

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

TUESDAY

10:00 a.m.

FEBRUARY 8, 2011

PRESENT:

John Breternitz, Chairman
Bonnie Weber, Vice Chairperson
Robert Larkin, Commissioner
Kitty Jung, Commissioner

Amy Harvey, County Clerk
Katy Simon, County Manager
Melanie Foster, Legal Counsel
Michael Greene, Fire Chief

ABSENT:

David Humke, Commissioner

The Board convened at 10:30 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:

Commissioner Larkin indicated he had just received the packet for the meeting and requested time to review the documents before voting on the consent agenda. Later in the meeting, the Board returned to the consent agenda.

11-08SF AGENDA ITEM 2A

Agenda Subject: “Approval of Agenda for February 8, 2011 SFPD Fire Commissioners Meeting.”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 2A be approved.

11-09SF AGENDA ITEM 2B

Agenda Subject: “Chief’s Report.”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 2B be approved.

11-10SF AGENDA ITEM 3

Agenda Subject: “Acknowledge Receipt of Sierra Fire Protection District Audit Status Report from the Washoe County Internal Audit Division.”

Alison Gordon, Internal Auditor, explained that the internal audit for the Sierra Fire Protection District (SFPD) was still in the data collection phase and that the status report did not include any recommendations. Ms. Gordon said her scope of work included: reviewing the financial condition of the SFPD for the current fiscal year; assessing the future for financial viability; evaluating compliance with human resource best practices and controls over payroll; and, ensuring the staff pay rate was in accordance with the approved pay schedules. She was also verifying compliance with State statutes that required career and volunteer firefighters to have periodic medical exams, testing the controls over the paramedic pharmaceutical inventory, determining whether County policies and procedures were being followed pertaining to procurement card transactions and assessing the strengths and/or identifying areas for improving the Volunteer Fire Department administered by the SFPD as well as the Fuels Management program. Ms. Gordon anticipated completing the field work in the next few weeks and issuing the final internal audit report during the March 22, 2011 SFPD Board meeting.

Commissioner Larkin asked if Ms. Gordon was aware that the performance evaluation for Chief Greene had been continued pending the review of the audits final findings. Ms. Gordon replied she was aware of that and explained this was a status report.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 3 be acknowledged.

11-11SF AGENDA ITEM 4

Agenda Subject: “Annual performance evaluation for Sierra Fire Protection District Fire Chief including (but not limited to) discussion of goals, objectives and results of Fire Chief; and consideration of extension of employment agreement until February 2012.”

Fire Chief Michael Greene said he was pleased with the 360 degree evaluation results and felt the comments received were positive and complimentary. He reported that he regularly communicates with the Board and established an office in the County complex. He said communities were working together and citizens were participating in community forums. Chief Greene said the Volunteer and Labor Organization had joined the “Invest in Success” Program to expand the role of volunteers. He said the grant-funded Defensible Space Inspection Program was also expanded to include community volunteers. In terms of the future, Chief Greene stated

his eagerness to work with the Board in understanding their vision for the future and turning that vision into a reality.

Commissioner Weber agreed that this evaluation was much better than the previous one and thanked the Chief for uniting the community. She said there were comments made about working with the Board and that the Board did not work well with the Chief or the District. Commissioner Weber believed that the relationship with the Board had improved and acknowledged that she had one-on-one discussions with Chief Greene.

Commissioner Jung praised Chief Greene for an excellent evaluation and said he deserved accolades for the success.

Chairman Breternitz stated that over the course of the past few months he had numerous meetings with Chief Greene and each meeting ended with an understanding of each other's point of view.

Commissioner Larkin was concerned because the internal audit was not complete and that the performance evaluation was based upon the internal audit and the 360 degree evaluation. He suggested continuing this item until the audit was complete.

Commissioner Weber disagreed that the whole evaluation was based on the audit and it had been suggested by the Internal Auditor that there was nothing substantial in the current data collected. She suggested moving forward and not continuing the item.

Commissioner Jung said the audit was important, but to date nothing unusual or glaring had been found in the collected data. She did not know what would be achieved by continuing the item.

Commissioner Larkin felt the audit and the 360 degree evaluation were needed and said he was unprepared to move forward.

