

TAHOE DOUGLAS FIRE PROTECTION DISTRICT
BOARD OF TRUSTEES MEETING

April 27, 2009

Regular Meeting

Those Present:

Frank Forvilly

Steve Seibel

R.J. Clason

Brad Dorton

Roy Clason

Chief LeFever

Mike McCormack, Do. Co. A.D.A.

Battalion Chief Dave Hekhuis

Battalion Chief Dennis McLaughlin

Battalion Chief Mark Novak

Leo Horton

Battalion Chief Ben Sharit

Bob Cook

Captain Rick Strickley

Captain Kirk Thompson

Engineer Ralph Jones

Engineer Bob Child

Engineer Kevin Crebs

Paramedic Jordon Oakes

Paramedic Bryce Cranch

Paramedic Ben Pratt

1. Action Item: Call to order.

The meeting was called to order at 4:30 by Chairman Steve Seibel.

2. Action Item: Pledge of Allegiance.

Pledge of allegiance was led by Leo Horton.

3. Action Item: Roll call.

All Board Members were present.

4. Action Item: Public comment.

There was none.

5. Action Item: Discussion and possible action: Approval of consent calendar:

Items on the consent calendar will be approved without discussion unless an item is specifically "moved forward" for discussion.

Item:

a. Approval of agenda.

b. Approval of minutes 3-30-09.

- c. Approval of expenditures.
- d. Approval of financial statements 2-28-09 & 3-31-09.

Trustee R.J. Clason asked the approval of expenditures be moved forward for further discussion.

Motion by Trustee R.J. Clason to approve the agenda, the agenda and the financial statements of February 28, 2009 noting the financial statements of 3/31/09 were not available.

Motion was seconded by Trustee Roy Clason.

Motion carried with a vote of 5-0.

Action Item #6: Consent Items moved forward.

Trustee R.J. Clason stated he wanted to follow up on how the board may want to look at the monthly expenditures going forward and suggested looking at three options. 1. Keep all the expenses by check number listed in the book and those would continue to be public information. At the same time encouraging staff to come up with a policy that removes us from the position of approving routine expenses. He outlined this in three areas; those things that are informational, those that might require pre-approval and those unique items that we would be asked to approve after the fact. He has the same reservation of the blanket approval of every check that was written. We will have further discussion regarding this on item #8.

Chairman Steve Seibel asked for a motion to approve the item moved forward.

Trustee R.J. Clason wanted to state he would be voting against the motion.

Motion by Trustee Frank Forvilly to approve of expenditures moved forward dated March 25th through April 10, 2009; check numbers 49604 through 49770 and payroll dated March 30th and April 15th, check numbers 31875 through 31988.

Motion seconded by Roy Clason.

Motion carried by a vote of 4 to 1.

Item #7: Presentation: Open meeting law presentation: Mike McCormack Deputy District Attorney, Douglas County D.A.'s Office. (No action, information only).

Mike McCormack introduced himself to the board, gave his background. Mr. McCormack has been with Douglas County for approximately nine years. He is the Assistant District Attorney of Douglas County.

Most of the opinions that come out of the Open Meeting Law are from little boards such as this.

The Legislature found that all actions should be done openly and all deliberations should be conducted in the open. He has broken down the open meeting law in four major components.

1. Agendas and Notice.
2. Serial Meetings.
3. Conducting Meetings - Recording/Minutes.
4. Exceptions to the Open Meeting Law and Penalties.

1. **Agendas and Notice.** – The agenda is required no less than three working days before the meeting. Agendas must describe those items on which action may be taken. Call to order, pledge of allegiance, those are not action items. Action items should be those which are actually going to be deliberated and voted upon. Agendas must include the time and place of the meeting as well as a “clear and complete statement of the topics” to be considered.

Mike McCormack than gave examples of incomplete agenda statements.

Chief LeFever asked if there is a difference between a discussion item and an action item.

Mike replied there was absolutely. Discussion items are those you are not going to take action on, i.e. a presentation. This does not mean you cannot discuss it but you cannot deliberate. *Deliberation* is the key.

