

**TAHOE DOUGLAS FIRE PROTECTION DISTRICT
BOARD OF TRUSTEES MEETING**

July 27, 2011

Those Present:

Trustee RJ Clason	Captain Jim Antti
Chairperson Brad Dorton	Captain Todd Moss
Trustee Ann Grant	Administrative Aid Carrie Nolting
Trustee Kevin Kjer	Administrative Assistant Kate Warner
Trustee Steve Seibel	Guest Bob Cook
Chief Guy LeFever	Guest Larry Schussel (Ret. TDFD)
Assistant Chief Van Ogami	Guest Speaker Mike McCormick
Fire Marshal Mark Novak	
Battalion Chief Ben Sharit	

1. Action Item: *Call to order.*

The meeting was called to order at 4:00 pm by Chairman Brad Dorton.

2. Action Item: *Pledge of Allegiance.*

Pledge of allegiance was led by Fire Marshal Mark Novak.

3. Action Item: *Roll call.*

Trustee RJ Clason, Trustee Brad Dorton, Trustee Ann Grant, Trustee Kevin Kjer and Trustee Steve Seibel were all present.

4. Action Item: *Public comment.*

There was no comment.

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

Items:

- a. Approval of agenda.
- b. Approval of Minutes 06/23/11.
- c. Approval of Financial Statements 05/31/11.
- d. Personnel Policy – Safety Sensitive Positions – Revised 07/01/11.

Trustee Seibel moved to approve the consent calendar items as submitted. Trustee Kjer seconded the motion. No discussion. Motion carried with a vote of 5-0.

6. Action Item: Consent Items moved forward.

There were none.

7. Presentation: Open Meeting Law & Ethics
Mike McCormick, Douglas County District Attorney's Office

Mike McCormick was present to update the Board on recent legislation that affects the open meeting law, and brief them on the outcome of a recent ethics case.

1. Open meeting agenda language changes were reviewed and options discussed on public comment:

- a. offered at the beginning and the end of the meeting; or
- b. offered at the beginning and then on each action item that the Board will be hearing. In this case it is recommended that the item referred to as "For Possible Action:" The item should be introduced, have serious Board discussion/deliberations, then open the item for public comment, and then, return the item to the Board for limited discussion and a vote.

2. An ethics case out of City of Sparks was reviewed.

The following documents were distributed: NRS 281. A.420., Nevada Ethics in Government Manual, and a Supreme Court of the United States Nevada Commission on Ethics v. Carrigan case.

The case involved a consultant for a huge casino development project going before the City Council was friends with City Councilman Carrigan. It was a long standing friendship and the consultant had been the Councilman's campaign manager, but there was no financial relationship. On the advice of the City Attorney, the Councilman disclosed the relationship at a Council meeting and then voted on the project. There were complaints, and the Ethics Committee conducted an investigation. They found a violation of the ethics laws, and censored him rather than prosecuting him, for acting on the advice of public council. Carrigan appealed it to NV District court, who affirmed it. Carrigan continued to the NV Supreme Court who over turned it for free speech, and ruled that the statues were too broad (NRS 281.A.420.).

Case continued to the US Supreme Court, who determined that Carrigan was guilty of the violation and the definition is not too broad.

This is the most significant ethics case in the past 20 years, and the only one to go all the way to the US Supreme Court. McCormick cautioned the Trustees to be very careful with their relationships. He offered the following resources for Board ethics issues: invite Caren Jenkins, Esq., Executive Director of the Ethic Commission to do an ethics presentation; consult with

TDFD attorney or McCormick; or ask for an advisory opinion from the Ethics Commission which can be reviewed on a reasonable timeframe.

Chairperson Dorton asked for clarification that had Carrigan abstained from the vote there would not have been an issue. McCormick confirmed that the court had ruled that he had to disclose and abstain from the vote. But one must have a legitimate reason for abstaining, as Councilmen/Trustees can't just abstain to get out of a controversial vote. It was noted that the legal expenses for the case were Carrigan's.