In response to the call for public comment, Donna Peterson disagreed with Commissioner Larkin. She said there was nothing in the employee contract that stated employment was dependant upon an internal audit. She said the contract needed to be renewed and not leave the community lingering because Commissioner Larkin was hopeful something would be found in the audit. Based on the survey results, it was apparent that Chief Greene was highly regarded and appreciated by his peers. She said it was also evident that the goals set forth in the work plan were met or exceeded expectations. On behalf of the residents of St. James's Village, Ms. Peterson publicly and gratefully thanked Chief Greene for his accomplishments, his leadership and for helping the residents prepare for safer living conditions in an extremely high risk area.

Robert Parker read from a prepared statement that was placed on file with the Clerk. He stated his support for the extension of the employment contract for Chief Greene.

Steven Perez spoke in support of Chief Greene and noted that he sat on the Oral Board for the SFPD Fire Chief. He said Chief Greene far exceeded the expectations the Oral Board could have posed to any other candidate. He said he had been an outstanding Chief by providing leadership and training to make the District one of the top fire departments in the region. Mr. Perez said Chief Greene supported a paramedic program that benefitted the District far more than any other, due to the inadequate response times from the Regional Emergency Medical Services Authority (REMSA) into the SFPD.

Richard Kenny strongly endorsed the continuation of the employment contract for Chief Greene. He said Chief Greene was a strong leader, a responsible individual and an advocate toward his responsibilities. He said Chief Greene was the major proponent for improving services in the District.

Ed LaPelusa said as elected officials, the Board was mandated to represent the people who elected them. He said the citizens of Washoe County were those people and that the Board was duty-bound to represent them. Absent a fiduciary or legal infraction by the Chief, it was appropriate to consider whether the citizens of Washoe County were in fact better off having benefitted from the contributions of Chief Greene, than would have been without his exemplary service over the last two years. Mr. LaPelusa stated that the Board had established performance standards for Chief Greene and by all measures had attained those standards. He recommended the tenure for Chief Greene be extended by contract.

Diane Rose indicated Chief Greene was hired during a very difficult time and had taken that challenge to accomplish what few others would have been capable of doing. She said he determined the problems the County was facing and had been working with the Board, various other fire agencies, volunteers, his own firefighters and citizens to find solutions to those difficult problems. Ms. Rose recommended the Board extend the employment contract and congratulate Chief Greene on a job well done.

Cliff Low spoke in support of Chief Greene. He felt that the renewal of the employment contract should not be held hostage until the internal audit results. Should the results of the audit be detrimental or negative, than appropriate action could be taken at that time. He stated the catalyst was the audit prepared by Kafoury Armstrong and Company. As a private citizen, he attempted to receive additional information from Kafoury, Armstrong and Company and was very limited in acquiring additional information. Mr. Low said Chief Greene was not a financial professional nor was it his business to establish internal controls; however, it was his job to see that those controls were followed.

Commissioner Weber understood what the citizens were saying. She told Chief Greene he had tremendous support and hoped he would remember those citizens when making decisions for the District.

Commissioner Weber moved to approve the performance evaluation for the SFPD Fire Chief, including, but not limited to, discussion of goals, objectives and results of the Fire Chief; and consideration of extension of the employment agreement through February 2012. However, she felt that the motion should state only for the extension of the employment agreement and a separate motion be made for the goals and objectives.

Commissioner Weber clarified the motion was to extend the employment agreement through February 2012. Commissioner Jung seconded the motion.

Commissioner Jung reiterated that she did not believe the internal audit was part of this employee evaluation or the contract. At this time, she felt a steady hand was needed and relationships built with other agencies needed to be sustained.

Commissioner Larkin inquired on the status of the Board of County Commissioners (BCC) Rules and Procedures toward the Board of Fire Commissioners (BOFC) and if those rules were in full force and effect. Melanie Foster, Legal Counsel, replied the BOFC had never adopted those rules or any rules governing the conduct as the BOFC. In absence of those rules, Commissioner Larkin asked if the precedent that the BOFC also sat as the BCC presented an opportunity for the enforcement of the Rules of the BCC to the BOFC. Ms. Foster explained it would be cleaner if an item was placed on a BOFC agenda to adopt those rules governing the proceedings otherwise they would be in affect as guidelines.

On call for the question, the motion to extend the contract of employment for Chief Greene until February 2012 passed with a 4 to 0 vote with Commissioner Humke absent.