- In looking at Tahoe Douglas Board’s agenda for today it was noted that –Board member salary policy and ambulance rate schedule increase. This is the type of agenda that will get Tahoe Douglas in trouble. This may seem like overkill but it is better to do this.
- Every agenda must also have a period devoted to comments by the general public. No action may be taken on any issue raised under public comment until it has been properly agendized. You MUST give the public the opportunity to comment under the general comment period, but you can limit the amount of time you allow for public comment provided you state that in the agenda. The District Attorney’s Office recommends that you limit the public comment to three minutes per person.
- The current practice is for your agenda to state under public comment that “this portion of the meeting is open to the public to speak on any topic NOT on today’s agenda. This could create a problem.
- You might want to consider changing your notice to: “This portion of the meeting is open to the public to speak on all matters not on the agenda and within the jurisdiction and control of the Tahoe-Douglas Fire Protection District Board of Trustees. Public comment will be limited to three minutes per person. Public comment of three minutes per person will be heard on individual action items on the agenda”.

Chairman Steve Seibel asked if the public should be asked for comment after each item.

Mike McCormack stated if it is an action item you have to.

- The consent calendar – A portion of the agenda is designated as a consent calendar. It currently reads *“items appearing on the Consent Calendar will be approved without discussion unless an item is specifically moved forward for discussion.”* A suggested change would be as follows: *“Items appearing on the Consent Calendar are action items generally heard without discussion and adopted with one vote for the entire calendar. Trustees or members of the public may have any consent item pulled and placed on the Administrative Agenda so that the item may be heard and receive public comment. Members of the public requesting that item(s) be pulled shall do so during the Public Comment segment at the beginning of the meeting.”*
 - Anyone who requests must be given a copy of all the materials that are made available to the Board. What happens when someone who has requested those materials is not given them when made available to the Board? You will have to continue the item. They should let you know in advance of their request. This is an Open Law Meeting violation.
 - If a citizen shows up with written documentation for the Board to review you will need to make copies for the public. The District Attorney’s Office recommends that you put language in your agenda that if a person involved with a project intends to submit additional documentation to the Board in support of that project, that they bring a minimum of 10 copies.
2. **Serial Meetings** - the Minefield or “When is a meeting really a meeting?”
- A “meeting” under the Open Meeting Law means; the gathering of members of a public body at which a quorum is present **to deliberate toward a decision or to take action on any matter** over which that body has supervision, control, jurisdiction or advisory power. This does not state “a public meeting”. Whenever three of the board members get together, it is a meeting.
 - Any series of gatherings of members of the public body at which:
 - Less than a quorum is present at any individual gathering;
 - The members of the public body attending one or more of gatherings collectively constitute a quorum and;
 - The series of gatherings were held with the specific intent to avoid the Open Meeting Law. This is very common.
 - A quorum means a simple majority of the constituent membership of a public body or another proportion established by the law.
 - A decision made by a majority of the members present during a meeting of the public body;
 - A commitment or promise made by a majority of the members present during a meeting of a public body;
 - A vote taken by a majority of the members present during a meeting of a public body.
 - Keep in mind that it will be called a “meeting” anytime three of you get together and discuss business.

What is deliberation?

“To weigh and reflect upon the reasons for or against a choice...thus connoting not only collective discussion, but the collective acquisition or the exchange of facts preliminary to the ultimate decision.” *Dewy v. City of Reno Redevelopment Agency*, 119 Nev.87 (2003).

The Open Law Meeting can be broken down into several simple requirements:

- Do not get together as a quorum unless at a stated meeting that has been properly noticed and agendaized;
- To deliberate towards a decision or take action;
- On a matter that is within the jurisdiction and control of the Tahoe Douglas Fire Protection District Board of Trustees.

Mike McCormack gave examples of possible scenarios as follows:

Q - What if Frank meets with Steve and R.J. about an upcoming agenda item and then goes meets with Brad and Roy about the same item. Is this a violation? A – Clearly. The appearance is that there was deliberation towards a decision or that action was taken. Although you may not be deliberating toward a decision, we strongly recommend that you, as a Tahoe Douglas Trustee, not partake in this practice as it leads to the appearance of a violation of the Open Meeting Law.

Q – Does it make any difference that R.J. and Brad are newly elected and have not been sworn in? A- Yes.

Q – But, what if Guy LeFever meets with two groups of two Fire Trustees separately and privately with one Trustee to brief them on upcoming agenda items? Is this a violation?