Trustee Clason inquired as to any Douglas County ethics issues. McCormick said there have been investigations, but they were unfounded. There was a situation involving the Chamber of Commerce and the Eagles of Agriculture event, where they invited the Douglas County Commissioners to attend the event free of charge. However, this was not found to be an issue. McCormick advised that any complimentary offers (meals, rooms, show tickets) made to Trustees need to be cautioned, if accepted, offer to pay face value. There is currently not any guideline for a minimum financial amount, but it is being addressed.

It was also clarified that under Open Meeting law, Public Comment time limits are not dictated, but need to be published and consistent for each speaker. However, the Chairman has the discretion to allow additional time on specific topics if he/she feels that the situation warrants it.

**8. Discussion and Possible Action: *Recommendations for the Fire Chief Selection Process*
*Fire Chief Guy LeFever***

A timeline recommendation, internal application, current job description and sample questions were distributed and reviewed by Chief LeFever as attached. The recommendation is consistent with the last three (3) Fire Chief selections. It was clarified that Chief Van Ogami, who is recommended as interim Fire Chief would not be applying for the position.

Chairperson Dorton, asked McCormick about appointing two (2) Board members to a selection committee and if more Board members wanted to be involved would it be a violation of the Open Meeting law. McCormick clarified that even with only two (2) members being assigned to committee; it would have to be posted to the public.

Applicants must be made aware that their applications are public record and subject to being released. There is no requirement under the law to post the Fire Chief position externally; this is solely a decision of the Board. McCormick suggested an Interview Panel.

Trustee Grant made a motion to schedule a Board Meeting *Special Session* to discuss the Fire Chief Appointment Process for Monday, August 15 at 4 pm. Trustee Clason seconded the motion. No discussion. Motion carried with a vote of 5-0.

9. Item: Review of Monthly Expenditures

Chief LeFever reiterated that highlighted expenses are those outside the normal monthly spending. A list of all checks written will always be part of the monthly Board books, and at anytime Trustees need additional information on an expense, they should call Administrative Aid, Carrie Nolting or the Chief LeFever.

Date	Check #	Payee	Amount	Fund	Reason
06/22/2011	52533	Bradley Petersen	\$25.99	General	Reimburse for coffee filters-classroom
06/22/2011	52536	Emergency Reporting	\$6672.00	General	Annual renewal-software
06/22/2011	52543	Pine Tree Printing	\$1610.00	Fuels	Newsletter/D-space
06/29/2011	52554	A Sign Shop	\$1450.00	General	Fire hydrant signs
06/29/2011	52561	Jordan Oakes	\$96.00	General	Reimbursement for Dr. appt-return to work
06/29/2011	52566	Warren Reed Insurance	\$88,161.34	General Fuels Enterprise	Annual insurance renewal
07/07/2011	52591	Norris Auto Body	\$2033.70	Fuels	Crew truck repair-reimbursed thru fire invoice
07/20/2011	52620	Damian Rivadeneyra	\$144.91	Fuels	Meal for Zephyr crew-reimbursed thru fire

- B. Petersen, employee - reimbursed for special order items for classroom.
- Fire hydrant signs – were a shared expense with KGID.
- J. Oakes, employee - reimbursed for DR appointment for sick call.
- Norris Auto Body – expense for vehicle damages from hitting a deer on a fire.
- D. Rivadeneyra, employee - reimbursed for meal expense when company credit card was not available on a fire.

10. Discussion: Fire Chief’s report on previous month’s activities.

Service Recognition

Captain Ralph Jones 12 years of Service
 Captain Bill Romanowitz 12 years of Service
 FF – Paramedic Kelly Pettit- Lopez 12 years of Service

Alarms for April 2011

Total – 137

Investments

TDFD just transferred \$500,000 from the money market to cover payroll and accounts payable. We may need another \$200,000-300,000 to get us through the next 6 weeks. Our CTX check arrived, and it is still down at \$310,000, would like to see it at \$340,000. Also received our Ad

Valorem check and it is estimated we will be about \$40,000 short for the fiscal year. Staff will continue to monitor it closely. Chief LeFever just invested in a 6 month CD earning 2.5% which will mature in January. Wayne Omel, Edward Jones will be attending the August meeting for a financial update.

