

1 **NORTH LAKE TAHOE FIRE PROTECTION DISTRICT**
2 **BOARD OF DIRECTORS MEETING MINUTES**

3
4 **SEPTEMBER 21, 2011**

5
6 **LOCATION:** 863 Tanager, Incline Village, Nevada.

7
8 **MEETING CALLED TO ORDER:** Chairman Chris Plastiras called the meeting
9 to order at 12:03 p.m.

10
11 **MEMBERS PRESENT:** Chris Plastiras, Chairman; Don Epstein, Vice-
12 Chairman; Dale Smith, Director and Vicki Baumann, Secretary. Absent:
13 Gene Murrieta, Secretary-Treasurer; Wayne Fischer, Director.

14
15 **GUESTS PRESENT:** D.G. Menchetti, Legal Counsel; Michael D. Brown,
16 NLTFPD; Norb Szczurek, NLTFPD; Mike Schwartz, NLTFPD; Peter Mulvihill,
17 NLTFPD; Todd Bassett, NLTFPD; Ian Satterfield, NLTFPD; Scott Peterson,
18 NLTFPD; Ron Johnson, NLTFPD; Casey Quinlan, NLTFPD; Scott Woodcock,
19 NLTFPD; Jeff Cutler, NLTFPD; Carol Green, NLTFPD; Tia Rancourt, NLTFPD;
20 Devon Reese, Shadek Reese Ltd.; Greg McKay, former Assistant Fire
21 Chief/Resident; Jim Mullaney, Resident; Barry Bouchard, Nevada Trends and
22 Kevin MacMillan, Tahoe Bonanza.

23
24 **APPROVAL OF AGENDA:** Director Smith made a motion to approve the
25 September 21, 2011 agenda as published. Director Epstein seconded the
26 motion. Chairman Plastiras called for question. Ayes 3. Nays 0. Absent 2.
27 (Directors Murrieta and Fischer.) Motion passed.

28
29 **NRS 241.020 RE: PUBLIC COMMENT.** None.

30
31 **APPROVAL OF MINUTES OF THE JULY 20, 2011 BOARD OF**
32 **DIRECTORS MEETING.** Director Epstein made a motion to approve the
33 July 20, 2011 minutes as published. Director Smith seconded the motion.
34 Chairman Plastiras called for question. Ayes3. Nays 0. Absent 2 (Directors
35 Murrieta and Fischer.) Motion passed.

36
37 **APPROVAL OF ACCOUNTS PAYABLE REPORT FOR JULY 2011.**

38 Director Smith made a motion to approve the Accounts Payable Report for
39 July 2011. Director Epstein seconded the motion. Chairman Plastiras called
40 for question. Ayes 3. Nays 0. Absent 2. (Directors Murrieta and Fischer.)
41 Motion passed.

42
43 **APPROVAL OF ACCOUNTS PAYABLE REPORT FOR AUGUST 2011.**

44 Director Smith made a motion to approve the Accounts Payable Report for
45 August 2011. Director Epstein seconded the motion. Chairman Plastiras

1 called for question. Ayes 3. Nays 0. Absent 2. (Directors Murrieta and
2 Fischer.) Motion passed.

3

4 **APPROVAL OF THE JULY 2011 MONTHLY MANAGEMENT REPORT.**

5 Director Smith made a motion to approve the July 2011 Monthly
6 Management Report. Director Epstein seconded the motion. Chairman
7 Plastiras called for question. Ayes 3. Nays 0. Absent 2. (Directors Murrieta
8 and Fischer.) Motion passed.

9

10 **APPROVAL OF THE AUGUST 2011 MONTHLY MANAGEMENT REPORT.**

11 Director Smith made a motion to approve the August 2011 Monthly
12 Management Report. Director Epstein seconded the motion. Chairman
13 Plastiras called for question. Ayes 3. Nays 0. Absent 2. (Directors Murrieta
14 and Fischer.) Motion passed.

15

16 **LEGAL COUNSEL REPORTS:** Legal Counsel Menchetti said there are
17 matters on the agenda that he will have some input on. He also notes they
18 will be having an Executive session pursuant to NRS 288.220 and
19 immediately before or after that he would like to have an attorney/client
20 session or wait to have one when there are the most Board members
21 present.