A – No. The Nevada Supreme Court has held that briefings of less than a quorum of the public body by staff are not a violation of the Open Meeting Law as long as there is no deliberation by those being briefed nor a poll taken as to how the member will vote. *Dewy v. City of Reno Redevelopment Agency*, 119 Nev.87 (2003).

Q – What if Trustee Frank meets with Trustee R.J. and tries to convince him that an upcoming project on the next meeting agenda should be approved. Is this a violation of the Open Meeting Law? A – No quorum, but was there deliberation? Yes. The Nevada Supreme Court has stated “that is not to say that in the absence of a quorum, members of a public body cannot privately discuss public issues or even lobby for votes so long as they vote in a public meeting.” *Attorney General Del Papa v. Board of Rents*, 113 Nev. 388 (1998).

Q - So what if Trustee Frank repeats this one-on-one meeting with the other three Trustees to convince them to vote a certain way. Is this a violation? A – Yes. This is true serial communication that is prohibited as it is deliberation towards a decision. *Attorney General Del Papa v. Board of Rents*, 113 Nev. 388 (1998).

Q – What if Trustee Roy emails the other Trustees asking them to vote in favor of an upcoming project? Is this a violation of the Open Meeting Law? A – Yes. This is serial communication that involves the quorum.

Trustee Roy Clason asked what if Roy emailed the other board members and said “we should agendaize this?” Would that be a violation?

The answer would be yes because it is highly dangerous and what should do is if you want something on the agenda follow Roberts Rules and Orders it should be the Chairman’s decision whether or not to put it on the agenda.

Q – What if Trustee R.J. contacts the other Trustees by email telling them of his support for a project. Is this a violation of the Open Meeting Law? A – No, unless he asked the other members how they would vote. But the Attorney General strongly urges you not to partake in such endeavors as it is “an unnecessary risk” *In the Matter of the Humboldt County School Board, Open Meeting Law Opinion 2007-05.*

Q – So what if Trustee Brad is invited to a meeting of various contractors in the Tahoe Basin and during his presentation states that he favors a project that the Board of Trustees has jurisdiction over. Is this a violation of the Open Meeting Law?” A – No. Not a violation of the Open Meeting Law but it does show he has deliberated before a meeting. It also gives opponents of the project a “due process” argument if the project is approved because you have essentially stated your opinion before hearing all of the evidence.

There is nothing in the Open Meeting Law that prohibits you from meeting with members of the public to receive evidence about an upcoming agenda item. However, you should consult with staff to inform them of what you have learned prior to the board meeting.

3. Conducting the Meeting – It is important to understand how the Open Meeting Law affects your meeting. It is entirely possible to violate the Open Meeting Law while thinking you are just conducting an orderly meeting. Ex: Can you recess to go into a closed meeting without advance notice or recess to discuss an issue with your attorney?

Depends. If it is about potential or existing litigation, then yes. If it is just a general legal question or if you have a specific question for counsel that you do not want to discuss in the meeting, just ask for a brief recess. Keep in mind during recesses you should be cautious not to talk about business if there are three or more of you in a group. Remember that appearances can lead to an Open Meeting Law complaint. Be cognizant of what is going on around you.

Q – What about unruly citizens? A – The Open Meeting Law allows the Chair to declare a recess to remove the unruly person.

Q – Can you take action on an item that is brought up under public comment that is not on the agenda? A – Yes. You can to the extent to tell staff to check into it or to ask staff to put it on the next agenda.

Q - What if a citizen begins to make a complaint about an ethical violation of a Trustee? Should you allow them to continue? A – No. That is not under your jurisdiction and control. They need to be referred to the Ethics Commission.

Q – What if a citizen, like a bitter ex-girlfriend of a firefighter, begins to make a complaint about a Tahoe Douglas firefighter? Should you hear that complaint? A – No. You should ask that person to meet with Chief LeFever as it is a personnel issue.

- The minutes must include any written remarks of “any other information “ of the general public if that person requests that they be included.
- Minutes shall be available for inspection within 30 workings days after the adjournment of the meeting.