TDFD is waiting on the IRS to complete our application for the Retirement Insurance Trust, but the IRS is running 4 months behind schedule.

Not included in the Fire Chief's report is that we are monitoring very closely, recent developments with the SLTFD Fire Chief's resignation, and rumors that the City Council may eliminate all Chief Officers. If the current SLTFD administration staff is eliminated, it could have a significant impact on service to the South Lake Tahoe community residents. Other Fire Chiefs in the mutual aid jurisdictions are also concerned. Crossing district lines without accredited, certified experienced personnel as Incident Commanders is a critical concern. If TDFD Duty Chiefs are assigned on SLTFD incidents, because they are the most experienced and qualified, then TDFD assumes responsibility for the incident. Chief LeFever is attempting to establish communications with the City Manger to verify facts and intent.

Ambulance billing continues to show a positive trend.

Reimbursement funds are expected from EOD grant expenses invoiced in June and Zephyr Crew AZ fire expenses invoiced in July. The Fire Safe Council has \$30,000-35,000 outstanding greater than 90 days past due. Total amount expected from FSC is \$150,000. These cash flow issues are normal for our business this time of year.

Chairman Dorton acknowledged that Chief Novak has changed the Zephyr Crew availability from National to Regional status due the increase in local fire danger. It was clarified that we can receive requests from all over the US on National status, but we always have the option to decline. The Regional status encompasses the Great Basin Geographical Area Coordination Center (GACC) which includes Nevada, Western Idaho and some Utah. There is overlap, so we could get a request from California through CAL EMA.

Trustee Grant wanted to thank Fire Inspector Guevin for taking her on the Century Golf Championship inspection; she found it to be very interesting and informative. She was impressed with the thorough attention to detail Fire Prevention demonstrated.

Trustee Clason inquired as to the following information on the Chief's reports:

- a. Two fires listed on Ogami report. Fire details will be emailed to the Board.
- b. EOD call and the 80 lbs of explosives found in a home in Gardnerville. The resident was a deceased miner. Explosives were transported out of the residential area, to a remote location as recommended by the manufacturer and safely detonated by EOD.

- c. Bike fatality – Victim was biking downhill went over the handle bars and collided with a rock. The Carson City Corner pronounced as it becomes a law enforcement situation when there is a fatality.
- d. Back country rescue/Tahoe Rim Trail – 14 year old. Patient as an out of state camper, sponsor did not know she had a heart condition, not disclosed on her application. She is doing well. It was communicated to new Board members that TDFD employees are trained on low angle and high angle rope rescue and frequently coordinates with Search and Rescue on back country calls.
- e. HWY 28 vehicle accident – was also reviewed as to the multi-agency involvement and the complexity of the situation.

Chairman Dorton acknowledged letters of appreciation for Captain Allison’s participation as an evaluator for the SLTFD Captain’s Assessment and Fire Inspector Guevin’s presentation on disaster preparedness for the USDA employees.

11. Possible Action Item: Public Comment.

There was no comment.

12. Discussion: Confirm next regular meeting on Wednesday, August 24 @ 4:00 pm, possible agenda items.

Agenda items were discussed:

- Wayne Omel, Edward Jones, financial update
- SLTFD update
- Retirement Insurance Trust update

A motion was made by Trustee Clason to confirm the next regular meeting as scheduled. Trustee Seibel seconded them motion. No discussion, motion carried 5-0.

13. Action Item: Adjourn.

A motion was made by Trustee Clason to adjourn, and seconded by Trustee Seibel. No discussion, motion carried 5-0.

The meeting was adjourned at 5:17 pm.

This meeting was recorded on audio tape.

**Kate Warner
Administrative Assistant
Tahoe Douglas Fire Protection District**