22

23 **NEW BUSINESS:**

24 **1. Discussion and Possible Action with Regard to the August 26,**
25 **2011 Washoe County Treasurer's Letter Proposing to Withhold Funds**
26 **from Future Allocations of Property Tax Revenues.** Chief Brown said

27 this agenda item is in regards to a letter the District received from the
28 Washoe County Treasurer, dated August 26, 2011. (Letter was included in
29 September's meeting packet.) The letter's purpose was to notify the District
30 that our refund liability to the Incline Village/Crystal Bay residential
31 taxpayers will be approximately \$6.5 million. Since that letter, we have
32 received notification that the County is starting to take those funds from our
33 Ad Valorem tax revenue. The first draw they took was close to \$39,000 and
34 subsequently, from what he understands, as more refunds are paid, the
35 draw will become larger. The District has set aside some funds, in
36 anticipation of this decision. However, it is no where near this projected
37 amount. We will need direction from the Board as to how to go forward with
38 this and we need to come up with a plan. The letter says the amount could
39 exceed the estimated \$6.5 million. The refund process will take place over
40 an 18 month period during which time interest will continue to accrue.
41 Legal Counsel Menchetti gave a brief history on this matter. There were
42 some issues with regards to how the Assessor was assessing property taxes
43 in Incline Village and Crystal Bay; challenged by a group of citizens. A
44 number of lawsuits were filed over this issue. One was resolved for a
45 number of named taxpayers. In that particular case, the County paid those
46 taxpayers their refunds and interest; never seeking any recovery from us.

1 This is a much bigger number, obviously. There are a multiple issues. The
2 first one is: does the County have the legal right to withhold interest on the
3 money the County has to pay the taxpayers. The second question is: does
4 the County have the legal right to unilaterally withhold from our funds
5 monies that are due to us. So on the District's behalf, Legal Counsel
6 Menchetti has been in communication, via email, with Ms. Simon (Washoe
7 County Manager) requesting a meeting, which she has agreed to but the
8 meeting has not happened as of yet. There are four agencies affected by
9 this: the Fire District, the Incline Village General Improvement District, the
10 Washoe County School District and the State of Nevada. Legal Counsel
11 Menchetti has not been in contact with Counsel for the State however he has
12 been in contact with Incline Village's GID Counsel and with Counsel for the
13 school district. It seems to them; in general, there are some substantial
14 legal arguments that could be raised if the entities chose to challenge the
15 withdrawal and withholding of these funds. That becomes a decision for the
16 Board to make. He is not certain spending more money on attorney fees to
17 chase money that has already been wrongfully withheld is a good idea. That
18 will be a political and an economic decision. It would be his hope and
19 suggestion, if the Board of Directors chose to go forward, sit down with the
20 County and its Counsel and see if they can agree to resolve this without
21 having to resort to litigation. He doesn't know if this will be possible. He
22 doesn't know what the results would be but that is where he thinks the
23 District should go first, if the Board chooses to challenge the County.
24 Director Epstein said at the IVGID meeting, their Board is talking about the
25 same thing as what Legal Counsel Menchetti is talking about. To his
26 knowledge, they did not make a final decision, but plan on fighting the
27 interest portion. So, maybe collectively as a group, let's see if there is a
28 valid way of doing this.

29 Legal Counsel Menchetti said as he just indicated, he has already had
30 contact with IVGID's Counsel and the school district's Counsel. IVGID's
31 Counsel sent him a letter earlier this week which stated "I can advise you
32 that IVGID's Board of Trustees discussed this issue at its Board meeting on
33 14 September and directed Staff to resist the interest charge and to work
34 with other similarly situated districts." The relevant point is that since that
35 letter was sent, we received another letter on September 15th stating the
36 County is withholding the Fire District's money. The letter goes through the
37 amount of monies that were withheld; the process by which they calculated
38 those monies, how much was principal versus interest. Our hopes of
39 discussing this with them, prior to them withholding money is obviously a
40 little late as they are already doing it.