Commissioner Larkin requested Rule No. 2 of the BCC's Rules and Procedures be invoked as a guideline and asked for reconsideration of this item at the time the audit was complete.

In terms of adopting the rules, Chairman Breternitz felt it would be better to request the item be broader as opposed to one particular rule.

In response to Commissioner Weber, Ms. Foster clarified the Board had voted to extend the contract for Chief Greene until February 2012 and Commissioner Larkin requested when the audit was brought to the Board, there be an item on the agenda to allow for reconsideration of the contract. She said under the BCC's Rules and Procedures there was a time limitation when a Commissioner could make that request, but as the BOFC that rule did not affect them.

Chief Greene commented that successes were being discussed, but now felt the process was becoming negative. He said the idea of extending the contract with consideration of the audit seemed to evoke fault and not acknowledge success. He agreed if the audit found malfeasance then the Board had the right to review the contract, but to place a dark cloud over a positive procedure contaminated the whole process. He believed that the continued cloud of uncertainty was unfair to the organization.

Chairman Breternitz emphasized that the motion did not include reconsideration.

As part of a timeline for improving the relationship with other agencies, Commissioner Jung asked that a philosophy be adopted of "Fair and Square." She said relationship building still needed to be completed with some Commissioners and a consistent cycle implemented prior to making recommendations or implementing policy. Commissioner Jung felt community relationships were wonderful and suggested enhancing the relationship with the Board and other agencies.

Commissioner Weber felt there were still areas of community relations that needed work for other parts of the District. She suggested scheduling regular one-on-one meetings with Commissioners since they were the policy makers.

Chairman Breternitz stated he would suggest maximizing the service and providing those services within a sustainable budgetary regime.

Commissioner Larkin reserved his comments for the final input on the goals and objectives until the internal audit was received and recommended continuing this item.

In providing factual information, Commissioner Weber suggested a timeline addressing where the District was before Chief Greene began to where the District was now. Commissioner Jung agreed and felt a historical White Paper would be beneficial. Katy Simon, County Manager, asked that County staff be part of the process to develop the White Paper.

Ms. Foster explained the changes in the contract would need to reflect in written addendums. She said she would draft the addendum and, when adopted, the goals and objectives would be an exhibit. She noted an error in the staff report and stated the correction.

There was no further action taken.

11-12SF AGENDA ITEM 5

Agenda Subject: “Commissioner’s/Managers 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.)”

Commissioner Larkin requested an agenda item for the adoption of the Board of County Commissioners Rules and Procedures by the Board of Fire Commissioners.

In terms of the goals and objectives, Commissioner Jung requested an agenda item for the analysis and synthesis per the recommendations and, that a draft could be amended, pursuant to Commissioner Larkin’s analysis of the departmental audit.

Commissioner Weber asked if the District agenda could be moved to a later time during the meeting. Katy Simon, County Manager, stated that the Fire Board’s were set at a time certain and could be heard anytime after that time certain.

11-13SF AGENDA ITEM 6

Agenda Subject: “Public Comment.”

11:35 a.m. Commissioner Larkin left the meeting.

Garth Elliott said he witnessed a City of Reno fire truck entering Sun Valley and assumed that the Sun Valley Station was browned out. He questioned how a station that served a community of 25,000 could be browned out.

Cliff Low spoke on the December 14, 2010 evaluation of Fire Chief Michael Greene, which was made worse by the unflattering words in the local newspaper. He hoped if and when the final internal audit showed little or nothing, the Board would seek to rehabilitate the image of Chief Greene and take appropriate measures with the local newspaper.

Donna Peterson agreed there was still the aura of negativity, which was due to a choice of words. She said she was offended when a Commissioner stated “shame on you.” Ms. Peterson expressed shame on any Commissioner who spoke to a person in that tone and noted it was a disrespectful way to communicate. She requested the Chairman urge the Board to choose their words carefully since they had an affect on citizens.

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11:42 a.m. There being no further business to come before the Board, on motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Larkin absent, the meeting was adjourned.

JOHN BRETERNITZ, Chairman
Sierra Fire Protection District

ATTEST:

AMY HARVEY, Washoe County Clerk
and Ex Officio Clerk, Sierra
Fire Protection District

*Minutes Prepared by:
Stacy Gonzales, Deputy County Clerk*