requirement was only for new structures being built in the defensible-space areas. Chief Moore replied it was. Commissioner Jung asked if there was a program to look at whether existing homes had defensible space. Fire Marshal Ray stated defensible-space requirements were in the Wildland-Urban Interface Code, which allowed the District to inspect a home to see if it had defensible space, but the construction elements and sprinkler systems came into play for new construction.

Commissioner Jung believed Sun Valley was a fire waiting to happen, and she never heard of the District going in and issuing cleanup notices. She asked how she could get that done. Fire Marshal Ray said the District's web site had a form, which was a request for a defensible-space inspection. She stated Sun Valley was considered to be a low-hazard area as delineated by the fire hazard maps and were not covered under the Wildland-Urban and Interface Code. Commissioner Jung asked if the District had any jurisdiction in a low-hazard area. Fire Marshal Ray said there were regulations for the

low-hazard areas. She stated the District did not knock on doors, but instead requested the public initiate the inspections if they felt there was an issue. She said an assessment was made to determine if it violated Code, and then a request for cleanup would be done based on that assessment.

Commissioner Jung asked if it was a mobile home or a manufactured home, was there any consideration of what the actual value of the home was and how much the sprinkler system would cost. Fire Marshal Ray replied the requirement was the same for all structures.

Commissioner Jung requested staff look at what the best practices were before bringing this item back to the Board. She asked if density and land-use patterns were looked at. Fire Marshal Ray said that was taken into consideration in the Wildland-Urban and Interface Code for defensible space practices.

Commissioner Jung asked how close the homes were to other homes in the instances being dealt with. Fire Marshal Ray said the regulations allowed for maintenance at 30, 50, or 100 feet, which depended on the property size. Commissioner Jung asked if those homes were that close to each other. Fire Marshal Ray said some were that close, and those individuals would have to work with their neighbors to accomplish the defensible space zone. She stated that did not always happen because they moved to the area to be by themselves.

Commissioner Jung asked in their professional opinion, should people be building homes in areas if they could not provide some form of water to fight a fire. Chief Moore advised four things were needed to put out a fire: tools and equipment, human resources, water, and access. He said water in Nevada was in short supply. He stated when one of those four things was missing, it would be unlikely that extinguishing a fire would be successful. He said with homes way out in the countryside, the goal might be to confine the fire to the structure of origin. He stated every fire was different and depended on the wind, construction, and a lot of other things; and the fire response was only one of the many things that determined the outcome. He said people should not be prohibited from building because they were in a remote rural part of Washoe County but, if they did not use the right construction, then the rest of the taxpayers would have to pay for the fire protection costs. He stated from a policy perspective, would it be reasonable for an individual not to do anything and then a fire started, which would leave the taxpayers on the hook for footing the bill. He said achieving a balance was difficult, but staff would go back and look for that balance.

Commissioner Jung said asking someone to put in a \$30,000 sprinkler system when they were putting in a \$90,000 manufactured home defied common sense, especially considering how bad water was for the interior of that type of home. She asked if there was any way there could be a policy to stop people from building out there unless they would sign off on investing in something that they would probably never get back and was against the manufacturer's warranty. She stated there had to be some give and take that did not disenfranchise the affected citizens, while not putting other citizens at

risk. She said she saw this occurring more often rather than less, and wondered if common sense could be incorporated rather than just saying no, which was not compassionate or realistic.

Commissioner Hartung said he would not argue that this would save the taxpayers millions of dollars, but that argument also assumed the fire would start in a new dwelling and not in an existing one. He suggested defaulting back to what the State said and then looking at structures of less than 5,000 square feet, which would put the County in a fairly safe place. He noted that Code already existed, and the whole countryside had not burned down. He said he appreciated the hard work the District did every day to protect everyone and they really did a great job. He explained the Board was not trying to usurp the District's authority, but was just trying to find a balance.

Commissioner Herman requested staff find out what the other counties were doing, because there had to be a way. She said she believed in defensible space and clearing 50 feet around every house might be easier and seemed to be the most sensible thing to do.

Chair Berkgigler added that she would be interested in looking at what other northern counties did that had similar topography to that in Washoe County. She stated she did not care what California did, because most of what was done in California we would not want to do in Nevada. She said even with the federal and state regulations, there must be some way to work something out for the County's constituents.

Chief Moore said regarding providing immediate help to the constituents looking to apply for building permits, Legal Counsel would need to help determine if there were any legal solutions available for immediate relief. He stated a solution, possibly in the form of an ordinance, could be brought back to the Board in the next few weeks.