41 Director Smith asked if we knew what percentage of the \$6.5 million was
42 actual tax refund versus interest. Chief Brown said we won't know that until
43 we close out the last property owner. Their best estimate was the \$6.5
44 million figure. Both Chief Brown and Legal Counsel Menchetti have asked
45 that question to no avail. Director Smith said if they are able to give us an
46 estimate of \$6.5 million including interest; they must know what the actual

1 amount in taxes that are being repaid. It seems like the number should be
2 relatively simple to come up with.

3 Chairman Plastiras asked if based upon this latest communication we
4 received do we still have the option to try and meet with them and speak
5 reason or are we past that point. Legal Counsel Menchetti said it is always
6 his opinion that we should always sit down and talk whenever possible. You
7 can't make someone talk if they don't want to. He certainly can't control the
8 County Treasurer or what the County Manager chooses to do. He would
9 certainly encourage them to sit and talk with us to address this issue.
10 Frankly when you look at how this affects different agencies it may have
11 different financial impact significance to each of the four agencies. He is not
12 sure we would agree among ourselves, the resolution but we need to talk
13 that through. Is the interested included or not; if it is included how it is
14 being amortized. If it is not included how is that amount amortized. The
15 County's issue, he thinks, is that they don't know the answer yet. Interest
16 continues to run until refunds are paid. Each parcel has to be calculated
17 individually, so he has read. So it maybe that they can't give us exact
18 figures but one would assume, they have to come pretty close to what the
19 numbers are. We should know what our numbers are, what the percentages
20 are.

21 Chief Brown said not all the cases have been settled. If you watch the
22 County Commission meeting, they made reference to other cases that are
23 going to impact this along the way. He doesn't know if those potential cases
24 are added into this figure with any type of assumption that they are going to
25 be settled or not. We have asked that question and have not gotten an
26 answer back on that either.

27 Director Epstein said as a point of reference, he attended a meeting with
28 Chuck Otto who is on the committee and Mr. Otto said there are 27
29 calculations for each parcel and there is no way of them coming up with a
30 number because each parcel has to be individually calculated. Mr. Otto's
31 basic thoughts were until a check has been physically cut the interest keeps
32 accruing. Some people have been paid and they started with the biggest
33 pieces of property on the lake and are working their way down. This thing
34 will keep going for awhile.

35 Legal Counsel Menchetti said that is all the information he has for today.
36 There is an action item on today's agenda if the Board chooses to do so.

37 Chief Brown said he would like to ask the Board to make a motion to allow
38 Legal Counsel to work with Staff to continue the process of working with the
39 other agencies involved to meet with the County, talk and once more
40 information is obtained bring it back to the Board for direction as to which
41 way to proceed, either on our own or with the other agencies.

42 Director Smith asked if they want to do that now or have the attorney/client
43 meeting and then discuss what is appropriate. Legal Counsel Menchetti said
44 he thought they could do it now if they chose to as he doesn't think there is
45 anything significant that he would relate to them in confidence that would
46 change the information they have today.

1 Director Smith made a motion to authorize Legal Counsel and Staff to
2 continue to work with the other entities that are involved in this lawsuit, all
3 the entities, the County as well as the affected taxing districts to see if we
4 can't bring this to an amicable solution. Director Epstein seconded the
5 motion. Chairman Plastiras called for question. Ayes 3. Nays 0. Absent 2.
6 (Directors Murrieta and Fischer.) Motion passed.

7
8 **2. Discussion, Review and Possible Action to Approve the Washoe**
9 **County Office of Registrar of Voters' Boundaries Map.** Chief Brown
10 said the District had a map sent to us by the Office of Registrar Voters for
11 the Board to approve. This is to verify that our voting boundaries have
12 remained the same. This is done yearly and there have been no changes to
13 our District boundaries. Legal Counsel said this is relevant in places where
14 there have been annexations by the State and those district's boundaries
15 have changed. Ours have not changed. Director Epstein made a motion to
16 approve the Washoe County Office of Registrar of Voters' boundaries map.
17 Director Smith seconded the motion. Chairman Plastiras called for question.
18 Ayes 3. Nays 0. Absent 2. (Directors Murrieta and Fischer.) Motion
19 passed.