4. Exceptions to the Open Meeting Law – A public body may hold a meeting to:

- Consider the character, alleged misconduct, professional competence or physical or mental health of a person. A person whose character, alleged misconduct, professional competence or physical or mental health will be considered by a public body may waive closure of the meeting and request that it be open to the public. This request must be honored by the public body unless there is another person appearing before the public body who does not desire that his particular portion be open to the public.
- To close a meeting to discuss the competency or alleged misconduct of a person, there must be a motion which specifies: The nature of the business to be considered; the statutory authority pursuant to which the public body is authorized to close the meeting. NRS 241.030.
- Before holding a meeting to consider the character, misconduct, competence or health of a person you must: Give written notice to that person of the time and place of that meeting, proof of service that the person has received the notice, such notice must be given by personal service no less than five working days before the meeting or at least 21 days if sent by certified mail to the last known address of that person. We always recommend personal service if at all possible.
- The notice given to that person may include an informational statement setting forth that the public body may, without further notice, take action if warranted after considering the information during the closed session.
- The Notice must also include a list of the general topics that will be considered* by the public body during the closed meeting.

*Did not use the term “deliberated”. In a closed session you are to only receive information and consider it during a closed meeting.

- During a closed meeting, you must allow: The person being discussed must be allowed to attend the entire closed portion where they are being considered; allow that person to have a representative or attorney present during the closed session; and to present written evidence, provide testimony and present witnesses relating to the issues being discussed. The Chairman may at any time during the closed meeting determine which additional persons, if any, are allowed to attend the closed meeting portion or take a majority vote on that issue.
- A public body may keep written and recorded minutes of the closed portion of a meeting. And must, upon request, provide those to the person who was the topic of discussion. We recommend that you use a separate tape during any closed session. Casual references to a person or name of a person during a meeting do not constitute consideration of that person so no notice is required. *See Open Meeting Law Opinion 2000-15.*
- Some examples of proper posting for a closed session: Closed session, pursuant to NRS 241.030, to discuss the character, alleged misconduct and professional competence of Sally Sue, and employee of Tahoe Douglas Fire Protection District – or- Discussion and action on performance evaluation of Sally Sue including but not limited to termination, suspension, demotion, reduction in pay, reprimand or retention. A closed session may be held to consider character, alleged misconduct, professional competence or physical or mental health of Sally Sue pursuant to NRS 241.030. Remember that you must always reconvene in an open meeting after you have recessed from the closed meeting.
- NRS 288.220 states that the Open Meeting Law does not apply to various meetings such as meeting with your labor negotiator or the negotiations themselves. But, you cannot go into a closed meeting to discuss grievances, etc.

Chief LeFever asked if a vote was required to go into and come out of a closed meeting?

Mike McCormack said no, it is not a meeting. If this was first on the agenda you can meet one hour earlier and go into closed meeting. If it is set up on the agenda you should come out of the closed meeting. Labor negotiations should never be an issue. The Open Meeting Law does not apply.

- The public body shall not hold a closed meeting to discuss the character, alleged misconduct or professional competence of an elected member of that public body.
- You can conduct an emergency meeting under the Open Meeting Law without following the posting requirements. An emergency must be something like, flood, fire, earthquake or something that is unforeseen and immediately threatens the welfare of the community. If a meeting has already been scheduled you can add that to the agenda as an emergency item. You must take minutes of that meeting and, if possible, also record the emergency meeting.

Mike McCormack spoke with Chief LeFever about delegation of authority. We are discussing this at our next meeting down in the valley. When you have a FEMA disaster you need to hand

over authority and control and we have designated a County Manager and the fire people to hand over that authority to the FEDS. Something you may want to consider putting this on the next agenda.

Clark County has a standing "Emergency Item" on their agenda in the event they need to discuss and emergency item.

- During an Open Meeting Law Violation. If you become aware during a meeting that an Open Meeting Law violation has occurred, you should take steps to "cure it". Improper Notice of Meeting. Convene to reschedule the meeting and adjourn. Discussions of significance that occurred before the discovery should be repeated at the next meeting. Discussion of Items Not on Agenda. Stop the discussion and schedule it for a future meeting. Taking action on "discussion only" items. Action is void. Reschedule. If you find yourself talking about an item with a quorum during the break of a meeting, reconvene and disclose on the record what was discussed.

Q - What happens if you violate the Open Meeting Law? A - All actions taken in violation of the Open Meeting Law are deemed void; you can be sued by the Attorney General or a private person to force compliance with the Open Meeting Law (must be filed within 120 days of the action); the Attorney General or a private person can sue you to force compliance with the Open Meeting Law and have actions declared void (must be filed within 60 days of decision); You can be prosecuted for a misdemeanor and be sentenced to six months in jail and/or a \$1000 fine.