Chair Berkgigler said the Board had the utmost respect for both the Chief and the Fire Marshal, and she appreciated that they were always willing to work with the Board to deal with constituent issues. Chief Moore said they appreciated the risk was never zero and had to be shared between the public and private sectors; and finding a balance was sometimes difficult.

Commissioner Herman said she understood the requirements came from Washington, D.C., but there had to be a way to figure out how to get around them. She knew the people who lived in the country did not want their houses to burn down any more than anyone in town did. She said they paid more in insurance because they were not near a fire department, but they moved there because they were responsible and they wanted their freedom. She stated she understood where everyone was coming from, but a way had to be found to resolve this issue.

In response to the call for public comment, Cathy Brandhorst spoke about fires and exploding targets.

Michael Berenbak asked what the timeline would be since he was currently building, but was at a standstill due to the exceptional expense involved. He said he brought some numbers to Fire Marshal Ray awhile back, and she said she did not know where he was getting his numbers from.

Thomas Daly said the Estates at Mt. Rose was the only community that had a community-wide protection plan thanks to the efforts of Chief Moore, Fire Marshal Ray, and the homeowners association. He said the Caughlin Ranch and Washoe Drive fires were Sagebrush fires; and 54 homes burned to the ground, 17 were seriously damaged, and two people lost their lives. He stated fires could start inside a home and burn outward or start outside and burn in, and sprinklers could work to solve both of those problems. He said residential systems were designed to protect someone's life, not their property. He stated he supported the Code as written and Chief Moore's efforts.

Chief Moore said this item was to provide information only and there were no staff recommendations. He stated he believed there was enough evidence showing exploding targets had the potential to start fires. He said they extinguished wild land fires where the person shooting the target admitted the target blew up when hit with the projectile and started the fire. He said this went back to personal responsibility and education, or going to the extreme of outlawing exploding targets.

Fire Marshal Ray said their Code Amendments outlawing the exploding targets were brought before the Board in 2013, but the Board removed that requirement. She stated the Cities of Reno and Sparks, Carson City, and the North Lyon County Fire Protection District banned exploding targets. She said the State Fire Marshal's Office considered exploding targets as an explosive element, which was against the Alcohol, Tobacco, and Firearm (ATF) regulations for the possession of explosives. She stated the Bureau of Land Management (BLM) was looking at their draft Resource Management Plan and Environmental Impact Statements (EISs) in which they wanted to prohibit exploding targets, which were generally outlawed on all public lands during the fire season.

Chair Berkbigler said she was not sure why this item was before the Board. Commissioner Jung said she requested it. She thought during Fire Marshal Ray's testimony in 2013 that exploding targets would be coming up for review again at the State (BLM) or federal level. Fire Marshal Ray replied there was the possibility of the BLM issue, and the State Fire Marshal's regulations for the adoption of the Fire Code were also getting ready to be reviewed by the Legislative Counsel Bureau (LCB). She said the Fire Code was adopted in December 2014, but that requirement was not put into it. Commissioner Jung asked if the State put exploding targets into the law, would the District have to follow that law. Fire Marshal Ray said they would.

Commissioner Jung said this was not an action item, but this issue had come up in Hungry Valley and the Peavine area, and was also a concern considering how dry the area had become. She felt when this issue was brought to the Board previously,

the Commissioners wanted to wait to see what the State did. She requested staff bring their recommendations to the Board when they were ready.

Commissioner Hartung said exploding targets were illegal by federal standards, but were they allowed on professionally managed shooting ranges. Fire Marshal Ray stated a couple of shooting ranges obtained associated licenses for doing different types of activities on their ranges. She said those ranges were not allowed to use exploding targets when the fire season was declared.

Commissioner Hartung said he agreed with Commissioner Jung that this needed to be revisited, and he discussed hearing explosions where he lived in the center of the Spanish Springs valley. He stated he was aware a few people would say their right to blow stuff up was being taken away, but it was time to have that discussion. He said if it occurred at a managed facility, he did not have a problem with that, but shooting them off in the middle of nowhere was disconcerting.

Chair Berkbigler advised most of the e-mails indicated people were shooting them on their own property in the country, which should be kept in mind when looking at crafting a policy. She realized it was a fire issue but, on some level, citizens should be allowed to do what they wanted on their own property.

In response to the call for public comment, Mitch Gerlinger said he designed steel firearms targets. He explained Tannerite was an oxygen robber, because it pulled in oxygen during the ignition process and prevented a fire from being ignited. He stated when this topic was brought up about a year and a half ago, the District was asked to work out a compromise with them, but they had not yet spoken with them about this. He requested the details regarding the fires that were reported to have been started by the exploding targets. He said the private land issue was a big one and, when he used Tannerite, he did it in a very responsible manner. He stated anytime he went shooting he had fire extinguishers and a shovel available, and he never did anything when it would be risky. He said he would like to continue this discussion in a formal or informal manner. He noted automatic weapons were legal in Nevada, as were the binary explosives. He said the binary explosives had to be prepared onsite and up to 50 pounds were permitted per individual per year.