20
21 **OLD BUSINESS:** None.

22
23 **Board of Directors Questions/Comments:** None.

24
25 **Fire Chief Report:** Chief Brown said things are starting to slow down.
26 Chief Brown has been working on various agreements. Recently, Legal
27 Counsel Menchetti was helpful with the Raven helicopter agreement. This
28 agreement costs the District less than \$20,000 for our participation. This
29 agreement allows us the use of the fire suppression helicopter as well as the
30 other helicopter when needed for any type of event; mainly this agreement
31 covers the fire side of things. This is an insurance policy for the District
32 when we have an incident; we have aircraft that will be able to support that
33 incident. Raven was used quite a bit this summer in the County (not in our
34 District) on both federal and state land. Another agreement being worked
35 on is with Washoe County for the use of crew support when fires exceed
36 their local response. Earlier this summer, we signed an agreement with
37 Sierra Fire Protection District we took over the responsibility of crew work for
38 them this year. With that, we are the only local jurisdiction fire agency that
39 still has Type II crews.

40 An EMS Task Force was formed by the Washoe County Board of County
41 Commissioners to look at the need to study EMS delivery throughout the
42 entire Washoe County from Gerlach to the Lake and every where they cover.
43 There have been several meetings and at the end of those meetings there
44 was direction to the BCC (Board of County Commissioners) to approve a RFP
45 (report for proposal) to go out in order to have a third party evaluator come
46 in and review all of Washoe County's EMS delivery service. This request was

1 approved; the EMS Task Force has selected a vendor, submitted to the BCC
2 for approval. The BCC has not approved that vendor as of yet because the
3 involved agencies thought it would be responsible for them to ensure that all
4 agencies that will be evaluated would truly be transparent and turn over all
5 required documentation so that this could be a product that could be used
6 for many years. Legal Counsel Menchetti asked if this included REMSA.
7 Chief Brown said yes they are included as being evaluated. But they all
8 agreed before they take this to their Boards because it is going to cost each
9 one of agencies that participate, they need to have in writing that all
10 agencies would participate with transparency and provide all information
11 required to get the study done. The cost of this study will be \$70,000 -
12 \$80,000 which will be shared by the participating agencies. Once Chief
13 Brown knows the exact dollar amount and our share of the study, he will
14 bring this item back to the Board for their approval to proceed under the
15 parameters that will be developed by all agencies that includes
16 transparency. It doesn't matter if the agency is public or private; this
17 doesn't affect us because we are a public service agency and we have to
18 supply that information. He hopes to bring this matter to the Board next
19 month for their approval. He wants Board approval to ensure that they
20 understand that all agencies are going to have to participate so if one
21 doesn't they can all go forward with strength and see what can take place.
22 The District participated in various 9-11 events locally, Reno and Carson
23 City.

24 The District has been busy assisting our neighboring agencies. We had the
25 Holbrook, Ray May fires in which we sent an engine company, crew support
26 and overhead support. Captain Dave England, the District's chaplain,
27 services were used during the I-Hop shooting. We also sent two ambulances
28 to the Reno Air Race accident. Chief Brown said he was very impressed with
29 the way that incident was handled. The communication between all the
30 agencies was to be commended. It showed that our radio system works in a
31 mass casualty incident such as this.

32 The District applied for a grant through the Assistance to Firefighter
33 program. Chief Brown thanked Tia Rancourt and Chris Magenheimer and all
34 the other Staff who worked on the program. We requested grant funds to
35 refurbish all three of our first out engines. If successful and we awarded this
36 grant, an equipment team will be formed to review our needs and
37 specifications.

38 Chief Brown participated as a representative for the State of Nevada at the
39 FRI (Fire Rescue International) Conference in Atlanta. Chief Brown has
40 worked for several years, on a committee, for the mobilization, movement
41 and reimbursement of equipment and personnel throughout the state and
42 nation. Grants are going to be tied to states becoming an anchor state
43 meaning you have been qualified through a federal process that you can
44 successfully move equipment and personnel and seek reimbursement in the
45 proper manner. After the first of the new year, Nevada will become an

1 anchor state. There are currently only 12 anchor states within the
 2 continental United States.