Chapter, NRS 241, does not:

- Prevent the orderly removal of a person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical;
- Prevent the exclusion of witnesses from a public meeting during the examination of another witness;
- Require that any meeting be closed to the public;
- Permit a closed meeting for the discussion of the appointment of any person to public office or a member of the public body.
- A statement which is made by a member of a public body during the course of a public meeting is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in a civil action. NRS 241.0353.

Mike McCormack stated he has given everyone his card and they should feel free to call anytime. He also has another presentation on Ethics and if the Board would like to see that presentation he would be happy to come up and present it.

Trustee R.J. Clason asked if a board member can participate in a public meeting via telephone.

Mike McCormack stated absolutely. We do it all the time.

Chairman Steve Seibel thanked Mike McCormack for the presentation.

A short recess was called by the Chairman.

Item #8: Discussion: Monthly expenditures approval process.

Trustee R.J. Clason stated he thought it would be helpful for the board to consider a policy giving the Chief the authority to approve any of the expense items that come up monthly. Those things that are small in dollar amount or are routine. The Chief mentioned that instead of going through all the categories there could be a dollar threshold. If they are unusual items that those are things you would feel more comfortable having the board pre-approve or if necessary, an emergency post approve. His objection was the word “approving” which conveys the board has audited each expense, looked at the receipt, justified every expense and that is not the case.

Chief LeFever stated it is the board’s pleasure on this issue. You had suggested on Thursday the items that could be excluded from board action. We had discussed \$10,000 as a threshold number. Looking at the history of the department, anything over that amount is what he does normally bring to the board for approval. We also discussed taking a complete list of ordinary expenditures, the items that are substantial in dollar amounts but recurring and put them in the board books where you would still be responsible to review. Other organizations do approve each item. He can do it any way the board would like. It really doesn’t matter, pre approve, post approve. Bottom line is he is responsible on both sides of the equation. What difference would it be? Is this going to change what we do today?

Trustee R.J. Clason said it was up to the board. When you have an agenda item that specifically calls for a board vote on what might be over a hundred checks, he thinks this calls for the board to go through the receipt of each item. Publically it implies that there has been a close oversight and audit that we are actually not performing.

Chief LeFever stated in talking to the auditors, the assumption is that whether you approve the expenditures or not, you will still be responsible for them. There has to be accountability besides the Chief. It falls back onto the auditors. They do a spot audit every year. He feels the board is responsible. He expects them to look at each check and if there is any question they should go to the Chief.

Trustee said he disagrees with that. Management is responsible. This is the only board he has ever served on where the expenditures were brought for approval after the checks were cut and mailed.

Chairman Steve Seibel asked R.J. if the verbiage “approval of expenditures” was the biggest issue for him.

It is approving something that has already happened and there are items that typically are at the level that management should be handling. We count on the Chief to use his best judgment and if the Chief doesn't already have a policy on the routine expenditures he is essentially approving each one as they go out the door and we are asked to come in and bless them after the fact without the benefit of the information on the expense that the Chief has.

Chairman Steve Siebel suggested changing the wording from "approve" to "review". What about taking it off the agenda as a consent item? Make it a discussion item. To him, he feels they approve the expenditures by approving the budget.

Trustee Roy Clason agreed except not all things are in the budget. He worries about things that are contentious.

Trustee Brad Dorton wanted to offer a solution. He would feel comfortable with the Chief coming back with items over a certain amount.

Trustee Frank Forvilly, are we looking for an advisory position or a proposal. He doesn't want to get into reviewing contracts. We do not need to get into that. Letting us know is ok.

Trustee Brad Dorton said we aren't going there. Guy puts in a proposal to us of what items should be approved or not approved and that we look at that and then vote if we agree. Any positions need to be moved up due to Mark's letter. It is unusual and that is why it is on the agenda.

Trustee Frank Forvilly does not want to micro manage, the board does not have the foresight and the Chief is the boss.

Trustee Roy Clason said he thinks they are confusing micro management with accountability. Right now all five of us are accountable for every single check. If we trust the Chief to bring forward the contentious items, never mind the dollar value, routine items. He doesn't want to be in the position of blessing them after the fact. That would be a judgment call.