Jim Monahan said he had been the manager of the Mustang Range, Fernley, Nevada, and dealt with Tannerite for 15 years and never had a problem. He said the county Fire Marshal came out to see if it was safe, and the Fire Marshal did not care whether it was used during fire season, but the Range voluntarily did not use it then. He said Tannerite was used because it was binary and, when it exploded, it created water vapor and drew oxygen out of the atmosphere. He agreed regulations were needed on some exploding targets, such as propane cylinders; but no matter what was done, 10 percent of the people would go out and do something stupid. He stated Tannerite was not banned by the ATF and it was shipped by UPS. He displayed a jar holding unmixed Tannerite. He noted once Tannerite was mixed, it had to be thrown out if not used. He

said it was a safe product and it did not create fires. A copy of the Tannerite instructional sheet and DVD were placed on file with the Clerk.

Chair Berkgigler asked staff to work with Mr. Gerlinger when looking at this issue, and to determine if there was a difference between binary and other types of exploding targets. She believed some type of regulation should be looked at, but she wanted to make sure the regulations would not create more problems than they would solve. Chief Moore replied he would work with Mr. Gerlinger. He mentioned he received an e-mail regarding exploding targets from John and Cathy Glatthar and a copy of the e-mail was placed on file with the Clerk.

There was no action taken.

15-0027F AGENDA ITEM 5

Agenda Subject: “Approve the retention of Eide Bailly LLP to assist with the preparation of the financial statements and perform independent audit services for Sierra Fire Protection District for fiscal year 2014/15 in an amount not to exceed \$21,750.”

This item was heard solely by the Board of Fire Commissioners for the Sierra Fire Protection District.

Fire Chief Charles Moore said Kafoury, Armstrong & Company merged into Eide Bailly LLP, so it was essentially it would be the same people doing the audit.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5 be approved.

15-0028F AGENDA ITEM 6

Agenda Subject: “Approve the retention of Eide Bailly LLP to assist with the preparation of the financial statements and perform independent audit services for Truckee Meadows Fire Protection District for the fiscal year 2014/15 in an amount not to exceed \$31,590.”

This item was heard solely by the Board of Fire Commissioners for the Truckee Meadows Fire Protection District.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 6 be approved.

15-0029F AGENDA ITEM 7

Agenda Subject: “Commissioners’/Fire Chief Moore’s 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).”

Fire Chief Charles Moore said he understood he was to come back with more information about exploding targets and residential-fire sprinklers after researching what other counties adopted. He stated if the Board chose to direct staff to do something for the people who were immediately affected, he would ask Paul Lipparelli, Legal Counsel, to help him with that. Chair Berkbigler requested Chief Moore work with Mr. Lipparelli to see if there was a short-term solution, because some people were already in the middle of building.

Commissioner Hartung agreed and was hoping for some sort of solution for the fire sprinkler issue. He asked if there was some type of Director’s modification that could be applied, which would be just short of a variance. He said it seemed that due to the way the Code was written, we were bound by it; and issuing a variance would be breaking the County’s own rules.

Mr. Lipparelli believed the Chief was looking for direction on what the Board would like to see him bring back. He felt under this agenda item, there would not be the ability to talk much about the state of the existing Code and what remedies might exist to get around it. He also did not see other items on the agenda in which those kinds of things could be discussed, and he suggested putting that discussion on a future agenda. Chair Berkbigler agreed that was what she was asking for, but sooner rather than later.

Chief Moore said he would follow up with an e-mail update on the research he would do this week, and would let her know if there was a Director’s ability to make a decision outside of the strict interpretation of the Code.

There was no public comment on this item.

15-0030F AGENDA ITEM 8

Agenda Subject: “Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Board of Fire Commissioners agenda. The District will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Board of Fire Commissioners as a whole.”

Cathy Brandhorst spoke of things of interest to herself.

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12:48 p.m. There being no further business to come before the Board, the meeting was adjourned without objection.

MARSHA BERKBIGLER, Chair
Truckee Meadows Fire
Protection District and Sierra
Fire Protection District

ATTEST:

NANCY PARENT, Washoe County Clerk
and Ex-Officio Clerk, Truckee Meadows
Fire Protection District and Sierra Fire
Protection District

*Minutes Prepared By:
Jan Frazzetta, Deputy County Clerk*