3 This past Monday and Tuesday we participated in the Wildland Urban
 4 Interface (WUI) conference took place in Reno Nevada at UNR. Seventeen
 5 counties were represented.

6
 7 **Fuels Division Chief Report:** Chief Szczurek said typically we move the
 8 crews around the western states; this year has been an exception. We have
 9 been in New Mexico; there is currently a single resource in Texas and have a
 10 hand crew in Minnesota. We also sent single resources to Oregon as
 11 helicopter crew members. We have been out for over a month and a half
 12 while maintaining a crew here in the District doing project work. Burn
 13 season could begin within the next few weeks.

14 Chief Brown added with all the various responses we have had, we have not
 15 been understaffed. The employees have been excellent about coming back
 16 in to fill in behind the equipment and personnel that goes out on these
 17 incidents. Fire season is not over quite yet. California is just starting to
 18 warm up. Warmer trends and lightning activity is projected to move into the
 19 area over the next few weeks.

20
 21 **Business Manager Report:** No report. Business Manager Cary was not
 22 present at today's meeting.

23
 24 **Prevention Report:** Assistant Fire Marshal Mulvihill had no report.

25
 26 **Public Education/Information Officer Report:** PIO/PEO Tia Rancourt
 27 said the District has participated in several community events. The on-duty
 28 personnel are very supportive and helpful at these events and it is
 29 appreciated by the community. Some of the events included the water
 30 safety program, the Washoe County Sheriff's Open House, the Tahoe Forest
 31 Stewardship Day and the 9-11 Memorial events. We along with Sierra Fire
 32 were awarded a Nevada Division of Forestry Grant for five regional
 33 defensible space commercials. Tia recently met with the local schools to
 34 schedule our pub-ed programs. Trail of Treats will be October 27th. We
 35 hope to begin flu shots around October 15th. CPR classes continue.
 36 Director Smith echoed Tia's comments about the line staff's appearance,
 37 being in the community and being visible. It means a lot to this community
 38 and this community is very proud of this organization. He thinks
 39 maintaining that one on one and being seen is very valuable and thanked
 40 the line personnel.

41
 42 **Battalion Chief Report:** Battalion Chief Schwartz said Director Smith and
 43 Tia comments are absolutely correct. The line personnel are the ones on the
 44 front line of all these programs we develop and they are always out there
 45 doing them without complaining. Currently, we are doing training on the
 46 tower which is located at the south end of town. They are doing multi-

1 company evolutions to meet the requirements of the National Fire Protection
 2 Agency. This is always a good time of year to do this type of training since
 3 our call volume slows down.

4 Chief Sommers designed a Daily Situation Report for the District and this is
 5 how we share our staffing, equipment and what's going on in the District
 6 with our neighboring agencies. This gives the agencies an idea of how they
 7 can draw resources off of each other. This summer was busy for the EMS
 8 side of the District. Our ambulance service continues to receive praise from
 9 both the local community and nationally.

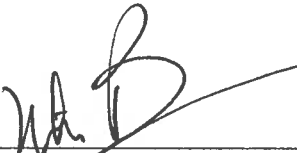
10
 11 **NRS 241.020 RE: PUBLIC COMMENT.** None.

12
 13 **Executive Session:** Chairman Plastiras recessed the regular session at
 14 12:45 p.m. and moved into an Executive Session pursuant to NRS 288.220
 15 to discuss matters with its Management Representative. The Board of
 16 Directors and its Management Representatives entered the Executive session
 17 at 12:49 p.m.

18
 19 Chairman Plastiras adjourned the Executive Session and reopened the
 20 general session at 1:05 p.m.

21
 22 There was an Attorney/Client meeting which began at 1:10 p.m. and ended
 23 at 1:32 p.m.

24
 25 **Meeting Adjournment.** Director Smith made a motion to adjourn the
 26 Board of Director's meeting. Director Epstein seconded the motion.
 27 Chairman Plastiras called for question. Ayes 3. Nays 0. Absent 2. Motion
 28 passed. Meeting adjourned at 1:33 p.m.

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 34 
 35 _____
 Vicki Baumann, Secretary



 Chris Plastiras, Chairman