Trustee R.J. Clason said the goal would be to provide a second level of review.

Chief LeFever suggested he bring back something at the next board meeting would be a discussion item, outside the consent calendar, would be "review monthly expenditures". He will pull out the items that are outside the normal or would considered a contentious item or put a mark next to them to be explained. He can also put in any future expenditures he foresees coming up in the next few months. It has been the past practice for him and previous chiefs that any large expenditures have always been approved.

Chairman Steve Seibel asked if the suggestion is that we remove the **approval of expenditures** from the consent calendar and have a discussion item for review of expenditures, is that what we are getting to?

The board agreed.

Chief LeFever was asked to put something together for the next board meeting.

Item #9: Discussion: Wildfire Safety Facility feasibility/conceptual design study proposal.

Chief LeFever stated this was put on the agenda to keep the board abreast of where we are at with the County on the acquisition of property at Logging Road. Included in the books are numerous letters including a conceptual design proposal. We have not engaged these services at this time. This would be an example of what we would bring to the board for approval. There are also letters from George Echan. Battalion Chief Dennis McLaughlin has been working with George and the District Attorney's Office to see what our options are going to be with that property. He is also working with TRPA to find out the history of the property. The question is whether purchasing or leasing the property is in the best interest of Tahoe Douglas Fire Protection District.

Trustee Brad Dorton asked on page two Smith Design Group proposal, under professional fees they are asking \$3,200 and below that other hourly fees for additional services. Is that bill for the feasibility of constructing a building? What does this cover?

Chief LeFever said that everything is designed in this proposal it is not only seeking what the property is zoned as but engaging in discussions with someone doing an environmental report and helping us with TRPA.

Trustee Brad Dorton said we do not want to pay any money until we find out if the land is available.

Chief LeFever said absolutely. That is what George is saying.

Trustee Roy Clason asked if the Chief had a timeline for flushing out the information.

Chief LeFever said he would like to think whether they will have a decision of whether we will be able to lease it or buy it by the end of summer. We still have the requirement to look at alternate sites.

Trustee Brad Dorton asked if there are other alternate sites that we may consider if this doesn't work?

Chief LeFever explained that we have limited options at this point. At one time we discussed this station as an option if we built down at Stateline. After discussions this week, Horizon is coming out of bankruptcy and they are splitting the operation. That may be something we can pursue by building a building on their dime that would free up this facility. Other than that, he

has no other suggestions. Station #5 has also been discussed. We don't know what the Legislature will do to our budget in the next six weeks so we need to keep all our options open.

Trustee Roy Clason asked if the Fire District owned the land adjacent to Station #5. Is that not space? I know it is not optimum.

Chief LeFever said he doubted they could ever rebuild Station #5 due to the "scenic corridor" to the requirements we would need for a fuels facility. He just found out the USFS will not be able to build their facility on top of Spooner. They may be a candidate to lease out Station #5 as an option. If it comes down to the fact that we can build a Stateline station, we could make Station #3 the Fuels Station, open up Station #4 as a four person engine company, lease Station #5 to the USFS and keep Station #1 as is.

Action Item #10: Board member salary process.

Chief LeFever re-contacted Brian Snyder trying to define where PERS is coming from on this issue. From their position, any salary has to be reported to PERS. The recommendation was, if you show up for a meeting and you are paid, it is not a salary, it is compensation for work performed. The dollar amount was in there for example only. The current financial impact will be \$2322 if we continue as we are today. If we lost two members who are now receiving PERS it would cost \$3870. If we start paying board members only when they show up for meetings at the amount of \$300 then there is no obligation to report to PERS.

Motion by Trustee Roy to call the board members meeting stipend of \$300 per meeting and eliminate the term salary to be limited to one meeting per month not to exceed \$3,600 annually per board member.

Seconded by Trustee Frank Forvilly.

Motion carried with a vote of 5-0.

Action Item #11: Adopt annual calendar for regularly scheduled board meetings.

This came out of the last meeting and it appears having the meeting earlier in the month will work for everyone's schedule. There was a recommendation to add a December date. May meeting is dictated by the State to hold the meeting, the third Thursday of the month.

Trustee Brad Dorton moved accept the calendar as stated with one change. Add a board meeting on the first Wednesday in December 2009.

Motion seconded by Trustee Roy Clason.

Motion carried with a vote of 5-0.

Item #12: Discussion: Forestry Aid Position.

As we are going into the fuels season, we are losing one of our Chief Officers. Fire Marshal Rick Nicholson gave me a letter confirming his date of retirement. He has provided a job description in the board books and also provided a response to some of the concerns of the board members in the past month. Also included is the contract with the previous forester we had, Jennifer Arrowsmith. We were able to bring sub-contractors on in the past. This year we believe we have the amount of work to keep our own person on similar to what Jennifer Arrowsmith was. We expect to bring the forester on as soon as we get a flavor of the board's position. We expect it to be a six to nine month position to complete the planning project for this year. It will be a temporary/seasonal position. We are moving into an area that if the work load increases this could turn into a permanent position down the road but as of today, we are looking at a seasonal/temporary position to help with the workload of planning projects and getting the work on the ground. We cannot afford to have the crew standing around waiting for work to do. We are under a time constraint.

Battalion Chief Novak stated the nature of what we are doing has changed in the last four years. In looking at maintaining the workload with one less person in the fire prevention/fuels position. We have looked at different types of people with different capabilities. A forestry aid is a multi-functional position. This position will be able to do defensible space, clerical work and also skills in the area of GIS. We currently have available to us \$234,000 sitting in various grants that we can access to pay this person as we complete projects. We would submit a bill once a month to the Fire Safe Council to be reimbursed. We have applied for a FEMA grant that will give us the potential to have one million dollars coming into the district. This will be a two year planning effort to get the project on the ground. Citizens want to know where we will be in five years. So how much have we done in risk reduction and what kind of projects are underway. That is forestry level work. Ultimately, if this turns into a permanent position that person would have the understanding to continue to employ them, they would need to be finding the money to support themselves.

Chairman Steve Seibel stated there are two defensible space positions, is that correct.

Battalion Chief Novak stated we applied through AFG to get two positions funded for defensible space. We won't know about those until the latter part of the season.

Chairman Steve Seibel, would this be one of those positions or would it be separate? Could the forester do the work of the defensible space person?

Battalion Chief Novak they could do that type of work.

Chairman Steve Seibel asked if they are looking at the same salary as the previous forester?

Battalion Chief Novak said yes, in that ballpark but would start out a bit lower

Trustee Brad Dorton what type of employment process will be used to pick the person or do you already have someone in mind.

Battalion Chief Novak stated we don't have anyone in mind but there are people that have expressed an interest but we will go through posting in the online job boards. We are currently using foresters. We have three projects in the process of planning right now. We are using two different foresters on each project because they are already working for other agencies. We are paying them out of SNMPLA funds.

Trustee Brad Dorton asked, on page 2 of Forestry Aid Job Description he believes it is an old description – three years forestry experience, preferably with an emphasis on hazardous forest fuels reduction. Equivalent to Bachelor's Degree from an accredited college or university with major coursework in forestry or a closely related field. Education and experience sufficient to be recognized as a "Qualified Forester" as defined in TRPA Code of Ordinances (2-23), is highly desirable. Is that going to be rewritten. "Qualified Forester" is there a degree, certification, or what makes a person a "Qualified Forester"?

Battalion Chief Novak stated that we are in Nevada and in California there is a Register for Professional Foresters. Nevada doesn't have that. Within the Tahoe Basin the TRPA Code of Regulations has a definition for qualified forester. The reason for the highly desirable is that Incline had a person that was in school and not quite done who TRPA would let them operate as a "Qualified Forester" as a temporary exemption. There is an opportunity you may get someone in the same position.

The last question Trustee Brad Dorton had was on salary. How are you going to determine the salary?

Chief LeFever told him it is part of the selection process. What qualifications are they going to bring into the organization and the expectations. That is negotiable. We will start out a little less than what we were paying Jennifer Arrowsmith but we will balance that out with other organizations are paying their personnel. Lake Valley is \$25.00 plus benefits. It is going to be between \$25.00 and \$40.00 depending on the person we get.

Trustee Brad Dorton asked if they going to be offered any benefits.

Chief LeFever said that right now everything is negotiable but it is not our intent to provide an offer with benefits.

Chairman Steve Seibel asked if a TRPA qualified forester has the discretion to make that call or is it in code.

Battalion Chief Novak replied it is in code but it gets a bit grey but there is discretion.

Action Item #13: *Ambulance rate schedule increase.*

Chief Sharit has provided some history of our past rate increases and requesting a current rate increase. It looks at a 12% across the board rate in eleven areas. The rate increase is because we are trying to keep pace with our expenses have been in the past. That documentation has been provided. Costs go up and we need to maintain a level of consistency. The ambulance is heavily subsidized with tax payer dollars (ad valorem taxes) we can't lose sight of that. The patient needs to pay for a portion of the bill.

Chairman Steve Seibel asked if the last increase was in 2007.

Battalion Chief Sharit confirmed that.

Motion was seconded by Trustee Roy Clason accept the proposed ambulance rate increase as presented.

Motion was seconded by Trustee Brad Dorton.

Trustee R.J. Clason thanked Ben for the tutorial a couple of weeks ago to him and Roy.

Motion carried with a vote of 5-0.

Action Item #14: *Consideration of support for Nevada State Assembly Bill 229 "Fire Safe Cigarette Legislation".*

Trustee R.J. Clason brought this item forward requesting the support of the board. He has done some checking on this and found the bill has passed through the Assembly and is at the Senate level now. There are thirty other states that have already passed this bill. We feel confident that at the Fire Marshal level it will pass. The only problem may be that the Governor may veto it but there are enough votes at this time to override the veto. The reason for the veto would be an increase in taxes to the cigarette companies. What we are being told from the Fire Marshal is that these cigarettes are already showing up on the shelves.

Trustee R.J. thanked the Chief for looking into the latest status. Any time we can look at public policy be it local, state or national level, anything to enhance the community public safety and health and our participation in that process, we ought to consider. He then requested a letter of support from the Chief and the Chair to the relevant assemblymen as well as the Governor.

Motion by Trustee R.J. Clason moved the Fire District send a letter of support endorsing the passage of AB229 in both houses of the State Legislature and transmitting that letter to the appropriate legislatures.

Motion was seconded by Trustee Frank Forvilly.

Motion carried with a vote of 5-0.

Item #15: Presentation: Fire Chief's report of previous Month's activities.

Chief LeFever would like to recognize Engineer Jeff Peterson - 24 years of service, Battalion Chief Ben Sharit - 24 years of service, Captain Jim Hardison for 19 years of service.

Special thanks to Leo Horton made a presentation to Douglas County on our Fuels Management Program.

Total alarms in March – 167. A significant structure fire in Skyland. Sheriff's office got there before the engine company and awakened the occupants and get them out safely. No one was injured.

The ambulance account – our collection rate in going up every so slowly. We are approaching 66% that we said we would never get to. Thanks to B/C Sharit's hard work and the paramedics hard work on getting the information and making sure the documentation gets put in.

Receivables – We have been paid in full from California. We have outstanding receivables for reimbursements from the USFS.

Investments – Redeemed \$500,000 we purchased two step up bonds; one for \$300,000 and one for \$200,000. We are back in the green in the money market fund. The cash flow in the next three months will be extremely liquid.

Legal issues - there are none.

There is a new spreadsheet tracking all the Bomb Squad grant purchases. When you review the accounts payable and see large purchases they have the number 30 behind them, they are going to be refundable out of this account.

The request to Battalion Chief Hekhuis is to get everything purchased, everything paid for and everything reimbursed no later than June 1st. We will have to do a single audit due to this.

Battalion Chief Novak informed the board that Wildfire Awareness Week is May 3rd through May 9th. There will be a public event on May 6th at 6:00 p.m. at Kahle Park and all board members are invited.

Action Item #16: Set date for next meeting and possible agenda items.

The next meeting will be May 21, 2009.

- Budget hearing

Motion by Trustee Frank Forvilly to hold the meeting on May 21, 2009.

Motion seconded by Trustee Roy Clason.

Motion carried with a vote of 5-0.

Action Item #17: Closed session.

The regular open meeting was adjourned for closed session at 7:15 p.m.

The open meeting was reconvened at 7:50

Motion by Trustee Roy Clason to adjourn.

Seconded by Trustee Brad Dorton.

Motion carried with a vote of 5-0

The meeting adjourned at 7:52 p.m.

This meeting was recorded on audio tape.